CITY OF SYDNEY

28 March 2024

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 4.56 Application: 12A and 14-26 Wattle Street, Pyrmont - D/2019/649/B
5. Development Application: 12A and 14-26 Wattle Street, Pyrmont - D/2023/97
6. Public Exhibition - Planning Proposal - 232-240 Elizabeth Street, Surry Hills - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendments
7. Summary of Applications to be Reported to the Central Sydney Planning Committee

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1. Register to speak by calling Secretariat on 9265 9702 or emailing 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.

At the start of each Central Sydney Planning Committee meeting, the Chair may reorder agenda items so that those items with speakers can be dealt with first.

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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 15 February 2024

Item 3.

Matters arising from the Minutes

Matters arising from the minutes of the Central Sydney Planning Committee of 15 February 2024.

Item 4.

Section 4.56 Application: 12A and 14-26 Wattle Street, Pyrmont - D/2019/649/B

File No.: D/2019/649/B

Summary

Date of Submission:	16 February 2023
Applicant:	The Trustees for Landream Pyrmont Unit Trust
Architect/Designer:	BVN
Developer:	The Trustees for Landream Pyrmont Unit Trust
Owner:	Council of the City of Sydney Transport Asset Holding Entity
Cost of Works:	$221,892,000
Zoning:	Majority of the site (12,381sqm) is located within Zone MU1 - Mixed Use under the Sydney LEP 2012. The development comprises residential, commercial, retail, child care and indoor recreation centre uses and is permitted with consent within Zone MU1. A small portion of the Jones Street road reserve (to be acquired by the applicant and included in the site area) is in Zone RE1 (20m²). The modified building envelopes are not located on land in Zone RE1.
Proposal Summary:	This section 4.56 modification application seeks to modify the concept approval D/2019/649 (as amended) for building envelopes with a maximum height of 33.08m and indicative land uses (residential, commercial, retail, child care and recreational facilities). Specifically, the modifications include revisions to height and bulk to all building envelopes (A-E), a reduction in height to Building A - Retail pavilion, increased height and deeper floor plates to Buildings fronting Jones Street (Building B), Wattle Street (Building D) and Fig Street (Building E), reconfiguration of the approved L-shaped building to create a separate (taller) Building C - Courtyard Building and a separate Building D - Wattle Street, conversion of the approved residential floors (levels 7 and

8) of Building E - Fig Street to allow for an entirely commercial building, increased modulation to all buildings and modification of conditions to reflect the proposed amendments.

A separate and concurrent detailed design development application (D/2023/97) is being presented to the Central Sydney Planning Committee (CSPC) recommending approval. The section 4.56 application to modify the concept consent will allow both applications to 'align' as required under Section 4.24 of the Environmental Planning and Assessment Act, 1979 (EPA Act).

The application has been assessed by an independent external planning consultant as the City of Sydney is the land owner.

The independent assessment report is provided at Attachment A.

The section 4.56 modification application is referred to the CSPC for determination as it relates to “major development” for the purposes of the City of Sydney Act 1988.

The assessment of the application by the independent planner concludes that as amended and subject to conditions, the proposed modifications are considered to result in a development that is substantially the same as the concept consent and is recommended for approval.

Summary Recommendation: It is recommended that the assessment report prepared by the independent external planning consultant, shown at Attachment A, and recommended conditions shown at Attachment B to the subject report, be considered for approval by the Central Sydney Planning Committee

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) SEPP (Resilience and Hazards) 2021

(iv) SEPP (Transport and Infrastructure 2021

(v) Sydney Local Environmental Plan 2012

(vi) Sydney Development Control Plan 2012

Attachments:

A. Independent Assessment Report

B. Amended Conditions of Consent

C. Amended Building Envelope Drawings

D. Land and Environment Court Judgment for D/2019/649

E. Submissions

Recommendation

It is resolved that consent be granted to Section 4.56 Application Number D/2019/649/B subject to the amendment of the following conditions (with modifications shown in ***bold italics*** (additions) and ~~**bold strikethrough**~~ (deletions), as follows:

(2) APPROVED DEVELOPMENT

(a) Development must be in accordance with Development Application No. D/2019/649 dated 21 June 2019 and the following drawings prepared by ~~**Tzannes**~~ **BVN**:

Drawing Number	Drawing Name	Revision	Date
~~**DA2-0001**~~	~~**CONCEPT ENVELOPE - 3D - WEST**~~	~~**7**~~	~~**23.03.21**~~
~~**DA2-0002**~~	~~**CONCEPT ENVELOPE - 3D - EAST**~~	~~**7**~~	~~**23.03.21**~~
~~**DA2-1001**~~	~~**CONCEPT ENVELOPE - BASEMENT 2 PLAN**~~	~~**8**~~	~~**23.03.21**~~
~~**DA2-1002**~~	~~**CONCEPT ENVELOPE - BASEMENT 1 PLAN**~~	~~**8**~~	~~**23.03.21**~~
~~**DA2-1003**~~	~~**CONCEPT ENVELOPE - LEVEL 1 PODIUM PLAN**~~	~~**10**~~	~~**23.03.21**~~
~~**DA2-1004**~~	~~**CONCEPT ENVELOPE - WATTLE LEVEL 2 FIG LEVEL 2 PLAN**~~	~~**9**~~	~~**23.03.21**~~
~~**DA2-1005**~~	~~**CONCEPT ENVELOPE - WATTLE LEVEL 3 FIG LEVEL 3 JONES LEVEL 2 PLAN**~~	~~**9**~~	~~**23.03.21**~~
~~**DA2-1006**~~	~~**CONCEPT ENVELOPE - WATTLE LEVEL 4 FIG LEVEL 3 JONES LEVEL 3 PLAN**~~	~~**9**~~	~~**23.03.21**~~
~~**DA2-1007**~~	~~**CONCEPT ENVELOPE - WATTLE LEVEL 5 FIG LEVEL 4 JONES LEVEL 4 PLAN**~~	~~**8**~~	~~**23.03.21**~~
~~**DA2-1008**~~	~~**CONCEPT ENVELOPE - WATTLE LEVEL 6 FIG LEVEL 5 JONES LEVEL 5 PLAN**~~	~~**8**~~	~~**23.03.21**~~

~~DA2-1009~~	~~CONCEPT ENVELOPE - WATTLE LEVEL 7 FIG LEVEL 6 JONES LEVEL 6 PLAN~~	~~8~~	~~23.03.21~~
~~DA2-1010~~	~~CONCEPT ENVELOPE - WATTLE LEVEL 8 FIG LEVEL 7 JONES LEVEL 7 PLAN~~	~~9~~	~~30.03.21~~
~~DA2-1011~~	~~CONCEPT ENVELOPE - WATTLE LEVEL 9 FIG LEVEL 8 JONES LEVEL 8 PLAN~~	~~10~~	~~31.03.21~~
~~DA2-1012~~	~~CONCEPT ENVELOPE - ROOF PLAN~~	~~10~~	~~31.03.21~~
~~DA2-2001~~	~~CONCEPT ENVELOPE - ELEVATION -JONES STREET~~	~~9~~	~~31.03.21~~
~~DA2-2002~~	~~CONCEPT ENVELOPE - ELEVATION - FIG STREET~~	~~9~~	~~31.03.21~~
~~DA2-2003~~	~~CONCEPT ENVELOPE - ELEVATION - WATTLE STREET~~	~~9~~	~~31.03.21~~
~~DA2-2004~~	~~CONCEPT ENVELOPE - ELEVATION - LIGHT RAIL~~	~~9~~	~~31.03.21~~
~~DA2-2005~~	~~CONCEPT ENVELOPE - ELEVATION -STREETSCAPE~~	~~6~~	~~31.03.21~~
~~DA2-3001~~	~~CONCEPT ENVELOPE - SECTION A~~	~~9~~	~~31.03.21~~
~~DA2-3002~~	~~CONCEPT ENVELOPE - SECTION B~~	~~9~~	~~31.03.21~~
~~DA2-3003~~	~~CONCEPT ENVELOPE - SECTION C~~	~~10~~	~~31.03.21~~
~~DA2-3004~~	~~CONCEPT ENVELOPE - SECTION D~~	~~9~~	~~31.03.21~~
~~DA2-3005~~	~~CONCEPT ENVELOPE - SECTION E~~	~~9~~	~~31.03.21~~
~~DA2-3006~~	~~CONCEPT ENVELOPE - SECTION F~~	~~10~~	~~31.03.21~~
~~DA2-5000~~	~~CONCEPT ENVELOPE - JONES STREET~~	~~8~~	~~31.03.21~~

~~DA2-6000~~	~~CONCEPT ENVELOPE - THROUGH SITE LINKS~~	~~6~~	~~23.03.21~~
~~DA2-7000~~	~~CONCEPT ENVELOPE - ROOF FEATURES~~	~~6~~	~~23.03.21~~
~~DA2-8000~~	~~CONCEPT ENVELOPE - CLIFF~~	~~8~~	~~31.03.21~~
~~DA2-9500~~	~~CONCEPT ENVELOPE - ACOUSTIC~~	~~4~~	~~17.03.21~~
~~DA2-9600~~	~~COMMERCIAL BUILDING ARTICULATION~~	~~5~~	~~31.03.21~~
AR-DA-MOD-0001	*CONCEPT ENVELOPE 3D WEST*	*03*	*03/11/23*
AR-DA-MOD-0002	*CONCEPT ENVELOPE 3D EAST*	*03*	*03/11/23*
R-DA-MOD-1001	*GENERAL ARRANGEMENT PLAN - LEVEL 00*	*03*	*03/11/23*
AR-DA-MOD-1002	*GENERAL ARRANGEMENT PLAN - LEVEL 01*	*03*	*03/11/23*
AR-DA-MOD-1003	*GENERAL ARRANGEMENT PLAN - LEVEL 02*	*03*	*03/11/23*
AR-DA-MOD-1004	*GENERAL ARRANGEMENT PLAN - LEVEL 03*	*03*	*03/11/23*
AR-DA-MOD-1005	*GENERAL ARRANGEMENT PLAN - LEVEL 03 & LEVEL 04*	*03*	*03/11/23*
AR-DA-MOD-1006	*GENERAL ARRANGEMENT PLAN - LEVEL 04 & LEVEL 05*	*03*	*03/11/23*

AR-DA-MOD-1007	***GENERAL ARRANGEMENT PLAN - LEVEL 05 & LEVEL 06***	***03***	***03/11/23***
AR-DA-MOD-1008	***GENERAL ARRANGEMENT PLAN - LEVEL 06 & LEVEL 07***	***03***	***03/11/23***
AR-DA-MOD-1009	***GENERAL ARRANGEMENT PLAN - LEVEL 07 & LEVEL 08***	***03***	***03/11/23***
AR-DA-MOD-1010	***GENERAL ARRANGEMENT PLAN - LEVEL 08 & LEVEL 09***	***03***	***03/11/23***
AR-DA-MOD-1011	***GENERAL ARRANGEMENT PLAN - LEVEL 09 & LEVEL 10***	***03***	***03/11/23***
AR-DA-MOD-1012	***GENERAL ARRANGEMENT PLAN - LEVEL 10 & LEVEL 11***	***03***	***03/11/23***
AR-DA-MOD-1013	***GENERAL ARRANGEMENT PLAN - LEVEL 11 & LEVEL 12***	***03***	***03/11/23***
AR-DA-MOD-1014	***GENERAL ARRANGEMENT PLAN - LEVEL 13***	***03***	***03/11/23***
AR-DA-MOD-1015	***GENERAL ARRANGEMENT PLAN - LEVEL 14***	***03***	***03/11/23***
AR-DA-MOD-2001	***JONES ST ELEVATION***	***04***	***03/11/23***
AR-DA-MOD-2002	***JONES ST ELEVATION***	***03***	***03/11/23***
AR-DA-MOD-2003	***WATTLE ST ELEVATION***	***03***	***03/11/23***

AR-DA-MOD-2004	***LIGHT RAIL ELEVATION***	***03***	***03/11/23***
AR-DA-MOD-2005	***LIGHT RAIL ELEVATION***	***03***	***03/11/23***
AR-DA-MOD-3001	***SECTION A***	***04***	***03/11/23***
AR-DA-MOD-3002	***SECTION B***	***03***	***03/11/23***
AR-DA-MOD-3003	***SECTION C***	***04***	***03/11/23***
AR-DA-MOD-3004	***SECTION D***	***04***	***03/11/23***
AR-DA-MOD-3005	***SECTION E***	***04***	***03/11/23***
AR-DA-MOD-3006	***SECTION F***	***04***	***03/11/23***
AR-DA-MOD-4001	***CONCEPT ENVELOPE - JONES STREET***	***01***	***03/11/23***
AR-DA-MOD-4002	***CONCEPT ENVELOPE - THROUGH SITE LINKS***	***01***	***03/11/23***
AR-DA-MOD-4003	***CONCEPT ENVELOPE - ROOF FEATURES***	***01***	***03/11/23***
AR-DA-MOD-4004	***CONCEPT ENVELOPE - CLIFF***	***01***	***03/11/23***

AR-DA-MOD-4005	***CONCEPT ENVELOPE - ACOUSTIC***	***01***	***03/11/23***
AR-DA-MOD-4006	***COMMERCIAL BUILDING ARTICULATION***	***01***	***03/11/23***

(b) and as amended by the conditions of this consent.

In the event of any inconsistency between the approved concept development plans and other supplementary documentation, the approved concept development plans will prevail.

(3) MATTERS NOT APPROVED IN CONCEPT DEVELOPMENT CONSENT

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

(a) The use for any part of the building envelopes for residential accommodation. The buildings may only be used for residential accommodation and identified as such in a detailed design development application on demonstration that acoustic amenity and natural ventilation are achieved simultaneously in accordance with Objectives 4B-1 and 4J of the Apartment Design Guide (ADG). Should suitable design resolution not be achieved, the use of some of all of the buildings are to revert to non-residential use or non-permanent use in a future detailed design development application.

(b) The pedestrian connection to the Wentworth Park Light Rail Station (and any associated tree removal). In principle approval is required from Sydney Trains for any future pedestrian connection to the Wentworth Park Light Rail Station (and any associated tree removal) prior to the commencement of the competitive design process.

~~**(c) The location and design of the pedestrian access zone as illustrated on the concept plan drawings DA2-1006 Rev 9, DA2-1007 Rev 8, DA2-1012 Rev 10 and DA2-8000 Rev 8 on the Jones Street frontage of the site.**~~

(d) Any works, including demolition, excavation and/or construction.

(e) The removal or pruning of any tree on the site.

(f) The siting and location of a substation.

(g) The number of basement levels, car parking spaces, bicycle spaces, car share spaces and loading spaces/zones.

(h) The precise total quantum, ratio and distribution of commercial, recreation, child care centre and residential floor space.

(i) The indicative floor layouts of buildings.

~~**(j) The floor or ceiling levels of each storey.**~~

(k) The number and configuration of residential apartments and commercial tenancies.

~~**(l) Up to 10% design excellence uplift in building height or floor space ratio.**~~

(5) DETAILED DESIGN OF BUILDINGS

The drawings lodged for the competitive design process brief and detailed design development application must incorporate the following requirements:

~~**(a) Amended Fig Block building envelope showing the following:**~~

(i) ~~**Commercial Levels 4, 5 and 6: The setback to the Jones Street site frontage (as shown on DA2-1007_8, DA2-1008_8 and DA2-1009_8) is to be increased by at least 3.2m. The Jones Street footpath is to be extended to the face of the realigned commercial levels, with opportunities provided for public views down to the rockface below;**~~

(ii) ~~**Residential Level 7 (and up to 10% additional height subject to design excellence): Provide a minimum setback of 4m from the Commercial Level 6 street wall height on the Jones Street site frontage;**~~

(iii) ~~**Residential Level 7 balustrade/planter zone: Provide a minimum setback of 1.3m to the balustrade/ planter zone from the realigned Jones Street street-wall (generally in accordance with that shown on DA2-1010_9, DA2-1011_10, DA2- 20002_9 and DA2-3003_10); and**~~

(iv) ~~**Level 7 Residential communal open space: Retain the residential communal open space shown on DA2-1010_9 and relocate it to the western end of the Fig Block (Level 7).**~~

(a) Amended Building C – Courtyard building envelope showing the following:

(i) The Plant Room Equipment and Parapet Zone height (and any other structures at Level 13 of Building C – Courtyard) is to be reduced by at least 2m (to a maximum of RL 43.55 (AHD)).

(b) A new footpath and street tree planting along the site's frontage to Jones Street, as required by condition 12 below.

(c) Areas nominated as deep soil zones must be designed as actual deep soil throughout the competitive design process and detailed design development application. Deep soil zones must be unencumbered by built elements above and below. This includes basements, through site links and other paved areas.

(d) Tree planting must be able to provide a minimum of 15% canopy cover across the site within 10 years of completion.

(7) BUILDING HEIGHT

The maximum heights of the building envelopes, as defined in Sydney Local Environmental Plan 2012, are:

~~**(a) Jones Block:**~~

~~**(i) RL 35.700 (AHD) to the Communal roof terrace zone for lift overrun and pergola structures**~~

~~**(ii) RL 32.400 (AHD) to the Level 8 Communal roof terrace balustrade/planter zone**~~

~~**(iii) RL 31.400 (AHD) to the Level 7 Residential Roof**~~

~~**(iv) RL 29.000 (AHD) to the Level 7 balustrade/planter zone**~~

~~**(v) RL 28.00 (AHD) to the Level 6 Residential Roof**~~

~~**(b) Fig Block:**~~

~~**(vi) RL 32.550 (AHD) to the Level 7 Residential Roof**~~

~~**(vii) RL 30.150 (AHD) to the Level 7 balustrade/planter zone and Communal roof terrace balustrade/planter zone facing Jones Street, Fig Street and Wattle Street**~~

~~**(viii) RL 29.150 (AHD) to the roof of Level 6 Commercial Roof**~~

~~**(c) Wattle Block:**~~

~~**(i) RL 35.950 (AHD) to the Level 9 Residential Roof**~~

~~**(ii) RL 33.550 (AHD) to the Level 9 balustrade/planter zone facing Wattle Street**~~

~~**(iii) RL 32.550 (AHD) to the Level 8 Residential Roof**~~

~~**(iv) RL 30.150 (AHD) to the Level 8 balustrade/planter zone facing Wattle Street**~~

~~**(v) RL 29.150 (AHD) to the roof of Level 7 Residential Roof**~~

~~**(d) Café/retail building: RL 11.150 (AHD) to the roof.**~~

(a) Building A – Retail Pavilion:

(i) RL 10.75 (AHD) to the roof

(ii) RL 11.05 (AHD) to the parapet wall

(b) Building B - Jones Street:

(i) RL 37.100 (AHD) to the PV array on top of plant and lift overrun

(ii) RL 36.600 (AHD) and RL 36.800 (AHD) to the top of plant and lift overrun

(iii) RL 35.10 (AHD) to the Level 10 roof

(c) Building C - Courtyard:

(i) RL 43.55 (AHD) to the Plant Room Equipment and Parapet Zone

(ii) RL 42.35 (AHD) to the Level 12 roof

(iii) RL 39.45 (AHD) to the Level 09 parapet

(d) Building D - Wattle Street:

(i) RL 36.450 (AHD) to the PV array

(ii) RL 36.250 (AHD) to the Level 11 roof

(iii) RL 32.750 (AHD) to the Level 10 roof

(iv) RL 30.850 (AHD) to the Level 09 balustrade/planter zone

(v) RL 29.550 (AHD) to the Level 09 roof

(e) Building E - Fig Street:

(i) RL 37.950 (AHD) to the top of plant and lift overrun

(ii) RL 36.350 (AHD) to the Level 10 roof

(iii) RL 32.350 (AHD) to the Level 09 roof and RL (AHD) 33.550 to the Level 09 parapet

(iv) RL 29.150 (AHD) to the Level 08 roof and RL (AHD) 29.950 to the Level 08 parapet

The maximum heights shown above are inclusive of additional height approved pursuant to the provisions of Clause 6.21D(3) of Sydney Local Environmental Plan 2012. The development is not eligible for any additional height under any circumstances.

~~Notwithstanding clause (a) and (b) above, the Jones Block and Fig Block may be eligible for up to 10% additional height pursuant to the provisions of Clause 6.21(7) of 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.~~

(12) PUBLIC DOMAIN CONDITION

(a) Prior to any competitive design process, a Public Domain Concept Plan must be prepared by a suitably qualified architect, urban designer, landscape architect and engineer. The plan must show all existing and proposed public domain.

(b) The Public Domain Plan and Levels and Gradients are to include detailed sections sufficient to show how the footway, ~~**tree and verge planting**~~ will be delivered along the length of Jones Street. A footway of not less than 1.2m in width is to be provided from the kerb along the width of Jones Street. The Sections need to be from the centre line of Jones Street to the internal floor of the buildings and clearly show access, retaining structures and any engineering information to demonstrate the proposal is feasible and deliverable.

(c) The final Public Domain Concept Plan shall be submitted as part of the documentation submitted as part of the detailed design development application.

(14) LANDSCAPING OF THE SITE

(a) The detailed design development application must include a Landscape Concept Plan and Landscape Design Statement prepared by a qualified landscape architect or landscape designer.

(b) The ~~**Landscape Concept Plan and Landscape Design Statement**~~ ***detailed design development application*** must:

(i) Clarify the vision and design principles for all landscaping to achieve design excellence in accordance with Clause 6.21 of the Sydney Local Environmental Plan 2012 and the integration of landscape design.

(ii) Identify any site, landscape, streetscape, heritage view and/or planning constraints, including (but not limited to), microclimate, ground contamination, existing levels, services and easements, existing trees, landscape features, landscape setbacks and screening/buffer requirements.

(iii) Identify the location of deep soil areas, tree planting, communal open spaces, green roofs and walls, sustainable design measures including water sensitive urban design treatments, sustainability targets and direct sunlight to communal and private open spaces.

(iv) Quantify and illustrate landscape design compliance with the relevant codes including Parts 3 and 4 of the Apartment Design Guide, Section 4.2.3 of the Sydney Development Control Plan 2012 and Sydney Landscape Code Volume 2.

(v) Tree planting that will provide a minimum of 15% canopy cover across the site within 10 years of completion.

(vi) Provide deep soil zones to a minimum area of 7% of the total site area, with a minimum dimension of 6 metres.

(c) The Landscape Concept Plan and Landscape Design Statement must establish a clear commitment to designing landscape sustainably and in an integrated manner and demonstrate 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.

(22) PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of all off-street car parking facilities is to ***generally*** satisfy the Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and 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. The design must be provided as part of the detailed design development application.

(30) TREE PROTECTION PLANS AND DETAILED DESIGN APPLICATION

All detailed architectural, building, engineering (structural, stormwater and drainage services) and landscape documentation submitted as part of the detailed design development application shall clearly show on all drawings the retention of all existing trees recommended for retention in the Arboricultural Impact Assessment Report prepared by 'Earthscape Horticultural Services' ***(Report No. 22-069, Version 11, dated 6th February 2023) and Addendum [1] (dated 11 October 2023) and Addendum 2 dated 14 February 2024*** ~~**dated 3 September 2019 (Version 6) dated 3 September 2019 (Version 6)**~~, including the position of their trunks, full diameter of their canopies, Structural Root Zones (SRZs) and Tree Protection Zones (TPZs)

(31) STREET TREES AND DETAILED DESIGN APPLICATION

(a) All existing street trees surrounding the site which are recommended for retention in the Arboricultural Impact Assessment Report prepared by 'Earthscape Horticultural Services' ***(Report No. 22-069, Version 11, dated 6th February 2023), Addendum [1] (dated 11 October 2023) and Addendum 2 dated 14 February 2024*** ~~**dated 3 September 2019 (Version 6)**~~ must be included for retention with any subsequent detailed design development application subject to the following amendment:

(i) Retain Tree 46 (London Plane tree)

(b) Any design elements (awnings, street furniture, footpath upgrades etc) within the public domain must ensure appropriate setbacks are provided from the street tree to ensure ongoing retention and allow the maturity of new tree to be achieved.

(c) The location of any new driveways shall ensure it does not require the removal of any existing street trees which are recommended for retention in the Arboricultural Impact Assessment Report prepared by 'Earthscape Horticultural Services' ***(Report No. 22-069, Version 11, dated 6th February 2023) Addendum [1] (dated 11 October 2023) and Addendum 2 dated 14 February 2024*** ~~**dated 3 September 2019 (Version 6)**~~ as amended by (a) above. The driveway shall be appropriately setback so as it does not have any adverse below or above ground impacts for any existing street trees which are to be retained.

(d) A pruning specification prepared by a qualified Arborist (minimum AQF 5) ~~**muct**~~ must be submitted with detailed design development application. Pruning of any street tree must not exceed more than 15% overall canopy with a maximum branch diameter of 100mm will be permitted by Council.

Reasons for Recommendation

The modification application is recommended for approval by the independent external planning consultant for the following reasons:

(A) The development as modified is substantially the same as the development originally approved and is consistent with the requirements of section 4.56(1)(a) of the EPA Act.

(B) The development has been considered against the reasons given by the Land and Environment Court for the grant of the consent that is to be modified, and the proposal is consistent and acceptable, as per section 4.56(1A) of the EPA Act.

(C) The proposed modifications ensure that the detailed design development application will be consistent with the concept consent to satisfy section 4.24 of the EPA Act.

(D) Subject to conditions, the increased height and bulk of the building envelopes generally reflects the architectural design competition winning scheme and will not adversely impact the amenity of the surrounding area. These modifications are reasonable and justified with regard to the detailed design development application.

(E) The proposed building envelopes are capable of accommodating a future building design which is capable of exhibiting design excellence in accordance with clause 6.21D of the Sydney LEP 2012.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Attachment A

Independent Assessment Report

Section 4.56 Application: 12A and 14-26 Wattle Street, Pyrmont - D/2019/649/B

File No.: D/2019/649/B

Summary

Date of Submission	16 February 2023.
Amended Plans & Additional Information	7 November 2023 and 21 February 2024
Applicant:	The Trustees for Landream Pyrmont Unit Trust
Architect/Designer:	BVN
Developer:	The Trustees for Landream Pyrmont Unit Trust
Owner:	Council of the City of Sydney
Planning Consultant:	Gyde Consulting
Heritage Consultant:	Paul Davies Pty Ltd
DAP:	15 June 2023
Cost of Works:	$221,892,000.00
Zoning:	Most of the site ((12,381m^2) is in Zone MU1 - Mixed Use pursuant to Sydney Local Environmental Plan 2012 (Sydney LEP 2012). The development comprises residential, commercial, retail, child care and indoor recreation centre uses and is permitted with consent within Zone MU1. A small portion of the Jones Street road reserve (to be acquired by the applicant and included in the site area) is in Zone RE1 (20m^2). The modified building envelopes are not located on land in Zone RE1.

Proposal Summary:

This section 4.56 application seeks to modify the concept consent for D/2019/649.

The Central Sydney Planning Committee (**CSPC**) on 25 June 2020 refused the concept development application. The applicant appealed the refusal. Following discussions between the experts, an amended scheme was filed with changes including a deletion of one storey on some blocks, increased compliance with the height controls, increased setbacks to improve heritage outcomes and provision of compliant deep soil areas. A public benefit offer was also made for the provision and maintenance of a footpath along Jones Street. As a result of the amendments being made, the City's experts advised the court that all contentions had been resolved. The matter proceeded by way of a consent orders hearing and judgment granting a deferred commencement consent on 28 May 2021.

The concept consent provides for building envelopes with maximum height of 33.08m and indicative land uses (residential, commercial, retail, childcare and recreational facilities).

An architectural design competition was held between April and June 2022. BVN was selected as the winning architect.

The section 4.56 modification application is referred to the CSPC for determination as it relates to "major development" for the purposes of the City of Sydney Act 1988.

A separate and concurrent detailed design development application (D/2023/97) has been lodged and the section 4.56 application to modify the concept consent will allow both applications to 'align' as required under Section 4.24 of the Environmental Planning and Assessment Act, 1979 (**EPA Act**). The detailed design development application will be considered concurrently by the CSPC.

The section 4.56 modification application and detailed design development application were notified concurrently for 28 days from 28 February - 29 March 2023. Five submissions were received, including two submissions which provided comments/support and three objections raising concerns in relation to height, design excellence, public interest, certainty, precedent, contravention of the planning controls, heritage, overshadowing of Fig Street Park and Wentworth Park, amenity impacts for nearby residents, wind, density, vehicle and pedestrian traffic, impact on public transport, illegal dumping of rubbish and capacity of public services. The matters raised in the submissions are addressed within this report.

In response to a number of requests for information (**RFI**) from Council, the section 4.56 modification application has been amended. As amended and subject to conditions, the proposed modifications are considered to result in a development that is substantially the same as concept consent and are contextually appropriate.

The section 4.56 modification application is 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) State Environmental Planning Policy (**SEPP**) No. 65 - Design Quality of Residential Apartment Development and the NSW Apartment Design Guide

(iv) SEPP (Resilience and Hazards) 2021

(v) SEPP (Transport and Infrastructure) 2021

(vi) Sydney Local Environmental Plan 2012

(vii) Sydney Development Control Plan 2012

Recommendation

It is resolved that consent be granted to Section 4.56 Application Number D/2019/649/B subject to the amendment of the following conditions (with modifications shown in *bold italics* (additions) and ~~**bold strikethrough**~~ (deletions) as follows:

(2) APPROVED DEVELOPMENT

(a) Development must be in accordance with Development Application No. D/2019/649 dated 21 June 2019 and the following drawings prepared by ~~**Tzannes**~~ **BVN**:

Drawing Number	Drawing Name	Revision	Date
~~**DA2-0001**~~	~~**CONCEPT ENVELOPE - 3D - WEST**~~	~~**7**~~	~~**23.03.21**~~
~~**DA2-0002**~~	~~**CONCEPT ENVELOPE - 3D - EAST**~~	~~**7**~~	~~**23.03.21**~~
~~**DA2-1001**~~	~~**CONCEPT ENVELOPE - BASEMENT 2 PLAN**~~	~~**8**~~	~~**23.03.21**~~
~~**DA2-1002**~~	~~**CONCEPT ENVELOPE - BASEMENT 1 PLAN**~~	~~**8**~~	~~**23.03.21**~~
~~**DA2-1003**~~	~~**CONCEPT ENVELOPE - LEVEL 1 PODIUM PLAN**~~	~~**10**~~	~~**23.03.21**~~
~~**DA2-1004**~~	~~**CONCEPT ENVELOPE - WATTLE LEVEL 2 FIG LEVEL 2 PLAN**~~	~~**9**~~	~~**23.03.21**~~
~~**DA2-1005**~~	~~**CONCEPT ENVELOPE - WATTLE LEVEL 3 FIG LEVEL 3 JONES LEVEL 2 PLAN**~~	~~**9**~~	~~**23.03.21**~~
~~**DA2-1006**~~	~~**CONCEPT ENVELOPE - WATTLE LEVEL 4 FIG LEVEL 3 JONES LEVEL 3 PLAN**~~	~~**9**~~	~~**23.03.21**~~
~~**DA2-1007**~~	~~**CONCEPT ENVELOPE - WATTLE LEVEL 5 FIG LEVEL 4 JONES LEVEL 4 PLAN**~~	~~**8**~~	~~**23.03.21**~~
~~**DA2-1008**~~	~~**CONCEPT ENVELOPE - WATTLE LEVEL 6 FIG LEVEL 5 JONES LEVEL 5 PLAN**~~	~~**8**~~	~~**23.03.21**~~

~~DA2-1009~~	~~CONCEPT ENVELOPE - WATTLE LEVEL 7 FIG LEVEL 6 JONES LEVEL 6 PLAN~~	~~8~~	~~23.03.21~~
~~DA2-1010~~	~~CONCEPT ENVELOPE - WATTLE LEVEL 8 FIG LEVEL 7 JONES LEVEL 7 PLAN~~	~~9~~	~~30.03.21~~
~~DA2-1011~~	~~CONCEPT ENVELOPE - WATTLE LEVEL 9 FIG LEVEL 8 JONES LEVEL 8 PLAN~~	~~10~~	~~31.03.21~~
~~DA2-1012~~	~~CONCEPT ENVELOPE - ROOF PLAN~~	~~10~~	~~31.03.21~~
~~DA2-2001~~	~~CONCEPT ENVELOPE - ELEVATION -JONES STREET~~	~~9~~	~~31.03.21~~
~~DA2-2002~~	~~CONCEPT ENVELOPE - ELEVATION - FIG STREET~~	~~9~~	~~31.03.21~~
~~DA2-2003~~	~~CONCEPT ENVELOPE - ELEVATION - WATTLE STREET~~	~~9~~	~~31.03.21~~
~~DA2-2004~~	~~CONCEPT ENVELOPE - ELEVATION - LIGHT RAIL~~	~~9~~	~~31.03.21~~
~~DA2-2005~~	~~CONCEPT ENVELOPE - ELEVATION -STREETSCAPE~~	~~6~~	~~31.03.21~~
~~DA2-3001~~	~~CONCEPT ENVELOPE - SECTION A~~	~~9~~	~~31.03.21~~
~~DA2-3002~~	~~CONCEPT ENVELOPE - SECTION B~~	~~9~~	~~31.03.21~~
~~DA2-3003~~	~~CONCEPT ENVELOPE - SECTION C~~	~~10~~	~~31.03.21~~
~~DA2-3004~~	~~CONCEPT ENVELOPE - SECTION D~~	~~9~~	~~31.03.21~~
~~DA2-3005~~	~~CONCEPT ENVELOPE - SECTION E~~	~~9~~	~~31.03.21~~
~~DA2-3006~~	~~CONCEPT ENVELOPE - SECTION F~~	~~10~~	~~31.03.21~~
~~DA2-5000~~	~~CONCEPT ENVELOPE - JONES STREET~~	~~8~~	~~31.03.21~~

~~DA2-6000~~	~~CONCEPT ENVELOPE - THROUGH SITE LINKS~~	~~6~~	~~23.03.21~~
~~DA2-7000~~	~~CONCEPT ENVELOPE - ROOF FEATURES~~	~~6~~	~~23.03.21~~
~~DA2-8000~~	~~CONCEPT ENVELOPE - CLIFF~~	~~8~~	~~31.03.21~~
~~DA2-9500~~	~~CONCEPT ENVELOPE - ACOUSTIC~~	~~4~~	~~17.03.21~~
~~DA2-9600~~	~~COMMERCIAL BUILDING ARTICULATION~~	~~5~~	~~31.03.21~~
AR-DA-MOD-0001	*CONCEPT ENVELOPE 3D WEST*	*03*	*03/11/23*
AR-DA-MOD-0002	*CONCEPT ENVELOPE 3D EAST*	*03*	*03/11/23*
R-DA-MOD-1001	*GENERAL ARRANGEMENT PLAN - LEVEL 00*	*03*	*03/11/23*
AR-DA-MOD-1002	*GENERAL ARRANGEMENT PLAN - LEVEL 01*	*03*	*03/11/23*
AR-DA-MOD-1003	*GENERAL ARRANGEMENT PLAN - LEVEL 02*	*03*	*03/11/23*
AR-DA-MOD-1004	*GENERAL ARRANGEMENT PLAN - LEVEL 03*	*03*	*03/11/23*
AR-DA-MOD-1005	*GENERAL ARRANGEMENT PLAN - LEVEL 03 & LEVEL 04*	*03*	*03/11/23*
AR-DA-MOD-1006	*GENERAL ARRANGEMENT PLAN - LEVEL 04 & LEVEL 05*	*03*	*03/11/23*

AR-DA-MOD-1007	***GENERAL ARRANGEMENT PLAN - LEVEL 05 & LEVEL 06***	***03***	***03/11/23***
AR-DA-MOD-1008	***GENERAL ARRANGEMENT PLAN - LEVEL 06 & LEVEL 07***	***03***	***03/11/23***
AR-DA-MOD-1009	***GENERAL ARRANGEMENT PLAN - LEVEL 07 & LEVEL 08***	***03***	***03/11/23***
AR-DA-MOD-1010	***GENERAL ARRANGEMENT PLAN - LEVEL 08 & LEVEL 09***	***03***	***03/11/23***
AR-DA-MOD-1011	***GENERAL ARRANGEMENT PLAN - LEVEL 09 & LEVEL 10***	***03***	***03/11/23***
AR-DA-MOD-1012	***GENERAL ARRANGEMENT PLAN - LEVEL 10 & LEVEL 11***	***03***	***03/11/23***
AR-DA-MOD-1013	***GENERAL ARRANGEMENT PLAN - LEVEL 11 & LEVEL 12***	***03***	***03/11/23***
AR-DA-MOD-1014	***GENERAL ARRANGEMENT PLAN - LEVEL 13***	***03***	***03/11/23***
AR-DA-MOD-1015	***GENERAL ARRANGEMENT PLAN - LEVEL 14***	***03***	***03/11/23***
AR-DA-MOD-2001	***JONES ST ELEVATION***	***04***	***03/11/23***
AR-DA-MOD-2002	***JONES ST ELEVATION***	***03***	***03/11/23***
AR-DA-MOD-2003	***WATTLE ST ELEVATION***	***03***	***03/11/23***

AR-DA-MOD-2004	***LIGHT RAIL ELEVATION***	***03***	***03/11/23***
AR-DA-MOD-2005	***LIGHT RAIL ELEVATION***	***03***	***03/11/23***
AR-DA-MOD-3001	***SECTION A***	***04***	***03/11/23***
AR-DA-MOD-3002	***SECTION B***	***03***	***03/11/23***
AR-DA-MOD-3003	***SECTION C***	***04***	***03/11/23***
AR-DA-MOD-3004	***SECTION D***	***04***	***03/11/23***
AR-DA-MOD-3005	***SECTION E***	***04***	***03/11/23***
AR-DA-MOD-3006	***SECTION F***	***04***	***03/11/23***
AR-DA-MOD-4001	***CONCEPT ENVELOPE - JONES STREET***	***01***	***03/11/23***
AR-DA-MOD-4002	***CONCEPT ENVELOPE - THROUGH SITE LINKS***	***01***	***03/11/23***
AR-DA-MOD-4003	***CONCEPT ENVELOPE - ROOF FEATURES***	***01***	***03/11/23***
AR-DA-MOD-4004	***CONCEPT ENVELOPE - CLIFF***	***01***	***03/11/23***

AR-DA-MOD-4005	***CONCEPT ENVELOPE - ACOUSTIC***	***01***	***03/11/23***
AR-DA-MOD-4006	***COMMERCIAL BUILDING ARTICULATION***	***01***	***03/11/23***

(b) and as amended by the conditions of this consent.

In the event of any inconsistency between the approved concept development plans and other supplementary documentation, the approved concept development plans will prevail.

(3) MATTERS NOT APPROVED IN CONCEPT DEVELOPMENT CONSENT

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

(a) The use for any part of the building envelopes for residential accommodation. The buildings may only be used for residential accommodation and identified as such in a detailed design development application on demonstration that acoustic amenity and natural ventilation are achieved simultaneously in accordance with Objectives 4B-1 and 4J of the Apartment Design Guide (ADG). Should suitable design resolution not be achieved, the use of some of all of the buildings are to revert to non-residential use or non-permanent use in a future detailed design development application.

(b) The pedestrian connection to the Wentworth Park Light Rail Station (and any associated tree removal). In principle approval is required from Sydney Trains for any future pedestrian connection to the Wentworth Park Light Rail Station (and any associated tree removal) prior to the commencement of the competitive design process.

~~**(c) The location and design of the pedestrian access zone as illustrated on the concept plan drawings DA2-1006 Rev 9, DA2-1007 Rev 8, DA2-1012 Rev 10 and DA2-8000 Rev 8 on the Jones Street frontage of the site.**~~

(d) Any works, including demolition, excavation and/or construction.

(e) The removal or pruning of any tree on the site.

(f) The siting and location of a substation.

(g) The number of basement levels, car parking spaces, bicycle spaces, car share spaces and loading spaces/zones.

(h) The precise total quantum, ratio and distribution of commercial, recreation, child care centre and residential floor space.

(i) The indicative floor layouts of buildings.

~~**(j) The floor or ceiling levels of each storey.**~~

(k) The number and configuration of residential apartments and commercial tenancies.

~~**(l) Up to 10% design excellence uplift in building height or floor space ratio.**~~

(5) DETAILED DESIGN OF BUILDINGS

The drawings lodged for the competitive design process brief and detailed design development application must incorporate the following requirements:

~~**(a) Amended Fig Block building envelope showing the following:**~~

~~**(i) Commercial Levels 4, 5 and 6: The setback to the Jones Street site frontage (as shown on DA2-1007_8, DA2-1008_8 and DA2-1009_8) is to be increased by at least 3.2m. The Jones Street footpath is to be extended to the face of the realigned commercial levels, with opportunities provided for public views down to the rockface below;**~~

~~**(ii) Residential Level 7 (and up to 10% additional height subject to design excellence): Provide a minimum setback of 4m from the Commercial Level 6 street wall height on the Jones Street site frontage;**~~

~~**(iii) Residential Level 7 balustrade/planter zone: Provide a minimum setback of 1.3m to the balustrade/ planter zone from the realigned Jones Street street-wall (generally in accordance with that shown on DA2-1010_9, DA2-1011_10, DA2- 20002_9 and DA2-3003_10); and**~~

~~**(iv) Level 7 Residential communal open space: Retain the residential communal open space shown on DA2-1010_9 and relocate it to the western end of the Fig Block (Level 7).**~~

(a) Amended Building C – Courtyard building envelope showing the following:

(i) The Plant Room Equipment and Parapet Zone height (and any other structures at Level 13 of Building C – Courtyard) is to be reduced by at least 2m (to a maximum of RL 43.55 (AHD)).

(b) A new footpath and street tree planting along the site's frontage to Jones Street, as required by condition 12 below.

(c) Areas nominated as deep soil zones must be designed as actual deep soil throughout the competitive design process and detailed design development application. Deep soil zones must be unencumbered by built elements above and below. This include basements, through site links and other paved areas

(d) Tree planting must be able to provide a minimum of 15% canopy cover across the site within 10 years of completion.

(7) BUILDING HEIGHT

The maximum heights of the building envelopes, as defined in Sydney Local Environmental Plan 2012, are:

~~**(a) Jones Block:**~~

~~**(i) RL 35.700 (AHD) to the Communal roof terrace zone for lift overrun and pergola structures**~~

~~**(ii) RL 32.400 (AHD) to the Level 8 Communal roof terrace balustrade/planter zone**~~

~~**(iii) RL 31.400 (AHD) to the Level 7 Residential Roof**~~

~~**(iv) RL 29.000 (AHD) to the Level 7 balustrade/planter zone**~~

~~**(v) RL 28.00 (AHD) to the Level 6 Residential Roof**~~

~~**(b) Fig Block:**~~

~~**(vi) RL 32.550 (AHD) to the Level 7 Residential Roof**~~

~~**(vii) RL 30.150 (AHD) to the Level 7 balustrade/planter zone and Communal roof terrace balustrade/planter zone facing Jones Street, Fig Street and Wattle Street**~~

~~**(viii) RL 29.150 (AHD) to the roof of Level 6 Commercial Roof**~~

~~**(c) Wattle Block:**~~

~~**(i) RL 35.950 (AHD) to the Level 9 Residential Roof**~~

~~**(ii) RL 33.550 (AHD) to the Level 9 balustrade/planter zone facing Wattle Street**~~

~~**(iii) RL 32.550 (AHD) to the Level 8 Residential Roof**~~

~~**(iv) RL 30.150 (AHD) to the Level 8 balustrade/planter zone facing Wattle Street**~~

~~**(v) RL 29.150 (AHD) to the roof of Level 7 Residential Roof**~~

~~**(d) Café/retail building: RL 11.150 (AHD) to the roof.**~~

(a) Building A – Retail Pavilion:

(i) RL 10.75 (AHD) to the roof

(ii) RL 11.05 (AHD) to the parapet wall

(b) Building B - Jones Street:

(i) RL 37.100 (AHD) to the PV array on top of plant and lift overrun

(ii) RL 36.600 (AHD) and RL 36.800 (AHD) to the top of plant and lift overrun

(iii) RL 35.10 (AHD) to the Level 10 roof

(c) Building C - Courtyard:

(i) RL 43.55 (AHD) to the Plant Room Equipment and Parapet Zone

(ii) RL 42.35 (AHD) to the Level 12 roof

(iii) RL 39.45 (AHD) to the Level 09 parapet

(d) Building D - Wattle Street:

(i) RL 36.450 (AHD) to the PV array

(ii) RL 36.250 (AHD) to the Level 11 roof

(iii) RL 32.750 (AHD) to the Level 10 roof

(iv) RL 30.850 (AHD) to the Level 09 balustrade/planter zone

(v) RL 29.550 (AHD) to the Level 09 roof

(e) Building E - Fig Street:

(i) RL 37.950 (AHD) to the top of plant and lift overrun

(ii) RL 36.350 (AHD) to the Level 10 roof

(iii) RL 32.350 (AHD) to the Level 09 roof and RL (AHD) 33.550 to the Level 09 parapet

(iv) RL 29.150 (AHD) to the Level 08 roof and RL (AHD) 29.950 to the Level 08 parapet

The maximum heights shown above are inclusive of additional height approved pursuant to the provisions of Clause 6.21D(3) of Sydney Local Environmental Plan 2012. The development is not eligible for any additional height under any circumstances.

~~**Notwithstanding clause (a) and (b) above, the Jones Block and Fig Block may be eligible for up to 10% additional height pursuant to the provisions of Clause 6.21(7) of 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.**~~

(12) PUBLIC DOMAIN CONDITION

(a) Prior to any competitive design process, a Public Domain Concept Plan must be prepared by a suitably qualified architect, urban designer, landscape architect and engineer. The plan must show all existing and proposed public domain elements within the surrounding site frontages, any through site links, land dedications and/or setbacks.

(b) The Public Domain Plan and Levels and Gradients are to include detailed sections sufficient to show how the footway, ~~**tree and verge planting**~~ will be delivered along the length of Jones Street. A footway of not less than 1.2m in width is to be provided from the kerb along the width of Jones Street. The Sections need to be from the centre line of Jones Street to the internal floor of the buildings and clearly show access, retaining structures and any engineering information to demonstrate the proposal is feasible and deliverable.

(c) The final Public Domain Concept Plan, shall be submitted as part of the documentation submitted as part of the detailed design development application.

(14) LANDSCAPING OF THE SITE

(a) The detailed design development application must include a Landscape Concept Plan and Landscape Design Statement prepared by a qualified landscape architect or landscape designer.

(b) The ~~**Landscape Concept Plan and Landscape Design Statement**~~ ***detailed design development application*** must:

(i) Clarify the vision and design principles for all landscaping to achieve design excellence in accordance with Clause 6.21 of the Sydney Local Environmental Plan 2012 and the integration of landscape design.

(ii) Identify any site, landscape, streetscape, heritage view and/or planning constraints, including (but not limited to), microclimate, ground contamination, existing levels, services and easements, existing trees, landscape features, landscape setbacks and screening/buffer requirements.

(iii) Identify the location of deep soil areas, tree planting, communal open spaces, green roofs and walls, sustainable design measures including water sensitive urban design treatments, sustainability targets and direct sunlight to communal and private open spaces.

(iv) Quantify and illustrate landscape design compliance with the relevant codes including Parts 3 and 4 of the Apartment Design Guide, Section 4.2.3 of the Sydney Development Control Plan 2012 and Sydney Landscape Code Volume 2.

(v) Tree planting that will provide a minimum of 15% canopy cover across the site within 10 years of completion.

(vi) Provide deep soil zones to a minimum area of 7% of the total site area, with a minimum dimension of 6 metres.

(c) The Landscape Concept Plan and Landscape Design Statement must establish a clear commitment to designing landscape sustainably and in an integrated manner and demonstrate 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.

(22) PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of all off-street car parking facilities is to ***generally*** satisfy the Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and 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. The design must be provided as part of the detailed design development application.

(30) TREE PROTECTION PLANS AND DETAILED DESIGN APPLICATION

All detailed architectural, building, engineering (structural, stormwater and drainage services) and landscape documentation submitted as part of the detailed design development application shall clearly show on all drawings the retention of all existing trees recommended for retention in the Arboricultural Impact Assessment Report prepared by 'Earthscape Horticultural Services' ***(Report No. 22-069, Version 11, dated 6th February 2023) and Addendum [1] (dated 11 October 2023) and Addendum 2 dated 14 February 2024*** ~~**dated 3 September 2019 (Version 6) dated 3 September 2019 (Version 6)**~~, including the position of their trunks, full diameter of their canopies, Structural Root Zones (SRZs) and Tree Protection Zones (TPZs)

(31) STREET TREES AND DETAILED DESIGN APPLICATION

(a) All existing street trees surrounding the site which are recommended for retention in the Arboricultural Impact Assessment Report prepared by 'Earthscape Horticultural Services' ***(Report No. 22-069, Version 11, dated 6th February 2023), Addendum [1] (dated 11 October 2023) and Addendum 2 dated 14 February 2024*** ~~**dated 3 September 2019 (Version 6)**~~ must be included for retention with any subsequent detailed design development application subject to the following amendment:

(i) Retain Tree 46 (London Plane tree)

(b) Any design elements (awnings, street furniture, footpath upgrades etc) within the public domain must ensure appropriate setbacks are provided from the street tree to ensure ongoing retention and allow the maturity of new tree to be achieved.

(c) The location of any new driveways shall ensure it does not require the removal of any existing street trees which are recommended for retention in the Arboricultural Impact Assessment Report prepared by 'Earthscape Horticultural Services' ***(Report No. 22-069, Version 11, dated 6th February 2023) Addendum [1] (dated 11 October 2023) and Addendum 2 dated 14 February 2024*** ~~**dated 3 September 2019 (Version 6)**~~ as amended by (a) above. The driveway shall be appropriately setback so as it does not have any adverse below or above ground impacts for any existing street trees which are to be retained.

(d) A pruning specification prepared by a qualified Arborist (minimum AQF 5) ~~**muct**~~ ***must*** be submitted with detailed design development application. Pruning of any street tree must not exceed more than 15% overall canopy with a maximum branch diameter of 100mm will be permitted by Council.

Reasons for Recommendation

The modification application is recommended for approval for the following reasons:

(A) The development as modified is substantially the same as the development originally approved and is consistent with the requirements of section 4.56(1)(a) of the EPA Act.

(B) The development has been considered against the reasons given by the Land and Environment Court for the grant of the consent that is to be modified, and the proposal is consistent and acceptable, as per section 4.56(1A) of the EPA Act.

(C) The proposed modifications ensure that the detailed design development application will be consistent with the concept consent to satisfy section 4.24 of the EPA Act.

(D) Subject to conditions, the increased height and bulk of the building envelopes generally reflects the architectural design competition winning scheme and will not adversely impact the amenity of the surrounding area. These modifications are reasonable and justified with regard to the detailed design development application.

(E) The proposed building envelopes are capable of accommodating a future building design which is capable of exhibiting design excellence in accordance with clause 6.21D of the Sydney LEP 2012.

Background

The site and surrounding development

1. The site has a total area of 12,381m² comprising:

   (a) 14-26 Wattle Street, Ultimo (Lot 200 DP 1224234) which has an irregular shape and an area of 12,125m²; and

   (b) 12A Wattle Street, Ultimo which is part of the Jones Street road reserve. It has a site area of 256m², an irregular shape and directly adjoins the main site.

2. The proposed development also includes works at Lot 1 DP 868833 which is owned by Transport Asset Holding Entity (**TAHE**) (**TAHE owned land**). By letter dated 5 December 2023, TAHE provided land owner's consent for the lodgement of the development application.

3. The site has street frontages to Wattle Street (104.82m), Fig Street (97.84m) and Jones Street (149.70m).

4. From 1870 - 1888, the site was used as a quarry with the extracted sandstone used for development of Sydney's General Post Office. In 1906, the site was purchased by the City of Sydney and used as its depot. The remaining structures on the site (which are currently vacant) were constructed by Council.

5. The site lies on the western side of a ridge that forms the Pyrmont peninsula. The eastern edge of the site remains as an exposed sandstone rock face left from the former quarry use. The height difference from the main site ground level (RL 3.56-3.93) to Jones Street ranges from 11.5m to 14m. The actual exposed rock face is 6.5m to 8m high.

6. The site is identified as being subject to flooding.

7. In late 2018, the Council announced the proposed sale of the site through an expression of interest process. The sale was subject to the purchaser demonstrating the ability deliver a 91 place childcare centre and an indoor recreation centre accommodating two multi-purpose courts. Landream Pyrmont Pty Ltd (the applicant) was awarded the purchase of the site.

8. Development and uses around the site comprise a mixture of attached heritage listed terrace houses, residential flat buildings, large former woolstores and warehouses and public open space as noted in the following description of nearby uses:

   (a) **North**: Directly north of the site is Wentworth Park Light Rail Station with a row of trees and a metal fence along the common boundary. Adjoining the light rail station, a pedestrian link (comprising a lift and stair) connects the northern end of Jones Street to the Wentworth Park Light Rail Station and Wattle Street. High-density residential development and the Fish Markets are further north. A railway viaduct to the north-west of the site, crossing Wattle Street, is listed on the State Heritage Register (I800).

(b) **South**: Directly south of the site is Fig Street and a former woolstore at 28-48 Wattle Street, Ultimo ("Winchcombe Carson") which is a local heritage item (I2059). The former woolstore is occupied by the Ultimo Trade Centre which accommodates a range of storage and light industrial activities. Fig Lane Park, which sits within the Ultimo Heritage Conservation Area (C69), is to the south-east of the site.

(c) **East**: To the east of the site is a group of one and two storey terrace houses at 286-318 Jones Street which is a local heritage item (I1238). Harbour Mill Apartments at 280 Jones Street, which includes remnants of the former Edwin Davies Flour Mill, is to the north-east of the site. It is a local heritage item (I1205). The Harbour Mill Apartments are 10 storeys to the north with a step down to 4 storeys to the south adjoining the terrace houses. The existing residential flat building was approved on 5 August 2013 (D/2011/1798) pursuant to former Sydney LEP 2005. The development included the construction of a stair and lift link to the Wentworth Park Light Rail Station.

(d) **West**: Directly west of the site is Wattle Street. Wentworth Park and the Wentworth Park Greyhounds racetrack are located further to the west.

9. The site is not a heritage item and is not located within a heritage conservation area but is in the vicinity of the heritage items described above.

10. Photos of the site and surrounds are provided at **Figures 1** to **9**. Extracts from the Land Zoning, Building Height, Floor Space Ratio and Heritage Maps to Sydney LEP 2012 are provided at **Figure 10**.

11. A site visit was carried out by the consultant planner on 8 June 2023.



Figure 1: Aerial view of the site and surrounds

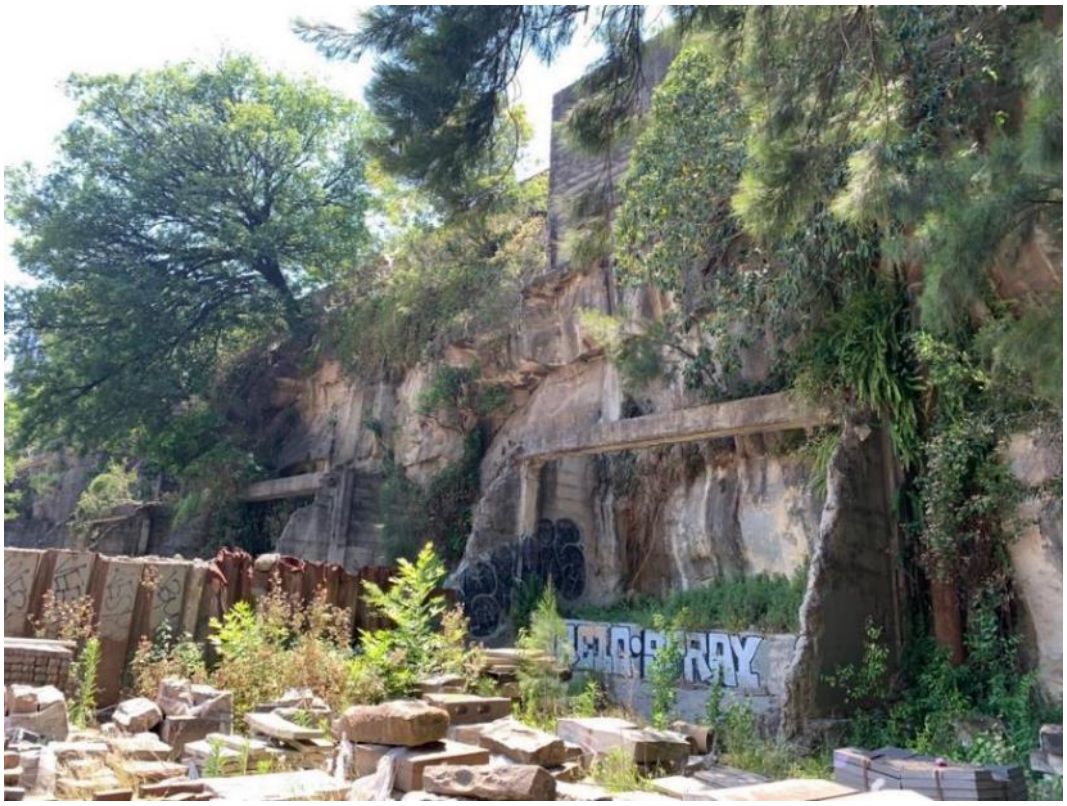


Figure 2: Cliff face along the site's eastern boundary adjoining Jones Street



Figure 3: The site viewed from public stairs at western end of Jones Street



Figure 4: Site viewed from Jones Street looking south (brick wall shows approximate location of the site boundary to Jones Street)



Figure 5: The site (Wattle Street) as viewed from Wentworth Park looking north-east



Figure 6: The site and Ultimo Trade Centre viewed from corner of Fig and Wattle Streets looking east



Figure 7: Pedestrian path from Wattle Street to Light Rail Station to the north of the site looking east



Figure 8: Harbour Mill Apartments, 280 Jones Street (heritage) to the north-east of the site



Figure 9: Jones Street terrace houses (286-318 Jones Street) (heritage) to the east of the site



Land Zoning Map



Building Height Map



FSR Map



Heritage Map

Figure 10: Sydney LEP 2012 Land Zoning Map, Building Height Map, Floor Space Ratio Map and Heritage Map

History relevant to the section 4.56 modification application

Concept development application - D/2019/649

12. The CSPC on 25 June 2020 refused the concept development application (D/2019/649) which proposed demolition of the existing buildings, removal of trees, and building envelopes for a mixed use development comprising residential, commercial, retail, child care and recreation uses. The applicant appealed the refusal.

13. Following discussions between the experts, an amended scheme was filed with changes including a deletion of one storey on some blocks, increased compliance with the height controls, increased setbacks to improve heritage outcomes and provision of compliant deep soil areas. As a result of the amendments being made, the City's experts advised the court that all contentions in the matter had been resolved. The matter proceeded by way of a consent orders hearing and judgment was handed down on 28 May 2021 granting deferred commencement consent to the concept development application. The deferred matter required a voluntary planning agreement (**VPA**).

14. The VPA relates to a new footway (1200mm to 1500mm) and public access easement along the Jones Street frontage of the site (illustrated on **Figure 11**).

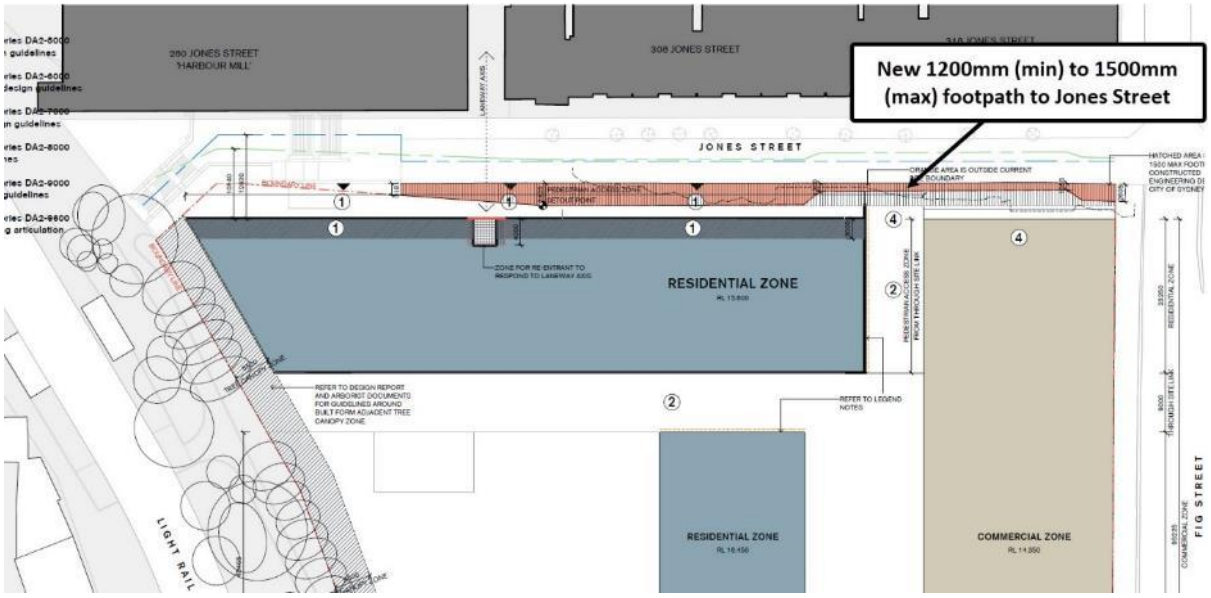


Figure 11: VPA extract showing a plan of the new footway to Jones Street

Competitive design process

15. Between 28 April and 2 June 2022, a competitive design process was undertaken for the site in accordance with the provisions of clause 6.21D of Sydney LEP 2012 and the City of Sydney Competitive Design Policy.

16. As a result of this competitive design process, the applicant is seeking 10% additional height pursuant to clause 6.21D of the Sydney LEP 2012.

17. The architectural firms who participated in the 'invited' architectural design competition were Bates Smart, BVN, Carter Williamson, SJB and Tzannes. The jury for competitive design process selected the BVN scheme as the winning scheme. Photomontages of the winning scheme are provided in **Figures 12 and 13** below.

18. An assessment of compliance with the jury recommendations is included in the assessment report on the detailed design development application.



Figure 12: Photomontages of the BVN winning scheme (part of the Jones Street elevation)



Figure 13: Photomontage of the BVN winning scheme (part of the Wattle Street elevation)

Detailed design development application (**D/2023/97**)

19. A detailed development application (D/2023/97) has been lodged and assessed concurrently with this section 4.56 modification application**.**

20. The detailed design development application proposes the demolition of existing structures, remediation, removal of trees, excavation and construction of a mixed use development comprising residential, commercial, retail, childcare and indoor recreation centre across five (5) buildings, basement car parking, landscaping, public domain and civil works and subdivision.

21. An assessment of the detailed design application has been undertaken and the application is recommended for approval. The application is being reported concurrently to the CSPC for determination and is recommended for approval. Refer to the separate report for details.

Subdivision development application (D/2023/1073)

22. A development application proposing road closure and subdivision of part of Jones Street was submitted to Council on 23 November 2023. Assessment of the development application is underway and the application is yet to be determined.

History relevant to the section 4.56 modification application

23. A chronology of key events relevant to the section 4.56 modification application (and detailed design development application) follows:

    (a) **5 October 2022**: The applicant's representatives, Council officers and Council's consultant planner attended a pre-lodgement meeting (video conference).

    (b) **14 October 2022**: A pre-lodgement letter of advice was sent to the applicant setting out the information requirements for the applications and potential issues of concern including design excellence and additional height.

    (c) **16 February 2023**: The section 4.56 modification application and development application were lodged.

    (d) **28 February - 29 March 2023**: The section 4.56 modification application and d development application were notified/exhibited.

    (e) **15 June 2023** The City's Design Advisory Panel (**DAP**) reviewed the section 4.56 modification application and development application and advised that:

        (i) The building envelope controls are sufficient for the site and should not be exceeded beyond the concept consent. Non-compliances with building separation controls are not supported.

        (ii) There are several non-compliances with height controls which increase overshadowing to Wentworth Park. The Panel does not support additional height or any further overshadowing to the park.

        (iii) The scheme is at the upper limit of FSR allowances. Additional FSR has been applied to the site through the acquisition and upgrade of the adjacent public footpath. The general density of the site has resulted in deep building footprints and several bedrooms with poor access to natural light, which should be reconsidered.

        (iv) The Childcare facilities should be further considered in order to provide adequate circulation space for pram movement and storage in the lobby and corridors, adequate lift provision, and greater solar access and a more generous ceiling height to the outdoor play area.

        (v) A wind analysis is required as part of the assessment.

        (vi) Further consideration of the courtyard amenity is required and should address natural ventilation and noise.

(vii) Environmental performance of north-west façade should have further analysis and consideration.

(viii) Engagement with the First Nations history of the site requires further consideration.

(ix) The opportunity to expose views to and interpret the quarry face has not been fully realised.

(x) Public art should be further considered to provide an interpretation of the place, rather than be applied as a wayfinding element.

Recommendation

The Panel advises that the proposal has not yet achieved design excellence. Should the proposal address all recommendations of the design competition jury, comply with building envelopes and building separation controls, and respond to this DAP assessment, then it has the potential to achieve design excellence.

(f) **28 July 2023**: A RFI from Council was sent to the applicant noting the following issues of concern relevant to the section 4.56 modification application:

(i) Concept consent condition (2) drawings: The proposed increase in envelope height and footprint is not supported (overdevelopment of the site, inadequate building separation, poor residential amenity, overshadowing of Wentworth Park and outlook impacts). Plans and information submitted with the Section 4.56 modification application are inadequate.

(ii) Concept consent conditions of consent: The modification application has not sought approval to modify all conditions.

(iii) Section 4.56 matters for consideration: The modification application has not adequately addressed s. 4.56 of the EPA Act.

(g) **7 August, 30 August and 18 September**: The applicant's representatives, Council officers and Council's consultant planner attended meetings to discuss solutions to Council's RFI.

(h) **7 September 2023**: A supplementary RFI was sent to the applicant providing further direction in relation to height (and inboard bedrooms which was relevant to the detailed design development application).

(i) **13 October 2023:** The applicant's representatives and Council officers attended a meeting to discuss solutions to Council's RFI.

(j) **7 November 2023**: The applicant responded to Council's RFI including amended building envelope plans. The proposed changes included a 616m² reduction in the gross floor area (**GFA**) accommodated by the modified envelope plans and the following changes to the concept consent building envelop plans:

(i) Reducing the maximum height of Building E - Fig Street by approximately 1.6m (from RL39.56 to RL37.95) by lowering of the floor to floor height from 3.8m to 3.6m.

(ii) Cropping of the western and southern sides of the floor plates at Level 08 and 09 of Building E - Fig Street to minimise additional overshadowing of Wentworth Park beyond the concept consent.

(iii) Reinstating the articulations to the ground floor façade of Building E - Fig Street that faces the east-west through-site link.

(iv) Reducing the maximum height of Building D - Wattle Street by approximately 1.7m (from RL38.18 to RL36.45) by relocating the rooftop plant room to Building C - Courtyard and enclosing the remaining plant units within the roof form.

(v) Re-instating the pitch of the roof to Building D - Wattle Street consistent with the winning scheme to minimise overshadowing of Wentworth Park.

(vi) Re-instating the setback at the south-western corner of Building D - Wattle Street to minimise additional overshadowing of Wentworth Park beyond the concept consent.

(vii) Reducing the extent of rooftop plant on Building B - Jones Street.

(viii) Concentrating the rooftop plant and equipment to Building C - Courtyard, with an 800mm increase in height (from RL44.75 to RL45.55).

(ix) Widening of the indented courtyards in the Jones Street and Wattle Street Buildings.

(x) Reinstating the rooftop terrace on the northern side of Building D - Wattle Street.

(k) **23 January 2024**: A further RFI was sent to the applicant detailing issues arising from Council's internal and external referrals. Most issues related to the detailed design development application.

(l) **21 February 2024**: The applicant responded to Council's further RFI.

Proposed modifications

24. The section 4.56 modification application seeks consent to modify the concept consent (D/2019/649) to achieve general consistency with the winning scheme and consistency with the detailed design development application (D/2023/97) concurrently lodged and reported to the CSPC.

25. Illustrations and a description of the section 4.56 modification application follow at **Figure 14** to **34** (comparing the approved stamped/condition satisfied plans and the proposed/modified building envelope plans). A complete set of the proposed/modified building envelope plans is at **Attachment B**.

(a) Building A - Retail pavilion

(i) Modification of the building shape and siting and reduction in building height (RL 11.150 approved and RL 10.75 proposed).

(b) Building B - Jones Street

(i) Increased residential floor-to-floor heights from 3.1 metres to 3.2 metres in accordance with the Design and Building Practitioners Act 2020.

(ii) Deeper, wider and higher than the approved envelope (RL 35.70 approved and RL 37.10 proposed).

(iii) Increased articulation.

(c) Building C - Courtyard and Building D - Wattle Street

(i) Reconfiguration of the approved L-shape building to create a separate (taller) Building C - Courtyard Building and a separate Building D - Wattle Street with an additional north/south through-site link.

(ii) Increased residential floor-to-floor heights from 3.1 metres to 3.2 metres in accordance with the Design and Building Practitioners Act 2020.

(iii) Building D - Wattle Street has a deeper, wider and higher envelope than the relevant part of the approved Wattle Street Building (RL 33.50/32.550 approved and RL 36.25 proposed).

(iv) Building C - Courtyard is higher than the relevant part of the approved Wattle Street Building (RL 35.950 approved and RL 45.55 proposed).

(v) Increased articulation.

(d) Building E - Fig Street

(i) Conversion of the approved residential floors (Levels 7 and 8) to commercial.

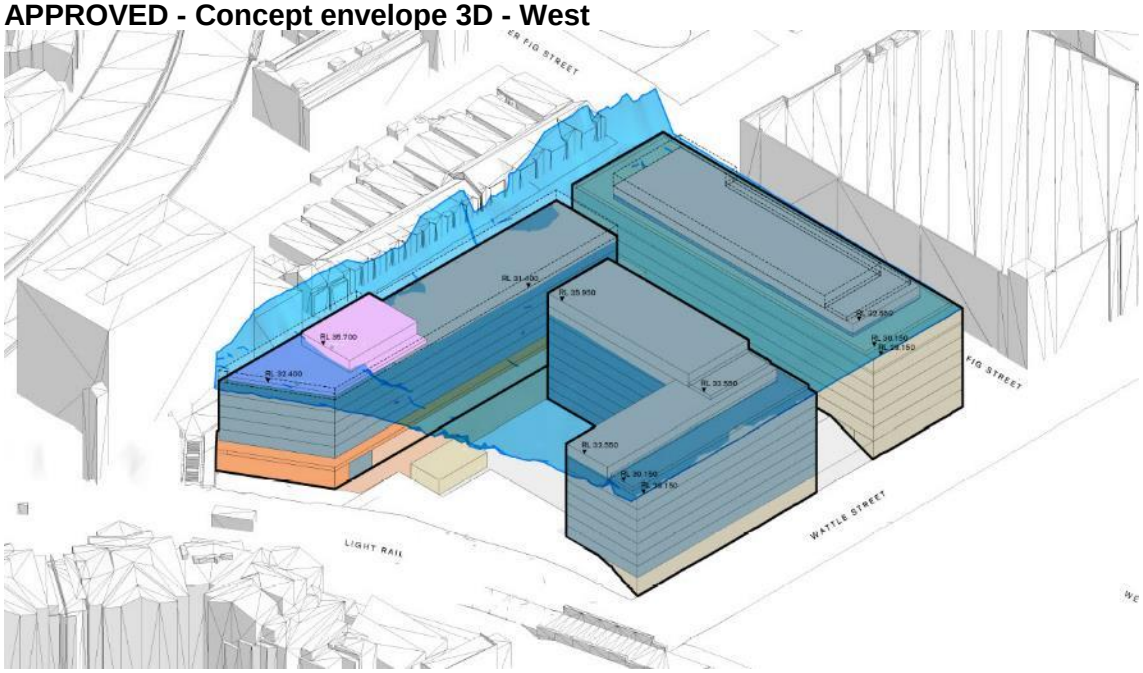
(ii) 3.6m floor to floor height.

(iii) Higher than the approved envelope (RL 35.95 approved and RL 37.95 proposed).

(iv) Increased articulation.

Conditions 2, 3, 5, 7,12,14, 22, 30 and 31 of the concept consent are to be modified to reflect the modified/proposed plans and information.

APPROVED - Concept envelope 3D - West



PROPOSED - Concept envelope 3D - West

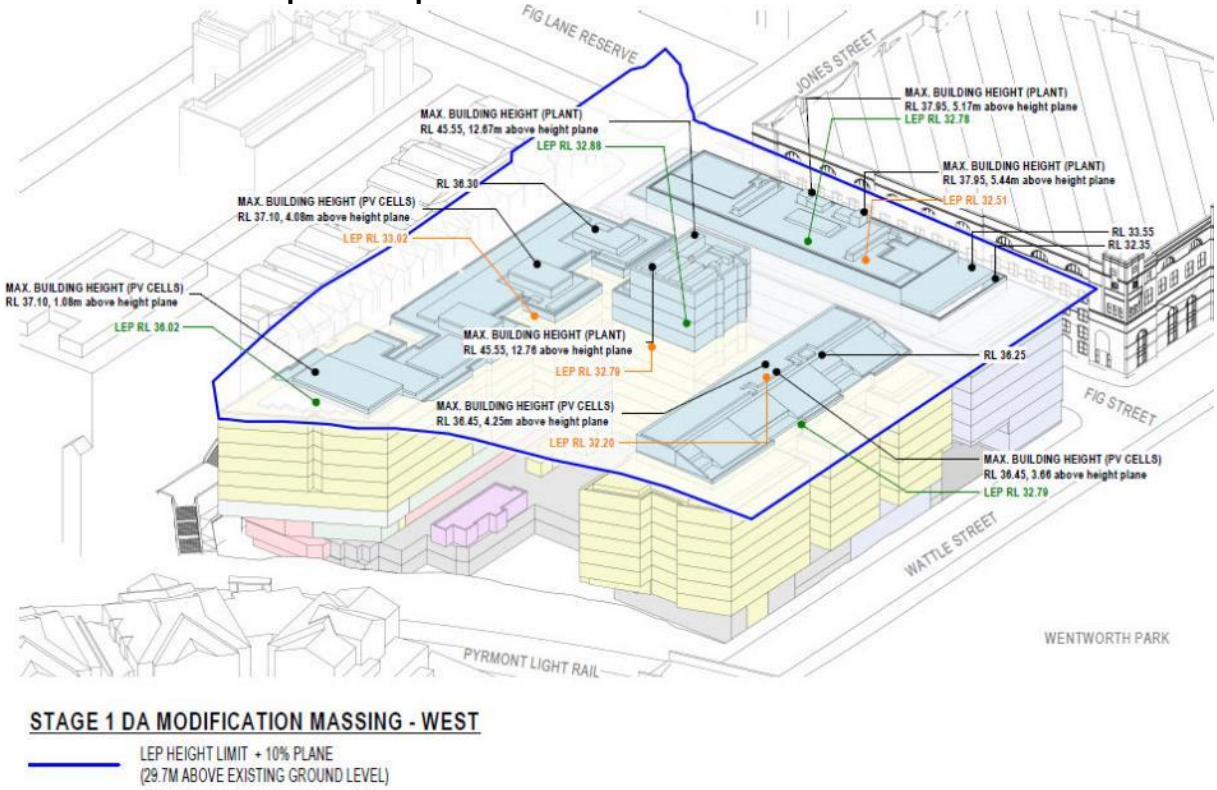
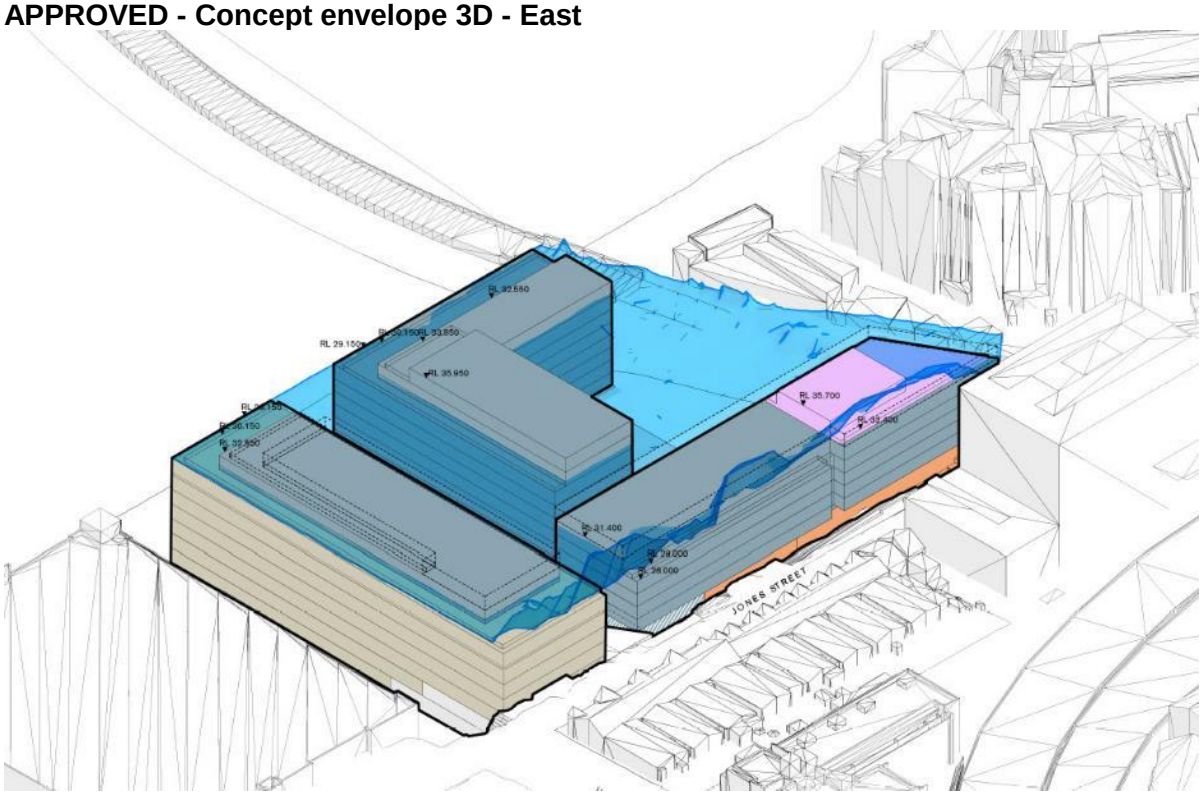


Figure 14: Envelope plans: Approved and proposed 3D massing West

APPROVED - Concept envelope 3D - East



PROPOSED - Concept envelope 3D - East

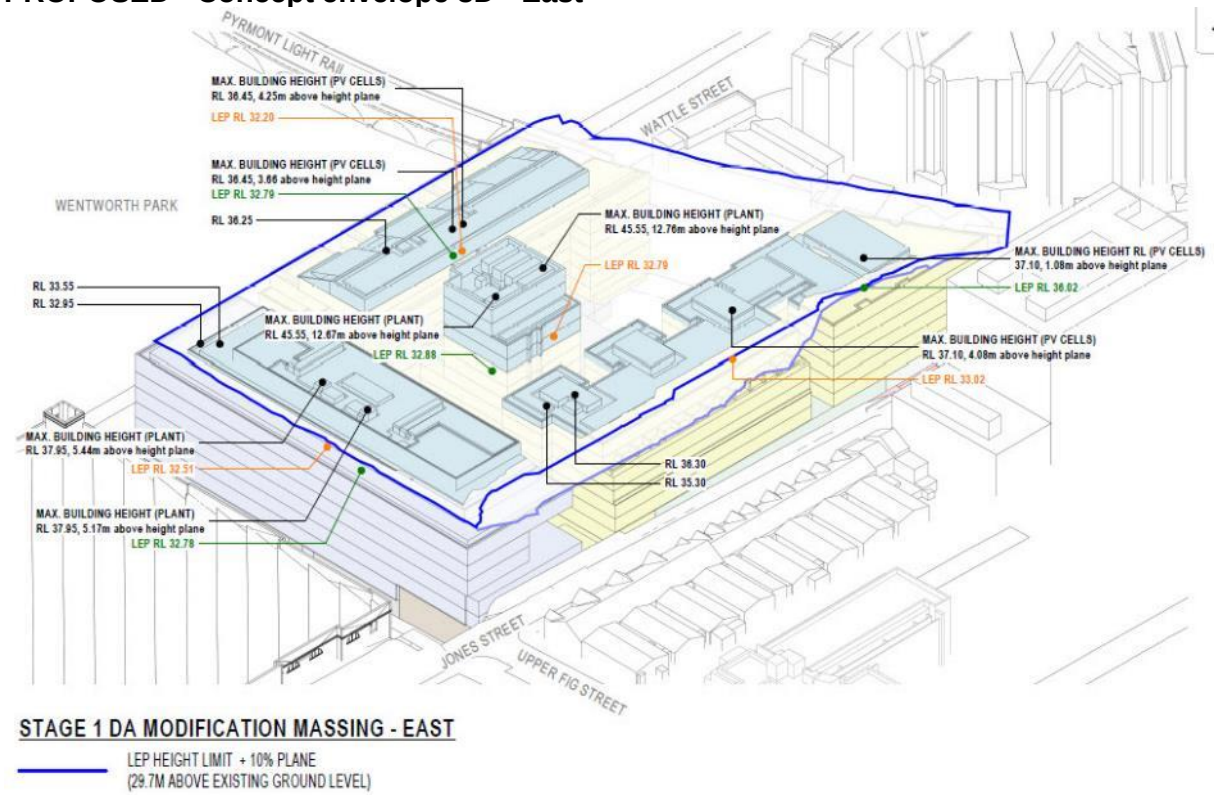
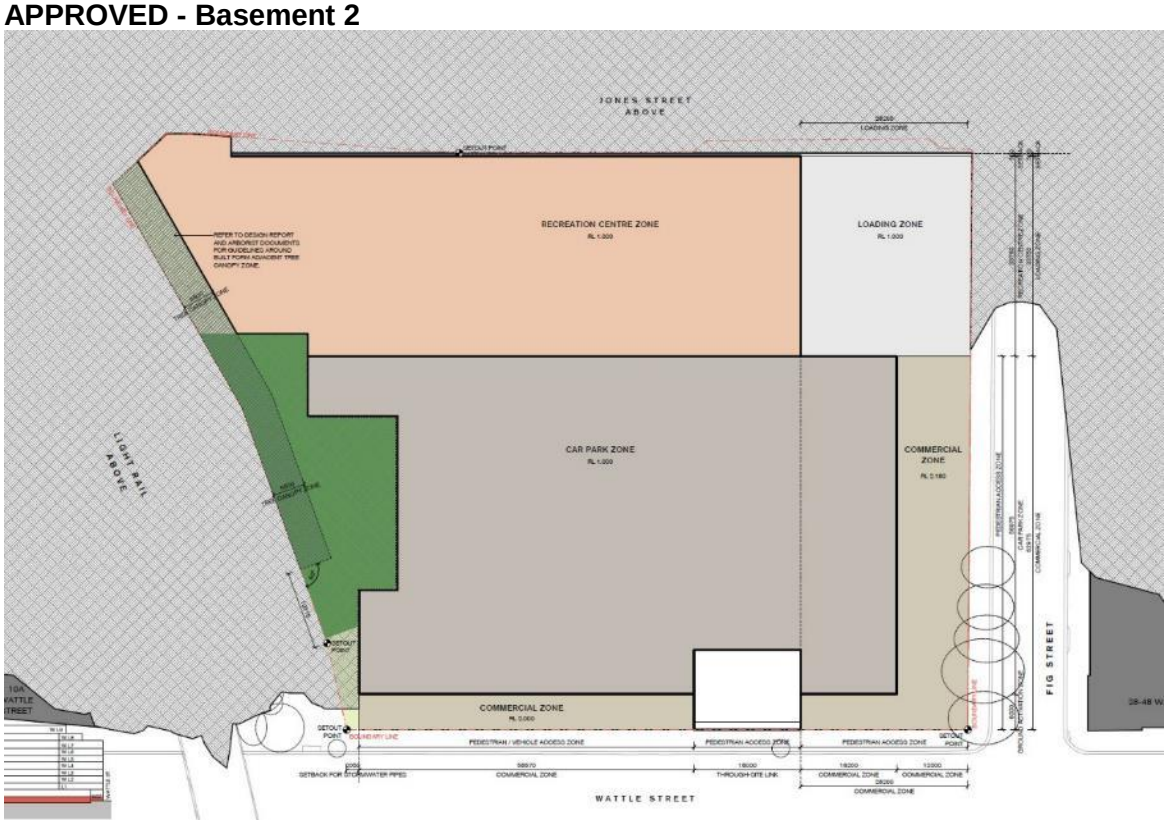


Figure 15: Envelope plans: Approved and proposed 3D massing East

APPROVED - Basement 2



PROPOSED - Level 00

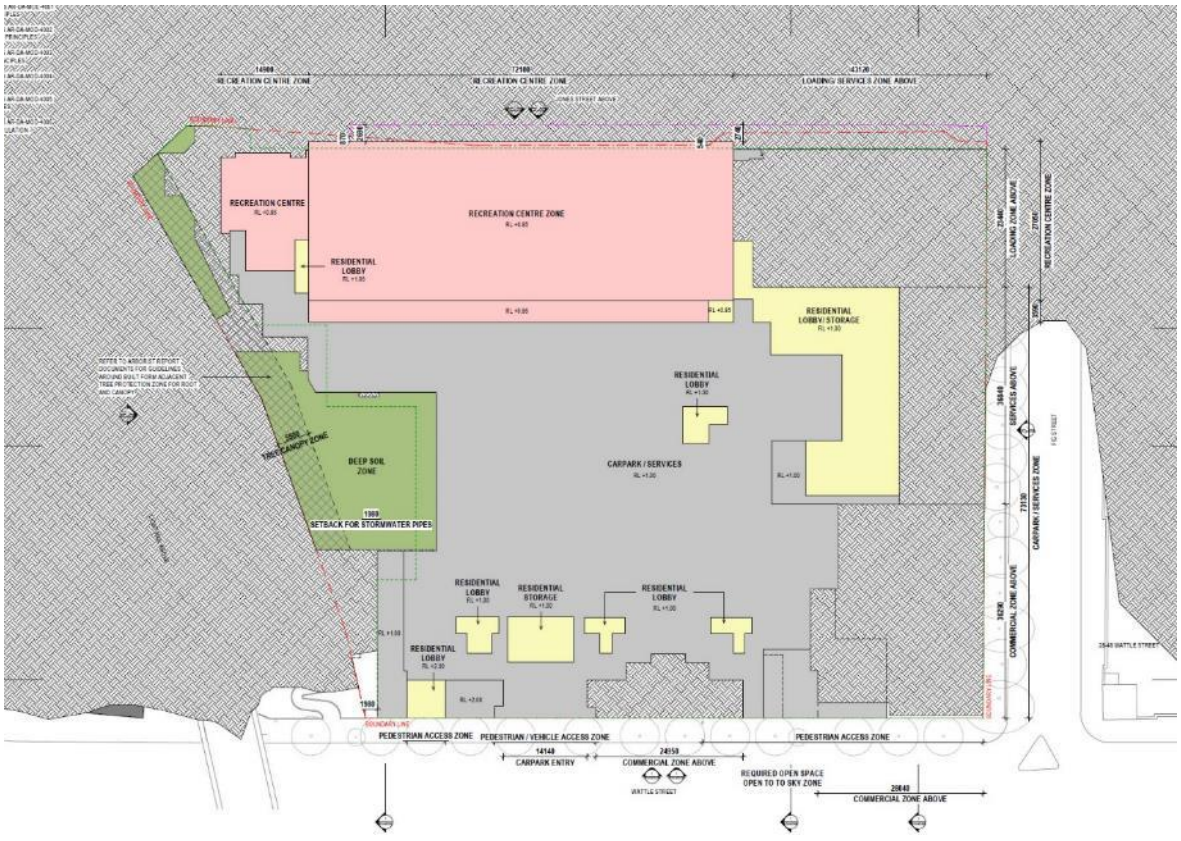
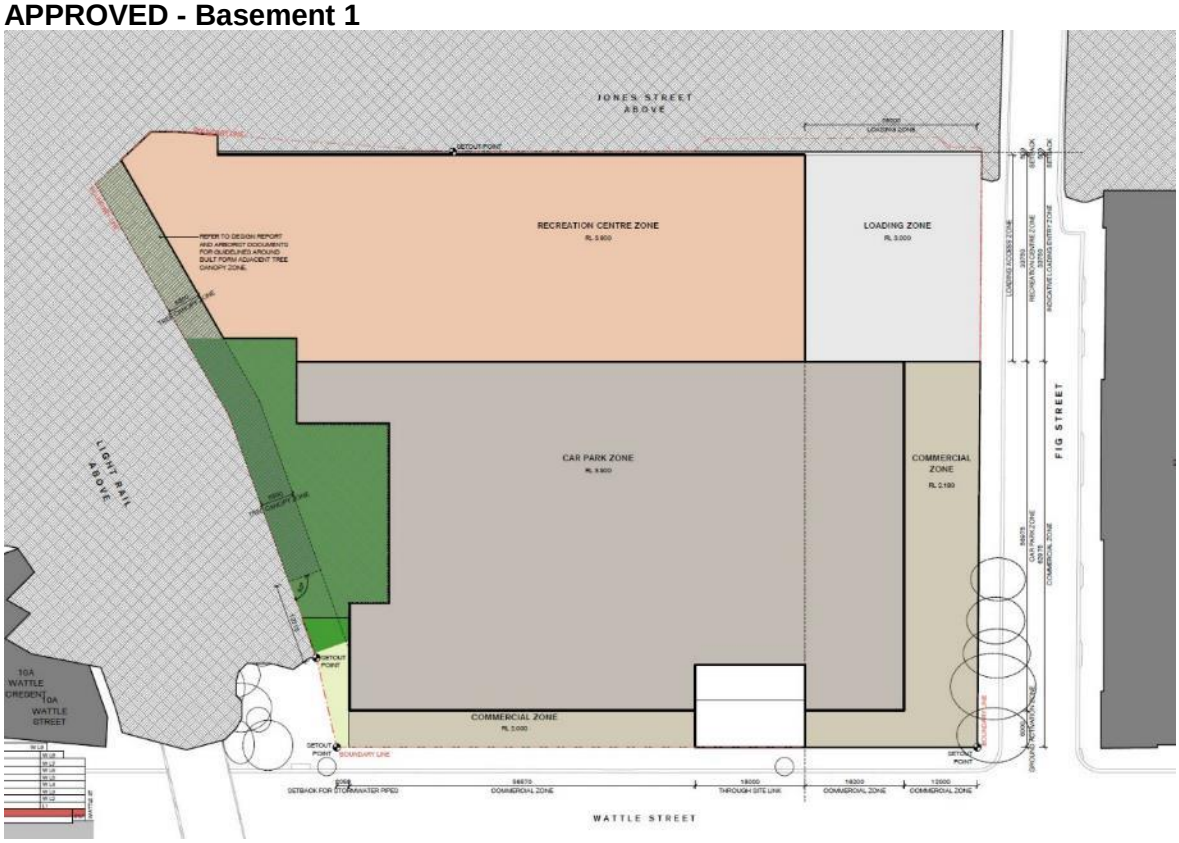


Figure 16: Envelope plans: Approved Basement 2 and proposed Level 00

APPROVED - Basement 1



PROPOSED - Level 01

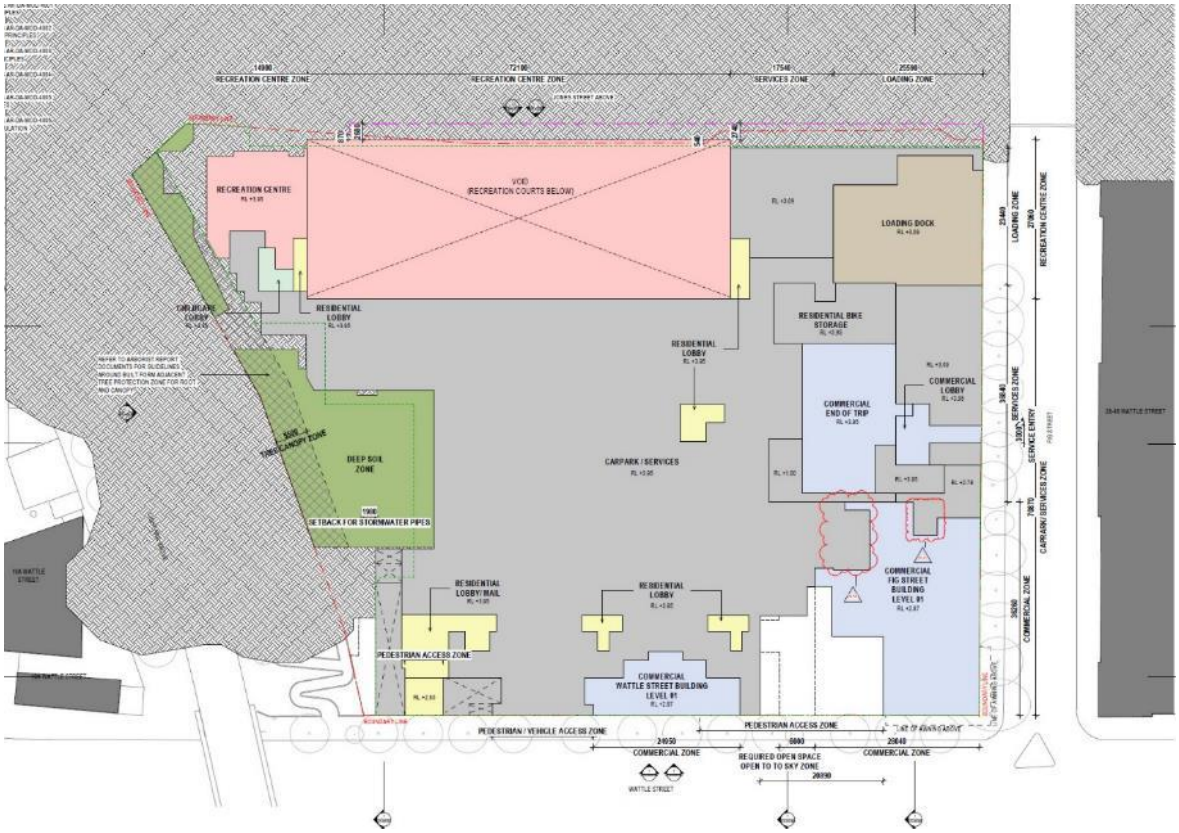
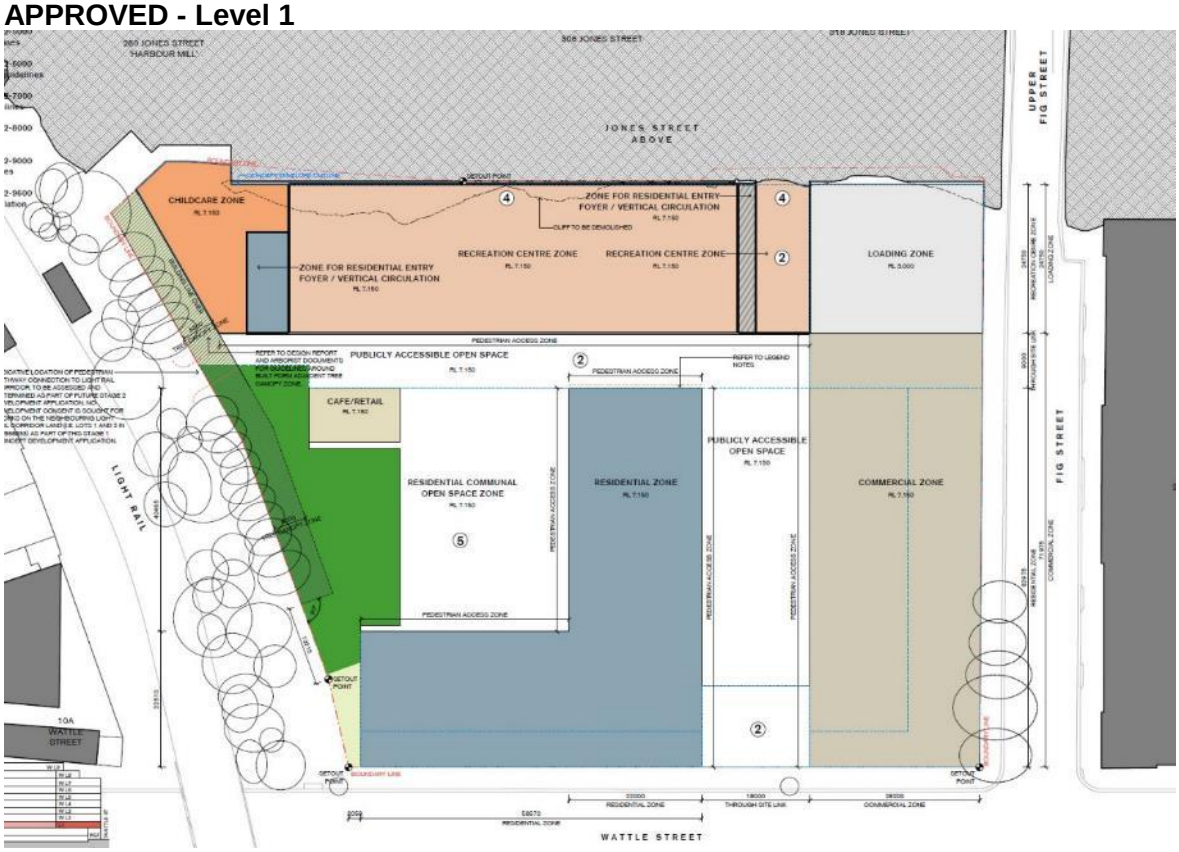


Figure 17: Envelope plans: Approved Basement 1 and proposed Level 01

APPROVED - Level 1



MODIFIED - Level 02

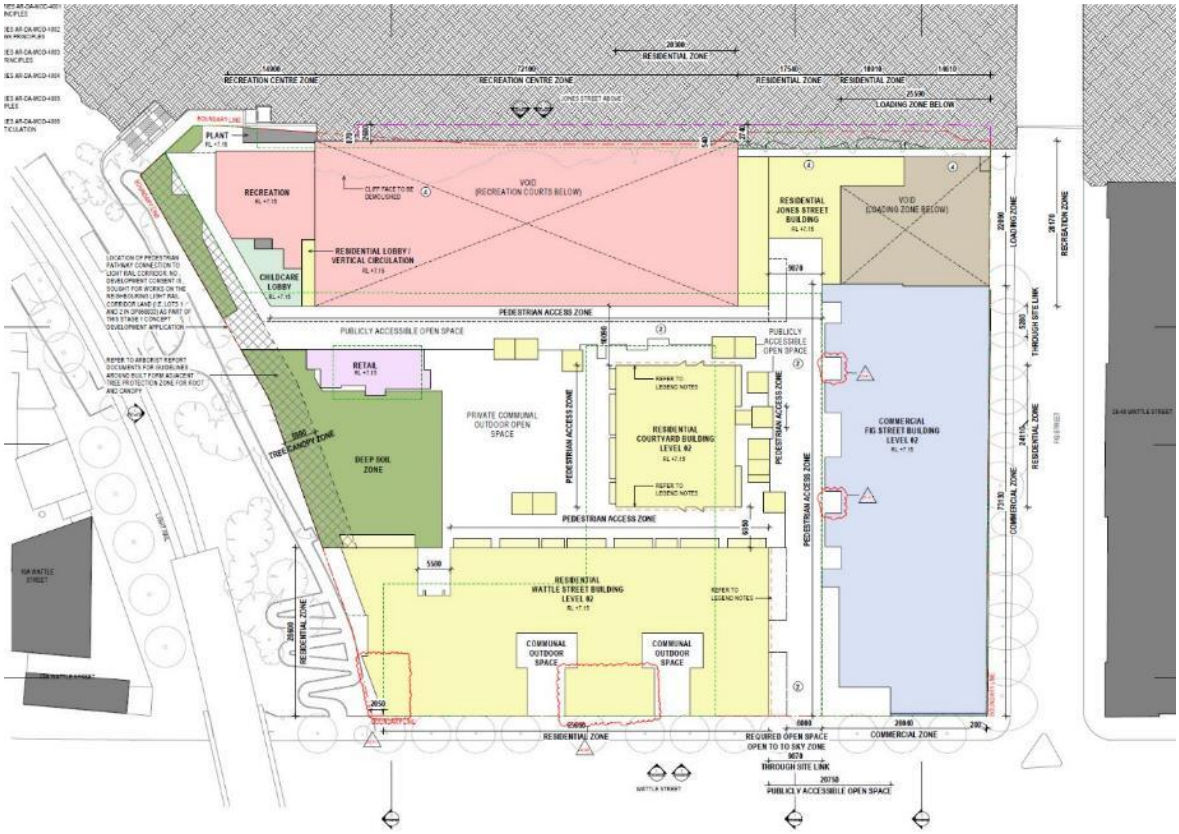
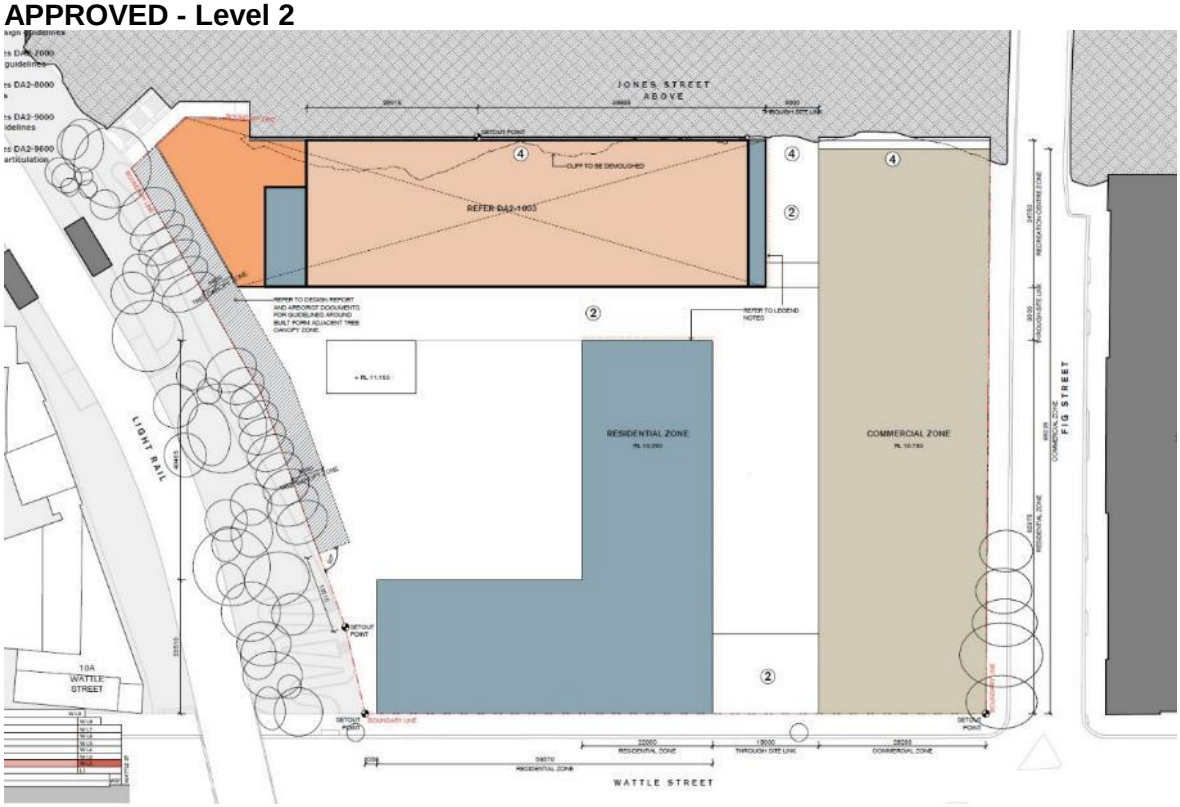


Figure 18: Envelope plans: Approved Level 1 and proposed Level 02

APPROVED - Level 2



PROPOSED - Level 03

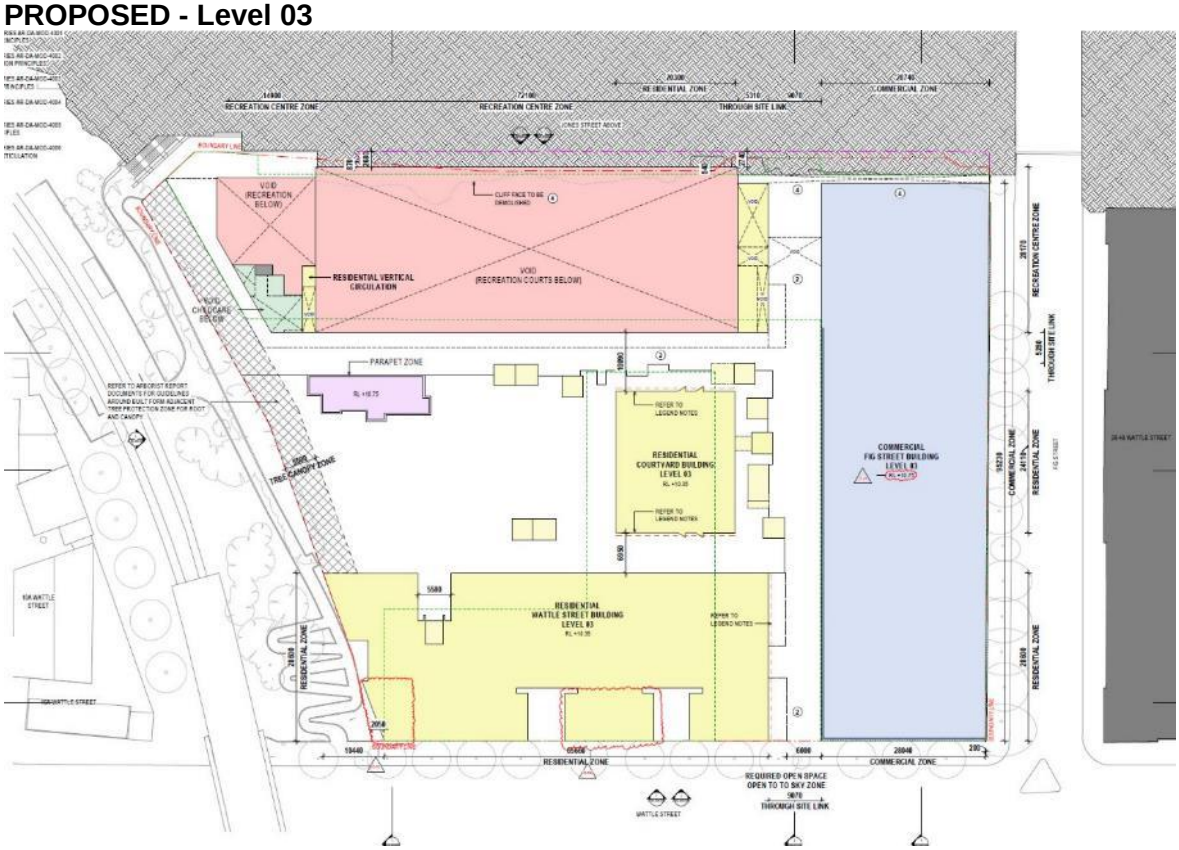
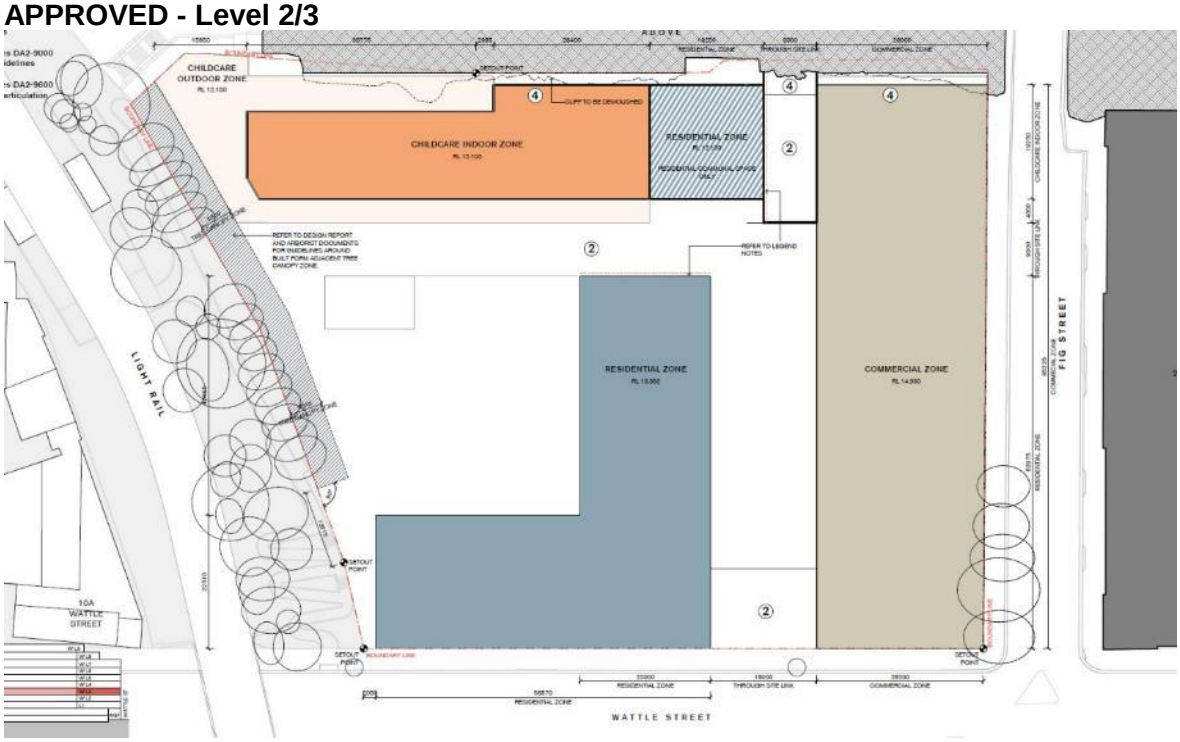


Figure 19: Envelope plans: Approved Level 2 and proposed Level 03

APPROVED - Level 2/3



PROPOSED - Level 04

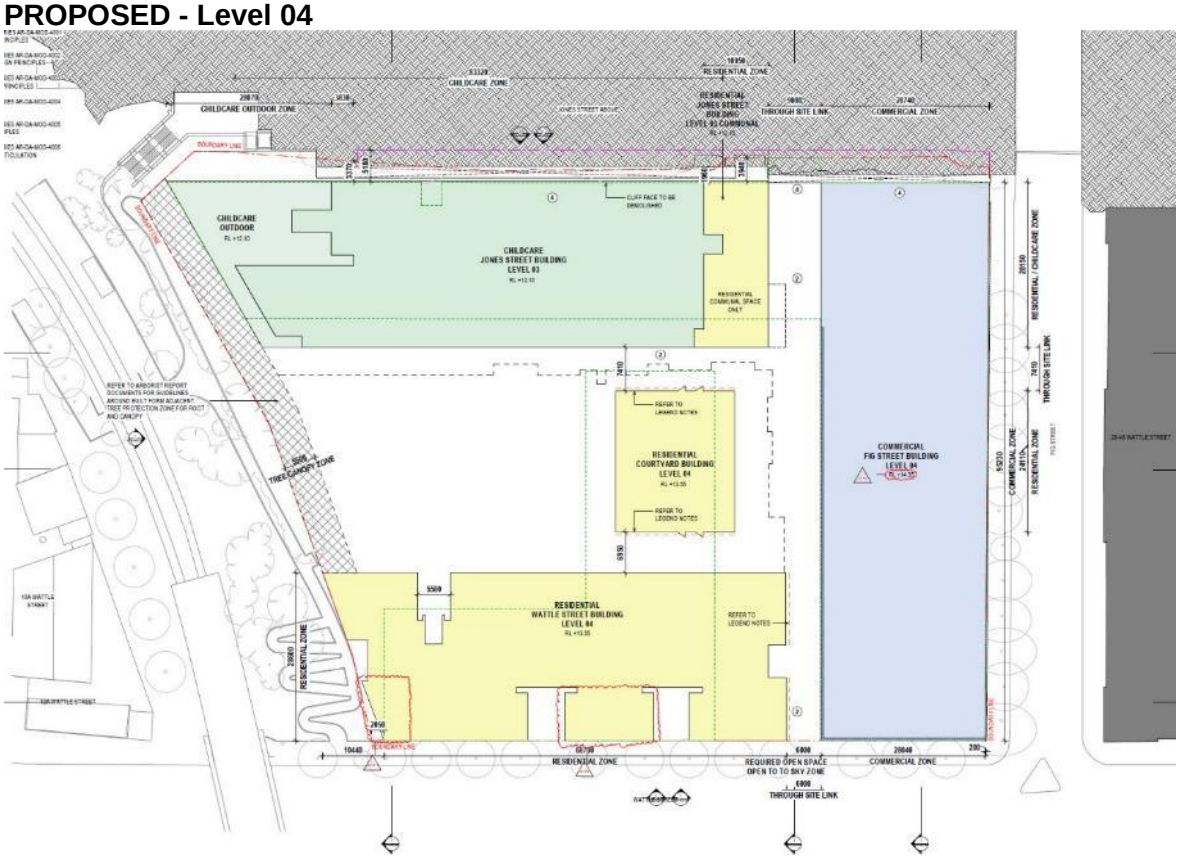
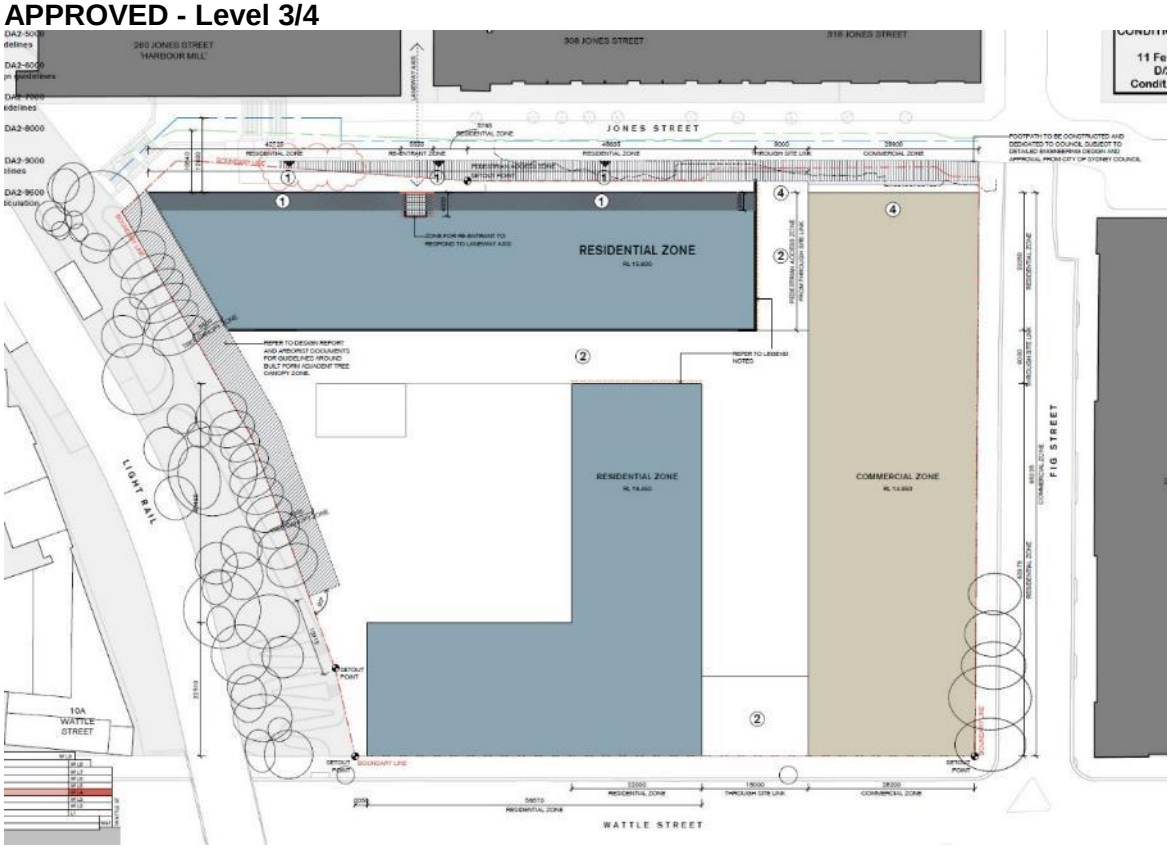


Figure 20: Envelope plans: Approved Level 2/3 and proposed Level 04

APPROVED - Level 3/4



PROPOSED - Level 04/05

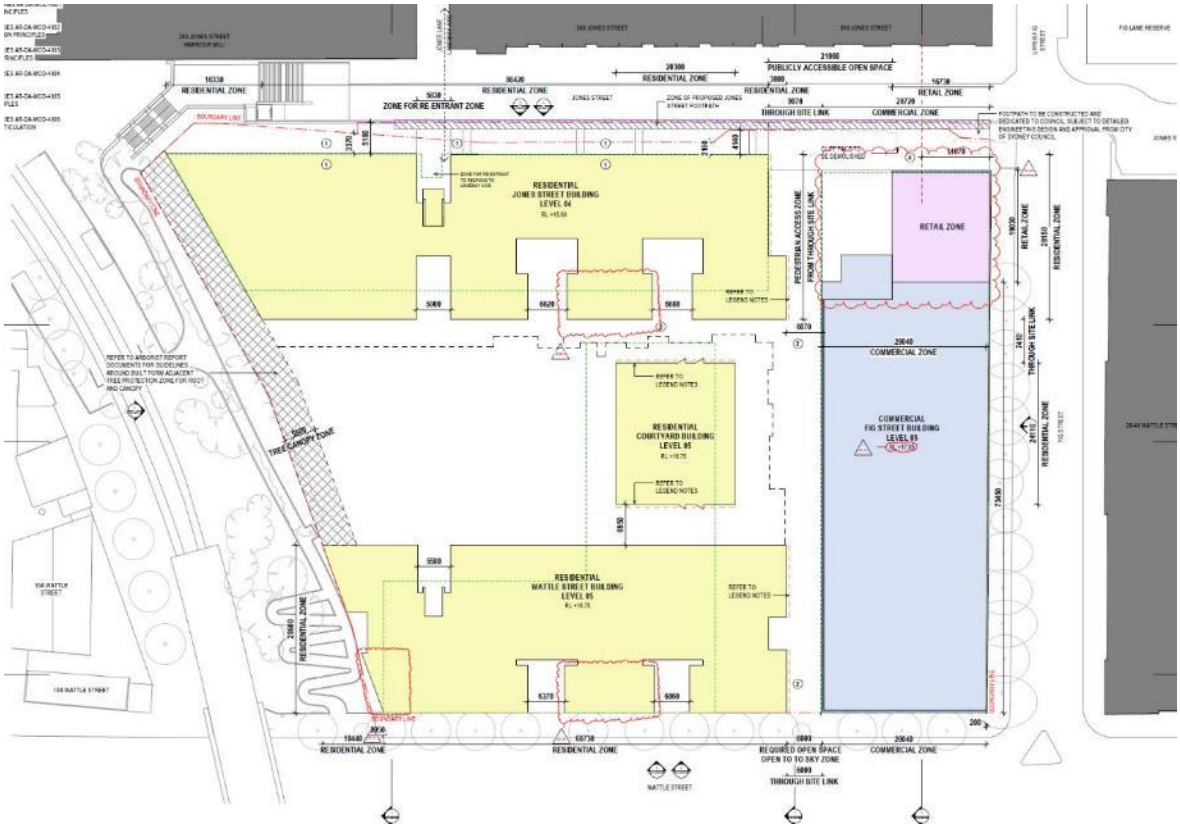
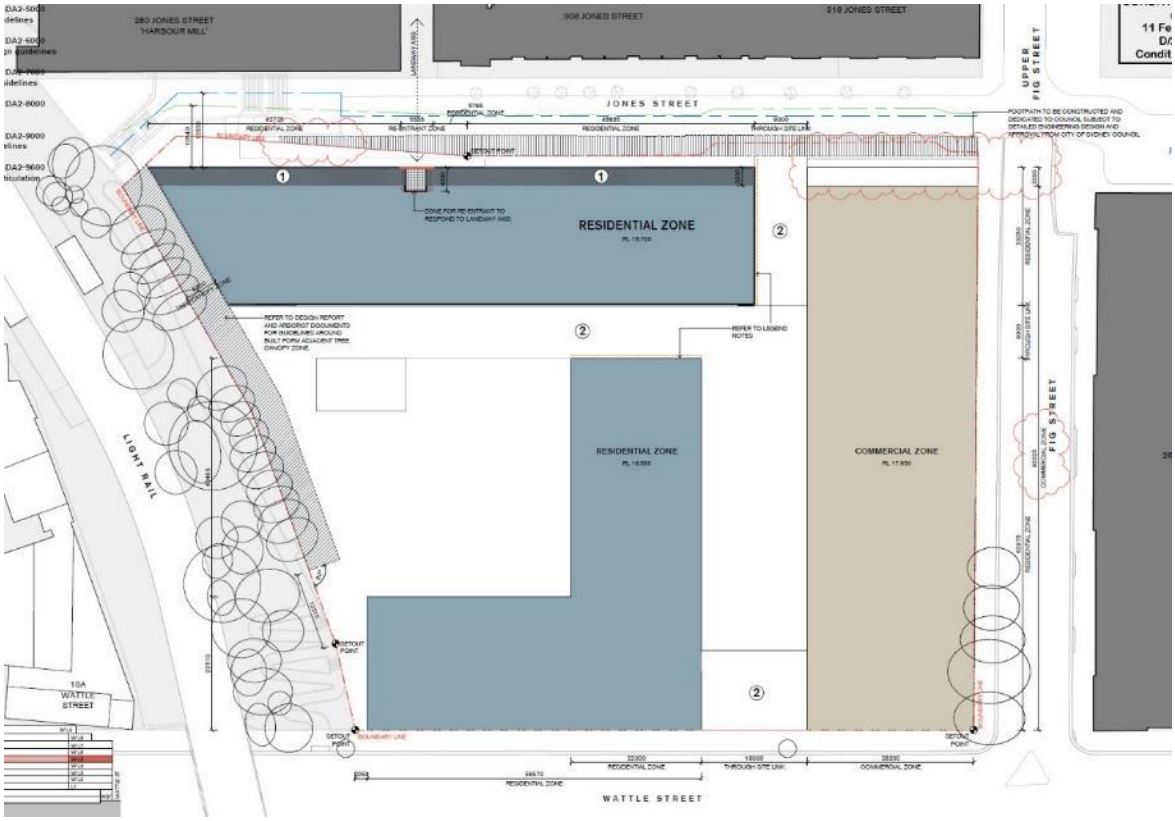


Figure 21: Envelope plans: Approved Level 3/4 and proposed Level 04/05

APPROVED - Level 4/5



PROPOSED - Level 05/06

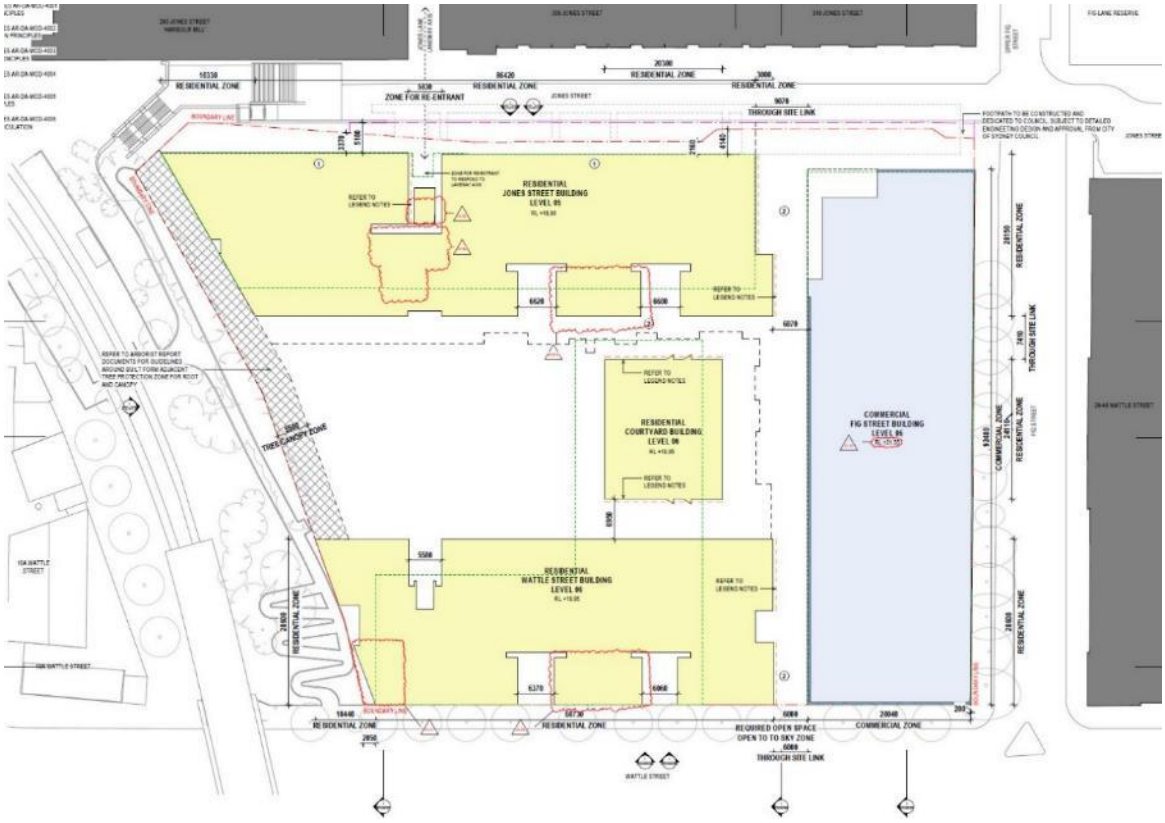
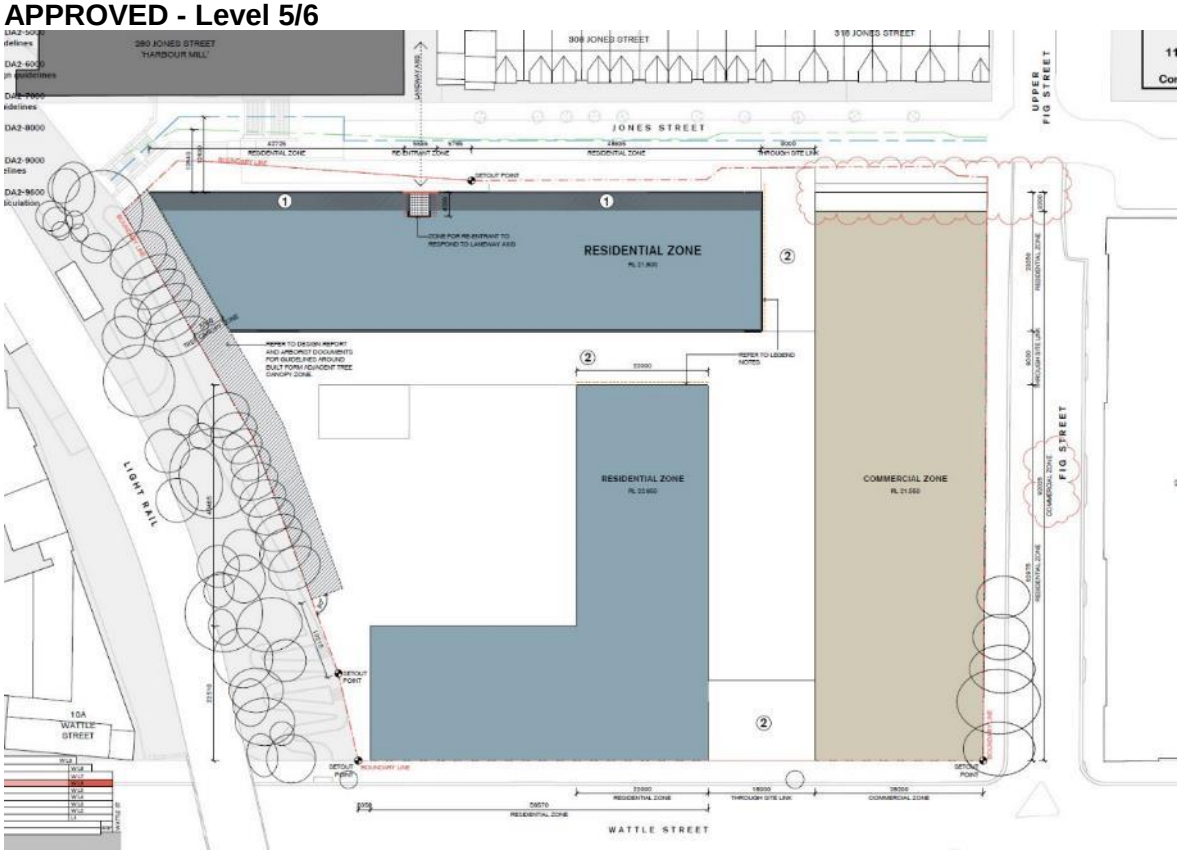


Figure 22: Envelope plans: Approved Level 4/5 and proposed Level 05/06

APPROVED - Level 5/6



PROPOSED- Level 06/07

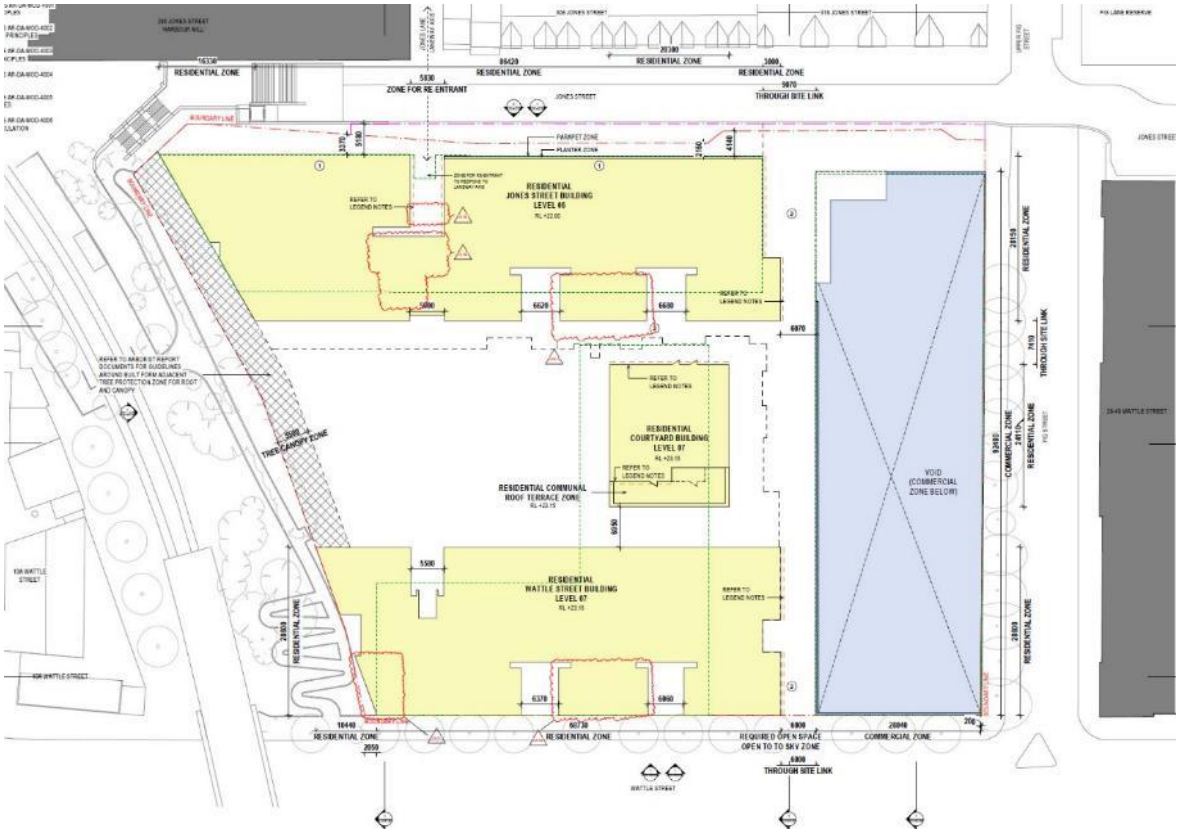
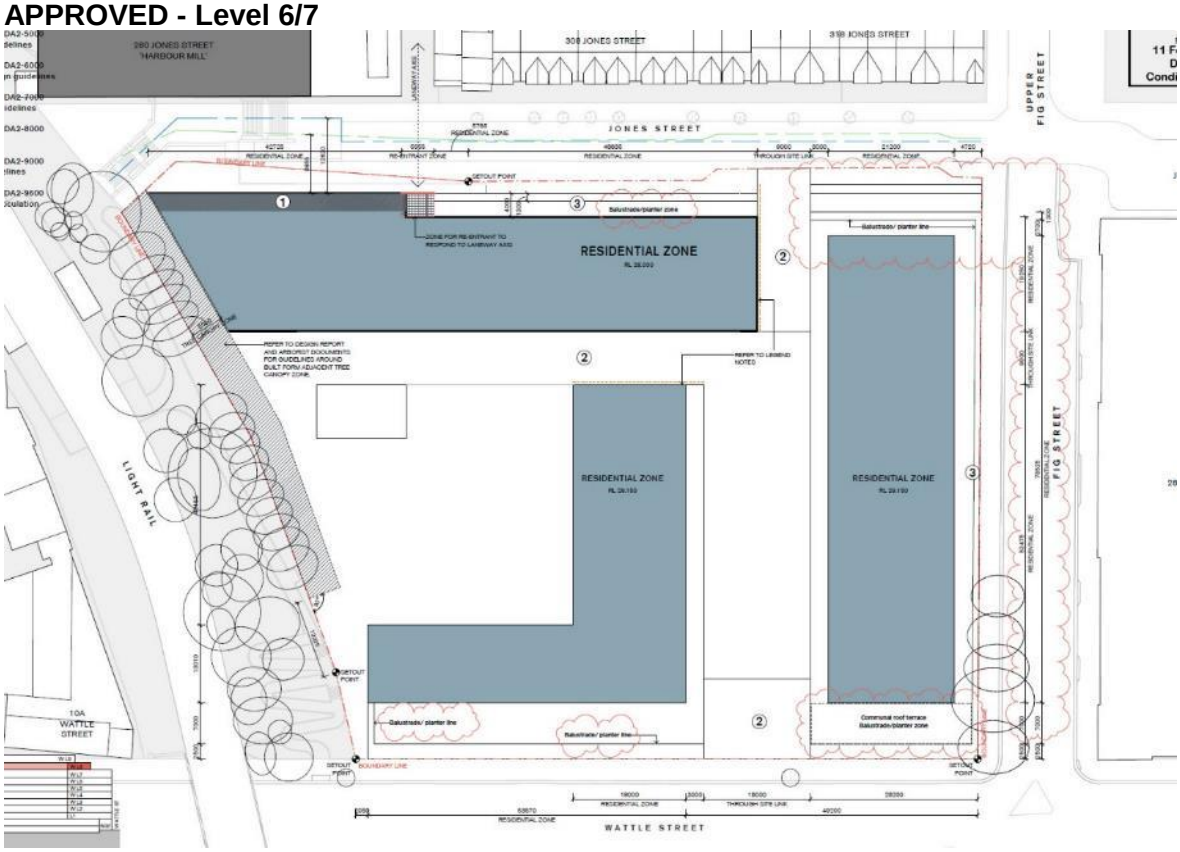


Figure 23: Envelope plans: Approved Level 5/6 and proposed Level 06/07

APPROVED - Level 6/7



PROPOSED - Level 07/08

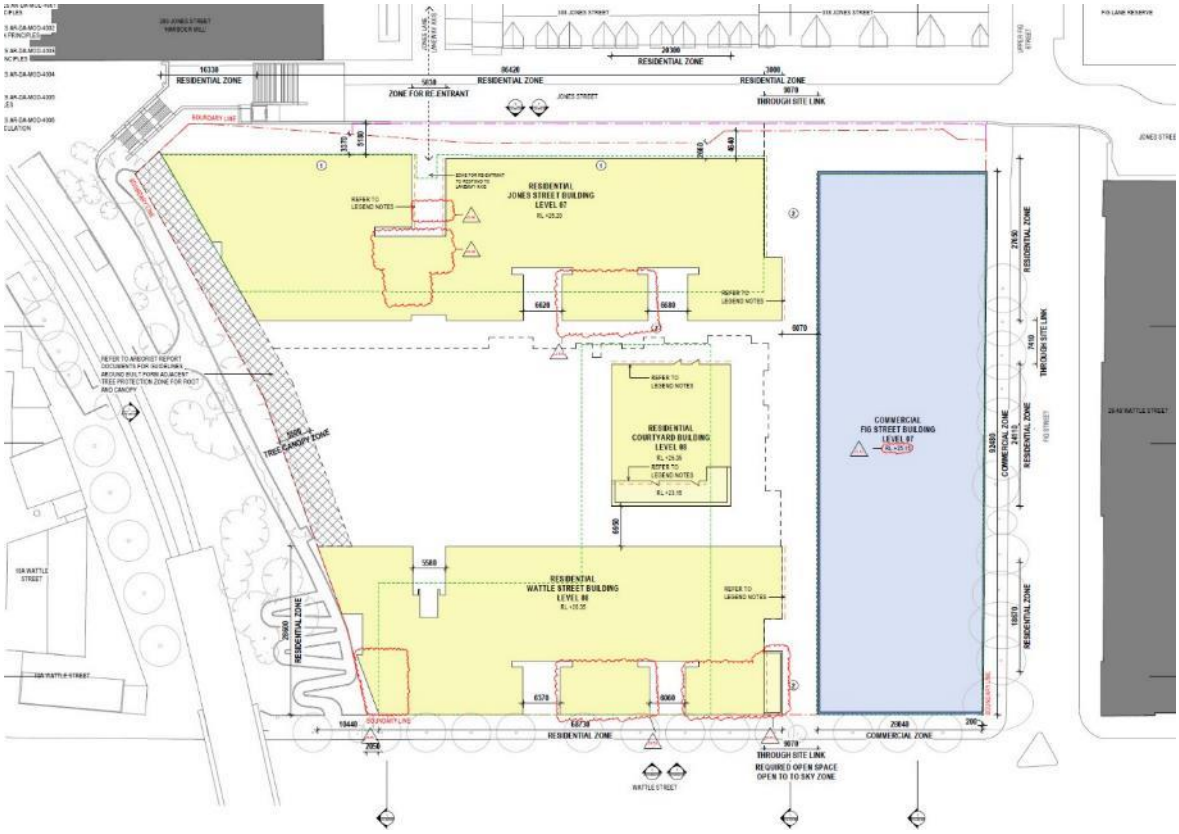
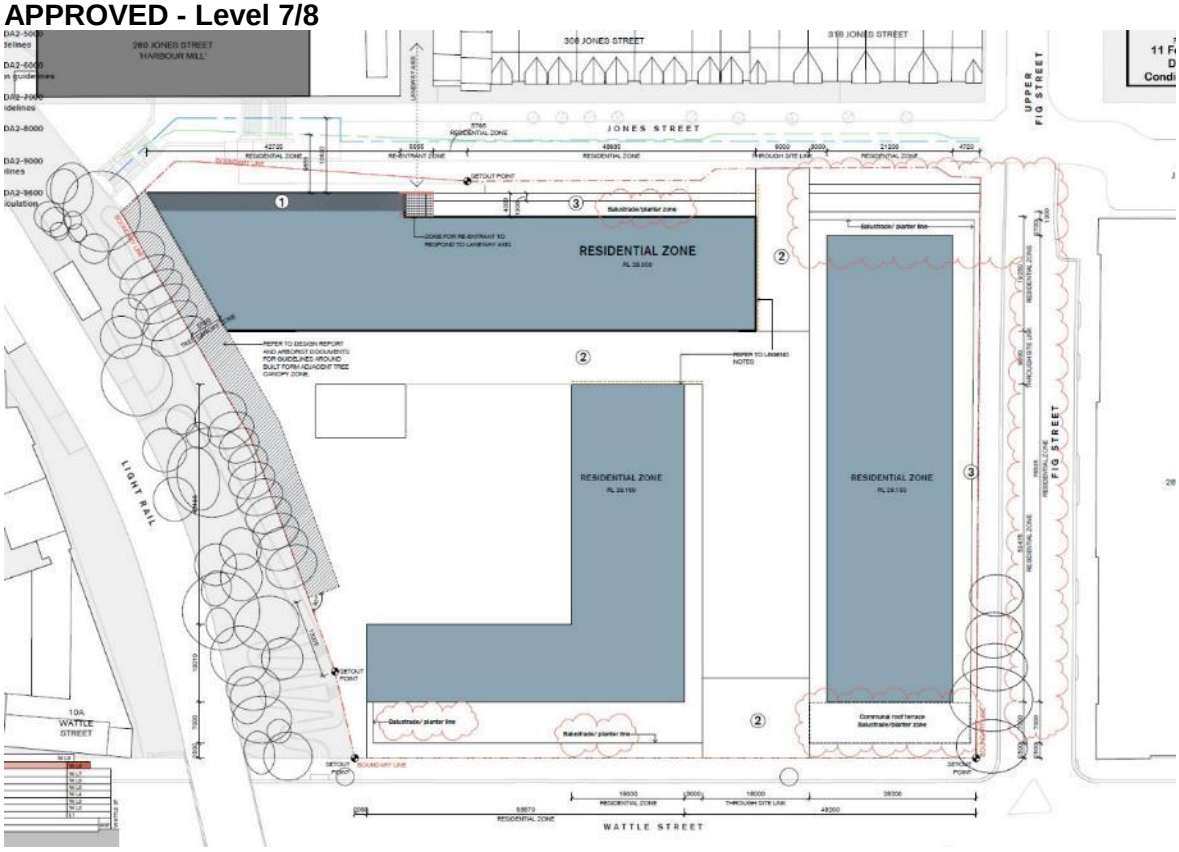


Figure 24: Envelope plans: Approved Level 6/7 and proposed Level 07/08

APPROVED - Level 7/8



PROPOSED - Level 08/09

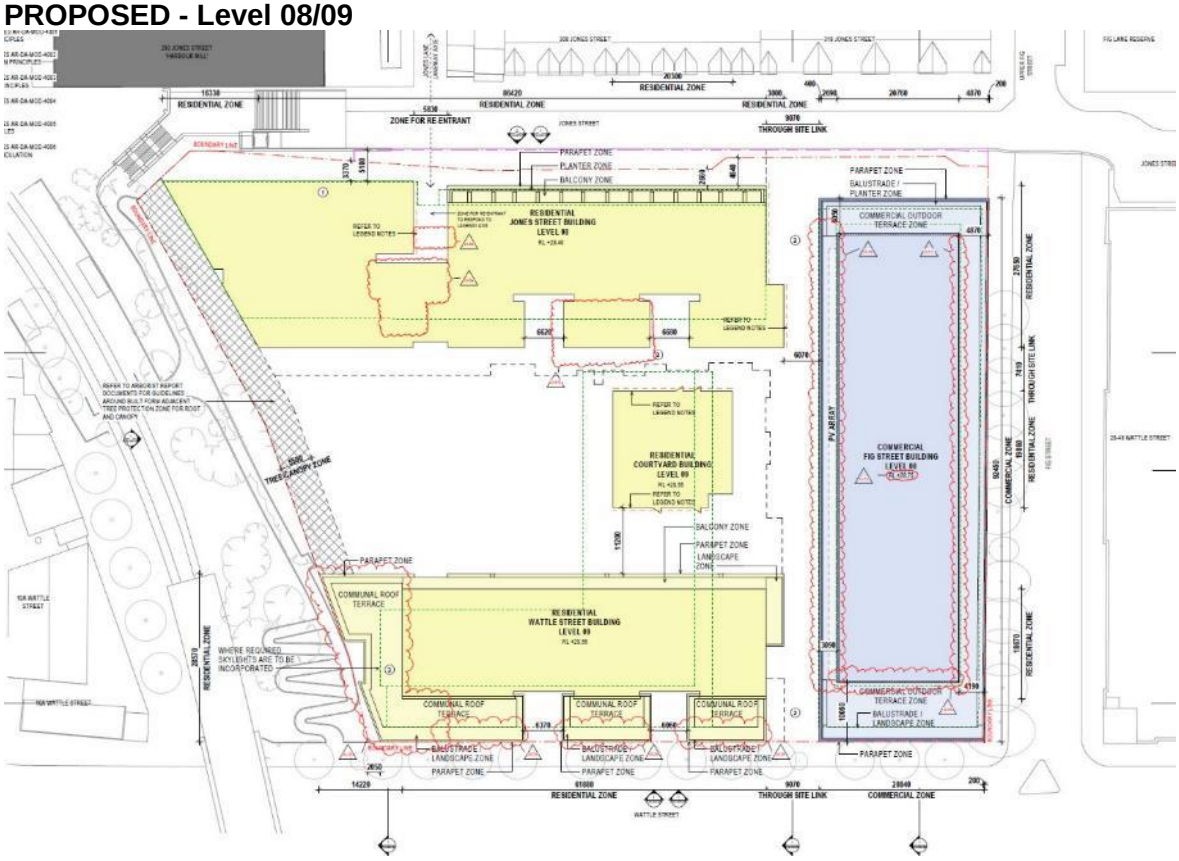
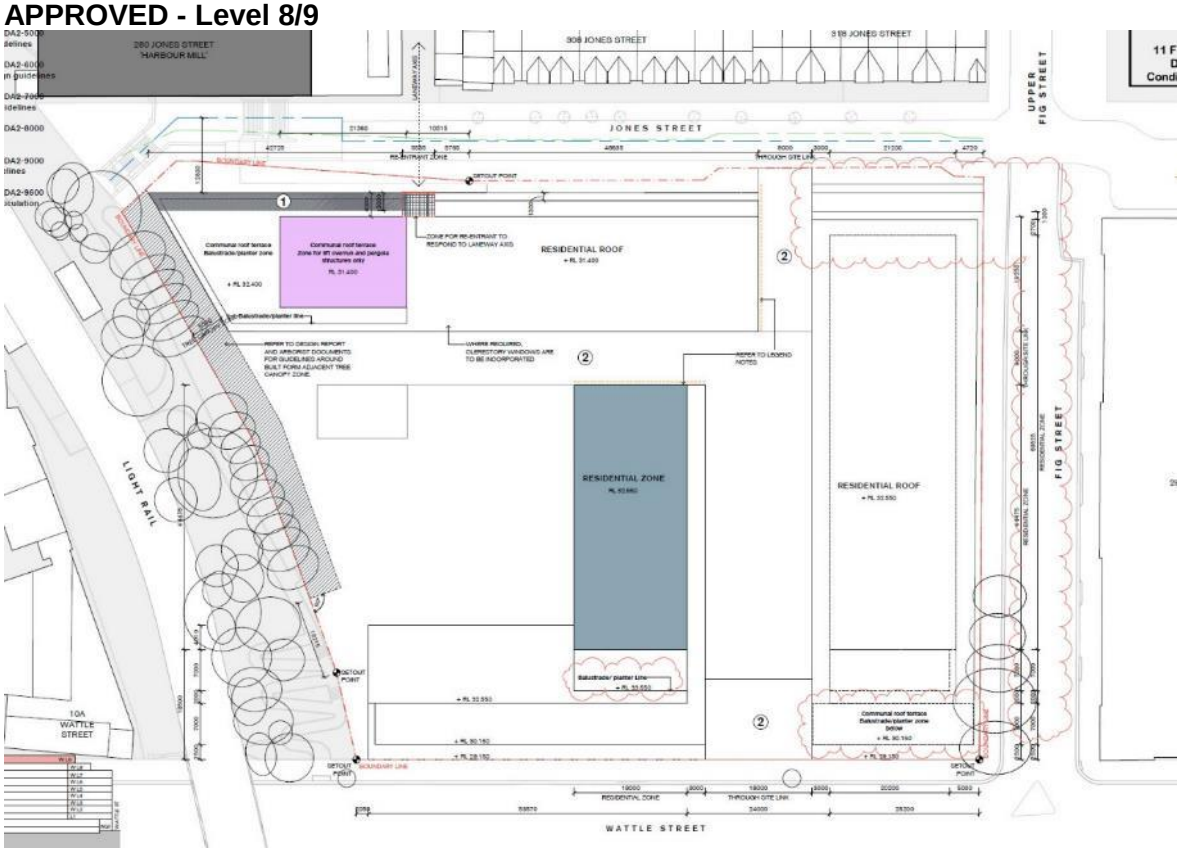


Figure 25: Envelope plans: Approved Level 7/8 and proposed Level 08/09

APPROVED - Level 8/9



PROPOSED - Level 09/10

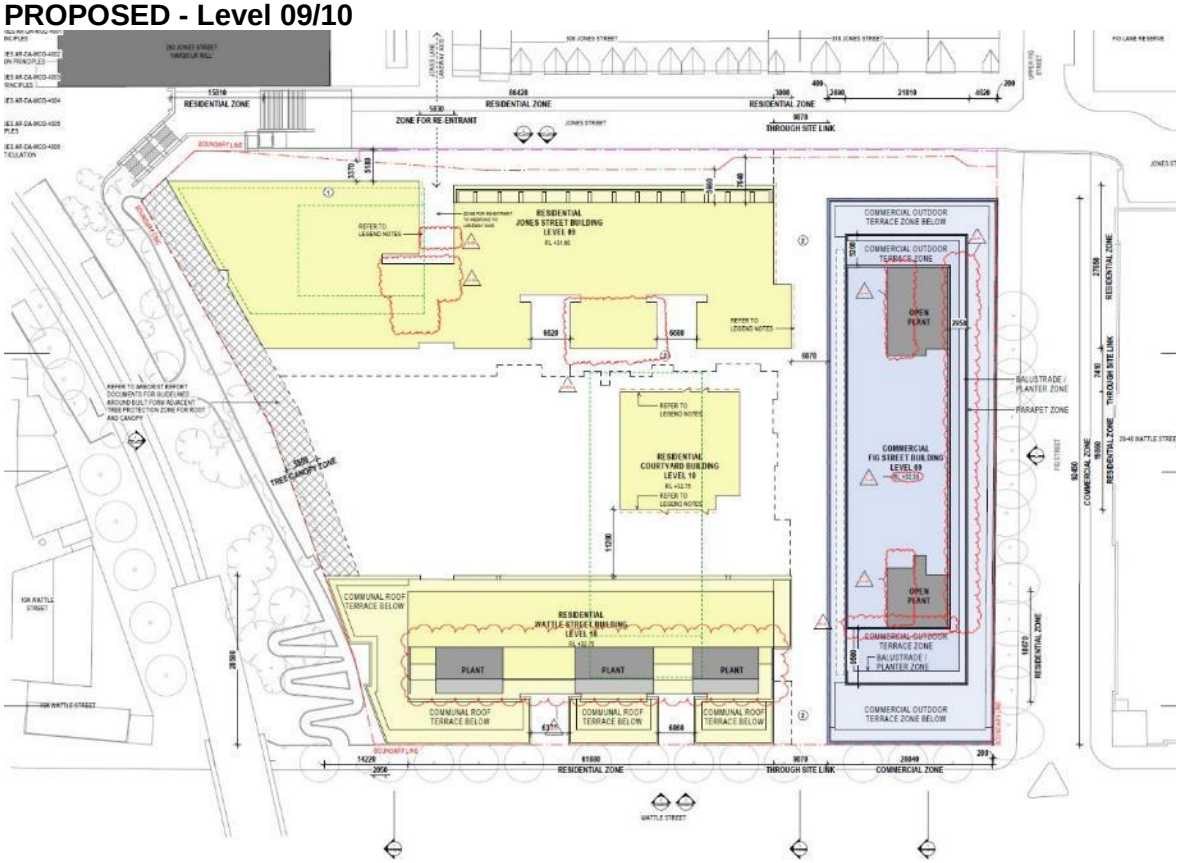
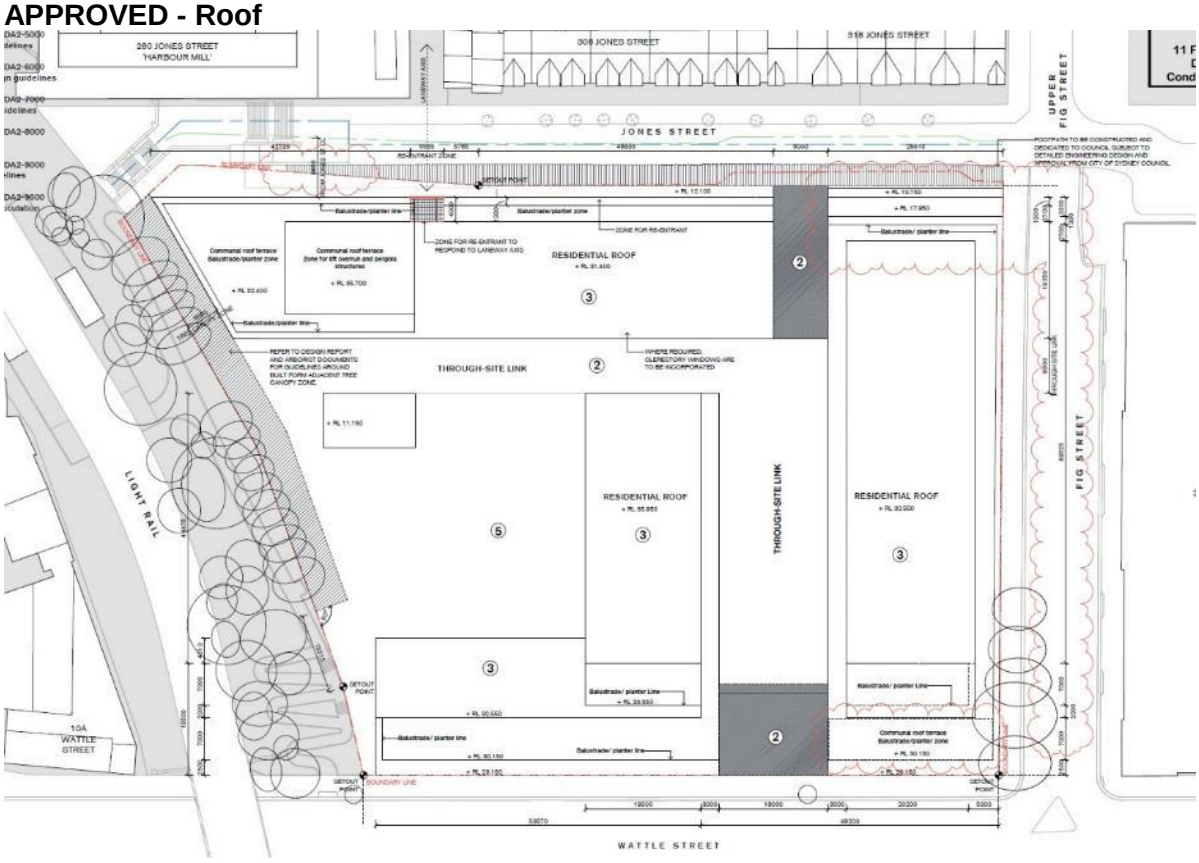


Figure 26: Envelope plans: Approved Level 8/9 and proposed Level 09/10

APPROVED - Roof



PRPOPOSED - Level 10/11

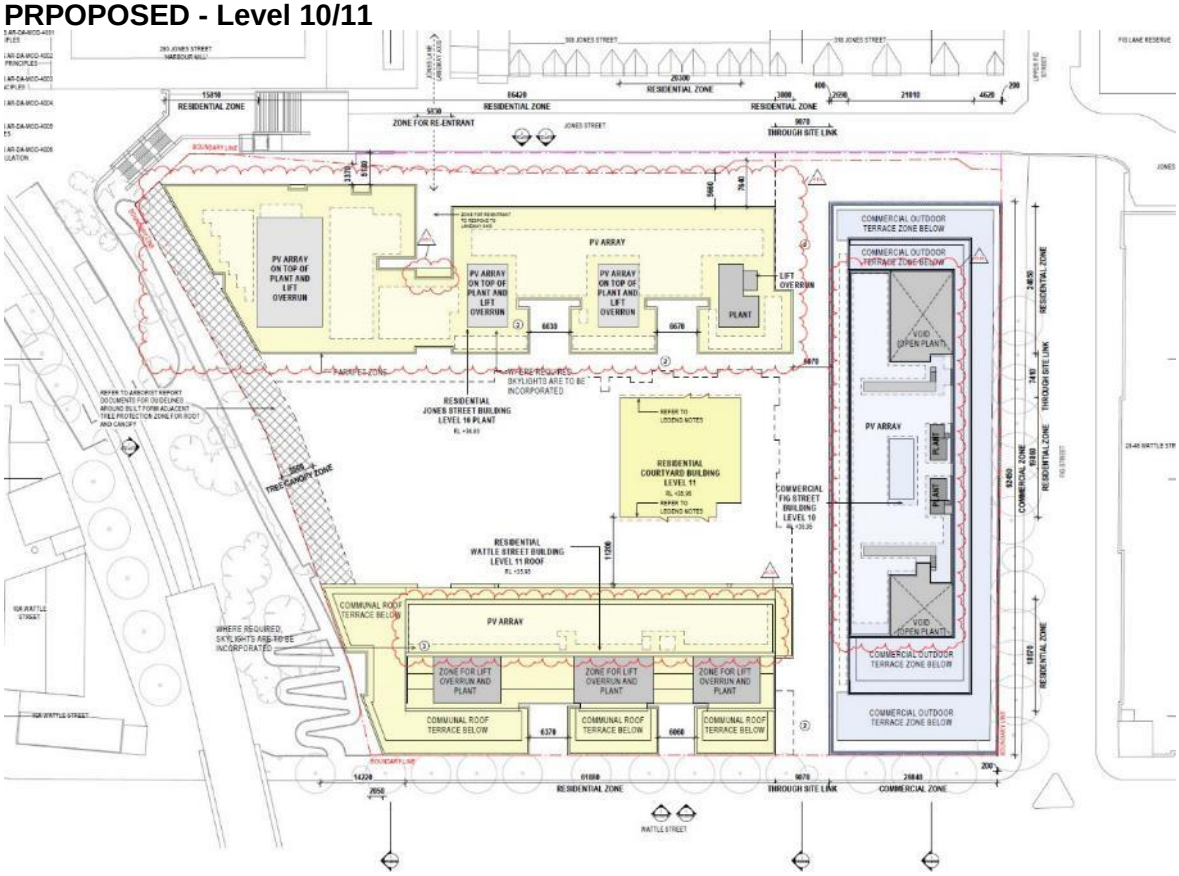


Figure 27: Envelope plans: Approved Roof and proposed Level 10/11

APPROVED - N/A

PROPOSED - Level 11/12

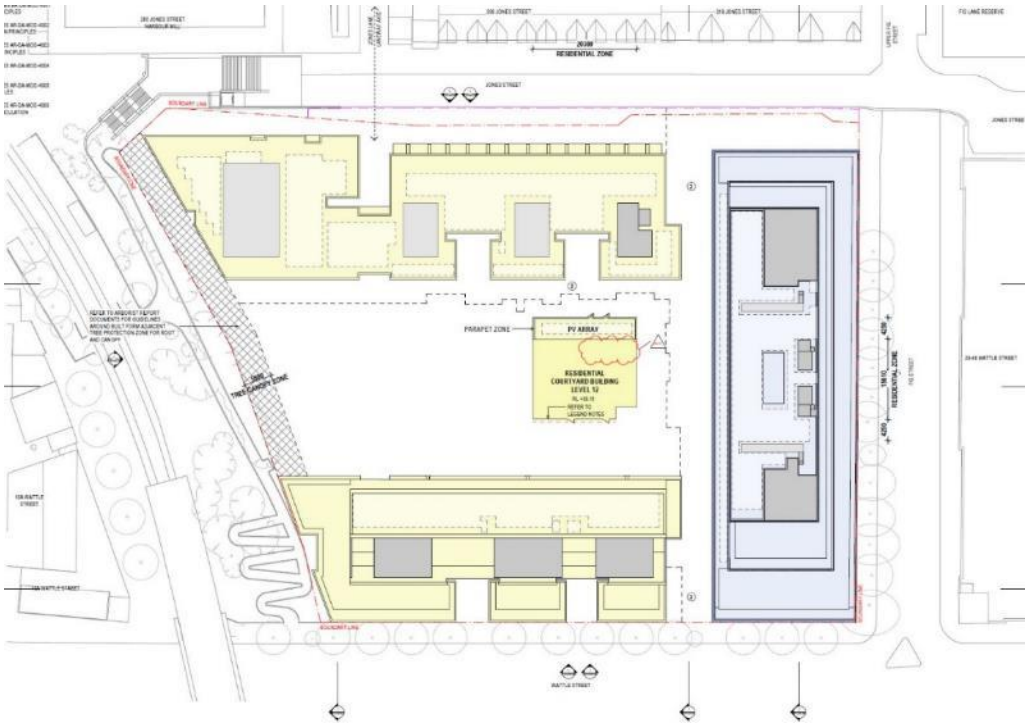


Figure 28: Envelope plans: Proposed Level 11/12

APPROVED - N/A

PROPOSED - Level 13

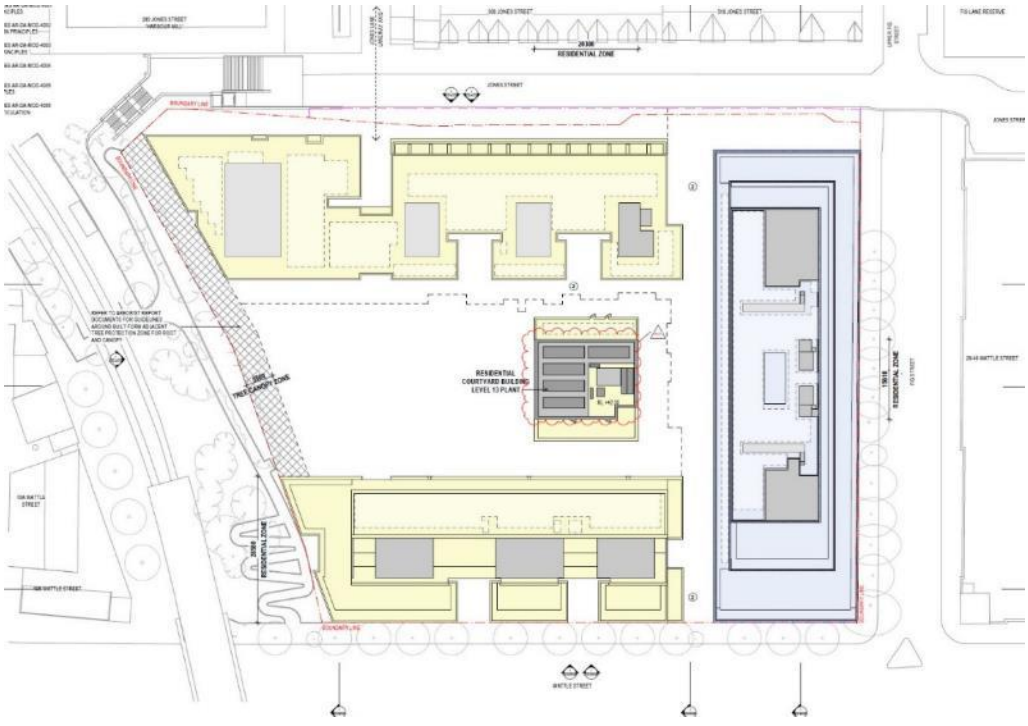


Figure 29: Envelope plans: Proposed Level 13

APPROVED - N/A

PROPOSED - Level 14 (Roof)

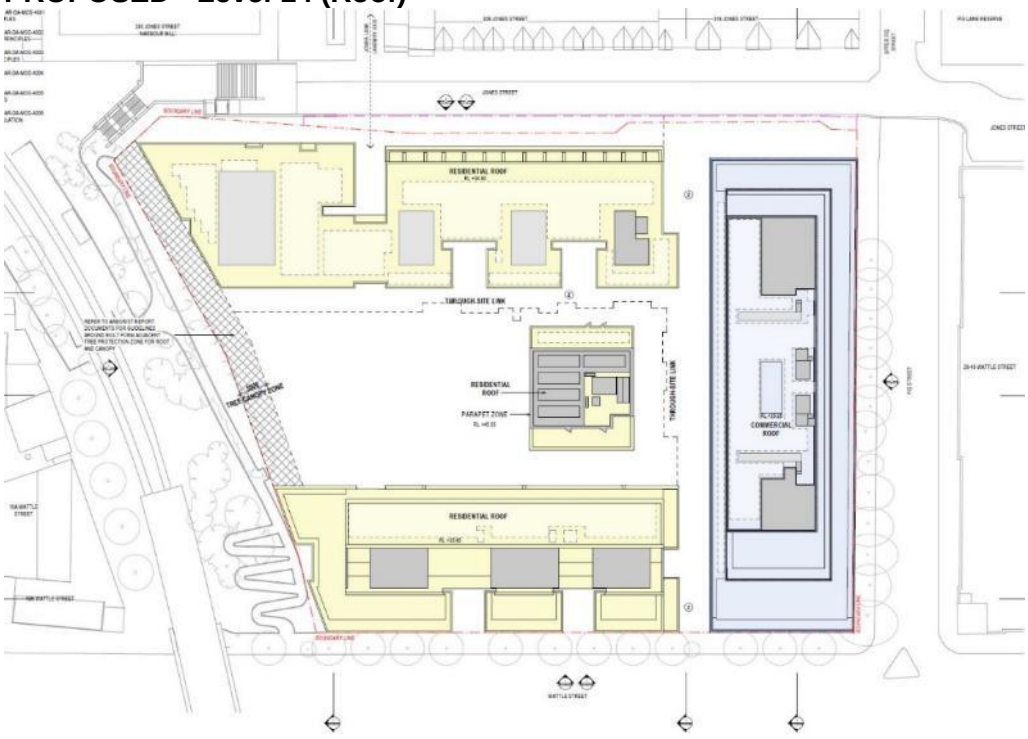
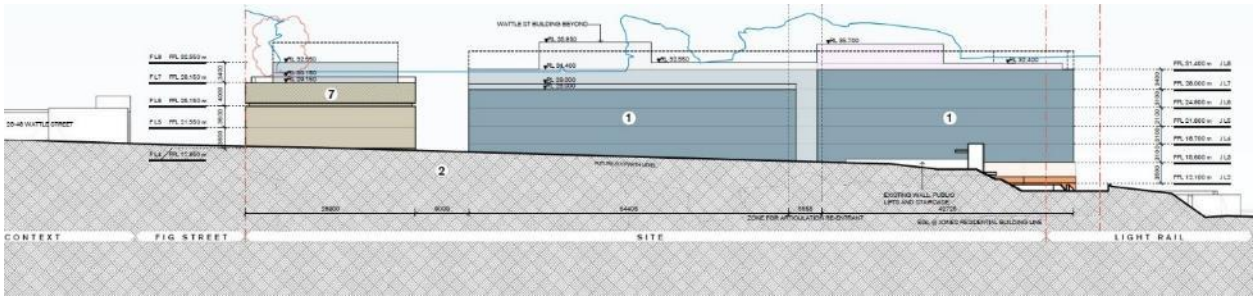


Figure 30: Envelope plans: Proposed Level 14 (Roof)

APPROVED - Jones Street Elevation



PROPOSED - Jones Street Elevation

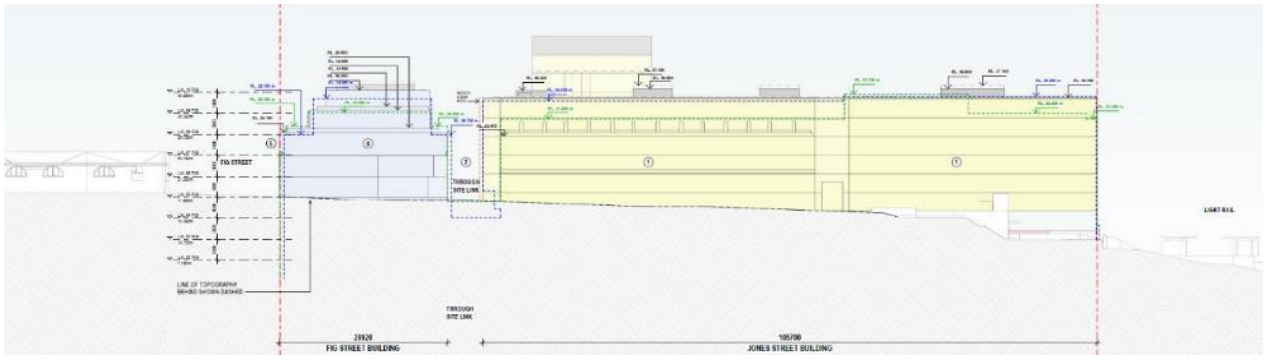
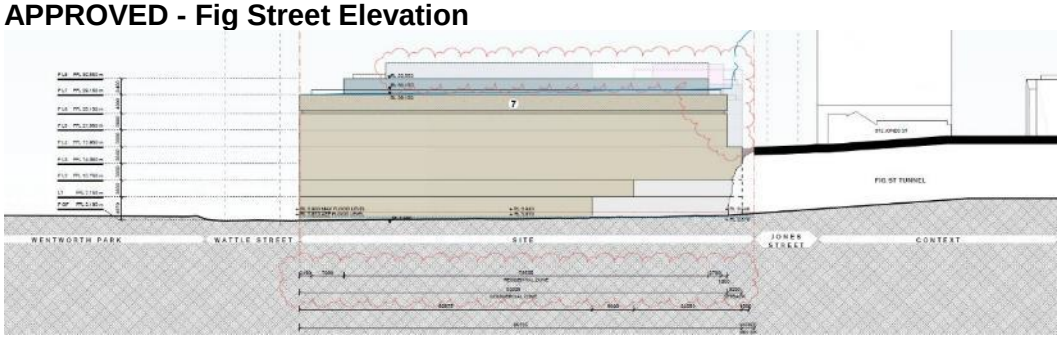


Figure 31: Envelope plans: Approved and proposed Jones Street Elevation

APPROVED - Fig Street Elevation



PROPOSED - Fig Street Elevation

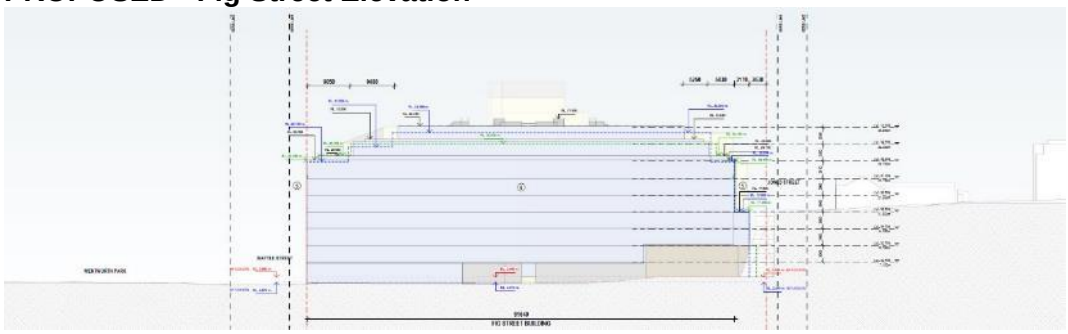
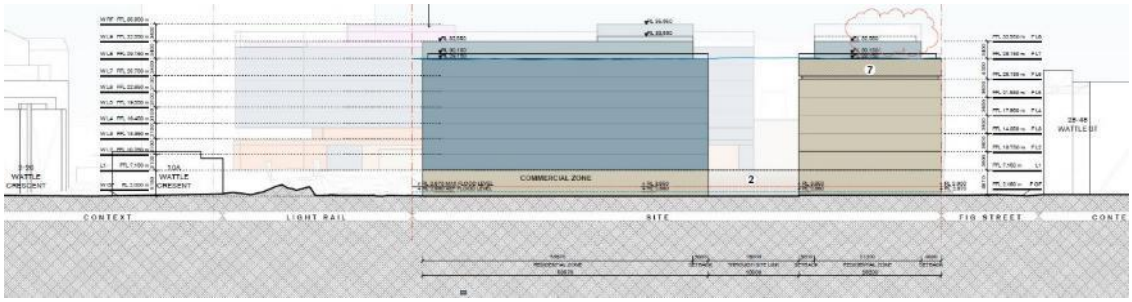


Figure 32: Envelope plans: Approved and proposed Fig Street Elevation

APPROVED - Wattle Street Elevation



PROPOSED - Wattle Street Elevation

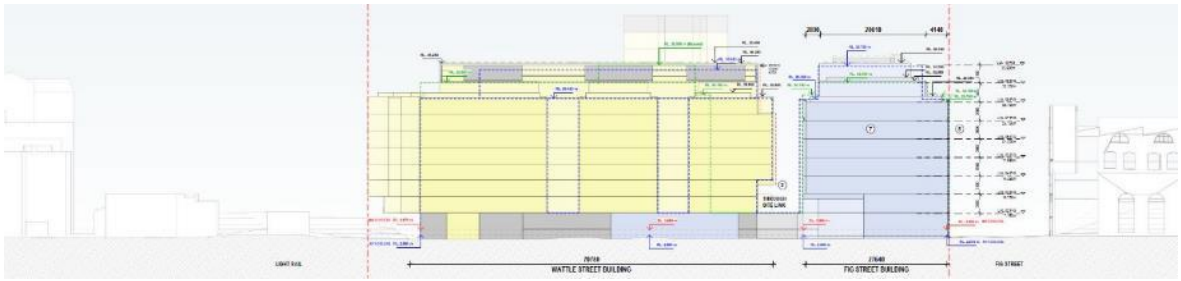
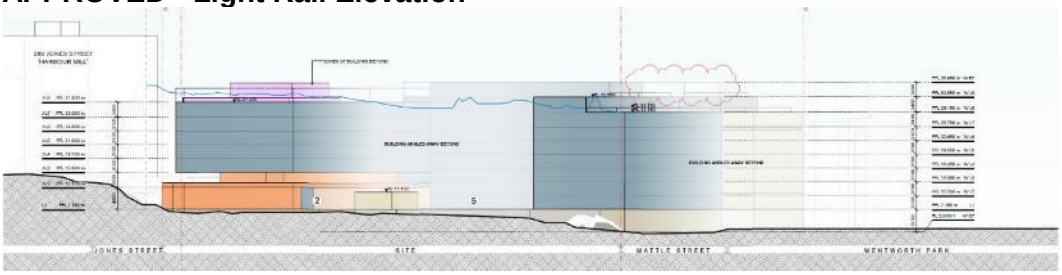


Figure 33: Envelope plans: Approved and proposed Wattle Street Elevation

APPROVED - Light Rail Elevation



PROPOSED - Light Rail Elevation

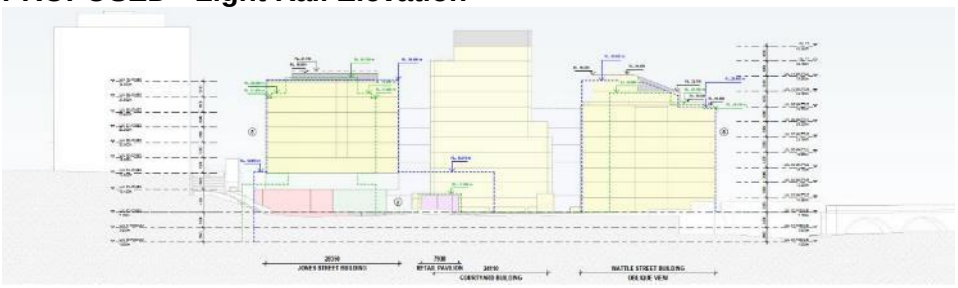


Figure 34: Envelope plans: Approved and proposed Light Rail Elevation

Threshold test

26. Consistent with Section 4.56(1)(a) of the EPA Act, the modified development is considered to be substantially the same as the development for which the consent was originally granted as the section 4.56 modification application, like the concept consent, would realise:

    (a) A mixed-use development accommodating residential uses, commercial uses, a recreation centre and a child care centre

    (b) Separate buildings surrounding a central courtyard and addressing Wattle Street, Fig Street, Jones Street and the light rail station and located above two levels of car parking

    (c) Vehicular access from Wattle Street (for cars) and Fig Street (for loading)

    (d) A north-south pedestrian through site link between Wattle Street and Jones Street (with additional east-west pedestrian connections proposed).

27. Proposed modifications primarily relate to building footprints, building separation and height and are proposed to generally align the concept consent with the winning scheme and the detailed design development application (D/2023/97).

28. The proposed modifications to the building envelopes are supported (subject to conditions) 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.

29. In accordance with Section 4.56(1A) of the EPA Act, the following sections provide:

    (a) An assessment of the section 4.56 modification application against the relevant provisions of Section 4.15(1) of the EPA Act

(b) A consideration of the reasons given by the consent authority for the grant of the concept consent(D/2019/649). A copy of the Land and Environment Court Judgment is provided at **Attachment C**.

Economic, Social and Environmental Assessment

Environmental Planning and Assessment Act, 1979

30. Besides the other matters discussed in this report, the previous assessment against the provisions of Section 4.15 of the EPA Act are still relevant.

SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land

31. 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.

32. The detailed design development application is accompanied by A Remedial Action Plan and a Data Gap Investigation prepared by JBS&G. Council's Health Unit is satisfied that, subject to conditions on the detailed design consent, the site can be made suitable for the proposed use.

SEPP No 65 - Design Quality of Residential Flat Development

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

34. The proposed/modified building envelopes have been assessed against the design principles of SEPP 65 and the objectives of the Apartment Design Guidelines (**ADG**).

35. It is considered that the proposed/modified building envelopes have the ability to achieve the nine design quality principles set out in Schedule 1 of the SEPP as explained below.

(a) Principle 1: Context and Neighbourhood Character

The proposed/modified building envelopes (subject to conditions) allow for a development that is contextually appropriate and consistent with the existing and desired future character of the area.

(b) Principle 2: Built Form and Scale

The proposed/modified envelopes (subject to conditions) are capable of providing a built form that has appropriate massing and scale. As detailed in the Discussion section, a reduction in the height of Building C - Courtyard is recommended to reduce the contravention from the Sydney LEP 2012 height standard and make the building envelopes more consistent with the built form and scale of the winning scheme.

(c) Principle 3: Density

The proposed/modified building envelopes allow for a development that can deliver a complying maximum floor space ratio (**FSR**) standard at clause 4.4 of Sydney LEP 2012.

(d) Principle 4: Sustainability

The detailed design development application complies with BASIX requirements and the sustainability conditions set out in the concept consent, demonstrating that sustainability targets can be met by the modified/proposed building envelopes.

(e) Principle 5: Landscape

The proposed/modified building envelopes allow for satisfactory landscaping in the central courtyard area and provide deep soil zones consistent with the concept consent.

(f) Principle 6: Amenity

The proposed/modified building envelopes can accommodate a development with a reasonable level of amenity for the future occupants of the development, as well as adjoining properties.

(g) Principle 7: Safety

The proposed/modified building envelopes allow for a development that can achieve the principles of Crime Prevention Though Environmental Design.

(h) Principle 8: Housing Diversity and Social Interaction

The proposed/modified building envelopes allow for a development that can provide a suitable mix of dwelling types.

(i) Principle 9: Aesthetics

The proposed/modified building envelopes (subject to conditions) are generally consistent with the design competition winning scheme, which was considered by the design competition jury as the entrant most capable of demonstrating design excellence.

36. The modified development (subject to conditions) is acceptable when assessed against the SEPP including the above principles and the associated ADG. These controls are generally replicated within the apartment design controls under the Sydney Development Control Plan 2012 (**Sydney DCP 2012**). Consequently compliance with the SEPP generally implies compliance with Council's own controls. An assessment against the relevant objectives of the ADG is provided below.

37. The proposed/modified building envelopes (subject to conditions) are considered acceptable and allow a development that can achieve a satisfactory standard of compliance with SEPP 65 and the objectives of the ADG as detailed below in **Table 1**.

Table 1: Assessment of compliance with the objective of the ADG

2E Building Depth	**Compliance**	**Comment**
12-18m (glass to glass)	No	Acceptable on merit. Building B - Jones Street (28m), Building C - Courtyard (20m) and Building D - Wattle Street (28m) exceed the ADG building depths. Deep recesses in the buildings (which were supported by the jury for the competitive design process) and the internal arrangement ensure that apartments receive adequate daylight, natural ventilation and natural cross ventilation.

2F Building Separation	**Compliance**	**Comment**
Up to four storeys (approximately 12 metres): • 12m between habitable rooms / balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms	Partial compliance	Acceptable on merit. Building separations between the following buildings do not achieve the ADG building separation controls: • Building D - Wattle Street and Courtyard Building (6.95m - 11.2m) • Building B - Jones Street and Building C - Courtyard (7.4m) • Building D - Wattle Street and Building E - Fig Street (6.95m) • Building B - Jones Street and Building E - Fig Street (6.07m) It is considered the development can provide for an acceptable level of privacy for future occupants and adjoining properties. See Discussion section.

2F Building Separation	Compliance	Comment
Five to eight storeys (approximately 25 metres): • 18m between habitable rooms / balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms	No	See above
Nine storeys and above (over 25m): • 24m between habitable rooms / balconies • 18m between habitable and non-habitable rooms • 12m between non-habitable rooms	No	See above

3D Communal and Public Open Space	Compliance	Comment
Communal open space has a minimum area equal to 25% of the site.	Yes	**Applicant's calculation**: 4,249m² (34.7%) including private communal and public communal open space **Council's Landscape Assessment Officer calculation**: 2,843m² (23%) of uncovered common open space is proposed including a communal roof terraces on Building B - Jones Street, Building C - Courtyard and Building D - Wattle Street. See Discussion section.
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).	Yes	A good standard of solar access to the required communal open space is provided as >50% of the principal usable part of the communal open space will receive a minimum of 2 hours between 9am and 3pm on 21 June.

3E Deep Soil Zones	Compliance	Comment
Deep soil zones are to have a minimum area equivalent to 7% of the site and have a minimum dimension of 6m	Yes	Deep soil zones with a total area of 876m² (7% of the total site area) are provided across the site. Most deep soil is provided in a centralised area at the northern end of the site adjoining the Wentworth Park Light Rail Station and trees to be retained along the common boundary. Supplementary deep soil zones are provided in the north-east corner of the site, adjoining the Wentworth Park Light Rail Station and near the stairs up to Jones Street.

3F Visual Privacy	Compliance	Comment
Up to four storeys (12 metres): • 6m between habitable rooms / balconies • 3m between non-habitable rooms	No	See 2F above
Five to eight storeys (25 metres): • 9m between habitable rooms / balconies • 4.5m between non-habitable rooms	No	See 2F above
Nine storeys and above (over 25m): • 12m between habitable rooms / balconies • 6m between non-habitable rooms	No	See 2F above

4A Solar and Daylight Access	Compliance	Comment
70% of units to receive a minimum of 2 hours of direct sunlight in midwinter to living rooms and private open spaces.	Partial compliance	The amended/proposed envelope plans are capable of accommodating a development that complies with the ADG solar access design criteria. The detailed design development application shows that a total of 164 of 237 of apartments (69.1%) achieve a minimum two hours solar access to private open space in mid-winter. The minor shortfall (two apartments) is considered to be reasonable noting that all apartments receive some direct sunlight. Solar access is addressed in detail in the assessment report on the detailed design development application assessment report.
Maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at midwinter.	Yes	All apartments would receive some direct sunlight.

4B Natural Ventilation	Compliance	Comment
Minimum 60% of apartments in the first nine (9) storeys of the building are naturally cross ventilated.	No	Acceptable on merit Due to heavy traffic surrounding the site, natural ventilation cannot be achieved for many the apartments without exceeding acoustic requirements. Where there is an exceedance of the internal noise level criteria with windows open, an alternative means of ventilation is required in accordance with the NCC (acoustic plenum). Ventilated skylights and ventilation ducts have also been utilised to further enhance natural ventilation performance. Natural cross ventilation is addressed in detail in the detailed design development application assessment report.

4B Natural Ventilation	Compliance	Comment
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	No	See 2E above.

4C Ceiling Heights	Compliance	Comment
Habitable rooms: 2.7m	Yes	Residential floor to floor heights have been increased from 3.1m (concept consent) to 3.2m to comply with this design criteria.
Non-habitable rooms: 2.4m	Yes	As above

SEPP (Transport and infrastructure) 2021 – Chapter 3 Educational Establishments and Child Care Facilities

38. The proposed centre based child care facility is subject to the provisions of the above SEPP. Compliance with the relevant provisions is set out in the detailed design development application assessment report.

SEPP (Transport and Infrastructure) 2021 - Chapter 2 Infrastructure

39. The section 4.56 modification application and development application were referred to AUSGRID and Transport for NSW (formerly known as Roads and Maritime Services). The proposed modifications do not change the agency conditions on the concept consent (and agency conditions are included in the development application recommended conditions of consent).

Sydney Local Environmental Plan 2012

40. Almost all of the site is located in Zone MU1 Mixed Use Zone. Uses permitted with consent in Zone MU1 include centre-based child care facilities, commercial premises, community facilities, recreation facilities (indoor), residential flat buildings and shop top housing. The proposed uses are permitted with development consent.

41. A small part of the Jones Street road reserve (to be acquired by the applicant and included in the site area) is in Zone RE1 (20m²). The proposed buildings are not located on land in Zone RE1.

42. With a maximum height of 42.46m (to the top of Building C - Courtyard), the section 4.56 modification application contravenes the 27m height standard (clause 4.3) by up to 15.46m (+57%) and the 29.7m design excellence height (clause 6.21D) by up to 12.76m (+43%). The numerical compliance of the section 4.56 modification application with the height standards is summarised in **Table 2** (which was prepared by the applicant's planning consultant, Gyde). The height contravention is discussed in the Discussion section below.

43. With a proposed FSR of 3.88:1 (based on a gross floor area of 47,954m² and a site area of 12,361 m² being the site area of land in Zone MU1), the detailed design development application demonstrates that the proposed/modified building envelope can accommodate a development with a FSR of less than 4:1 (being the FSR standard at clause 4.4 of Sydney LEP 2012).

44. It is considered that the proposed/modified envelope (subject to conditions) is capable of accommodating a development that achieves design excellence, consistent with clause 6.21C of Sydney LEP 2012.

45. Sydney LEP 2012 clause 6.18 specifies a sun access plane which provides that “development consent” must not be granted to buildings causing additional overshadowing of Wentworth Park between 10am - 2pm at any time of the year. Relevant to the section 4.56 modification application (D/2019/649/B), the EPA Act s. 4.56(1C) states that:

> "(1C) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified."

46. Noting s. 4.56(1C) of the EPA Act, the Wentworth Park sun access plane at clause 6.18 of Sydney LEP 2012 does not apply to the section 4.56 modification application as the modification of a development consent is not to be taken as the granting of development consent.

47. The sun access plane at clause 6.18 of Sydney LEP 2012 is not applicable to the detailed design development application (D/2023/97) as cl. 1.8A(7) of Sydney LEP 2012 specifies a relevant savings provision. The savings provision provides that a development application made, but not finally determined, before the commencement of SEPP Amendment (Blackwattle Bay Precinct) 2022 (made on 9 June 2023) must be determined as if that Policy had not commenced. The detailed design development application was made on 16 February 2023 well before the SEPP Amendment (Blackwattle Bay Precinct) 2022 was made.

48. The section 4.56 modification application does not alter the compliance of the development with other relevant provisions in Sydney LEP 2012.

Table 2: Proposed heights assessment of compliance (prepared by Gyde)

BUILDING NAME	PROPOSED MAXIMUM BUILDING HEIGHT IN SUBJECT STAGE 2 DA	NUMERCIAL EXCEEDANCE OF MAXIMUM BUILDING HEIGHT	NUMERCIAL EXCEEDANCE OF MAXIMUM BUILDING HEIGHT + BONUS	EXTENT OF THE VARIATION (%)
Building B (Jones Street)	30.78 metres (RL37.10) at the PV cells on the northern part of the roof **to** 33.78 metres (RL37.10) at the PV cells in the mid area of the roof	3.78 metres at the PV cells on the northern area of the roof **to** 6.78 metres at the PV cells in the mid area of the roof	1.08 metres at the PV cells on the northern area of the roof to 4.08 metres at the PV cells in the mid area of the roof	**LEP height limit**: 14-25% **LEP + design excellence (DE) bonus**: 4- 14%.
Building C (Courtyard)	42.37 metres (RL45.55) at the southern rooftop plant **to** 42.46 metres (RL45.55) at the northern rooftop plant	15.37 metres at the southern rooftop plant **to** 15.46 metres at the northern rooftop plant	12.67 metres at the southern rooftop plant **to** 12.76 metres at the northern rooftop plant	**LEP height limit**: 57% **LEP + DE bonus**: 43%.
Building D (Wattle Street)	33.36 metres (RL36.45) **to** 33.95 metres (RL36.45) at the PV cells at the middle of the roof	6.36 metres **to** 6.95 metres at the PV cells at the middle of the roof	3.66 metres **to** 4.25 metres at the middle of the roof	**LEP height limit**: 24-26% **LEP + DE bonus**: 12-14%.
Building E (Fig Street)	34.87 metres (RL37.95) **to** 35.14 metres (RL37.95) at the PV cells on the mid-southern roof	7.87 metres **to** 8.14 metres at the PV cells on the mid-southern roof	5.17 metres to 5.44 metres at the PV cells on the mid-southern roof	**LEP height limit**: 29-30% **LEP + DE bonus**: 17-18%.

Development Control Plans

Sydney Development Control Plan 2012

49. The section 4.56 modification application does not alter the compliance of the development with Sydney DCP 2012.

Discussion

Building envelope modifications and building height contravention

50. Sydney LEP 2012 prescribes the following height of buildings provisions for the site:

    (a) Clause 4.3: 27m

    (b) Clause 6.21D: 29.7m (being 27m plus up to 10% design excellence height).

51. **Table 3** assesses the compliance of the concept consent and the section 4.56 modification application (and the concurrently lodged development application) with these height provisions, aligning the relevant buildings and elements (as much as possible). It shows the following maximum heights and height non-compliances (which occur at the centre of the site):

    (a) **Concept consent**: Maximum height of 33.08m which exceeds the 27m clause 4.3 height standard by 6.08m (+22%) and exceeds the 29.7m height permitted by clause 6.21D height by 3.38m (+11%)

    (b) **Section 4.56 modification application**: Maximum height of 42.46m which exceeds the 27m clause 4.3 height standard by 15.46m (+57%) and exceeds the 29.7m height permitted by clause 6.21D height by 12.76m (+43%).

52. **Figures 35** and **36** illustrate the height non-compliances of the concept consent and section 4.56 modification application (noting the name of each building). The winning scheme also exceeded the 29.7m height permitted by clause 6.21D height (see **Figure 37**).

Table 3: Height assessment - Concept consent approved and Section 4.56 modification application and development application proposed

Building name	Concept Consent - Height approved				Section 4.56 modification application/ development application - Height proposed		
	Height approved	Exceedance of 27m (cl. 4.3 of SLEP 2012)	Exceedance of 29.7m (cl. 6.21D of SLEP 2012)	Allowance for up to 10% additional height shown on plans	Height proposed	Exceedance of 27m (cl. 4.3 of SLEP 2012)	Exceedance of 29.7m (cl. 6.21D of SLEP 2012)
Building B - Jones Street	27.5m to residential roof	0.5m (+2%)	-	YES	30.9m to residential roof	3.09m (+14%)	1.2m (+4%)
	28.5m to balustrades	1.5m (+6%)	-	YES	33.78m to PV cells centre	6.78m (+25%)	4.08m (+14%)
	31.8m to lift overrun roof and pergola north	4.8m (+18%)	2.1m (+7%)	NO	30.78m to PV cells north	3.78m (+14%)	1.08m (+4%)
Building C - Courtyard	33.08m to plant at centre of site	6.08m (+22%)	3.38m (+11%)	NO	42.46m to plant	15.46m (+57%)	12.76m (+43%)
Building D - Wattle Street	29.65m (approx) to setback level	2.65m (+10%)	-	NO	33.95m to PV cells	6.95m (+26%)	4.25m (+14%)
Building E - Fig Street	30.55m to setback residential level	3.55m (+13%)	0.85m (+3%)	YES	35.14m to plant	8.14m (30%)	5.44m (+18%)

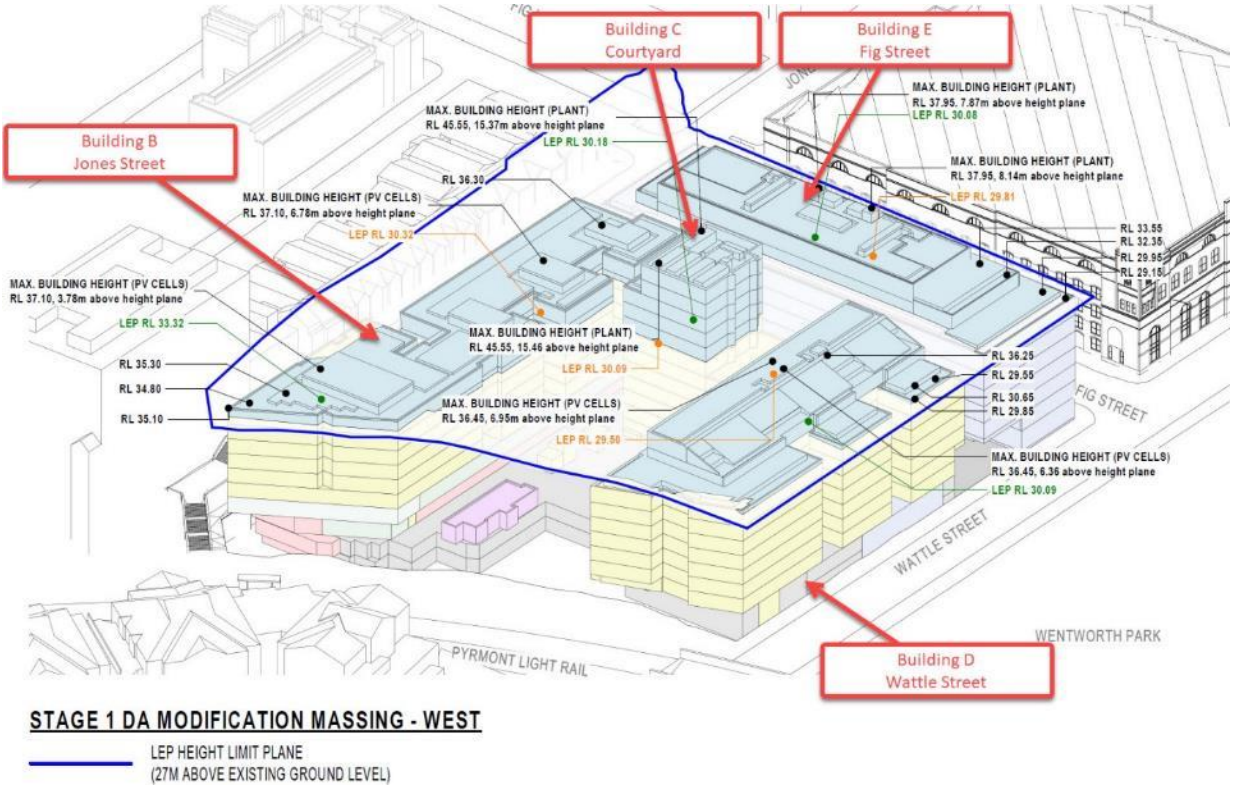


Figure 35: Section 4.56 modification application: Isometric drawing showing non-compliance with the **27m height standard** permitted by clause 4.3 of Sydney LEP 2012 (western view)

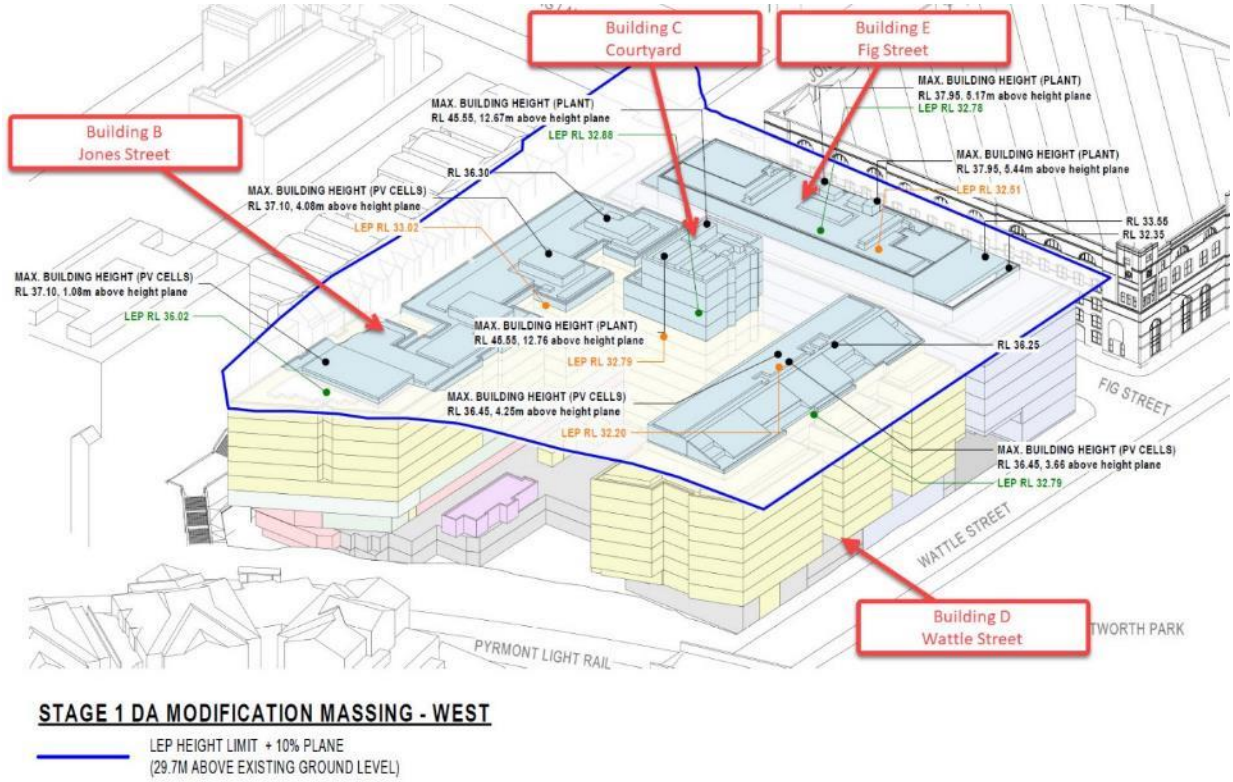


Figure 36: Section 4.56 modification application: Isometric drawing showing non-compliance with the **29.7m** height permitted by clause 6.21D of Sydney LEP 2012 (western view)

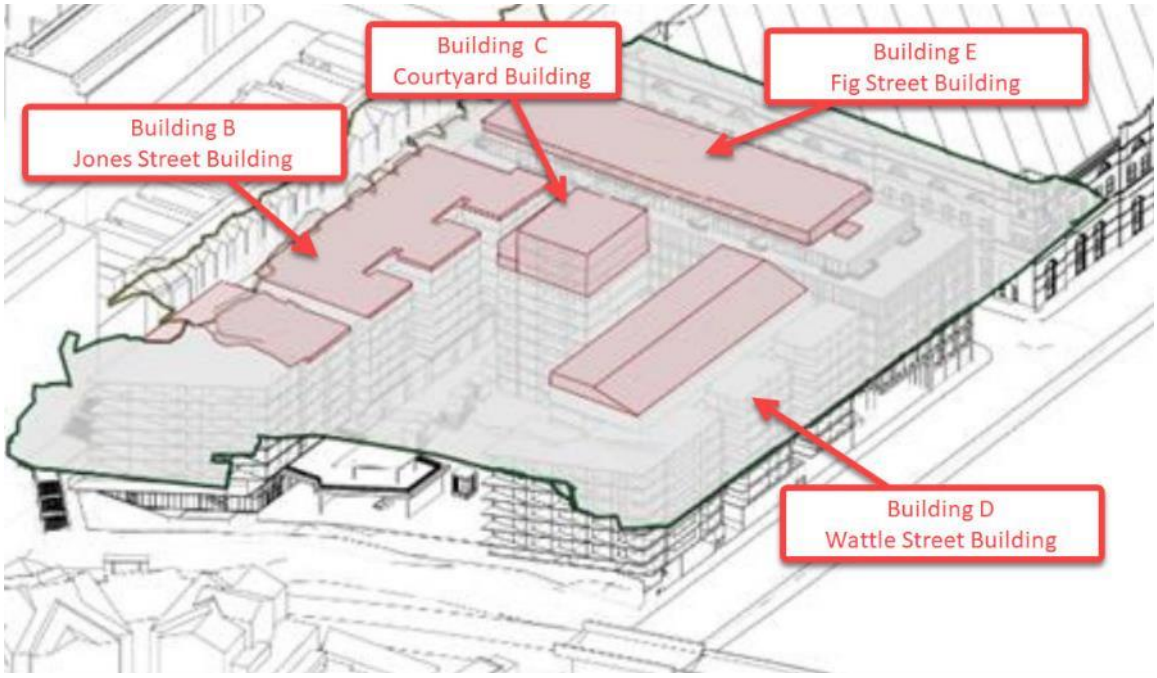


Figure 37: Winning scheme: Isometric drawing showing non-compliance of the winning scheme with the **29.7m** height permitted by clause 6.21D of Sydney LEP 2012 (western view)

53. With a FSR of 3.88:1 (based on a gross floor area of 47,954m² and a site area of 12,361 m² being the site area of land in Zone MU1), the detailed design development application demonstrates that the proposed/modified building envelope accommodates a development with a FSR of less than 4:1 (being the FSR standard at clause 4.4 of Sydney LEP 2012). Given this, the additional height does not result in an overdevelopment of the site.

54. The proposed modifications to the building envelopes (including the increase in height) for each building are discussed below:

(a) Building B - Jones Street

(i) The concept consent specifies maximum RLs for Building B - Jones Street which equate to five storeys (residential) above Jones Street. As shown by **Table 3**, the consent envelope plans for Building B - Jones Street generally complied with the 27m height standard (except for balustrades and an approved zone for plant, balustrades and lift overruns). As noted in **Table 3**, the concept consent conditions provide for up to 10% uplift in building height on most of Building B - Jones Street (other than the zone for plant, balustrades and lift overruns).

(ii) The section 4.56 modification application proposes six storeys (residential) above Jones Street for Building B - Jones Street (see **Figure 38**).

(iii) The proposed/modified envelope for Building B - Jones Street exceeds the 27m height standard height permitted by clause 4.3 of Sydney LEP 2012 by up 6.78m (+25%). The proposed height above 27m is illustrated in section on **Figure 39**.

(iv) The proposed/modified envelope for Building B - Jones Street exceeds the 29.7m permitted by clause 6.21D of Sydney LEP 2012 by up to 4.08m (+14%). Measured to the residential roof, the Jones Building exceeds the 29.7m permitted by clause 6.21D of Sydney LEP 2012 by 1.2m (+4%). The proposed height above 29.7m is illustrated in section on **Figure 40**.

(v) The proposed building height for Building B - Jones Street is considered to be satisfactory for the following reasons:

(i) At the site frontage to Jones Street, the proposed building envelope complies with the 27m height standard (see **Figures 38**, **39** and **40**).

(ii) The proposed building envelope provides a transition between the nearby Jones Street terrace house group (1 storey) and the Harbour Mill Apartments (4-10 storeys), consistent with the concept consent.

(iii) The proposed/modified building envelope is generally consistent with the winning scheme. The increase in height above the concept consent and winning is largely attributable to an increase in the residential floor to floor heights (from 3.1 metres to 3.2 metres in accordance with the Design and Building Practitioners Act 2020) which is considered to be reasonable.

(iv) The applicant has submitted a solar impact analysis (included at **Attachment B**) assessing the overshadowing impact of the proposed/modified envelopes highlighting the additional shadow cast by the modification application beyond the building envelopes approved by the concept consent. The analysis shows that the additional height on Building B - Jones Street will overshadow the roadway of Jones Street and for a short time and the front yard of several Jones Street terraces (29m² at 3pm in midwinter, Labelled with an "E" on **Figure 41**). An assessment of compliance with the relevant solar access controls in Sydney DCP 2012 follows:

i. Sydney DCP 2012 s. 4.1.3.1 Solar access states that neighbouring dwellings are to achieve a minimum of 2 hours direct sunlight between 9am and 3pm on 21 June onto at least 1m² of living room windows and at least 50% of the minimum amount of private open space. As the increase in height to Building B - Jones Street would not cast any additional shadow onto any living room windows, the east facing private open space at the rear of the Jones Street terraces or the Harbour Mill Apartments, the modified development complies with this solar access control.

ii. Sydney DCP 2012 s. 3.1.4 Public open space states that 50% of the total area of a park is to receive sunlight for 4 hours from 9am to 3pm on 21 June. As the increase in height to Building B - Jones Street would not overshadow Fig Street Park or Wentworth Park, the modified development complies with this solar access control.

(v) Compared with the building envelope plans approved by the concept consent and a compliant building height, the additional height for Building B - Jones Street proposed by the section 4.56 modification application would have a negligible impact on outlook from the communal open space and dwellings in the Harbour Mill Apartments and the terrace houses on Jones Street.

(vi) An increase to the width of Building B - Jones Street is proposed. Deep recesses in the proposed/modified envelopes and the internal arrangement proposed by the detailed design development application ensure that apartments receive adequate daylight, natural ventilation and natural cross ventilation.

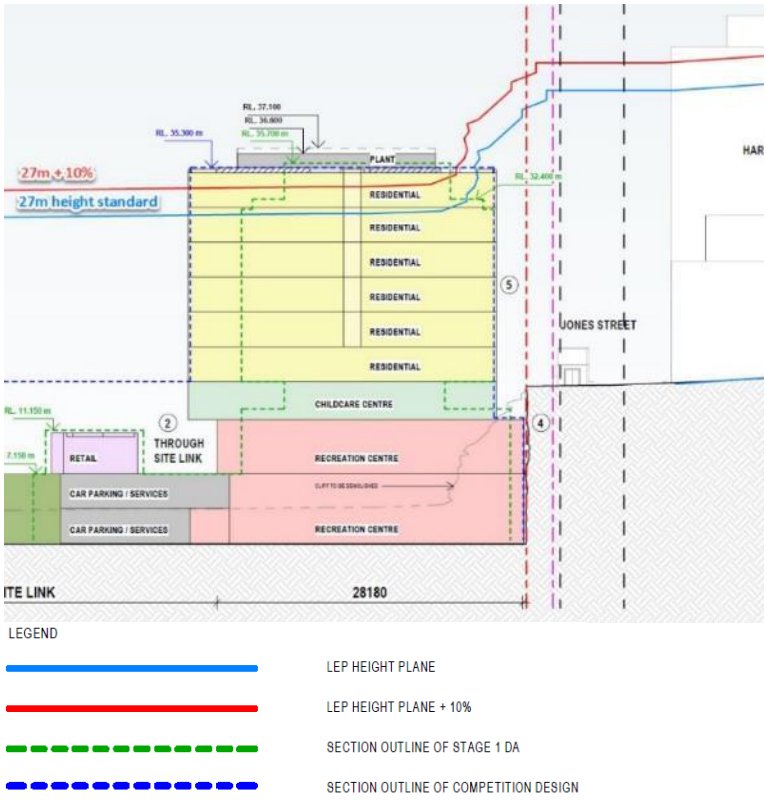


Figure 38: Building B - Jones Street Section: Proposed/modified building envelope

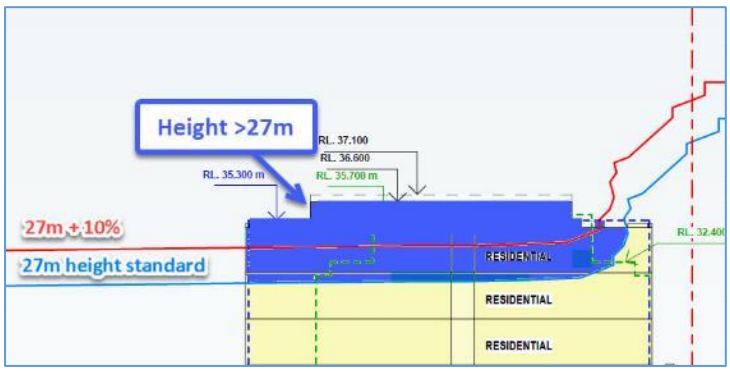


Figure 39: Building B - Jones Street Section Detail: Height >27m (Sydney LEP 2012, clause 4.3)

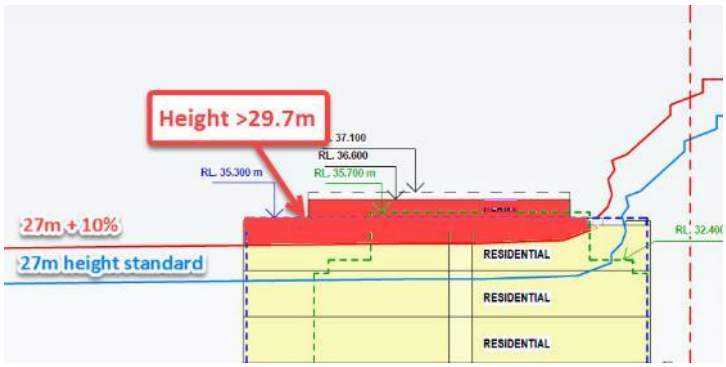
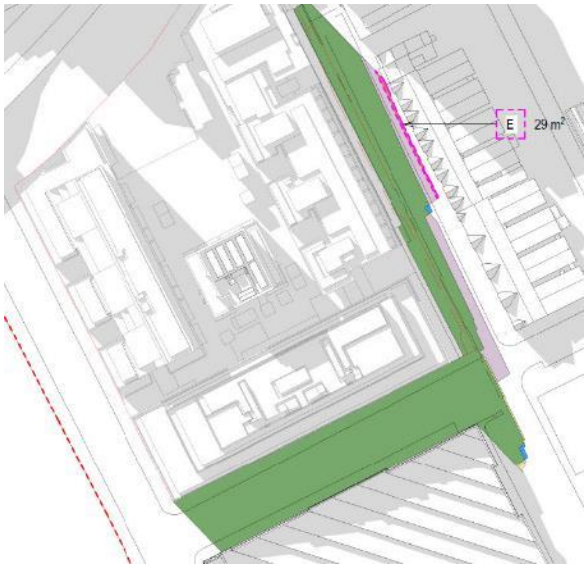


Figure 40: Building B - Jones Street Section Detail: Height >29.7m (Sydney LEP 2012, clause 6.21D)



E SHADOW CASTED IN THE FRONT YARD OF EXISTING JONES ST TERRACE HOUSE

STAGE 1 DA APPROVED (WITHOUT EXTRA 10% HEIGHT)

STAGE 2 DA AMENDED - FIG ST BUILDING

STAGE 2 DA AMENDED - WATTLE ST BUILDING

STAGE 2 DA AMENDED - JOHN ST BUILDING

STAGE 2 DA AMENDED - COURTYARD BUILDING

AREA OF SHADOWING REDUCED COMPARED TO STAGE 1 DA APPROVED



21ST JUNE, 3PM SHADOW



SATELLITE IMAGE



Figure 41: Building B - Jones Street: Shadow diagram at 3pm in midwinter

(b) Building C - Courtyard

(i) The concept consent approved an "L" shaped Wattle Street Building (see (see **Figures 14** and **15**). The section 4.56 modification application splits the approved "L" shaped envelope into Building D - Wattle Building (considered below) and Building C - Courtyard (considered here).

(ii) At the centre of the site, the concept consent specifies maximum RLs that equate to nine storeys (residential). As shown by **Table 3**, the concept consent envelope plans for Building C - Courtyard exceeded the 27m height standard by 6.08m (+22%). As noted in **Table 3**, the concept consent conditions provide that this envelope is not eligible for up to 10% additional design excellence height.

(iii) The proposed/modified envelope for Building C - Courtyard exceeds the 27m height standard height permitted by clause 4.3 of Sydney LEP 2012 by up 15.46m (+57%). The proposed height above 27m is illustrated in section on **Figures 42** and **43**.

(iv) The proposed/modified envelope for Building C - Courtyard exceeds the 29.7m permitted by clause 6.21D of Sydney LEP 2012 by up to 12.76m (+43%). The proposed height above 29.7m is illustrated in section on **Figures 42** and **44**.

(v) The increase in height above the concept consent and the winning scheme is attributable to an increase in the residential floor to floor heights (from 3.1 metres to 3.2 metres in accordance with the Design and Building Practitioners Act 2020) and relocation of roof-mounted plant rooms from the Wattle and Jones Street Buildings to Building C - Courtyard (enclosed by a 3.2m parapet).

(vi) Compared with the winning scheme, the modification application proposes a 4m increase in the height of Building C - Courtyard (RL 41.55 in the winning scheme and RL 45.55 proposed). Only some of this increase is caused by the proposed increase in residential floor to floor heights discussed above (1.1m). This modification is considered to be inconsistent with the winning scheme and jury recommendations.

(vii) Given the significant increase in height above the concept consent and the winning scheme and the generous height of the proposed plant level parapet (3.2m which is equivalent to one residential level), the recommended conditions of consent (Condition (5)(a)) require the Building C - Courtyard plant room equipment and parapet zone (and any other structures at Level 13 of Building C - Courtyard) to be reduced by at least 2m (to a maximum of RL 43.55 (AHD)). Compliance with this recommended condition would make the envelope more consistent with the winning scheme and reduce contravention of the 27m + 10% height plane. **Figure 42** illustrates (approximately) the required reduction in building height.

(viii) Subject to recommended Condition (5)(a), the proposed building height for Building C - Courtyard is considered to be satisfactory for the following reasons:

(i) Building C - Courtyard has a small footprint when compared with the other building envelopes and is located at the centre of the site reducing its streetscape and overshadowing impacts.

(ii) The increase in height on Building C - Courtyard accommodates floor space lost by breaking the approved "L" shaped Wattle Street Building. Breaking of the "L" shaped building was supported by the jury for the competitive design process as it provides for an additional through site link and improves residential amenity.

(iii) The increase in Building C - Courtyard height is partly attributable to an increase in the residential floor to floor heights (from 3.1 metres to 3.2 metres) which is considered to be reasonable. Other changes relate to re-arrangement of the envelope in accordance with the design competition and relocation of plant from Building D - Wattle Street to minimise overshadowing of Wentworth Park.

(iv) The solar impact analysis (included at **Attachment B**) shows that the plantroom equipment and parapet to Building C - Courtyard will cast an additional shadow onto Wentworth Park at 9am in midwinter (58m² labelled with a "D" on **Figure 48**). Recommended condition (5)(a) would eliminate this increase in shadow. Building C - Courtyard itself would also cast an additional shadow, but this shadow overlaps with the additional shadow cast by modified Building D - Wattle Street (Labelled with a "B" on **Figure 48**). An assessment of compliance with the relevant solar access controls in Sydney DCP 2012 follows:

i. Sydney DCP 2012 s. 4.1.3.1 Solar access states that neighbouring dwellings are to achieve a minimum of 2 hours direct sunlight between 9am and 3pm on 21 June onto at least 1m² of living room windows and at least 50% of the minimum amount of private open space. The increase in height to Building C - Courtyard would not overshadow any neighbouring dwellings.

ii. Sydney DCP 2012 s. 3.1.4 Public open states that 50% of the total area of a park is to receive sunlight for 4 hours from 9am to 3pm on 21 June. The proposed increase in overshadowing of Wentworth Park described above is not supported, but it is acknowledged that it complies with the Sydney DCP 2012 control and is unlikely to have a significant impact on the amenity of Wentworth Park given the large size of the park and the shape and position of the additional shadow which is enveloped by shadow cast by the approved concept consent envelope. In any event, recommended Condition (5)(a) would reduce the shadow cast by Building C - Courtyard so that it falls within the shadow cast by modified Building D - Wattle Street.

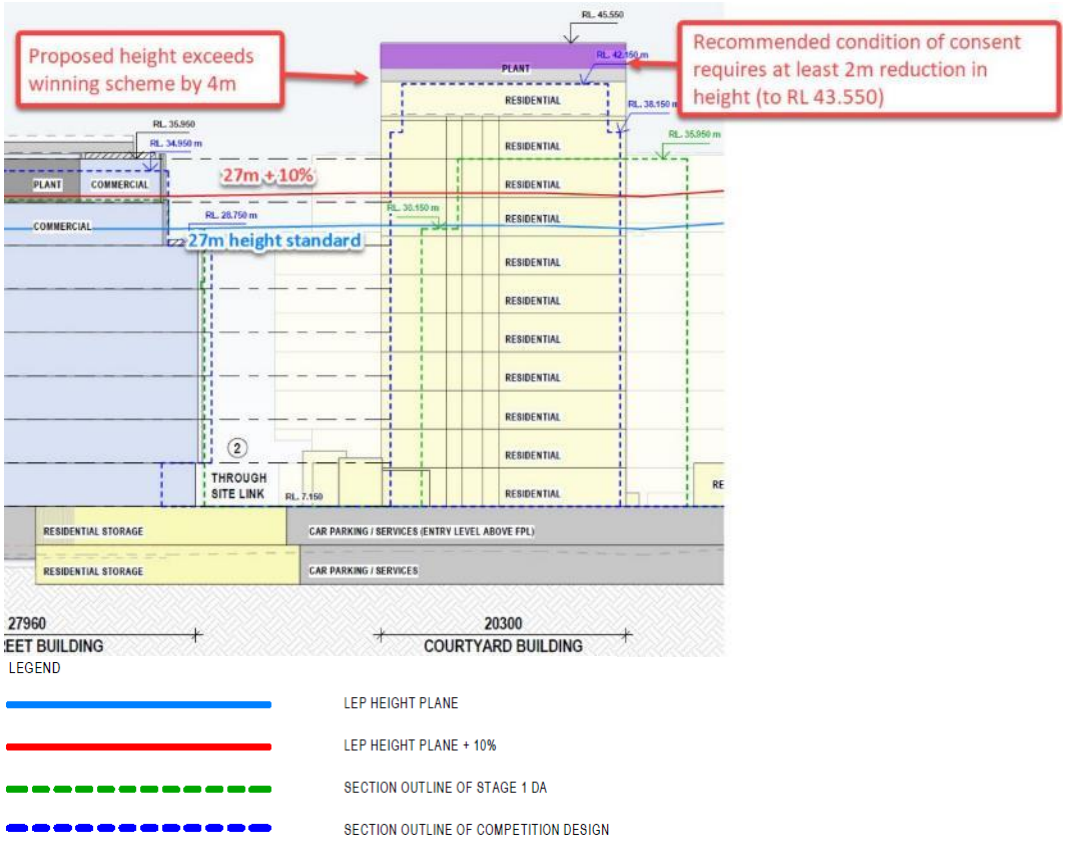


Figure 42: Building C - Courtyard Section: Proposed/modified building envelope

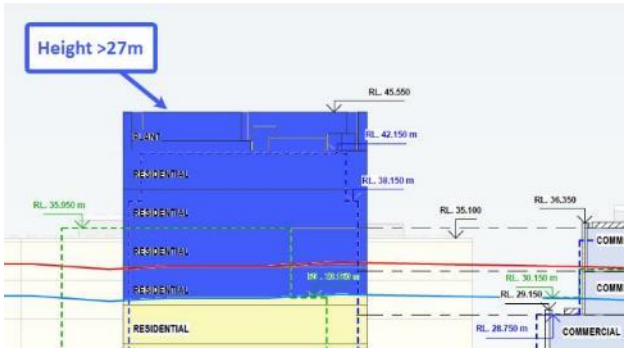


Figure 43: Building C - Courtyard Section Detail: Height >27m (Sydney LEP 2012, cl. 4.3)

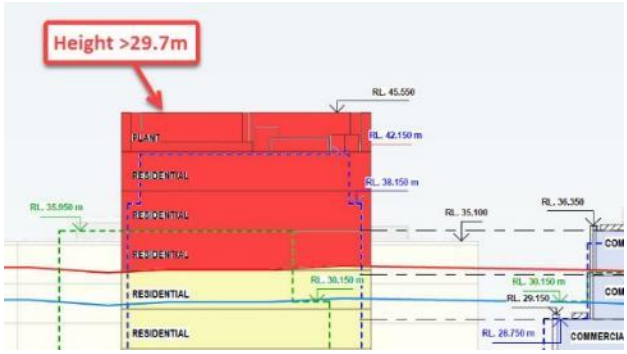


Figure 44: Building C - Courtyard Section Detail: Height >29.7m (Sydney LEP 2012, cl. 6.21D)

(c) Building D - Wattle Street

(i) The concept consent approved an "L" shaped Wattle Street Building (see (see **Figures 14** and **15**). The section 4.56 modification application splits the approved "L" shaped envelope into Building D - Wattle Street (considered here) and Building C - Courtyard (considered above).

(ii) On Wattle Street, the concept consent specifies maximum RLs for Building D - Wattle Street which equate to eight storeys (residential). As shown by **Table 3**, the concept consent envelope plans for Building D - Wattle Street exceeded the 27m height standard by up to 2.65m (+10%). As noted in **Table 3**, the concept consent conditions provide that Building D - Wattle Street is not eligible for up to 10% additional design excellence height.

(iii) The proposed/modified envelope for Building D - Wattle Street exceeds the 27m height standard height permitted by clause 4.3 of Sydney LEP 2012 by up 6.95m (+26%). The proposed height above 27m is illustrated in section on **Figures 45** and **46**.

(iv) The proposed/modified envelope for Building D - Wattle Street exceeds the 29.7m permitted by clause 6.21D of Sydney LEP 2012 by up to 4.35m (+14%). The proposed height above 29.7m is illustrated in section on **Figures 45** and **47**.

(v) The proposed building height for Building D - Wattle Street is considered to be satisfactory for the following reasons:

(i) At the site frontage to Wattle Street and adjoining the future through site link on the site, the proposed Wattle Street Building envelope generally complies with the 27m height standard (see **Figures 45**, **46** and **47**).

(ii) The proposed/modified Building D - Wattle Street envelope is generally consistent with the winning scheme.

(iii) The increase in height is largely attributable to an increase in the residential floor to floor heights (from 3.1 metres to 3.2 metres in accordance with the Design and Building Practitioners Act 2020) which is considered to be reasonable. Other changes relate to re-arrangement of the envelope in accordance with the design competition.

(iv) The applicant has submitted a solar impact analysis (included at **Attachment B**) assessing the overshadowing impact of the proposed/modified envelopes highlighting the additional shadow cast beyond the building envelopes approved by the concept consent. The analysis shows that increasing in floor to floor height of Building D - Wattle Street and re-arrangement of the envelopes in accordance with the design competition will cast additional shadow onto Wentworth Park from 9am to 11am in midwinter (396m² at 9am, 205m² at 10am, 128m² at 11am in midwinter as Labelled with an "A" and "B" on **Figure 48**). In March, the additional shadow occurs from 9am to 10am. In other places, there would be a small reduction in shadow when compared with the envelope approved by the concept consent (11-24m² between 10am and 11am in midwinter coloured blue on **Figure 48**). An assessment of compliance with the relevant solar access controls in Sydney DCP 2012 follows:

i. Sydney DCP 2012 s. 4.1.3.1 Solar access states that neighbouring dwellings are to achieve a minimum of 2 hours direct sunlight between 9am and 3pm on 21 June onto at least 1m² of living room windows and at least 50% of the minimum amount of private open space. The increase in height to Building D - Wattle Street would not overshadow any neighbouring dwellings.

ii. Sydney DCP 2012 s. 3.1.4 Public open space states that 50% of the total area of a park is to receive sunlight for 4 hours from 9am to 3pm on 21 June. The proposed increase in overshadowing of Wentworth Park described above is not supported, but it is acknowledged that it complies with this Sydney DCP 2012 control and is unlikely to have a significant impact on the amenity of Wentworth Park given the large size of the park and the shape and position of the additional shadow which is enveloped by shadow cast by the approved concept consent envelope.

(vi) An increase to the width of Building D - Wattle Street is proposed. Deep recesses in the proposed/modified envelopes and the internal arrangement proposed by the detailed design development application ensure that apartments receive adequate daylight, natural ventilation and natural cross ventilation.

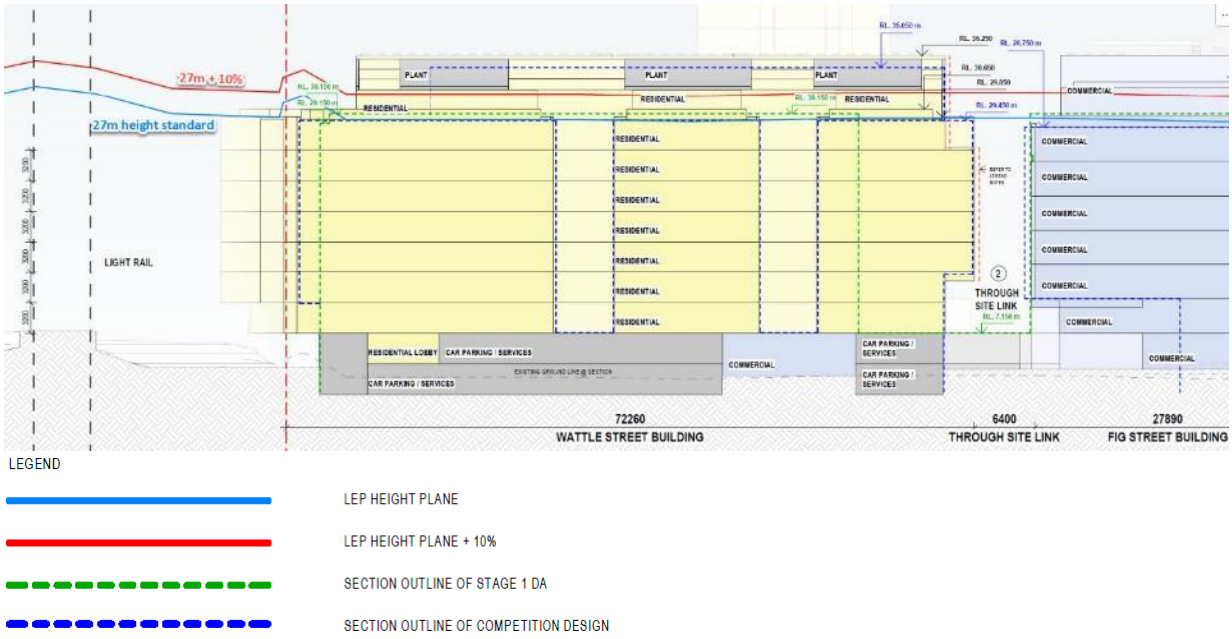


Figure 45: Building C - Wattle Street Section: Proposed/modified building envelope



Figure 46: Building C - Wattle Street Section Detail: Height >27m (Sydney LEP 2012, clause 4.3)

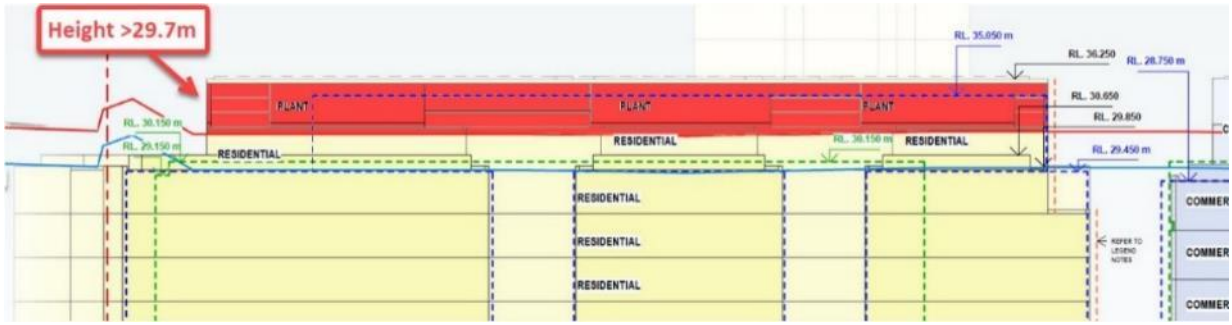


Figure 47: Building C - Wattle Street Section Detail: Height >29.7m (Sydney LEP 2012, clause 6.21D)



Figure 48: Building D - Wattle Street, Building C - Courtyard and Building E - Fig Street: Shadow diagram at 9am in midwinter

(d) Building E - Fig Street

(i) The concept consent specifies maximum RLs for Building E - Fig Street which equate to eight storeys (seven commercial storeys plus one residential storey at the top of the building). As shown by **Table 3**, the approved Fig Street Building envelope exceeded the 27m height standard by up to 3.55m (+13%). As noted in **Table 3**, the concept consent conditions provide for up to 10% uplift in building height on the Fig Street Building.

(ii) The section 4.56 modification application proposes nine storeys for Building E - Fig Street (all commercial) (see **Figure 49**).

(iii) The proposed/modified envelope for Building E - Fig Street exceeds the 27m height standard height permitted by clause 4.3 of Sydney LEP 2012 by up to 8.14m (+30%). The proposed height above 27m is illustrated in section on **Figure 50**.

(iv) The proposed/modified envelope for Building E - Fig Street exceeds the 29.7m permitted by clause 6.21D of Sydney LEP 2012 by up to 5.4m (+18%). The proposed height above 29.7m is illustrated in section on **Figure 51**.

(v) The proposed building height for Building E - Fig Street is considered to be satisfactory for the following reasons:

(i) At the site's street frontages to Jones Street, Fig Street and Wattle Street and adjoining the future through site link on the site; the proposed Fig Street Building envelope complies with the 27m height standard (see **Figures 49**, **50** and **51**).

(ii) Like the concept consent, the proposed Building E - Fig Street envelope has setback upper levels (Level 8 and 9) and is compatible with the street wall established by the former Winchcombe Carson woolstore (heritage item) on the southern side of Fig Street.

(iii) The proposed/modified Building E - Fig Street envelope is generally consistent with the winning scheme.

(iv) The proposed increase in height above the concept consent and wining scheme is partly attributable to implementing the design competition jury recommendation to change the top two levels of Building E - Fig Street from residential to commercial, increasing in the floor to floor heights at these levels (from 3.1 metres residential to 3.6 commercial).

(v) The applicant has submitted a solar impact analysis (included at **Attachment B**) assessing the overshadowing impact of the proposed/modified envelopes highlighting the additional shadow cast beyond the building envelopes approved by the concept consent. The analysis shows external shading fins on Building E - Fig Street will cast a small additional shadow onto Wentworth Park (11m² at 9am, 31m² at 10am and 1m² at 11am in midwinter) (Labelled with a "C" on the 10am shadow diagram at **Figure 52**). An assessment of compliance with the relevant solar access controls in Sydney DCP 2012 follows:

i. Sydney DCP 2012 s. 4.1.3.1 Solar access states that neighbouring dwellings are to achieve a minimum of 2 hours direct sunlight between 9am and 3pm on 21 June onto at least 1m² of living room windows and at least 50% of the minimum amount of private open space. The increase in height to Building E - Fig Street would not overshadow any neighbouring dwellings.

ii. Sydney DCP 2012 s. 3.1.4 Public open space states that 50% of the total area of a park is to receive sunlight for 4 hours from 9am to 3pm on 21 June. The small additional shadow cast onto Wentworth Park from fins to Building E - Fig Street does not compromise compliance with this control.

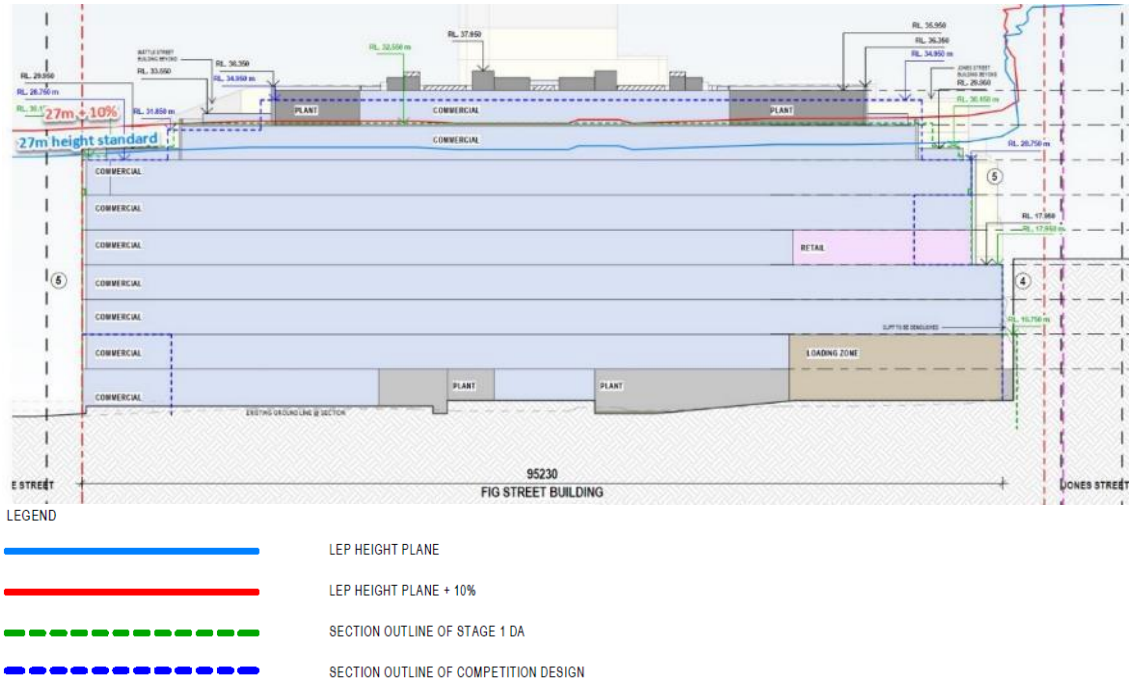


Figure 49: Building E - Fig Street Section: Proposed/modified building envelope

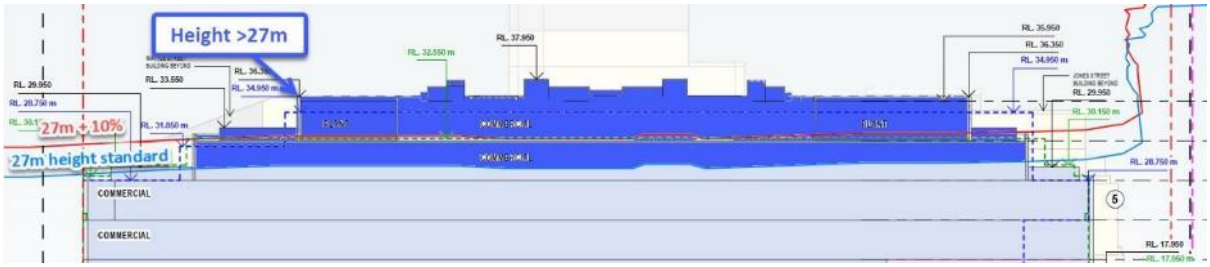


Figure 50: Building E - Fig Street Section Detail: Height >27m (Sydney LEP 2012, cl. 4.3)

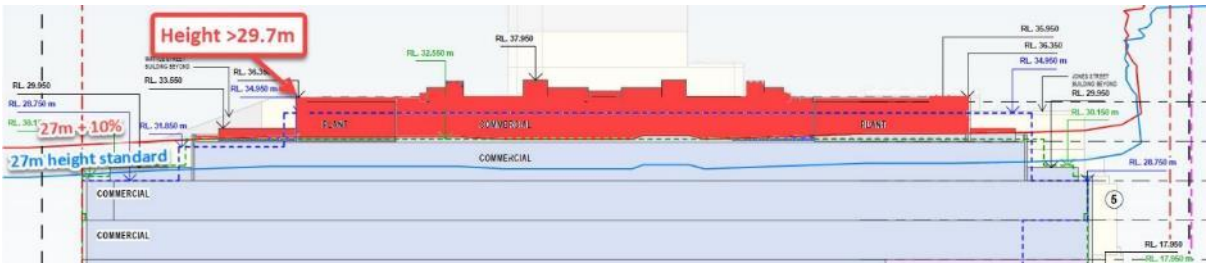


Figure 51: Building E - Fig Street Section Detail: Height >29.7m (Sydney LEP 2012, cl. 6.21D)



Figure 52: Building D - Wattle Street, Building C - Courtyard and Building E - Fig Street: Shadow diagram at 10am in midwinter

Building separation and visual privacy

55. **Table 4** shows the separation distances between windows and balconies set out in Objective 3F-1 of the ADG.

Table 4: ADG Objective 3F-1 separation distances between windows and balconies

Building height	Habitable rooms & balconies	Non-habitable rooms
Up to 12m (4 storeys)	12m	6m
Up to 25m (5-8 storeys)	18m	9m
Over 25m (9+ storeys)	24m	12m

56. The building envelopes proposed by the section 4.56 modification application do not fully achieve these separation distances. The sections at **Figures 53** to **55** illustrate where the proposed envelopes do not achieve the ADG separation distances (the diagrams were prepared by BVN and are included in concurrently lodged development application). Non-compliances occur between the following buildings:

    (a) Building B - Jones Street/Building F - Fig Street (see **Figure 53**, Sections AA, BB and CC)

    (b) Building D - Wattle Street/ Building F - Fig Street (see **Figure 54**, Section EE, FF and GG)

    (c) Building C - Courtyard/Building B - Jones Street (see **Figure 55**, Section HH)

    (d) Building C - Courtyard/Building D - Wattle Street (see **Figure 56**, Section HH)

57. In the non-compliant locations, the modified envelope plans include a notation providing that openings in the façade:

    - Belong to a non-habitable room
    - Have a privacy screen / landscape buffer
    - Do not have direct sight line into adjacent buildings
    - Have narrow slot windows with deep reveals
    - Have windows offset from opposite façade.

58. The non-compliances subject to the notation on the building envelope plans are considered to be satisfactory and capable of achieving reasonable levels of external and internal privacy (the mitigation measure notation is also generally consistent with the approved building envelope plans which include a similar notation where ADG separation distances are not achieved). The detailed design development application demonstrates that daylight and natural ventilation are not compromised by the building separation non-compliances.

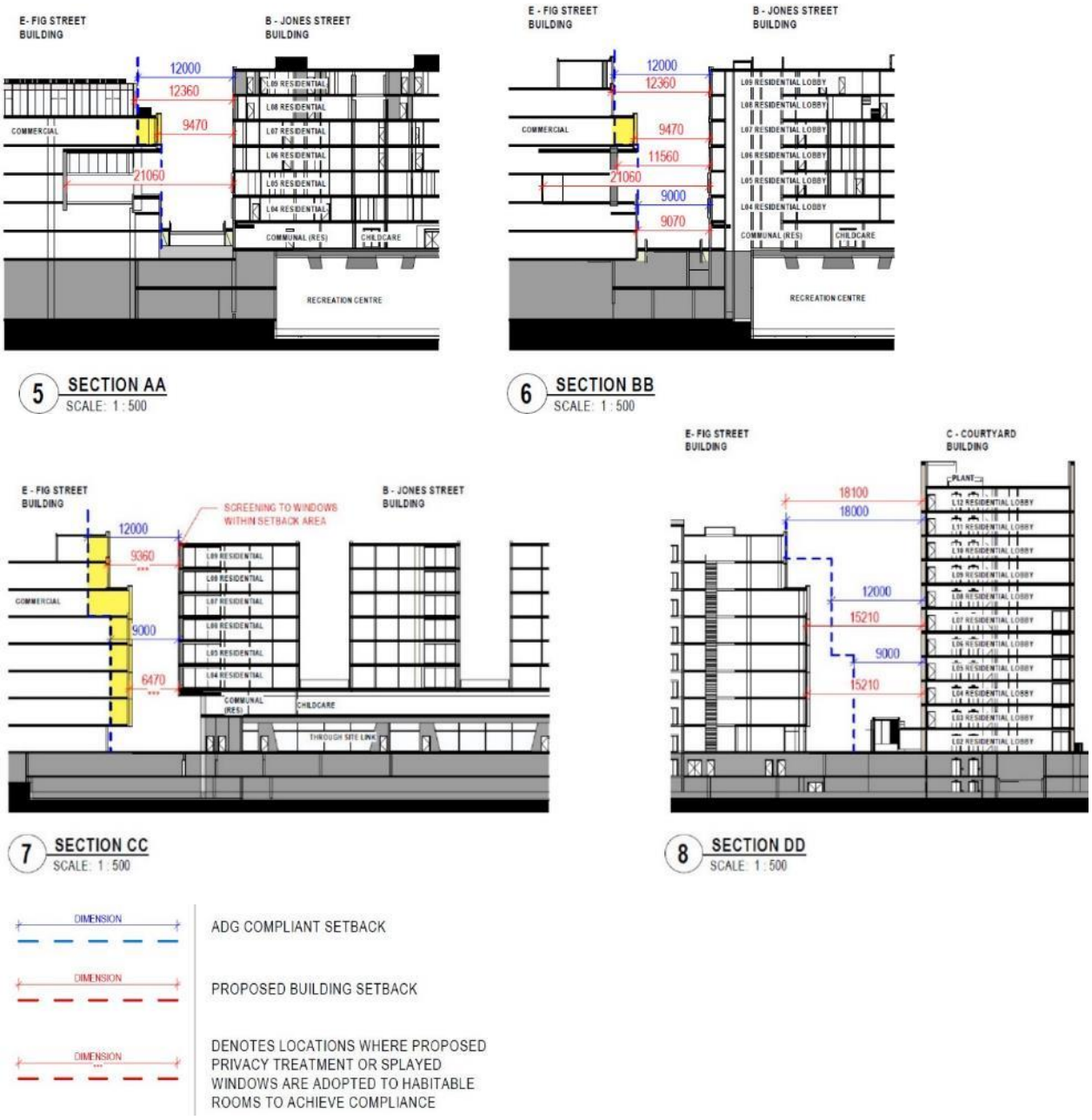


Figure 53: Assessment of compliance with ADG Objective 3F-1 separation distances (Sections AA, BB, CC and DD) (non-compliances highlighted)

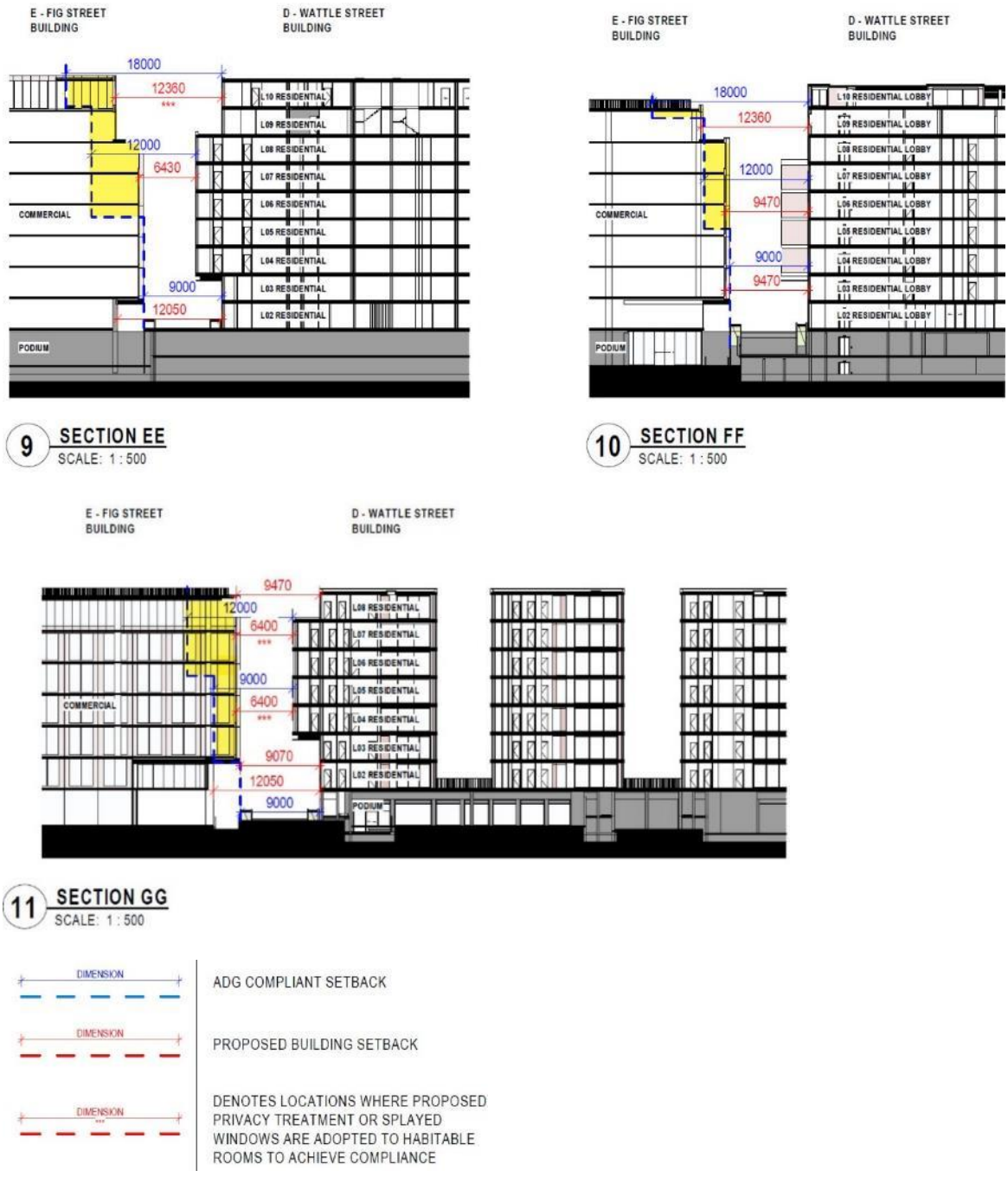


Figure 54: Assessment of compliance with ADG Objective 3F-1 separation distances (Sections EE, FF and HH) (non-compliances highlighted)

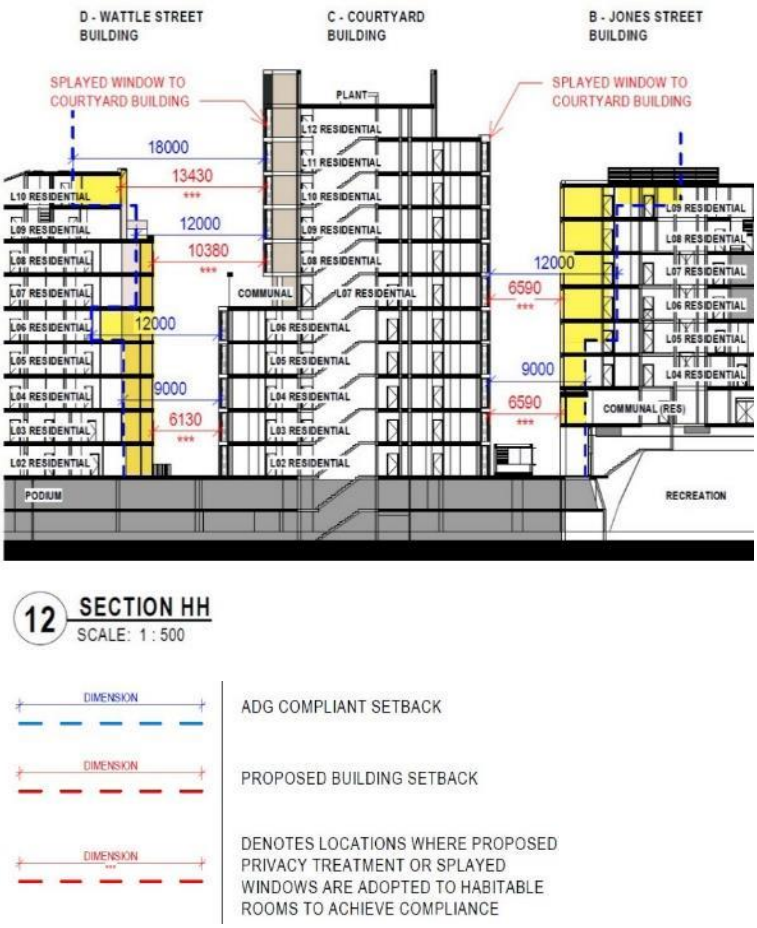


Figure 55: Assessment of compliance with ADG Objective 3F-1 separation distances (Section HH) (non-compliances highlighted)

Reasons given by the consent authority for the grant of the consent

59. Section 4.56(1A) of the EPA Act states that in determining a section 4.56 modification application, the consent authority must take into consideration the reasons given by the consent authority (in this instance the Court) for the grant of the consent that is sought to be modified. A copy of the Land and Environment Judgment for the concept consent is provided at **Attachment C**. The Commissioner provided the following key reasons for granting consent to the concept consent:

    (a) The height exceedance is owed, in part, to the unique site topography which includes a level difference of approximately 11.5 to 14 metres from the Jones Street property boundary.

    (b) The proposal appropriately responded to the conditions of each frontage, notably:

        - "In response to the Light Rail interface to the north of the site, the built form is both minimised and setback, preserving existing trees and resulting in an inviting prospect for through-site links adjacent to communal open space on the site, subject to owners consent that Sydney Trains has indicated may be granted subject to conditions…

- The proposed height of the Wattle Street frontage is designed to be compatible with the street wall established by the former Winchcombe Carson woolstore to the south of the site. Additional height is setback to avoid additional overshadowing to Wentworth Park, and so that it is not visible in the context of the dominant street wall along Wattle Street.

- Likewise, the Fig Street interface is compatible with the street wall height established by the former wool store to the south of the site, but differs from the other frontages in that no pedestrian links are proposed given the function of Fig Street as a major traffic route into the CBD, and on to Sydney Harbour Bridge. Setbacks are provided, firstly, to Jones Street of 10m in deference to the heritage-listed terrace group, and secondly, the topmost levels setback from Fig Street so that it is not visually a part of the Fig Street presentation.

- The Concept DA proposes a four-storey street wall height setback 4m from the Jones Street boundary, with additional height setback further to avoid adverse impacts beyond that of a compliant envelope. The additional height which is, in effect, built form relocated from the 4m setback to Jones Street. Such a reallocation of built form is preferrable as it provides benefits to the public domain, appropriately scales proposed development when considered in context with existing terraces, allows the sandstone rock face to be visible to public areas and aligns to heritage buildings to the south of the site."

(c) "… the western views over Wentworth Park currently enjoyed by the Jones Street terrace group… would be lost by a development wholly compliant with the height control… the proposed height… adopts a lower profile that achieves the sharing of views."

(d) "… strictly applying the 27 metre height plane to the unique topography of site permits a built form along Jones Street that would impose a far greater impact than that which is now proposed as a result of the decision to redistribute the floor space in favour of a lower envelope, and provides a setback accommodating a footpath on an important pedestrian link to the Light Rail station where none exists today."

(e) In approving the consent concept, the Commissioner provided the following key reasons for supporting the clause 4.6 written request to contravene the height standard:

- "Strict compliance with the height standard is unreasonable or unnecessary… in 3-dimensional terms the topographical condition of the site, and the context of the existing built form adjacent to the site… transition between the proposed new development and heritage items and buildings in the vicinity.

- … sufficient environmental grounds to justify the contravention of the height standard… I accept that the exceedance is owed, in part, to the unique topography of the site in the location of the sandstone rock face, and in response to which Building B - Jones Street is setback, and modulated in 3-dimensions so as to transition between the scale of existing development on Jones Street and the height of buildings generally permitted on the site. Furthermore, the exceedance occurs in areas set well back from the boundary lines where adverse impacts can be managed, and where the uppermost levels are least visible from the street frontages.

- … the objectives of the B4 zone are achieved. The development… proposes a mix of public and community uses… on a site that imposes constraints, in response to which the exceedance is reasonable. The site is bounded on 3 sides by transport corridors, and on Jones Street by the sandstone rock face that precludes solar access to lower levels that would permit residential uses, and by considerations of heritage places above that. I accept that the location and scale of communal open space, including through site links, will encourage access to, and use of, the Light Rail corridor and encourage walking.

- I accept that the height of development is appropriate to the condition of the site and its context. In particular… I accept that strictly applying the 27m height plane … would impose a far greater impact than that which is now proposed as a result of the decision to redistribute the floor space in favour of a lower envelope, and provides a setback accommodating a footpath on an important pedestrian link to the Light Rail station where none exists today."

60. The applicant has considered the Court's reasons for the grant of consent and notes that:

> "While increasing the numerical extent of the height of buildings on the site, the proposed redistribution of building masses, creation of a Courtyard Building, replacement of residential floors at Building E (Fig Street), and increase in floor to floor heights, do not result in an inconsistency with the reasons given by the NSW Land and Environment Court in granting consent to the Stage 1 Concept Approval. The preparation of this concurrent Section 4.56 modification application is arguably procedural in nature as the changes have arisen from the Competitive Design Process required by Condition 4 of the Stage 1 Concept Approval (D/2019/649) and new building standards arising from the Design and Building Practitioners Act 2020. The proposed modifications maintain an appropriate response to the site context and characteristics and the desired future character of the Pyrmont Peninsula."

Condition modifications

61. The proposed modifications to concept consent conditions, an assessment of their acceptability and the recommended conditions of consent are discussed below:

Condition (2) Approved development

(a) The section 4.56 modification application seeks consent to modify condition (2) to reference the modified plans. This modification is recommended for approval.

Condition (3) Matters not approved by the concept development consent

(a) The section 4.56 modification application seeks consent to delete reference to a superseded plan for the Jones Street footpath (condition (3)(c)). This modification is recommended for approval.

(b) The recommended conditions delete condition (3)(j) which states that the concept consent does not approve "the floor or ceiling heights of each storey". The proposed increase in building height has in part been justified by a proposed increase in residential floor to floor height (3.1m approved and 3.2m proposed). The proposed Fig Street Building height is also dependant on 3.6m commercial floor to floor heights. Given these attributes, it is considered that floor to floor heights should be fixed by the concept consent. This modification was not part of the application.

(c) The recommended conditions delete condition (3)(l) which states that the concept consent does not approve "up to 10% design excellence uplift in building height or floor space ratio". As the proposed/modified building envelopes include an uplift in building height in accordance with clause 6.21D of Sydney LEP 2012, the concept consent should be modified to ensure that no further application can be made for additional design excellence uplift in height or FSR. This modification was not part of the application.

Condition (5) Detailed design of buildings

(a) The section 4.56 modification application seeks consent to delete condition (5)(a) which specified building envelope amendments for Building E - Fig Street. As the proposed/modified envelope plans for Building E - Fig Street are generally consistent with the winning scheme, this deletion is recommended for approval.

(b) The recommended conditions of consent include a new condition (5)(a) which relates to Building C - Courtyard and requires the Plant Room Equipment and Parapet Zone height (and any other structures at Level 13 of Building C - Courtyard) to be reduced by at least 2m (to a maximum of RL 43.55 (AHD), as explained above in the Discussion section. This modification was not part of the application.

(c) The section 4.56 modification application seeks consent to modify condition (5)(b) to delete reference to street tree planting along the frontage to Jones Street as engineering advice has confirmed that trees are not appropriate in close proximity to the cliff on the site. This modification is recommended for approval.

Condition (7) Building height

(d) Condition (7) of the concept consent specifies the maximum height for various elements of each building (eg. roofs, balustrades, lift overruns). The section 4.56 application seeks consent to modify the maximum heights to reflect the modified/proposed building envelopes but proposes a reference the uppermost level of each building only (i.e. lift overruns/plant).

(e) Like the concept consent, the recommended changes to condition (5) specify maximum heights for various elements of each building. The requirement to reduce the height of Building C - Courtyard Plant Room Equipment and Parapet Zone by at least 2m is also stated.

(f) The following words appears at the end of condition (7):

"Notwithstanding clause (a) and (b) above, the Jones Block and Fig Block may be eligible for up to 10% additional height pursuant to the provisions of Clause 6.21(7) of 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."

(g) The section 4.56 modification application seeks consent to modify these words to allow the application of the 10% additional design excellence height on all buildings (except the Building A - Retail). This modification is not supported as it infers that a further uplift in height is available. The recommended conditions instead include the following words at the end of condition (7) to ensure that there would be no further increase in building height:

"The maximum heights shown above are inclusive of additional height approved pursuant to the provisions of Clause 6.21D(3) of Sydney Local Environmental Plan 2012. The development is not eligible for any additional height."

Condition (12) Public domain

(a) The section 4.56 modification application seeks consent to modify condition (12)(b) to delete reference to tree and verge planting along the frontage to Jones Street as engineering advice has confirmed that this is not appropriate in close proximity to the cliff on the site. This modification is recommended for approval.

Condition (14) Landscaping of the site

(a) The section 4.56 modification application seeks consent to modify condition (14)(a) to require compliance with the landscaping requirements as part of the detailed design development application. This modification is recommended for approval.

Condition (22) Parking design

(b) The section 4.56 modification application seeks consent to modify condition (22) to enable flexibility in compliance with Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and 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. The modification is recommended for approval (noting that the reasonableness of any departures from the relevant standards is considered in the detailed design development application assessment).

Condition (30) Tree protection plans and detailed design application and Condition (31) Tree protection plans and detailed design application

(c) The section 4.56 modification application seeks consent to update the arboricultural report referenced in conditions (30) and (31). This modification is recommended for approval, subject to clarifying a requirement to Tree 46 on Fig Street.

Other Impacts of the development

62. The modified development will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

Suitability of the site for the development

63. The proposal is of a nature in keeping with the overall function of the site.

Consultation

Internal referrals

Design advisory panel

64. The original development application and section 4.56 modification application were presented to the DAP on 15 June 2023. The DAP raised a number of concerns (see History section above) that were included the first RFI to the applicant dated 28 July 2023. Additional and amended information has been provided to address the issues raised by the DAP including additional information on building separation and privacy protection, reduced height (although the height of Building C - Courtyard was increased), reduced overshadowing of Wentworth Park, a small reduction in floor space, residential amenity improvements including widening of the indented courtyards, additional information on the child care centre and concurrence from NSW Education, wind analysis and public art (including endorsement by City's Public Art Unit and Public Art Advisory Panel).

Council units

65. The section 4.56 modification application and development application were referred to the following Council units:

    (a) Building Services

    (b) Child and Family Services

    (c) Environmental Health

    (d) Environmental Projects

    (e) Heritage

    (f) Landscape

    (g) Planning Agreement

    (h) Public Art and Public Art Advisory Panel

    (i) Public Domain

    (j) Safe City

    (k) Survey

    (l) Transport and Access

(m) Tree Management

(n) Urban Design

(o) Waste Management.

66. The above units advised that the proposal is acceptable subject to conditions (which predominantly relate to the development application).

External referrals

67. The section 4.56 modification application and development application were concurrently. The agencies raised no objections to the applications subject to conditions which are addressed or included in the recommended conditions of consent in **Attachment A** where relevant (agency conditions relate to the detailed design development application).

Advertising and notification

68. The section 4.56 modification application and detailed design development application were notified concurrently for 28 days from **28 February - 29 March 2023**. Five submissions were received, including two submissions which provided comments/support and three objections raising concerns in relation to height, design excellence, public interest, certainty, precedent, contravention of the planning controls, heritage, overshadowing of Fig Street Park and Wentworth Park, amenity impacts for nearby residents, wind, density, vehicle and pedestrian traffic, impact on public transport, illegal dumping of rubbish and capacity of public services.

69. Relevant to the section 4.56 modification application, submissions raised the following issues:

(a) **Issue:** Building height:

- The height approved by the Land and Environment Court should be not increased
- Height contravention sets an undesirable precedent
- Increase in height is not in the public interest
- Additional height impacts views from Fig Street Park
- Additional height overshadows Fig Street Park
- Additional height overshadows Wentworth Park
- Additional height adversely impacts the historic and cultural significance of the area
- Adverse impact on the amenity of apartments and communal open space of 280 Jones Street (Harbour Mill Apartments)

- Wind tunnel
- Increased height of Building C - Courtyard

  Response: An assessment of the proposed increase in height is set out in the Discussion section of this report. It explains that a condition is recommended to reduce the height of Building C - Courtyard Plant Room Equipment and Parapet Zone by at least 2m. Also in response to the issues of concern noted above, the increase in height will not cast a shadow onto Fig Street Park, the additional shadow cast onto Wentworth Park is not supported but complies with the relevant Sydney DCP 2012 controls and would have little impact on the amenity of the park. The increase in height would have a negligible impact on the amenity of apartments and communal open space of 280 Jones Street (Harbour Mill Apartments) when compared with a compliant envelope as well as the envelope approved by the concept consent. Conditions of consent are recommended for the development application requiring compliance with the wind impact assessment.

(b) **Issue:** Density, traffic, pedestrian safety and amenity and impact on public services/assets

Response: With a proposed FSR of 3.88:1, the detailed design development application demonstrates that the proposed/modified building envelopes can accommodate a development with a FSR of less than 4:1 (being the FSR standard at clause 4.4 of Sydney LEP 2012). Given this, the density of development is consistent with the planning controls relevant to the site. Council's Access and Transport Unit raised no objection to the section 4.56 modification application.

Public interest

70. It is considered that the section 4.56 modification application will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

Financial contributions

71. The development is not subject to development or affordable housing contributions as it is for a concept approval. Appropriate contributions have been recommended as part of the detailed design application (D/2023/97).

Conclusion

72. This section 4.56 modification application proposes changes to the approved building envelopes to align the concept consent (D/2019/649) with the detailed design development application (D/2023/97) which has been concurrently lodged and reported to the CSPC.

73. The proposed modifications to the approved building envelope will deliver consistency between staged development applications for the site, as required under Section 4.24 of the EPA Act.

74. The development as proposed to be modified is substantially the same as that which was originally approved. Like the concept consent, the proposed modifications would realise a mixed-use development accommodating residential uses, commercial uses, a recreation centre and a child care centre, a number of separate buildings surrounding a central courtyard located above two levels of car parking, vehicular access from Wattle Street (for cars) and Fig Street (for loading) and a north-south pedestrian through site link between Wattle Street and Jones Street (with two additional east-west pedestrian connections proposed).

75. Subject to conditions, the increased height and bulk of the building envelopes generally reflects the winning scheme and will not adversely impact the amenity of the surrounding area.

76. The proposed building envelopes are capable of accommodating a future building which exhibits design excellence in accordance with s 6.21C of Sydney LEP 2012.

77. The proposed modifications are recommended for approval.

SANDRA ROBINSON BTP (HONS) REGISTERED PLANNER PLUS (EIA)

Director, Robinson Urban Planning Pty Ltd

Attachment B

Amended Conditions of Consent

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)

The consent is not to operate and the competitive design process shall not commence until the following condition is satisfied, within 24 months of the date of this determination:

(1) VOLUNTARY PLANNING AGREEMENT

(a) A Voluntary Planning Agreement (VPA) between the Council of the City of Sydney and Landream Pyrmont Pty Limited shall be drafted, exhibited, executed and submitted to Council to capture the works within the Letter of Offer dated 15 April 2021 and submitted to Council on 15 April 2021.

(b) The VPA, as executed, must be registered on the title of the land and registered with Council in accordance with the terms of the executed VPA.

(1) Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement condition, 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*.

(2) The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent condition, as indicated above, has been satisfied.

(3) Upon Council giving written notification to the Applicant that the deferred commencement condition has 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 ofConsent (Once the Consent is Operation).

(B) PART B - CONDITIONS OF CONSENT

SCHEDULE 1A

(1) CONCEPT DEVELOPMENT APPLICATION

Pursuant to Sections 4.22 and 4.24 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. A subsequent development application (detailed design) or applications are required for any works on site.

(2) APPROVED DEVELOPMENT

(a) Development must be in accordance with Development Application No. D/2019/649 dated 21 June 2019 and the following drawings prepared by ***~~Tzannes~~ BVN***:

Drawing Number	Drawing Name	Revision	Date
~~DA2-0001~~	***~~CONCEPT ENVELOPE - 3D - WEST~~***	***~~7~~***	***~~23.03.21~~***
~~DA2-0002~~	***~~CONCEPT ENVELOPE - 3D - EAST~~***	***~~7~~***	***~~23.03.21~~***
~~DA2-1001~~	***~~CONCEPT ENVELOPE - BASEMENT 2 PLAN~~***	***~~8~~***	***~~23.03.21~~***
~~DA2-1002~~	***~~CONCEPT ENVELOPE - BASEMENT 1 PLAN~~***	***~~8~~***	***~~23.03.21~~***
~~DA2-1003~~	***~~CONCEPT ENVELOPE - LEVEL 1 PODIUMPLAN~~***	***~~10~~***	***~~23.03.21~~***
~~DA2-1004~~	***~~CONCEPT ENVELOPE - WATTLE LEVEL 2 FIG LEVEL 2 PLAN~~***	***~~9~~***	***~~23.03.21~~***
~~DA2-1005~~	***~~CONCEPT ENVELOPE - WATTLE LEVEL 3 FIG LEVEL 3 JONES LEVEL 2 PLAN~~***	***~~9~~***	***~~23.03.21~~***
~~DA2-1006~~	***~~CONCEPT ENVELOPE - WATTLE LEVEL 4FIG LEVEL 3 JONES LEVEL 3 PLAN~~***	***~~9~~***	***~~23.03.21~~***
~~DA2-1007~~	***~~CONCEPT ENVELOPE - WATTLE LEVEL 5 FIG LEVEL 4 JONES LEVEL 4 PLAN~~***	***~~8~~***	***~~23.03.21~~***
~~DA2-1008~~	***~~CONCEPT ENVELOPE - WATTLE LEVEL 6 FIG LEVEL 5 JONES LEVEL 5 PLAN~~***	***~~8~~***	***~~23.03.21~~***
~~DA2-1009~~	***~~CONCEPT ENVELOPE - WATTLE LEVEL 7FIG LEVEL 6 JONES LEVEL 6 PLAN~~***	***~~8~~***	***~~23.03.21~~***
~~DA2-1010~~	***~~CONCEPT ENVELOPE - WATTLE LEVEL 8FIG LEVEL 7 JONES LEVEL 7 PLAN~~***	***~~9~~***	***~~30.03.21~~***

~~DA2-1011~~	~~CONCEPT ENVELOPE - WATTLE LEVEL 9 FIG LEVEL 8 JONES LEVEL 8 PLAN~~	~~10~~	~~31.03.21~~
~~DA2-1012~~	~~CONCEPT ENVELOPE - ROOF PLAN~~	~~10~~	~~31.03.21~~
~~DA2-2001~~	~~CONCEPT ENVELOPE - ELEVATION - JONES STREET~~	~~9~~	~~31.03.21~~
~~DA2-2002~~	~~CONCEPT ENVELOPE - ELEVATION - FIG STREET~~	~~9~~	~~31.03.21~~
~~DA2-2003~~	~~CONCEPT ENVELOPE - ELEVATION -WATTLE STREET~~	~~9~~	~~31.03.21~~
~~DA2-2004~~	~~CONCEPT ENVELOPE - ELEVATION - LIGHT RAIL~~	~~9~~	~~31.03.21~~
~~DA2-2005~~	~~CONCEPT ENVELOPE - ELEVATION - STREETSCAPE~~	~~6~~	~~31.03.21~~
~~DA2-3001~~	~~CONCEPT ENVELOPE - SECTION A~~	~~9~~	~~31.03.21~~
~~DA2-3002~~	~~CONCEPT ENVELOPE - SECTION B~~	~~9~~	~~31.03.21~~
~~DA2-3003~~	~~CONCEPT ENVELOPE - SECTION C~~	~~10~~	~~31.03.21~~
~~DA2-3004~~	~~CONCEPT ENVELOPE - SECTION D~~	~~9~~	~~31.03.21~~
~~DA2-3005~~	~~CONCEPT ENVELOPE - SECTION E~~	~~9~~	~~31.03.21~~
~~DA2-3006~~	~~CONCEPT ENVELOPE - SECTION F~~	~~10~~	~~31.03.21~~
~~DA2-5000~~	~~CONCEPT ENVELOPE - JONES STREET~~	~~8~~	~~31.03.21~~
~~DA2-6000~~	~~CONCEPT ENVELOPE - THROUGH SITE LINKS~~	~~6~~	~~23.03.21~~
~~DA2-7000~~	~~CONCEPT ENVELOPE - ROOF FEATURES~~	~~6~~	~~23.03.21~~
~~DA2-8000~~	~~CONCEPT ENVELOPE - CLIFF~~	~~8~~	~~31.03.21~~
~~DA2-9500~~	~~CONCEPT ENVELOPE - ACOUSTIC~~	~~4~~	~~17.03.21~~
~~DA2-9600~~	~~COMMERCIAL BUILDING ARTICULATION~~	~~5~~	~~31.03.21~~
AR-DA-MOD-0001	CONCEPT ENVELOPE 3D WEST	03	03/11/23
AR-DA-MOD-0002	CONCEPT ENVELOPE 3D EAST	03	03/11/23
AR-DA-MOD-1001	GENERAL ARRANGEMENT PLAN - LEVEL 00	03	03/11/23
AR-DA-MOD-1002	GENERAL ARRANGEMENT PLAN - LEVEL 01	03	03/11/23
AR-DA-MOD-1003	GENERAL ARRANGEMENT PLAN - LEVEL 02	03	03/11/23
AR-DA-MOD-1004	GENERAL ARRANGEMENT PLAN - LEVEL 03	03	03/11/23

AR-DA-MOD-1005	***GENERAL ARRANGEMENT PLAN - LEVEL 03 & LEVEL 04***	***03***	***03/11/23***
AR-DA-MOD-1006	***GENERAL ARRANGEMENT PLAN - LEVEL 04 & LEVEL 05***	***03***	***03/11/23***
AR-DA-MOD-1007	***GENERAL ARRANGEMENT PLAN - LEVEL 05 & LEVEL 06***	***03***	***03/11/23***
AR-DA-MOD-1008	***GENERAL ARRANGEMENT PLAN - LEVEL 06 & LEVEL 07***	***03***	***03/11/23***
AR-DA-MOD-1009	***GENERAL ARRANGEMENT PLAN - LEVEL 07 & LEVEL 08***	***03***	***03/11/23***
AR-DA-MOD-1010	***GENERAL ARRANGEMENT PLAN - LEVEL 08 & LEVEL 09***	***03***	***03/11/23***
AR-DA-MOD-1011	***GENERAL ARRANGEMENT PLAN - LEVEL 09 & LEVEL 10***	***03***	***03/11/23***
AR-DA-MOD-1012	***GENERAL ARRANGEMENT PLAN - LEVEL 10 & LEVEL 11***	***03***	***03/11/23***
AR-DA-MOD-1013	***GENERAL ARRANGEMENT PLAN - LEVEL 11 & LEVEL 12***	***03***	***03/11/23***
AR-DA-MOD-1014	***GENERAL ARRANGEMENT PLAN - LEVEL 13***	***03***	***03/11/23***
AR-DA-MOD-1015	***GENERAL ARRANGEMENT PLAN - LEVEL 14***	***03***	***03/11/23***
AR-DA-MOD-2001	***JONES ST ELEVATION***	***04***	***03/11/23***
AR-DA-MOD-2002	***JONES ST ELEVATION***	***03***	***03/11/23***
AR-DA-MOD-2003	***WATTLE ST ELEVATION***	***03***	***03/11/23***
AR-DA-MOD-2004	***LIGHT RAIL ELEVATION***	***03***	***03/11/23***
AR-DA-MOD-2005	***LIGHT RAIL ELEVATION***	***03***	***03/11/23***
AR-DA-MOD-3001	***SECTION A***	***04***	***03/11/23***
AR-DA-MOD-3002	***SECTION B***	***03***	***03/11/23***
AR-DA-MOD-3003	***SECTION C***	***04***	***03/11/23***
AR-DA-MOD-3004	***SECTION D***	***04***	***03/11/23***
AR-DA-MOD-3005	***SECTION E***	***04***	***03/11/23***
AR-DA-MOD-3006	***SECTION F***	***04***	***03/11/23***
AR-DA-MOD-4001	***CONCEPT ENVELOPE - JONES STREET***	***01***	***03/11/23***
AR-DA-MOD-4002	***CONCEPT ENVELOPE - THROUGH SITE LINKS***	***01***	***03/11/23***
AR-DA-MOD-4003	***CONCEPT ENVELOPE - ROOF FEATURES***	***01***	***03/11/23***
AR-DA-MOD-4004	***CONCEPT ENVELOPE - CLIFF***	***01***	***03/11/23***

AR-DA-MOD-4005	***CONCEPT ENVELOPE - ACOUSTIC***	***01***	***03/11/23***
AR-DA-MOD-4006	***COMMERCIAL BUILDING ARTICULATION***	***01***	***03/11/23***

and as amended by the conditions of this consent.

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

(Condition amended – 28 March 2024)

(3) MATTERS NOT APPROVED IN CONCEPT DEVELOPMENT CONSENT

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

(a) The use for any part of the building envelopes for residential accommodation. The buildings may only be used for residential accommodation and identified as such in a detailed design development application on demonstration that acoustic amenity and natural ventilation are achieved simultaneously in accordance with Objectives 4B-1 and 4J of the Apartment Design Guide (ADG). Should suitable design resolution not be achieved, the use of some of all of the buildings are to revert to non-residential use or non-permanent use in a future detailed design development application.

(b) The pedestrian connection to the Wentworth Park Light Rail Station (and any associated tree removal). In principle approval is required from Sydney Trains for any future pedestrian connection to the Wentworth Park Light Rail Station (and any associated tree removal) prior to the commencement of the competitive design process.

(c) ~~***The location and design of the pedestrian access zone as illustrated on the concept plan drawings DA2-1006 Rev 9, DA2-1007 Rev 8, DA2-1012 Rev 10 and DA2-8000 Rev 8 on the Jones Street frontage of the site.***~~

(d) Any works, including demolition, excavation and/or construction.

(e) The removal or pruning of any tree on the site.

(f) The siting and location of a substation.

(g) The number of basement levels, car parking spaces, bicycle spaces, car share spaces and loading spaces/zones.

(h) The precise total quantum, ratio and distribution of commercial, recreation, child care centre and residential floor space.

(i) The indicative floor layouts of buildings.

(j) ~~***The floor or ceiling levels of each storey.***~~

(k) The number and configuration of residential apartments and commercial tenancies.

(l) ~~***Up to 10% design excellence uplift in building height or floor space ratio.***~~

(Condition amended – 28 March 2024)

(4) COMPETITIVE DESIGN PROCESS

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

(a) Conducted in accordance with 'Design Excellence Strategy, 14-26 Wattle Street Pyrmont dated 30 March 2021, prepared by Mecone on behalf of Landream Pyrmont Pty Ltd.

(b) Conducted prior to the lodgement of a detailed design 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.

(5) DETAILED DESIGN OF BUILDINGS

The drawings lodged for the ~~***competitive design process brief and***~~ detailed design development application must incorporate the following requirements:

~~***(a) Amended Fig Block building envelope showing the following:***~~

~~***(i) Commercial Levels 4, 5 and 6: The setback to the Jones Street site frontage (as shown on DA2-1007_8, DA2-1008_8 and DA2-1009_8) is to be increased by at least 3.2m. The Jones Street footpath is to be extended to the face of the realigned commercial levels, with opportunities provided for public views down to the rockface below;***~~

~~***(ii) Residential Level 7 (and up to 10% additional height subject to design excellence): Provide a minimum setback of 4m from the Commercial Level 6 street wall height on the Jones Street site frontage;***~~

~~***(iii) Residential Level 7 balustrade/planter zone: Provide a minimum setback of 1.3m to the balustrade/ planter zone from the realigned Jones Street street-wall (generally in accordance with that shown on DA2-1010_9, DA2-1011_10, DA2- 20002_9 and DA2-3003_10); and***~~

~~***(iv) Level 7 Residential communal open space: Retain the residential communal open space shown on DA2-1010_9 and relocate it to the western end of the Fig Block (Level 7).***~~

(a) Amended Building C – Courtyard building envelope showing the following:

(i) The Plant Room Equipment and Parapet Zone height (and any other structures at Level 13 of Building C – Courtyard) is to be reduced by at least 2m (to a maximum of RL 43.55 (AHD)).

(b) A new footpath and street tree planting along the site's frontage to Jones Street, as required by condition 12 below.

(c) Areas nominated as deep soil zones must be designed as actual deep soil throughout the competitive design process and detailed design development application. Deep soil zones must be unencumbered by

built elements above and below. This include basements, through site links and other paved areas.

(d) Tree planting must be able to provide a minimum of 15% canopy cover across the site within 10 years of completion.

(Condition amended – 28 March 2024)

(6) BUILDING ENVELOPE

Subject to the other conditions of consent, the building envelope is only approved on the basis that the ultimate building design (including balconies, clerestory windows, skylights, balustrades, services, shading devices and the like) will be entirely contained within the approved envelope and provide an appropriate relationship with neighbouring buildings.

(7) BUILDING HEIGHT

The maximum heights of the building envelopes, as defined in Sydney Local Environmental Plan 2012, are:

~~(a) Jones Block:~~
~~(i) RL 35.700 (AHD) to the Communal roof terrace zone for lift overrun and pergola structures~~
~~(ii) RL 32.400 (AHD) to the Level 8 Communal roof terrace balustrade/planter zone~~
~~(iii) RL 31.400 (AHD) to the Level 7 Residential Roof~~
~~(iv) RL 29.000 (AHD) to the Level 7 balustrade/planter zone~~
~~(v) RL 28.00 (AHD) to the Level 6 Residential Roof~~

~~(b) Fig Block:~~
~~(vi) RL 32.550 (AHD) to the Level 7 Residential Roof~~
~~(vii) RL 30.150 (AHD) to the Level 7 balustrade/planter zone and Communal roof terrace balustrade/planter zone facing Jones Street, Fig Street and Wattle Street~~
~~(viii) RL 29.150 (AHD) to the roof of Level 6 Commercial Roof~~

~~(c) Wattle Block:~~
~~(i) RL 35.950 (AHD) to the Level 9 Residential Roof~~
~~(ii) RL 33.550 (AHD) to the Level 9 balustrade/planter zone facing Wattle Street~~
~~(iii) RL 32.550 (AHD) to the Level 8 Residential Roof~~
~~(iv) RL 30.150 (AHD) to the Level 8 balustrade/planter zone facing Wattle Street~~
~~(v) RL 29.150 (AHD) to the roof of Level 7 Residential Roof~~

~~(d) Café/retail building: RL 11.150 (AHD) to the roof.~~

(a) Building A – Retail Pavilion:

(i) RL 10.75 (AHD) to the roof

(ii) RL 11.05 (AHD) to the parapet wall

(b) Building B - Jones Street:

(i) RL 37.100 (AHD) to the PV array on top of plant and lift overrun

(ii) RL 36.600 (AHD) and RL 36.800 (AHD) to the top of plant and lift overrun

(iii) RL 35.10 (AHD) to the Level 10 roof

(c) Building C - Courtyard:

(i) RL 43.55 (AHD) to the Plant Room Equipment and Parapet Zone

(ii) RL 42.35 (AHD) to the Level 12 roof

(iii) RL 39.45 (AHD) to the Level 09 parapet

(d) Building D - Wattle Street:

(i) RL 36.450 (AHD) to the PV array

(ii) RL 36.250 (AHD) to the Level 11 roof

(iii) RL 32.750 (AHD) to the Level 10 roof

(iv) RL 30.850 (AHD) to the Level 09 balustrade/planter zone

(v) RL 29.550 (AHD) to the Level 09 roof

(e) Building E - Fig Street:

(i) RL 37.950 (AHD) to the top of plant and lift overrun

(ii) RL 36.350 (AHD) to the Level 10 roof

(iii) RL 32.350 (AHD) to the Level 09 roof and RL (AHD) 33.550 to the Level 09 parapet

(iv) RL 29.150 (AHD) to the Level 08 roof and RL (AHD) 29.950 to the Level 08 parapet

The maximum heights shown above are inclusive of additional height approved pursuant to the provisions of Clause 6.21D(3) of Sydney Local Environmental Plan 2012. The development is not eligible for any additional height under any circumstances.

~~Notwithstanding clause (a) and (b) above, the Jones Block and Fig Block may be eligible for up to 10% additional height pursuant to the provisions of Clause 6.21(7) of 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.~~

(Condition amended – 28 March 2024)

(8) FLOOR SPACE RATIO

(a) The Floor Space Ratio of the development must not exceed the maximum permissible floor space ratio development standard and shall be calculated in accordance with the provisions of Clause 4.4 of the Sydney Local Environmental Plan 2012.

(b) Precise details of the distribution of gross floor area shall be provided with the future detailed design development application.

(9) ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Details are to be provided with the subsequent development application for the detailed design of the building to confirm that the building has adopted the following proposed ESDtargets reflected in the Design Excellence Strategy referred to in Condition 4:

(a) 4 Star Green Star Design & As-Built or GreenStar Buildings Rating using the most contemporary version of the Green Star rating tool that applies at the time of DA lodgement.

(b) 5.5 Star NABERS Office Energy Base Building Rating if the development contains 1,000sqm or more of commercial office net lettable area

(c) Exceed the relevant BASIX Energy Target (defined by number of storeys of residentialdevelopment) by 10 BASIX points

(d) Inclusion of on-site renewable energy generation via roof top photovoltaic system(s) and/or solar or heat pump service for domestic water heating

(e) Property Council of Australia (PCA) Office Quality Grade B

The ESD targets are to be carried through the competition phase, design development, construction, and through to completion of the project.

(10) PUBLIC ART

(a) The requirement to accommodate public art as part of the redevelopment of the site must form part of the competitive design process brief. The 'Public Art Strategy', prepared by Mecone, dated 20 June 2019 should form an attachment to that brief.

(b) A Preliminary Public Art Plan must be submitted as part of any detailed design development application in accordance with the 'Public Art Strategy', prepared by Mecone dated 20 June 2019.

Note: Public Art Plans 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 for further information.

(11) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO COMPETITIVE DESIGNPROCESS

(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 must be submitted to and approved by Council's City Model officers.

(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 thanClass C.

(iii) 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 CADelectronic 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 tocreation of the model. The data is to comply with all of the conditions of theDevelopment Consent.

(12) PUBLIC DOMAIN CONDITION

(a) Prior to any competitive design process, a Public Domain Concept Plan must be prepared by a suitably qualified architect, urban designer, landscape architect and engineer. The plan must show all existing and proposed public domain elements within the surrounding site frontages, any through site links, land dedications and/or setbacks.

(b) The Public Domain Plan and Levels and Gradients are to include detailed sections sufficient to show how the footway, ~~***tree and verge planting***~~ will be delivered along the length of Jones Street. A footway of not less than 1.2m in width is to be provided from the kerb along the width of Jones Street. The Sections need to be from the centre line of Jones Street to the internal floor of the buildings and clearly show access, retaining structures and any engineering information to demonstrate the proposal is feasibleand deliverable.

(c) The final Public Domain Concept Plan, shall be submitted as part of the documentation submitted as part of the detailed design development application.

(Condition amended – 28 March 2024)

(13) THROUGH SITE LINK

(a) A Pedestrian Through Site Link is to be provided from Wattle Street to Jones Street and is to include a clear pedestrian path with a width of at least 6 metres and must be open to the sky. Any detailed design development application is to include lifts to provide equitable access and details of the location, dimensions and stratum limits (if any) of the proposed Through Site Link which will also be the subject of an Easement for Public Access and associated Positive Covenant.

(14) LANDSCAPING OF THE SITE

(a) The detailed design development application must include a Landscape Concept Plan and Landscape Design Statement prepared by a qualified landscape architect or landscape designer.

(b) The ~~***Landscape Concept Plan and Landscape Design Statement***~~ ***detailed design development application*** must:

(i) Clarify the vision and design principles for all landscaping to achieve design excellence in accordance with Clause 6.21 of the Sydney Local Environmental Plan 2012 and the integration of landscape design.

(ii) Identify any site, landscape, streetscape, heritage view and/or planning constraints, including (but not limited to), microclimate, ground contamination, existing levels, services and easements, existing trees, landscape features, landscape setbacks and screening/buffer requirements.

(iii) Identify the location of deep soil areas, tree planting, communal open spaces, green roofs and walls, sustainable design measures including water sensitive urban design treatments, sustainability targets and direct sunlight to communal and private open spaces.

(iv) Quantify and illustrate landscape design compliance with the relevant codes including Parts 3 and 4 of the Apartment Design Guide, Section 4.2.3 of the Sydney Development Control Plan 2012 and Sydney Landscape Code Volume 2.

(v) Tree planting that will provide a minimum of 15% canopy cover across the site within 10 years of completion.

(vi) Provide deep soil zones to a minimum area of 7% of the total site area, with a minimum dimension of 6 metres.

(c) The Landscape Concept Plan and Landscape Design Statement must establish a clear commitment to designing landscape sustainably and in an integrated mannerand demonstrate that the function and aesthetic of both the landscape and the buildinghave 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.

(Condition amended – 28 March 2024)

(15) HERITAGE INTERPRETATION STRATEGY

Prior to commencement of the competitive design process, a Heritage Interpretation Strategy must be prepared and approved by Council that addresses (as a minimum):

(a) The history of the site as a quarry and its role as part of a network of disused quarries in the area;

(b) The use of the site as a Council Depot;

(c) The proposed treatment, exposure and interpretation of the rock face (noting areas to be excavated and retained in a natural state);

(d) Use of salvaged sandstone from the site within the detailed design of development, noting that some sandstone will need to be removed to allow for the development;

(e) The retention and display of the weighbridge scales in a publicly accessible locationon the site; and

(f) An archival recording of the buildings and structures on the site (comprising measured drawings and photographic recording) to form part of the heritage interpretation of the site and to be lodged with Council.

The approved Heritage Interpretation Strategy must be included in the Design Excellence brief.

(16) SIGNAGE STRATEGY

A detailed signage strategy developed in accordance with Section 3.16.1 of the Sydney Development Control Plan 2012 must be submitted with any detailed design development application or applications. The signage strategy must include information and scale drawings of the location, type, construction, materials and total number of signs proposed for the development.

(17) NOISE IMPACT AND ACOUSTIC ASSESSMENT

The detailed design development application is to include a detailed noise impact assessment to address the impact of traffic noise on any residential apartments within the site of the development arising from the adjacent classified roads, prepared by a suitably qualified acoustic consultant.

(18) LAND CONTAMINATION

(a) No development works are to be undertaken on the site until such time as a detailed design development application has been approved by the City.

(b) The detailed design development application must include documentation that demonstrates the requirements of State Environmental Planning Policy No 55 are addressed. To address the requirements of SEPP No 55, the hierarchy of assessment may include but not be limited to the following:

(i) Preliminary Environmental Site Assessment (PESA) (Also known as Stage 1)

(ii) Detailed Environmental Site Assessment (DESA) (Also known as Stage 2)

(iii) Remediation Action Plan (RAP)

(iv) Review by NSW EPA Site Auditor

(v) Site Validation Report

(vi) Site Audit Statement (SAS).

(19) ~~LAND DEDICATION – NO LONG TERM ENVIRONMENTAL MANAGEMENT PLAN~~

~~*In the event that any land that is to be dedicated to the City as part of the detailed design development application, this land must be remediated as required and not encumbered by an Environmental Management Plan or Long Term Environmental Management Plan.*~~

Condition deleted via D/2019/649/A

(20) ACID SULPHATE SOILS

As part of any detailed development application, one of the following must be provided:

(a) Evidence that an acid sulphate soils management plan is not required; or

(b) An acid sulphate soils management plan.

(21) WASTE COLLECTION

The detailed design development application must demonstrate compliance with the City's Guidelines for Waste Management in New Developments. The design of the building must ensure that it can accommodate onsite waste collection, including meeting the requirements set out in section 3.11.13 of Sydney Development Control Plan 2012; and be accompanied by a waste management plan addressing section 3.11.13 and Guidelines for Waste Management in New Developments.

(22) PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of all off-street carparking facilities is to ***generally*** satisfy the Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and 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. The design must be provided as part of the detailed design development application.

(Condition amended – 28 March 2024)

(23) BICYCLE PARKING AND END OF TRIP FACILITIES

(a) Any subsequent development application for the detailed design of the building must include a Bicycle Parking Plan and End of Trip Facilities are to 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 Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities and Section 3.11.3 of Sydney Development Control Plan 2012.

(b) The layout, design and security of bicycle facilities must comply with Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities and Section 3.11.3 of Sydney Development Control Plan 2012.

(24) 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.

(25) VEHICLE ACCESS

The Wattle Street driveway is to be a maximum of 6 metres wide to allow for combined vehicle access (left in and left out exit) on Wattle Street.

The site must be configured to allow all vehicles to be driven onto and off the site in a forward direction.

(26) SERVICE VEHICLE SIZE LIMIT

The future detailed design development application must include swept paths of the largest vehicle to access the proposed loading area(s). These will be used to determine a condition for the largest vehicle permitted to service or access the site.

(27) SERVICING

(a) Service vehicle parking space is to be provided according to the Section 7.8 rate of Sydney Development Control Plan 2012.

(b) The loading dock is to be designed to accommodate a 9.25m Council Waste Vehicle and a Medium Rigid Vehicle. The waste collection area must meet the requirements of Section 3.11.13 (3) of the Sydney Development Control Plan 2012.

(c) The loading area is to provide for access for a Medium Rigid Vehicle and must comply with the minimum requirements of Australian Standard AS/NZS 2890.2 Parking facilities Part 2: Off-street commercial vehicle facilities including that vehicle accesswill provide for a 8.8m truck such as a removalist vehicle and minimum vertical clearance of 4.5 metres.

(d) As a part of the development application for the detailed design a revised swept path diagram is required to demonstrate that a 9.25m Council vehicle and an 8.8m Medium Rigid Vehicle can able to enter and exit the site from Fig Street in a forward direction.

(28) TRAFFIC IMPACT STUDY

A detailed Traffic Impact Study focusing on the following intersections is required a part of a future detailed design development application:

(a) Bridge Road – Wattle Street

(b) Wattle Street – Fig Street

(c) Harris Street-Upper Fig Street- Western Distributor

The Traffic Impact Study should consider existing condition (without development), cumulative traffic generations from the approved developments adjacent to the site and with this proposed development. The Traffic Impact Study should critically analyse the intersection performance and traffic impact from the development to the adjacent road network.

(29) CAR SHARE SPACES

Car share parking spaces must be publicly accessible by people who do not occupy the building. The spaces must be retained as common property of the Owners Corporationand 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 number, location and public accessibility of the car share spaces must be included in the future 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 future detailed design development application submission]

(30) TREE PROTECTION PLANS AND DETAILED DESIGN APPLICATION

All detailed architectural, building, engineering (structural, stormwater and drainage services) and landscape documentation submitted as part of the detailed design development application shall clearly show on all drawings the retention of all existing trees recommended for retention in the Arboricultural Impact Assessment Report prepared by 'Earthscape Horticultural Services' ***(Report No. 22-069, Version 11, dated 6th February 2023) and Addendum [1] (dated 11 October 2023) and Addendum 2 dated 14 February 2024*** ~~***dated 3 September 2019 (Version 6)***~~ dated 3 September 2019 (Version 6), including the position of their trunks, full diameter of their canopies, Structural Root Zones (SRZs) and Tree Protection Zones (TPZs).

(Condition amended – 28 March 2024)

(31) STREET TREES AND DETAILED DESIGN APPLICATION

(a) All existing street trees surrounding the site which are recommended for retention in the Arboricultural Impact Assessment Report prepared by ~~'~~Earthscape Horticultural Services' ***(Report No. 22-069, Version 11, dated 6th February 2023), Addendum [1] (dated 11 October 2023) and Addendum 2 dated 14 February 2024*** ~~dated 3 September 2019 (Version 6)~~ must be included for retention with any subsequent detailed design development application ***subject to the following amendment:***

(i) ***Retain Tree 46 (London Plane tree)***

(b) Any design elements (awnings, street furniture, footpath upgrades etc) within the public domain must ensure appropriate setbacks are provided from the street tree to ensure ongoing retention and allow the maturity of new tree to be achieved.

(c) The location of any new driveways shall ensure it does not require the removal of any existing street trees which are recommended for retention in the Arboricultural Impact Assessment Report prepared by 'Earthscape Horticultural Services' ***(Report No. 22-069, Version 11, dated 6th February 2023) Addendum [1] (dated 11 October 2023) and Addendum 2 dated 14 February 2024*** ~~***dated 3 September 2019 (Version 6)***~~ ***as amended by (a) above***. The driveway shall be appropriately setback so as it does not have any adverse below or above ground impacts for any existing street trees which are to be retained.

(d) A pruning specification prepared by a qualified Arborist (minimum AQF 5) ~~***muct***~~ ***must*** be submitted with detailed design development application. Pruning of any street tree must not exceed more than 15% overall canopy with a maximum branch diameter of 100mm will be permitted by Council.

(Condition amended – 28 March 2024)

(32) LEVELS AND GRADIENTS

An Application for Levels and Gradients, including supporting information, must be lodged with the future detailed design development application for all frontages to the site. The Levels and Gradients approval must be issued prior to the determination of the future detailed design development application.

(33) FLOOD PLANNING LEVELS

The future detailed design development application must demonstrate compliance with therecommended Flood Planning Levels indicated in Table 3-2 of the report titled Fig & Wattle – Mixed Use Development, 1B Concept DA Flooding Assessment prepared by Cardno dated 29 August 2019.

(34) ON-SITE DETENTION

Sydney Water advice as to any requirements for on-site detention must be ascertained and submitted with the future detailed design development application. The requirements must be incorporated into the stormwater proposal for the site.

(35) STORMWATER QUALITY ASSESSMENT

City of Sydney (City) has adopted MUSIC-link for assessing Water Sensitive Urban Design (WSUD) compliance for developments. A stormwater quality assessment for the proposed development must be prepared and submitted with the future detailed design development application. The assessment must comply with the City's specific modelling parameters as adopted in MUSIC-link. A certificate and/or report from MUSIC-link andthe electronic copy of the MUSIC Model must be submitted for review and approval with the stormwater quality assessment report.

(36) AUSGRID CONDITIONS

(a) Supply of Electricity

It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not: - The existing networkcan support the expected electrical load of the development - A substation may be required on-site, either a pad mount kiosk or chamber style and; - site conditions or other issues thatmay impact on the method of supply. Please direct the developer to Ausgrid's website, www.ausgrid.com.au about how to connect to Ausgrid's network.

Proximity to Existing Network Assets

(b) Overhead Powerlines

There are existing overhead electricity network assets in 14-26 Wattle St, Pyrmont. 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

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.

(c) Underground Cables

There are existing underground electricity network assets in 14-26 Wattle St, Pyrmont.

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.

Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable. Safework Australia – Excavation Code of Practice, and Ausgrid’s Network Standard NS156 outlines the minimum requirements for working around Ausgrid’s underground cables.

(d) Substation

There are existing electricity substation assets S966.

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 contactwith 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 whichmeet 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 toensure 24 hour access. No temporary or permanent alterations to this property tenure canoccur without written approval from Ausgrid.

For further details refer to Ausgrid's Network Standard 143.For Activities Within or Near to the Electricity Easement:

(e) Purpose of Easement

This easement was acquired for the 11,000 volt distribution assets currently owned and operated by Ausgrid. The purpose of the easement is to protect the distribution assets andto provide adequate working space along the route of the cables for construction and maintenance work. The easement also assists Ausgrid in controlling works or other activities under or near the distribution cables which could either by accident or otherwisecreate an unsafe situation for workers or the public, or reduce the security and reliability of Ausgrid's network.

SCHEDULE 2 PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the Environmental Planning and Assessment Regulation 2000 apply:

Clause 98 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

Clause 98A Erection of signs

Clause 98B Notification of Home Building Act 1989 requirements

Clause 98C Conditions relating to entertainment venues

Clause 98D Conditions relating to maximum capacity signage

Clause 98E Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the Environmental Planning and Assessment Regulation 2000. This can be accessed at: http://www.legislation.nsw.gov.au

SCHEDULE 3

GENERAL TERMS OF APPROVAL

The Terms of Approval for Integrated Development in accordance with the *Water Management Act 2000,* as advised by Water NSW are as follows:

Dewatering

(37) Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application.

(38) An authorisation under the relevant water legislation, such as a Water Access Licence (WAL), shall be obtained for the take of groundwater as part of the activity. Foravoidance of doubt, these terms do not represent any authorisation for the take of groundwater, nor do they constitute the grant, or the indication of an intention to grant, any required WAL.

(39) An authorisation under the relevant water legislation, such as an Approval, is also required for the works involved in extracting the groundwater. For avoidance of doubt, these terms do not represent any authorisation for the construction or installation of such works.

(40) The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.

(41) Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and: a. any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and b. any elevated water table ismore than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and c. where the habitable part of the structure(not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.

(42) Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.

(43) The Applicant is bound by the above terms and any other terms and conditions of the subsequent authorisation(s) required for the extraction of groundwater and the associated works under the relevant water legislation.

(44) Measurement and monitoring arrangements to the satisfaction of WaterNSW are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are

to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.

(45) Following cessation of the dewatering operations and prior to the surrender of any associated authorisation, the applicant shall submit to WaterNSW the completion reportwhich shall include: a. detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and b. The location and construction of groundwater extraction works that are decommissioned c. a water table map depicting the aquifers settled groundwater condition and a comparison to the baseline conditions; and d. a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.

CONCURRENCE CONDITIONS

The concurrence conditions, in accordance with the Roads Act 1993, as advised by Roads and Maritime Services as follows:

1. Prior to the commencing any works within a classified road reserve area (i.e. Wattle Street and Fig Street) the developer/proponent must obtain Section 138 consent under the Roads Act 1993 from Roads and Maritime. Any application lodged must demonstrate compliance with Conditions 2, 3, 4, 5 below.

2. All buildings and structures together with any improvements integral to the future use of the site shall be wholly within the freehold property (unlimited in height or depth), along the Wattle Street and Fig Street boundary.

3. The construction of the median island on the Wattle Street frontage and the vehicular crossings on Wattle Street and Fig Street shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained by email at DeveloperWorks.Sydney@rms.nsw.gov.au.

   Detailed design plans of the proposed works are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to development.sydney@rms.nsw.gov.au.

   A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

4. A Construction Traffic Management Plan (CTMP) shall be submitted in consultation withthe TfNSW Sydney Coordination Office (SCO), Roads and Maritime, and Sydney City Council, prior to the issue of a Construction Certificate. The CTMP needs to include, butnot 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.

5. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

   The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. Please send all documentation to development.sydney@rms.nsw.gov.au

   If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

6. All vehicles shall enter and exit the site in a forward direction.

7. If not already in place, “No Stopping” restrictions shall be implemented along the full Wattle Street and Fig Street frontage of the development site at no cost to Roads and Maritime.

8. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions)should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018.

9. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.

10. The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.

11. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.

12. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the surrounding state road network during construction activities. A ROL can be obtained through https://myrta.com/oplinc2/pages/security/oplincLogin.jsf.

13. The proposed development should be designed such that road traffic noise from Wattle Street is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of *State Environmental Planning Policy (Infrastructure) 2007.* As such, prior to the issuing of the Construction Certificate, the developer must demonstrate to Council that road traffic noise from Wattle Street has been mitigated to comply with the above and has regard for the applicable requirements in the NSW Government's *Development Near Rail Corridors and Busy Roads – Interim Guideline, 2008* with applicable requirements being details on the Construction Certificate plans.

a

b

The concurrence conditions, as advised by Transport for NSW as follows:

TAB A — Items to be considered as part of the Stage 2 Development Application forthe Inner West Light Rail (IWLR) Corridor

The proposed development is located adjacent to the IWLR Corridor. Requirements to address the implications of this corridor are outlined below.

Any Stage 2 development application shall include, but is not limited to, the following:

General

- Relevant property details, including the lot or portion, deposited plan, section number
  (if applicable), house number, street, suburb or town.
- A description of the proposed development (i.e. scope of work) and its intended purpose.

Survey

- Legal boundary alignment along the length of the proposed site identified by a NSW registered surveyor.
- Railway infrastructure identified at ground level (e.g. anchor blocks), above ground level (e.g. overhead wiring structures, transmission line) and below ground level (e.g.service cables, culverts).
- Drawings showing the development in relation to the railway boundary and infrastructure such as tracks, cable route, etc.
- Any other services assets within or outside the rail corridor.
- Easements (including right of ways etc) or stratums, covenants and caveats identifiedby a NSW registered surveyor, specifying the purpose of the easement and the beneficiary.
- Location of rail corridor and its dimensions, relative distances and reduced levels tothe proposed excavation face and levels.
- Development in relation to all rail infrastructures as identified above, displaying distances and reduced levels between the proposed development and the infrastructures in a) elevation view, b) plan view and c) section view.
- Existing ground crossfalls, flow directions and overland run off.
- Proposed ground crossfalls, flow directions and overland run off.

Geotechnical

- Geotechnical report describing the scope of the development in detail.
- Geotechnical report to assess likely effects on the excavation, vibration associatedwith excavation methods and the relaxation in the rock mass due to reduction in pressure and un-loading.
- Geotechnical investigation report to include but not limited to: o Description of the soilprofile typical of the area.
    - Assessment of any effects on rail infrastructures, risk to rail infrastructures dueto excavation, vibration associated with excavation methods.
    - Boreholes plan.
    - Boreholes log and photographic documentations.
    - Geotechnical design parameters.

- Evidence of boreholes, with depth at least 5m below the depth of proposed excavation. A plan of the boreholes, borehole logs and photographic documentationsmust be attached.
- Geotechnical Assessment based on the findings from the geotechnical investigation,boreholes and general geographical area, ground water level, etc.
- Geotechnical Assessment with comments on any possible effect on rail infrastructures.
- Geotechnical consultant to recommend the footing design, methods of shoring andexcavation.
- Geotechnical consultant to calculate and state the predicted movement (if any) of relevant railway infrastructure (e.g. tracks, retaining walls, etc).
- Finite Element analysis of the slope stability of the cutting/embankment at 1) pre-construction; 2) during excavation and 3) post construction, with soil design parameters clearly defined (applicant will need to confirm whether 2D or 3D modellingis required).
- Report on how the proposal development address and/or complies with all relevant Asset Standards Authority (ASA) standards/Guidelines/Technical Notes (in particularExternal Developments - T HR CI 12080 ST.

Structural

- Structural report with comments on the possible impact of the rail infrastructures.
- Structural report with recommendation of preventative and remedial action for any impacts on rail infrastructures as a consequence of the proposed development.
- Structural drawings with designs for shoring plan and detail as per the recommendations of the geotechnical consultant (no rock anchors within rail land oreasements is permitted).

Additional information (depending on individual circumstances):

- Drainage details (no drainage into the rail corridor).
- Balcony design – enclosed balconies.
- The following may be required as part of the Development Application or may be imposed to be undertaken prior to the Construction Certificate (discussion with TfNSW to confirm this):
    - Dilapidation inspection.
    - Electrolysis report to include details of the Electrolysis risk to the developmentfrom stray currents as all structures must be designed, constructed and maintained so as to avoid any damage or other interference, which may occuras a result of stray electrical currents, electromagnetic effects and the like from railway operations.
    - Acoustic Report to include details of how the proposed development will comply with the Department of Planning's document titled "Development nearrail corridors and busy roads – Interim Guideline" and Clause 87 of ISEPP if applicable. This report also needs to assess the likely impact of airborne noise, ground borne noise and vibration that may emanate from the future railoperations.

Relevant Standards

- Report on how the development complies with the document Development Near RailCorridors and Busy Roads – Interim Guideline (NSW Department of Planning, 2008)

(http://www.planning.nsw.gov.au/~/media/Files/DPE/Manuals-and-guides/development-near-rail-corridors-and-busy-roads-interim-guideline-2008.ashx)

- In relation to light rail corridor, report on how the development complies Asset Standards Authority (ASA) standard - External Developments - T HR CI 12080 ST.(https://www.transport.nsw.gov.au/industry/asset-standards-authority/find-a-standard/external-developments-1)

TAB B– Items to be considered for Non-Concurrence Matters as part of the Stage 2Development Application

Freight and Servicing Management

Comment
The Transport Report states the following:

- It is anticipated between four and five loading spaces will be provided as part of thedevelopment, which will be confirmed as part of the detailed DA;
- Access to the loading dock would be provided via a new crossover on Fig Streetwithout a dedicated slip lane; and
- The majority of vehicle movements into and out of the loading dock will occur outsideof peak hours (either before 7am or between 9am-12pm).

It is noted that there is no queueing room within the loading dock arrangement toaccommodate vehicles should the proposed turntable be in use.

It is advised that vehicle queuing at the proposed loading dock entry has the potential to impact the operation of the road network within the vicinity of the site.

Recommendation
It is requested that the applicant be conditioned to prepare a draft Freight and Servicing Management Plan, as part of any Stage 2 application, for an on-site loading dock or sharedoff-street parking facilities. The Plan needs to specify, but not be limited to, the following:

- Details of the development's freight and servicing profile, including the forecast freightand servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;
- Details of loading and servicing facilities within the subject site which adequatelyaccommodate the forecast demand of the development so as to not rely on the kerbside restrictions to conduct the development's business; and
- Swept paths of vehicles entering and exiting the loading dock;
- Management of queuing along Fig Street as a result of the proposed loading dockarrangement;
- The details of alternate loading zones to redirect vehicles due to extensive queuing atthe access to loading dock;
- Management of incidents at the access to the loading dock;
- Loading dock management details including measures to minimise freight and servicevehicle movements during peak periods;
- Management of conflicts between cars accessing the car park and vehiclemovements to/from the loading dock; and
- Management of conflicts between vehicles accessing the loading dock

andpedestrian movements along Fig Street.

Active Transport

It is requested that the applicant locates bicycle facilities in secure, convenient, accessible areas close to the main entries incorporating adequate lighting and passive surveillance and in accordance with Austroads guidelines.

Construction Pedestrian and Traffic Management

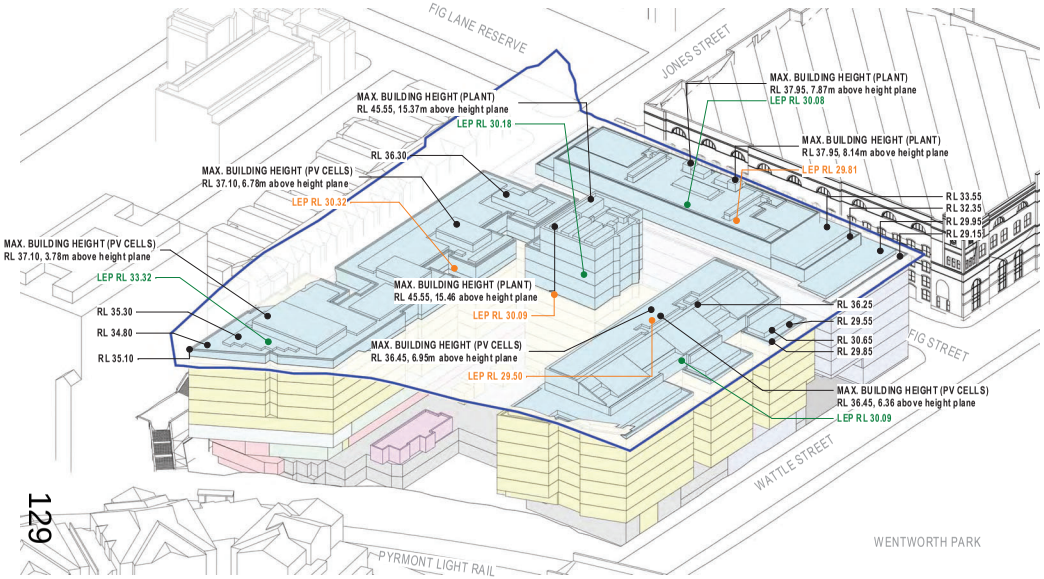
Comment
Several construction projects, including the Sydney Light Rail project, are likely to occur at the same time as this development. The cumulative increase in construction vehicle movements from these projects could have the potential to impact on general traffic and bus operations in the vicinity of the CBD, as well as the safety of pedestrians and cyclists particularly during commuter peak periods.

Recommendation
It is requested that the applicant be conditioned to prepare a draft Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with the Sydney Coordination Officewithin TfNSW and the IWLR operator, as part of any Stage 2 application. The draft CPTMPneeds to specify matters including, but not limited to, the following:

- A description of the development;
- Location of any proposed work zone(s);
- Location of any crane(s);
- Haulage routes;
- A detailed plan identifying all construction vehicle access arrangements;
- Estimated number of construction vehicle movements, including measures to reducethe number of movements during the AM and PM peak periods;
- Measures to avoid construction worker vehicle movements within the CBD;
- Construction program;
- Proposed construction hours;
- Any potential impacts to general traffic, cyclists, pedestrians and bus and light railservices within the vicinity of the site from the construction of the development;
- Cumulative construction impacts of the development, Sydney Light Rail Project, Sydney Metro City and Southwest and other development. Existing CPTMPs fordevelopments within or around the development site should be referenced in theCPTMP to ensure that coordination of work activities are managed to minimise impacts on the CBD road network; and
  Proposed mitigation measures. Should any impacts be identified, the duration of theimpacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included inthe CPTMP.

Attachment C

Amended Building Envelope Drawings



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STAGE 1 DA MODIFICATION MASSING - WEST

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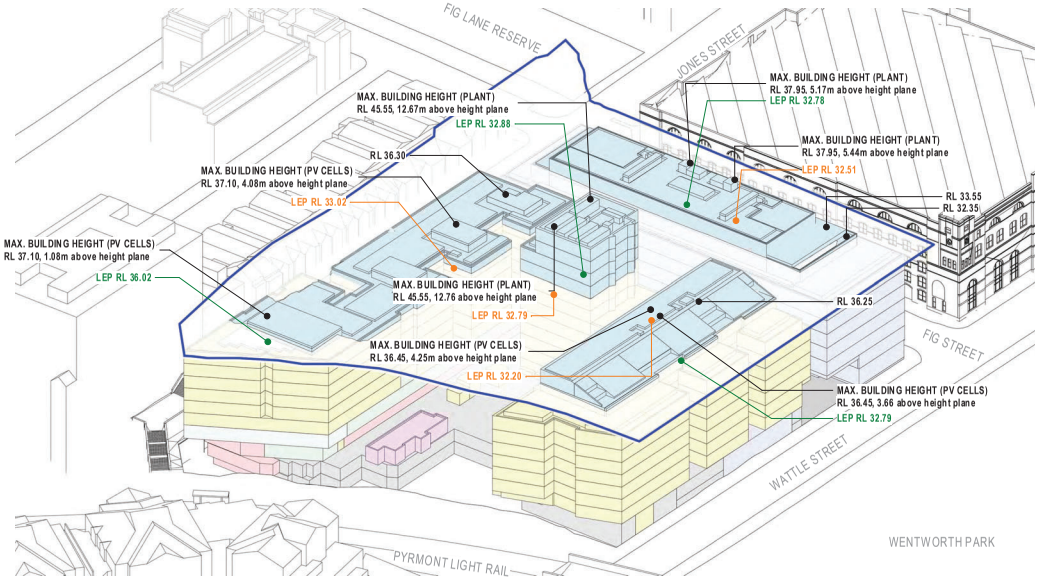

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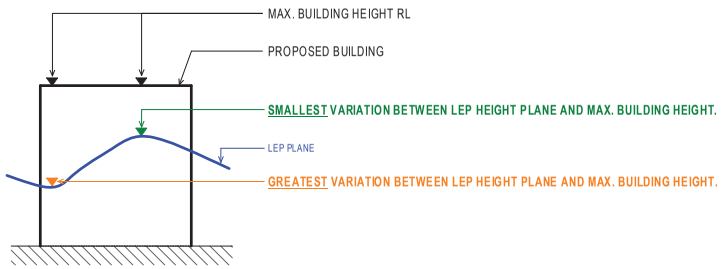

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BVN PROJECT NUMBER
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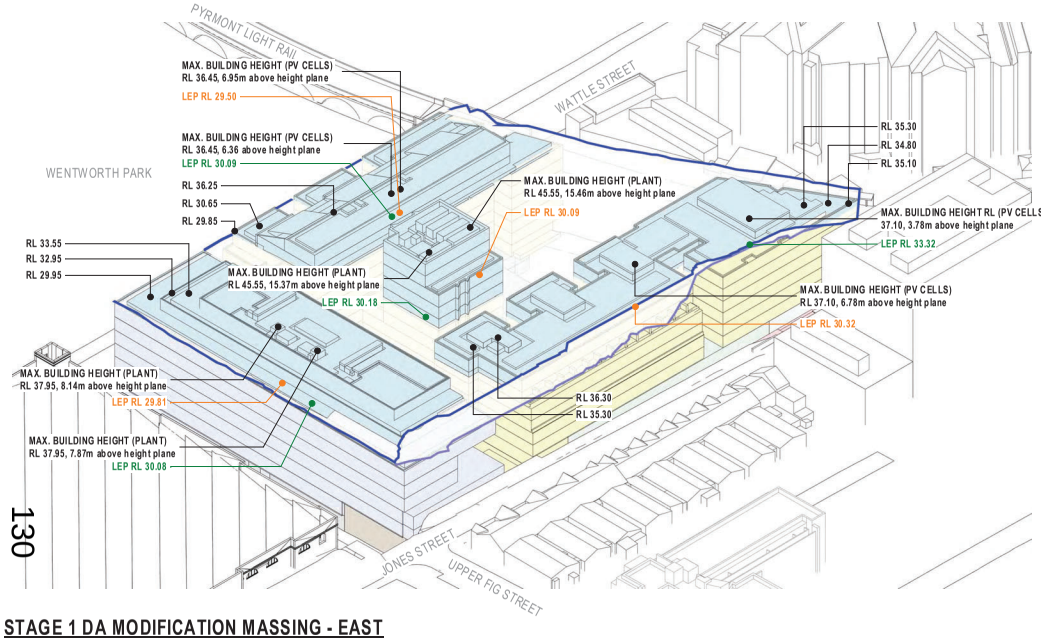

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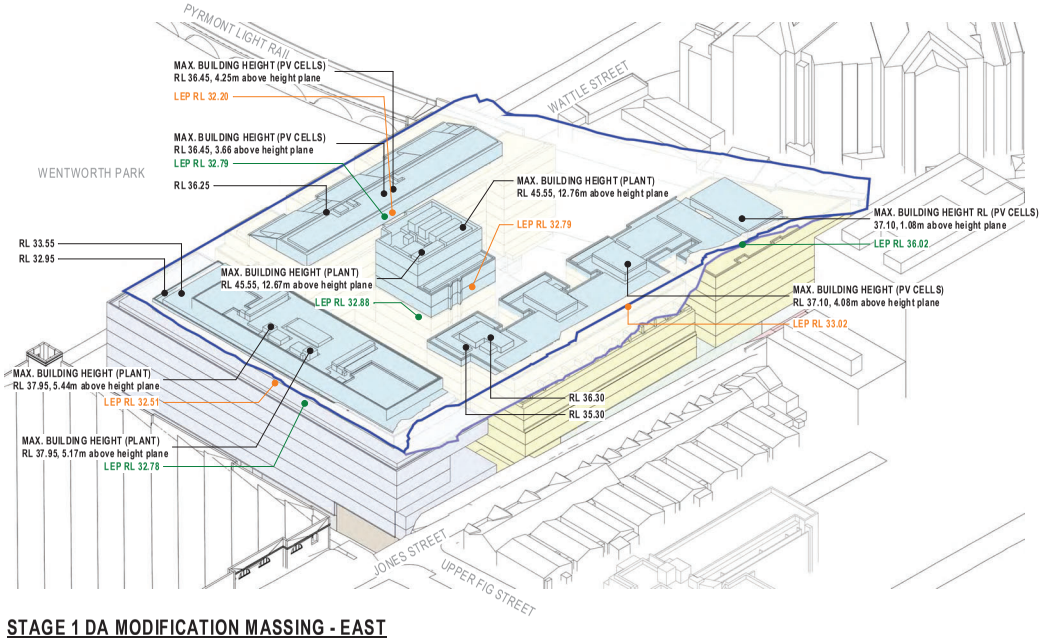

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LEP HEIGHT LIMIT + 10% PLANE
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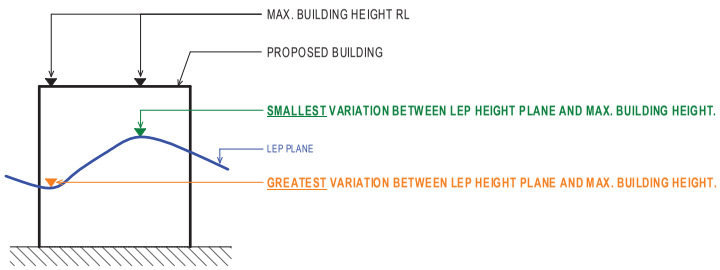

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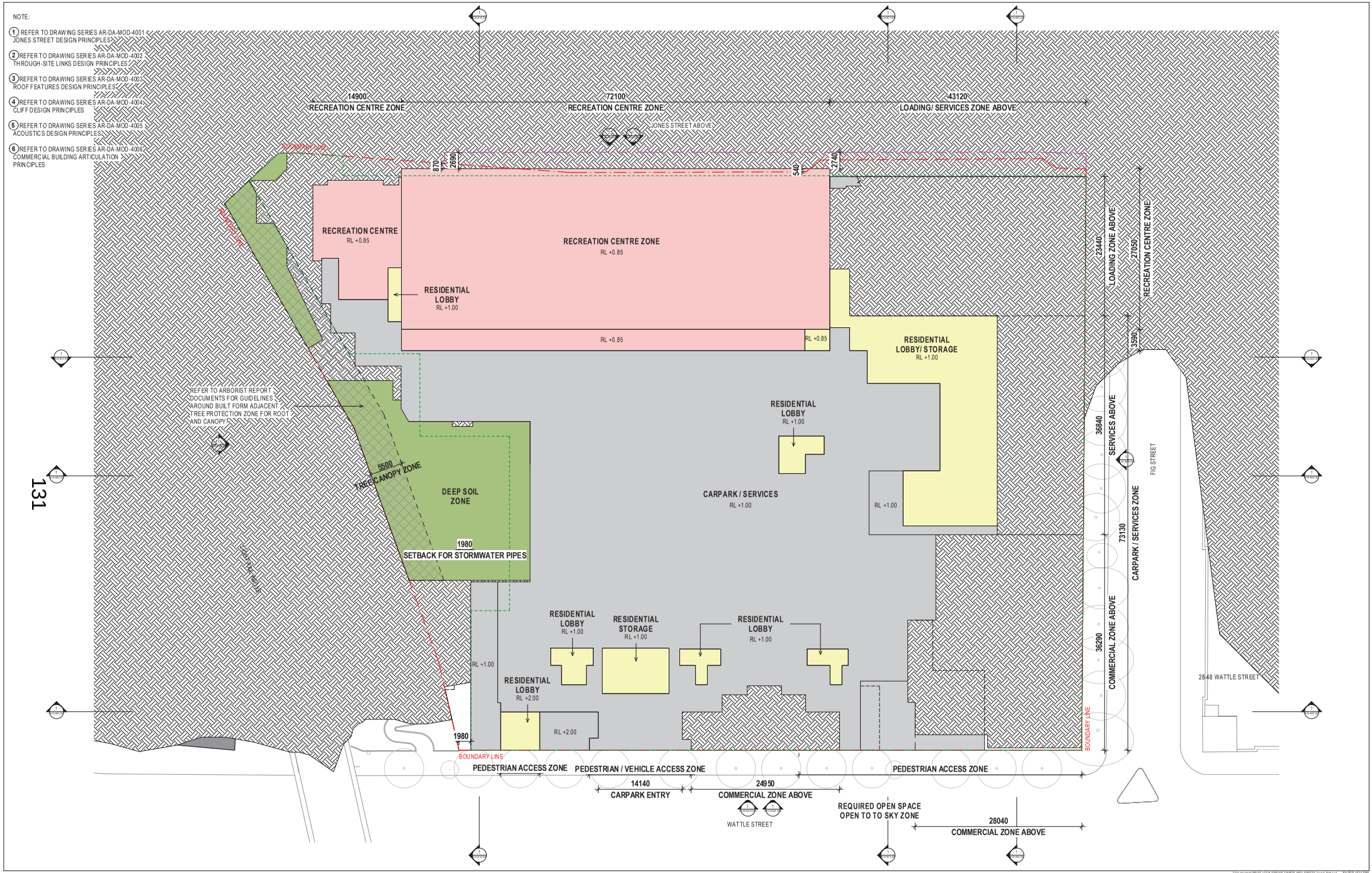

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LEGEND

- SITE BOUNDARY TOTAL AREA: 12,125M²
- DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL LAND (236 M²). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 12,361 M²).
- STAGE 1 DA ENVELOPE

- STAGE 2 DA ENVELOPE - RECREATION CENTRE
- STAGE 2 DA ENVELOPE - RETAIL
- STAGE 2 DA ENVELOPE - CAR PARKING SERVICES
- STAGE 2 DA ENVELOPE - PLANTANDLIFT TO HERLIN
- STAGE 2 DA ENVELOPE - BEYOND
- STAGE 2 DA ENVELOPE - RESIDENTIAL
- STAGE 2 DA ENVELOPE - RESIDENTIAL PRIVATE OPEN SPACE
- STAGE 2 DA ENVELOPE - COMMERCIAL
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5. HAS WINDOWS OFFSET FROM OPPOSITE FACADE

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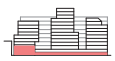

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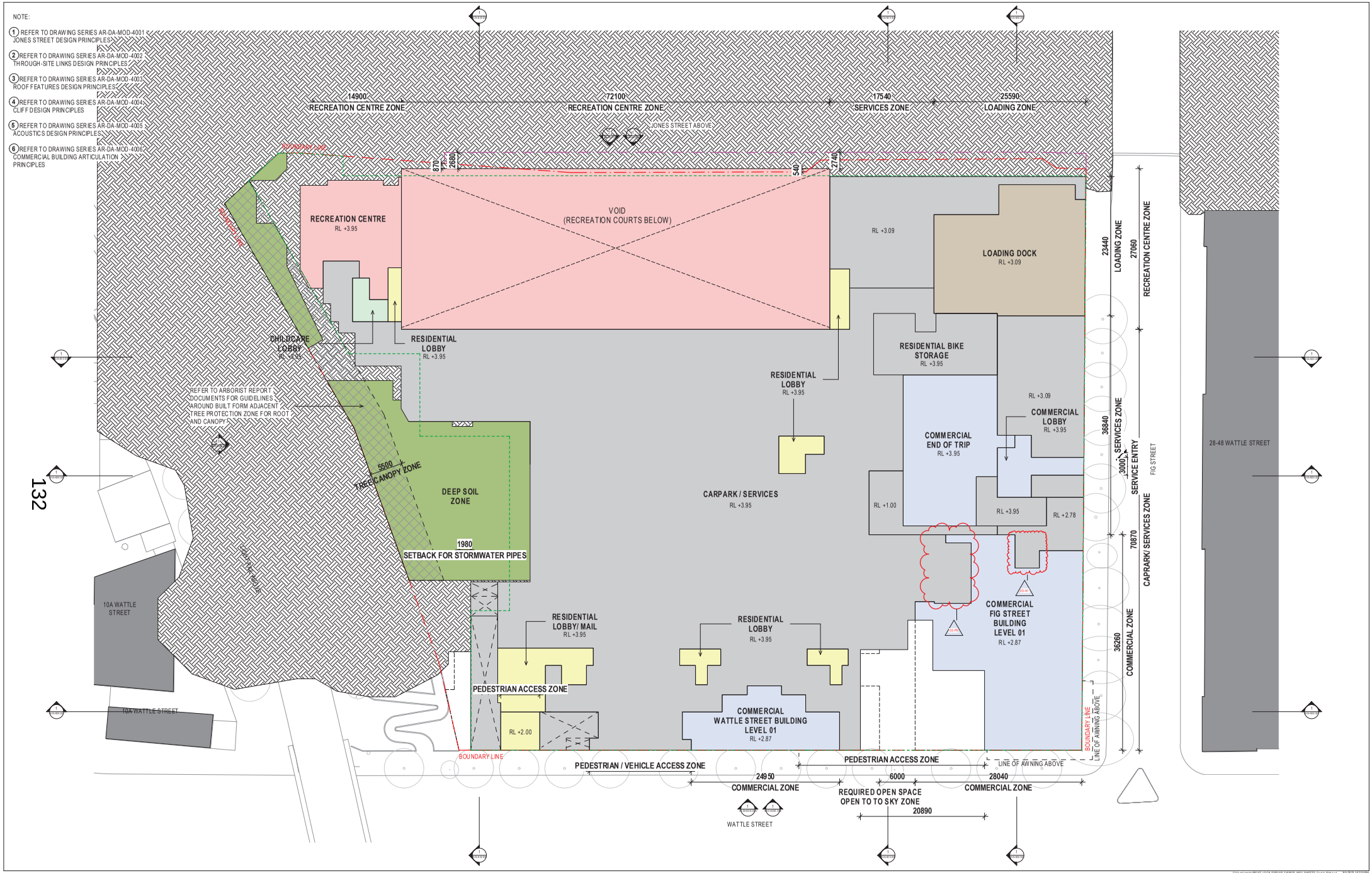

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LEGEND

- SITE BOUNDARY
  TOTAL AREA: 12,125M²
- DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL LAND (236 M²). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: (2,381 M²).
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- STAGE 2 DA ENVELOPE - RECREATION CENTRE
- STAGE 2 DA ENVELOPE - RETAIL
- STAGE 2 DA ENVELOPE - CAR PARKING SERVICES
- STAGE 2 DA ENVELOPE - PLANTANDLIFTO HERLIN
- STAGE 2 DA ENVELOPE - BEYOND
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- STAGE 2 DA ENVELOPE - COMMERCIAL FINS OUTSIDE OF GLAZING LINE
- STAGE 2 DA ENVELOPE - CHILDCARE CENTRE
- PHOTOVOLTAIC CELLS
- EARTH

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2. HAS PRIMARY SCREEN & LANDSCAPE BUFFER
3. DOESN'T HAVE DIRECT RIGHT LINE INTO ADJACENT BUILDINGS
4. HAS NARROW SILL OT WINDOWS WITH DEEP REVEALS
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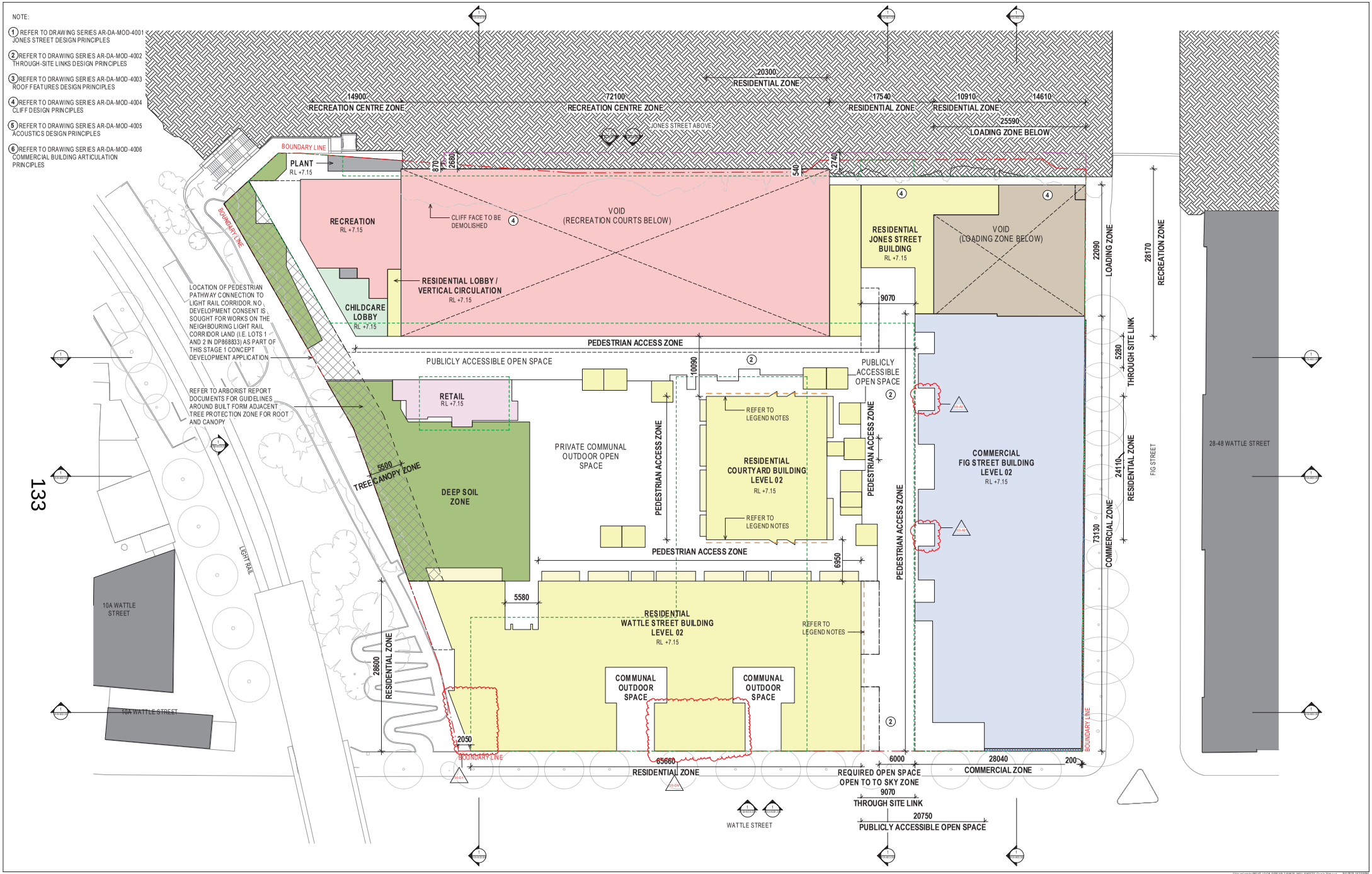

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- STAGE 2 DA ENVELOPE - CHILDCARE CENTRE
- PHOTOVOLTAIC CELLS
- EARTH

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2. HAS PRIVACY SCREEN & LANDSCAPE BUFFER
3. DOES NOT HAVE DIRECT SIGHT LINE INTO ADJACENT BUILDINGS
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5. HAS WINDOWS OFFSET FROM OPPOSITE FACADE

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DO NOT SCALE
STATUS

DRAWING
GENERAL ARRANGEMENT PLAN - LEVEL 02
DRAWING NUMBER
AR-DA-MOD-1003
ISSUE
03

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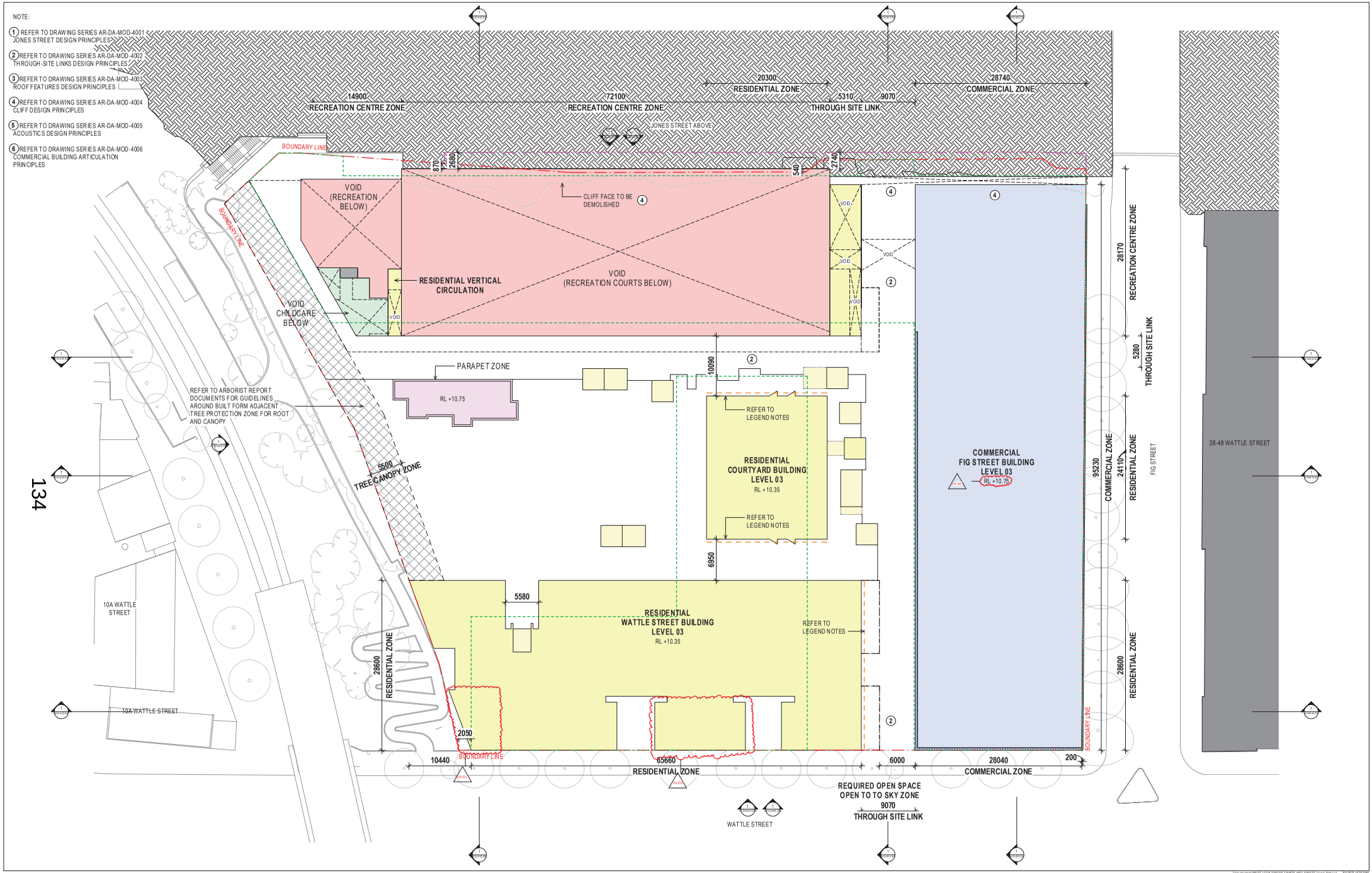

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NOTE
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ISSUE	DATE	FOR	CHKD
01	23/12/22	STAGE 1 DA MODIFICATION	
02	15/02/23	STAGE 1 DA MOD SUBMISSION	
03	03/10/23	STAGE 1 DA MOD SUBMISSION	

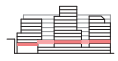
LEGEND

- SITE BOUNDARY TOTAL AREA: 12,125M²
- DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL LAND (236 M²). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: (2,381 M²).
- STAGE 1 DA ENVELOPE

- STAGE 2 DA ENVELOPE - RECREATION CENTRE
- STAGE 2 DA ENVELOPE - RETAIL
- STAGE 2 DA ENVELOPE - CAR PARKING SERVICES
- STAGE 2 DA ENVELOPE - PLANTANDLIFT TO HERLIN
- STAGE 2 DA ENVELOPE - BEYOND
- STAGE 2 DA ENVELOPE - RESIDENTIAL
- STAGE 2 DA ENVELOPE - RESIDENTIAL PRIVATE OPEN SPACE
- STAGE 2 DA ENVELOPE - COMMERCIAL
- STAGE 2 DA ENVELOPE - COMMERCIAL FINS OUTSIDE OF GLAZING LINE
- STAGE 2 DA ENVELOPE - CHILDCARE CENTRE
- PHOTOVOLTAIC CELLS
- EARTH

ANY OPENING TO THIS FACADE IS NO TPRIMARY OPENING AND RELIES ON TWO OF THE FOLLOWING CRITERIA:
1. HAS DIRECT LINE OF SIGHT WALLS TO ADJACENT BUILDINGS
2. HAS PRIVACY SCREEN LANDSCAPE BUFFER
3. DOES NOT HAVE DIRECT SIGHT LINE INTO ADJACENT BUILDINGS
4. HAS NARROW SLOT WINDOWS WITH DEEP REVEALS
5. HAS WINDOWS OFFSET FROM OPPOSITE FACADE

KEY PLAN



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IGS ENGINEERING
(02) 8488 4600
LANDSCAPE
OCULUS
(02) 9957 9533

CLIENT
LANDREAM
CLIENT NUMBER
PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0877

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
21090123
STATUS

TRUE NORTH
PROJECT NORTH
GRAPHIC SCALE
0 20.00 50.00
SCALE
As indicated @ A1
DO NOT SCALE

DRAWING
GENERAL ARRANGEMENT PLAN - LEVEL 03
DRAWING NUMBER
AR-DA-MOD-1004
ISSUE
03

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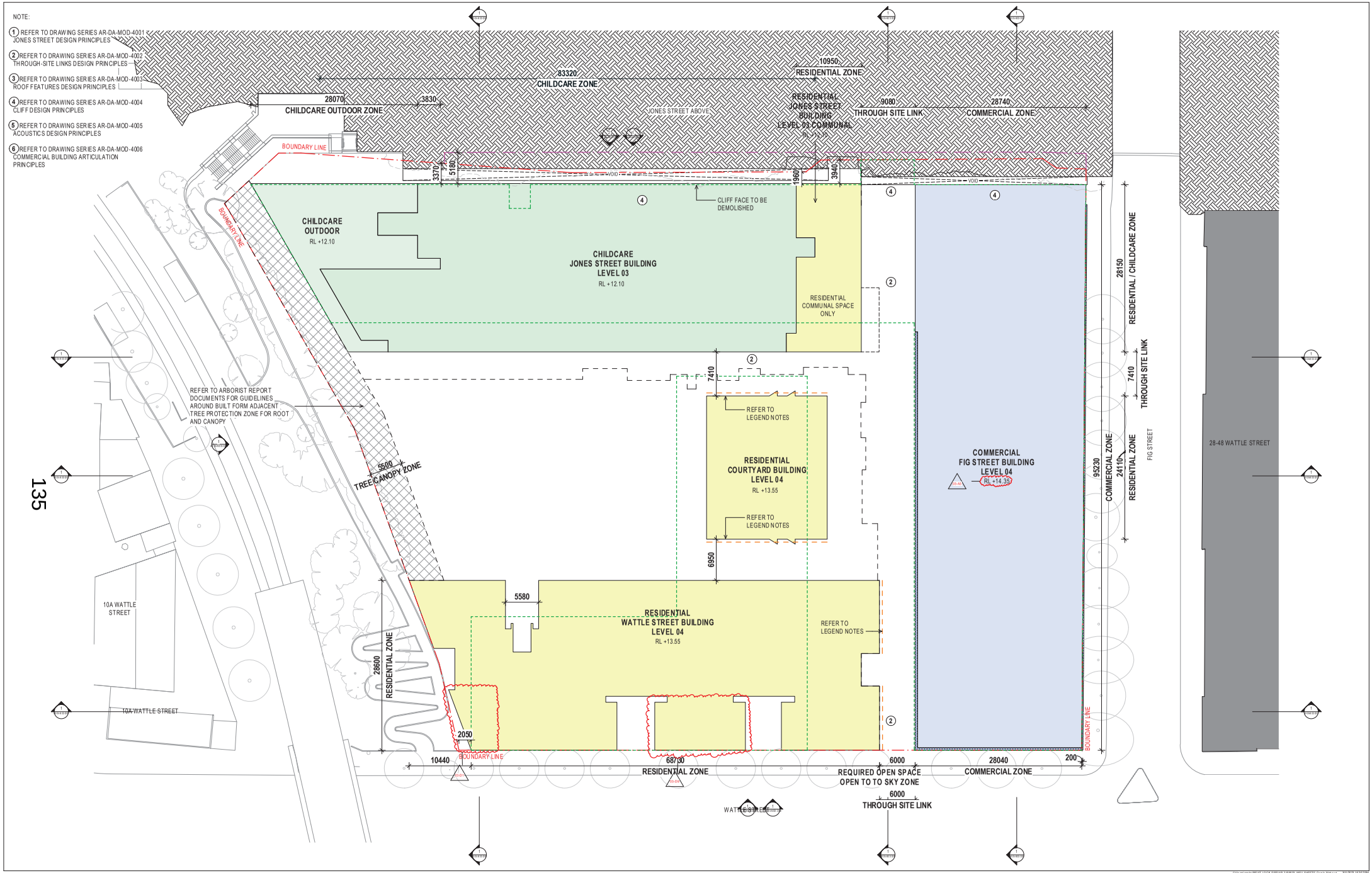

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ANDREW DUFFIN 6721
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NOTE
DO NOT SCALE THIS DRAWING

ISSUE	DATE	FOR	CHKD
01	23/12/22	STAGE 1 DA MOD DRAFT 01	
02	15/02/23	STAGE 1 DA MOD 1 SUBMISSION	
03	03/10/23	STAGE 1 DA MOD 2 SUBMISSION	

LEGEND
- SITE BOUNDARY TOTAL AREA: 12,125M²
- DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL LAND (236 M²). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: (2,381 M²).
- STAGE 1 DA ENVELOPE

- STAGE 2 DA ENVELOPE - RECREATION CENTRE
- STAGE 2 DA ENVELOPE - RETAIL
- STAGE 2 DA ENVELOPE - CAR PARKING SERVICES
- STAGE 2 DA ENVELOPE - PLANTANDI LIFT TO HERLIN
- STAGE 2 DA ENVELOPE - BEYOND
- STAGE 2 DA ENVELOPE - RESIDENTIAL
- STAGE 2 DA ENVELOPE - RESIDENTIAL PRIVATE OPEN SPACE
- STAGE 2 DA ENVELOPE - COMMERCIAL
- STAGE 2 DA ENVELOPE - COMMERCIAL FINS OUTSIDE OF GLAZING LINE
- STAGE 2 DA ENVELOPE - CHILDCARE CENTRE
- PHOTOVOLTAIC CELLS
- EARTH

ANY OPENING TO THIS FACADE IS NO TPRIMARY OPENING AND RELIES ACROSS TO THE PCA, DUE TO SITUATIONS:
1. HAS DIRECT LINE OF SIGHT TO ADJACENT BUILDINGS
2. HAS PRIMARY SCREEN LANDSCAPE BUFFER
3. DOESN'T HAVE DIRECT SIGHT LINE INTO ADJACENT BUILDINGS
4. HAS NARROW SLOT WINDOWS WITH DEEP REVEALS
5. HAS WINDOWS OFFSET FROM OPPOSITE FACADE

KEY PLAN

PLANNER
GYDE CONSULTING
(02) 9068 7500
STRUCTURE
EI AUSTRALIA
(02) 9516 0722
SERVICES
IGS ENGINEERING
(02) 8488 4600
LANDSCAPE
OCULUS
(02) 9557 9533

CLIENT
LANDREAM

CLIENT NUMBER

PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0877

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
210923

TRUE NORTH | PROJECT NORTH | GRAPHIC SCALE
SCALE
As in double sig At | DO NOT SCALE
STATUS

DRAWING
GENERAL ARRANGEMENT PLAN - LEVEL 03 & LEVEL 04
DRAWING NUMBER: AR-DA-MOD-1005
ISSUE: 03

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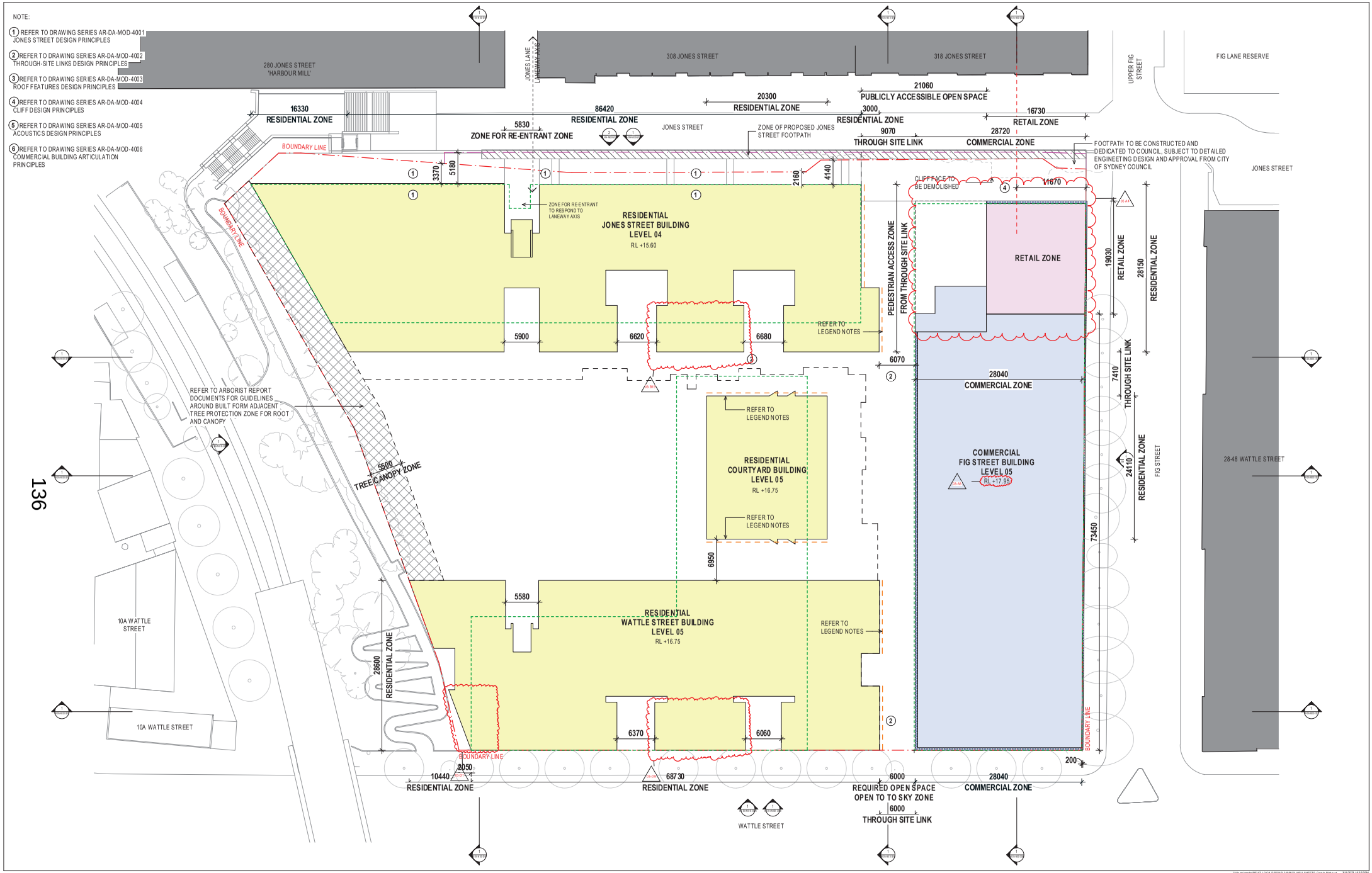

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(7301) 8A 7 ST ST (SLAN)
(7401) PETER (7715) 33...
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Facsimile +61 2 8297 7299
www.bvn.com.au

ISSUE	DATE	FOR	CHKD
01	23/12/22	STAGE 1 DA MOD DRAFT 01	
02	6/02/23	STAGE 1 DA MOD SUBMISSION	
03	6/21/23	STAGE 1 DA MOD SUBMISSION	

NOTE
CONTRACTOR TO CHECK & VERIFY FFL, ZONE HEIGHTS & SITE PRIOR TO COMMENCEMENT. IF ANY DISCREPANCIES IN SP, DO NOT SCALE THIS DRAWING

LEGEND

- SITE BOUNDARY TOTAL AREA: 12,125M²
- DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL LAND (236 M²). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: (2,381 M²).
- STAGE 1 DA ENVELOPE

- STAGE 2 DA ENVELOPE - RECREATION CENTRE
- STAGE 2 DA ENVELOPE - RETAIL
- STAGE 2 DA ENVELOPE - CAR PARKING SERVICES
- STAGE 2 DA ENVELOPE - PLANTAND LIFTO HERLIN
- STAGE 2 DA ENVELOPE - BEYOND
- STAGE 2 DA ENVELOPE - RESIDENTIAL
- STAGE 2 DA ENVELOPE - RESIDENTIAL PRIVATE OPEN SPACE
- STAGE 2 DA ENVELOPE - COMMERCIAL
- STAGE 2 DA ENVELOPE - COMMERCIAL FINS OUTSIDE OF GLAZING LINE
- STAGE 2 DA ENVELOPE - CHILDCARE CENTRE
- PHOTOVOLTAIC CELLS
- EARTH

ANY OPENING TO THIS FACADE IS NOT PRIMARY OPENING AND RELATES TO ONE OF THE FOLLOWING SITUATIONS:
1. HAS DIRECT TO A NON-PARK WALLS RIGHT
2. HAS PRIMARY SCREEN LANDSCAPE BUFFER
3. DOESN'T HAVE DIRECT SIGHT LINE INTO ADJACENT BUILDINGS
4. HAS NARROW SLOT WINDOWS WITH DEEP REVEALS
5. HAS WINDOWS OFFSET FROM OPPOSITE FACADE

KEY PLAN

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IGS ENGINEERING
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LANDSCAPE
OCULUS
(02) 9957 9533

CLIENT
LANDREAM
CLIENT NUMBER
PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0877

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
210903

TRUE NORTH
PROJECT NORTH
GRAPHIC SCALE
0 20 00 60
SCALE
As indicated @ A1
DO NOT SCALE
STATUS

DRAWING
GENERAL ARRANGEMENT PLAN - LEVEL 04 & LEVEL 05
DRAWING NUMBER
AR-DA-MOD-1006
ISSUE
03

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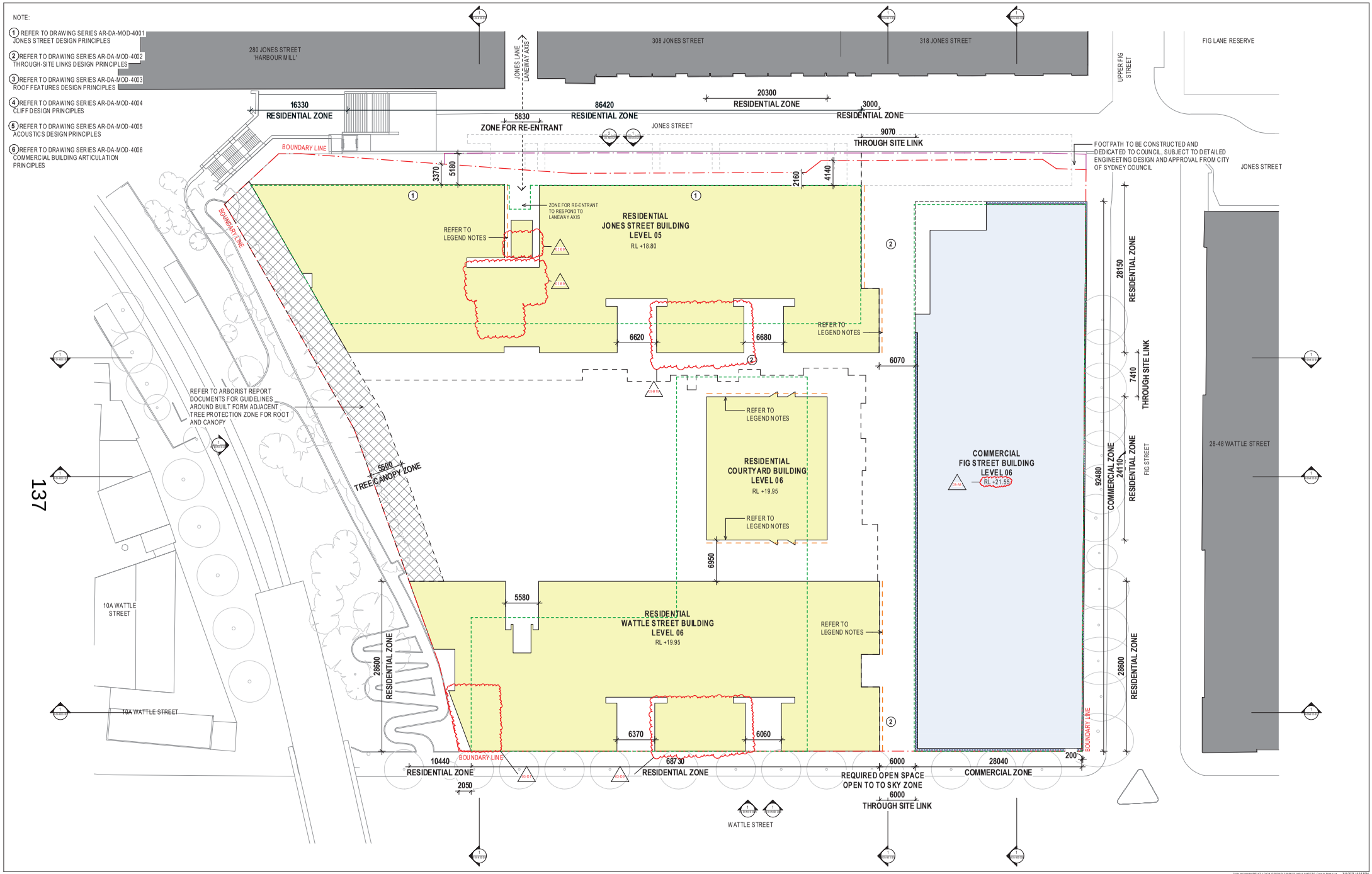

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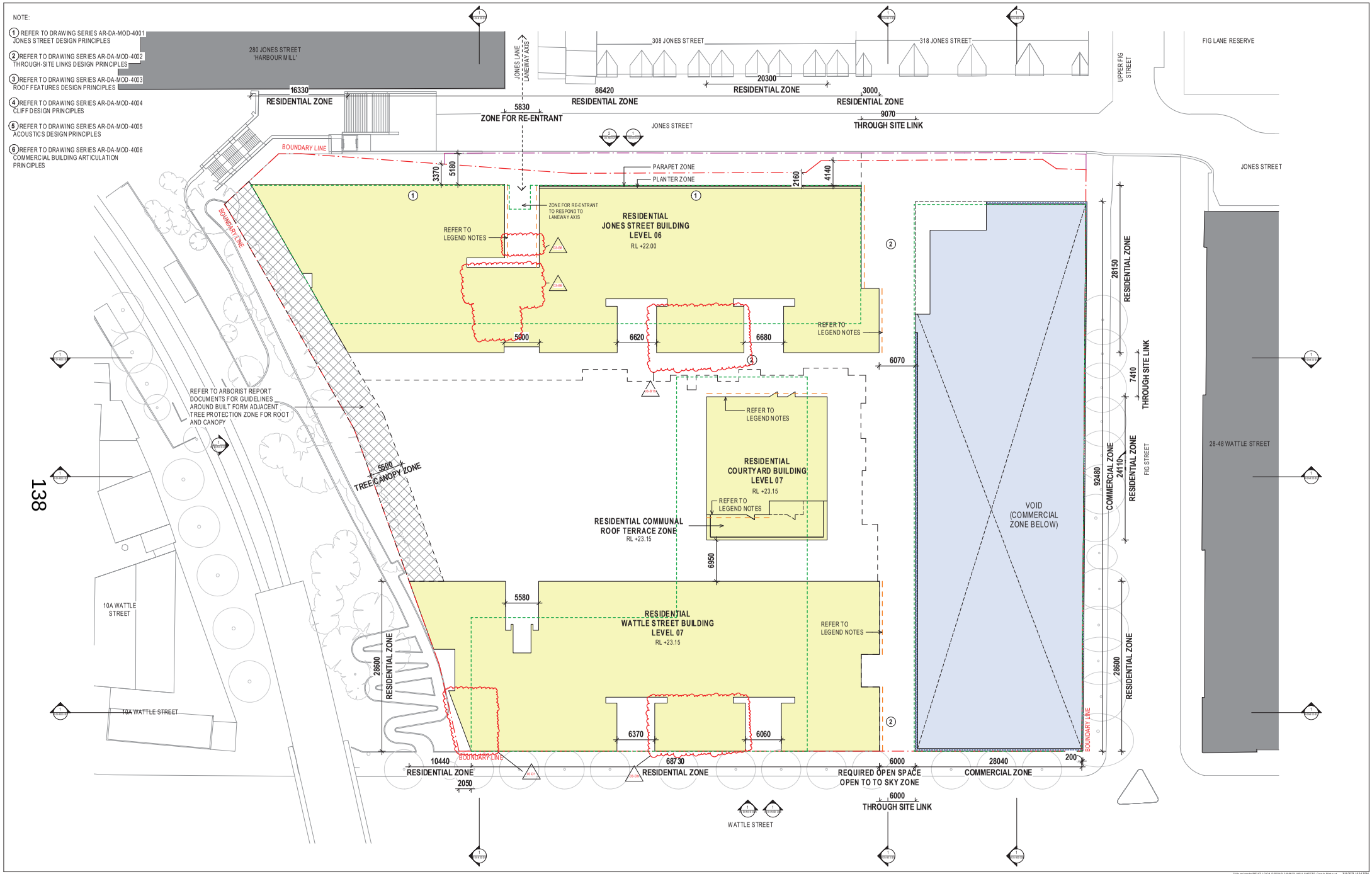
KIM WINSTEDMA 7710 6567
PTY LTD ABN 26000 [illegible]
PTY LTD ABN 26000 [illegible]
[illegible]
[illegible]
[



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ISSUE	DATE	FOR	CHKD
01	23/12/22	STAGE 1 DA MOD DRAFT 01	
02	15/02/23	STAGE 1 DA MOD SUBMISSION	
03	03/10/23	STAGE 1 DA MOD SUBMISSION	

LEGEND
- SITE BOUNDARY TOTAL AREA: 12,125M²
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STAGE 2 DA ENVELOPE - RECREATION CENTRE
STAGE 2 DA ENVELOPE - RETAIL
STAGE 2 DA ENVELOPE - CAR PARKING SERVICES
STAGE 2 DA ENVELOPE - PLANT AND LIFT OVERRUN
STAGE 2 DA ENVELOPE - BEYOND
STAGE 2 DA ENVELOPE - RESIDENTIAL
STAGE 2 DA ENVELOPE - RESIDENTIAL PRIVATE OPEN SPACE

STAGE 2 DA ENVELOPE - COMMERCIAL
STAGE 2 DA ENVELOPE - COMMERCIAL FINS OUTSIDE OF GLAZING LINE
STAGE 2 DA ENVELOPE - CHILDCARE CENTRE
PHOTOVOLTAIC CELLS
EARTH

ANY OPENING TO THIS FACADE IS NOT PRIMARY OPENING AND RELIES ON ONE OF THE FOLLOWING SITUATIONS
1. FACING DIRECTLY TO A NON-HABITABLE ROOM
2. HAS PRIVACY SCREEN & LANDSCAPE BUFFER
3. DOESN'T HAVE DIRECT SIGHT LINE INTO ADJACENT BUILDINGS
4. HAS NARROW SLOT WINDOWS WITH DEEP REVEALS
5. HAS WINDOWS OFFSET FROM OPPOSITE FACADE

KEY PLAN

PLANNER
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(02) 9068 7500
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EI AUSTRALIA
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LANDSCAPE
OCULUS
(02) 9557 9533

CLIENT
LANDREAM
CLIENT NUMBER
PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0877

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
21090123
STATUS

TRUE NORTH
PROJECT NORTH
GRAPHIC SCALE
0 2500 5000
SCALE
As indicated @ A1
DO NOT SCALE

DRAWING
GENERAL ARRANGEMENT PLAN - LEVEL 06 & LEVEL 07
DRAWING NUMBER
AR-DA-MOD-1008
ISSUE
03

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NOTE:

1. REFER TO DRAWING SERIES AR-DA-MOD-4001 JONES STREET DESIGN PRINCIPLES
2. REFER TO DRAWING SERIES AR-DA-MOD-4002 THROUGH-SITE LINKS DESIGN PRINCIPLES
3. REFER TO DRAWING SERIES AR-DA-MOD-4003 ROOF FEATURES DESIGN PRINCIPLES
4. REFER TO DRAWING SERIES AR-DA-MOD-4004 CLIFF DESIGN PRINCIPLES
5. REFER TO DRAWING SERIES AR-DA-MOD-4005 ACOUSTICS DESIGN PRINCIPLES
6. REFER TO DRAWING SERIES AR-DA-MOD-4006 COMMERCIAL BUILDING ARTICULATION PRINCIPLES

280 JONES STREET 'HARBOUR MILL'

JONES LANE LANEWAY AXIS

308 JONES STREET

318 JONES STREET

20300 RESIDENTIAL ZONE

FIG LANE RESERVE

UPPER FIG STREET

16330 RESIDENTIAL ZONE

86420 RESIDENTIAL ZONE

3000 RESIDENTIAL ZONE

5830 ZONE FOR RE-ENTRANT

9070 THROUGH SITE LINK

JONES STREET

BOUNDARY LINE

3370

5180

2660

4640

ZONE FOR RE-ENTRANT TO RESPOND TO LANEWAY AXIS

RESIDENTIAL JONES STREET BUILDING LEVEL 07

RL +25.20

REFER TO LEGEND NOTES

6620

6680

6070

COMMERCIAL FIG STREET BUILDING LEVEL 07

RL +25.15

27650 RESIDENTIAL ZONE

7410 THROUGH SITE LINK

92480 COMMERCIAL ZONE 24110 RESIDENTIAL ZONE

FIG STREET

28-48 WATTLE STREET

REFER TO ARBORIST REPORT DOCUMENTS FOR GUIDELINES AROUND BUILT FORM ADJACENT TREE PROTECTION ZONE FOR ROOT AND CANOPY

5500 TREE CANOPY ZONE

RESIDENTIAL COURTYARD BUILDING LEVEL 08

RL +26.35

RL +23.15

6950

10A WATTLE STREET

5580

RESIDENTIAL WATTLE STREET BUILDING LEVEL 08

RL +26.35

28600 RESIDENTIAL ZONE

6370

6060

18670 RESIDENTIAL ZONE

10440

6830 RESIDENTIAL ZONE

2050

28040 COMMERCIAL ZONE

200

9070 THROUGH SITE LINK

REQUIRED OPEN SPACE OPEN TO TO SKY ZONE

WATTLE STREET

139

BVN

ARCHITECTS REGISTRATION BO ARD | NOMINATED ARCHITECTS

NSW
KIM NINGTSONA TTY OM 10047
TY A LAM 10470
TY L A LAM 10470
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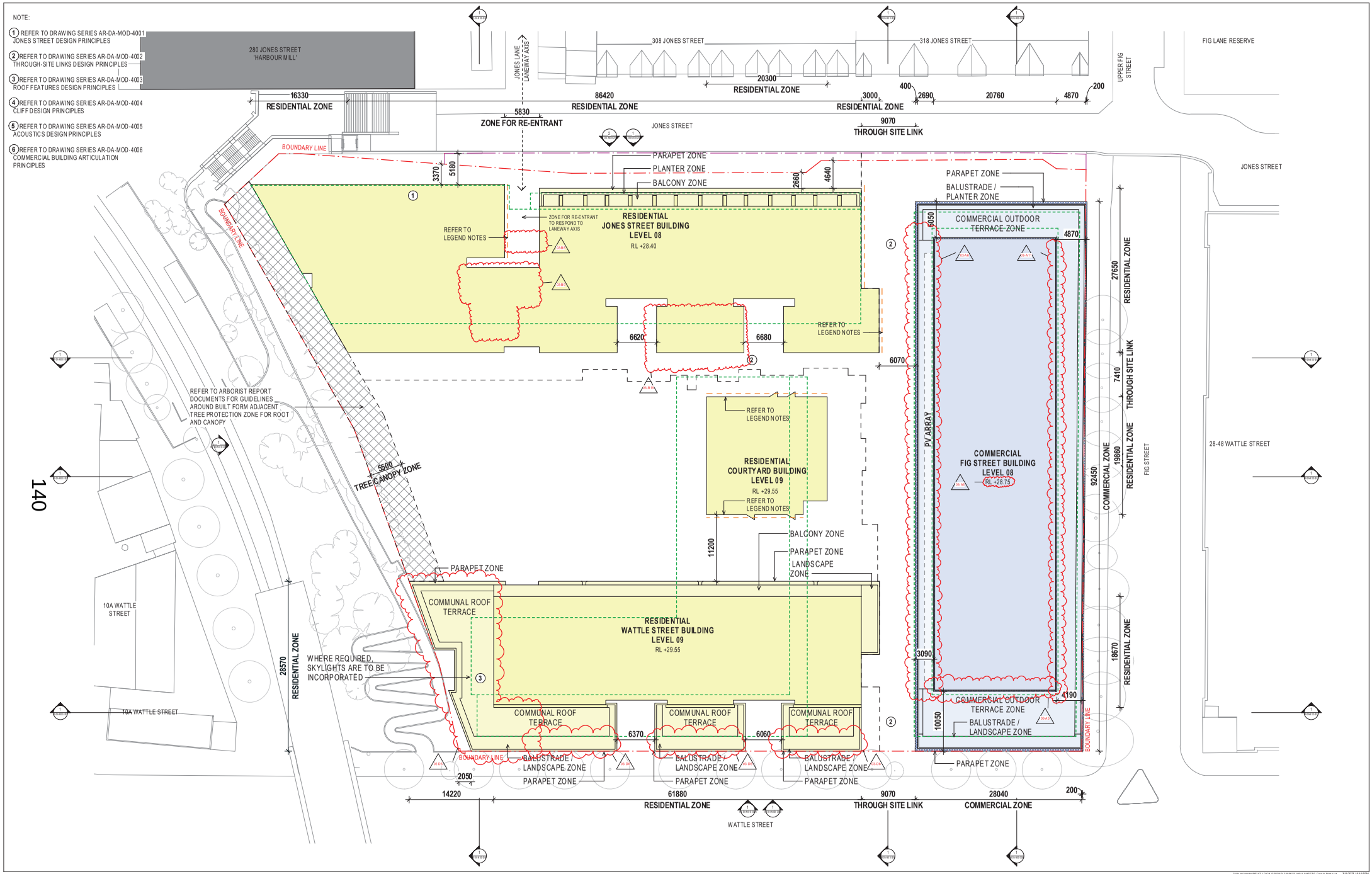
TSU SH TY E OF SLAM
THEW PETER TY RE SS
TIMOTH SLEON SON 10470
TIMOTH SLEON SON 10470
Tel +61 2 8307 7200
Fa csimile +61 2 8307 7299
www.bvn.com.au

SLE
10470 SLLEN AN
10470 SLLEN AN
10470 SLLEN AN



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CRAIG PATTERSON
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NICK BLOMBERG
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QLD
ROBYN DILLON
CHRISTOPHER HORAN
GRAHAM BLOMBERG
ALISTAIR KELLY
DEANE KERR STIMSON

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ISSUE	DATE	FOR	CHKD
01	23/12/22	STAGE 1 DA MOD DRAFT 01	
02	15/02/23	STAGE 1 DA MOD SUBMISSION	
03	03/10/23	STAGE 1 DA MOD SUBMISSION	

LEGEND
- SITE BOUNDARY TOTAL AREA: 12,125M²
- DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL LAND (236 M²). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 12,361M²).
- STAGE 1 DA ENVELOPE

- STAGE 2 DA ENVELOPE - RECREATION CENTRE
- STAGE 2 DA ENVELOPE - RETAIL
- STAGE 2 DA ENVELOPE - CAR PARKING SERVICES
- STAGE 2 DA ENVELOPE - PLANT AND LIFT OVERRUN
- STAGE 2 DA ENVELOPE - BEYOND
- STAGE 2 DA ENVELOPE - RESIDENTIAL
- STAGE 2 DA ENVELOPE - RESIDENTIAL PRIVATE OPEN SPACE
- STAGE 2 DA ENVELOPE - COMMERCIAL
- STAGE 2 DA ENVELOPE - COMMERCIAL FINS OUTSIDE OF GLAZING LINE
- STAGE 2 DA ENVELOPE - CHILDCARE CENTRE
- PHOTOVOLTAIC CELLS
- EARTH

ANY OPENING TO THE FACADE IS NOT PRIMARY (OPENING AND RELOCATED TO THE SIDE OF THE FOLLOWING SITUATIONS:
1. DOES DIRECTLY FACE ANOTHER WALL RESIDENTIAL
2. HAS PRIVACY SCREEN / LANDSCAPE BUFFER
3. DOESN'T HAVE DIRECT SIGHT LINE INTO ADJACENT BUILDINGS
4. HAS NARROW SLOT WINDOWS WITH DEEP REVEALS
5. HAS WINDOWS OFFSET FROM OPPOSITE FACADE

KEY PLAN

PLANNER
GYDE CONSULTING
(02) 9068 7500
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LANDSCAPE
OCULUS
(02) 9957 9533

CLIENT
LANDCOM
CLIENT NUMBER
PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0877

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
2109 023
STATUS

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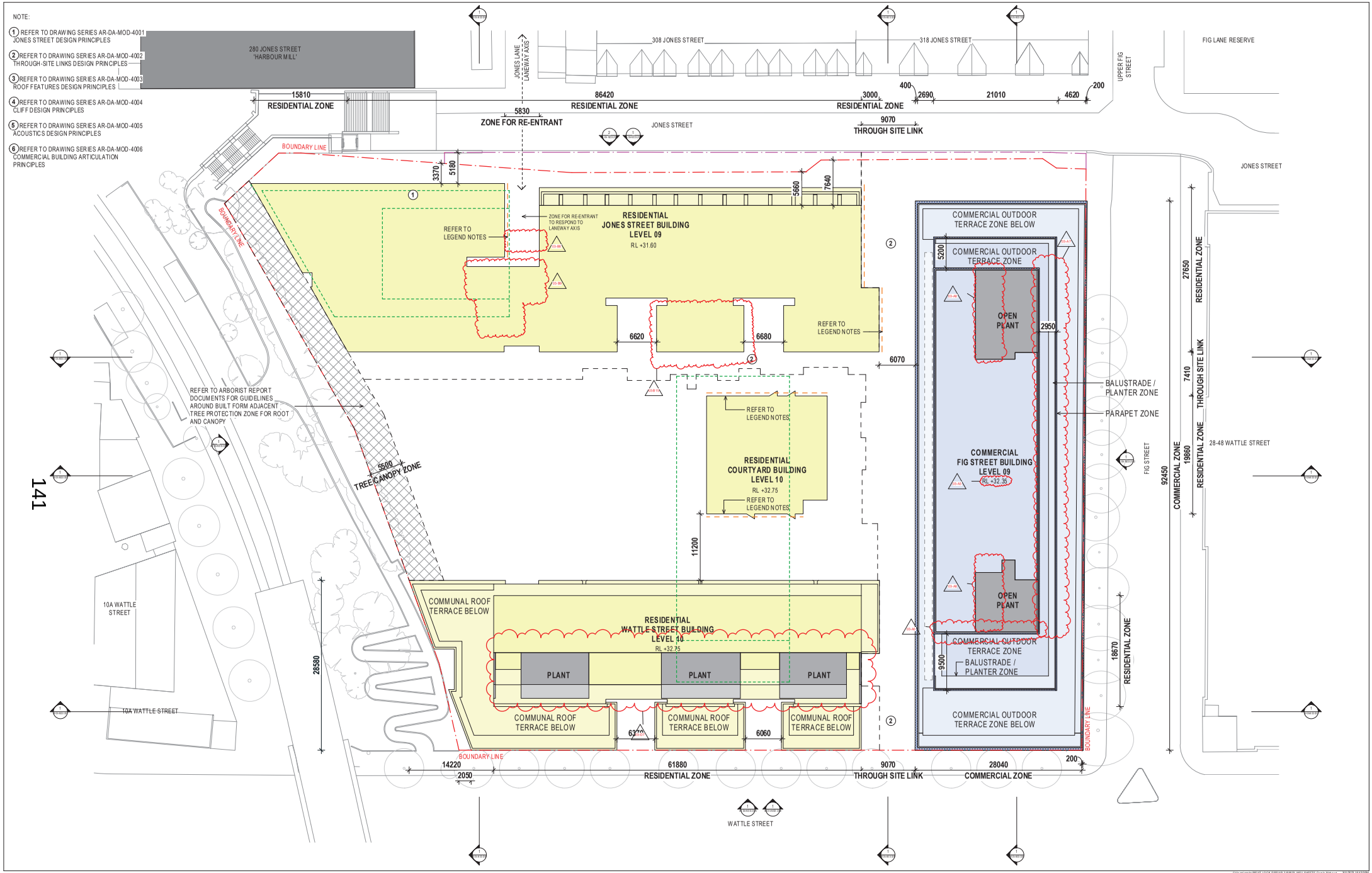
TRUE NORTH
PROJECT NORTH
GRAPHIC SCALE
0 5000 10000
SCALE
As indicated @ A1
DO NOT SCALE

DRAWING
GENERAL ARRANGEMENT PLAN - LEVEL 08 & LEVEL 09
DRAWING NUMBER
AR-DA-MOD-1010
ISSUE
03



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ARCHITECTS REGISTRATION BO ARD | NOMINATED ARCHITECTS:

NSW
NSW REGISTRATION SYSTEM 6367
PTY. LTD. ABN 46 010 487 036
ITY. LTD. ABN 46 010 487 036
ITED ON P.R.SP. ELLIS
ITED ON P.R.SP. ELLIS
1 PETER FITZ PTY LTD
1 PETER FITZ PTY LTD
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Fa csimile +61 2 8307 7299
www.bvn.com.au

INTELLECTUAL PROPERTY

NOTE:

ISSUE	DATE	FOR	CHKD
01	23/12/22	STAGE 1 DA MOD DRAFT 01	
02	6/02/23	STAGE 1 DA MOD SUBMISSION	
03	03/12/23	STAGE 1 DA MOD SUBMISSION	

LEGEND

- SITE BOUNDARY TOTAL AREA: 12,125M²
- DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL LAND (236 M²). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: (2,381 M²).
- STAGE 1 DA ENVELOPE

- STAGE 2 DA ENVELOPE - RECREATION CENTRE
- STAGE 2 DA ENVELOPE - RETAIL
- STAGE 2 DA ENVELOPE - CAR PARKING SERVICES
- STAGE 2 DA ENVELOPE - PLANT AND LIFT OVERRUN
- STAGE 2 DA ENVELOPE - BEYOND
- STAGE 2 DA ENVELOPE - RESIDENTIAL
- STAGE 2 DA ENVELOPE - RESIDENTIAL PRIVATE OPEN SPACE
- STAGE 2 DA ENVELOPE - COMMERCIAL
- STAGE 2 DA ENVELOPE - COMMERCIAL FINS OUTSIDE OF GLAZING LINE
- STAGE 2 DA ENVELOPE - CHILDCARE CENTRE
- PHOTOVOLTAIC CELLS
- EARTH

ANY OPENING TO THIS FACADE IS NOT PRIMARY OPENING AND RELIES ON THE USE OF THE FOLLOWING ATTRIBUTES:
1. FACES DIRECTLY ONTO JONES STREET
2. HAS PRIVACY SCREEN & LANDSCAPE BUFFER
3. DOES NOT HAVE DIRECT SIGHT LINE INTO ADJACENT BUILDINGS
4. HAS NARROW SLOT WINDOWS WITH DEEP REVEALS
5. HAS WINDOWS OFFSET FROM OPPOSITE FACADE

KEY PLAN

PLANNER
GYDE CONSULTING
(02) 9068 7500
STRUCTURE
EI AUSTRALIA
(02) 9516 0722
SERVICES
IGS ENGINEERING
(02) 8488 4600
LANDSCAPE
OCULUS
(02) 9957 9533

CLIENT
LANDREAM
CLIENT NUMBER
PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0877

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
21 09 023

TRUE NORTH
PROJECT NORTH
GRAPHIC SCALE
SCALE
As indicated @ A1
DO NOT SCALE
STATUS

DRAWING
GENERAL ARRANGEMENT PLAN - LEVEL 09 & LEVEL 10
DRAWING NUMBER
AR-DA-MOD-1011
ISSUE
03

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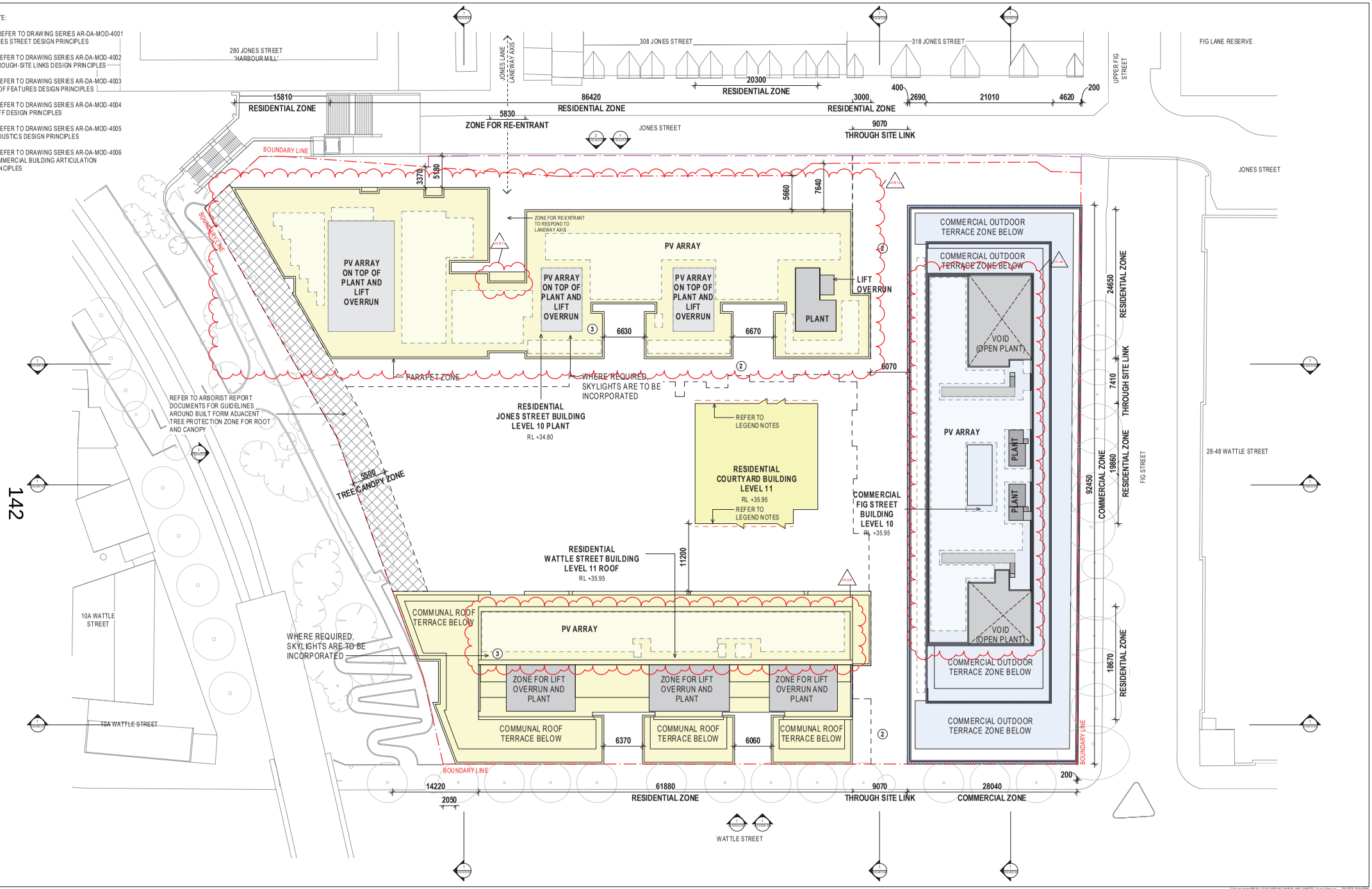

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ISSUE	DATE	FOR	CHKD
01	23/12/22	STAGE 1 DA MOD DRAFT 01	
02	15/02/23	STAGE 1 DA MOD SUBMISSION	
03	03/12/23	STAGE 1 DA MOD SUBMISSION	

LEGEND

- SITE BOUNDARY TOTAL AREA: 12,125M²
- DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL LAND (236 M²). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 12,361M²).
- STAGE 1 DA ENVELOPE

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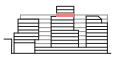
- STAGE 2 DA ENVELOPE - RETAIL
- STAGE 2 DA ENVELOPE - CAR PARKING SERVICES
- STAGE 2 DA ENVELOPE - PLANT AND LIFT OVERRUN
- STAGE 2 DA ENVELOPE - BEYOND
- STAGE 2 DA ENVELOPE - RESIDENTIAL
- STAGE 2 DA ENVELOPE - RESIDENTIAL PRIVATE OPEN SPACE
- STAGE 2 DA ENVELOPE - COMMERCIAL
- STAGE 2 DA ENVELOPE - COMMERCIAL FINS OUTSIDE OF GLAZING LINE
- STAGE 2 DA ENVELOPE - CHILDCARE CENTRE
- PHOTOVOLTAIC CELLS
- EARTH

ANY OPENING TO THE FACADE IS NOT PRIMARY OPENING AND RELATES TO ONE OF THE FOLLOWING SITUATIONS:
1. FACE DIRECT TO A NON-HABITABLE ROOM
2. HAS PRIMARY SCREEN (LANDSCAPE BUFFER
3. DOES NOT HAVE DIRECT SIGHT LINE INTO ADJACENT BUILDINGS
4. HAS NARROW SLOT WINDOWS WITH DEEP REVEALS
5. HAS WINDOWS OFFSET FROM OPPOSITE FACADE

KEY PLAN



PLANNER	GYDE CONSULTING (02) 9068 7500
STRUCTURAL	EI AUSTRALIA (02) 9516 0722
SERVICES	IGS ENGINEERING (02) 8488 4600
LANDSCAPE	OCULUS (02) 9957 9533
CLIENT	LANDREAM
CLIENT NUMBER	
PROJECT MANAGER	ARGENTUM GROUP (02) 9037 0877
PROJECT	WATTLE STREET 14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER	21090123
TRUE NORTH	PROJECT NORTH
GRAPHIC SCALE	0 20.00 50.00
SCALE	As indicated @ A1 DO NOT SCALE
STATUS	
DRAWING	GENERAL ARRANGEMENT PLAN - LEVEL 10 & LEVEL 11
DRAWING NUMBER	AR-DA-MOD-1012
ISSUE	03

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NOTE:

1. REFER TO DRAWING SERIES AR-DA-MOD-4001 JONES STREET DESIGN PRINCIPLES
2. REFER TO DRAWING SERIES AR-DA-MOD-4002 THROUGH-SITE LINKS DESIGN PRINCIPLES
3. REFER TO DRAWING SERIES AR-DA-MOD-4003 ROOF FEATURES DESIGN PRINCIPLES
4. REFER TO DRAWING SERIES AR-DA-MOD-4004 CLIFF DESIGN PRINCIPLES
5. REFER TO DRAWING SERIES AR-DA-MOD-4005 ACOUSTICS DESIGN PRINCIPLES
6. REFER TO DRAWING SERIES AR-DA-MOD-4006 COMMERCIAL BUILDING ARTICULATION PRINCIPLES

280 JONES STREET 'HARBOUR MILL'

JONES LANE LANEWAY AXIS

308 JONES STREET

318 JONES STREET

20300

RESIDENTIAL ZONE

UPPER FIG STREET

FIG LANE RESERVE

JONES STREET

BOUNDARY LINE

JONES STREET

BOUNDARY LINE

REFER TO ARBORIST REPORT DOCUMENTS FOR GUIDELINES AROUND BUILT FORM ADJACENT TREE PROTECTION ZONE FOR ROOT AND CANOPY

5500

TREE CANOPY ZONE

PARAPET ZONE

PV ARRAY

RESIDENTIAL COURTYARD BUILDING LEVEL 12

RL +39.15

REFER TO LEGEND NOTES

4250

15610

RESIDENTIAL ZONE

4250

FIG STREET

28-48 WATTLE STREET

143

10A WATTLE STREET

10A WATTLE STREET

BOUNDARY LINE

BOUNDARY LINE

WATTLE STREET

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NOTE:

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ISSUE	DATE	FOR	CHKD
01	23/12/22	STAGE 1 DA MOD DRAFT 01	
02	6/02/23	STAGE 1 DA MOD SUBMISSION	
03	03/12/23	STAGE 1 DA MOD SUBMISSION	

LEGEND

- SITE BOUNDARY TOTAL AREA: 12,125M²
- DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL LAND (236 M²). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: (2,361 M²).
- STAGE 1 DA ENVELOPE

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- STAGE 2 DA ENVELOPE - RETAIL
- STAGE 2 DA ENVELOPE - CAR PARKING SERVICES
- STAGE 2 DA ENVELOPE - PLANT AND LIFT OVERRUN
- STAGE 2 DA ENVELOPE - BEYOND
- STAGE 2 DA ENVELOPE - RESIDENTIAL
- STAGE 2 DA ENVELOPE - RESIDENTIAL PRIVATE OPEN SPACE

- STAGE 2 DA ENVELOPE - COMMERCIAL
- STAGE 2 DA ENVELOPE - COMMERCIAL FINS OUTSIDE OF GLAZING LINE
- STAGE 2 DA ENVELOPE - CHILDCARE CENTRE
- PHOTOVOLTAIC CELLS
- EARTH

ANY OPENING TO THIS FACADE IS NOT PRIMARY OPENING AND RELATES TO ONE OF THE FOLLOWING SITUATIONS:
1. HAS DIRECT LOS NOR-WARD TRAFFIC ROUTE
2. HAS PRIMARY SCREEN & LANDSCAPE BUFFER
3. DOES NOT HAVE DIRECT SIGHT LINE INTO ADJACENT BUILDINGS
4. HAS NARROW SILL OR WINDOWS WITH DEEP REVEALS
5. HAS WINDOWS OFFSET FROM OPPOSITE FACADE

KEY PLAN



PLANNER
GYDE CONSULTING
(02) 9068 7500

STRUCTURE
EI AUSTRALIA
(02) 9516 0722

SERVICES
IGS ENGINEERING
(02) 8488 4600

LANDSCAPE
OCULUS
(02) 9957 9533

CLIENT
LANDCOM

CLIENT NUMBER

PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0877

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT

BVN PROJECT NUMBER
21 09 023

STATUS

TRUE NORTH

PROJECT NORTH

GRAPHIC SCALE
0 20 00 50 00

SCALE
As indicated @ A1 DO NOT SCALE

DRAWING
GENERAL ARRANGEMENT PLAN - LEVEL 11 & LEVEL 12

DRAWING NUMBER
AR-DA-MOD-1013

ISSUE
03

NOTE:

1. REFER TO DRAWING SERIES AR-DA-MOD-4001 JONES STREET DESIGN PRINCIPLES
2. REFER TO DRAWING SERIES AR-DA-MOD-4002 THROUGH-SITE LINKS DESIGN PRINCIPLES
3. REFER TO DRAWING SERIES AR-DA-MOD-4003 ROOF FEATURES DESIGN PRINCIPLES
4. REFER TO DRAWING SERIES AR-DA-MOD-4004 CLIFF DESIGN PRINCIPLES
5. REFER TO DRAWING SERIES AR-DA-MOD-4005 ACOUSTICS DESIGN PRINCIPLES
6. REFER TO DRAWING SERIES AR-DA-MOD-4006 COMMERCIAL BUILDING ARTICULATION PRINCIPLES

280 JONES STREET 'HARBOUR MILL'

JONES LANE LANEWAY AXIS

308 JONES STREET

318 JONES STREET

20300

RESIDENTIAL ZONE

UPPER FIG STREET

FIG LANE RESERVE

JONES STREET

BOUNDARY LINE

JONES STREET

BOUNDARY LINE

REFER TO ARBORIST REPORT DOCUMENTS FOR GUIDELINES AROUND BUILT FORM ADJACENT TREE PROTECTION ZONE FOR ROOT AND CANOPY

5500

TREE CANOPY ZONE

RESIDENTIAL COURTYARD BUILDING LEVEL 13 PLANT

RL +42.35

15610

RESIDENTIAL ZONE

FIG STREET

28-48 WATTLE STREET

144

10A WATTLE STREET

28580

RESIDENTIAL ZONE

10A WATTLE STREET

BOUNDARY LINE

BOUNDARY LINE

WATTLE STREET

BVN

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(WA) PETER FT FBA 551
T 9417 5122 FX 9555 1000
Tw light one +61 2 8297 7200
Fa cosmilla +61 2 8297 7299
www.bvn.com.au

BVN LIMITED

ELIZA WILLIAMS
7772 (NSW)
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15250 (VIC)
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NOTE

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ISSUE	DATE	FOR	CHKD
01	23/12/22	STAGE 1 DA MOD DRAFT EX	
02	6/02/23	STAGE 1 DA MOD SUBMISSION	
03	03/12/23	STAGE 1 DA MOD SUBMISSION	

LEGEND

- SITE BOUNDARY TOTAL AREA: 12,125M²
- DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL LAND (236 M²). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: (2,361 M²).
- STAGE 1 DA ENVELOPE

- STAGE 2 DA ENVELOPE - RECREATION CENTRE
- STAGE 2 DA ENVELOPE - RETAIL
- STAGE 2 DA ENVELOPE - CAR PARKING SERVICES
- STAGE 2 DA ENVELOPE - PLANT AND LIFT OVERRUN
- STAGE 2 DA ENVELOPE - BEYOND
- STAGE 2 DA ENVELOPE - RESIDENTIAL
- STAGE 2 DA ENVELOPE - RESIDENTIAL PRIVATE OPEN SPACE

- STAGE 2 DA ENVELOPE - COMMERCIAL
- STAGE 2 DA ENVELOPE - COMMERCIAL FINS OUTSIDE OF GLAZING LINE
- STAGE 2 DA ENVELOPE - CHILDCARE CENTRE
- PHOTOVOLTAIC CELLS
- EARTH

ANY OPENING TO THIS FACADE IS NOT PRIMARY OPENING AND RELATES TO ONE OF THE FOLLOWING SITUATIONS:
1. FALLS DIRECTLY ON NON-ANGLE WALL RESULT
2. HAS PRIMARY SCREEN & LANDSCAPE BUFFER
3. DOES NOT HAVE DIRECT SIGHT LINE INTO ADJACENT BUILDINGS
4. HAS NARROW SILL OT WINDOWS WITH DEEP REVEALS
5. HAS WINDOWS OFFSET FROM OPPOSITE FACADE

KEY PLAN

PLANNER
GYDE CONSULTING
(02) 9068 7500
STRUCTURE
EI AUSTRALIA
(02) 9516 0722
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IGS ENGINEERING
(02) 8488 4600
LANDSCAPE
OCULUS
(02) 9557 9533

CLIENT
LANDREAM
CLIENT NUMBER
PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0877

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
210923

TRUE NORTH
PROJECT NORTH
GRAPHIC SCALE
0 20 00 50 00
SCALE
As indicated @ A1
DO NOT SCALE
STATUS

DRAWING
GENERAL ARRANGEMENT PLAN - LEVEL 13
DRAWING NUMBER
AR-DA-MOD-1014
ISSUE
03

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NOTE:

1. REFER TO DRAWING SERIES AR-DA-MOD-4001 JONES STREET DESIGN PRINCIPLES
2. REFER TO DRAWING SERIES AR-DA-MOD-4002 THROUGH-SITE LINKS DESIGN PRINCIPLES
3. REFER TO DRAWING SERIES AR-DA-MOD-4003 ROOF FEATURES DESIGN PRINCIPLES
4. REFER TO DRAWING SERIES AR-DA-MOD-4004 CLIFF DESIGN PRINCIPLES
5. REFER TO DRAWING SERIES AR-DA-MOD-4005 ACOUSTICS DESIGN PRINCIPLES
6. REFER TO DRAWING SERIES AR-DA-MOD-4006 COMMERCIAL BUILDING ARTICULATION PRINCIPLES

280 JONES STREET 'HARBOUR MILL'

JONES LANE LANEWAY AXIS

308 JONES STREET

318 JONES STREET

UPPER FIG STREET

FIG LANE RESERVE

JONES STREET

BOUNDARY LINE

RESIDENTIAL ROOF
RL +34.80

THROUGH-SITE LINK

REFER TO ARBORIST REPORT DOCUMENTS FOR GUIDELINES AROUND BUILT FORM ADJACENT TREE PROTECTION ZONE FOR ROOT AND CANOPY

5500

TREE CANOPY ZONE

RESIDENTIAL ROOF

PARAPET ZONE
RL +45.55

THROUGH-SITE LINK

COMMERCIAL ROOF
RL +35.95

FIG STREET

28-48 WATTLE STREET

145

10A WATTLE STREET

RESIDENTIAL ROOF
RL +35.95

10A WATTLE STREET

BOUNDARY LINE

BOUNDARY LINE

WATTLE STREET

BVN

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2 BOND STREET
PETER PITTAS BA
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Tel login line +61 2 8297 7200
Fax combo +61 2 8297 7299
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QLD
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REGISTRATION NO 3424
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BRISBANE QLD 4000

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ISSUE	DATE	FOR	CHKD
01	23/12/13	STAGE 1 DA MOD DRAFT 01	
02	4/02/14	STAGE 1 DA MOD SUBMISSION	
03	6/01/15	STAGE 1 DA MOD SUBMISSION	

LEGEND

- SITE BOUNDARY
  TOTAL AREA: 12,125M²
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- STAGE 1 DA ENVELOPE

- STAGE 2 DA ENVELOPE - RECREATION CENTRE
- STAGE 2 DA ENVELOPE - RETAIL
- STAGE 2 DA ENVELOPE - CAR PARKING SERVICES
- STAGE 2 DA ENVELOPE - PLANT AND LIFTS HERLIN
- STAGE 2 DA ENVELOPE - BEYOND
- STAGE 2 DA ENVELOPE - RESIDENTIAL
- STAGE 2 DA ENVELOPE - RESIDENTIAL PRIVATE OPEN SPACE

- STAGE 2 DA ENVELOPE - COMMERCIAL
- STAGE 2 DA ENVELOPE - COMMERCIAL FINS OUTSIDE OF GLAZING LINE
- STAGE 2 DA ENVELOPE - CHILDCARE CENTRE
- PHOTOVOLTAIC CELLS
- EARTH

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1. FALLS DIRECTLY ON NON-HABITABLE ROOMS
2. HAS PRIVACY SCREEN & LANDSCAPE BUFFER
3. DOES NOT HAVE DIRECT SIGHT LINE INTO ADJACENT BUILDINGS
4. HAS NARROW SLOT WINDOWS WITH DEEP REVEALS
5. HAS WINDOWS OFFSET FROM OPPOSITE FACADE

KEY PLAN



PLANNER
GYDE CONSULTING
(02) 9068 7500

STRUCTURE
EI AUSTRALIA
(02) 9516 0722

SERVICES
IGS ENGINEERING
(02) 8488 4600

LANDSCAPE
OCULUS
(02) 9557 9533

CLIENT
LANDREAM

CLIENT NUMBER

PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0877

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT

BVN PROJECT NUMBER
2109023

TRUE NORTH | PROJECT NORTH

GRAPHIC SCALE
0 | 20.00 | 80.00

SCALE
As indicated @ A1 | DO NOT SCALE

STATUS
DA STAGE 2

DRAWING
GENERAL ARRANGEMENT PLAN - LEVEL 14

DRAWING NUMBER
AR-DA-MOD-1015

ISSUE
03

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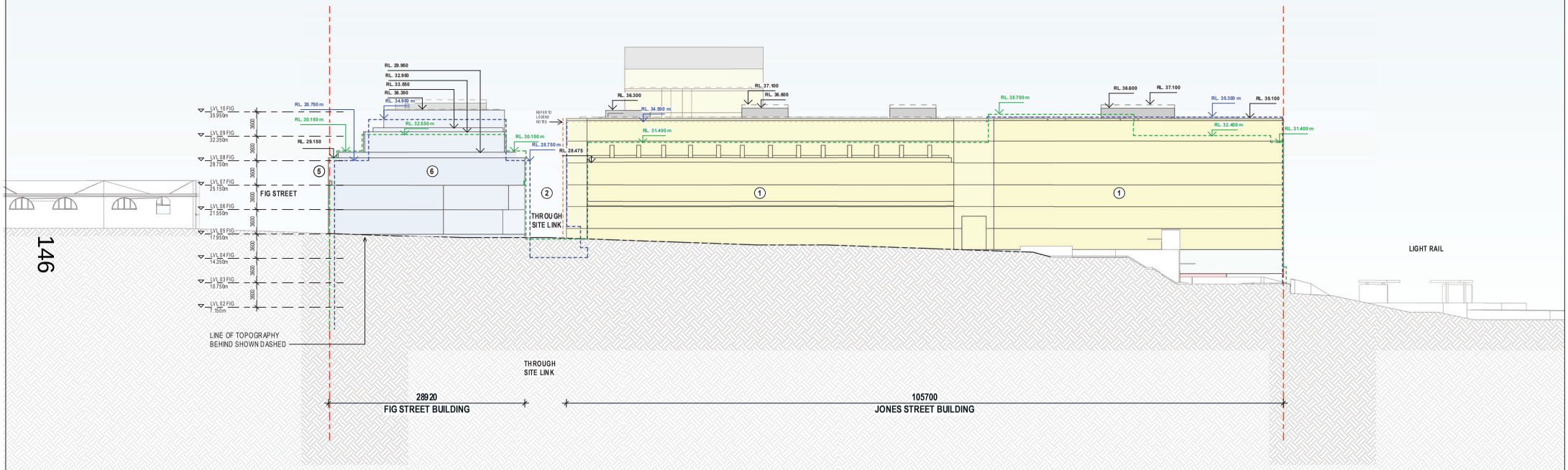
NOTE:

1. REFER TO DRAWING SERIES AR-DA-MOD-4001 JONES STREET DESIGN PRINCIPLES
2. REFER TO DRAWING SERIES AR-DA-MOD-4002 THROUGH-SITE LINKS DESIGN PRINCIPLES
3. REFER TO DRAWING SERIES AR-DA-MOD-4003 ROOF FEATURES DESIGN PRINCIPLES
4. REFER TO DRAWING SERIES AR-DA-MOD-4004 CLIFF DESIGN PRINCIPLES
5. REFER TO DRAWING SERIES AR-DA-MOD-4005 ACOUSTICS DESIGN PRINCIPLES
6. REFER TO DRAWING SERIES AR-DA-MOD-4006 COMMERCIAL BUILDING ARTICULATION PRINCIPLES



1 JONES ST ELEVATION
SCALE 1:200

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PETER JAMES HOOD 7774
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PO BOX 7307 BRISBANE QLD 4000
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ISSUE	DATE	FOR	CHKD
01	31/08/22	PRE-DA	
02	23/12/22	STAGE 1 DA MOD (DRAFT 01	
03	03/02/23	STAGE 1 DA MOD SUBMISSION	
04	03/10/23	STAGE 1 DA MOD SUBMISSION	

LEGEND

- SECTION OUTLINE OF STAGE 1 DA
- SITE BOUNDARY
- SITE BOUNDARY - AREA OF FUTURE ACQUISITION
- STAGE 2 DA ENVELOPE - RECREATION CENTRE
- STAGE 2 DA ENVELOPE - RETAIL
- STAGE 2 DA ENVELOPE - CAR PARKING SERVICES
- STAGE 2 DA ENVELOPE - PLANTAND LIFTOHERLIN
- STAGE 2 DA ENVELOPE - BEYOND
- STAGE 2 DA ENVELOPE - RESIDENTIAL
- STAGE 2 DA ENVELOPE - COMMERCIAL
- STAGE 2 DA ENVELOPE - CHILD CARE CENTRE
- PHOTOVOLTAIC CELLS
- EARTH
- DEEP SOIL

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LANDREAM
CLIENT NUMBER

PROJECT MANAGER
ARGENTUM GROUP
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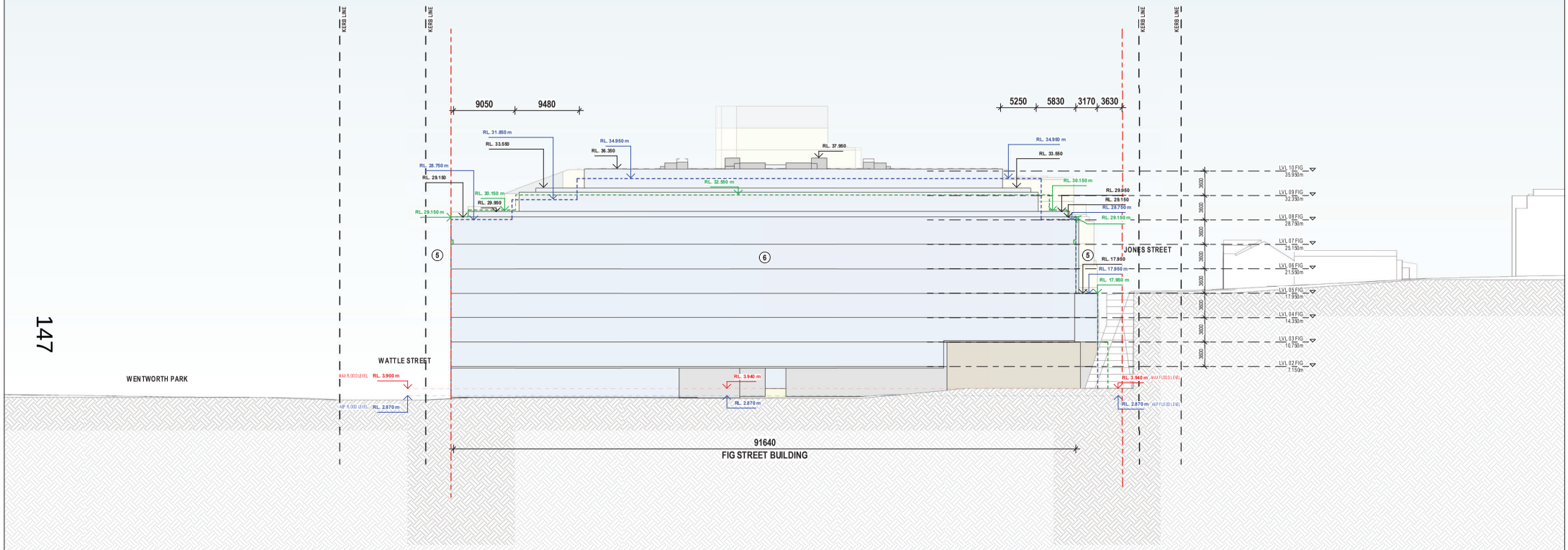
PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
21009023

GRAPHIC SCALE
0 4000 16000
SCALE
As indicated @ A0 DO NOT SCALE
STATUS

DRAWING
JONES ST ELEVATION
DRAWING NUMBER AR-DA-MOD-2001
ISSUE 04

NOTE:

1. REFER TO DRAWING SERIES AR-DA-MOD-4001 JONES STREET DESIGN PRINCIPLES
2. REFER TO DRAWING SERIES AR-DA-MOD-4002 THROUGH-SITE LINKS DESIGN PRINCIPLES
3. REFER TO DRAWING SERIES AR-DA-MOD-4003 ROOF FEATURES DESIGN PRINCIPLES
4. REFER TO DRAWING SERIES AR-DA-MOD-4004 CLIFF DESIGN PRINCIPLES
5. REFER TO DRAWING SERIES AR-DA-MOD-4005 ACOUSTICS DESIGN PRINCIPLES
6. REFER TO DRAWING SERIES AR-DA-MOD-4006 COMMERCIAL BUILDING ARTICULATION PRINCIPLES



147

1 FIG ST ELEVATION
SCALE: 1 : 200

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NOTE

ISSUE	DATE	FOR	CHKD
01	23/12/22	STAGE 1 DA MOD DRAFT 01	
02	01/02/23	STAGE 1 DA MOD SUBMISSION	
03	03/12/23	STAGE 1 DA MOD SUBMISSION	

LEGEND

- SECTION OUTLINE OF STAGE 1 DA
- SITE BOUNDARY
- SITE BOUNDARY - AREA OF FUTURE ACQUISITION
- STAGE 2 DA ENVELOPE - RECREATION CENTRE
- STAGE 2 DA ENVELOPE - RETAIL
- STAGE 2 DA ENVELOPE - CAR PARKING SERVICES
- STAGE 2 DA ENVELOPE - PLANT AND LIFT OVERRUN
- STAGE 2 DA ENVELOPE - BEYOND
- STAGE 2 DA ENVELOPE - RESIDENTIAL
- STAGE 2 DA ENVELOPE - COMMERCIAL
- STAGE 2 DA ENVELOPE - CHILD CARE CENTRE
- PHOTOVOLTAIC CELLS
- EARTH
- DEEP SOIL

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CLIENT NUMBER

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ARGENTUM GROUP
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PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT

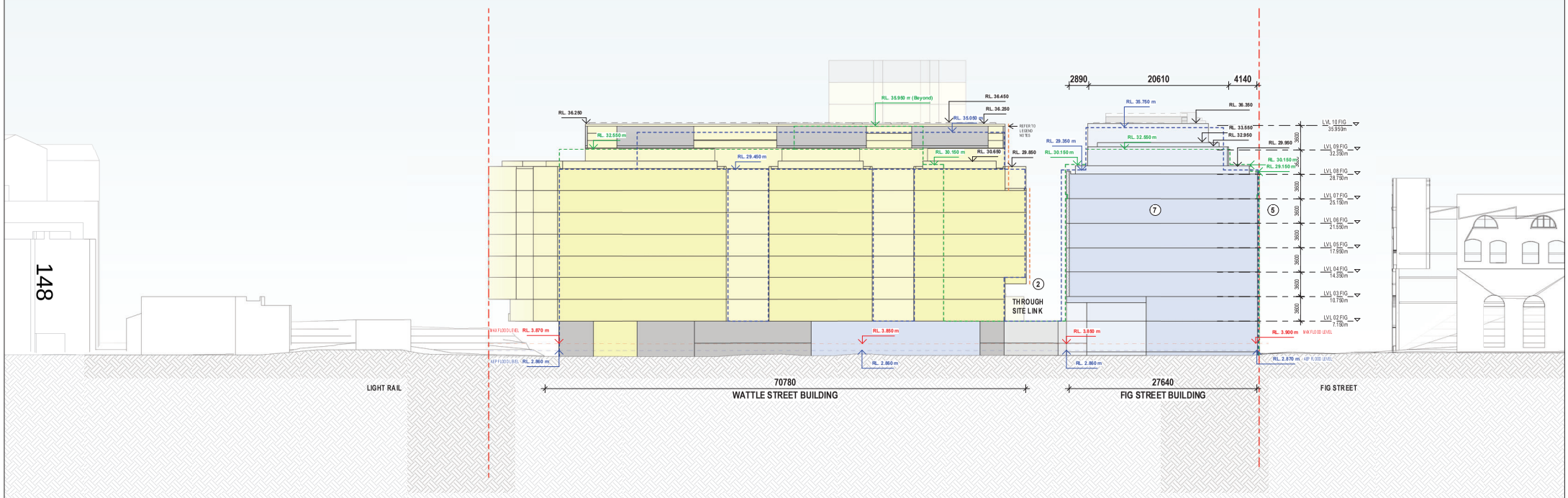
BVN PROJECT NUMBER
2109023

TRUE NORTH
PROJECT NORTH
GRAPHIC SCALE
0 20.00 50.00
SCALE
As indicated @ A1
DO NOT SCALE
STATUS

DRAWING
FIG ST ELEVATION
DRAWING NUMBER
AR-DA-MOD-2002
ISSUE
03

NOTE:

1. REFER TO DRAWING SERIES AR-DA-MOD-4001 JONES STREET DESIGN PRINCIPLES
2. REFER TO DRAWING SERIES AR-DA-MOD-4002 THROUGH-SITE LINKS DESIGN PRINCIPLES
3. REFER TO DRAWING SERIES AR-DA-MOD-4003 ROOF FEATURES DESIGN PRINCIPLES
4. REFER TO DRAWING SERIES AR-DA-MOD-4004 CLIFF DESIGN PRINCIPLES
5. REFER TO DRAWING SERIES AR-DA-MOD-4005 ACOUSTICS DESIGN PRINCIPLES
6. REFER TO DRAWING SERIES AR-DA-MOD-4006 COMMERCIAL BUILDING ARTICULATION PRINCIPLES



1 WATTLE ST ELEVATION
SCALE: 1:200

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ISSUE	DATE	FOR	CHKD
01	23/12/22	STAGE 1 DA MODIFY DRAFT	
02	03/03/23	STAGE 1 DA MOD SUBMISSION	
03	03/12/23	STAGE 1 DA MOD SUBMISSION	

LEGEND
- SECTION OUTLINE OF STAGE 1 DA
- SITE BOUNDARY
- SITE BOUNDARY - AREA OF FUTURE ACQUISITION
- STAGE 2 DA ENVELOPE - RECREATION CENTRE
- STAGE 2 DA ENVELOPE - RETAIL
- STAGE 2 DA ENVELOPE - CAR PARKING SERVICES
- STAGE 2 DA ENVELOPE - PLANT AND LIFTOVERRUN
- STAGE 2 DA ENVELOPE - BEYOND
- STAGE 2 DA ENVELOPE - RESIDENTIAL
- STAGE 2 DA ENVELOPE - COMMERCIAL
- STAGE 2 DA ENVELOPE - CHILD CARE CENTRE
- PHOTOVOLTAIC CELLS
- EARTH
- DEEP SOIL

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CLIENT NUMBER
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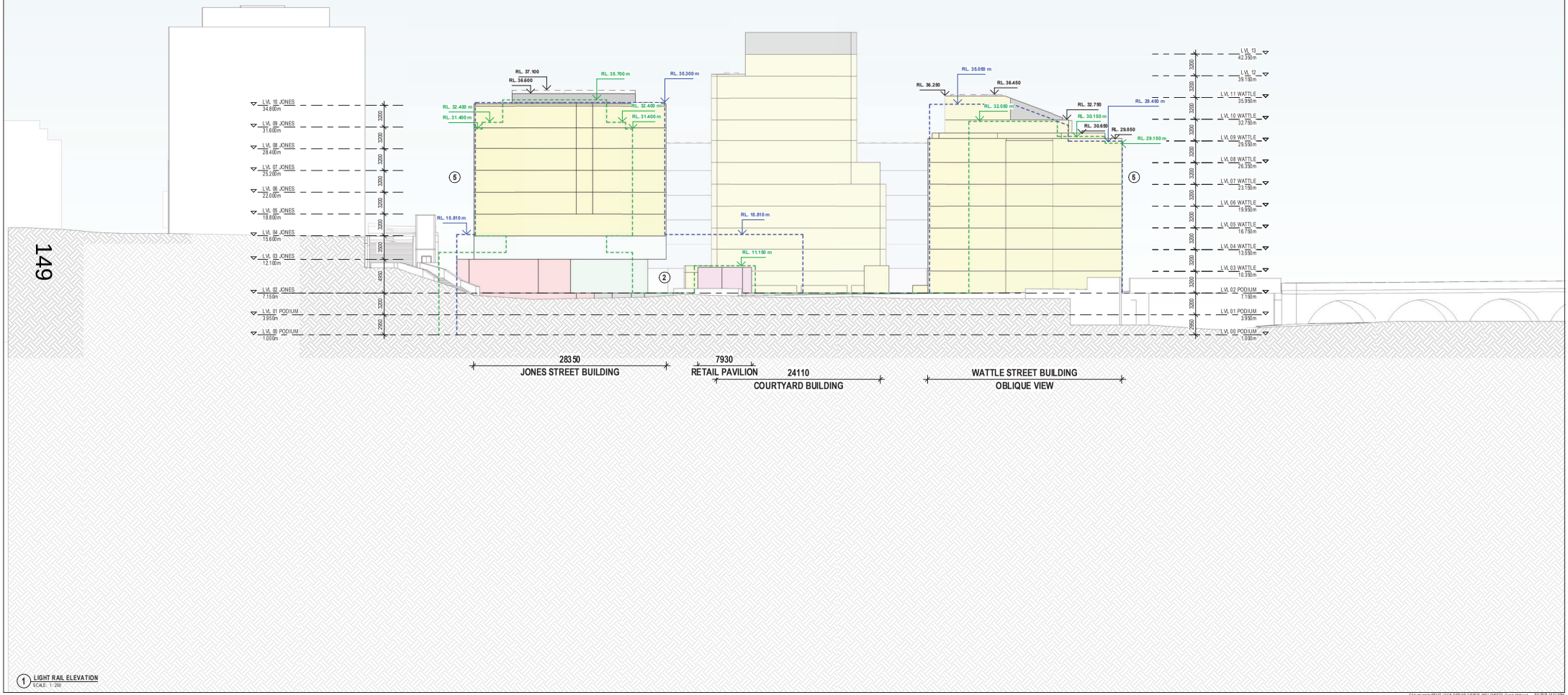
PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
210923

TRUE NORTH
PROJECT NORTH
GRAPHIC SCALE
0 20 00 50 00
SCALE
As indicated @ A1 DO NOT SCALE
STATUS

DRAWING
WATTLE ST ELEVATION
DRAWING NUMBER
AR-DA-MOD-2003
ISSUE
03

NOTE:

1. REFER TO DRAWING SERIES AR-DA-MOD-4001 JONES STREET DESIGN PRINCIPLES
2. REFER TO DRAWING SERIES AR-DA-MOD-4002 THROUGH-SITE LINKS DESIGN PRINCIPLES
3. REFER TO DRAWING SERIES AR-DA-MOD-4003 ROOF FEATURES DESIGN PRINCIPLES
4. REFER TO DRAWING SERIES AR-DA-MOD-4004 CLIFF DESIGN PRINCIPLES
5. REFER TO DRAWING SERIES AR-DA-MOD-4005 ACOUSTICS DESIGN PRINCIPLES
6. REFER TO DRAWING SERIES AR-DA-MOD-4006 COMMERCIAL BUILDING ARTICULATION PRINCIPLES



1 LIGHT RAIL ELEVATION
SCALE:- 1: 200

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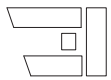
01	23/12/22	STAGE 1 DA MODIFICATION	
02	03/02/23	STAGE 1 DA MOD SUBMISSION	
03	03/12/23	STAGE 1 DA MOD SUBMISSION	

LEGEND

- SECTION OUTLINE OF STAGE 1 DA
- SITE BOUNDARY
- SITE BOUNDARY - AREA OF FUTURE ACQUISITION
- STAGE 2 DA ENVELOPE - RECREATION CENTRE
- STAGE 2 DA ENVELOPE - RETAIL
- STAGE 2 DA ENVELOPE - CAR PARKING SERVICES
- STAGE 2 DA ENVELOPE - PLANT AND LIFTOVERRUN
- STAGE 2 DA ENVELOPE - BEYOND
- STAGE 2 DA ENVELOPE - RESIDENTIAL
- STAGE 2 DA ENVELOPE - COMMERCIAL
- STAGE 2 DA ENVELOPE - CHILD CARE CENTRE
- PHOTOVOLTAIC CELLS
- EARTH
- DEEP SOIL

KEY PLAN



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CLIENT
LANDCOM
CLIENT NUMBER

PROJECT MANAGER
ARGENTUM GROUP
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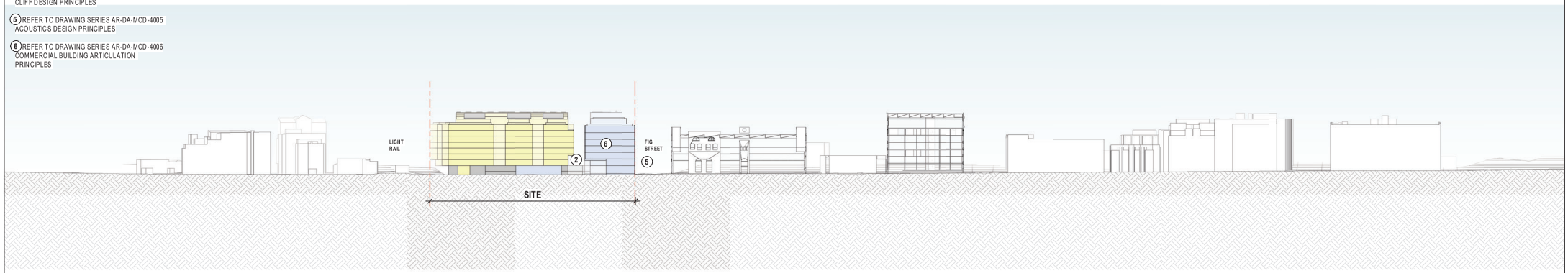
PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
21009023

TRUE NORTH
PROJECT NORTH
GRAPHIC SCALE
0 20.00 50.00
SCALE
As indicated @ A1 DO NOT SCALE
STATUS

DRAWING
LIGHT RAIL ELEVATION
DRAWING NUMBER: AR-DA-MOD-2004
ISSUE: 03

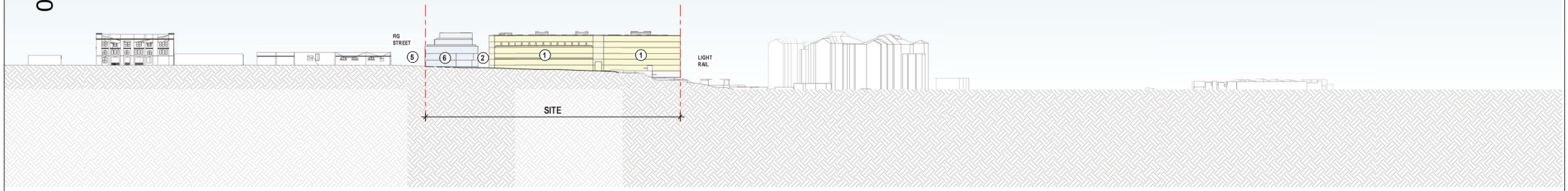
NOTE:

1. REFER TO DRAWING SERIES AR-DA-MOD-4001 JONES STREET DESIGN PRINCIPLES
2. REFER TO DRAWING SERIES AR-DA-MOD-4002 THROUGH-SITE LINKS DESIGN PRINCIPLES
3. REFER TO DRAWING SERIES AR-DA-MOD-4003 ROOF FEATURES DESIGN PRINCIPLES
4. REFER TO DRAWING SERIES AR-DA-MOD-4004 CLIFF DESIGN PRINCIPLES
5. REFER TO DRAWING SERIES AR-DA-MOD-4005 ACOUSTICS DESIGN PRINCIPLES
6. REFER TO DRAWING SERIES AR-DA-MOD-4006 COMMERCIAL BUILDING ARTICULATION PRINCIPLES



1 **WATTLE ST STREETSCAPE ELEVATION**
SCALE: 1 : 750

150



2 **JONES ST STREETSCAPE ELEVATION**
SCALE: 1 : 750

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ISSUE	DATE	FOR	CHKD
01	23/12/22	STAGE 1 DA MODIFICATION	
02	03/02/23	STAGE 1 DA MOD SUBMISSION	
03	03/12/23	STAGE 1 DA MOD SUBMISSION	

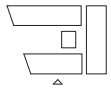
LEGEND

- SECTION OUTLINE OF STAGE 1 DA
- SITE BOUNDARY
- SITE BOUNDARY - AREA OF FUTURE ACQUISITION

- STAGE 2 DA ENVELOPE - RECREATION CENTRE
- STAGE 2 DA ENVELOPE - RETAIL
- STAGE 2 DA ENVELOPE - CAR PARKING SERVICES
- STAGE 2 DA ENVELOPE - PLANTAND LIFTOVERRUN
- STAGE 2 DA ENVELOPE - BEYOND
- STAGE 2 DA ENVELOPE - RESIDENTIAL

- STAGE 2 DA ENVELOPE - COMMERCIAL
- STAGE 2 DA ENVELOPE - CHILD CARE CENTRE
- PHOTOVOLTAIC CELLS
- EARTH
- DEEP SOIL

KEY PLAN



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CLIENT
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CLIENT NUMBER
PROJECT MANAGER
ARGENTUM GROUP
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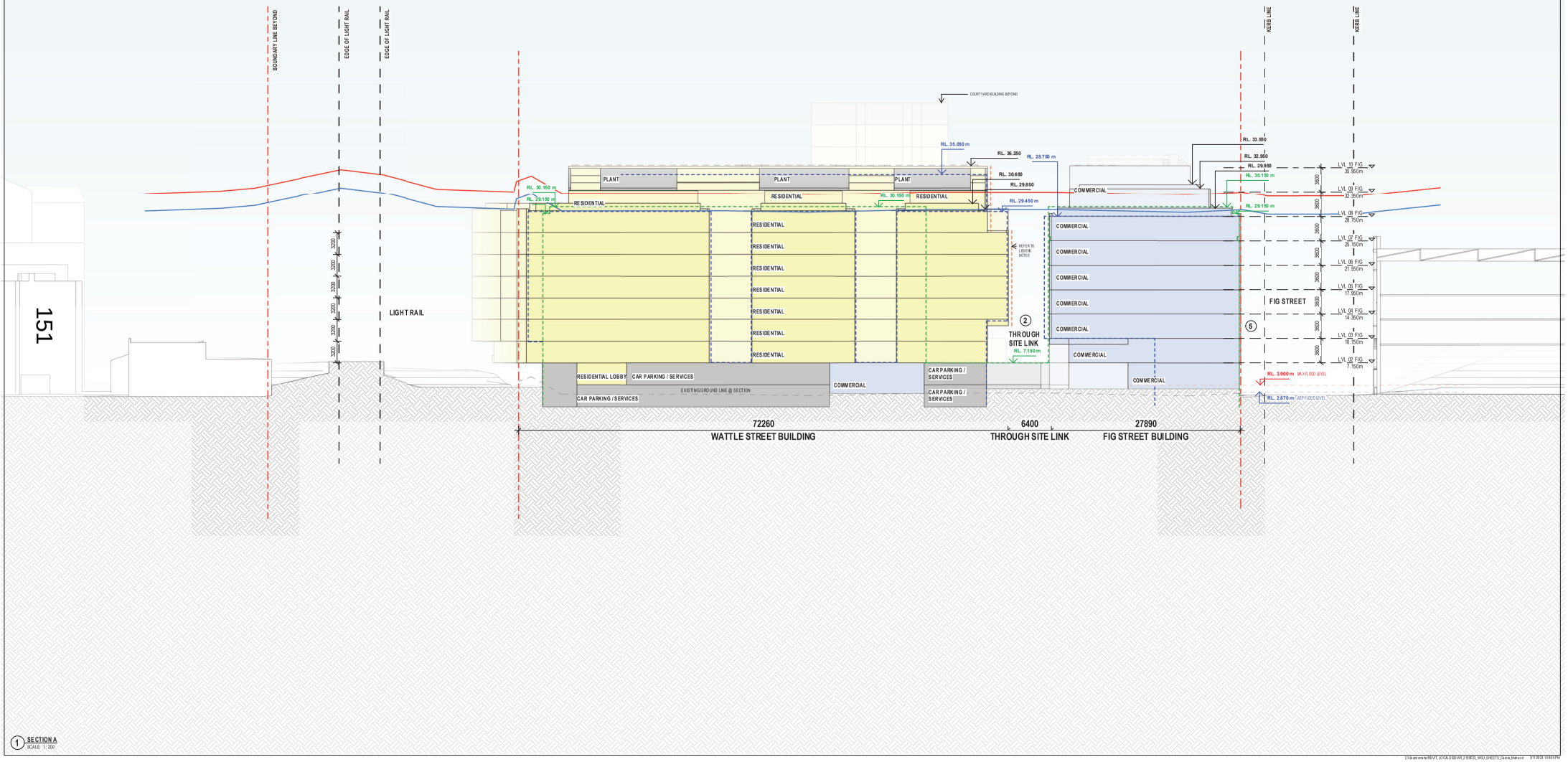
PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
21 09 023

TRUE NORTH
PROJECT NORTH
GRAPHIC SCALE
0 25 50
SCALE
As indicated @ A1
DO NOT SCALE
STATUS

DRAWING
STREETSCAPE ELEVATION
DRAWING NUMBER
AR-DA-MOD-2005
ISSUE
03

NOTE:

1. REFER TO DRAWING SERIES AR-DA-MOD-4001 JONES STREET DESIGN PRINCIPLES
2. REFER TO DRAWING SERIES AR-DA-MOD-4002 THROUGH-SITE LINKS DESIGN PRINCIPLES
3. REFER TO DRAWING SERIES AR-DA-MOD-4003 ROOF FEATURES DESIGN PRINCIPLES
4. REFER TO DRAWING SERIES AR-DA-MOD-4004 CLIFF DESIGN PRINCIPLES
5. REFER TO DRAWING SERIES AR-DA-MOD-4005 ACOUSTICS DESIGN PRINCIPLES
6. REFER TO DRAWING SERIES AR-DA-MOD-4006 COMMERCIAL BUILDING ARTICULATION PRINCIPLES



1 SECTION A
SCALE: 1: 200

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ISSUE	DATE	FOR	CHKD
01	31/08/22	PRE-DA	
02	23/12/22	STAGE 1 DA MOD (DRAFT 01	
03	03/02/23	STAGE 1 DA MOD SUBMISSION	
04	03/10/23	STAGE 1 DA MOD SUBMISSION	

LEGEND

- LEP HEIGHT PLANE
- LEP HEIGHT PLANE + 10%
- SECTION OUTLINE OF STAGE 1 DA
- SECTION OUTLINE OF COMPETITION DESIGN
- SITE BOUNDARY
- SITE BOUNDARY - AREA OF FUTURE ACQUISITION
- STAGE 2 DA ENVELOPE - RECREATION CENTRE
- STAGE 2 DA ENVELOPE - RETAIL
- STAGE 2 DA ENVELOPE - CAR PARKING SERVICES
- STAGE 2 DA ENVELOPE - PLANTAND LIFTOVERRUN
- STAGE 2 DA ENVELOPE - BEYOND
- STAGE 2 DA ENVELOPE - RESIDENTIAL
- STAGE 2 DA ENVELOPE - COMMERCIAL
- STAGE 2 DA ENVELOPE - COMMERCIAL RMS OUTSIDE OF GLAZED BOUNDARY
- STAGE 2 DA ENVELOPE - CHILDCARE CENTRE
- PHOTOVOLTAIC CELLS
- EARTH
- DEEP SOIL

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CLIENT
LANDREAM
CLIENT NUMBER
PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0877

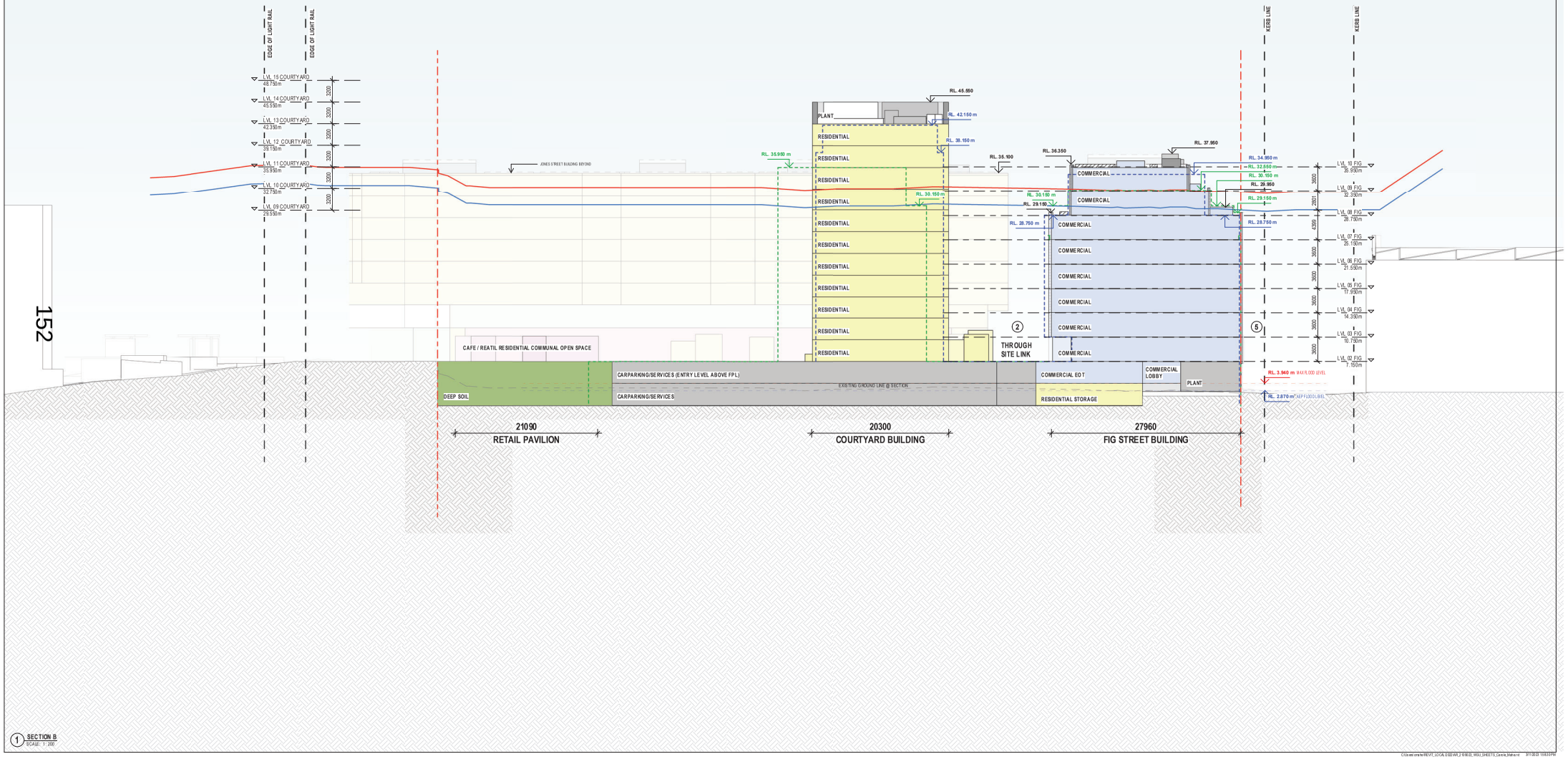
PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
2109023

GRAPHIC SCALE
0 4000 10000
SCALE
As indicated @ A1 DO NOT SCALE
STATUS

DRAWING
SECTION A
DRAWING NUMBER
AR-DA-MOD-3001
ISSUE
04

NOTE:

1. REFER TO DRAWING SERIES AR-DA-MOD-4001 JONES STREET DESIGN PRINCIPLES
2. REFER TO DRAWING SERIES AR-DA-MOD-4002 THROUGH-SITE LINKS DESIGN PRINCIPLES
3. REFER TO DRAWING SERIES AR-DA-MOD-4003 ROOF FEATURES DESIGN PRINCIPLES
4. REFER TO DRAWING SERIES AR-DA-MOD-4004 CLIFF DESIGN PRINCIPLES
5. REFER TO DRAWING SERIES AR-DA-MOD-4005 ACOUSTICS DESIGN PRINCIPLES
6. REFER TO DRAWING SERIES AR-DA-MOD-4006 COMMERCIAL BUILDING ARTICULATION PRINCIPLES



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LEGEND

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- LEP HEIGHT PLANE + 10%
- SECTION OUTLINE OF STAGE 1 DA
- SECTION OUTLINE OF COMPETITION DESIGN
- SITE BOUNDARY
- SITE BOUNDARY - AREA OF FUTURE ACQUISITION
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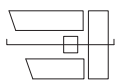
- STAGE 2 DA ENVELOPE - CHILDCARE CENTRE
- PHOTOVOLTAIC CELLS
- EARTH
- DEEP SOIL

KEY PLAN



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PROJECT
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14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
21 09 023

GRAPHIC SCALE
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SCALE
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STATUS

DRAWING
SECTION B
DRAWING NUMBER
AR-DA-MOD-3002
ISSUE
03

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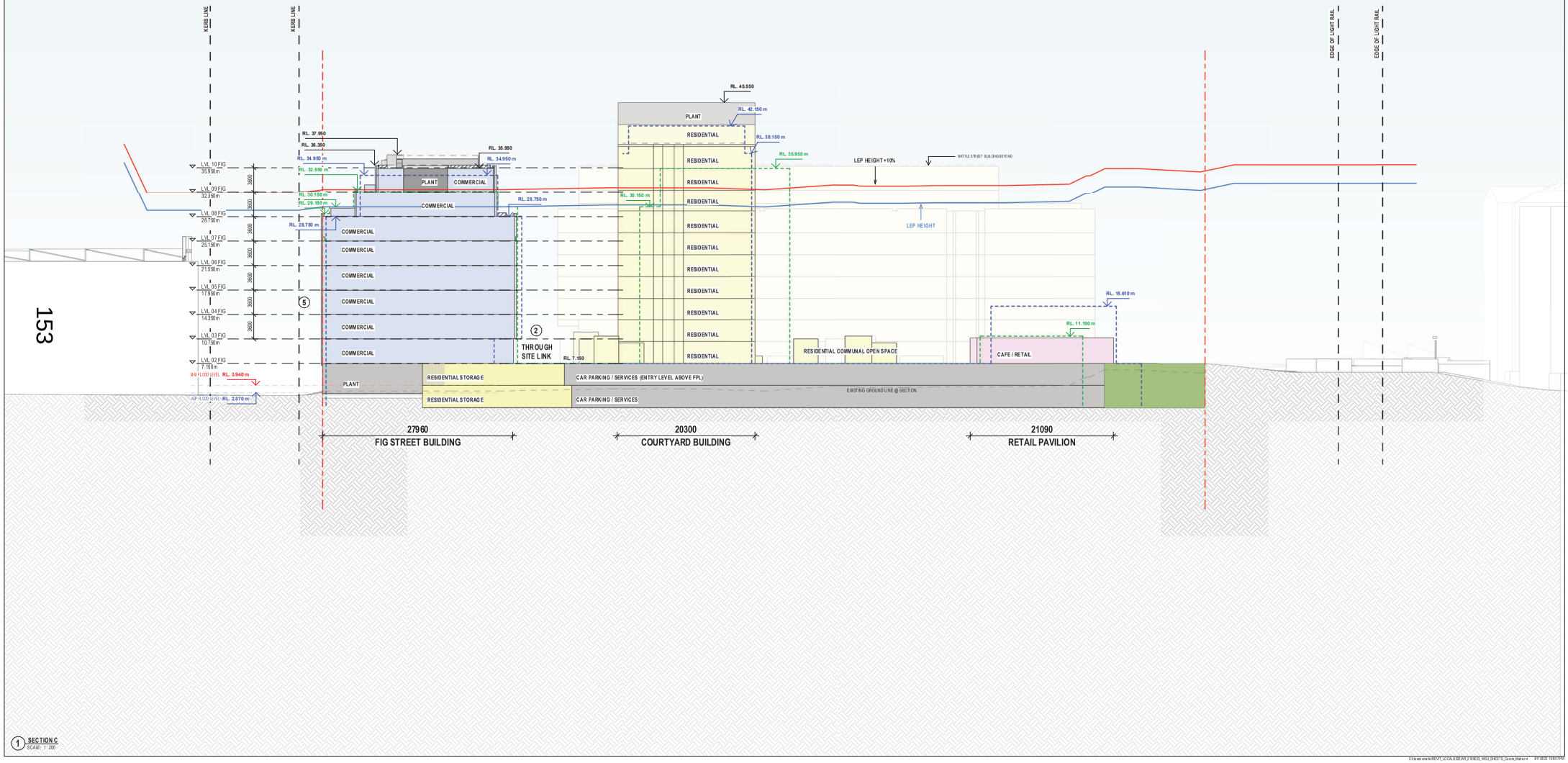

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04	03/10/23	STAGE 1 DA MOD SUBMISSION	

LEGEND

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14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
2109023

GRAPHIC SCALE
0 4000 16000
SCALE
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STATUS

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SECTION C
DRAWING NUMBER
AR-DA-MOD-3003
ISSUE
04

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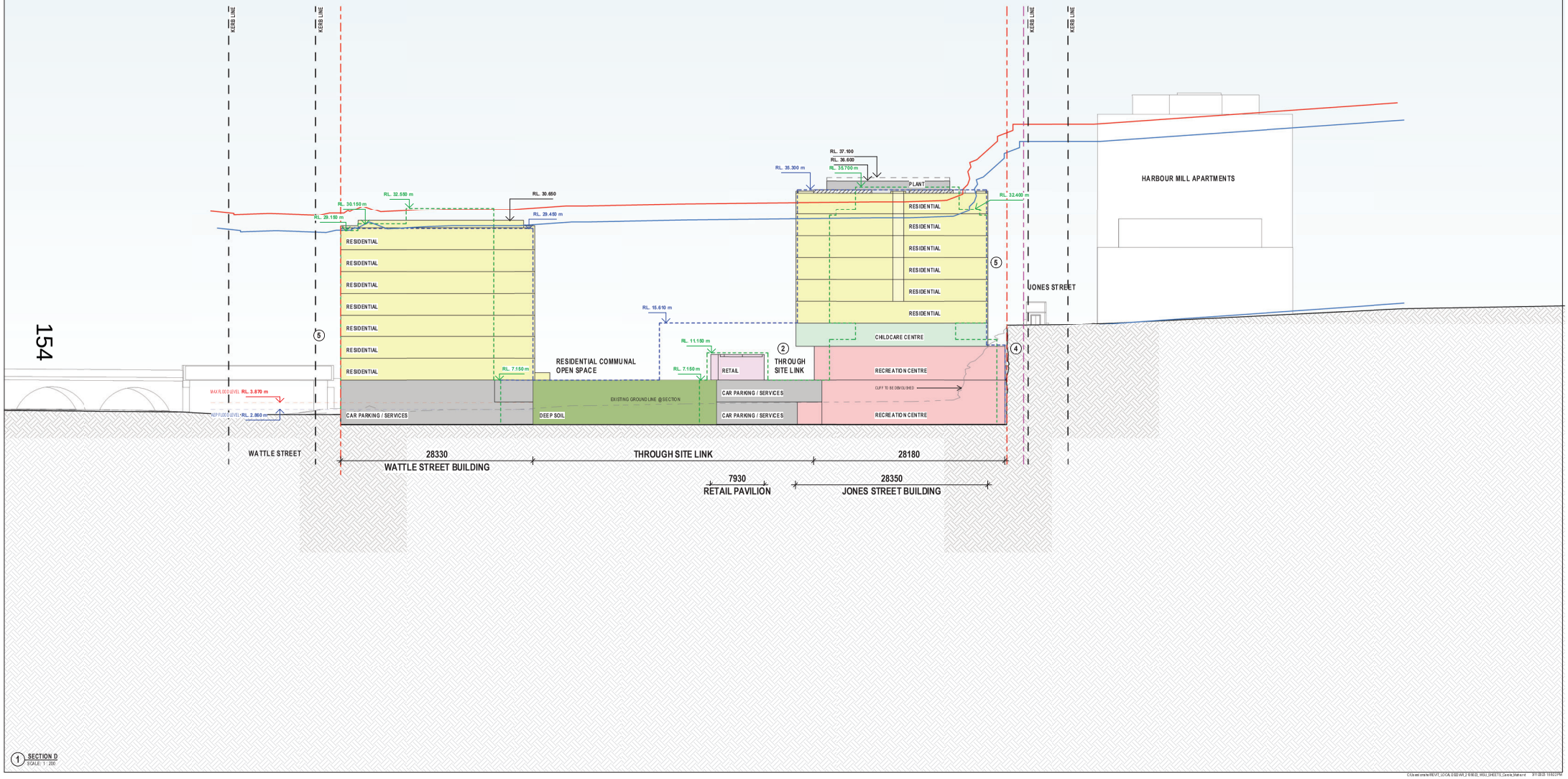
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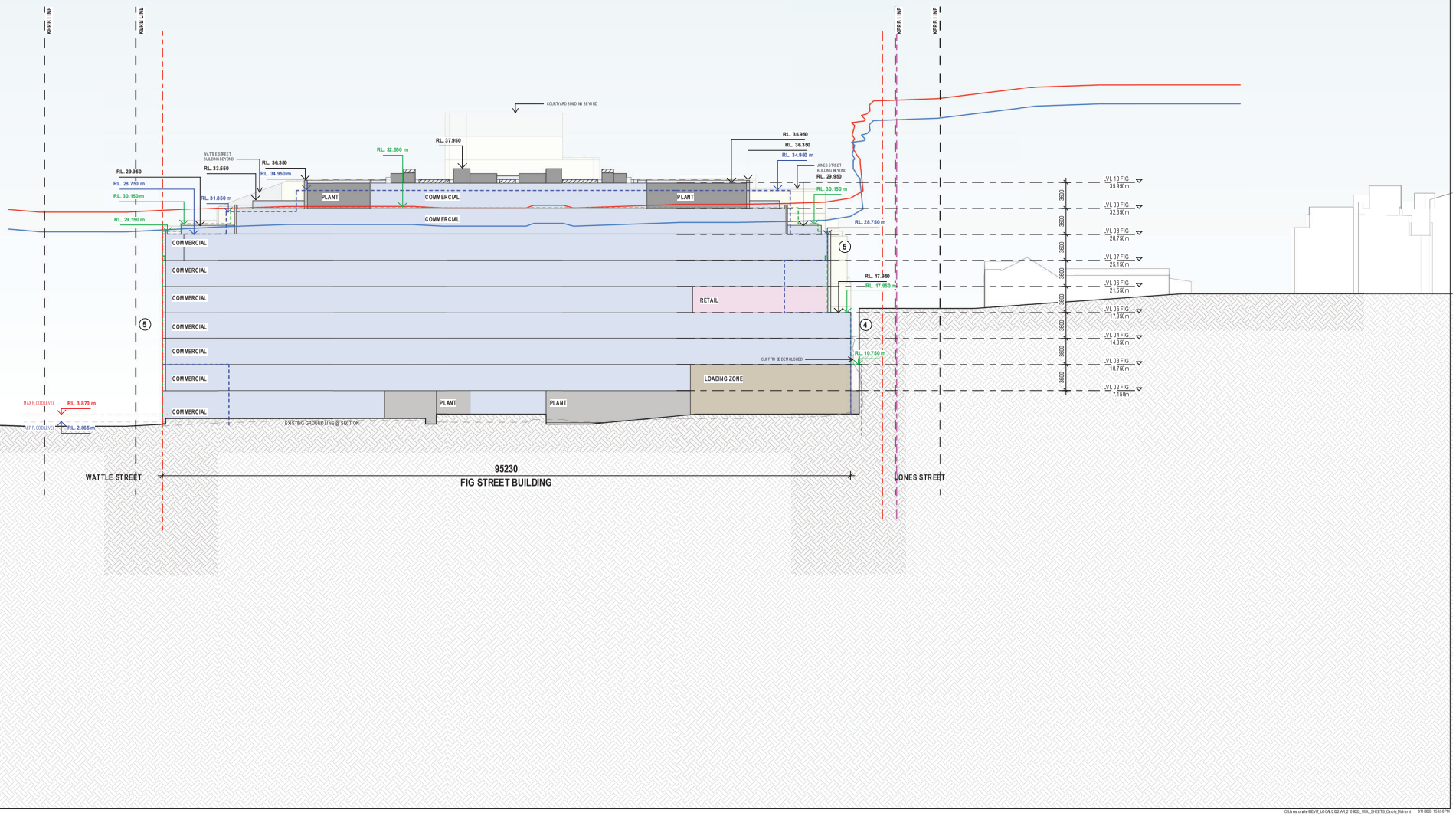

1 SECTION E
SCALE: 1 : 200

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PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
21 09 023

GRAPHIC SCALE
0 4000 16000
SCALE
As in double dig At DO NOT SCALE
STATUS

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SECTION E
DRAWING NUMBER
AR-DA-MOD-3005
ISSUE
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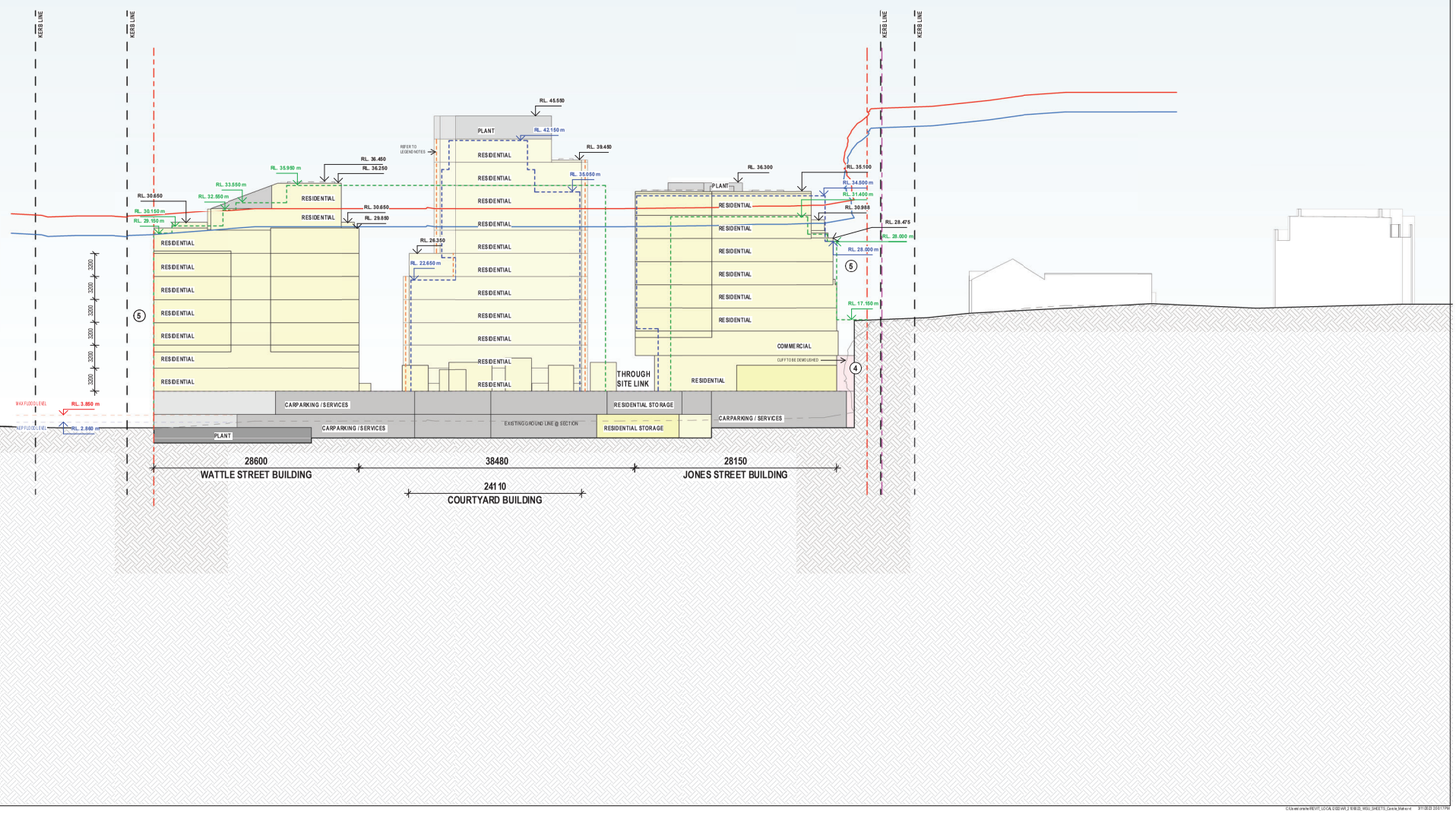

156

1 SECTION F
SCALE: 1: 200

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PROJECT
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14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
21 09 023

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DRAWING
SECTION F
DRAWING NUMBER
AR-DA-MOD-3006
ISSUE
04

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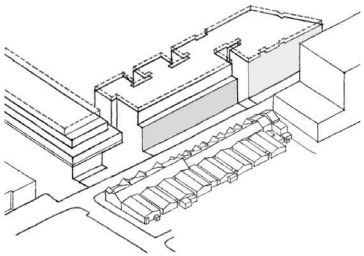
The following design principles provide a framework for the Jones Street building.

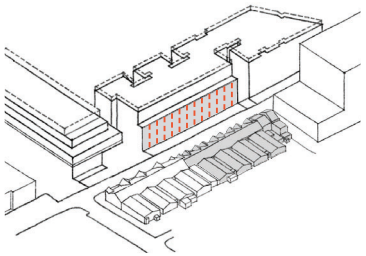
These design principles establish design guidance and requirements without unduly compromising opportunity for a creative response in the Design Excellence Competition.

Design Principle 1 - Jones Street Articulation.



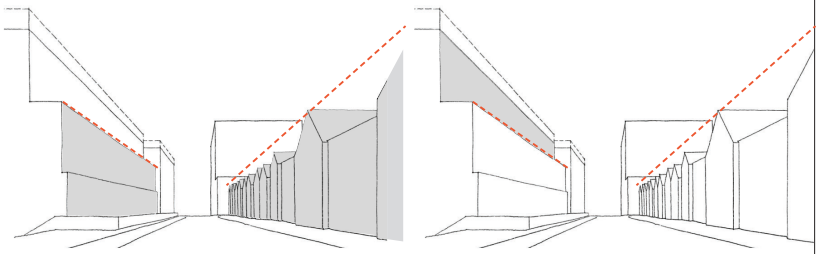
1.1 Residential Streetwall division

The Jones Street building is to be separated into 2 main masses and have a main vertical articulation to break the length of the streetwall, to create 'fine grain' built form and varied architectural character as per Sydney Development Control Plan 2012 4.2.4 intents.



1.2 Vertical facade rhythm of the terraces opposite the site

A vertical rhythm in the facade must be achieved to reference the vertical rhythm of the terraces. This articulation can be achieved by, but not limited to:
- materiality;
- facade detailing;
- facade openings;
- shadowlines;
- facade projections.

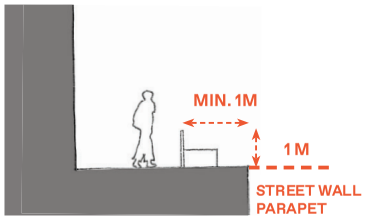


1.3 Horizontal Articulation

Horizontal articulation must be integrated into the architecture of the east facade of the Jones Street residential building opposite the terraces. The horizontal articulation should reference the streetwall established by the concept envelope and scale of the existing terraces. This can be achieved by, but not limited to:
- materiality;
- re-entrants and shadow lines;
- projections;
- setbacks;
- detailing of building elements.

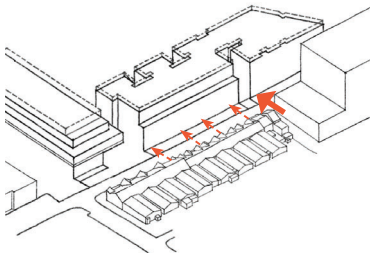
1.4 Articulation Upper Level

The upper floors of the Jones Street building must be articulated from the lower floors. This can be achieved by, but not limited to:
- materiality;
- setbacks;
- re-entrants and shadow lines;
- built form;
- variation to architectural character.



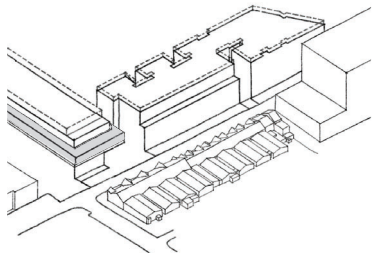
1.5 Balustrade above the streetwall podium

The balustrade above the podium must be setback a minimum of 1m from the building edge along Jones Street, for both the Jones Street and Fig Street blocks. It is setback to avoid visual privacy impact on nearby residential properties, improve safety and enhance facade depth.



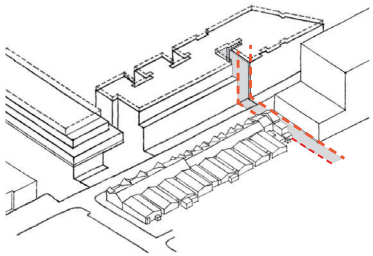
1.6 Residential Entries

The main residential entry from Jones Street is legible on the facade as primary entry and distinctive from any individual apartment entries. These entries provide opportunities for individual entries / addresses to the ground floor apartments without compromising daylighting to the levels below and visibility of the cliff face.



1.7 Transition of Built Form Character

The upper floor of the commercial building is to reference the streetwall height of the Winchcombe & Carson Building. The principles for this reference is further outlined in principle 7 on drawing AR-DA-MOD-4006.



1.8 Building Re-entrant Zone

The zone for the building re-entrant should respond to the laneway.

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14-26 WATTLE STREET, PYRMONT

BVN PROJECT NUMBER
210923

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CONCEPT ENVELOPE - JONES STREET

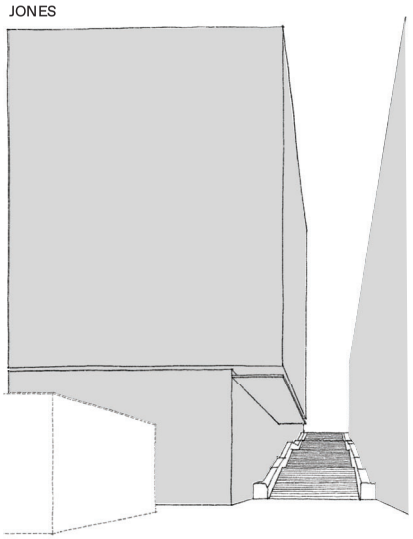
DRAWING NUMBER
AR-DA-MOD-4001

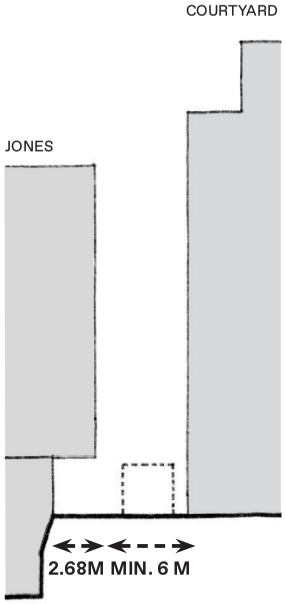
ISSUE
01

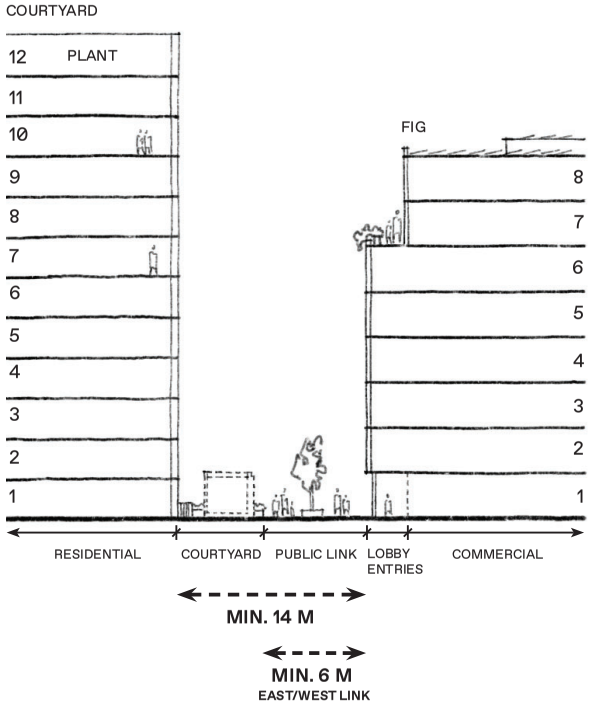
The following design principles provide a framework for the through site link entries. Massing shown on diagrams reflects a built form assuming design excellence height achieved.

These design principles establish design guidance and requirements without unduly compromising opportunity for a creative response in the Design Excellence Competition.

Design Principle 2 - Public Through Site Links.







2.1 Open to the sky

All public through-site links are designed to optimise opening to the sky.

2.2 North-South Public Link

The North-South link may comprise a combination of open, colonnaded and sheltered pathway to provide good pedestrian amenity. The link is to acheive a general width of 6m.

Detached, low-impact buildings or structures, such as retail suites, pod buildings, kiosks or shelters, may encroach upon the north-south link if they:
- are single-storey in height
- contribute to activation of the link
- demonstrate adequate clear width for circulation
- maintain sightline towards the light rail station

2.3 East/West Public Link

The minimum clear width of the through site link is 6m.
The link may be partially cantilevered provided a minimum clear width of 6m opening to the sky is maintained as per principle 2.1, and that a minimum building separation of 14m in between Courtyard and Fig building is achieved:
The link should provide:
- adequate privacy to the residential courtyards through a landscaping buffer zone;
- clear and legible entries to Commercial Building and Residential Foyers;
- Adequate lighting for CPTED

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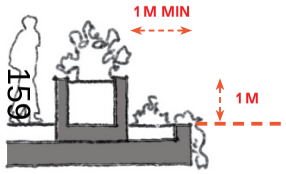
CLIENT NUMBER	
PROJECT MANAGER	ARGENTUM GROUP (02) 9037 0877
PROJECT	WATTLE STREET 14-26 WATTLE S TREET, PYRMONT
BVN PROJECT NUMBER	2109023
GRAPHIC SCALE	
SCALE	DO NOTSCALE
STATUS	
DRAWING	CONCEPT ENVELOPE - THROUGH SITE LINKS
DRAWING NUMBER	AR-DA-MOD-4002
ISSUE	01

The following design principles provide a framework for the Wattle Street Rooftop.

These design principles establish design guidance and requirements without unduly compromising opportunity for a creative response in the Design Excellence Competition.

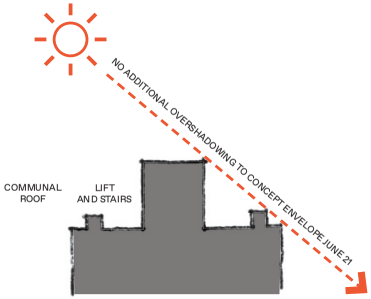
Design Principle 3 - Rooftop

The roof to the Wattle Street building to the north will be trafficable to provide a communal roof terrace. The design principles for the rooftop are set out below.



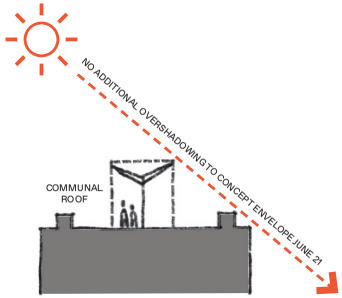
3.1 Balustrade and landscape edge

The balustrade and landscaped planting zone must be set back a minimum of 1m and no more than 1m from the rooftop FFL to minimise visual bulk and enhance articulation to the building facade.



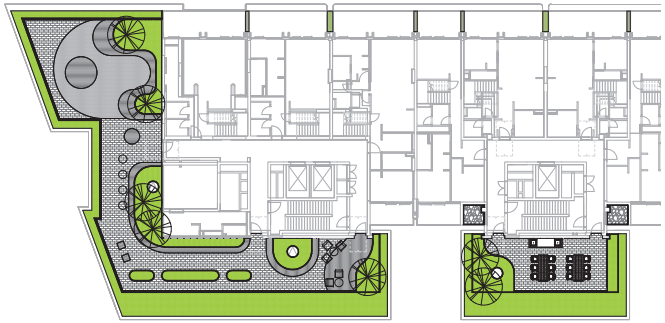
3.2 Lift and Fire Stairs

The lift and fire stairs must be set back from the parapet edge and / or not cause any additional overshadowing to the concept plan envelope.



3.3 Shading Structure

Any shading structures must sit within the zone of the core and not cause any additional overshadowing to the concept plan envelope. They are to be open structures and not contain any GFA.

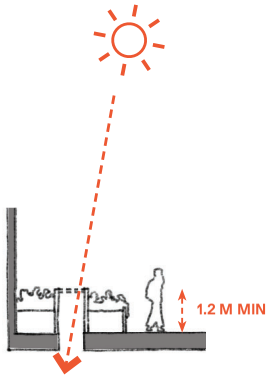


3.4 Landscaping

Landscaping is to be provided on the roof allowing for tree canopies, seating edges and planting zones to enhance the amenity of the roof space.

3.5 Plant

Plant is not to be located on the roof except essential services.



3.6 Skylight

Skylight proposed should be located away from any usable Communal Open Space area, for example within raised planter area.

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BVN PROJECT NUMBER
210923

GRAPHIC SCALE
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STATUS

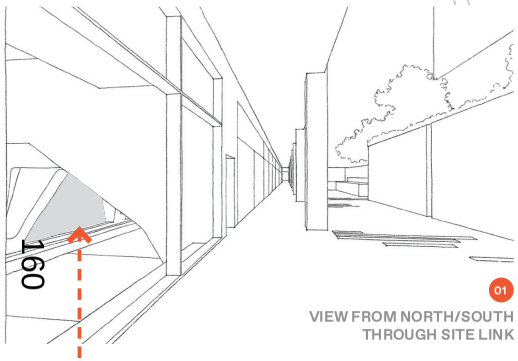
DRAWING
CONCEPT ENVELOPE - ROOF FEATURES
DRAWING NUMBER
AR-DA-MOD-4003
ISSUE
01

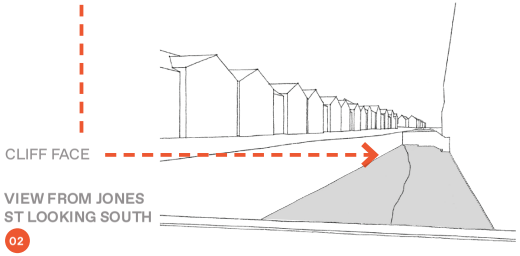
The following design principles provide a framework for the cliff face.

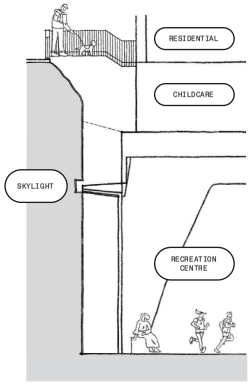
Benchmarks are shown here for reference. These design principles establish design guidance and requirements without unduly compromising opportunity for a creative response in the Design
Excellence Competition

Design Principle 4 - Cliff Design Benchmarks



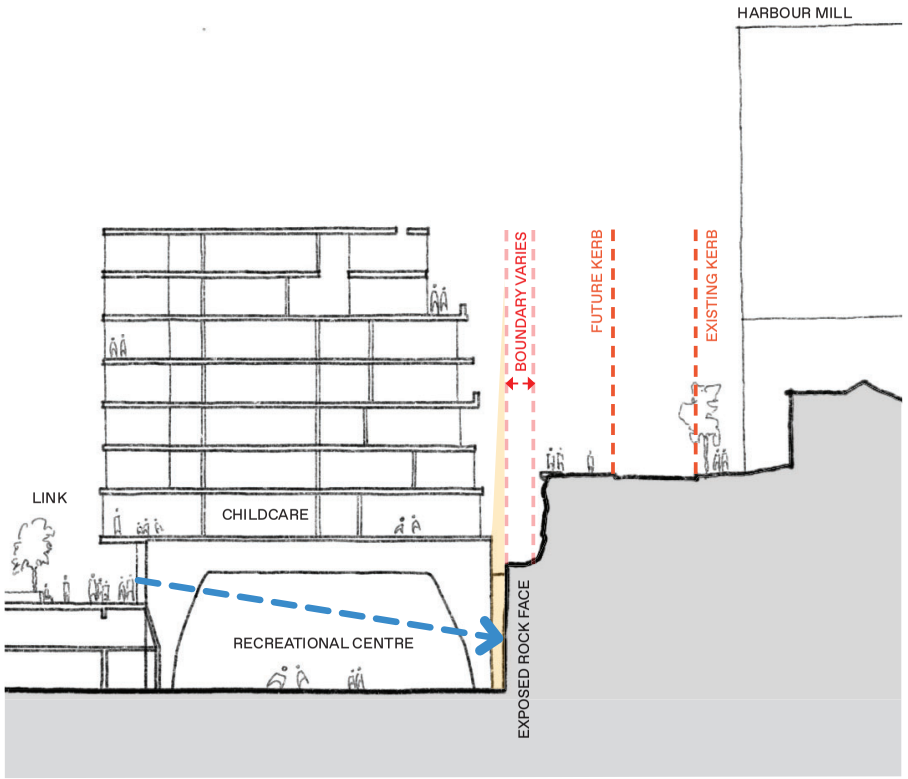








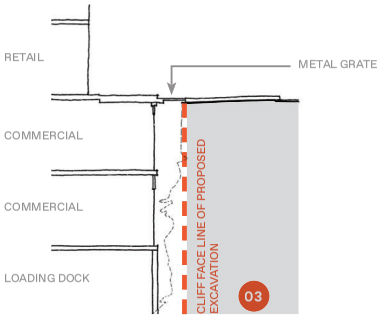
Recreation Centre: UTS Ross Milbourne Sports Hall, Sydney - Designed by PTW Architects



4.4 increased setback - site benefit

The increased setback allows for additional light and air to enhance the experience of the rockface.

The sketch section illustrates how principles 4.1, 4.2, 4.4 and 4.5 could be translated.





4.1 Maximise the Experience of the Rockface from the Public Domain

The setback of the buildings along Jones Street provides opportunities for the rockface to be experienced from the public domain through sightlines from the footpath. This is facilitated by sightlines to the rock face adjacent to the Recreation Centre from the through-site link

4.2 Maximise the Experience of the Rockface from the Recreation Centre.

The splay in the site boundary towards the north-eastern corner provides opportunities for the rock face to be visible and accessible from within the Recreation Centre. Consideration for maximising light, drainage and air movement will be explored to ensure the quality of this space can be appreciated and incorporated into the design of the recreation centre.

4.3 Maximise the Experience of the Rockface from the Commercial Building.

Visibility to the rockface is to be achieved from the commercial building.

4.4 Re-interpret and Reuse the cut sandstone.

Opportunities to reuse the cut sandstone should be explored in the landscape design, public domain, heritage interpretation strategy and public art. Guidelines for the potential reuse will be further defined for the Design Competition stage.

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DRAWING
CONCEPT ENVELOPE - CLIFF
DRAWING NUMBER
AR-DA-MOD-4004
ISSUE
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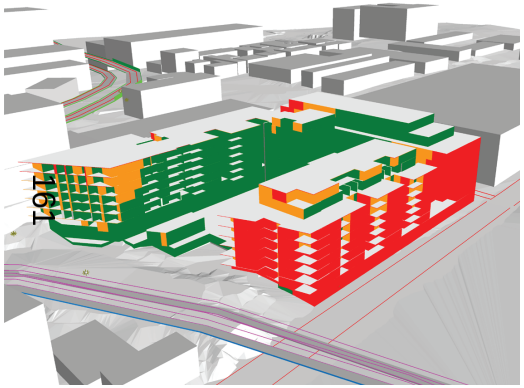
The following design principles provide a framework for the acoustic treatment. Massing shown on diagrams reflects a built form assuming a design excellence height achieved.

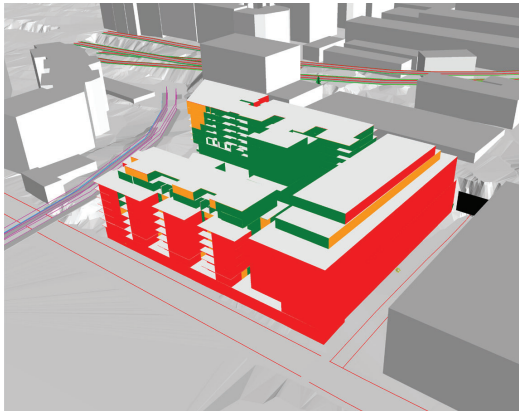
These design principles establish design guidance and requirements without unduly compromising opportunity for a creative response in the Design Excellence Competition.

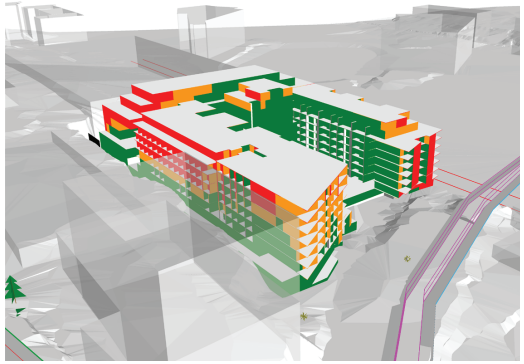
Design Principle 5 - Acoustics

The information below has been extracted from Stantec 'Acoustic Impact Assessment' report.

Refer to above report for acoustic/ventilation requirements for wall plenums in the future Detailed DA, where required, to achieve Natural Ventilation in accordance with the ADG and Council's Natural Ventilation Guidelines where acoustic impacts require it.







Acoustic design principles:

- No spaces within a residential apartment will require an alternative means of ventilation and will be able to rely on opening their windows to achieve the natural ventilation requirements.
- A bedroom only within a residential apartment space will require an alternative means of natural ventilation.
- A bedroom or living room within a residential apartment space will require an alternative means of natural ventilation.

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PROJECT
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DRAWING
CONCEPT ENVELOPE - ACOUSTIC

DRAWING NUMBER
AR-DA-MOD-4005

ISSUE
01

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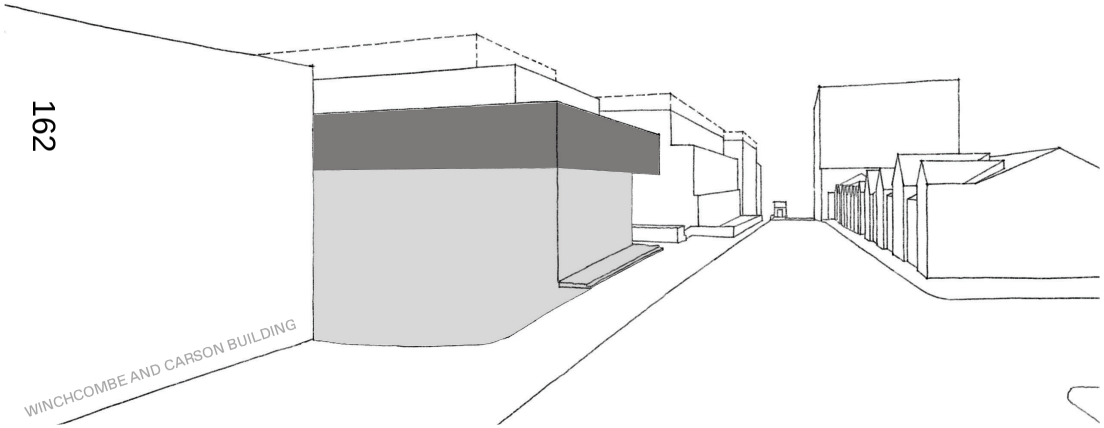
The following design principles provide a framework for the commercial building articulation design.

These design principles establish design guidance and requirements without unduly compromising opportunity for a creative response in the Design Excellence Competition.

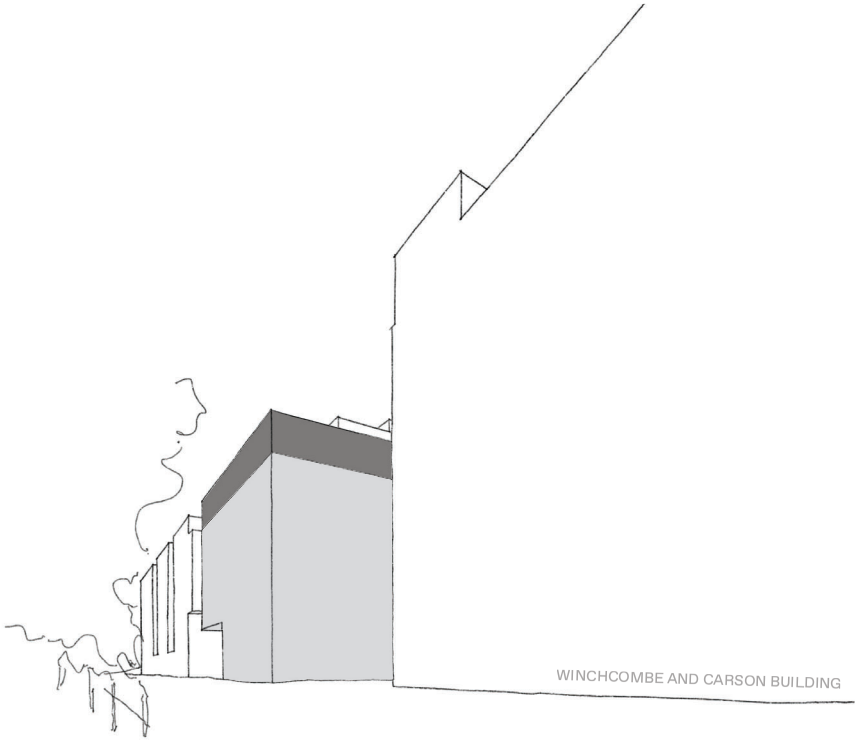
Design Principle 6 - Commercial Building Articulation

To reference the heritage scale to the Winchcombe & Carson building, the top floor of the commercial building must be articulated from the base. This can be achieved through but not limited to:

— facade articulation;
— fenestration and detailing;
— materiality and/or colour scheme;
— built form and massing.



Jones Street



Wattle Street

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BVN PROJECT NUMBER
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STATUS

GRAPHIC SCALE

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DRAWING
CONCEPT ENVELOPE - COMMERCIAL BUILDING ARTICULATION

DRAWING NUMBER
AR-DA-MOD-4006

ISSUE
01

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Attachment D

Concept Approval - Land and Environment Court Judgment

Land and Environment Court
New South Wales

Medium Neutral Citation:	**Landream Pyrmont Pty Ltd v Council of the City of Sydney [2021] NSWLEC 1245**
Hearing dates:	14 and 16 April 2021
Date of orders:	21 May 2021
Decision date:	21 May 2021
Jurisdiction:	Class 1
Before:	Horton C
Decision:	The Court orders that: (1) Leave is granted to the Applicant to rely on the amended plans and supplementary documents referred to in Condition 2 of Annexure A. (2) The Applicant is to pay the Respondent's costs thrown away pursuant to s 8.15(3) of the Environmental Planning and Assessment Act 1979 as a result of the amendment to the development application allowed by Order (1) above, as agreed or assessed. (3) The Applicant's written request required under cl 4.6 of the Sydney Local Environmental Plan 2012 for the approval of the development application D/2019/649 in relation to the variation to the 27m height development standard that applies to the land under cl 4.3 of the Sydney Local Environmental Plan 2012 is upheld. (4) The appeal is upheld. (5) Development application D/2019/649 seeking approval of a concept proposal comprising demolition of the existing buildings, removal of trees, and a mixed-use development compromising residential, commercial, childcare and recreational uses at the land at 14-26 Wattle Street, Pyrmont and contained in Lot 200 DP1224234 is approved subject to the conditions set out in Annexure A. (6) All exhibits are returned, except for Exhibits A, C, D, 7, 14 and 15.
Catchwords:	

DEVELOPMENT APPLICATION – Concept development application – mixed use development – consideration of public submissions – voluntary planning agreement – orders

Legislation Cited:

Architects Act 2003
Environmental Planning and Assessment Act 1979 cl 4.15, 4.16, 4.17, 4.22, 4.23, 4.47, 7.4, 7.7, 8.7
Environmental Planning and Assessment Regulation 2000, cll 50, 70B
Land and Environment Court Act 1979 cl 39
State Environmental Plan (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy (Educational Establishments and Child Care Centres) 2017
State Environmental Planning Policy (Infrastructure) 2007 cll 45, 85, 86, 101, 102, 104
State Environmental Planning Policy No 55—Remediation of Land, cl 7
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development, cll 4, 19, 28
State Regional Environmental Plan (Sydney Harbour Catchment) 2005
Sydney Local Environmental Plan 2012 cll 4.3, 4.6, 6.21, 7.3, 7.4-7.9, 7.14, 7.15
Water Management Act 2000

Cases Cited:

Initial Action Pty Ltd v Woollahra Municipal Council (2018) 236 LGERA 256; [2018] NSWLEC 118
Local Democracy Matters Inc v Infrastructure NSW (2019) 367 ALR 733; [2019] NSWCA 65
The Uniting Church in Australia Property Trust (NSW) v Parramatta City Council [2018] NSWLEC 158

Texts Cited:

Apartment Design Guide
Practice Note Class 1 – Development Appeals

Category:

Principal judgment

Parties:

Landream Pyrmont Pty Ltd (Applicant)
Council of the City of Sydney (Respondent)

Representation:

Counsel:
A Pickles SC with A Hemmings (Applicant)
J Lazarus SC (Respondent)

Solicitors:
Corrs Chambers Westgarth (Applicant)
Holding Redlich (Respondent)

File Number(s):

2020/209408

Publication restriction:

No

JUDGMENT

1 **COMMISSIONER**: The Applicant in this Class 1 appeal, Landream Pyrmont Pty Ltd, seeks consent for a concept development application on land that is located between Wattle Street, Fig Street and Jones Street, in the vicinity of Wentworth Park, Pyrmont.

2 The appeal is brought under s 8.7 of the *Environmental Planning and Assessment Act 1979* (EPA Act) following the refusal of the Development Application D/2019/649, by the Council of the City of Sydney (the Respondent) for a building envelope that includes residential, commercial, retail, child care and recreational facilities.

3 It is helpful at this stage to set out the particular aspects or components of the concept development application (Concept DA), as described by the Respondent in the Amended Statement of Facts and Contentions (Exhibit 1):

- In principle approval for the demolition of existing buildings and structures on the site;
- In principle approval for the removal of 53 trees;
- Building envelopes and indicative future land uses for a mixed-use development comprising:

  Wattle Street: An 'L' shaped building envelope on Wattle Street extending to the middle of the site comprising retails, non-residential uses at the ground level on Wattle Street, and residential uses above,

  Jones Street Block: A building envelope on Jones Street with a potential zone for a roof terrace, above a recreational centre and child care centre, and residential uses,

  Fig Street Block: A building envelope on Fig Street extending from Wattle Street to Jones Street accommodating commercial/non-residential uses, with residential uses at the upper level,

  A small building envelope adjoining the Wentworth Park Light Rail Station accommodating a café/retail use,

  Publicly accessible open space comprising through-site links providing pedestrian connection between Jones Street and Wattle Street, and between the site and the Wentworth Park Light Rail station to the north of the site,

  Car parking,

  Demolition/excavation of the sandstone cliff adjoining Jones Street; and

  A new footpath along the site's Jones Street frontage.

4 As the Concept DA proposes works to a classified road, and requires approval to interfere with an aquifer, the proposal is integrated development requiring agency approval.

The site and its context

5 The site is a former quarry and Council depot located on the western side of the Pyrmont Peninsula, and is legally described as Lot 200 in DP 1224234, otherwise known as 14-26 Wattle Street.

6 A significant feature of the site is the exposed sandstone rock face to the east which is the result of quarrying, and contributes to a difference in level between the site and Jones Street that is in the order of 11m-14m.

7 The site presents a frontage of 104.82m to Wattle Street to the west, a frontage of 97.84m to Fig Street to the south, and a frontage of 149.7m to Jones Street to the east.

8 To the north of the site is the Wentworth Park Light Rail station, which is a continuation of the railway viaduct that is a well-known feature in Wentworth Park and which is, itself, a heritage item of State significance.

9 While the site itself is not listed as an item of heritage significance, a number of sites adjacent to the subject site are listed as items of local heritage significance including:

- The former Woolstore at 28-48 Wattle Street known as 'Winchcombe Carson' which is located to the south of the site.
- A group of one-storey terrace houses at 286-318 Jones Street which is located to the east of the site ('Jones Street terrace group').
- Remnants of the former 'Edwin Davey & Sons Flour Mill at 280 Jones Street, known as the 'Harbour Mill Apartments' which is located to the north-east of the site.

10 The site is located in the B4 Mixed Use zone as identified in the Sydney Local Environmental Plan 2012 (SLEP), in which the uses proposed in the Concept DA are permitted with consent.

11 The objectives of the B4 zone are as follows:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To ensure uses support the viability of centres.

Evolution of the application

12 On 21 June 2019, the initial Concept DA was lodged with the Respondent and revised shortly after on 3 September 2019, before being publicly exhibited from 23 September to 22 October 2019.

13 The Respondent's Design Advisory Panel considered the Concept DA on 12 December 2019 and provided certain advice.

14 On 24 January 2020, the Respondent requested further information and identified certain amendments to the application were required.

15 The Applicant provided additional information on 23 April 2020.

16 On 25 June 2020, the Respondent's Central Sydney Planning Committee refused the Concept DA.

17 The Applicant filed an appeal against the refusal of the Concept DA on 16 July 2020.

18 On 9 December 2020, the Applicant was granted leave to amend the application and rely upon amended plans and other documents that were subsequently exhibited between 15 December 2020 and 2 February 2021.

19 At the commencement of the hearing, the Applicant sought leave to further amend the application and rely upon amended plans, unopposed by the Respondent, subject to costs thrown away pursuant to s 8.15(3) of the EPA Act.

20 The Applicant was granted leave to amend the application and rely upon the further amended plans that were marked Exhibit D.

21 The further amended plans result from joint expert conferencing between experts in town planning, heritage and urban design, and it is commonly held by the experts in joint reports marked Exhibits 3, 4, 5 and 6, that the further amended plans resolve the contentions in their entirety.

22 To this end, the parties, by consent, seek the Court to make orders set out in Exhibit 10, in support of which the parties tendered agreed conditions of consent marked Exhibit 11, and an agreed summary of relevant jurisdictional preconditions marked Exhibit 13.

23 The Respondent submitted that it was appropriate to adjourn the hearing so as to allow those persons who had prepared objections to be provided with the agreed conditions of consent, in accordance with par 99(i) of the Court's Practice Note Class 1 – Development Appeals, and to make any submissions in response.

24 An adjournment of one day was granted, and the Court directed that public submissions be lodged by 4pm on 15 April 2021.

25 Prior to the resumption of the hearing the following day, the Respondent provided to the Court a copy of correspondence to and from objectors in the area, and a resident was granted leave to address the Court (see [33]).

26 At the conclusion of the proceedings, the Court directed that evidence of agreement between the parties in respect of a planning agreement prepared pursuant to s 7.4 of the EPA Act be provided the same day, which was provided to the Court at the close of the Court on Friday 16 April 2021 and was entered as Exhibit 15 at the request of the parties.

Public submissions

27 Public notification of the proposal has been undertaken on a number of occasions, as summarised in Exhibit 1 and evidence of which is contained in the Respondent's bundle of documents marked Exhibit 2.

28 Public submissions made in response to notification are contained behind Tabs 35 and 36 of Exhibit 2, and correspondence from the Respondent to objectors appears behind Tabs 1-3 of Exhibit 7.

29 Included in the correspondence, are copies of emails from the Respondent's instructing solicitor dated 8 April 2021. The letter sets out in some detail further amendments to the application arising from joint conferencing, and seeks notice from residents of any intention to provide additional submissions at the onsite view.

30 Further correspondence between residents and the Respondent's instructing solicitor is contained in Exhibit 12, wherein particular matters raised by residents are addressed by reference to the Respondent's relevant experts.

31 Two public submissions were heard in person at the onsite view undertaken at the commencement of the proceedings, that may be broadly characterised as supportive, subject to provision of public access and heritage interpretation being undertaken. Those submissions were made by:

(1) Ms Mary Mortimer OAM, of 203/40 Refinery Drive spoke on behalf of Friends of Pyrmont Community Centre and Pyrmont Action.

(2) Mr Ken Louden, of 1/2A Rosa Street, Oatley, who also identified as a member of Pyrmont Action.

32 As stated earlier, public submissions also resulted from notification directed by the Court at [24], marked Exhibit 14.

33 Resulting from the notification directed by the Court, Ms Elena Akhromova, of 711/280 Jones Street was granted leave to provide an oral submission via Microsoft Teams, and which may be summarised as follows:

- Clarification of the proposed height of buildings envelopes is needed, as the exceedance of the allowable height by 30% is excessive.
- Any further height permitted under cl 6.21 of the SLEP should be disallowed given the exceedance already proposed.
- Granting permission to the proposed exceedance undermines public confidence in the planning system.

The statutory framework

34 The Applicant seeks concept development approval pursuant to s 4.22 of the EPA Act, which relevantly provides:

> **4.22 Concept development applications**
>
> (1) For the purposes of this Act, a *concept development application* is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for the site or for separate parts of the site are to be the subject of a subsequent development application or applications.
>
> (2) In the case of a staged development, the application may set out detailed proposals for the first stage of development.
>
> (3) A development application is not to be treated as a concept development application unless the applicant requests it to be treated as a concept development application.
>
> (4) If consent is granted on the determination of a concept development application, the consent does not authorise the carrying out of development on any part of the site concerned unless—

(a) consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site, or

(b) the concept development application also provided the requisite details of the development on that part of the site and consent is granted for that first stage of development without the need for further consent.

The terms of a consent granted on the determination of a concept development application are to reflect the operation of this subsection.

(5) The consent authority, when considering under section 4.15 the likely impact of the development the subject of a concept development application, need only consider the likely impact of the concept proposals (and any first stage of development included in the application) and does not need to consider the likely impact of the carrying out of development that may be the subject of subsequent development applications.

35 The Applicant seeks concept development approval in lieu of a site-specific development control plan as is permitted by subs 4.23(2) of the EPA Act which relevantly provides:

4.23 Concept development applications as alternative to DCP required by environmental planning instruments

…

(2) However, if an environmental planning instrument requires the preparation of a development control plan before any particular or kind of development is carried out on any land, that obligation may be satisfied by the making and approval of a concept development application in respect of that land.

…

(3) Any such concept development application is to contain the information required to be included in the development control plan by the environmental planning instrument or the regulations.

36 Section 4.15 of the EPA Act sets out certain matters that a consent authority, or the Court exercising the functions and powers of the consent authority on appeal, must take into consideration including, at s 4.15(1):

(a) the provisions of—

(i) any environmental planning instrument, and

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii) any development control plan, and

(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

(v) (Repealed)

that apply to the land to which the development application relates,

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.

37

Subsection 4.22(5) further assists by directing that, in this case, the Court, when considering those matters at s 4.15 of the EPA Act, should only consider the likely impact of the concept proposals that are the subject of the concept development application, and not the likely impact of the carrying out of development that may be the subject of subsequent development applications.

38 As shown by Preston CJ in *The Uniting Church in Australia Property Trust (NSW) v Parramatta City Council* [2018] NSWLEC 158 (*Uniting Church v Parramatta*), a concept development application is still a development application under the EPA Act (at [36]); a concept development application, just like a development application, seeks consent for development (at [39]); a consent authority determines a concept development application under the same power as it determines all development applications, namely s 4.16 of the EPA Act (at [42]); a consent granted on the determination of a concept development application for a site sets the parameters for the determination of any further development application in respect of the site (at [43]).

39 Relevant to my consideration of those matters at s 4.15 of the EPA Act, I understand Preston CJ, at [55] of *Uniting Church v Parramatta,* to state that when considering the development the subject of a concept development application, the Court need only consider the likely impacts of the development the subject of the concept development application and does not need to consider the likely impacts of the carrying out of the development that may be the subject of subsequent development applications.

40 I adopt this approach in considering the provisions of relevant environmental planning instruments in accordance with s 4.15(1) of the EPA Act as follows.

Sydney Local Environmental Plan 2012

41 The Concept DA exceeds the height of 27m permitted by cl 4.3 of the Sydney Local Environmental Plan 2012, and the Applicant relies upon a written request in accordance with cl 4.6 of the SLEP, prepared by Mecone dated March 2021 (‘written request’) (Exhibit C, Tab 25).

42 It is relevant here to note that while the Concept DA illustrates an additional envelope of up to 10% in height that is potentially available to the site pursuant to cl 6.21 of the SLEP, the Applicant does not seek consent for the additional height in this application.

43 In general terms, the written request considers the areas of non-compliance to be setback from the edges of the site, and be located so as to preserve and protect the interface with adjoining buildings, and the amenity of its residents.

44 The town planning experts agree that the contravention of the height standard is justified. However, cl 4.6 of the SLEP requires that a consent authority, or the Court on appeal, consider a written request and be satisfied in respect of those matters set out at cl 4.6(4)(a) of the SLEP.

45

In so doing, cl 4.6 of the SLEP provides the Court with the power to grant development consent to the development even though the development would contravene the height standard. However, the power of the Court is subject to conditions.

46 As shown by Preston CJ in *Initial Action Pty Ltd v Woollahra Municipal Council* (2018) 236 LGERA 256; [2018] NSWLEC 118 (*Initial Action*), for the Court to have the power to grant development consent for a development that contravenes a development standard, cl 4.6(4)(a) requires that the Court be satisfied that:

(1) The proposed development will be consistent with the objectives of the particular standard in question (cl 4.6(4)(a)(ii)), and

(2) The proposed development will be consistent with the objectives of the zone (cl 4.6(4)(a)(ii)),

(3) The written request adequately demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (cl 4.6(3)(a)), and

(4) The written request adequately establishes sufficient environmental planning grounds to justify contravening the development standard (cl 4.6(3)(b)).

47 The Court must form two positive opinions of satisfaction under cl 4.6(4)(a) to enliven the power of the Court to grant development consent (*Initial Action* at [14]). I must be satisfied that:

(1) the Applicant's written request has adequately addressed the matters required to be demonstrated by subcl (3) and;

(2) that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objective of the zone in which the development is proposed to be carried out.

48 The exceedance is described on pp 4-5 of the written request, and may be summarised as follows:

Area of site	*Extent of exceedance*
Jones Street block	0.5m for the finished floor level of the upper most envelope area.
	4.8m for an area of 325m^2 for lift overrun, roof and pergola structures.
	1.5m for balustrades to the roof terrace enclosing an area of around 755m^2.
Fig Street block	Up to 3.55m for part of one setback residential level, including for balustrades.

Wattle Street block	Up to 6.08m for a portion of the building in the centre of the site.
	3.4m for a residential storey height.

49 The written request asserts that compliance with the height standard is unreasonable and unnecessary as the objectives of the standard are achieved, notwithstanding the non-compliance with the numerical standard.

50 The objectives of the standard are found at cl 4.3 of the SLEP, and relevantly provide:

> (a) to ensure the height of development is appropriate to the condition of the site and its context,
>
> (b) to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas,
>
> (c) to promote the sharing of views,
>
> …

51 In respect of objective (a), the written request identifies that the site has four different contextual interfaces, and it is appropriate to respond to the conditions of each frontage as follows:

(1) In response to the Light Rail interface to the north of the site, built form is both minimised and setback, preserving existing trees and resulting in an inviting prospect for through-site links adjacent to communal open space on the site, subject to owners consent that Sydney Trains has indicated may be granted subject to conditions that are contained in the agreed conditions of consent.

(2) The proposed height of the Wattle Street frontage is designed to be compatible with the street wall established by the former wool store to the south of the site. Additional height is setback to avoid additional overshadowing to Wentworth Park, and so that it is not visible in the context of the dominant street wall along Wattle Street. Figure 8 of the written request, re-produced below, is provided in support of the proposed massing, noting that the envelope depicts the additional height not sought by the application, but available to the development subject to the provisions at cl 6.21 of the SLEP.



Figure 8 as shown in the written request

(3)

Likewise, the Fig Street interface is compatible with the street wall height established by the former wool store to the south of the site, but differs from the other frontages in that no pedestrian links are proposed given the function of Fig Street as a major traffic route into the CBD, and on to the Sydney Harbour Bridge. Setbacks are provided, firstly, to Jones Street of 10m in deference to the heritage-listed terrace group, and secondly, the topmost levels setback from Fig Street so that it is not visually a part of the Fig Street presentation.

(4) The Concept DA proposes a four-storey street wall height setback 4m from the Jones Street boundary, with additional height setback further to avoid adverse impacts beyond that of a compliant envelope. The written request cites the opinion of the Applicant's heritage expert, Mr Paul Davies, in support of the additional height which is, in effect, built form relocated from the 4m setback to Jones Street. Such a reallocation of built form is preferable to Mr Davies as it provides benefits to the public domain, appropriately scales proposed development when considered in context with existing terraces, allows the sandstone rock face to be visible to public areas and aligns to heritage buildings to the south of the site.

52 In respect of objective (b), the site's adjacency to heritage items on Jones Street and Fig Street has been appropriately considered in the transition provided to both frontages for the reasons that follow:

(1) While the Jones Street terrace group is low scale, it is currently viewed in the context of the Harbour Mill apartment building that rises in scale from 5 to 10 storeys in height, as well as larger buildings evident in the precinct. In this context, the proposed building heights are lower than existing buildings in the immediate context and are predominantly within the height control of 27m. Furthermore, the transition between the scale of the Jones Street terrace group and that of the proposed development is assisted by the proposed setback from the Jones Street boundary of 1-4m beyond that which is permissible, and by matching the four storey height of the lower portion of the Harbour Mill Apartments.

(2) Similarly, the Fig Street interface is consistent with the heritage-listed former wool store when viewed in context, due to the 4.5m setback of the uppermost level from the Fig Street boundary, and 10m from Jones Street.

53 In respect of objective (c) which seeks to promote the sharing of views, the written request identifies the western views over Wentworth Park currently enjoyed by the Jones Street terrace group as the most impacted by the development, but which would be lost by a development wholly compliant with the height control. Likewise, a complying envelope fronting Jones Street, by virtue of the profile of the sandstone rock face, could achieve a 27m height at the Jones Street boundary that would adversely impact views from the Harbour Mill apartments. Instead, the proposed height, shown in Drawing DA2-3004 adopts a lower profile that achieves the sharing of views.

54 As the site is not located within Central Sydney, or Green Square Town Centre, objectives (d) and (e) are not relevant.

55 Next the written request sets out grounds it considers to be sufficient environmental planning grounds to justify the contravention of the height standard in accordance with cl 4.6(3)(b) of the SLEP. The grounds are set out in detail on pp 23-28 of the written request and may be summarised as follows:

(1) The proposed development provides large scale community uses such as child care, and public benefits such as generous through-site links to address the Respondent's terms of sale for the land, but for which provision is not made in the planning controls. Still, the floor space ratio (FSR) proposed for the site complies.

(2) Additionally, further public benefit is evident in the setback from the boundary at Jones Street in response to the Jones Street terrace group, and from the Light Rail station where development of 27m in height is possible, but is not proposed.

(3) While additional height is permitted under the design excellence provisions at cl 6.21 of the SLEP, this is the subject of detailed development application(s) in the future. Absent the additional height that is possible in subsequent stages, the exceedance of height on the Jones Street block is less than 1m, and is less than one storey on the Fig Street block.

(4) The proposed envelope is derived from analysis of the existing built form adjacent to the site so that unreasonable impacts do not result, particularly in respect of solar access and streetscape character. As evidence of the same, no unreasonable additional overshadowing is imposed on Wentworth Park, Fig Lane Reserve or the existing properties on the eastern side of Jones Street.

(5) The abrupt change in level on the site formed by the sandstone rock face to the east, is a primary driver of the exceedance. The proposed development could be built to the boundary where the rock face is close to the level of Jones Street, and where a narrow envelope of 27m in height could be developed. Instead, this floor space is redistributed on the site where it is largely below the 27m height control.

(6) A consistent building setback is adopted to the irregular Jones Street boundary line by the Jones Street block. The result is a loss of floor space on an area of the site on which it is otherwise allowed, in favour of a footpath with tree planting to the west of Jones Street. The Jones Street building footprint is consistent with the standards found in the Apartment Design Guide, and its envelope is compatible with surrounding development.

(7) Likewise, a generous setback of around 15m is evident at the uppermost storey that is the subject of the exceedance on the Fig Street block.

(8)

Floor levels in the Wattle Street and Fig Street blocks are elevated by 700mm for flood planning which contributes to the height exceedance.

(9) The envelope of the Wattle Street building protects solar access in mid-winter and accommodates floor space that could otherwise be located in the communal open space adjoining the Light Rail station.

56 I am satisfied that the written request has adequately addressed the grounds on which strict compliance with the height standard is unreasonable or unnecessary in accordance with cl 4.6(3)(a). In arriving at this conclusion, I am assisted by images of the proposed envelope contained in the written request that demonstrate in 3-dimensional terms the topographical condition of the site, and the context of the existing built form adjacent to the site, which also assists an understanding of the transition between the proposed new development and heritage items and buildings in the vicinity.

57 I am also satisfied that the written request demonstrates sufficient environmental grounds to justify the contravention of the height standard for the reasons summarised above. In particular, I accept that the exceedance is owed, in part, to the unique topography of the site in the location of the sandstone rock face, and in response to which the Jones Street building is setback, and modulated in 3-dimensions so as to transition between the scale of existing development on Jones Street and the height of buildings generally permitted on the site. Furthermore, where the exceedance occurs is set well back from the boundary line where adverse impacts can be managed, and where the uppermost levels are least visible from the street frontages.

58 Furthermore, I am satisfied that the objectives of the B4 zone are achieved. The development the subject of the Concept DA proposes a mix of public and community uses alongside commercial, retail and residential purposes on a site that imposes constraints, in response to which the exceedance is reasonable. The site is bounded on 3 sides by transport corridors, and on Jones Street by the sandstone rock face that precludes solar access to lower levels that would permit residential uses, and by considerations of heritage places above that. I accept that the location and scale of communal open space, including through site links, will encourage access to, and use of, the Light Rail corridor, and encourage walking.

59 In reaching an opinion of satisfaction that both the objectives of the height standard, and the B4 zone are achieved, I have considered the submissions of the Applicant in respect of the Jones Street frontage, and I accept that the height of the development is appropriate to the condition of the site and its context. In particular, I accept that strictly applying the 27m height plane to the unique topography of site permits a built form along Jones Street that would impose a far greater impact than that which is now proposed as a result of the decision to redistribute the floor space in favour of a lower envelope, and provides a setback accommodating a footpath on an important pedestrian link to the Light Rail station where none exists today.

60

Clause 4.6(4)(b) of the SLEP requires that the concurrence of the Planning Secretary be obtained for development consent to be granted to development that contravenes a development standard.

61 The Secretary has given written notice dated 5 May 2020, attached to the Planning Circular PS 20-002 that the Secretary's concurrence may be assumed for exceptions to development standards, subject to certain conditions contained in the notice.

62 That said, s 39(6) of the *Land and Environment Court Act 1979* gives the Court the power to grant development consent without obtaining the concurrence of the Secretary, although consideration ought be given to the matters in cl 4.6(5) when exercising the power to grant development consent for development that contravenes a development standard.

63 I have considered whether the contravention of the height standard raises any matter of significance for State or regional environmental planning, and whether there is a public benefit of maintaining the development standard. I conclude that no matter of significance arises, and I consider there to be a public benefit served by upholding the written request for the reasons set out above.

Heritage conservation

64 While the heritage experts agree that the site is not a heritage item, and it is not within a heritage conservation area (Exhibit 3, par 3.1), the experts also agree that the site has "high heritage significance for its historic associations as a quarry" (Exhibit A, Vol 2 of 3, p44).

65 The heritage experts also agree that all concerns in respect of heritage are resolved by the imposition of a condition of consent evident in the agreed conditions, at Condition 5.

66 I also state here for completeness that, while Mr Davies, heritage expert for the Applicant, holds that while there is no statutory requirement to provide an interpretation strategy or plan for the site, the experts are agreed that such interpretation is of value in the context of the Pyrmont peninsula, and the parties have agreed the form of a condition, at Condition 15, that provides for a heritage interpretation strategy to be prepared prior to the commencement of the competitive design process.

67 I note the requirements of this condition appear to address concerns set out in resident submissions at Exhibit 2 (Tab 35), and Exhibit 12, including interpretation of the history of the site as a quarry, and as a Council Depot; the exposure and interpretation of the rock face; use of salvaged sandstone from the site, the retention and display of the weighbridge scales in a publicly accessible location on the site; and archival recording of the buildings and structures on the site.

Design excellence

68

According to cl 6.21(3) of the SLEP, development consent must not be granted to development unless, in the opinion of the consent authority, or the Court on appeal, the proposed development exhibits design excellence.

69 The objective of the provision, at cl 6.21(1) is to deliver the highest standard of architectural, urban and landscape design, and the matters to which the Court must have regard are set out at cl 6.21(4) of the SLEP.

70 As it was put by the Court of Appeal in *Local Democracy Matters Inc v Infrastructure NSW* (2019) 367 ALR 733; [2019] NSWCA 65, at [74]:

> "It also follows that not all matters identified in cl 6.21(4) as bearing on design excellence are relevant to a concept development application. For example, cl 6.21(4)(a) refers to a high standard of architectural design, materials and detailing as a consideration relevant to design excellence."

71 Consistent with this view, I accept the Applicant's submission that the Court should have regard to the following relevant matters in considering whether development to which this clause applies exhibits design excellence as defined at cl 6.21(4) of the SLEP:

> …
>
> (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,
>
> (c) whether the proposed development detrimentally impacts on view corridors,
>
> (d) how the proposed development addresses the following matters—
>
> (i) the suitability of the land for development,
>
> (ii) the existing and proposed uses and use mix,
>
> (iii) any heritage issues and streetscape constraints,
>
> …
>
> (v) the bulk, massing and modulation of buildings,
>
> (vi) street frontage heights,
>
> (vii) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,
>
> (viii) the achievement of the principles of ecologically sustainable development,
>
> (ix) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network,
>
> (x) the impact on, and any proposed improvements to, the public domain,
>
> …
>
> (xii) achieving appropriate interfaces at ground level between the building and the public domain,
>
> (xiii) excellence and integration of landscape design.

72 The experts in town planning, and urban design agree that the Concept DA, as amended by the plans at Exhibit D is capable of exhibiting design excellence (Exhibit 5, par 14).

73 As I am satisfied that the Concept DA depicts a development that is consistent with the objectives of the B4 zone, and proposes a mix of uses for the land that are permitted with consent, I am satisfied that the site is suitable for the development proposed (subcll 6.21(4)(d)(i) and (ii)).

74

On the basis of the agreement between the town planning, urban design and heritage experts in Exhibit 6, including the agreed amendment to the setback of the Fig Street block from Jones Street in Appendix A, I consider the heritage issues and streetscape constraints, the bulk, massing and modulation of buildings, and the respective street frontage heights to be addressed (subcll 6.21(4)(d)(iii), (v)(vi)).

75 I have carefully considered the drawings at Exhibit D, the Acoustics and Natural/Cross ventilation report prepared by Stantec Australia dated 5 November 2020 (Exhibit F), and the targets for Environmentally Sustainable Development (ESD) at Condition 9 of Exhibit 11 and I conclude that the environmental impacts set out at subcl 6.21(4)(d)(vii), and the achievement of ESD principles (subcl 6.21(4)(d)(viii)), are addressed.

76 Having regard to the Landscape Concept Plans (Exhibit C, Tab 28), I consider subcl 6.21(4)(d)(ix) of the SLEP to be addressed by the integration of through site links and a future connection to the Light Rail station, stairs connecting Jones Street to Wattle Street, bicycle parking, public paths, landscape planting and treatment to public footpaths (subcll 6.21(4)(d)(ix) and 6.21(4)(d)(xiii)).

77 Similarly, for those reasons stated above, and due to the proposed new footpath made possible by the setback of the Jones Street block, and which is the subject of a planning agreement considered at [117]-[123], I consider the impact on the public domain arising from the Concept DA to be a positive one (subcl 6.21(4)(d)(x)).

78 On the basis of those drawings at Exhibit D (DA2-5000-DA2-8000), I consider the interfaces at ground level between the proposed buildings and public domain to be addressed at a level of resolution appropriate to a concept development application (subcl 6.21(4)(d)(xii)).

79 Furthermore, I note that the agreed conditions of consent provide, relevantly, for the following:

(1) A competitive design process conducted in accordance with ‘Design Excellence Strategy, 14-26 Wattle Street Pyrmont dated 30 March 2021, prepared by Mecone on behalf of the Applicant (Condition 4).

(2) Particular matters that must be incorporated in a competitive design process brief and detailed design development application (Condition 5).

80 Accordingly, and having regard to those matters set out at [72]-[79], I have formed an opinion in accordance with cl 6.21(3) of the SLEP that the Concept DA exhibits design excellence at the level of resolution that can be reasonably expected of a concept development application.

81 Clause 7.3 of the SLEP prevents the grant of development consent to development in circumstances where the total number of car parking spaces in connection with a proposed use of land exceed the number set out in Part 7, Division 1 of the SLEP. As a calculation of the total number of car parking spaces can only be derived by reference to cll 7.4-7.9 once a more detailed layout of uses is developed, I consider the Concept DA to demonstrate adequate car parking provision at the level appropriate to a concept

development application. Relatedly, I also note that Condition 3 of the agreed conditions of consent provides that no consent is granted for car parking numbers or the number of basement levels.

82 Clause 7.14(2) of the SLEP provides for the grant of development consent for the carrying out of works on land with soils classified class 5 acid sulfate under certain circumstances, and cl 7.14(3) provides that development consent must not be granted for the carrying out of works unless an acid sulfate soils management plan has been prepared. The development the subject of the Concept DA is not for the carrying out of works, but for concept development application, and Condition 20 of the agreed conditions of consent provides the terms in which an acid sulphate soils management plan is required. Accordingly, I am satisfied that cl 7.14 of the SLEP is appropriately the subject of future detailed development application(s).

83 On the basis of the Flooding Assessment report prepared by Cardno dated 29 August 2019, the summary of compliance/non-compliance contained in the Flooding advice letter prepared by Cardno dated 15 April 2020, and the wording of Condition 33 in the agreed conditions of consent, I am satisfied that those matters in respect of flood planning at cl 7.15(3) of the SLEP are adequately address in the Concept DA.

84 While the provisions of cl 7.20 of the SLEP require the preparation of a site-specific development control plan, I am satisfied that the preparation of a Concept DA is an acceptable alternative for the reasons set out at [35].

State Environmental Planning Policy No 55—Remediation of Land

85 Clause 7 of the State Environmental Planning Policy No 55—Remediation of Land requires a consent authority to consider whether the land is contaminated and requires remediation. On the basis of the following, I am satisfied that the land is contaminated, but is capable of being made suitable for the purpose for which the development is proposed to be carried out:

- Remediation Action Plan (RAP), prepared by JBS&G dated 9 October 2019 that includes a review of previous assessments at pp3-4, and concludes that the site can be made suitable for the intended uses.
- Interim Advice prepared by Rebeka Hall (Site Auditor, NSW EPA 0802) and Cheryl Halim (Senior Environmental Engineer) of ZOIC Environmental dated 16 October 2019 which considers the RAP appropriate for the known contamination and agrees that the site is capable of being made suitable, subject to certain matters that are required by Condition 18 of the conditions of consent to be addressed in detailed development application(s).

State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development

86

While the appeal before the Court is for a Concept DA pursuant to s 4.22 of the EPA Act, and the carrying out of any development is contingent upon the preparation of subsequent development application(s), residential apartment development is proposed within a mixed use development.

87 Clause 4 of the State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65) states that:

> (1) This Policy applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if—
>
> (a) the development consists of any of the following—
>
> (i) the erection of a new building,
>
> …

88 The parties jointly submit, firstly, that the provisions of SEPP 65 do not apply in the circumstances of the case, but that, secondly, it is not necessary for the Court to make a determination on this point as the parties also agree that the provisions of cl 28 of SEPP 65 are achieved in any event.

89 In support of the parties' first position, Mr Pickles SC, counsel for the Applicant, adopts the reasoning of Preston CJ in *Uniting Church v Parramatta* at [50] to identify that there is no text in the wording of cl 4 of SEPP 65 that would widen the class of development to which SEPP 65 applies, and that in this case, the Concept DA is not for development that *consists of the erection of a building.*

90 In support of the parties' second position, Mr Lazarus SC, counsel for the Respondent, submits that while the Respondent sought the advice of its Design Advisory Panel, this Panel is a panel of independent experts, and is not a Design Review Panel for the purposes of Part 3 of SEPP 65, as it is not constituted in accordance with cl 19 of the SEPP 65.

91 The effect of this is that the application was not required to be referred to a Design Review Panel as there is not any such panel, which is a circumstance provided for in cl 28(1) and (2)(a) of SEPP 65.

92 In respect of cl 28(2)(b) of SEPP 65, the Applicant, unopposed by the Respondent, submits there is agreement between the parties and their experts that the design quality principles contained at Schedule 1 of SEPP 65 are achieved.

93 I note that Ms Robinson's assessment undertaken on 25 June 2020 (Exhibit 2, Tab 37) identifies deficiencies in respect of Design Quality principles no's 1, 2, 3, 5 and 6. Those deficiencies are, broadly speaking, in respect of the height, FSR, landscape area and deep, and whether residential amenity can be achieved in subsequent development application(s).

94 On the basis of Ms Robinson's letter dated 12 April 2021, I accept that the deficiencies in achieving Design Quality principles 1-3 are addressed by the removal of a storey on the Jones Street and Fig Street blocks, the additional setback of the built form

proposed to Jones Street, and a condition of consent requiring an increased setback for the commercial level of the Fig Street block.

95 On the basis of the Drawing RFI-4006 (Exhibit C, Tab 24), and Condition 14(b)(vi) of the agreed conditions of consent, I accept that the deficiencies in achieving Design Quality principle 5 have been addressed.

96 On the basis of the joint report prepared by the town planning and urban design experts (Exhibit 5), I accept the view of the experts that the proposal is capable of providing an acceptable level of residential amenity, addressing the deficiency identified by Ms Robinson in respect of Design Quality principle 6.

97 Additionally, where an application relates to residential apartment development, cl 50(1A) of the Environmental Planning and Assessment Regulation 2000 (EPA Regulation) requires that the application must be accompanied by a statement by a qualified designer, defined at cl 3 as a person registered as an architect in accordance with the *Architects Act 2003*.

98 However, cl 70B of the EPA Regulation sets aside the requirement at cl 50(1A) where the concept development application is for concept development only, as is this case here.

State Environmental Planning Policy (Infrastructure) 2007

99 As stated earlier, the Concept DA is subject to the State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP). I have taken into consideration the following:

(1) The Concept DA was referred to Energy Australia for a period of 21 days, pursuant to cl 45 of the Infrastructure SEPP, no objection was raised and conditions for the supply of electricity are contained in the agreed conditions of consent at Exhibit 11.

(2) While development the subject of the Concept DA is proposed within 25m of the Inner West Light Rail corridor, and proposes excavation that is greater than 2m in depth, I have taken into consideration the letters prepared by Transport for NSW dated 14 October 2019 (Exhibit 2, Tab 26) and 24 December 2020 (Exhibit 2, Tab 31) in accordance with cl 86 of the Infrastructure SEPP that provides requirements to be addressed in a Stage 2 development application in the form of conditions contained in the agreed conditions of consent at Exhibit 11.

(3) Additionally, I have taken in consideration the email prepared by Sydney Metro dated 23 September 2019 (Exhibit 2, Tab 25) to the effect that the application does not apply or impact on Sydney Metro City and Southwest Corridor within the terms of cll 85 or 86 of the Infrastructure SEPP.

(4) As the site fronts classified roads and is traffic-generating development for the purposes of cl 104 of the Infrastructure SEPP, cl 101 of the Infrastructure SEPP requires that the consent authority, or the Court on appeal, must not grant

consent unless it is satisfied of certain matters at cl 101(2). On the basis of the concurrence provided by Roads & Maritime Services dated 19 November 2019 (Exhibit 2, Tab 27), subject to requirements that are contained in the agreed conditions of consent at Exhibit 11, I am satisfied that those matters at cl 101(2) have been addressed.

(5) As the average daily traffic volume of Wattle Street and Fig Street exceed 20,000 vehicles, cl 102 of the Infrastructure SEPP requires the Court to take into consideration any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette, and for that part of the proposal that is for the purposes of residential accommodation, the Court must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure certain noise levels are not exceeded. On the basis of the conclusions set out on p19 of the Acoustic Report prepared by Wood & Grieve Engineers, dated 29 August 2019 (Exhibit A, Tab 4(s)), I accept that the impact of noise as a result of the proposed development will conform to the relevant noise criteria.

Water Management Act 2000

100 In accordance with s 4.47(2) of the EPA Act, I rely upon the Terms of Approval for Integrated Development in accordance with the *Water Management Act 2000,* as advised by Water NSW at Exhibit 2, Tab 30, and reaffirmed in the email dated 6 January 2021 (Exhibit 2, Tab 32) and which I note are contained in the agreed conditions of consent at Exhibit 11.

State Regional Environmental Plan (Sydney Harbour Catchment) 2005

101 The site is classified as land within the Sydney Harbour catchment for the purposes of the State Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour Catchment SEPP) and I accept the joint position of the parties that the relevant principles set out in the Sydney Harbour Catchment SEPP are sufficiently addressed.

BASIX

102 As the Concept DA proposes residential uses on the site, future development application(s) are required to demonstrate the achieving of BASIX requirements, that will be satisfied by the provision of a BASIX certificate in accordance with the State Environmental Plan (Building Sustainability Index: BASIX) 2004.

State Environmental Planning Policy (Educational Establishments and Child Care Centres) 2017

103 While the development the subject of the Concept DA proposes centre-based child care uses on the site, I consider a detailed assessment against the State Environmental Planning Policy (Educational Establishments and Child Care Centres) 2017 (Childcare SEPP) to be properly a matter for future development application(s).

That said, I accept the compliance summary table at Exhibit A, Tab 4(f) sufficiently demonstrates the Concept DA is capable of being further developed in compliance with the requirements of the Childcare SEPP.

Public submissions are considered

104 As stated at [31], submissions presented by residents sought public access onto, and through the site, and appropriate access to, and heritage interpretation of, the sandstone rock face.

105 On the basis of the drawings which show a through-site link of 9m in width addressing Jones Street, and 18m in width addressing Wattle Street, and the pedestrian link connecting the site to the Light Rail station to the north of the site which is shown on drawing DA2-3006 as 9m in width, I consider public access to be provided both onto and through the site.

106 I also consider the design principles contained on Drawing DA2-8000, when read in conjunction with Condition 15 of the agreed conditions of consent to appropriately provide for heritage interpretation of the sandstone rock face.

107 Ms Akhromova raises concerns as to whether the heights proposed on the site by the Concept DA are correct. Relatedly, the building heights are the subject of a written request to depart from the numerical standard about which Ms Akhromova also has concerns.

108 I am satisfied that the heights shown in the drawings are clearly marked and are unambiguous. Those heights are generally expressed as relative levels, or ‘RL’s’, which as I noted during Ms Akhromova’s submission, are different to heights expressed as a pure dimension. For example, the RL of the Level 1 podium plan, which in effect acts as a ‘ground floor’, is at RL7.150 and not RL0.0.

109 Next, Ms Akhromova seeks to preclude the consent authority from considering any further building height under s 6.21 of the SLEP and, relatedly, asserts that to do otherwise undermines public confidence in the planning regime. I note that the provisions of an environmental planning instrument, such as the SLEP, are the result of public exhibition and community consultation and are the subject of consideration by local and State government prior to their adoption and gazettal in accordance with Division 3.4 of the EPA Act. The exercise of the provisions of the SLEP in respect of future development application(s) is properly a matter for the consent authority at the time, and something that I am unable, and unprepared, to pre-empt.

110 In the submission prepared by Ms Elenius, dated 13 April 2021 (Exhibit 12), three concerns are identified:

- Loss of the quarry on the site known as ‘Hellhole quarry’;
- The Jones Street terrace group will be ‘walled in’ by the proposed development; and

- The proposal is inconsistent with the Pyrmont Peninsula Place Strategy.

111 For the reasons stated earlier at [66]-[67] I consider the preparation of a heritage interpretation plan will serve to retain and recognise the history of the site.

112 In respect of the Jones Street terrace group, I consider the proposed development to appropriately address the scale of the Jones Street terrace group on three grounds:

- Firstly, the transition between the scale of the Jones Street terrace group and that of the proposed development is assisted by the proposed setback from the Jones Street boundary of 1-4m beyond that which is permissible.
- Secondly, the resulting setback permits a new footpath on the western side of Jones Street with tree planting, contributing to the setting of the Jones Street terrace group in its context.
- Thirdly, the further setback of the Fig Street block by 3.2m at Levels 4, 5 and 6 from that shown on the drawings at Exhibit D, as agreed by the experts in Exhibit 6, and the further setback at Level 8 results in a sightline from a number of the terraces in the Jones Street terrace group to the former wool store to the south of Fig Street.
- Fourthly, the 9m wide opening to the through-site link at Jones Street provides a sightline and relief from built form along this frontage.

113 The Pyrmont Peninsula Place Strategy (Pyrmont Place Strategy) was tendered by the Applicant as a digital copy, and marked Exhibit G. The Pyrmont Place Strategy identifies opportunities and challenges for the Wentworth Park area at p 62, including relevantly:

> "• The sloping land towards Wattle Street allows for stepping of building height,"

And

> "Building design will take advantage of the sloping land between Jones and Wattle streets and will not overshadow or detract from the amenity of Wentworth Park."

114 The Wentworth Park Place priorities are set out on p 63 and provide relevantly:

> "4 Ensure a genuine mix of business and residential uses to enhance the character, liveability and productivity of the sub-precinct
>
> …
>
> 6 New development, including adaptive re-use and extension to heritage buildings, respects the transition of height down from Jones Street to Wattle Street and protects sunlight to Wentworth Park in line with sub-precinct master plans
>
> …
>
> 10 Consider how development can create pedestrian connections between Jones and Wattle Street.
>
> …
>
> 15 Investigate a multi-utility hub close to the light rail stop and major roads for sustainable precinct-scale solutions such as integrated parking, electric vehicle charging, battery storage, recycled water and organic waste systems, or bike facilities."

115 The Applicant submits, and I accept, that, while the Pyrmont Place Strategy is not a mandatory consideration, the Concept DA is not antithetical to those matters set out above, and adequately responds to the priorities to the extent possible for a concept

development application.

116 In forming this conclusion, I consider the overshadowing of Wentworth Park on Drawing DA2-4001 to be limited in its duration, and to be generated by a form that is consistent with the street wall height of the former wool store to its south, as shown in the physical model re-produced at [51(2)]. I also note the pedestrian connections proposed by the through-site link and connection to the Light Rail station to the site's north.

The planning agreement

117 As stated earlier at [77], the Concept DA proposes a setting back of the Jones Street and Fig Street blocks to accommodate improvements to the Jones Street frontage.

118 While Jones Street adopts a straight path, the boundary of the subject site varies along the Jones Street frontage. As a result, the proposed works associated with the proposed improvements will be located partially on the subject site, and land within the Jones Street road corridor, which is owned and under the control and management of the Respondent, as a public road.

119 The Applicant proposes to construct the Jones Street works, acquire the land in the Jones Street road reserve required for those works, and accept responsibility for ongoing maintenance of those works.

120 To give effect to this proposal, the Applicant has prepared a Letter of Offer (Exhibit 15) setting out the terms of a voluntary planning agreement (VPA) pursuant to s 7.4 of the EPA Act in respect of any Stage 2 development application that is lodged pursuant to the Concept DA.

121 The Respondent accepts the Letter of Offer and the parties propose a deferred commencement condition, at Condition A(1), requiring the drafting, exhibiting and executing of a Voluntary Planning Agreement (VPA) between the parties to capture the works within the Letter of Offer. The VPA, as executed, must also be registered on the title of the land and registered with the Respondent in accordance with the terms of the executed VPA.

122 In exercising the functions of the consent authority, the Court has the power to impose conditions of consent, pursuant to ss 4.16(1) and 4.17 of the EPA Act. Pursuant to s 7.7(3), this power extends to the imposition of the condition of consent that requires the developer to enter into a VPA in the terms of the offer made by the developer.

123 As I consider that the proposed VPA meets the requirements of s 7.4 of the EPA Act, I am satisfied that the Court has power to require that the proposed VPA be entered into as a condition of consent, pursuant to s 7.7(3)(a) of the EPA Act.

Conclusion

124 Notwithstanding the parties' agreement to consent orders in determining this matter, I have carefully considered the evidence before me as required by s 4.15 of the EPA Act.

125

I have considered all of the evidence against the statutory framework, including the public submissions made in both oral and written form and, as indicated, I am satisfied that all relevant contentions have been satisfactorily addressed in the amendments proposed by the relevant experts and the agreed conditions of consent. For these reasons I have decided to make the orders proposed by the parties by consent.

Orders

126 The Court orders that:

(1) Leave is granted to the Applicant to rely on the amended plans and supplementary documents referred to in Condition 2 of Annexure A.

(2) The Applicant is to pay the Respondent's costs thrown away pursuant to s 8.15(3) of the *Environmental Planning and Assessment Act 1979* as a result of the amendment to the development application allowed by Order (1) above, as agreed or assessed.

(3) The Applicant's written request required under cl 4.6 of the Sydney Local Environmental Plan 2012 for the approval of the development application D/2019/649 in relation to the variation to the 27m height development standard that applies to the land under cl 4.3 of the Sydney Local Environmental Plan 2012 is upheld.

(4) The appeal is upheld.

(5) Development application D/2019/649 seeking approval of a concept proposal comprising demolition of the existing buildings, removal of trees, and a mixed-use development compromising residential, commercial, childcare and recreational uses at the land at 14-26 Wattle Street, Pyrmont and contained in Lot 200 DP1224234 is approved subject to the conditions set out in Annexure A.

(6) All exhibits are returned, except for Exhibits A, C, D, 7, 14 and 15.

……

T Horton

Commissioner of the Court

Annexure A (322078, pdf)

Plans (46957729, pdf)

****

Amendments

24 May 2021 - Corrected representation details.

DISCLAIMER - Every effort has been made to comply with suppression orders or statutory provisions prohibiting publication that may apply to this judgment or decision. The onus remains on any person using material in the judgment or decision to ensure that the intended use of that material does not breach any such order or provision. Further enquiries may be directed to the Registry of the Court or Tribunal in which it was generated.

Decision last updated: 24 May 2021

Attachment E

Submissions

From: Friends of Ultimo [redacted] > on behalf of Friends of Ultimo [redacted] <Friends of Ultimo [redacted]

Sent on: Monday, April 3, 2023 9:12:52 PM

To: CoS DA Submissions <dasubmissions@[redacted]>; Jessica SYMONS <jsymons@[redacted]>

Subject: 14-26 WATTLE STREET DEVELOPMENT STAGE 2 (DETAILED DESIGN PROPOSAL) DA SUBMISSION

Attachments: 230403 FoU Submission.pdf (1.61 MB)

Caution: Th s ema came from outs de the organ sat on. Don't c ck nks or open attachments un ess you know the sender, and were expect ng th s ema .

Dear Ms Symons,

Please find attached ou submission regarding the following DAs

- D/2019/649/B: Amendment to building envelope
- D/2023/97: Detailed Design Proposal

Which we **OPPOSE** in their current form.

Best regards,

Friends of Ultimo
FriendsofUltimo@ultimofriends

Ultimo, 03 April, 2023

To City of Sydney
Attention: Jessica SYMONS
jsymons[redacted]

14-26 WATTLE STREET DEVELOPMENT STAGE 2 (DETAILED DESIGN PROPOSAL) DA SUBMISSION

Dear Ms Symons,

We are writing to you about the following DAs currently on exhibition:
- D/2019/649/B: Amendment to building envelope
- D/2023/97: Detailed Design Proposal

which we **OBJECT** in their current form.

Friends of Ultimo (FoU) is a community action group, founded more than ten years ago to address local Ultimo issues. We communicate with our 300 members through regular emails friendsofucc[redacted] and a Facebook page https://www.facebook.com/ultimofriends

In our submission dated 19 September, 2019 to the Stage 1 (Concept) exhibition of the project we highlighted the following positive points:

- One of the strongest arguments in favour of this project is that it replaces an eyesore - an abandoned wasteland at the edge of the CBD – with a modern mixed development.

- It also:
    - re-establishes the Jones St-Wattle St link at North Ultimo level, which was severed in the 70s when the Western Distributor was built and Fig St became a trench.
    - includes a childcare facility for 91 children
    - includes communal sporting facilities (2 indoor courts and 2 outdoor courts)

Note: the 3 points above were conditions imposed on the buyer by the City of Sydney when they sold the former depot.

- Other good points:
    - creative use of the sandstone face as an architectural feature.
    - the project encourages commuting on foot or by public transport rather than the use of private vehicles. Easy access to Wentworth Park Light Rail Station is provided while the Jones St-Wattle St link will encourage site users (residents and office workers) to walk to/from Darling Harbour and the CBD.
    - vehicle access restricted to Wattle St only.
    - no construction activity (Works Zones, loading, etc...) on Jones St.

These points remain valid.

However since the Approval of the Stage 1 DA (Concept) by the Land and Environment Court on 25 June, 2021 the project has been considerably transformed:

- Almost all building heights have increased by up to 2 storeys.

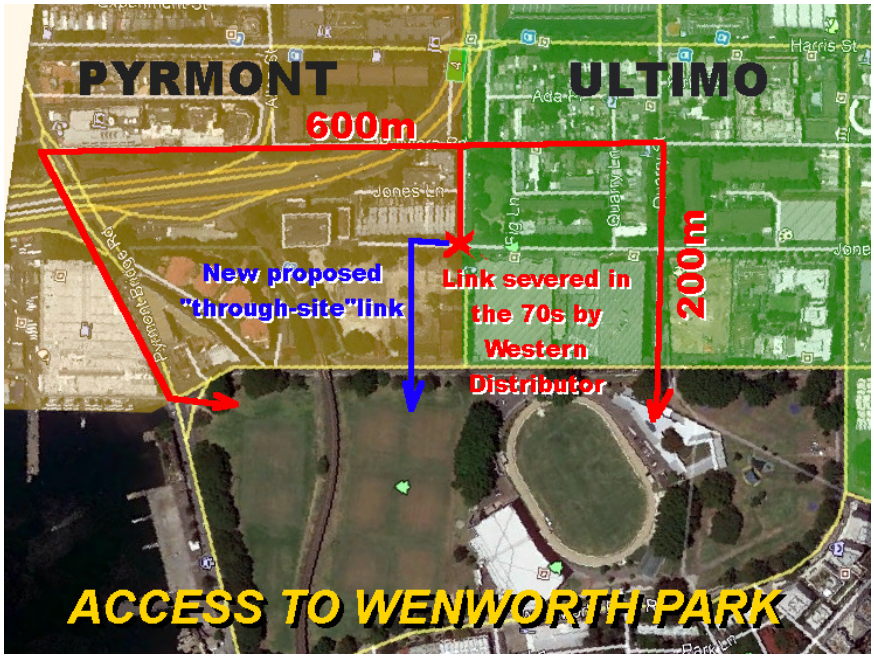
- Building foot-prints have increased so much that the once “majestic” 18m-wide Jones Street to Wattle Street link is now reduced in some points to a. narrow 6m wide “canyon” between 2 high-rise towers.

- **The local community strongly OBJECTS to the proposed building heights along Fig St which block the view over Wentworth Park, and afternoon sunlight from Fig Park.** Local residents recall that the park was presented as a “BALCONY OVER WENTWORTH PARK” by the City Council when inaugurated in 2005**.**

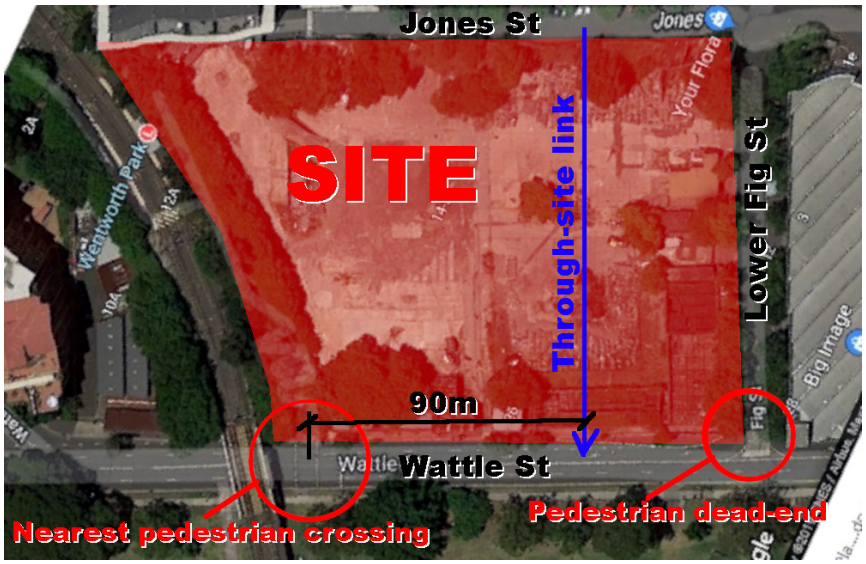
- FoU also opposes the height of the buildings along Wattle St which contradicts the Pyrmont Peninsula Place Strategy (PPPS 2020).
As a matter of fact the PPPS 2020 recommends a stepped approach to building heights from Wattle St for developments facing the Park.

<u>Jones St-Wattle St Pedestrian Link</u>

The project aims at re-establishing the Jones St-Wattle St link severed ½ century ago and is a long overdue north Ultimo/south Pyrmont - Wentworth Park connection.
There is currently no pedestrian access from the Ultimo/Pyrmont Peninsula to Wentworth Park between Pyrmont Bridge Rd and Quarry St (ie over 0.6km) even though the park is only 200m away from thousands of Ultimo/Pyrmont residents.

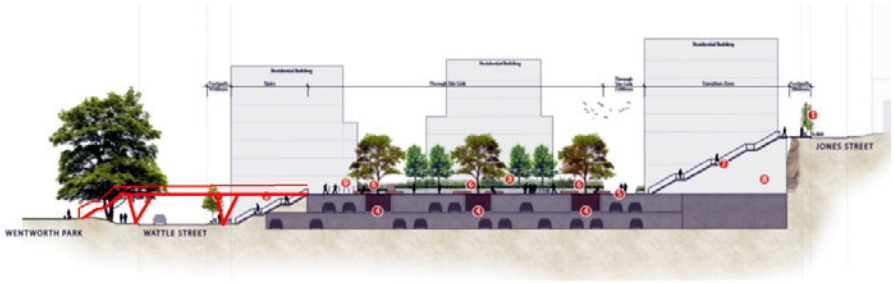


But this link, as proposed, terminates in a “**pedestrian no-mans-land**” on the eastern side of Wattle St. To the south, the footpath ends up in a pedestrian dead-end” at Fig St intersection (no pedestrian crossing provided either further to the south along Wattle St, or across Wattle St to Wentworth Park) and the next pedestrian crossing, walking north, is 90m away.



This shows that the above commitments cannot be fulfilled without an extension of the link **across Wattle St to Wentworth Park**, preferably as a pedestrian footbridge.
This would be used by residents and office workers….and also enable Ultimo/Pyrmont residents to access the Park safely

The fact that the "through-site link" is located 2 floors above Wattle St. points to this solution as a pedestrian footbridge could be easily levelled with the link, with stairs and a lift or ramp on the Wentworth Park side.





***Note 1**: a similar difference in levels was taken advantage of when the Quarry St footbridge over Wattle St was established. This bridge not only allows Ultimo Public School students to cross safely Wattle St from their school to Wentworth Park but is also used daily by hundreds of local residents walking from Ultimo/Pyrmont to Wentworth Park, Broadway Shopping Centre and Glebe.*

***Note 2**: Lord Mayor Clover Moore applauded the Greater Sydney Commission's "Pyrmont Planning Review"Commission's recommendation "…to do away with ad hoc planning –*

where pieces of Pyrmont and Ultimo are broken off for isolated projects and…to implement a holistic, place-based approach."

In fact, ***the proposed footbridge offers a unique opportunity to position the Wattle St development as part of the broader Ultimo/Pyrmont peninsula and avoid having "another piece of Pyrmont and Ultimo broken off for an isolated project****."*

Patricia JOHNSON & Jean-Pierre ALEXANDRE

Friends of Ultimo

From: Tom Lockley < > on behalf of Tom Lockley > <Tom Lockley < >

Sent on: Wednesday, April 12, 2023 7:46:22 AM

To: dasubmissions

Subject: DA 2019 649B

Caution: Th s ema came from outs de the organ sat on. Don't c ck nks or open attachments un ess you know the sender, and were expect ng th s ema .

I oppose any extension to the Stage 1 DA (concept) approval areas.

This is an excellent site (once the huge rubbish hole is excavated), and it needs a good design if it is going to do something to restore Sydney's reputation as a pleasant and spacious city.

The Stage 1 DA (Concept) approval was reasonable. The Jones / Wattle link at 18 metres width would be adequate to give the area the sense of prestige and free movement that we hope distinguishes Sydney from other, more cramped cities. The height specified in stage n1 meant that the park had a reasonably open view, which is important for the inhabitants of an inner city area. We do not want to have the situation that applies in many overseas countries where the buildings use every possible space. Australia has higher standards, which must be upheld on this prestige site.

The stage 1 specifications should enable the developers to make a very nice profit, and they should be happy with this and not try to squeeze every ounce of development potential at the expense of civic amenity.

Tom Lockley
301/27 Cadigal Avenue Pyrmont 2009. I am not affiliated with any political party and have no financial interest in this matter.

From: Paul Shaw [redacted] on behalf of Paul Shaw [redacted]

Sent on: Wednesday, March 29, 2023 6:08:43 PM

To: dasubmissions@cityofsydney.nsw.gov.au

CC: jsymons [redacted]

Subject: 14-26 Wattle St Ultimo - Submission on Development Application D/2019/649/B and D/2019/649/A

Urgent: High

Attachments: 20230329 Toga Submission - 14 - 26 Wattle street Ultimo DA.pdf (354.3 KB)

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Good Afternoon,

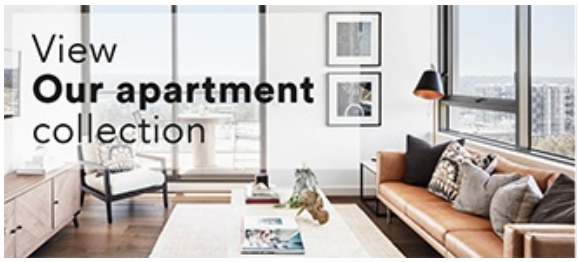
Please see the **enclosed** submission for your attention.

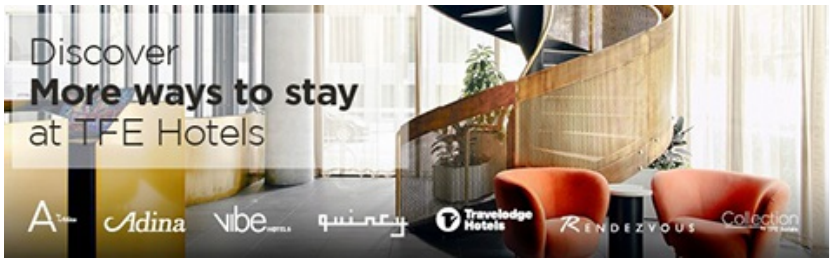
Regards,

Paul Shaw
Execut ve Genera Manager, Deve opment

60 TOGA ESTABLISHED 1963

[redacted]





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29 March 2023

TOGA
EST. 1963

CITY OF SYDNEY
c/- Jessica Symons
Senior Planner - Planning Assessments
456 Kent Street
Sydney NSW 2000
Email:jsymons@cityofsydney.nsw.gov.au

Attention: Jessica Symons

Submission on Development Application D/2023/97 and Section 4.56 D/2019/649/B regarding development of 14-26 Wattle Street, Pyrmont

Dear Jessica,

This submission has been prepared by TOGA (for Bendal Pty Ltd) as owner of 39-45 Jones Street, in response to the exhibition of the subject planning applications for 14-26 Wattle Street, Pyrmont.

TOGA generally supports the proposed development and in particular notes its support for:

- the proposed change of use of the upper levels of Building E (Fig) from residential to commercial uses and the associated increase in height above the LEP maximum that is required to support the change in use; and
- the overall massing and heights, including Building C, on the basis that it was the outcome of the design excellence process and the justification set out in the applications.

Having reviewed the applications TOGA requests that Council consider the following matters in further detail as part of its assessment.

Jones Street Public Domain

The Pyrmont Peninsula Place Strategy – Urban Design Report established a vision for Jones Street as "a key Peninsula connector that spans both the northern and southern ends of the Peninsula - while running through the Ultimo sub-precinct." TOGA is very supportive of the Government's adopted vision for Jones Street and that all landowners along the key connector should contribute to realising the vision as they progressively redevelop.

The level of detail provided with the DA and inconsistencies between the landscape and architectural drawings makes it difficult to fully consider the public domain proposal. Whilst we acknowledge Jones Street narrows in front of the site and the applicant is seeking to dedicate part of the site to Council through a VPA, based on our understanding the current proposal does not seek to maximise the potential extent of footpath that might be achievable and instead only provides a 1.2m wide footpath. We support Council's pre-DA advice to the applicant that:

> *The western side of Jones Street will see an increased amount of foot traffic and careful consideration will be required to accommodate this. Whilst planting and trees are supported, if it is found that the cliff edge cannot sustain these treatments, a widened footway should be provided, in excess of the minimum 1.5m to be dedicated to the City, and preferably >2.1m in width.*

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Given the importance of the street and the opportunity this proposal provides to widen it, we think this is a missed opportunity and should be reconsidered.

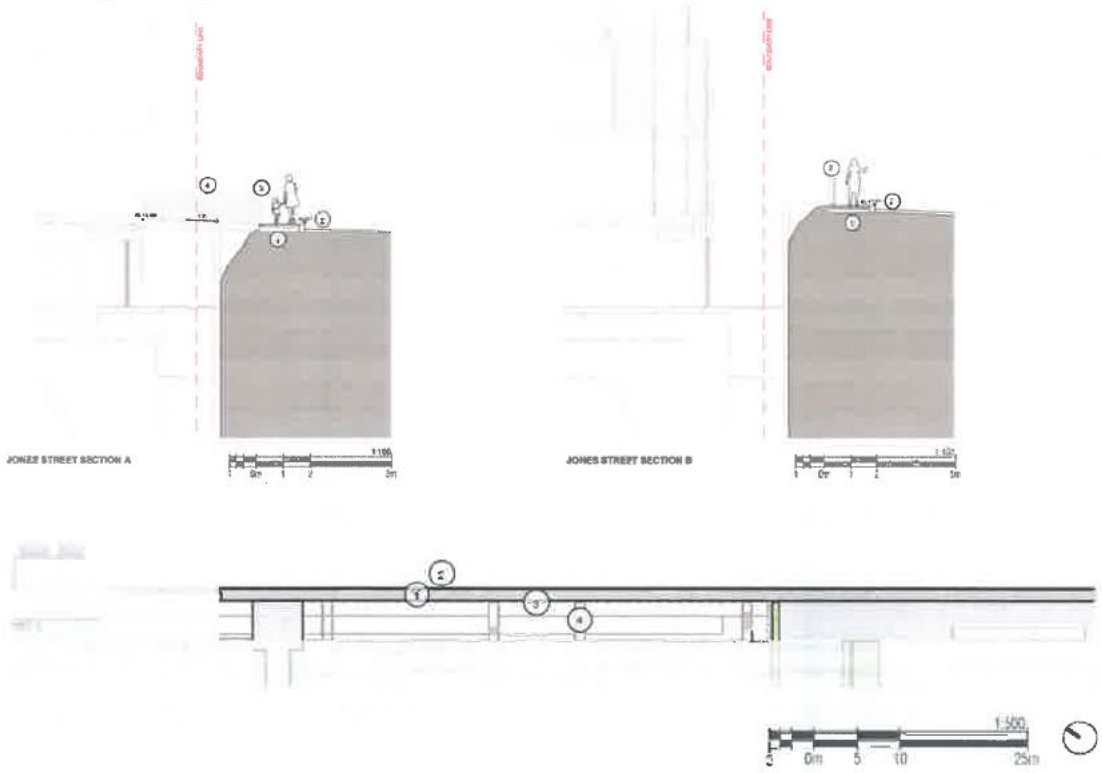

Figure 1 *Extracts from the public domain drawings*
Source: Oculus

The public domain drawings only have regard for the immediate frontage of the site. The intersection of Upper Fig Street and Jones Street has a series of complex geometries which present challenges for pedestrians and vehicles. The Transport Impact Assessment does not consider this intersection given the primary vehicular entries to the site are from Fig and Wattle Streets, however, Jones Street is still a significant frontage to the site and it would be desirable for the proposal to consider how the public domain could be upgraded at this intersection to address these issues and integrate into the vision for Jones Street.

Childcare

TOGA supports the provision of childcare within the development and the provision of spaces within the basement to support drop off and pick-ups. However, we are concerned how the future centre will be managed to discourage parents from attempting to park and drop children from Jones Street and requests that Council ensure that it is satisfied with the future management operations.

Flooding

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29 March 2023

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As recognised in the DA, there are established flooding issues on Wattle Street and Fig Street which impact 39-45 Jones Street. TOGA requests that Council ensure that the proposed development has no additional impact on the existing flood conditions experienced in the precinct and preferably assist in alleviating the treatment of flood. To assist in reviewing the flooding impact, we would like to request the following information:

- Flood impact plans for the 1% AEP Flood (100 year) and PMF Flood as a result of the development to cover surrounding properties and the possible worsening of the flood conditions.
- Council to provide TOGA with more extensive flood afflux plans for the 1% AEP Flood (100 year) and PMF Flood to be able to assess if the proposed development has an affect on the surrounding properties

Refer to attached flood plan markup drawings.

We appreciate the opportunity to provide this feedback and would be happy to discuss our submission with Council if required.

Yours sincerely
TOGA Group of Companies

[redacted]

Paul Shaw
Executive General Manager, Development

[redacted]

Encl.

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200

Request an afflux map for the 1% AEP post development flood condition compared to predevelopment to confirm if there is any negative impact by the development on the upstream developed properties

FIGURE 2
PEAK FLOOD DEPTH
1% AEP DESIGN FLOOD EVENT

Disclaimer:
Inundation patterns and/or peak flood levels shown for design events are based on best available estimates of flood behaviour within the Catchment. Inundation from local overland flow may vary slightly to the displayed design rainfall inundation patterns. Council should be consulted to confirm flood affectation at individual allotments.

Note: Flood depths modelled as less than 0.1m are not displayed

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Request an afflux map for the PMF post development flood condition compared to predevelopment to confirm if there is any negative impact by the development on the upstream developed properties

FIGURE 3
PEAK FLOOD DEPTH
PMF EVENT

Study Area
Depth (m)
0.1 - 0.25
0.25 - 0.5
0.5 - 0.75
0.75 - 1
> 1

0 250 500 750 1,000 m

Disclaimer:
Inundation patterns and/or peak flood levels shown for design events are based on best available estimates of flood behaviour within the Catchment. Inundation from local overland flow may vary slightly to the displayed design rainfall inundation patterns. Council should be consulted to confirm flood affectation at individual allotments.

Note: Flood depths modelled as less than 0.1m are not displayed

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Item 5.

Development Application: 12A and14-26 Wattle Street, Pyrmont - D/2023/97

File No.: D/2023/97

Summary

Date of Submission:	16 February 2023 Amended plans submitted on 21 and 22 February 2024
Applicant:	The Trustees for Landream Pyrmont Unit Trust
Architect/Designer:	BVN
Developer:	The Trustees for Landream Pyrmont Unit Trust
Owner:	Council of the City of Sydney Transport Asset Holding Entity
DAP:	15 June 2023
Cost of Works:	$221,892,000
Zoning:	Majority of the site (12,381sqm) is located within Zone MU1 - Mixed Use under the Sydney LEP 2012. The development comprises residential, commercial, retail, child care and indoor recreation centre uses and is permitted with consent within Zone MU1. A small portion of the Jones Street road reserve (to be acquired by the applicant and included in the site area) is in Zone RE1 (20m²). The modified building envelopes are not located on land in Zone RE1.
Proposal Summary:	Approval is sought for the demolition of existing structures, remediation, removal of trees, excavation and construction of a mixed use development comprising residential, commercial, retail, childcare and indoor recreation centre across five (5) buildings, basement car parking, landscaping, public domain and civil works and stratum subdivision.

A through-site link is also proposed within the development, connecting Wattle and Jones Streets, and a pedestrian connection to the Wentworth Park Light Rail station.

A separate and concurrent section 4.56 modification application (D/2019/649/B) has been submitted to Council to align the Court approved concept consent with this detailed design development application. The section 4.56 modification application is concurrently reported to the CSPC and is recommended for approval.

The application has been assessed by an independent external planning consultant (as the City of Sydney is the land owner).

The independent assessment report is provided at Attachment A.

The development application is referred to the CSPC for determination as the cost of works exceeds $50 million.

The assessment of the application by the independent planner concludes that as amended and subject to conditions, the proposal exhibits design excellence, and is recommended for approval.

Summary Recommendation: It is recommended that the assessment report prepared by the independent external planning consultant, shown at Attachment A and recommended conditions shown at Attachment B to the subject report, be considered for approval by the Central Sydney Planning Committee.

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) SEPP (Precincts – Eastern Harbour City) 2021

(iv) SEPP (Resilience and Hazards) 2021

(v) SEPP No. 65 - Design Quality of Residential Apartment Development and the NSW Apartment Design Guide

(vi) SEPP (Housing) 2021

(vii) SEPP (Transport and Infrastructure 2021

(viii) SEPP (Biodiversity and Conservation) 2021

(ix) SEPP (Building Sustainability: BASIX) 2004

(x) Sydney Local Environmental Plan 2012

(xi) Sydney Development Control Plan 2012

(xii) City of Sydney Development Contributions Plan 2015

(xiii) City of Sydney Interim Floodplain Management Policy 2023

(xiv) City of Sydney Public Art Policy 2011 and City of Sydney Public Art Strategy 2011

(xv) City of Sydney Community Engagement Strategy and Participation Plan 2022

Attachments:

A. Independent Assessment Report

B. Recommended Conditions of Consent

C. Selected Drawings

D. Clause 4.6 Written Request - Height of Buildings

E. Submissions

Recommendation

It is resolved that:

(A) the variation requested to clause 4.3 'Height of buildings' development standard in accordance with clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld; and

(B) consent be granted to Development Application Number D/2023/97 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval by the independent external planning consultant for the following reasons:

(A) The applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney LEP 2012, being that compliance with the height of buildings development standard is unreasonable or unnecessary, there are sufficient planning grounds to justify contravening clause 4.3 of Sydney LEP 2012 and it is in the public interest because it is consistent with the objectives of Zone MU1 - Mixed Use and the height of buildings development standard.

(B) It has been assessed against the aims and objectives of the relevant planning controls including SEPP 65, Sydney LEP 2012 and Sydney DCP 2012. Where non-compliances exist, they have been demonstrated to be acceptable in the circumstances of the case or can be resolved by the recommended conditions of consent.

(C) It is consistent with the modified concept consent for the site, being D/2019/649/B, satisfying section 4.24 of the Environmental Planning and Assessment Act, 1979 (EPA Act).

(D) It is generally consistent with the design intent of the winning scheme of a competitive design process. The scale, form, articulation, materiality and architectural contribution of the proposed development is consistent with Sydney DCP 2012 and the proposed development is consistent with the desired future character of the locality. The development satisfies design excellence provisions pursuant to clause 6.21D of Sydney LEP 2012.

(E) It is appropriate within its setting and is a mixed-use development comprising compatible uses that will support the vitality of the area, consistent with the desired future character for the locality.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Attachment A

Independent Assessment Report

Development Application: 12A and 14-26 Wattle Street, Pyrmont - D/2023/97

File No.: D/2023/97

Summary

Date of Submission	16 February 2023
Amended Plans & Additional Information	7 November 2023 and 21 February 2024
Applicant:	The Trustees for Landream Pyrmont Unit Trust
Architect/Designer:	BVN
Developer:	The Trustees for Landream Pyrmont Unit Trust
Owner:	Council of the City of Sydney Transport Asset Holding Entity
Planning Consultant:	Gyde Consulting
Heritage Consultant:	Paul Davies Pty Ltd
DAP:	15 June 2023
Cost of Works:	$221,892,000.00
Zoning:	Most of the site (12,381m^2) is in Zone MU1 - Mixed Use pursuant to Sydney Local Environmental Plan 2012 (**Sydney LEP 2012**). The development comprises residential, commercial, retail, child care and indoor recreation centre uses and is permitted with consent within Zone MU1. A small portion of the Jones Street road reserve (to be acquired by the applicant and included in the site area) is in Zone RE1 - Public Recreation (20m^2). The proposed buildings are not located on land in Zone RE1.

Proposal Summary:

Consent is sought for a detailed design proposal comprising demolition of existing structures, remediation, removal of trees, excavation and construction of a mixed use development comprising residential, commercial, retail, childcare and indoor recreation centre across five (5) buildings, basement car parking, landscaping, public domain and civil works and stratum subdivision.

The development also includes a through-site link, connecting Wattle and Jones Streets, and a pedestrian connection to the Wentworth Park Light Rail station.

The development application is referred to the Central Sydney Planning Committee (**CSPC**) as the cost of works exceeds $50 million.

A separate and concurrent section 4.56 modification application (D/2019/649/B) has been submitted to Council to align the Court approved concept consent with this detailed design development application. The section 4.56 modification application is concurrently reported to the CSPC and is recommended for approval.

An Architectural Design Competition was held between April and June 2022 in accordance with the City's requirements. BVN was selected as the winning architect. The detailed design is substantially the same as the winning scheme and adequately addresses the recommendations of the competition jury.

With a maximum height of 42.46m (to Building C - Courtyard), the proposed development exceeds the maximum 29.7m building height standard (including the 10% design excellence bonus) by 12.76m (+43%). A written request to contravene the clause 4.3 height of buildings development standard has been submitted in accordance with clause 4.6 of Sydney LEP 2012. Subject to a condition requiring a 2m reduction in height for Building C - Courtyard, the written request demonstrates that compliance with the standard is unreasonable and unnecessary and that there are sufficient environmental planning grounds to justify contravening the standard. The proposal is consistent with the objectives of the land use zone and height of buildings development standards and the proposed contravention from the building height standard is supported in this instance.

With a proposed FSR of 3.88:1, the development proposal complies with the 4:1 FSR development standard.

The proposed development would cast an additional shadow onto Wentworth Park (consistent with the concept consent as modified). The impact is not supported but it complies with the relevant controls in Sydney Development Control Plan 2012 (**Sydney DCP 2012**).

Several requests for information (**RFI**s) were sent to the applicant raising concerns in relation to height, bulk and scale, overshadowing of Wentworth Park, inconsistency with the concept consent and design competition jury recommendations, building separation and visual privacy, building articulation, residential amenity, flooding and other detailed design matters.

In response to the RFIs, the development application has been amended to largely address Council's concerns through the submission of amended plans and additional information or through recommended conditions of consent contained in **Attachment B**.

The section 4.56 modification application and detailed design development application were notified concurrently for 28 days from 28 February - 29 March 2023. The amended plans were not re-notified as the proposed changes resulted in less impact compared to the original application. Five submissions were received, including two submissions which provided comments/support and three objections raising concerns in relation to height, design excellence, public interest, certainty, precedent, contravention of the planning controls, heritage, overshadowing of Fig Street Park and Wentworth Park, amenity impacts for nearby residents, wind, density, vehicle and pedestrian traffic, impact on public transport, illegal dumping of rubbish and capacity of public services. The matters raised in the submissions are addressed within this report.

As amended and subject to the recommended conditions, the proposal is generally consistent with the applicable planning provisions including Sydney LEP 2012 and Sydney DCP 2012. Proposed non-compliances have been assessed and found to be acceptable, as addressed in this report. The proposal exhibits design excellence, with a good standard of architectural and landscape design, materials and detailing and a built form that is consistent with the desired future character of the area.

The development application is 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) Water Management Act 200 and Water Management (General) Regulation 2018

(iv) State Environmental Planning Policy (**SEPP**) (Precincts – Eastern Harbour City) 2021

(v) SEPP (Resilience and Hazards) 2021

(vi) SEPP No. 65 - Design Quality of Residential Apartment Development and the NSW Apartment Design Guide

(vii) SEPP (Housing) 2021

(viii) SEPP (Transport and Infrastructure) 2021

(ix) SEPP (Biodiversity and Conservation) 2021

(x) SEPP (Building Sustainability: BASIX) 2004

(xi) Sydney LEP 2012

(xii) Sydney DCP 2012

(xiii) City of Sydney Development Contributions Plan 2015

(xiv) City of Sydney Interim Floodplain Management Policy 2023

(xv) City of Sydney Public Art Policy 2011 and City of Sydney Public Art Strategy 2011

(xvi) City of Sydney Community Engagement Strategy and Participation Plan 2022.

Recommendation

It is resolved that:

(A) the variation requested to the clause 4.3 height of buildings development standard in accordance with clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld; and

(B) consent be granted to Development Application Number D/2023/97 subject to the conditions set out in **Attachment B** to the subject report.

Reasons for Recommendation

The development application is recommended for approval for the following reasons:

(A) The applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney LEP 2012, being that compliance with the height of buildings development standard is unreasonable or unnecessary, there are sufficient planning grounds to justify contravening clause 4.3 of Sydney LEP 2012 and it is in the public interest because it is consistent with the objectives of Zone MU1 - Mixed Use and the height of buildings development standard;

(B) It has been assessed against the aims and objectives of the relevant planning controls including SEPP 65, Sydney LEP 2012 and Sydney DCP 2012. Where non-compliances exist, they have been demonstrated to be acceptable in the circumstances of the case or can be resolved by the recommended conditions of consent;

(C) It is consistent with the modified concept consent for the site, being D/2019/649/B, satisfying section 4.24 of the Environmental Planning and Assessment Act, 1979 (**EPA Act**);

(D) It is generally consistent with the design intent of the winning scheme of a competitive design process. The scale, form, articulation, materiality and architectural contribution of the proposed development is consistent with Sydney DCP 2012 and the proposed development is consistent with the desired future character of the locality. The development satisfies design excellence provisions pursuant to clause 6.21D of Sydney LEP 2012; and

(E) It is appropriate within its setting and is a mixed-use development comprising compatible uses that will support the vitality of the area, consistent with the desired future character for the locality.

Background

The site and surrounding development

1. The site has a total area of 12,381m² comprising:

   (a) 14-26 Wattle Street, Ultimo (Lot 200 DP 1224234) which has an irregular shape and an area of 12,125m²; and

   (b) 12A Wattle Street, Ultimo which is part of the Jones Street road reserve. It has a site area of 256m², an irregular shape and directly adjoins the main site.

2. The proposed development also includes works at Lot 1 DP 868833 which is owned by Transport Asset Holding Entity (**TAHE**) (**TAHE owned land**). By letter dated 5 December 2023, TAHE provided land owner's consent for the lodgement of the development application.

3. The site has street frontages to Wattle Street (104.82m), Fig Street (97.84m) and Jones Street (149.70m).

4. From 1870 - 1888, the site was used as a quarry with the extracted sandstone used for development of Sydney's General Post Office. In 1906, the site was purchased by the City of Sydney and used as its depot. The remaining structures on the site (which are currently vacant) were constructed by Council.

5. The site lies on the western side of a ridge that forms the Pyrmont peninsula. The eastern edge of the site remains as an exposed sandstone rock face left from the former quarry use. The height difference from the main site ground level (RL 3.56-3.93) to Jones Street ranges from 11.5m to 14m. The actual exposed rock face is 6.5m to 8m high.

6. The site is identified as being subject to flooding.

7. In late 2018, the Council announced the proposed sale of the site through an expression of interest process. The sale was subject to the purchaser demonstrating the ability deliver a 91 place childcare centre and an indoor recreation centre accommodating two multi-purpose courts. Landream Pyrmont Pty Ltd (the applicant) was awarded the purchase of the site.

8. Development and uses around the site comprise a mixture of attached heritage listed terrace houses, residential flat buildings, large former woolstores and warehouses and public open space as noted in the following description of nearby uses:

   (a) **North**: Directly north of the site is Wentworth Park Light Rail Station with a row of trees and a metal fence along the common boundary. Adjoining the light rail station, a pedestrian link (comprising a lift and stair) connects the northern end of Jones Street to the Wentworth Park Light Rail Station and Wattle Street. High-density residential development and the Fish Markets are further north. A railway viaduct to the north-west of the site, crossing Wattle Street, is listed on the State Heritage Register (I800).

(b) **South**: Directly south of the site is Fig Street and a former woolstore at 28-48 Wattle Street, Ultimo ("Winchcombe Carson") which is a local heritage item (I2059). The former woolstore is occupied by the Ultimo Trade Centre which accommodates a range of storage and light industrial activities. Fig Lane Park, which sits within the Ultimo Heritage Conservation Area (C69), is to the south-east of the site.

(c) **East**: To the east of the site is a group of one and two storey terrace houses at 286-318 Jones Street which is a local heritage item (I1238). Harbour Mill Apartments at 280 Jones Street, which includes remnants of the former Edwin Davies Flour Mill, is to the north-east of the site. It is a local heritage item (I1205). The Harbour Mill Apartments are 10 storeys to the north with a step down to 4 storeys to the south adjoining the terrace houses. The existing residential flat building was approved on 5 August 2013 (D/2011/1798) pursuant to former Sydney LEP 2005. The development included the construction of a stair and lift link to the Wentworth Park Light Rail Station.

(d) **West**: Directly west of the site is Wattle Street. Wentworth Park and the Wentworth Park Greyhounds racetrack are located further to the west.

9. The site is not a heritage item and is not located within a heritage conservation area but is in the vicinity of the heritage items described above.

10. Photos of the site and surrounds are provided at **Figures 1** to **8**. Extracts from the Land Zoning, Building Height, Floor Space Ratio and Heritage Maps to Sydney LEP 2012 are provided at **Figure 9**.

11. A site visit was carried out by the consultant planner on 8 June 2023.



Figure 1: Aerial view of the site and surrounds

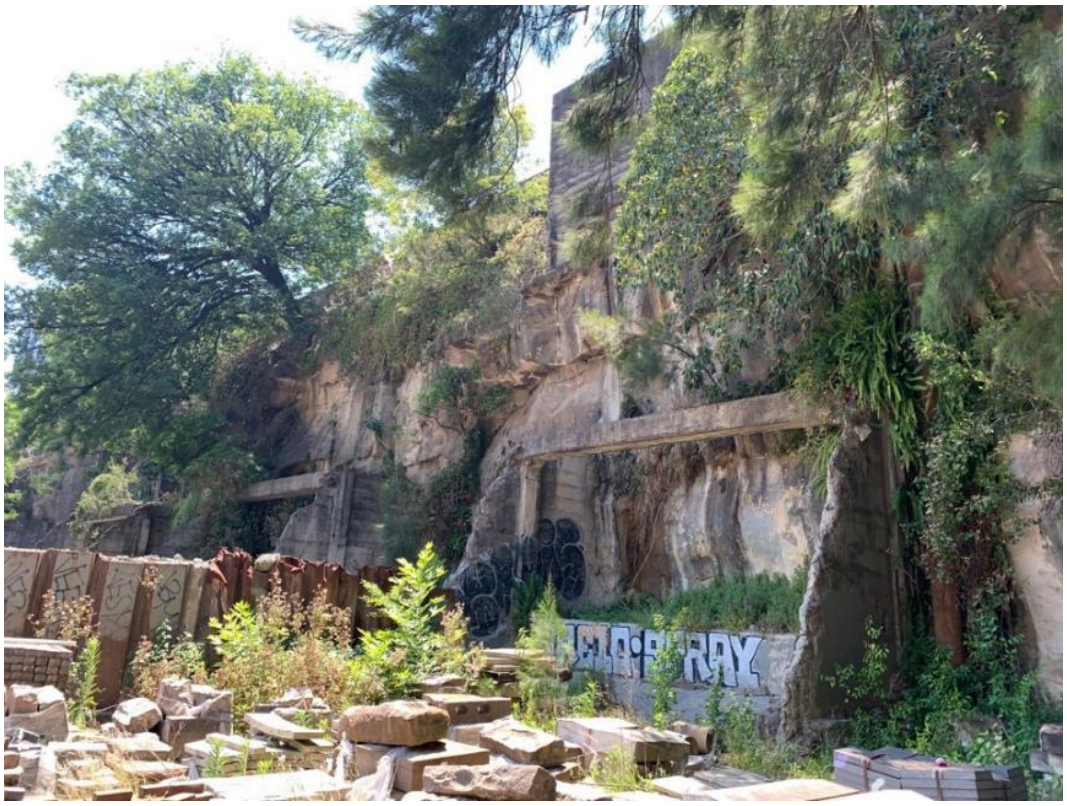


Figure 2: Cliff face along the site's eastern boundary adjoining Jones Street



Figure 3: The site viewed from Jones Street looking south (brick wall shows approximate location of the site boundary to Jones Street)



Figure 4: The site (Wattle Street) as viewed from Wentworth Park looking north-east



Figure 5: The site and Ultimo Trade Centre (former woolstore) viewed from corner of Fig and Wattle Streets looking east



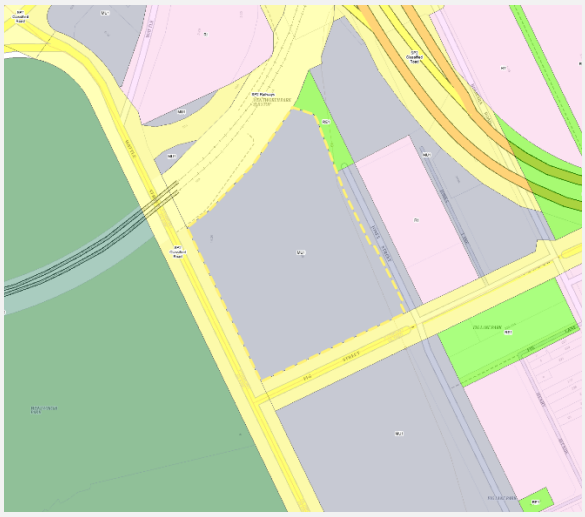
Figure 6: Pedestrian path from Wattle Street to Wentworth Park Light Rail Station to the north of the site looking east



Figure 7: Harbour Mill Apartments, 280 Jones Street (heritage) to the north-east of the site



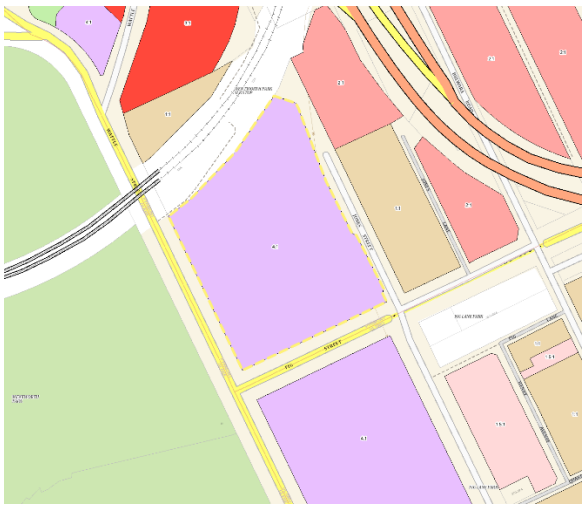
Figure 8: Jones Street terrace houses (286-318 Jones Street) (heritage) to the east of the site



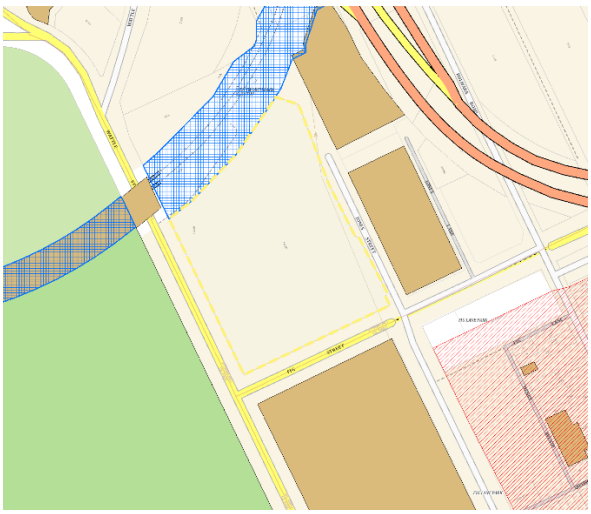
Land Zoning Map



Building Height Map



FSR Map



Heritage Map

Figure 9: Sydney LEP 2012 Land Zoning Map, Building Height Map, Floor Space Ratio Map and Heritage Map

History relevant to the development application

Concept development application - D/2019/649

12. The CSPC on 25 June 2020 refused the concept development application (D/2019/649) which proposed demolition of the existing buildings, removal of trees, and building envelopes for a mixed use development comprising residential, commercial, retail, child care and recreation uses. The applicant appealed the refusal.

13. Following discussions between the experts, an amended scheme was filed with changes including a deletion of one storey on some blocks, increased compliance with the height controls, increased setbacks to improve heritage outcomes and provision of compliant deep soil areas. As a result of the amendments being made, the City's experts advised the court that all contentions in the matter had been resolved. The matter proceeded by way of a consent orders hearing and judgment was handed down on 28 May 2021 granting deferred commencement consent to the concept development application. The deferred matter required a voluntary planning agreement (**VPA**).

14. The VPA relates to a new footway (1200mm to 1500mm) and public access easement along the Jones Street frontage of the site (illustrated on **Figure 10**).

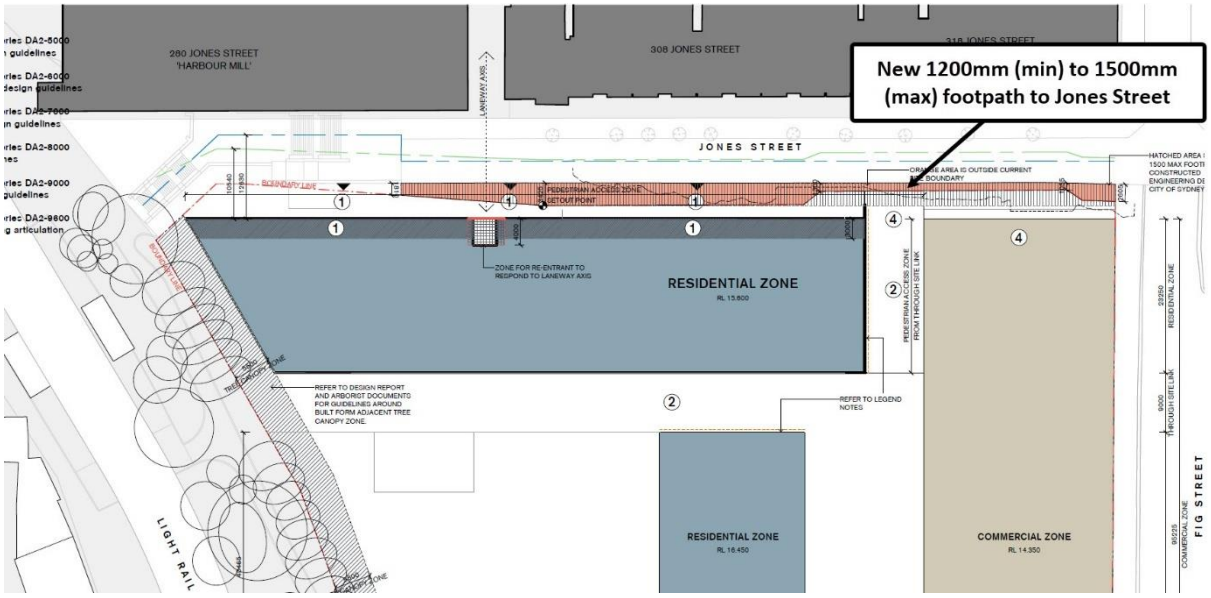


Figure 10: VPA extract showing a plan of the new footway to Jones Street

15. The VPA has been executed and registered on title. The deferred commencement conditions have been satisfied and the concept consent became operational on 10 February 2022. On 11 February 2022, Council issued a condition satisfied letter and stamped plans in relation to concept consent Condition 5 - Detailed Design of Buildings.

16. On 2 March 2023, modification of the concept consent was approved under delegated authority to delete Condition 19 (Land Dedication - No long Term Environmental Management Plan) (D/2019/649/A).

Competitive design process

17. Between 28 April and 2 June 2022, a competitive design process was undertaken for the site in accordance with the provisions of clause 6.21D of Sydney LEP 2012 and the City of Sydney Competitive Design Policy.

18. As a result of this competitive design process, the applicant is seeking 10% additional height pursuant to clause 6.21D of the Sydney LEP 2012.

19. The architectural firms who participated in the 'invited' architectural design competition were Bates Smart, BVN, Carter Williamson, SJB and Tzannes. The jury for competitive design process selected the BVN scheme as the winning scheme. Photomontages of the winning scheme are provided in **Figures 11** and **12** below.

20. An assessment of compliance with the jury recommendations is included in the Discussion section.



Figure 11: Photomontages of the BVN winning scheme (part of the Jones Street elevation)



Figure 12: Photomontage of the BVN winning scheme (part of the Wattle Street elevation)

Section 4.56 modification application (2019/649/B)

21. A separate and concurrent section 4.56 modification application (D/2019/649/B) has been submitted to Council to align the Court approved concept consent with this detailed design development application. The section 4.56 modification application has been concurrently reported to the CSPC and is recommended for approval subject to conditions. Refer to the separate report for details.

Subdivision development application (D/2023/1073)

22. A development application proposing road closure and subdivision of part of Jones Street was submitted to Council on 23 November 2023. Assessment of the development application is underway and the application is yet to be determined.

History relevant to the development application

23. A chronology of key events relevant to the development application (and section 4.56 modification application) follows:

    (a) **5 October 2022**: The applicant's representatives, Council officers and Council's consultant planner attended a pre-lodgement meeting (video conference).

    (b) **14 October 2022**: A pre-lodgement letter of advice was sent to the applicant setting out the information requirements for the applications and potential issues of concern including design excellence and additional height.

    (c) **16 February 2023**: The section 4.56 modification application and development application were lodged.

    (d) **28 February - 29 March 2023**: The section 4.56 modification application and development application were notified/exhibited.

    (e) **15 June 2023** The City's Design Advisory Panel (**DAP**) reviewed the section 4.56 modification application and development application and advised that:

        (i) The building envelope controls are sufficient for the site and should not be exceeded beyond the concept consent. Non-compliances with building separation controls are not supported.

        (ii) There are several non-compliances with height controls which increase overshadowing to Wentworth Park. The Panel does not support additional height or any further overshadowing to the park.

        (iii) The scheme is at the upper limit of FSR allowances. Additional FSR has been applied to the site through the acquisition and upgrade of the adjacent public footpath. The general density of the site has resulted in deep building footprints and several bedrooms with poor access to natural light, which should be reconsidered.

        (iv) The Childcare facilities should be further considered in order to provide adequate circulation space for pram movement and storage in the lobby and corridors, adequate lift provision, and greater solar access and a more generous ceiling height to the outdoor play area.

        (v) A wind analysis is required as part of the assessment.

(vi) Further consideration of the courtyard amenity is required and should address natural ventilation and noise.

(vii) Environmental performance of north-west façade should have further analysis and consideration.

(viii) Engagement with the First Nations history of the site requires further consideration.

(ix) The opportunity to expose views to and interpret the quarry face has not been fully realised.

(x) Public art should be further considered to provide an interpretation of the place, rather than be applied as a wayfinding element.

Recommendation

The Panel advises that the proposal has not yet achieved design excellence. Should the proposal address all recommendations of the design competition jury, comply with building envelopes and building separation controls, and respond to this DAP assessment, then it has the potential to achieve design excellence.

(f) **28 July 2023**: A RFI from Council was sent to the applicant noting issues of concern relevant to the development application in relation to:

(i) Height, bulk and scale and inadequacies in the clause 4.6 written request;

(ii) Consistency with the concept consent;

(iii) Design competition jury recommendations;

(iv) FSR;

(v) Building separation and visual privacy;

(vi) Building articulation;

(vii) Apartment amenity;

(viii) Materials and finishes;

(ix) Interpretation of sandstone cliff face;

(x) Pyrmont Peninsula Place Strategy (sustainability measures);

(xi) Wind;

(xii) Awnings;

(xiii) Heritage interpretation;

(xiv) Landscape;

(xv) Childcare centre;

(xvi) Sustainability;

(xvii) Public domain;

(xviii) Tree management;

(xix) Transport and access;

(xx) Waste Management;

(xxi) Public art.

(g) **7 August, 30 August and 18 September**: The applicant's representatives, Council officers and Council's consultant planner attended meetings to discuss solutions to Council's RFI.

(h) **7 September 2023**: A supplementary RFI was sent to the applicant providing further direction in relation to height and inboard bedrooms.

(i) **13 October 2023:** The applicant's representatives and Council officers attended a meeting to discuss solutions to Council's RFI.

(j) **7 November 2023**: The applicant responded to Council's RFI. The proposed changes included a 616m² reduction in gross floor area (**GFA**) and the following changes to the development application:

(i) Reducing the maximum height of Building E - Fig Street by approximately 1.6m (from RL39.56 to RL37.95) by lowering of the floor to floor height from 3.8m to 3.6m.

(ii) Cropping of the western and southern sides of the floor plates at Level 08 and 09 of Building E - Fig Street to minimise additional overshadowing of Wentworth Park beyond the concept consent.

(iii) Reinstating the articulations to the ground floor façade of Building E - Fig Street that faces the east-west through-site link.

(iv) Re-designing and improving the access arrangement for the retail unit on level 5 of Building E - Fig Street (from the proposed Jones Street plaza) and providing outdoor seating.

(v) Reducing the maximum height of Building D - Wattle Street by approximately 1.7m (from RL38.18 to RL36.45) by relocating the rooftop plant room to Building C - Courtyard and enclosing the remaining plant units within the roof form.

(vi) Re-instating the pitch of the roof to Building D - Wattle Street consistent with the winning scheme to minimise overshadowing of Wentworth Park.

(vii) Re-instating the setback at the south-western corner of the Building D - Wattle Street to minimise additional overshadowing of Wentworth Park beyond the concept consent.

(viii) Reducing the extent of rooftop plant on Building B - Jones Street.

(ix) Removing the protruding bedroom windows from the east-facing units at the façade articulation break of Building B - Jones Street to widen the break.

(x) Concentrating the rooftop plant and equipment to Building C - Courtyard, with an 800mm increase in height (from RL44.75 to RL45.55).

(xi) Designing out all internalised studies and habitable rooms.

(xii) Widening of courtyards in Building B - Jones Street and Building D - Wattle Street.

(xiii) Rectifying the plenum locations in the indented courtyards.

(xiv) Increasing the landscape planting areas within the podium terraces of Building D - Wattle Street to improve amenity and reduce potential for large congregations and associated noise generation.

(xv) Reinstating the rooftop terrace on the north side of Building D - Wattle Street.

(xvi) Artistic treatment to the side walls of Building C - Courtyard).

(k) **23 January 2024**: A further RFI was sent to the applicant detailing issues arising from Council's internal and external referrals (solar access, natural cross ventilation, visual privacy, communal open space, landscape details, tree management, sustainability, driveway details, waste management and stormwater/flooding).

(l) **21 February 2024**: The applicant responded to Council's further RFI.

Proposal

24. The development application seeks consent for the detailed design and construction of a mixed-use development across five buildings comprising:

(a) Demolition of the existing site structures, remediation and removal of 54 trees

(b) 237 residential apartments (27,208m²) comprising:

(i) 2 studio apartments

(ii) 52 x 1 bedroom apartments

(iii) 118 x 2 bedroom apartments

(iv) 63 x 3 bedroom apartments

(v) 2 x 4 bedroom apartments

(c) 15,827m² of commercial floor space

(d) 426m² of retail floor space

(e) 91 place centre based child care centre (1,810m²)

(f) indoor recreation centre containing two courts (2,683m²)

(g) car parking (223 spaces), bicycle parking (44 spaces), motorcycle parking (12 spaces) and loading dock

(h) landscape, public domain, civil, excavation, service provision and drainage works

(i) stratum subdivision comprising the following seven stratum lots:

(i) Lot 10 Council (Child care centre)

(ii) Lot 11 Commercial

(iii) Lot 12 Retail 1

(iv) Lot 13 Residential 1

(v) Lot 14 Residential 2

(vi) Lot 15 Retail 2

(vii) Lot 16 Council (Basketball Courts)

25. Illustrations and a level by level description of the proposed five buildings follow. Selected drawings are provided at **Attachment C**.

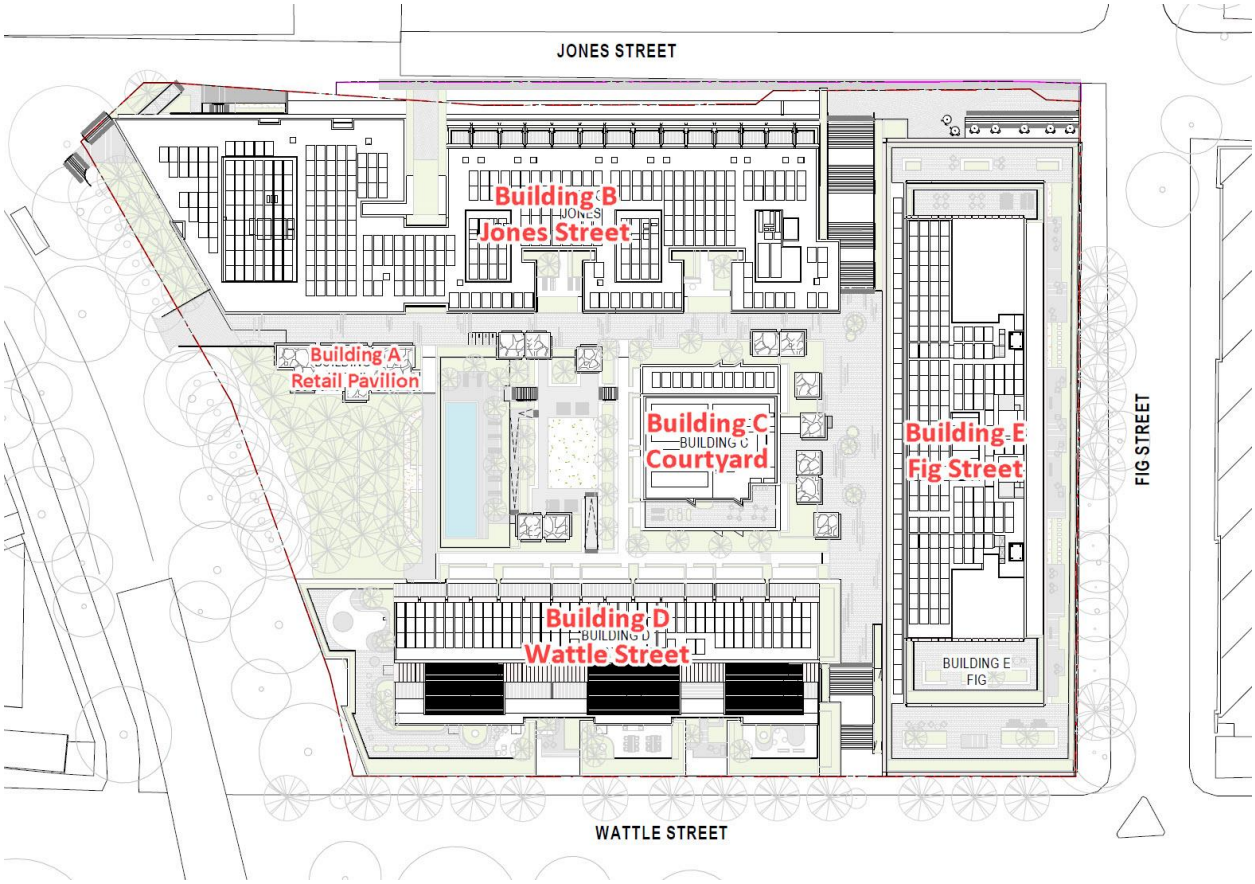


Figure 13: Site plan showing proposed building names

(a) Building A - Retail Pavilion

(i) One storey retail pavilion with a landscaped rooftop.

(b) Building B - Jones Street

(i) Level 00:

(i) A recreation centre containing two courts, associated storage, bench seating, office store, cleaners' room and store.
(ii) End of trip facilities and laundry
(iii) Residential bicycle storage
(iv) Residential lobby and storage units
(v) Plant and services
(vi) Car parking

(ii) Level 01:

(i) Two multi-function rooms and connected storage rooms
(ii) Void for the recreation courts on Level 00
(iii) Circulation zone
(iv) Multiple residential and commercial garbage rooms, residential lobby, childcare centre and recreation lobby
(v) Bicycle parking spaces for the child care centre
(vi) Plant and services
(vii) Car parking

(iii) Level 02:

(i) Recreation centre lobby including a kiosk, staff room, communications rooms, first aid room, manager's office, office and plant room
(ii) Child care centre lobby and pram store area
(iii) Residential lobby
(iv) Void for the recreation courts on Level 00
(v) Building Manager's office

(iv) Level 03:

(i) 91 place child care centre including a simulated outdoor play area, outdoor play area, six playrooms, offices, terrace, storage, and amenities
(ii) Two communal rooms, a music room, a meeting room, amenities, plant, services and corridor

(v) Level 04-09:

(i) Residential apartments
(ii) Three communal outdoor spaces on Level 04
(iii) Associated common vertical circulation, lifts, fire-egress stairs, plant and services, and bin discharge rooms

(vi) Level 10:

(i) Rooftop plant and services
(ii) Photovoltaic panels

(c) Building C - Courtyard

(i) Level 00:

(i) Car parking
(ii) Residential lobby
(iii) Common vertical circulation
(iv) Fire egress stairs
(v) Services

(ii) Level 01:

(i) Car parking
(ii) Residential lobby
(iii) Residential waste room
(iv) Common vertical circulation
(v) Fire egress stairs
(vi) Services

(iii) Level 02:

(i) Residential apartments
(ii) Common vertical circulation
(iii) Fire egress stair
(iv) Plant and services
(v) WFH (work from home) pods/pergolas fronting the public through site link

(iv) Levels 03-06:

(i) Residential apartments
(ii) Common vertical circulation
(iii) Fire egress stairs
(iv) Plant and services

(v) Level 07:

(i) Residential apartments
(ii) Communal room
(iii) Common vertical circulation
(iv) Fire egress stairs
(v) Plant and services

(vi) Level 08-11:

(i) Residential apartments
(ii) Common vertical circulation
(iii) Fire egress stairs
(iv) Plant and services

(vii) Level 12:

(i) Residential apartments
(ii) Common vertical circulation
(iii) Fire egress stairs
(iv) Plant and services
(v) Storage
(vi) Rooftop photovoltaic panels

(viii) Level 13:

(i) Plant (mechanical plant):

i. Heat pump for all three residential buildings on the site
ii. Stairs pressurisation system of Building C - Courtyard
iii. Lobby relief of Building C - Courtyard (this system works in conjunction with the stairs pressurisation to relieve the air coming from the stairs in the fire affected floor. It is a smoke management system).

(d) Building D - Wattle Street

(i) Level 00:

(i) Carparking
(ii) Three residential lobbies
(iii) Residential storage
(iv) Plant and services
(v) Rainwater tanks
(vi) Water treatment plant

(ii) Level 01:

(i) Three residential lobbies
(ii) Left in/left out vehicular access from Wattle Street
(iii) Car parking
(iv) Mail room
(v) Three residential waste rooms
(vi) Plant and services
(vii) 210m² commercial tenancy

(iii) Level 02:

(i) Residential apartments
(ii) Two communal outdoor spaces
(iii) Common vertical circulation
(iv) Fire egress stairs
(v) Plant and services

(iv) Level 03-08:

(i) Residential apartments
(ii) Common vertical circulation
(iii) Fire egress stairs
(iv) Plant and services

(v) Level 09:

(i) Residential apartments
(ii) Two communal outdoor spaces
(iii) Common vertical circulation
(iv) Fire egress stairs
(v) Plant and services

(vi) Level 10:

(i) Residential apartments
(ii) Common vertical circulation
(iii) Fire egress stairs
(iv) Plant and services
(v) Three lift overruns

(vii) Level 11:

(i) Photovoltaic panels

(e) Building E - Fig Street

(i) Level 00:

(i) Residential storage
(ii) Plant and services
(iii) Car parking

(ii) Level 01:

(i) Commercial floor space
(ii) End of trip facilities
(iii) Plant and services
(iv) Bicycle parking (separate commercial and residential bicycle parking)
(v) Loading dock accessed from Fig Street

(iii) Level 02:

(i) Commercial tenancy
(ii) Commercial lobby podium
(iii) Amenities, storage, plant, services, lifts, and fire egress
(iv) Void over locking dock
(v) Maintenance zone

(iv) Level 03:

(i) Commercial tenancy
(ii) Atrium
(iii) Optional wintergardens
(iv) Amenities, storage, plant, services, lifts and fire egress.

(v) Level 04:

(i) Commercial tenancy
(ii) Atrium in

(iii) Optional wintergardens
(iv) Amenities, storage, plant, services, lifts and fire egress

(vi) Level 05:

(i) Retail tenancy
(ii) Commercial Jones Street lobby
(iii) Commercial tenancy
(iv) Atrium and optional wintergardens
(v) Amenities, storage, plant, services, lifts and fire egress

(vii) Level 06:

(i) Commercial tenancy
(ii) Atrium and optional wintergardens
(iii) Amenities, storage, plant, services, lifts and fire egress

(viii) Level 07:

(i) Commercial tenancy
(ii) Atrium and optional wintergardens
(iii) Amenities, storage, plant, services, lifts and fire egress.

(ix) Level 08:

(i) Commercial tenancy
(ii) Atrium and optional wintergardens
(iii) Outdoor terrace
(iv) Amenities, storage, plant, services, lifts and fire egress
(v) Photovoltaic panels

(x) Level 09:

(i) Commercial tenancy
(ii) Atrium and optional wintergardens
(iii) Outdoor terraces
(iv) Amenities, storage, plant, services, lifts, and fire egress

(xi) Level 10:

(i) Rooftop plant and structures
(ii) Lift overruns
(iii) Skylight atrium
(iv) Photovoltaic panels



Figure 14: Jones Street photomontage



Figure 15: Wattle Street photomontage



Figure 16: Jones Street/Fig Street photomontage



Figure 17: Building C - Courtyard photomontage



Figure 18: Jones Street (east) elevation

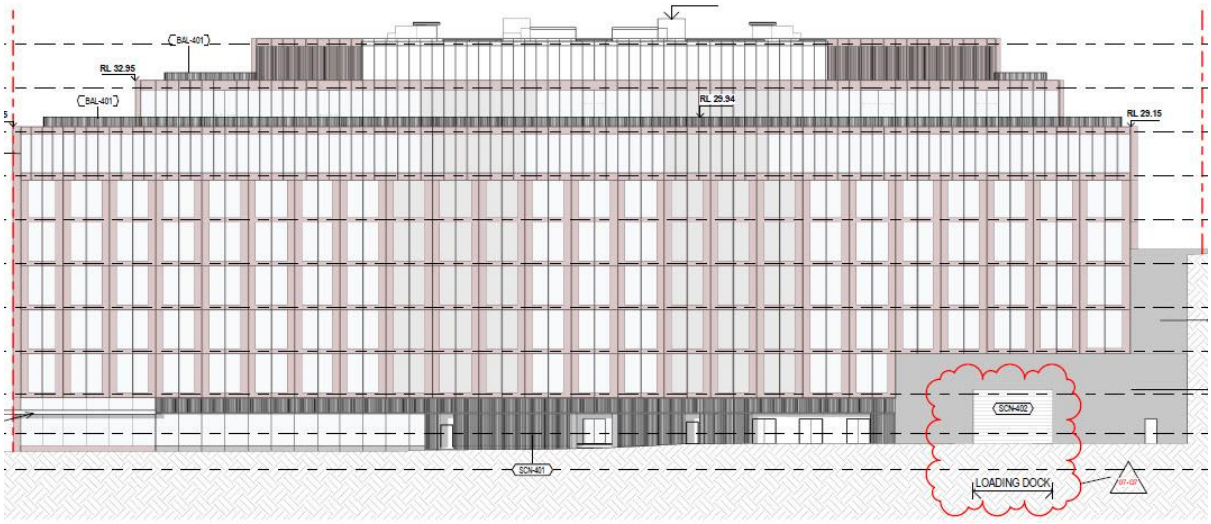


Figure 19: Fig Street (south) elevation

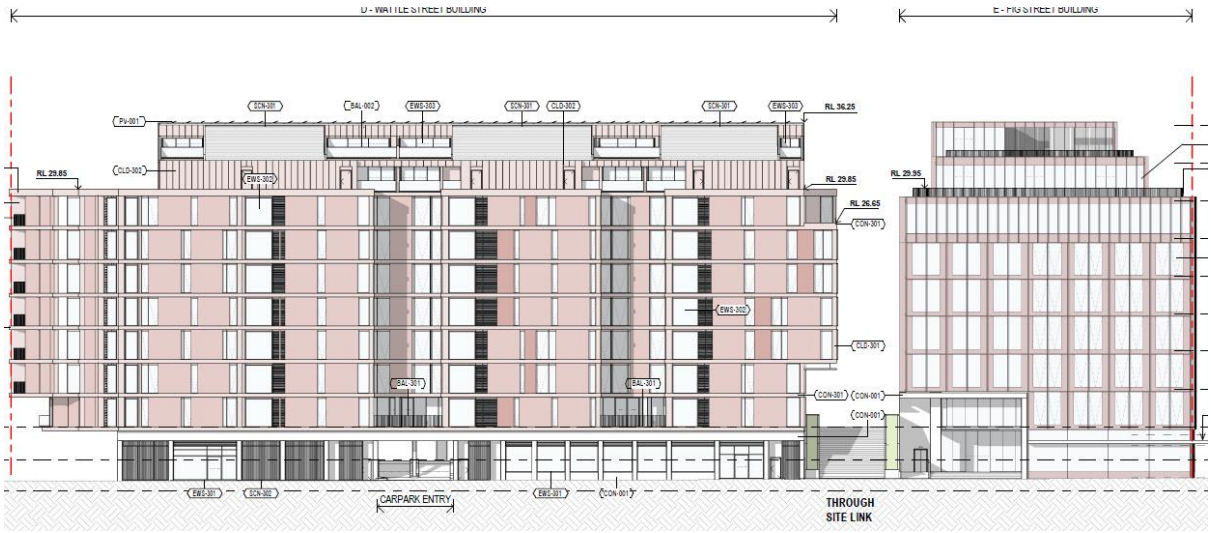


Figure 20: Wattle Street (west) elevation

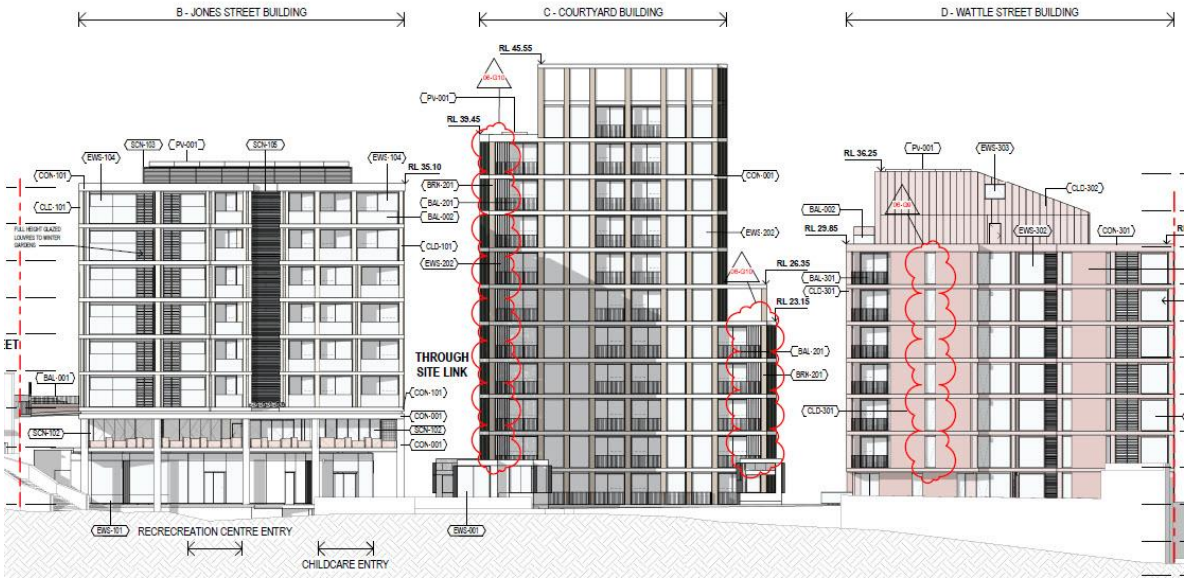


Figure 21: Wentworth Park Light Rail Station (north) elevation

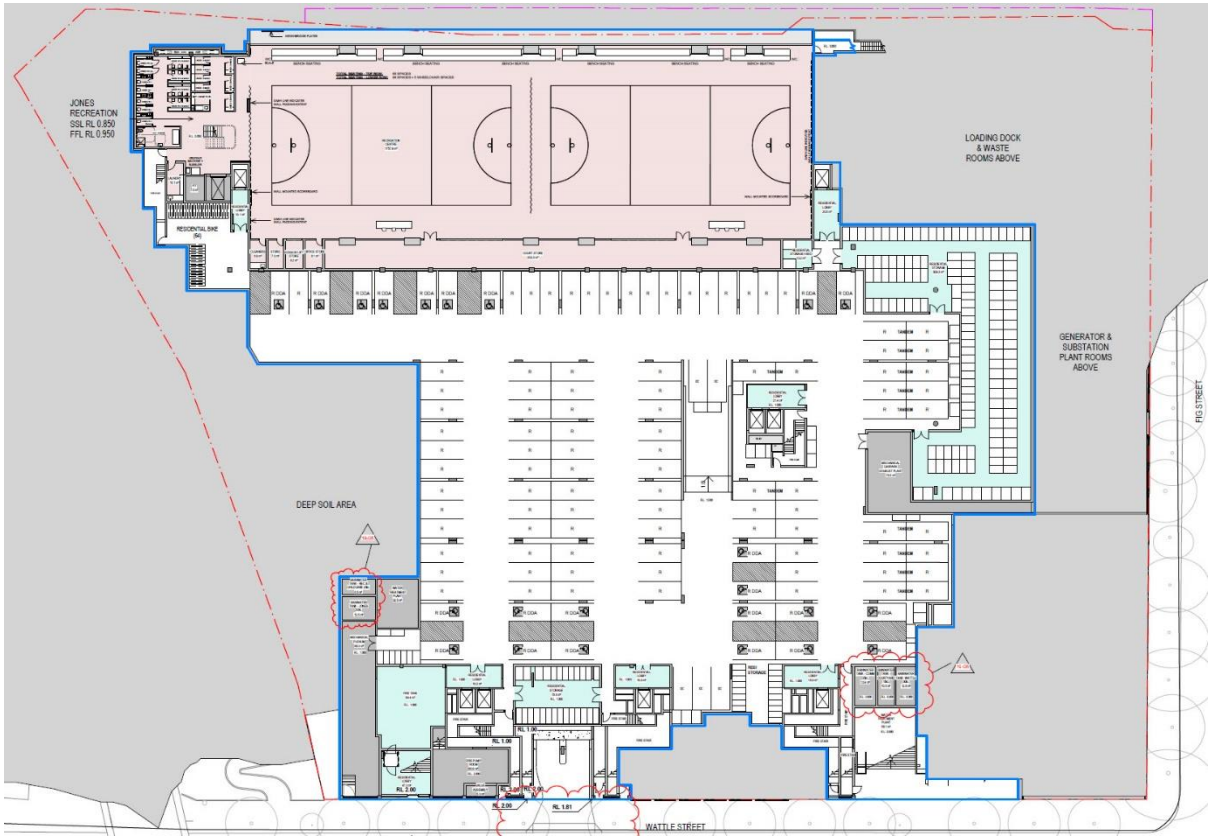


Figure 22: General arrangement: Level 00

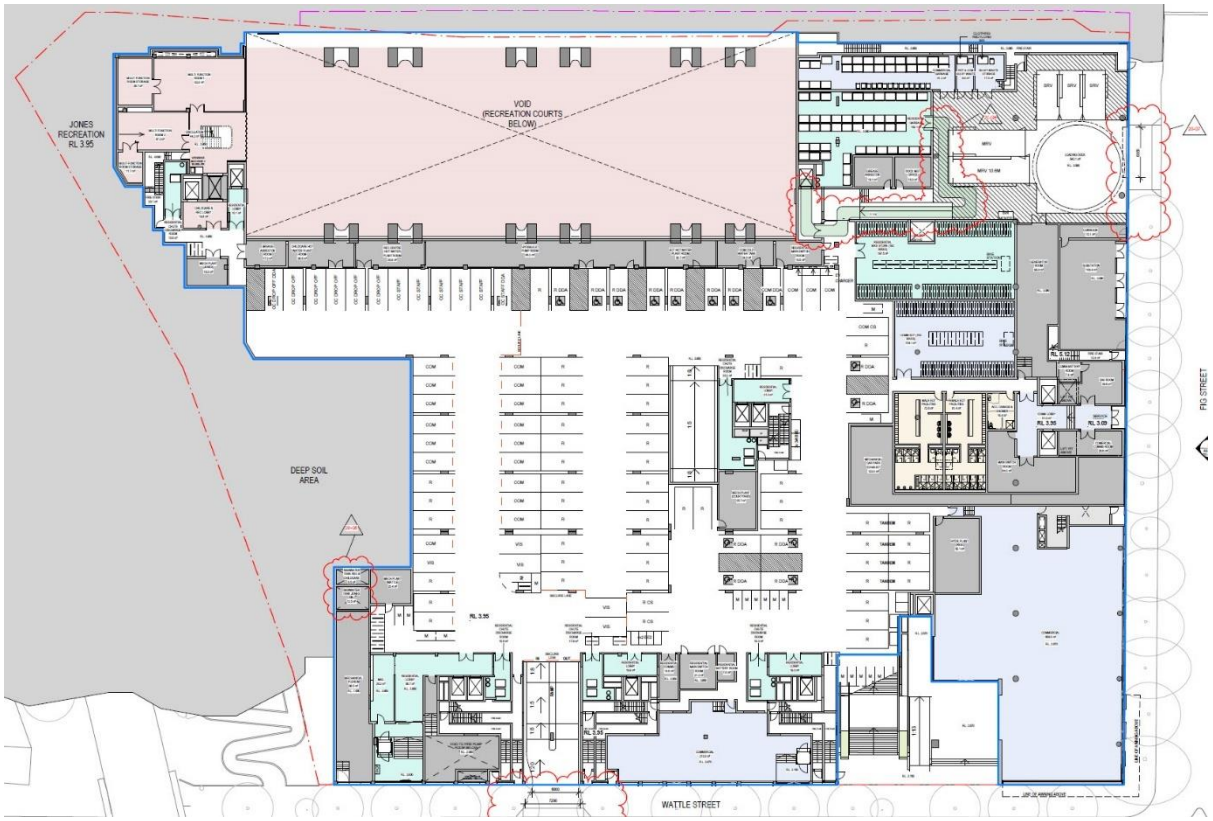


Figure 23: General arrangement: Level 01

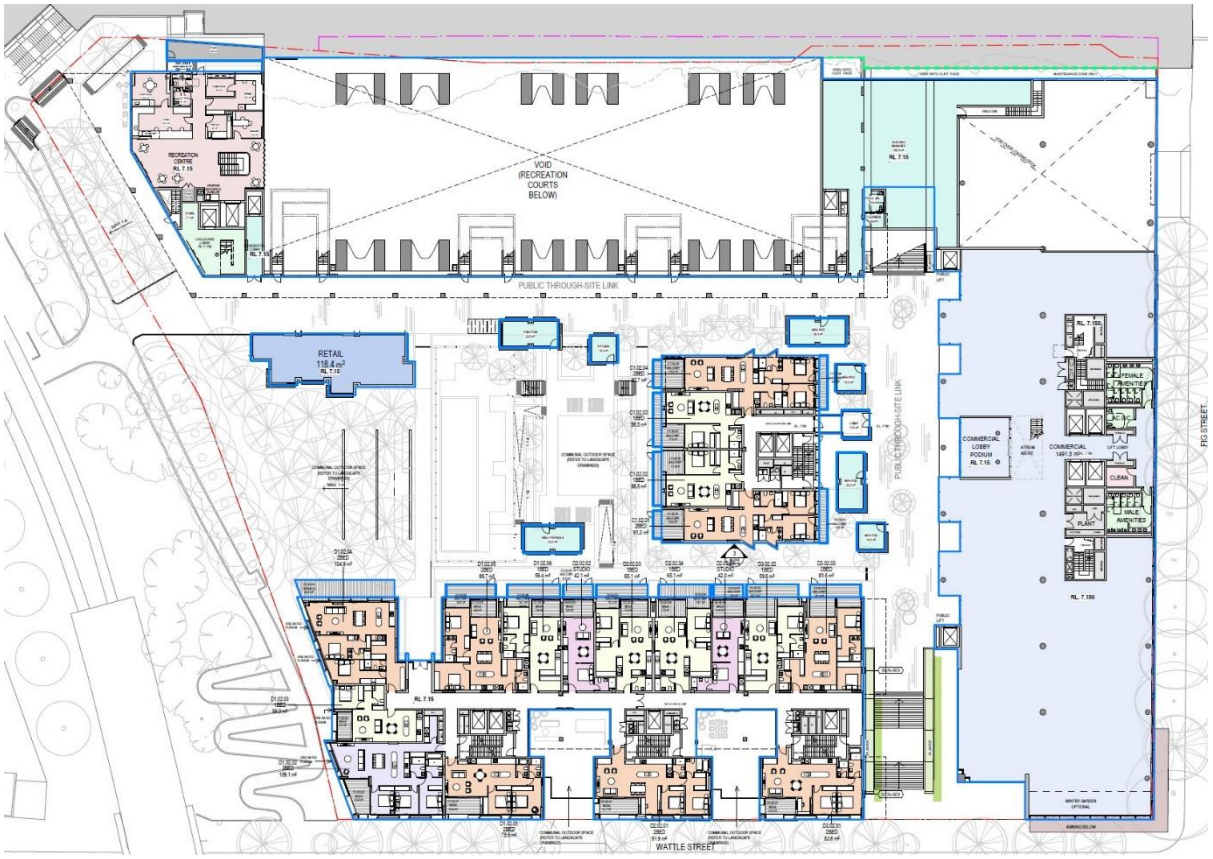


Figure 24: General arrangement: Level 02



Figure 25: General arrangement: Level 03

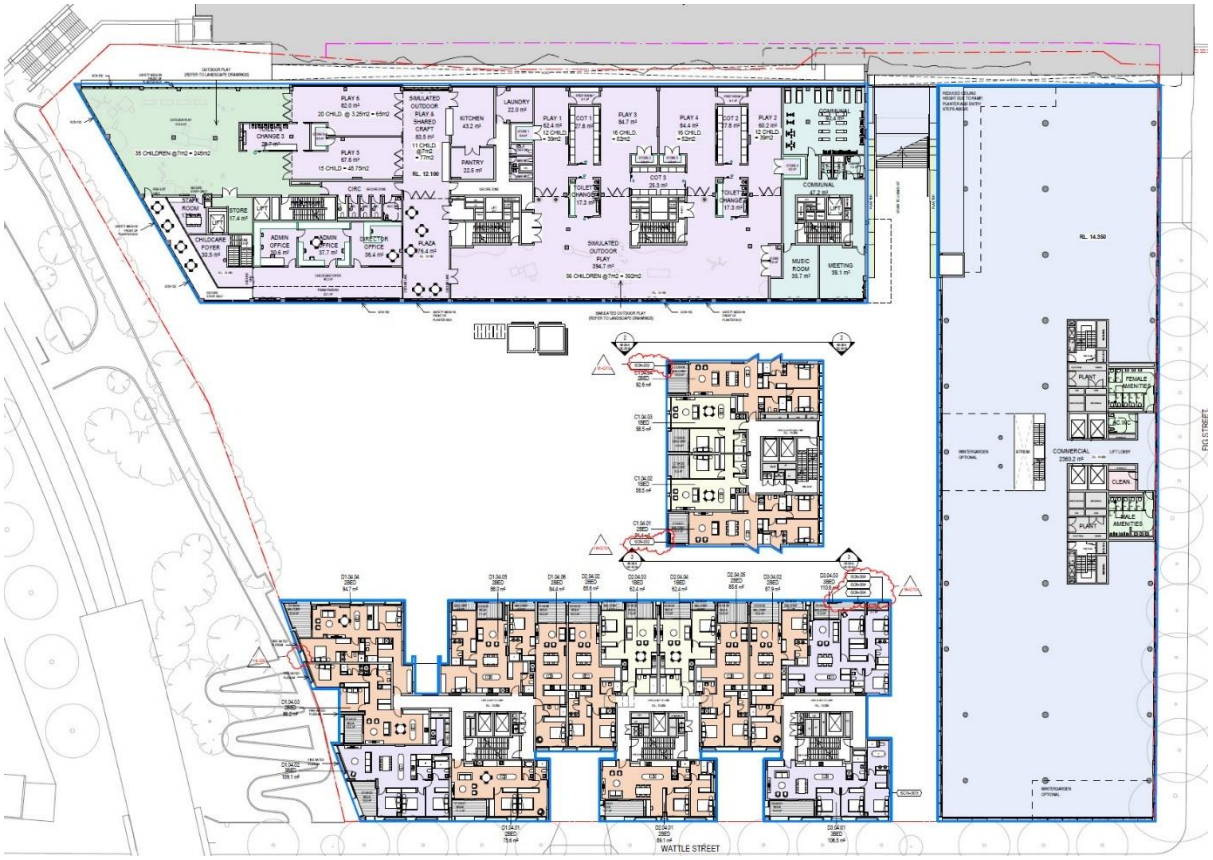


Figure 26: General arrangement: Level 03 and Level 04



Figure 27: General arrangement: Level 04 and Level 05



Figure 28: General arrangement: Level 05 and Level 06



Figure 29: General arrangement: Level 06 and Level 07



Figure 30: General arrangement: Level 07 and Level 08

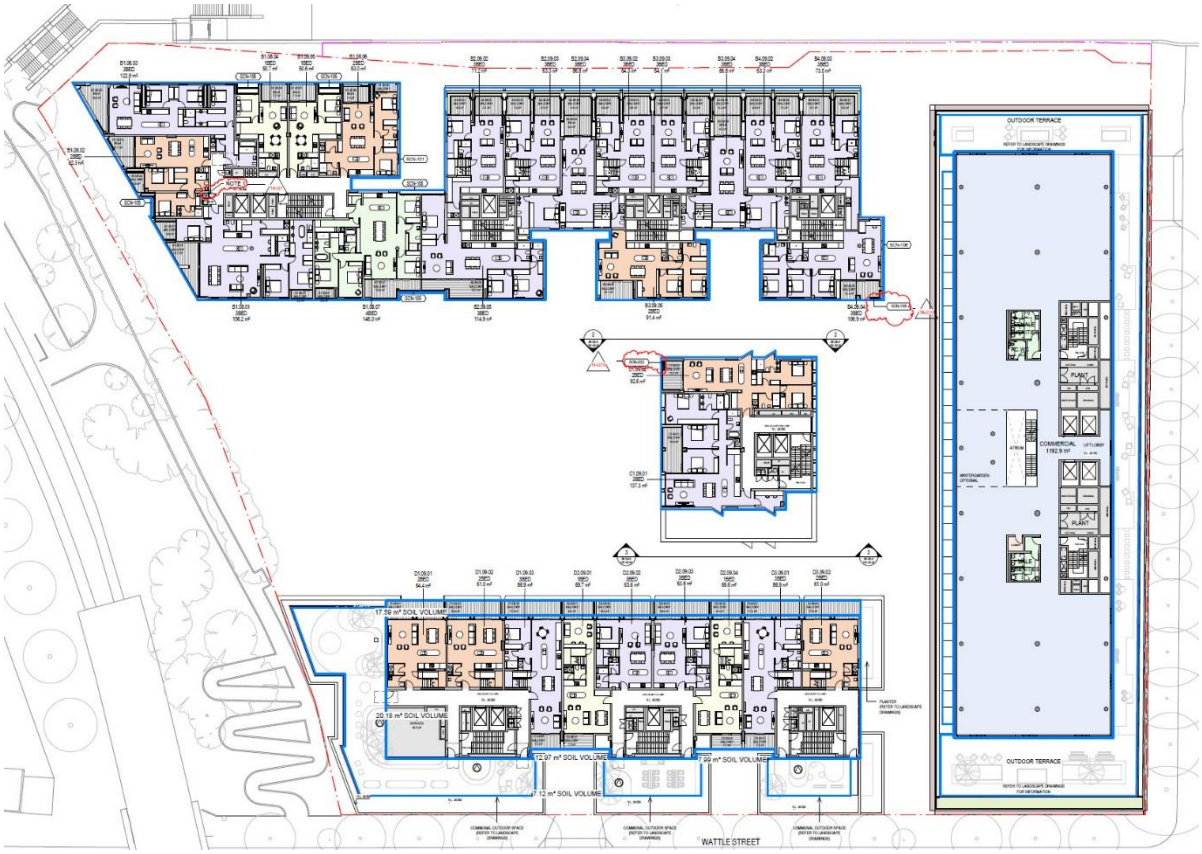


Figure 31: General arrangement: Level 08 and Level 09



Figure 32: General arrangement: Level 09 and Level 10


PV PANELS
PLANT ROOM VOID
ATRIUM SKYLIGHT
PV PANELS
PLANT ROOM VOID
PV PANELS
PV PANELS
PLANT ROOM VOID
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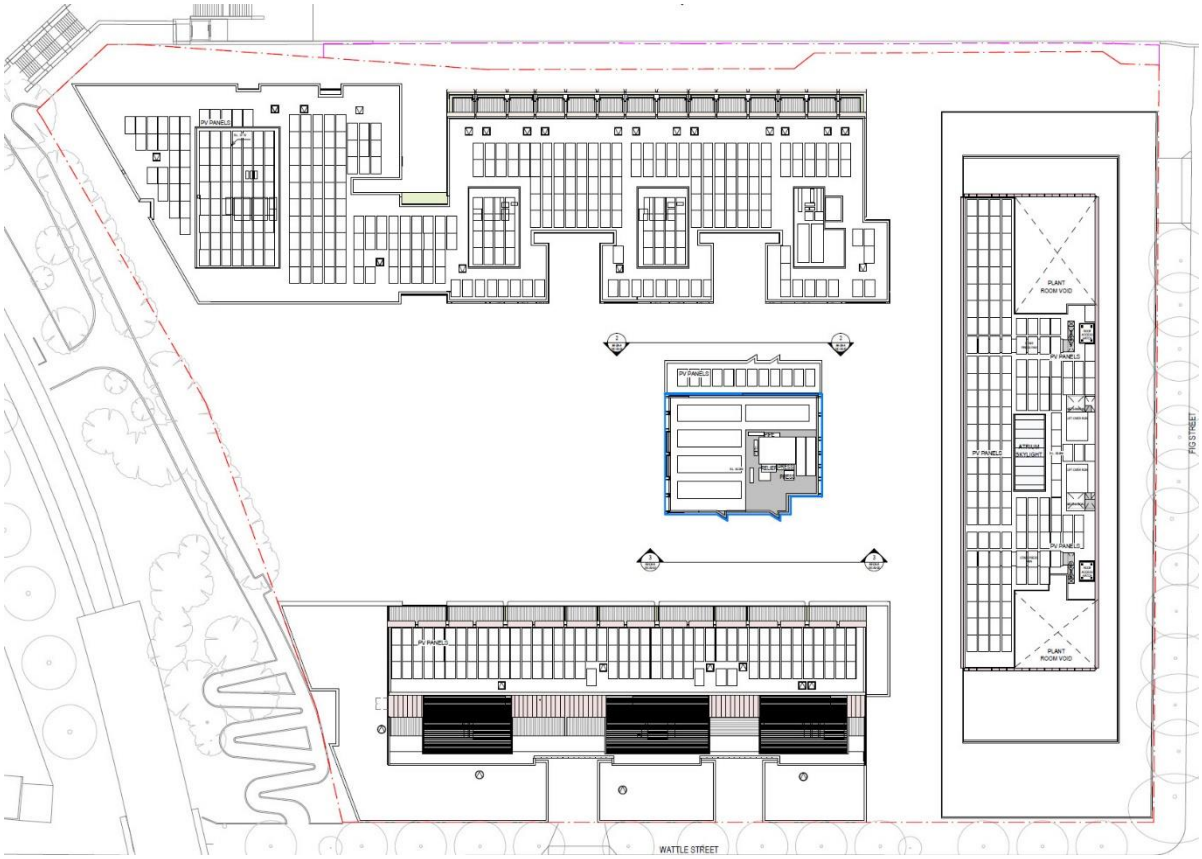


Figure 35: General arrangement: Level 13

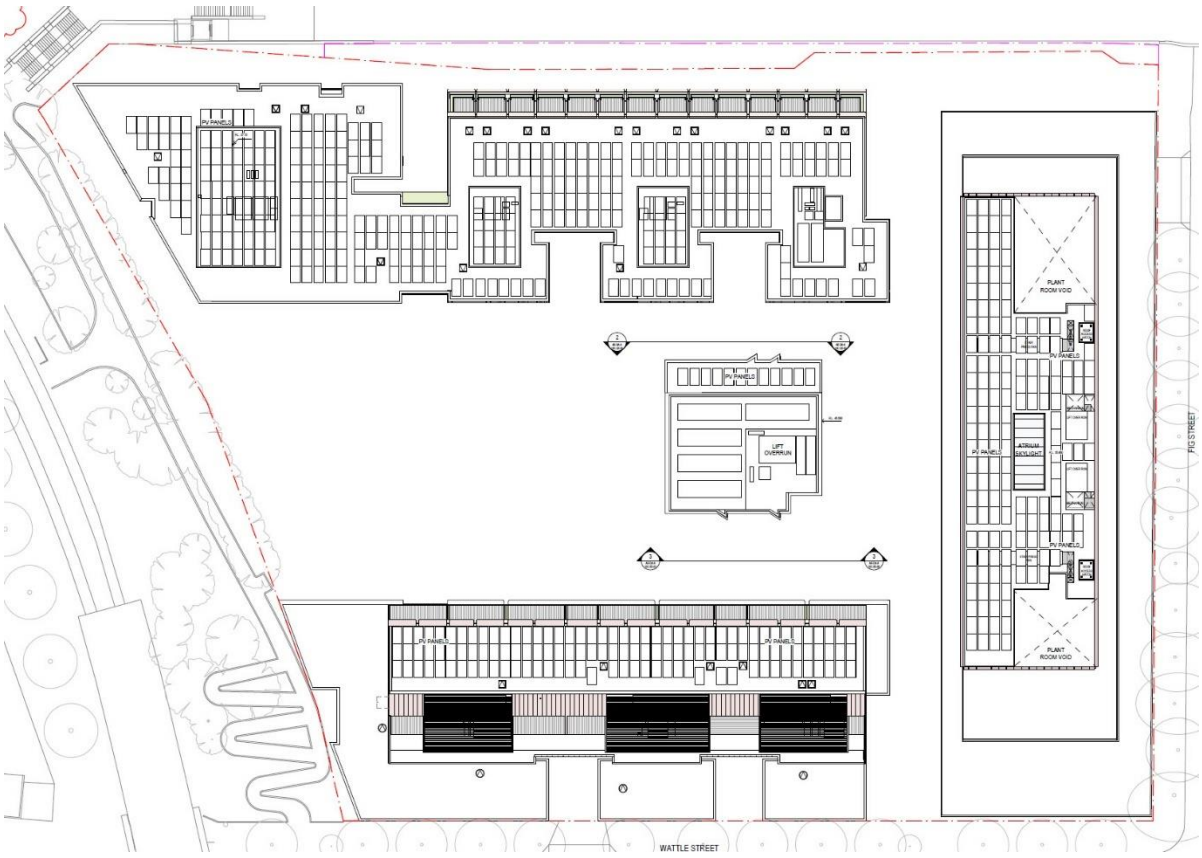


Figure 36: General arrangement: Level 14

Economic, Social and Environmental Assessment

Environmental Planning and Assessment Act, 1979

26. The proposed development has been assessed under section 4.15 of the EPA Act (see below).

27. It is considered that the development application is consistent with the concept consent as modified by the section 4.56 modification application concurrently lodged and separately reported to the CSPC (D/2019/623/B), satisfying section 4.24(2) of the EPA Act.

Water Management Act 2000

28. The development application was referred to the Department of Planning and Environment—Water. By letter dated 10 May 2023, the Department advised that, for the purposes of the Water Management Act 2000, a controlled activity approval is not required.

Sydney Water Act 1994

29. Pursuant to section 78(1)(a) of the Sydney Water Act 1994, the development may increase the demand for water supplied by the Sydney Water Corporation. As such, the development application was referred to Sydney Water for comment. Sydney Water provided conditions of consent on the 23 March 2023, which have been included at **Attachment B** if this report, as relevant.

SEPP (Precincts – Eastern Harbour City) 2021 – Chapter 4 City West

30. Pursuant to Section 4.1 of the SEPP, the site is located within the City West area. The site is not affected by any other mapping relevant to the City West Area.

31. Section 4.8 of the SEPP details the planning principles of regional significance. Before granting consent to a development application on land within City West, the consent authority must take into consideration the aim of the chapter that development within the area should be consistent with the planning principles. **Table 1** details the principles noting the consistency of the proposed development.

Table 1: SEPP (Precincts – Eastern Harbour City) 2021 – City West planning principles

Principle	**Comment**
Regional Role	Consistent The proposed development contributes to urban consolidation (237 dwellings proposed). The development reflects the central location of the site adjacent to the Wentworth Park Light Rail Station, with reduced car parking provision and shared open spaces.

Principle	Comment
Land Use Activities	Consistent The development comprises residential accommodation, commercial and retail tenancies, a child care centre and an indoor recreation centre.
Mixed Living and Working Environment	Consistent Building E - Fig Street, which accommodates commercial premises, provides employment opportunities. A range of dwelling sizes are proposed (see ADG assessment below) and the development includes the following mix of GFA: • Residential: 56.7% • Commercial: 33.0% • Retail: 0.9% • Child care centre: 3.8% • Recreation centre: 5.6%
Education	Consistent A child care centre is proposed in Building B - Jones Street.
Leisure and Recreation	Consistent The site is located to the north of Wentworth Park, a large recreation area. Additionally, the proposed development includes an indoor recreation centre and through site links connecting Wentworth Park to the south, Jones Street/Fig Lane Park to the east and Wentworth Park Light Rail Station to the north.
Port Functions	N/A
Social Issues	Consistent The proposed development would improve pedestrian connectivity across the site and to/from the wider locality. In particular, linkages to the Wentworth Light Rail Station which is a focal point for the community of the area.

Principle	Comment
Environmental Issues	Complies The proposed development includes waste management measures, stormwater management and incorporates ESD measures. It generally satisfies the ADG objectives for natural cross ventilation, solar access and daylight and delivers enhanced pedestrian connectivity. The site does not have any biodiversity values.
Urban Design and the Public Domain	Complies The design of the building is the winner of a competitive design process, and it is considered that the building exhibits design excellence. The through site links, upgrades to the footpaths on Jones, Wattle and Fig Streets and improved connections to the Wentworth Park Light Rail Station would improve the public domain on and around the site.
Heritage	Complies The site is not a heritage item, but it has historic value (cliff face and historic items on-site which are to be salvaged as part of the demolition works and integrated with the development for heritage interpretation) and is located in the vicinity of heritage items. It is considered that the development addresses this significance appropriately (see Discussion section).
Movement and Parking	Complies The site adjoins the Wentworth Park Light Rail Station and the proposed pedestrian through site links improve connections to the station for the wider community. The number of proposed car parking spaces is below the maximum standards in Sydney LEP 2012.
Implementation and Phasing	The proposed development has very good access to existing infrastructure (Wentworth Park Light Rail Station, Wentworth Park and Fig Lane Park). It also includes new infrastructure (childcare centre and indoor recreation centre).

SEPP (Sustainable Buildings) 2022

32. The aim of the SEPP is to encourage the design and delivery of sustainable buildings. The SEPP commenced on 1 October 2023 and section 4.2 is a savings provision which states that the SEPP does not apply to development applications lodged before this date. As the development application was submitted on 16 February 2023, the SEPP does not apply.

SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land

33. 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.

34. The development application is accompanied by the following contamination reporting:

    (a) Data Gap Investigation prepared by JBS&G dated 9 October 2019

    (b) Human Health Risk Assessment prepared by JBS&G dated 9 October 2019

    (c) Remediation Action Plan (**RAP**) prepared by JBS&C dated 9 October 2019

    (d) Interim Advice prepared by Zoic Environmental dated 16 October 2019.

35. The site investigations have identified heavy petroleum hydrocarbonbased contaminants as present in soils and groundwater. Isolated areas have been impacted by heavy metals and asbestos. Soil vapour has further been found to be affected by volatile petroleum hydrocarbon constituents.

36. The RAP proposes excavation and offsite removal of the impacted material and onsite in situ management of soil by physical separation and ongoing management. A long-term Environmental Management Plans could be on covenant. The Interim Advice confirms the above approach is appropriate.

37. Council's Health Unit has reviewed the information provided and has recommended conditions of consent to ensure compliance with the recommended remediation measures and for Council to be notified should there be any changes to the strategy for remediation.

38. Council's Health Unit is satisfied that, subject to conditions, the site can be made suitable for the proposed use.

SEPP No 65 - Design Quality of Residential Flat Development

39. SEPP 65 provides that in determining an application for a residential flat development of three or more floors and containing four or more apartments, the consent authority must take into consideration a number of matters relating to design quality, including nine design quality principles and the Apartment Design Guide (**ADG**).

40. The proposal has been designed by BVN and a design verification statement prepared by a registered architect has been submitted. This statement and the accompanying Design Reports by BVN verify that the development addresses the nine design principles and the objectives in Parts 3 and 4 of the ADG. An assessment of compliance with the nine principles follows:

    (a) Principle 1: Context and Neighbourhood Character

    The site has four different contexts:

    - Wentworth Park Light Rail Station (with vegetated boundary to the site), high-density residential development and the Fish Markets to the north
    - a heritage listed former woolstore ("Winchcombe Carson") beyond Fig Street to the south (which carries high volumes of traffic)

- the face of the former quarry and a steep change in level along the northern boundary of the site adjoining Jones Street with heritage listed terrace houses (one and two storeys) and the heritage listed Harbour Mill Apartments (10 and 4 storeys) to the east and north-east

- Wentworth Park and the Wentworth Park Greyhounds racetrack to the west beyond Wattle Street (which carries high volumes of traffic).

The proposed development responds to this context by retaining trees along the northern boundary and providing a new deep soil zone adjoining the light rail station. The recreation centre and childcare centre are located at the base of Building B - Jones Street adjoining the quarry/cliff edge where exposure to rail and traffic noise is minimised. Residential uses at the higher levels of Building B face the quiet context of Jones Street.

Buildings B and E step down in building height where they have an interface with heritage items on Jones and Fig Streets. Building E, at the southern end of the site, is fully commercial responding to the harsh environment along Fig Street. The commercial building also acts as an acoustic buffer for residential uses and communal open space on the site.

Active uses are proposed along footpath edge of Wattle Street with dwellings above that enjoy an outlook to Wentworth Park.

A central communal courtyard is provided, giving residents access to a protected and sunny open space. Pedestrian through-site links are proposed between Wentworth Park, Jones Street and the Wentworth Park Light Rail Station.

The site is in Zone MU1 Mixed Use and the proposal is consistent with the aims and objectives of the zone set out in Sydney LEP 2012.

(b) Principle 2: Built Form and Scale

Appropriate street frontage heights with setback upper levels reduce the bulk and scale of the proposed development at the street edges (and adjoining heritage items). Deep recesses in Building B - Jones Street and Building D - Wattle Street and a varied palette of materials achieve an appropriate streetscape.

Building B - Jones Street is setback from the boundary to allow light down into the lower levels and to provide sightlines to the cliff/quarry face. The new footpath design along Jones Street will provide opportunities for the quarry/cliff face to be viewed from the public domain.

The height of Building C - Courtyard is inconsistent with the original concept consent, the design competition winning scheme and the recommendations of the jury for the competitive design process. Given this, a condition of consent is recommended to reduce its height by at least 2m

The built form and scale is compatible with that envisaged in the concept approval (as modified by D/2019/649/B).

(c) Principle 3: Density

The proposed development complies with the 4:1 FSR and the maximum car parking development standards set by Sydney LEP 2012. The proposed density is appropriate in the Pyrmont locality, particularly given the proximity of the site to established and proposed infrastructure, public transport, community and recreational facilities.

(d) Principle 4: Sustainability

Consistent with the original concept consent and the design competition imposed requirements, the proposed development has achieved BASIX +10 targets. A condition is recommended requiring implementation of the measures detailed in the BASIX certificates.

The proposal largely complies with solar access and cross ventilation objectives of the ADG (see **Table 2** below).

(e) Principle 5: Landscape

A mix of hard and soft landscaping is proposed within the central communal courtyard, smaller recessed building courtyards, through-site links and communal roof terraces. The proposed centralised deep soil zone plus deep soil setbacks along the northern boundary allow for canopy tree planting (existing and proposed). A range of activities are provided for in the landscaped areas including covered spaces, a swimming pool, barbecue facilities (proposed and subject to condition), seating, tables and chairs, pedestrian paths and extensive planting.

(f) Principle 6: Amenity

The proposed development incorporates apartment planning that can deliver a high level of amenity for future occupants. Floor plans have been configured to maximise solar access, outlook, ventilation and compliant apartment, room and balcony sizes. Through the incorporation of plenums, apartments are capable of achieving natural ventilation while also meeting an acceptable level of acoustic privacy.

Compliance with amenity objectives of the ADG is detailed below in **Table 2**.

(g) Principle 7: Safety

The development provides new opportunities for passive surveillance of existing streets and will increase activity along all site frontages (noting that the site has been inactive and vacant for many years). The proposed development has been designed in accordance with Crime Prevention Through Environmental Design (**CPTED**) principles.

(h) Principle 8: Housing Diversity and Social Interaction

The proposed development accommodates 237 apartments comprising the following dwelling mix which is consistent with the Sydney DCP 2012 dwelling mix control:

- 22.7% studio and 1-bedroom apartments proposed (maximum 40% required)
- 49.8% 2-bedroom apartments proposed (40 – 75% required)
- 27.4% 3+ bedroom apartments proposed (10 - 100% required)The proposed unit mix is broadly consistent with that envisaged under the DCP.

(i) Principle 9: Aesthetics

The proposed built-form presents good-quality design, using a variety of architectural elements and materials to provide visual interest. The proposed materials are supported and the overall design will positively contribute to the aesthetic qualities of the different streetscapes around the site.

Subject to a condition requiring a reduction in the height of Building C - Courtyard, the amended design is generally consistent with the competition winning scheme, which was considered by the jury for the competitive design process to be capable of exhibiting design excellence with regard to materiality and architectural expression.

41. The development (subject to conditions) is acceptable when assessed against the SEPP including the above principles and the associated ADG. These controls are generally replicated within the apartment design controls under Sydney DCP 2012. Consequently, compliance with the SEPP generally implies compliance with Council's own controls. An assessment against the relevant objectives of the ADG is provided below in **Table 2**.

Table 2: Assessment of compliance with the objectives of the ADG

2E Building Depth	**Compliance**	**Comment**
12-18m (glass to glass)	No	Acceptable on merit. Building B - Jones Street (28m), Building C - Courtyard (20m) and Building D - Wattle Street (28m) exceed the ADG building depths. Deep recesses in the buildings (which were support by the jury for the competitive design process) and the internal arrangement ensure that apartments receive adequate daylight, natural ventilation and natural cross ventilation.

2F Building Separation	Compliance	Comment
Up to four storeys (approximately 12 metres): • 12m between habitable rooms / balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms	Partial compliance	Acceptable on merit. Building separations between the following buildings do not achieve the ADG building separation controls: • Building D - Wattle Street and Courtyard Building (6.95m - 11.2m) • Building B - Jones Street and Building C - Courtyard (7.4m) • Building D - Wattle Street and Building E - Fig Street (6.95m) • Building B - Jones Street and Building E - Fig Street (6.07m) Privacy protection measures are proposed to ensure that the development can provide for an acceptable level of privacy for future occupants and adjoining properties. See Discussion section.
Five to eight storeys (approximately 25 metres): • 18m between habitable rooms / balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms	No	See above
Nine storeys and above (over 25m): • 24m between habitable rooms / balconies • 18m between habitable and non-habitable rooms • 12m between non-habitable rooms	No	See above

3B Orientation	Compliance	Comment
Overshadowing of neighbouring properties is minimised during midwinter	Yes	A detailed assessment of overshadowing impacts is included in the assessment report on the section 4.56 modification application and in the Discussion section below.

3D Communal and Public Open Space	Compliance	Comment
Communal open space has a minimum area equal to 25% of the site (3,090m²).	Partial compliance	**Applicant's calculation**: 4,249m² (34.37%) including private communal and public communal open space. **Council's Landscape Assessment Officer calculation**: 2,843m² (23%) including a communal roof terrace on Building B - Jones Street, Building C - Courtyard and Building D - Wattle Street. See Discussion section.
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).	Yes	A good standard of solar access to the required communal open space is provided as >50% of the principal usable part of the communal open space will receive a minimum of 2 hours between 9am and 3pm on 21 June.

3E Deep Soil Zones	Compliance	Comment
Deep soil zones are to have a minimum area equivalent to 7% of the site and have a minimum dimension of 6m	Yes	Deep soil zones with a total area of 876m² (7% of the total site area) are provided across the site. Most deep soil is provided in a centralised area at the northern end of the site adjoining the Wentworth Park Light Rail Station and trees to be retained along the common boundary.

3E Deep Soil Zones	Compliance	Comment
		Supplementary deep soil zones are provided in the north-east corner of the site, adjoining the Wentworth Park Light Rail Station and near the stairs up to Jones Street.

3F Visual Privacy	Compliance	Comment
Up to four storeys (12 metres): • 12m between habitable rooms / balconies • 6m between non-habitable rooms	No	See 2F above
Five to eight storeys (25 metres): • 18m between habitable rooms / balconies • 9m between non-habitable rooms	No	See 2F above
Nine storeys and above (over 25m): • 24m between habitable rooms / balconies • 12m between non-habitable rooms	No	See 2F above

4A Solar and Daylight Access	Compliance	Comment
70% of units to receive a minimum of 2 hours of direct sunlight in midwinter to living rooms and private open spaces (166 units required).	Partial compliance	A total of 164 of 237 of apartments (69.1%) achieve a minimum two hours' solar access to private open space in mid-winter. The minor shortfall (two apartments) is considered to be reasonable noting that all apartments receive some direct sunlight.

4A Solar and Daylight Access	Compliance	Comment
Maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at midwinter.	Yes	All apartments would receive some direct sunlight.

4B Natural Ventilation	Compliance	Comment
All habitable rooms are naturally ventilated.	No	Acceptable on merit Due to heavy traffic surrounding the site, natural ventilation cannot be achieved for many the apartments without exceeding acoustic requirements. Where there is an exceedance of the internal noise level criteria with windows open, an alternative means of ventilation is required in accordance with the NCC (acoustic plenum). Ventilated skylights and ventilation ducts have also been utilised to further enhance natural ventilation performance. See Discussion section.
Minimum 60% of apartments in the first nine (9) storeys of the building are naturally cross ventilated (there are 234 units in the first 9 storeys therefore 140 units required).	Partial compliance	Council's urban designer considers that a total of 58.5% apartments (137 of 234) in the first nine storeys of the development are naturally cross ventilated (naturally cross ventilated (121) and cross ventilated using a skylight (16)). See Discussion section.
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	No	See 2E above.

4D Apartment Size and Layout	Compliance	Comment
Minimum unit sizes: • Studio: 35m² • 1 bed: 50m² • 2 bed: 70m² • 3 bed: 90m² The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.	Yes	All apartments comply with the minimum unit size requirements.
Every habitable room is to have a window in an external wall with minimum glass area of 10% of the floor area of the room.	Yes	All habitable rooms have access to an external window.
Habitable room depths are to be no more than 2.5 x the ceiling height.	Yes	Apartment depths comply
8m maximum depth for open plan layouts.		
Minimum area for bedrooms (excluding wardrobes): • master bedroom: 10m² • all other bedrooms: 9m² Minimum dimension of any bedroom is 3m (excluding wardrobes).		All apartments have bedrooms and living areas in accordance with minimum recommended internal areas and widths.
Living and living/dining rooms minimum widths:		

4D Apartment Size and Layout	Compliance	Comment
• Studio and one-bedroom: 3.6m • Two-bedroom or more: 4m		
4m minimum width for cross over and cross through apartments.	Yes	Cross-through apartments have a minimum width of 4 metres as recommended.

4E Private Open Space and Balconies	Compliance	Comment
One bed apartments are to have a minimum balcony area of 8m² with a minimum depth of 2m. Two bed apartments are to have a minimum balcony area of 10m² with a minimum depth of 2m. Three bed apartments are to have a minimum balcony area of 12m² with a minimum depth of 2.4m.	Yes	All apartments are provided with balconies in accordance with minimum recommended dimensions and areas.
Private open space for apartments on ground level, on a podium, or similar, must have a minimum area of 15m² and a minimum depth of 3m.	Partial compliance	Ground floor apartments generally have courtyards with an area of >15m² and >3m depth. Two x two bedroom ground level apartments to Building C - Courtyard Building have 14.2m² courtyards. This minor shortfall (0.8m²) is acceptable as the apartments have a generous size and additional balconies accessed from bedrooms. Two studio apartments in Building D - Wattle Street have a combined winter garden (included in GFA) and balcony area of 14.9m². This minor shortfall (0.1m²) is acceptable given that the dwellings are studio apartments.

4F Common Circulation and Spaces	Compliance	Comment
The maximum number of apartments off a circulation core on a single level is eight (8).	Partial compliance	A maximum 8 apartments are generally accessed of each circulation core. There are technical non-compliances at the following entry/lobby levels where all apartment cores are connected: • Building C - Jones Street Level 04 • Building D - Wattle Street Level 02 This is reasonable noting that all other levels comply.
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	Living room and bedroom windows do not open onto walkways. Ground floor bedrooms do not directly face towards communal open spaces.
Daylight and natural ventilation are provided to all common circulation spaces.		Natural daylight and ventilation is introduced to the common circulation spaces.

4G Storage	Compliance	Comment
Minimum storage provision facilities: • 1 bed: 6m3 • 2 bed: 8m3 • 3 bed: 10m3 (Minimum 50% storage area located within unit)		All apartments are provided with internal storage, in addition to basement storage spaces. Some internal spaces are slightly undersized for the size of apartment but would be able to comply with the ADG taking into account storage at the basement levels. A condition of consent is recommended requiring storage space to be provided in accordance with the minimum ADG requirements.

4J Noise and Pollution	Compliance	Comment
Have noise and pollution been adequately considered and addressed through careful siting and layout of buildings?		The proposal minimises the impacts of external noise and pollution through introduction of acoustic measures as detailed in the submitted acoustic report. The proposal mitigates noise transmission through the careful design of apartment walls, balcony placement and treatments to the facade to mitigate noise pollution. Conditions of consent are recommended in relation to the design of garbage chutes to minimise noise impacts for residents. Through the incorporation of plenums, apartments are capable of achieving natural ventilation while also meeting an acceptable level of acoustic privacy. See Discussion section.

SEPP (Housing) 2021

42. The aim of SEPP (Housing) 2021 is to provide a consistent planning regime for the provision and maintenance of affordable rental housing and to facilitate the delivery of new affordable rental housing.

43. Section 7.32 of the EPA Act and states that where the consent authority is satisfied that the development meets certain criteria, and a Local Environmental Plan authorises an affordable housing condition to be imposed, such a condition should be imposed so that mixed and balanced communities are created.

44. The site is located within the Ultimo/Pyrmont affordable housing contribution area as per clause 7.13 of the Sydney LEP 2012. The development application was lodged on 16 February 2023, and as such, the City West affordable housing program applies.

45. This matter is discussed in further detail under the heading Financial Contributions below.

SEPP (Transport and infrastructure) 2021 – Chapter 3 Educational Establishments and Child Care Facilities

46. The proposed child care facility is subject to the provisions of SEPP (Transport and infrastructure).

Section 3.22 Centre-based child care facility – concurrence of Regulatory Authority required for certain development.

47. In accordance with section 3.22(1)(a) and (b) of SEPP (Transport and infrastructure), the proposal complies with regulation 107 (relating to indoor unencumbered space requirements) and regulation 108 (relating to outdoor unencumbered space requirements). As the proposal includes the provision of a simulated outdoor play area to satisfy the outdoor space requirements, the development application was referred to the Secretary of the NSW Department of Education as the Regulatory Authority pursuant to clause 3.22(2) of the SEPP. By letter dated 17 January 2024, the NSW Department of Education provided concurrence noting that:

> "The Landscape Design Report … indicates that there will be sufficient natural features, qualities and experiences that mimic an outdoor space in both simulated areas. Features outlined in the report includes water play rock pools, sand pits, wooden decking and artificial turf. While there will be front edge planter boxes along the exterior wall that are accessible, further consideration could be given to the inclusion of vegetable gardens or gardening tubs within the simulated spaces. This would further promote the same learning outcomes that are developed during outdoor play.
>
> Both simulated spaces have sufficient access to natural light and ventilation via the floor to ceiling operable windows along the external walls. The windows will also enable views of trees, the sky, clouds and movement outside the service."

48. As suggested by the NSW Department of Education, the recommended conditions of consent include a requirement to include vegetable gardens or gardening tubs within the simulated spaces.

Section 3.23 Centre-based child care facility – matters for consideration by consent authorities

49. Section 3.23 of SEPP (Transport and infrastructure) requires all applications for development to take into consideration any applicable provisions of the Child Care Planning Guideline.

50. The relevant matters to be considered under Section 3 of the Child Care Planning Guideline for the proposed development are discussed below in **Table 3**.

Table 3: Assessment of compliance with the Child Care Planning Guideline: Section 3 - Matters for Consideration

Provision	Compliance	Comment
3.1 Site selection and location	Yes	The site is in a mixed use zone and has concept consent (D/2019/649) for a mixed use development. The proposed internal and external play spaces are located at Level 03 of Building B - Jones Street. Acoustic treatments have been recommended in the submitted acoustic report to minimise noise impacts from and to the child care centre. Dedicated off street parking and drop off areas for the child care centre are allocated in the basement to minimise any impact on residential streets. The site is also surrounded by residential and commercial development and parks. Pedestrian pathways and through site links to the Wentworth Park Light Rail Station are proposed. There are no industrial or hazardous services or infrastructure near the site.
3.2 Local character, streetscape and the public domain interface	Yes	The proposed child care centre is part of an overall mixed use development and is well sited at the quiet end of the site near Jones Street. The proposed child care centre will have its own entry from the Podium Level of Building B - Jones Street with dedicated drop off areas within the basement. A clearly defined accessible pathway and lift is provided from the parking area to the centre entry foyer. The secure entry foyer provides lift and stair access to the upper floor administration and staff spaces, where a secondary foyer provides extra security and surveillance. The play spaces are private and secure zones.

Provision	Compliance	Comment
		Façade treatment, colour and landscaping are proposed to distinguish the child care centre from residential levels. Stainless steel mesh screening and climbing plants will function as perimeter fencing and balustrade to the upper floor child care centre. The screen appropriately balances a sense of privacy and connection with the outdoors.
3.3 Building orientation, envelope and design	Yes	Child care centre windows in the eastern façade along Jones Street face onto the sandstone cliff/quarry face. Adequate access to natural light and ventilation to the play and cot rooms is provided. The offset from Jones Street and position below the cliff/quarry face provides the centre with privacy from Jones Street residents and the building above. Solar access is optimised by orientating play spaces to the north and west. Building overhangs provide shading and solar protection during the hot summer months. The child care centre is co-located with the proposed (Council) recreation centre. Both would be visible from the public access points (including the proposed through site link and Wentworth Park Light Rail Station). Maintenance access to the building is possible from all three sides.
3.4 Landscaping	Yes	A landscape plan has been submitted with the development application including a design for the outdoor and simulated outdoor play areas.
3.5 Visual and acoustic privacy	Yes	The position of the child care centre and the provision of a screen with planting protect the privacy of children as discussed above.

Provision	Compliance	Comment
		The internal and external play spaces are located underneath the residential building along Jones Street and the central courtyard. Acoustic treatments have been recommended in the submitted acoustic report to minimise noise impacts from and to the child care centre.
3.6 Noise and air pollution	Yes	Noise is discussed above. The location and orientation of the proposed child care centre maximises distance and physical separation to Wattle Street and Fig Street (both major roads).
3.7 Hours of operation	Yes	The child care centre will operate Monday and Friday. The application does not specify hours or operation.
3.8 Traffic, parking and pedestrian circulation	Yes	The following car parking has been provided in accordance with the Child Care Planning Guidelines and the Functional Design Brief provided by the City of Sydney. Parking summary: • 6 drop off car parking spaces including 1 accessible • 6 staff car parking spaces including 1 accessible • 4 bicycle parking spaces. A traffic study and report has been provided.

51. In addition to the matters of consideration under Section 3 of the Guidelines, Section 4 of the Guidelines requires developments to be considered against the provisions of the Education and Care Services National Regulation. These considerations are outlined below in **Table 4**.

Table 4: Assessment of compliance with the Child Care Planning Guideline: Section 4 - Applying the National Regulations

Provision	Compliance	Comment
104 Fencing or barrier that encloses outdoor space	Yes	Outdoor spaces that will be used by children will be enclosed by an appropriately designed barrier.
106 Laundry and hygiene facilities	Yes	The proposed development includes laundry facilities that are located where they do not pose a risk to children. Adequate age appropriate toilet, washing and drying facilities are provided for each play room collocated and shared between the rooms and outdoor play spaces to ensure ease of use and supervision.
107 Unencumbered indoor space	Yes	The proposed development includes at least 3.25m² of unencumbered indoor space for each child. Area provided: 441m² (296m² required).
108 Unencumbered outdoor space	Yes	The proposed development includes at least 7m² of unencumbered outdoor space for each child. Area provided: 708m² outdoor and outdoor simulated (637m² required).
109 Toilet and hygiene facilities	Yes	The proposed development includes adequate, developmentally and age-appropriate toilet, washing and drying facilities. The location and design of the toilet, washing and drying facilities enables safe and convenient use by the children.
110 Ventilation and natural light	Yes	All play rooms have full height glazed, operable walls that open onto a full covered external or simulated outdoor play space. Openable windows provide ample daylight and ventilation. Large sliding glass doors are provided to the simulated outdoor play space to create connection and sense of an outdoor

Provision	Compliance	Comment
		environment with the option to enclose the space as required.
111 Administrative space	Yes	The administration area is co-located with the main child care centre entry foyer with direct access to the surrounding play rooms and outdoor play areas. Windows are proposed for visibility and supervision. Pram parking is proposed as part of the secure foyer space adjacent to the reception / sign in office. Additional staff facilities are provided to the north with access to an external terrace, which is secure and separated for privacy.
112 Nappy change facilities	Yes	Nappy change facilities to play rooms 1-4 will be provided within the bathrooms in accordance with the Regulation.
113 Outdoor space – natural environment	Yes	The outdoor play space design has considered the Regulation principles to create a natural environment, where the children can explore and experience a variety of outdoor play.
114 Outdoor space – shade	Yes	The outdoor play space design has considered the Regulation principles to ensure adequate shade is provided to protect the children. Both the outdoor and simulated outdoor play spaces are fully covered, providing sun and all weather protection.
115 Premises designed to facilitate supervision	Yes	The proposed child care centre (including toilets and nappy change facilities) facilitates supervision of children at all times, having regard to the need to maintain their rights and dignity.

52. The development is generally acceptable when assessed against the above stated provisions and the SEPP.

SEPP (Transport and Infrastructure) 2021 - Chapter 2 Infrastructure

53. The following relevant provisions of SEPP (Transport and Infrastructure) Chapter 2 - Infrastructure have been considered in the assessment of the development application.

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

Section 2.48 Determination of development applications – other development

54. The development application is subject to section 2.48 as the it involves works on land that is within 10 metres (measured radially) of the centre line of overhead power lines and underground electricity network assets on Wattle Street. The development is also within or near an electricity easement.

55. As such, the application was referred to Ausgrid for a period of 21 days and no objection was raised subject to conditions which are included in the recommended conditions of consent.

Division 15, Subdivision 2: Development in or adjacent to rail corridors and interim rail corridors- notification and other requirements

Section 2.98 Development adjacent to rail corridors

The proposed development will not have an adverse effect on rail safety, does not involve placing of a metal finish on, does not involve the use of a crane in air space above any rail corridor and is not located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities. Given this, section 2.98 of the SEPP is not relevant.

Section 2.99 – Excavation in, above, below or adjacent to rail corridors

56. The site is within 25m of the light rail corridor and includes excavation deeper than 2m and was subsequently referred to Transport for NSW (**TfNSW**) for comment. TfNSW has provided conditions which are included in the recommended conditions of consent.

Section 2.100 - Impact of rail noise or vibration on non-rail development

57. The proposed development includes residential accommodation and a centre base child care facility on land adjacent to the light rail corridor and was subsequently referred to TfNSW for comment. TfNSW has provided conditions which are included in the recommended conditions of consent.

Division 17, Subdivision 2: Development in or adjacent to road corridors and road reservations

Section 2.119 – Development with frontage to classified road and Section 2.122 Traffic-generating development

58. The development application is subject to section 2.119 of the SEPP as the site has frontage to and vehicular access is proposed to/from Wattle Street and Fig Street which are classified roads. The proposed development is of a size and capacity specified in Schedule 3 of the SEPP, therefore section 2.122 of the SEPP applies.

59. The development application was subsequently referred to TfNSW for comment. TfNSW has provided conditions which are included in the recommended conditions of consent.

Section 2.120 – Impact of road noise or vibration on non-road development

60. The development application is subject to section 2.120 of the SEPP as the site is adjacent to Wattle Street and Fig Street which have an annual average daily traffic volume of more than 20,000 vehicles and the development is likely to be adversely affected by road noise or vibration. The development application was subsequently referred to TfNSW for comment. TfNSW has provided conditions which are included in the recommended conditions of consent.

SEPP (Biodiversity and Conservation) 2021 – Chapter 2 (Vegetation in Non Rural Areas) 2017

61. The proposed development includes the clearing of vegetation in a non-rural area and as such is subject to this SEPP. The SEPP provides that consent is required for the clearing of certain vegetation in non-rural areas.

62. The SEPP provides that a person must seek a permit from Council to clear vegetation. A person must also not clear native vegetation in any non-rural area of the State that exceeds the biodiversity offsets scheme threshold without the necessary authority. An authority, however, is not required for the removal of vegetation that the Council or Native Vegetation Panel is satisfied is dying or dead and is not required as the habitat of native animals, or that the council is satisfied is a risk to human life or property.

63. Pursuant to Section 2.6 of the SEPP, the development application seeks consent for removal of 54 trees, as considered in the Discussion section.

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

64. 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.

65. 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.

SEPP (Building Sustainability: BASIX) 2004

66. BASIX certificates have been submitted with the development application. The BASIX certificates list measures to satisfy BASIX requirements which have been incorporated in the proposal. The development has achieved the design competition imposed targets of BASIX +10. A condition is recommended ensuring that the measures detailed in the BASIX certificate are implemented.

Sydney Local Environmental Plan 2012

67. An assessment of the proposed development against the relevant provisions of the Sydney LEP 2012 is provided in **Table 5**.

Table 5: Assessment of compliance with Sydney LEP 2012

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	Almost all of the site is located in Zone MU1 - Mixed Use Zone. Uses permitted with consent in Zone MU1 include centre-based child care facilities, commercial premises, community facilities, recreation facilities (indoor), residential flat buildings and shop top housing. The proposed uses are permitted with development consent A small part of the Jones Street road reserve (to be acquired by the applicant and included in the site area) is in Zone RE1 - Public Recreation (20m²). The proposed buildings are not located on land in Zone RE1. The proposal generally meets the objectives of the zones.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	No	A maximum building height development standard of 27m applies to the site. The development application seeks consent for up to 10% additional building height pursuant to clause 6.21D of Sydney LEP 2012 (giving a maximum permitted height of 29.7m). A maximum height of 42.46m is proposed (to Building C - Courtyard). The proposed development does not comply with the maximum height of buildings development standard. A written request to contravene the height of buildings development standard in accordance with clause 4.6 has been submitted. See Discussion section.

Provision	Compliance	Comment
4.4 Floor space ratio	Yes	A maximum FSR development standard of 4:1 applies to the site. A FSR of 3.88:1 is proposed based on a gross floor area of 47,954m² and a site area of 12,361m² (being the site area of land in Zone MU1). The proposed development complies with the maximum FSR development standard.
4.5 Calculation of floor space ratio and site area		The FSR calculated above is based on the area of the site located in Zone MU1 (12,361m²) and excludes the portion of the site in Zone RE1 (20m²).
4.6 Exceptions to development standards	Yes	The proposed development contravenes the building height development standard prescribed under clause 4.3. A clause 4.6 written request has been submitted with the application. See Discussion section.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	The site is within the vicinity of the following heritage items: • former woolstore at 28-48 Wattle Street, Ultimo “Winchcombe Carson” (I2059) • terrace houses at 286-318 Jones Street (I1238) • former Edwin Davies Flour Mill at 280 Jones Street (I1205) • railway viaduct listed on the State Heritage Register (I800). The proposed development will not have detrimental impact on the heritage significance of any heritage item.

Provision	Compliance	Comment
		See Discussion section.
5.21 Flood planning	Yes	The site is identified as being subject to flooding. The proposed development has been designed to the FPL and is acceptable in terms of flood planning.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 3 Height of buildings and overshadowing		
6.18 Overshadowing of certain public spaces	N/A	Acceptable Clause 6.18 specifies a sun access plane which provides that "development consent" must not be granted to buildings causing additional overshadowing of Wentworth Park between 10am - 2pm at any time of the year. The sun access plane is not applicable to the development application as clause 1.8A(7) of Sydney LEP 2012 specifies a savings provision which provides that a development application made, but not finally determined, before the commencement of SEPP Amendment (Blackwattle Bay Precinct) 2022 (made on 9 June 2023) must be determined as if that Policy had not commenced. The development application was made on 16 February 2023, before the SEPP Amendment (Blackwattle Bay Precinct) 2022 was made.
Division 4 Design excellence		
6.21C Design excellence	Yes	It is considered that the proposed development exhibits design excellence in accordance with the matters listed at clause 6.21C as noted below: • A good standard of architectural design, materials and detailing is

Provision	Compliance	Comment
		proposed appropriate to the building type and location • The form and external appearance of the proposed development will improve the quality and amenity of the public domain. Additional overshadowing of Wentworth Park is considered in the Discussion section below • The proposed development will not unreasonably impact view corridors acknowledging that views over site to Wentworth Park from Fig Lane Park and dwellings on Jones Street would be lost by a development wholly compliant with the height standard • The site is suitable for the proposed mixed use development • The proposed development has acceptable heritage impacts and would positively contribute to the streetscape of Jones, Fig and Wattle Streets • The proposed building footprints and internal layout achieves acceptable separation, setbacks, amenity and urban form • The bulk, massing and modulation of buildings is acceptable • Appropriate street frontage heights are proposed, generally compliant with the 27m height standard • The proposed development would have acceptable environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity • The proposed development promotes the principles of

Provision	Compliance	Comment
		ecologically sustainable development • Appropriate pedestrian, cycle, vehicular and service access and circulation arrangements are proposed • The proposed development would have a positive impact on the public domain (on and around the site) • The site is not in a special character area • Appropriate interfaces are proposed at the ground level • A detailed landscape plan has been prepared proposing a high standard and integration of landscape design.
6.21D Competitive design process	Yes	The buildings demonstrate design excellence (noting that the design of the buildings is the winner of a competitive design process and the buildings exhibit design excellence). The development application seeks consent to utilise the additional height (up to 10%) provided by clause 6.21D(3).

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	Yes	A maximum of 187 residential and 17 visitor car parking spaces are permitted. The proposed development includes 183 resident and 5 visitor car parking spaces and complies with the maximum residential parking standard. An additional 12 visitor car parking spaces

Provision	Compliance	Comment
		will be available outside of the child care centre operating hours.
7.6 Office premises and business premises	Yes	A maximum of 81 office/business premises parking spaces are permitted. The proposed development includes 20 office/business car parking spaces and complies with the maximum office parking standard.
7.7 Retail premises	Yes	A maximum of 9 retail car parking spaces are permitted. No retail parking is proposed and the development complies with the maximum retail parking standard.
7.9 Other land uses	Yes	A maximum of 19 centre base child care facilities parking spaces are permitted. The proposed development includes 12 child car parking spaces and complies with the maximum other land use parking standard.
Division 3 Affordable housing		
7.13 Contribution for purpose of affordable housing	Yes	The site is located within the Ultimo/Pyrmont affordable housing contribution area as per clause 7.13 of the Sydney LEP 2012. The development application was lodged on 16 February 2023, and as such, the City West affordable housing program applies The affordable housing contribution is discussed in the Contributions section below.
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	The site is located on land within class 5 Acid Sulfate Soils. The Data Gap Investigation (Contamination) prepared by JBS&G found that sediments typical of potential or actual acid sulfate soils were not observed.

Provision	Compliance	Comment
7.18 Car parks	Yes	A Green Travel Plan has been prepared encouraging active modes of transport to minimise private vehicle use. The proposed development provides less car parking than the maximum car parking development standards (see above). The design of vehicle access to the site and servicing has considered the impact on the road network.
7.19 Demolition must not result in long term adverse visual impact	Yes	Demolition of the existing site structures is proposed along with comprehensive redevelopment of the site. Conditions of consent are recommended requiring the preparation of construction management plans.
7.20 Development requiring or authorising preparation of a development control plan	Yes	The site is located outside of Central Sydney and the development exceeds 25 metres in height. A site specific DCP is therefore required. This is a detailed design application submitted in accordance with concept consent D/2019/629. Pursuant to section 4.23 of the EPA Act, the concept application was submitted in lieu of a site specific development control plan to satisfy clause 7.20. Subject to approval of the concurrently lodged and reported section 4.56 modification application (D/2019/629/B) to align the concept consent and detailed design development application, the development is consistent with the concept consent and therefore satisfies clause 7.20. See Discussion section.

Development Control Plans

Sydney Development Control Plan 2012

68. An assessment of the proposed development against the relevant provisions within the Sydney DCP 2012 is provided in the **Table 6**.

Table 6: Assessment of compliance with Sydney DCP 2012

Section 2 – Locality Statements

Ultimo/Pyrmont - Pyrmont locality
The site is located in the Pyrmont locality. The proposed mixed-use development is in keeping with the unique character of the area and the relevant design principles in that: • It would define Jones, Fig and Wattle Streets and Wentworth Park with buildings • It is compatible with the nearby heritage items (being the former "Winchcombe Carson" woolstore at 28-48 Wattle Street, terrace houses at 286-318 Jones Street, former Edwin Davies Flour Mill at 280 Jones Street and the railway viaduct) • It includes a heritage interpretation strategy (addressing visibility to the historic quarry cliff face and salvage of historic artefacts on the site) • It proposes public domain improvements on and adjoining the site with clearly defined entrances to the proposed through site links (on Jones Street, Wattle Street and to the north from the Wentworth Park Light Rail Station) • Only two driveways are proposed, one on Wattle Street (cars) and one on Fig Street (loading), to limit conflict with pedestrians noting that Fig Street is not a pedestrian thoroughfare • It would not unreasonably impact view corridors acknowledging that views over site to Wentworth Park from Fig Lane Park would be lost by a development wholly compliant with the height standard • Breaks are proposed between buildings (including a north-south and east-west through site link) to provide view lines into the site and façade recessing on the façade of each building is proposed break up the building mass • The proposed material selection is considered to the appropriate. Visibility to the sandstone cliff/quarry face has been optimised through windows at the recreation centre and the setback along Jones Street.

Section 3 – General Provisions

Provision	**Compliance**	**Comment**
3.1 Public Domain Elements	Yes	The submitted public art strategy has been reviewed by the City's Public Art Unit and referred to the Public Art Advisory Panel. The strategy was amended to address the Panel's advice. A condition is recommended requiring the final strategy to be submitted to Council for approval prior to the issue of a construction certificate for above ground works.

Provision	Compliance	Comment
3.2. Defining the Public Domain	Yes	The proposed development includes public domain improvements on and adjoining the site and an active street frontage to Wattle Street. A wrap around awning is proposed at the Fig Street / Wattle Street corner. An awning cannot be provided along the full length of the Wattle Street and Fig Street frontages due to the locations of retained and new street trees. RWDI has undertaken a pedestrian wind environment assessment which found that wind conditions along the street frontages will improve or be acceptable subject to compliance with the report recommendations. Recommendations (screening and landscaping) are also stated in relation to wind conditions at grade and podium rooftop levels and on the proposed rooftop terraces. Balconies were assessed as being well sheltered against prevailing wind directions and expected to be suitable for the intended passive use. A condition is recommended requiring compliance with the pedestrian wind environment assessment.
3.3 Design Excellence and Competitive Design Processes	Yes	A competitive design process for the site was conducted to select the project architect. The selection panel selected the entry of BVN as the design most capable of achieving design excellence. The proposal seeks additional height for the achievement of design excellence, which is supported.
3.5 Urban Ecology	Yes, subject to conditions	As amended, the proposed development involves the removal of 54 trees comprising 5 high retention value, 16 medium retention value and 33 low retention value. 11 of the proposed trees to be removed are street trees. Trees to be removed on the site are within or close to the footprint of the approved concept envelopes and their removal is generally supported (other

Provision	Compliance	Comment
		than Trees 40 and 46 which are street trees on Fig Street). New tree planting is proposed within communal open space on the site and within the adjacent road reserves. This includes approximately: • 20 new canopy trees within deep soil zones; and • 26 new trees (four medium sized and 22 small trees) The applicant's landscape architect (Oculus) forecast that the site will achieve a total canopy cover equivalent to 16% of the site (2,001m²) within 10 years of completion, consistent with the Sydney DCP 2012 provision. Conditions are recommended in relation to retention and protection of street trees located within the public domain on Wattle Street, Fig Street and adjoining Wentworth Park Rail Station. Conditions are also recommended to ensure landscaped and deep soil areas are able to accommodate mature tree planting. See Discussion section.
3.6 Ecologically Sustainable Development	Yes	The development has achieved the design competition imposed targets of BASIX +10. Architectural Plans have been amended to note the relevant matters listed on the BASIX certificates and NatHERS ratings. An Ecologically Sustainable Development Report accompanies the development application.
3.7 Water and Flood Management	Yes	The proposed development has been designed to the FPL and is acceptable in terms of flood planning. Sydney Water has confirmed that on-site detention is not required for the site.

Provision	Compliance	Comment
		Conditions are recommended requiring the detailed design of stormwater prior to the issue of a construction certificate.
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	The proposed development includes stratum subdivision to create separate lots for the land uses within the development: Council facilities (child care centre and recreation centre), commercial, retail and residential uses. The draft stratum subdivision plans cover the entire site, including the portion of the land within the Jones Street road reserve to be acquired by the applicant. The plans identify the relevant car parking and services associated with the various land uses, and establish the basis for future strata subdivision of the residential component. The application was referred to Council's Specialist Surveyor, who supported the proposal, subject to conditions of consent.
3.9 Heritage	Yes	The site is not a heritage item and is not located within a heritage conservation area. The site is in the vicinity of heritage items (as noted above). The cliff face and selected artefacts on the site have historic value. See Discussion section.
3.11 Transport and Parking	Yes	**Carshare**: Consistent with the Sydney DCP 2012 carshare controls, the proposed development provides one car share space for the commercial component and two car share spaces for the residential component. **Bicycle parking:** Consistent with the Sydney DCP 2012 bicycle parking controls, the proposed development provides 444 bicycle spaces (minimum 417 spaces required). The bicycle

Provision	Compliance	Comment
		parking rooms are located close to the service/lift cores to provide a high degree of convenience for occupants and visitors. **Car parking**: Car parking provision complies with the Sydney LEP 2012 maximum standards. Car parking is located on Levels 00 and 01. Vehicular access is provided via a left in/left out from Wattle Street. The car parking is sleeved by active uses at the street frontages. **Loading**: Five loading spaces are proposed accessed from Fig Street. A turntable is proposed to enable vehicles to enter and exit the site in a forward direction. **Motorcycle parking**: Consistent with the Sydney DCP 2012 motorcycle parking controls, the proposed development provides 20 motorcycle spaces (minimum 18 spaces required). Council's Transport Planner has recommended conditions of consent in relation to bicycle parking design, driveways, loading dock design and car park layout. Conditions are also recommended to ensure that the residential, visitor, commercial, child care and accessible car parking spaces are allocated appropriately.
3.12 Accessible Design	Yes	The proposal includes 36 adaptable apartments which equates to 15% of the total dwellings. A condition is recommended to provide appropriate access and facilities for persons with disabilities in accordance with Sydney DCP 2012 and the BCA.
3.13 Social and Environmental Responsibilities	Yes	The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.

Provision	Compliance	Comment
3.14 Waste	Yes	Council's cleansing and waste unit has reviewed the development application and confirmed that there are sufficiently sized waste storage areas to store residential and commercial waste bins separately to await collection. Council's cleansing and waste unit has recommended conditions in relation to access to the bulky waste storage room, design of the discharge rooms for the garbage chutes, redesign of garbage chutes where they adjoin bedrooms and twice weekly collection of residential waste. A condition is also recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.

Section 4 – Development Types

4.2 Residential Flat, Commercial and Mixed Use Developments

Provision	Compliance	Comment
4.2.1 Building height		
4.2.1.1 Height in storeys and street frontage height in storeys	No	A maximum building height of 7 storeys is permitted on the site with a maximum street frontage height of 6 storeys along Fig Street (there is no street frontage height specified for Wattle Street or Jones Street). The proposed development has the following number of storeys: • Building B - Jones Street: 8 storeys, 5/6 storey street frontage to Jones Street • Building C - Courtyard: 11 storeys • Building D - Wattle Street: 9 storeys, 8 storey street frontage height to Wattle Street • Building E - Fig Street: 9 storeys, 7 storey street frontage height to Fig and Wattle Streets and 3 storey street frontage height to Jones Street A detailed assessment of height is included in the assessment report on the section 4.56 modification application and in the Discussion section below.
4.2.1.2 Floor to ceiling heights and floor to floor heights	N/A	This control does not apply to residential apartment buildings in accordance with clause 6A of SEPP 65 (see ADG assessment above).
4.2.2 Building setbacks	No	Sydney DCP 2012 specifies a street frontage height control of 6 storeys along Fig Street (see clause 4.2.1.1 above) and requires setbacks above the street frontage height where new development is adjacent to a heritage item (to reduce visual impact and to respect the heritage item).

Provision	Compliance	Comment
		The proposed development exceeds the street frontage height control along Fig Street (see clause 4.2.1.1 above). With a setback of around 4m at Level 08, the development complies with the setbacks above the street frontage height control at clause 4.2.2.2 and has an appropriate relationship with the heritage listed former woolstore to the south. The street frontage height and setback above street frontage height of Building E - Fig Street is also consistent with the concept consent and the section 4.56 modification application.
4.2.3 Amenity		
4.2.3.1 Solar access	Yes	In accordance with clause 6A of SEPP 65, solar access to the proposed apartments is addressed above in accordance with the ADG. The proposed development will not create any additional overshadowing onto the habitable rooms or private open space of any neighbouring dwelling. A detailed assessment of overshadowing is included in the assessment report on the section 4.56 modification application.
4.2.3.3 Internal common areas	Yes	In accordance with clause 6A of SEPP 65, common circulation areas are addressed above in accordance with the ADG.
4.2.3.4 Design features to manage solar access	Yes	Appropriate fixed shading devices and canopy trees. are proposed.
4.2.3.5 Landscaping	Yes	The proposed landscape approach is generally supported, subject to recommended conditions.

Provision	Compliance	Comment
4.2.3.6 Deep Soil	Partial compliance	DCP 2012 requires a minimum deep soil area equivalent to 10% of the site area. For lots greater than 1,000m², the deep soil area is to be consolidated with a minimum dimension of 10m. All remaining deep soil areas are to have a minimum dimension of 3m. Consistent with the ADG, the proposed development has a deep soil area equivalent to 7% of the site area. Most of this space is provided in a centralised area at the northern end of the site adjoining the Wentworth Park Light Rail Station and trees to be retained along the common boundary. Supplementary deep soil zones are provided in the north-east corner of the site, adjoining the Wentworth Park Light Rail Station and near the stairs up to Jones Street.
4.2.3.7 Private open space and balconies	Yes	In accordance with clause 6A of SEPP 65, private open space and balconies are addressed above in accordance with the ADG.
4.2.3.8 Common open space	Partial compliance	**Applicant's calculation**: 4,249m² (34.37%) including private communal and public communal open space. **Council's Landscape Assessment Officer calculation**: 2,843m² (23%) of uncovered common open space is proposed including a communal roof terraces on Building B - Jones Street, Building C - Courtyard and Building D - Wattle Street. See Discussion section. At least 50% of the required common open space area would receive 2 hours of direct sunlight between 9am and 3pm on 21 June (consistent with the 30% control).
4.2.3.9 Ventilation	Yes	In accordance with clause 6A of SEPP 65, ventilation is addressed above in accordance with the ADG.

Provision	Compliance	Comment
4.2.3.10 Outlook	Yes	The proposed development would provide a pleasant outlook from all apartments.
4.2.3.11 Acoustic privacy	Yes	Noise (and ventilation) is addressed above in accordance with the ADG.
4.2.3.12 Flexible housing and dwelling mix	Yes	The development is consistent with dwelling mix control as shown below: • 22.7% studio and 1-bedroom apartments proposed (maximum 40% required) • 49.8% 2-bedroom apartments proposed (40 – 75% required) • 27.4% 3+ bedroom apartments proposed (10 - 100% required)
4.2.3.14 Apartments with setback bedrooms	Yes	The proposed development includes bedrooms with windows opening to recessed courtyards. The intent of this is to provide enhanced visual and acoustic privacy from Wattle Street and the communal courtyard and to create deep articulations along the long facades. In response to Council's RFI, the size and amenity of the recessed courtyards has been enhanced.
4.2.4 Fine grain, architectural diversity and articulation	Yes	The proposed three residential buildings are modulated with recessed façades and indents breaking up the visual massing as viewed from the public domain. The commercial building includes mostly a nil setback to Fig Street and Wattle Street with windows and detailing for articulation. The building steps in on the eastern (Jones Street) elevation at Levels 5- 6. It incorporates setbacks at all four elevations from Levels 09 and 10 to reduce bulk and scale as viewed from the surrounding public domain.

Provision	Compliance	Comment
4.2.5 Types of development 4.2.5.2 Courtyard buildings and perimeter street block buildings	Yes	The proposed development incorporates a north-south and an east-west through site link, providing visual and physical connectivity through the site. The proposed communal courtyard would act as a focal space that is visually connected to the public domain.
4.2.6 Waste and recycling Management	Yes	See Section 3.14 Waste above.
4.2.7 Heating and cooling infrastructure	Yes	Heating and cooling infrastructure for the residential buildings is consolidated in centralised locations on the building roofs.
4.2.8 Letterboxes	Partial compliance	A mail room is proposed at Level 01 of Building D - Wattle Street. A condition of consent is recommended in relation to the location and design of letterboxes.
4.2.9 Non-residential development in the B4 Mixed Uses Zone	Yes	Subject to conditions, the proposed non-residential uses will not adversely impact the amenity of residential properties on and near the site.

Discussion

69. This section of the assessment report considers issues of non-compliance identified above. It generally does not repeat the assessment issues relevant to the building envelopes approved by the concept consent and proposed to be modified by the section 4.56 modification application (D/2019/649/B) which is concurrently reported to the CSPC (although an assessment of overshadowing impacts is included in both assessment reports).

Clause 4.6 written request to contravene a development standard

70. Sydney LEP 2012 prescribes the following height of buildings provisions for the site:

    (a) Clause 4.3: 27m

    (b) Clause 6.21D: 29.7m (being 27m plus up to 10% design excellence height).

71. **Table 7** assesses the compliance of the concept consent and the development application (and the concurrently lodged section 4.56 modification application) with these height provisions, aligning the relevant buildings and elements (as much as possible). It shows the following maximum heights and height non-compliances (which occur at the centre of the site):

    (a) **Concept consent**: Maximum height of 33.08m which exceeds the 27m clause 4.3 height standard by 6.08m (+22%) and exceeds the 29.7m height permitted by clause 6.21D height by 3.38m (+11%)

    (b) **Development application**: Maximum height of 42.46m which exceeds the 27m clause 4.3 height standard by up to 15.46m (+57%) and exceeds the 29.7m height permitted by clause 6.21D height by up to 12.76m (+43%).

72. **Figures 37** and **38** illustrate the height non-compliances of the development application (noting the name of each building). The design competition winning scheme also exceeded the 29.7m height permitted by clause 6.21D height (see **Figure 39**).

Table 7: Height assessment - Concept consent and Section 4.56 modification application and development application proposed

Building name	**Concept Consent - Height approved**				**Section 4.56 modification application/ development application - Height proposed**		
	Height approved	Exceedance of **27m** (cl. 4.3 of SLEP 2012)	Exceedance of **29.7m** (cl. 6.21D of SLEP 2012)	Allowance for up to 10% additional height shown on plans	**Height proposed**	Exceedance of **27m** (cl. 4.3 of SLEP 2012)	Exceedance of **29.7m** (cl. 6.21D of SLEP 2012)
Building B - Jones Street	27.5m to residential roof	0.5m (+2%)	-	YES	30.9m to residential roof	3.09m (+14%)	1.2m (+4%)
	28.5m to balustrades	1.5m (+6%)	-	YES	33.78m to PV cells centre	6.78m (+25%)	4.08m (+14%)
	31.8m to lift overrun roof and pergola north	4.8m (+18%)	2.1m (+7%)	NO	30.78m to PV cells north	3.78m (+14%)	1.08m (+4%)
Building C - Courtyard	33.08m to plant at centre of site	6.08m (+22%)	3.38m (+11%)	NO	42.46m to plant	15.46m (+57%)	12.76m (+43%)
Building D - Wattle Street	29.65m (approx) to setback level	2.65m (+10%)	-	NO	33.95m to PV cells	6.95m (+26%)	4.25m (+14%)
Building E - Fig Street	30.55m to setback residential level	3.55m (+13%)	0.85m (+3%)	YES	35.14m to plant	8.14m (30%)	5.44m (+18%)

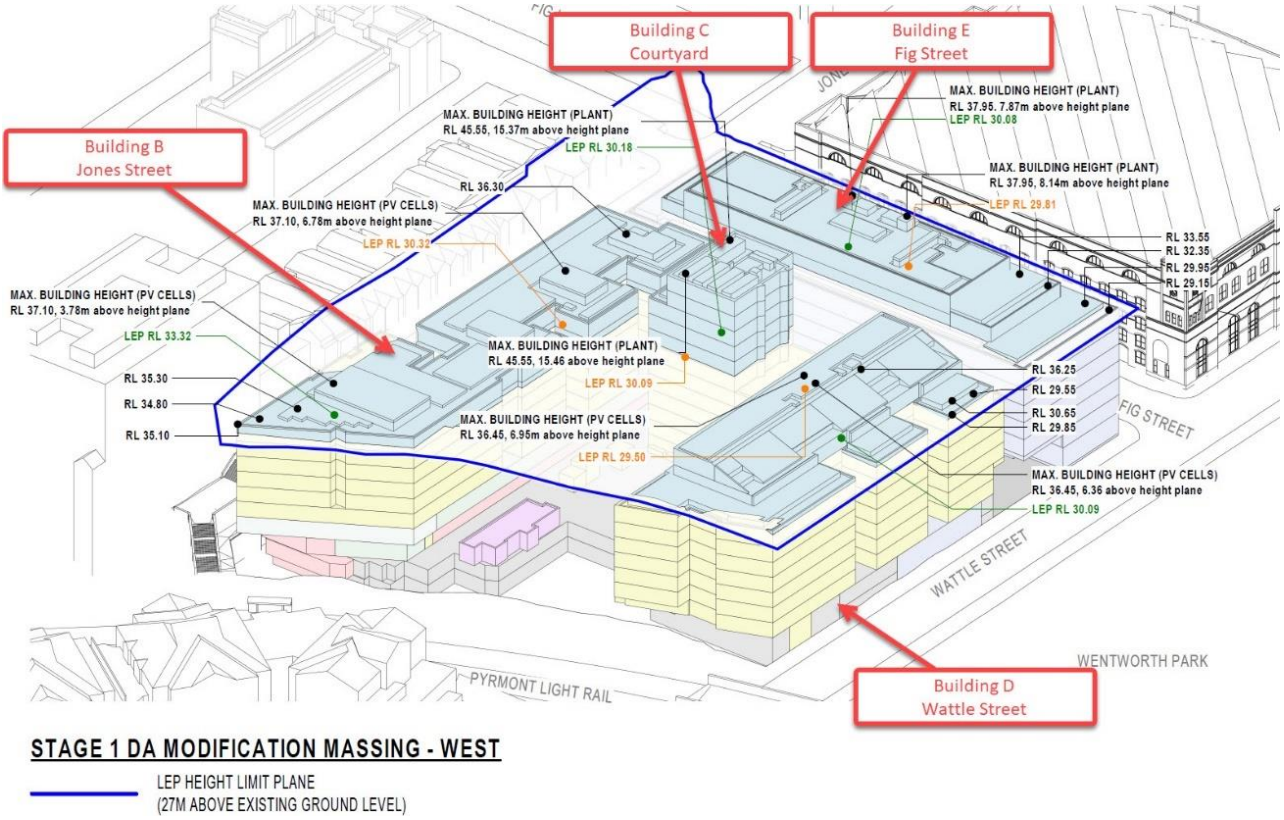


Figure 37: Section 4.56 modification application: Isometric drawing showing non-compliance with the **27m height standard** permitted by clause 4.3 of Sydney LEP 2012 (western view)

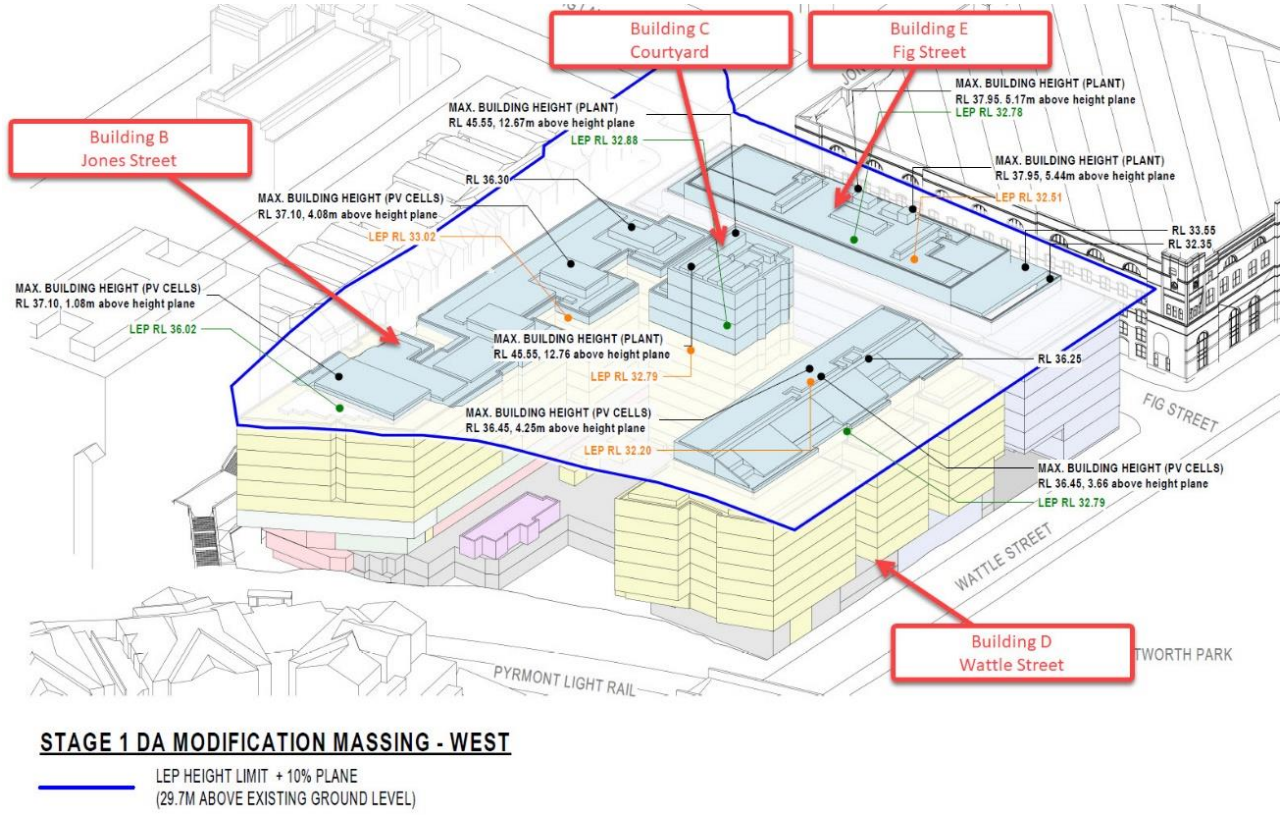


Figure 38: Section 4.56 modification application: Isometric drawing showing non-compliance with the **29.7m** height permitted by clause 6.21D of Sydney LEP 2012 (western view)

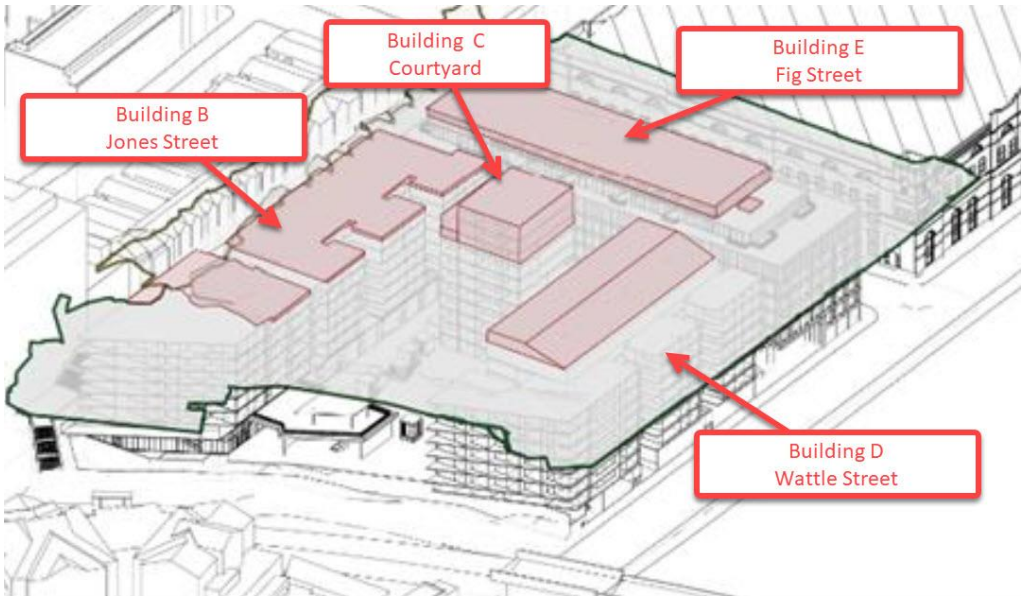


Figure 39: Winning scheme: Isometric drawing showing non-compliance of the BVN winning scheme with the **29.7m** height permitted by clause 6.21D of Sydney LEP 2012 (western view)

73. A written request has been submitted to Council in accordance with clause 4.6(3)(a) and (b) of the Sydney LEP 2012 seeking to justify contravention of the height of buildings development standard by demonstrating:

    (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and

    (b) That there are sufficient environmental planning grounds to justify contravening the standard.

74. A copy of the applicant's written request is provided at **Attachment D**.

Applicant's written request - Clause 4.6(3)(a) and (b)

75. A summary of the justification for contravention of the height of buildings development set out in the applicant's written request follows:

    (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

    The written request refers to the first of the five tests established in Wehbe v Pittwater Council [2007] NSW LEC 827 to demonstrate that compliance with the numerical standard is unreasonable or unnecessary(that the objectives of the standard are achieved notwithstanding non-compliance with the numerical standard). A summary of the applicant's justification follows:

    Objective (a) to ensure the height of development is appropriate to the condition of the site and its context

The height of the proposed development is appropriate to the condition of the site and the following contexts:

- **Light Rail**: The development presents an inviting interface to the light rail with a through site link, building break, communal open space and 5.5m landscaped setback including and retained trees.

- **Wattle Street**: The height along Wattle Street is compatible with the street wall established by the former wool store to the south. Additional height is setback to minimise additional overshadowing to Wentworth Park.

- **Fig Street**: The height along Fig Street is compatible with the street wall height established by the former wool store to the south. The topmost levels of Building E - Fig Street are setback from Fig and Wattle Streets to minimise additional overshadowing of Wentworth Park and reduce bulk.

- **Jones Street:** A minimum setbacks of 2.16m is provided to Jones Street respecting of the heritage-listed terraces and providing sightlines to the sandstone rock face (consistent with the concept consent). A four-storey street wall is proposed, with additional height setback.

- **Centre of the site (Building C - Courtyard)**: This is the tallest building. It has a slender floor plate which achieves a high level of solar access, cross ventilation, sustainability and residential amenity. Compared with the 'L-shaped' building in the original concept consent, proposed Building C opens the ground plane, providing additional public space and pedestrian permeability. The slender nature of Building C does not cause unreasonable additional overshadowing onto Wentworth Park.

Objective (b) to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas

Building B - Jones Street (RL 37.10) is lower in overall height than the "Edwin Davey & Sons Flour Mill" (Harbour Mill Apartments) (RL 45.95). Setbacks from the street and upper level setbacks provide a transition to the heritage listed terraces on Jones Street. Strictly applying the 27 metre height standard to the unique topography of the site would permit a built form along Jones Street that imposes a greater impact than what is proposed. Building E - Fig Street with southern and eastern setbacks at Level 8 and above is consistent with the heritage listed former wool store. The proposal complies with the maximum FSR of 4:1 and has minimal environmental impacts.

Objective (c) to promote the sharing of views outside Central Sydney

The site is vacant and development in accordance with the relevant planning controls will affect views (Jones Street terraces, Harbour Mill Apartments and Fig Lane Park would be affected). Views to Wentworth Park currently enjoyed from the east would be lost by a development compliant with the height standard. The northern view of the Anzac Bridge from Fig Lane Park is retained.

(b) That there are sufficient environmental planning grounds to justify contravening the standard

By reference to the objects of the EPA Act, the applicant's written request relies on the following environmental planning grounds to justify contravening the standard:

(a) The height exceedances free up the ground plane to deliver communal open space, through site links and Jones Street setback/footpath.

(b) The proposal complies with the FSR development standard.

(c) The additional shadows on Wentworth Park beyond the approved concept consent are a result of the design competition amended massing, increased floor to floor heights for improved construction standard and the provision of roof-mounted plant and equipment that cannot be accommodated within basements. The impact is limited to the morning period. By 10am on 21 June, the majority of the shadows will fall on existing trees at the eastern edge of the park as well as the Wattle Street road reserve. The retained solar access exceeds the SDCP 2012 control for protection of sunlight to public parks (50% of the total park area to receive sunlight for 4 hours from 9am to 3pm at mid winter).

(d) There is an abrupt change in level on the site (formed by the sandstone rock face). A compliant proposal would result in a worse environmental planning outcome. Floor space is instead redistributed centrally within the site.

(e) Compared with the 'L-shaped' building in the original concept consent, proposed Building C opens the ground plane, providing additional public space and pedestrian permeability. The slender nature of Building C does not cause unreasonable additional overshadowing onto Wentworth Park. Building C achieves a high level of solar access, cross ventilation, sustainability and residential amenity. The slender nature of the tower ensures shadow impacts are fast moving and so do not cause undue additional impacts on surrounding public open spaces.

(f) Floor levels in Building D - Wattle Street and Building E - Fig Street are elevated by approximately 700mm (RL 2.87) for flood planning which contributes to the height exceedance.

(g) The additional height above the approved concept consent could be remedied by reducing floor-to-floor heights, reinstating the L-shaped Wattle Street Building and reinstating the two top floors of Building E - Fig Street to residential.

Consideration of applicant's written request - Clause 4.6(4) (a) (i) and (ii)

76. Development consent must not be granted unless the consent authority is satisfied that:

(a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and

(b) The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Does the written request adequately address those issues at Clause 4.6(3)(a)?

77. It is considered that the applicant's written request has demonstrated that compliance with the height standard is unreasonable or unnecessary in the circumstances for Building B - Jones Street, Building D - Wattle Street and Building E - Fig Street. However, it is considered that the extent of contravention proposed for Building C - Courtyard is not reasonable in the circumstances (as demonstrated below).

Does the written request adequately address those issues at clause 4.6(3)(b)?

78. It is considered that the applicant's written request provides sufficient environmental planning grounds specific to the circumstances to justify contravention of the height standard at Building B - Jones Street, Building D - Wattle Street and Building E - Fig Street. However, it is considered that sufficient environmental planning grounds specific to the circumstances have not been provided to justify the extent of contravention for Building C - Courtyard (as demonstrated below).

Is the development in the public interest?

79. With regard to varying development standards, the public interest is deemed as being protected where a development meets the objectives of the zone and the development standard sought to be varied. The relevant objectives of the height of buildings development standard are:

(a) To ensure the height of development is appropriate to the condition of the site and its context,

(b) To ensure appropriate height transitions between new development and heritage
items and buildings in heritage conservation areas or special character areas,

(c) To promote the sharing of views.

80. Consistent with height objective (a), an assessment of the height of each building is given the conditions of the site and its context is detailed below:

(a) **Building B - Jones Street**: At the site frontage to Jones Street, Building B complies with the 27m height standard. It also provides a transition between the nearby Jones Street terrace house group (1 storey) and the Harbour Mill Apartments (former Edwin Davies Flour Mill) (4-10 storeys).

(b) **Building C - Courtyard**: Building C reaches the maximum proposed height of 42.46m (see **Table 6**) which is 12.76m (43%) above the 29.7m maximum height standard (27m + 10%).

The extent of contravention proposed for Building C does not arise from rearrangement of the building envelope as an outcome of the design competition. When compared with the design competition winning scheme, the development application proposes a 4m increase in the height of Building C (RL 41.55 in the winning scheme and RL 45.55 proposed). Only some of this increase is caused by the proposed increase in residential floor to floor heights discussed above (1.1m). Most of the height increase arises from the provision of rooftop plant enclosed by a parapet on the top on Building C. This is considered to be inconsistent with the design competition winning scheme and the recommendations of the jury for the competitive design process.

The statements in the written request in relation to Building C's high standard of solar access, natural ventilation and environmental amenity are not persuasive as the development relies on apartments in Building C to nearly achieve the ADG solar access objectives and to achieve the ADG natural cross ventilation objectives. It is also noted that Building C is located on a flat section of ground level (existing), therefore the unique topography of the site does not contribute to the height contravention.

A condition of consent is therefore recommended requiring the Building C Plant Room Equipment and Parapet Zone height (and any other structures at Level 13 of Building C) to be reduced by at least 2m (to a maximum of RL 43.55 (AHD)).

Subject to this condition being imposed on the consent, the height of Building C is considered to be appropriate to the conditions of the site and its context as the increase in height on the Building C accommodates floor space lost by breaking the approved "L" shaped Wattle Street Building. Breaking of the "L" shaped building was supported by the jury for the competitive design process as it provides for an additional through site link and improves residential amenity. Reducing the height of Building C by 2m would also somewhat reduce the amount of additional overshadowing to Wentworth Park (see Discussion section under the heading Overshadowing).

Figure 40 below illustrates a section of proposed Building C showing the 27m height standard (shown in light blue), the 29.7m height standard including 10% additional height (shown in red), the original concept consent envelope (shown in green dash), the design competition envelope (shown in blue dash) and the recommended 2m reduction in height.

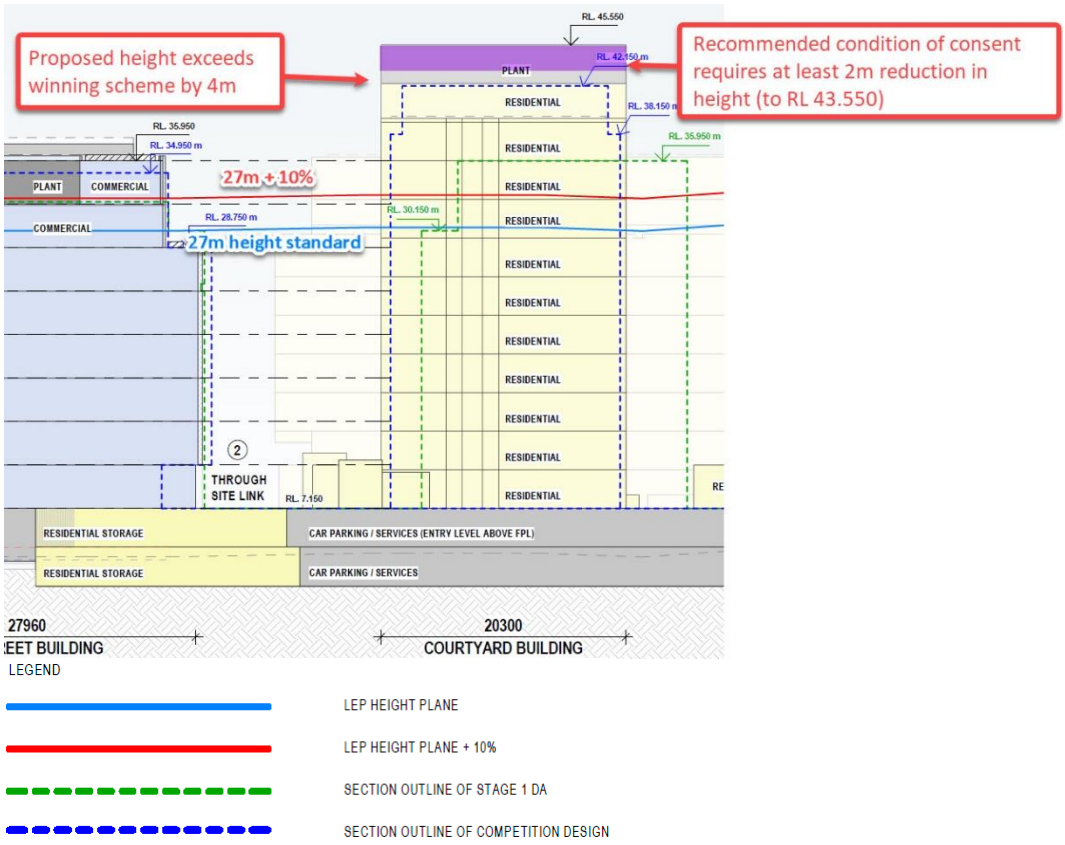


Figure 40: Building C - Courtyard Section: Proposed/modified building envelope

(c) **Building D - Wattle Street**: At the site frontage to Wattle Street, Building D - Wattle Street generally complies with the 27m height standard.

(d) **Building E - Fig Street**: At the site frontages to Jones Street, Fig Street and Wattle Street and adjoining the future through site link on the site; proposed Building E - Fig Street complies with the 27m height standard. It has setback upper levels (Level 8 and 9) and is compatible with the street wall established by the former Winchcombe Carson woolstore (a heritage item) on the southern side of Fig Street.

81. Consistent with height objective (b), it is considered that Building B - Jones Street, Building D - Wattle Street and Building E - Fig Street provide appropriate height transitions between new development and heritage items in the vicinity of the site (see above comments in relation to the Jones Street terrace house group, the Harbour Mill Apartments (Edwin Davies Flour Mill) and the former Winchcombe Carson woolstore.

82. Consistent with height objective (c), it is considered that the development promotes the sharing of views, acknowledging the following reason given by the Commissioner when he approved the original concept consent:

> "… the western views over Wentworth Park currently enjoyed by the Jones Street terrace group… would be lost by a development wholly compliant with the height control… the proposed height… adopts a lower profile that achieves the sharing of views."

83. The objectives of Zone MU1 - Mixed Use zone are:

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To ensure land uses support the viability of nearby centres.
- To integrate suitable business, office, residential, retail and other land uses in accessible locations that maximise public transport patronage and encourage walking and cycling.
- To ensure uses support the viability of centres.

It is considered that the development is consistent with these zone objectives as it:

- Contains a diversity of office, retail, recreational and child care land uses that generate employment opportunities in a highly accessible area
- Provides active frontages where appropriate, responding to the unique characteristics of the streets and the Wentworth Park Light Rail Station
- Does not result in any land use conflicts
- Non-residential uses are provided on the ground floor of each building (except Building C - Courtyard Building)
- The proposed land uses contribute to the city fringe suburb of Pyrmont and do not compete with the role or viability of any nearby centres
- The development is the result of a competitive design process and enhances the visual qualities of the site and surrounding area. The proposed through site links will improve pedestrian accessibility.

Conclusion

84. Subject to a condition requiring a 2m reduction in height for Building C - Courtyard, the proposal to contravene the height of buildings development is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Sydney LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of height standard and Zone MU1 Mixed Use (former Zone B4 Mixed Use).

Consistency with concept consent (D/2017/238/A)

85. Pursuant to section 4.24(2) of the EPA Act, where a concept development application for a site remains in force, the determination of any further development application in respect to that site cannot be inconsistent with the concept consent.

86. The concept consent relating to this proposal is D/2019/649. A section 4.56 modification application has been submitted to modify the concept consent to achieve consistency with the subject development application. These modifications largely relate to height and building envelope and have been assessed as acceptable, as outlined in the assessment report for D/2019/649/B.

87. The development application is assessed on the basis that the section 4.56 modification application has been approved in the terms recommended in the concurrent assessment report.

88. As outlined below, the development application is consistent with the key conditions imposed on the concept consent (to be modified:

    (a) **Condition (2) Approved development**: The proposed development is consistent with the drawings listed at Condition (2) of the concept consent (as modified by D/2019/649/B).

    (b) **Condition (3) Matters not approved in consent development consent**: The development application appropriately seeks consent for the following matters that were not approved by the concept consent:

        (i) Residential use of Building B - Jones Street, Building C - Courtyard and Building D - Wattle and demonstration that acoustic amenity and natural ventilation are achieved simultaneously in accordance with Objectives 4B-1 and 4J of the ADG (By letter dated 5 December 2023, TAHE provided land owners consent for the lodgement of the development application.

        (ii) Pedestrian connection to the Wentworth Park Light Rail Station (and associated tree removal).

        (iii) Works (including demolition, excavation and construction).

        (iv) The removal and pruning.

        (v) A substation (on Fig Street).

        (vi) Two basement levels, car parking spaces, bicycle spaces, car share spaces and loading spaces.

        (vii) The total quantum and mix of floor space.

        (viii) The floor layout of buildings.

        (ix) The number and configuration of residential apartments and commercial tenancies.

        (x) Up to 10% design excellence uplift in building height.

(c) **Condition (3) - Competitive design process**:

(i) The applicant undertook a competitive design alternatives process and BVN was named the winning scheme.

(ii) The condition requires that the proposal exhibit design excellence. The design competition jury were of the opinion that the winning scheme was capable of achieving design excellence, however it made a series of recommendations. As outlined further below, these recommendations have been incorporated into the detailed design proposal.

(iii) Overall, the proposal achieves design excellence, as discussed elsewhere in this report.

(d) Condition (5) Detailed design of buildings:

(i) The assessment report on the section 4.56 modification application recommends a new condition of consent (new condition (5)(a)) which relates to Building C - Courtyard and requires the Plant Room Equipment and Parapet Zone height (and any other structures at Level 13 of Building C - Courtyard) to be reduced by at least 2m (to a maximum of RL 43.55 (AHD)). To achieve consistency with the modified concept consent, this condition is also included in the recommended conditions for the development application.

(ii) Areas nominated as deep soil zones have been designed as actual deep soil (unencumbered by built elements above and below).

(iii) Tree planting is able to provide a minimum of 15% canopy cover across the site within 10 years of completion.

(e) Condition (6) Building envelope: The drawings submitted with the development application are within the concept consent building envelopes as modified by D/2019/649/B (noting the comment above in relation to a reduction in height of Building C - Courtyard).

(f) **Condition (7) Building height**: The drawings submitted with the development application comply with the building heights specified by the concept consent as modified by D/2019/649/B (noting the comment above in relation to a reduction in height of Building C - Courtyard).

(g) **Condition (8) Floor space ratio**: With a proposed FSR of 3.88:1, the development application complies with the FSR standard prescribed by Sydney LEP 2012 clause 4.4.

(h) **Condition (9) Ecologically sustainable development**: The development application demonstrates that buildings have adopted the following ESD targets set out at condition (9) of the concept consent:

(i) Star Green Star Design & As-Built or GreenStar Buildings Rating.

(ii) 5.5 Star NABERS Office Energy Base Building Rating

(iii) Exceed the BASIX Energy Target by 10 BASIX points

(iv) Roof top photovoltaic systems.

(i) **Condition (10) Public art**: A Public Art Strategy has been submitted with the development application and public art conditions of consent are recommended.

(j) **Condition (12) Public domain condition**: A public domain concept plan has been submitted with the development application and public domain conditions are recommended.

(k) **Condition (13) Through site link**: The proposed development includes a pedestrian through site link from Wattle Street to Jones Street with a clear pedestrian path with a width of at least 6 metres, open to the sky and including include lifts to provide equitable access. Conditions of consent are recommended requiring an easement for public access and associated positive covenant.

(l) **Condition (14) Landscaping of the site**: The development application includes a Landscape Concept Plan and Landscape Design Statement prepared by Oculus (a qualified landscape architect) that generally satisfy the requirements of condition (14). Conditions of consent are recommended requiring additional information in relation to landscaping of the site.

(m) **Condition (15) Heritage interpretation strategy**: The development application includes a heritage interpretation strategy that satisfies the requirements of condition (15). A condition of consent is recommended requiring additional information in relation to heritage interpretation.

(n) **Condition (16) Signage strategy**: The development application includes a signage strategy. A condition of consent is recommended requiring a further development application for signage.

(o) **Condition (17) Noise impact and acoustic assessment**: The development application includes a detailed noise impact assessment addressing the impact of traffic noise on residential apartments. A condition of consent is recommended requiring implementation of the acoustic consultant recommendations.

(p) **Condition (18) Land contamination**: Consistent with condition (18) the development application includes appropriate documentation addressing site contamination. Conditions of consent are recommended in relation to site contamination and remediation.

(q) **Condition (20) Acid sulfate soils**: The development application includes information to demonstrate that an acid sulphate soils management plan is not required.

(r) **Condition (21) Waste collection**: The development application includes a waste management plan that generally satisfies the requirements of condition (21). Conditions of consent are recommended requiring additional information in relation to the design of waste facilities and the management and collection of waste.

(s) **Condition (22) Parking design**: The drawings submitted with the development application comply with condition (22) as modified by D/2019/649/B. Conditions of consent are recommended in relation to bicycle parking, driveways, loading dock design and car park layout. Appropriate conditions are recommended to ensure that the residential, visitor, commercial, child care and accessible spaces are allocated appropriately.

(t) **Condition (23) Bicycle parking and end of trip facilities**: The drawings submitted with the development application comply with the bicycle parking and end of trip requirements in condition (23) (see above in relation to conditions).

(u) **Condition (24) Security gate**: The secure line to the Wattle Street car park entry is located within the site more than 6 metres from the street front property boundary.

(v) **Condition (25) Vehicle access**: The Wattle Street driveway is 6 metres wide and allows for combined vehicle access (left in and left out exit). All vehicles are able to be driven onto and off the site in a forward direction.

(w) **Condition (26) Service vehicle size limit and Condition (27) Servicing**: The drawings submitted with the development application generally comply with the service requirements in condition (26) subject to conditions.

(x) **Condition (28): Traffic impact study**: The development application includes a detailed traffic impact study that addresses the requirements of condition (28).

(y) **Condition (29) Car share**: The development application proposes one commercial and two residential car share spaces. Conditions of consent are recommended in relation to the communal ownership and public access to car share parking spaces.

(z) **Condition (30) Tree protection and detailed design development application and condition (31) Street trees and detailed design application**: The development application is consistent with the approved Arboricultural Impact Assessment Report as amended by as modified by D/2019/649/B . Conditions of consent are recommended in relation to the retention and protection of trees.

(aa) **Condition (32) Levels and gradients**: The applicant has submitted an application for public domain gradients and levels.

(bb) **Condition (33) Flood planning levels**: Conditions of consent are recommended in relation to flooding.

(cc) **Condition (34) On-site detention**: Sydney Water has confirmed that on-site detention is not required for the site.

(dd) **Condition (35) Stormwater quality assessment**: A MUSIC-link model was submitted with the development application.

(ee) **Condition (34) Ausgrid conditions**: Ausgrid has raised no objection subject to the imposition of conditions.

(ff) **Schedule 3 - General terms of approval (Water NSW)**: The Department of Planning and Environment - Water, has advised that a controlled activity approval is not required for the proposed development and that no further assessment is necessary.

(gg) **Schedule 3 - Concurrence Conditions (TfNSW)**: The proposed development complies with the concurrence conditions noting that TfNSW has issued comments under section 2.119 of the SEPP (Transport and Infrastructure) 2021 and concurrence under section 138 of the Roads Act 1993 subject to conditions of consent.

(hh) **TAB A — Items to be considered as part of the Stage 2 Development Application for the Inner West Light Rail (IWLR) Corridor**: Concurrence from TfNSW has been provided pursuant to section 2.99 of the SEPP (Transport and Infrastructure) 2021. The development application has provided the information mentioned in TAB A or conditions of consent are recommended.

(ii) **TAB B– Items to be considered for Non-Concurrence Matters as part of the Stage 2 Development Application**: Conditions of consent are recommended in relation to freight and servicing management plan, active transport facilities and construction pedestrian and traffic management.

Competitive design process - Jury recommendations

89. The jury for the competitive design process selected the BVN scheme as the winning scheme. In the opinion of the jury, the BVN scheme was most capable of achieving design excellence, subject to a number of recommendations.

90. As detailed in the **Table 8** below, the development application responds to the key recommendations made by the Jury and retains the design integrity and key aspects of the winning scheme. The proposal satisfies the provisions of clause 6.21D of Sydney LEP 2012 and accordingly is eligible for 10% additional height.

Table 8: Assessment of compliance with the recommendations of the jury for the competitive design process

Key principles of the design to be maintained and developed	
Recommendation	**Comment**
Positive passive design regarding solar access, sun shading and natural ventilation	Retained
External plenum design and recessive elements contribute to good articulation and an elegant solution to maximise the unique benefit of the significant view over Wentworth Park for occupants along the Wattle Street boundary.	Retained

Key principles of the design to be maintained and developed	
Façade depths and widened entries to commercial buildings (including double height) on both Wattle and Jones Street. Resolution of flooding should maintain wide recessed building entry	Retained
The sense of place created by an alternating 'family' of facades and a variety of bulk, scale and heights of buildings	Generally retained subject to conditions The development application proposes a 4m increase in the height of Building C - Courtyard (RL 41.55 in the winning scheme and RL 45.55 proposed). Only some of this increase is caused by the increase in residential floor to floor heights discussed above (1.1m). Most of the increase arises from the provision of plant enclosed by a parapet on the top on Building C. This is considered to be inconsistent with the winning scheme and the recommendations of the jury for the competitive design process. A condition of consent is therefore recommended requiring the Building C - Courtyard Plant Room Equipment and Parapet Zone height (and any other structures at Level 13 of Building C - Courtyard) to be reduced by at least 2m (to a maximum of RL 43.55 (AHD).
Deep building indentations along the Wattle Street façade	Retained
Breaking of the 'L'-shaped envelope to increase solar access, ventilation to improve privacy between buildings	Retained
The overall bulk and scale of the development	Retained (noting the comment above in relation to a reduction in the height of Building C - Courtyard).
Narrowing of the through site link at Wattle Street (link is shortened by breaking of the 'L' envelope and augmented by the wide commercial building entry)	Retained
Wide light slot to the Recreation Centre created by cutting back of the quarry face beyond the current boundary	Retained

Key principles of the design to be maintained and developed	
Retain main entry aligned with the return of Jones Lane	Retained
Remove some or all of the secondary apartment/terrace links off Jones St to maximise light penetration to levels below	The number or secondary entries has been reduced from 7 in the winning scheme to 4 proposed.
Location of the child care and recreation centre entries close the light rail station (entries could be more civic in scale and quality)	Retained and enhanced.
Deep soil in line with the concept approval	7% in the concept consent and 7% proposed.
Length of commercial activation on Wattle and Fig Streets.	Retained
Photovoltaics on the rooftops	Retained
High standards of environmental performance beyond relevant controls.	Retained BASIX targets are exceeded by 10 points as required by the concept consent.
Number of lift cores that allow for the increased number of ‘through’ apartments	Retained

Areas for further resolution and refinement through design development	
Recommendation	**Comment**
Ground plane	
Bookable pods are a great idea to activate the internal streets (number and variety of pod types and sizes should be revisited)	Resolved The number, configuration and siting of pod buildings has been rationalised and consolidated.
Extensive tree canopy needs to be supported with appropriate soil areas	Resolved

Areas for further resolution and refinement through design development	
	A deep soil area of 7% is proposed consistent with the ADG.
Residential amenity	
Developing the 'Garaban' as a demonstration of exceptional environmental performance is commendable and excellent passive solar design should be pursued	Resolved The 'Garaban' has been renamed Building C - Courtyard. It achieves a high standard of amenity, although the development as a whole nearly meets but does not exceed the requirements of the ADG.
Mixing of residential floor space within the commercial building is seen to be problematic	Resolved Residential floor space originally approved at the upper levels of Building E - Fig Street has been relocated and replaced with office floor space.
Blank end walls on terraces could be further developed to provide additional visual interest on Jones Street. The rooms would also benefit with additional opportunities for light and ventilation.	Resolved Windows are proposed to the southern end walls (at the residential lobby and articulation break) of Building B - Jones Street.
To achieve design excellence the key requirements of the ADG need to be met	Resolved The proposed development achieves the relevant objectives and design criteria of the ADG.
Building envelopes are exceeded producing deeper building footprints that rely on high articulation and indented courtyards, which need to be maintained in size and amenity	Resolved The dimensions of the indented courtyards to Building B - Jones Street and Building D - Wattle Street have been widened to delete wall obstructions directly in front of the bedroom windows facing the courtyard.
Internalised studies or other habitable rooms should be designed out	Resolved There are no internalised studies or habitable rooms.

Areas for further resolution and refinement through design development	
Child care centre	
Layout is schematic (appears to be capable of development and generally satisfies the locational and spatial requirements)	Resolved The layout of the child care centre has been detailed and complies with relevant regulations. The NSW Department of Education has provided concurrence.
Childcare play area above the retail building may be problematic	Resolved There is no outdoor play on the roof of Building A - Retail. A consolidated outdoor play area is now provided in the northern section of the child care centre, plus a simulated outdoor play area on the western side of the child care centre.
Access to the child care from the basement drop off area should be made more generous	Resolved An appropriate child care drop off area is proposed.
Commerciality and buildability	
Materials and colour palette are supported and design needs to ensure the quality, detailing and design intent of the proposal	Resolved Further work has been carried out on detailing, materiality and colour palette.
Resolve of flood planning levels on Wattle and Fig Street.	Conditions of consent are recommended in relation flooding.

Overshadowing

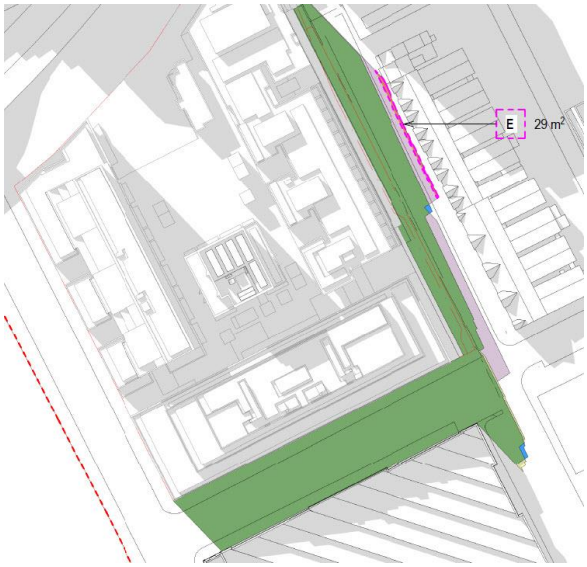
91. The applicant has submitted a solar impact analysis (included at **Attachment C**) assessing the overshadowing impact of the proposed development and highlighting the additional shadow cast by the development application beyond the building envelopes approved by the original concept consent. An assessment of impact for each building follows.

(a) Building B - Jones Street

Building B - Jones Street will overshadow the roadway of Jones Street and for a short time and the front yard of several Jones Street terraces (29m² at 3pm in midwinter, Labelled with an "E" on **Figure 41**). An assessment of compliance with the relevant solar access controls in Sydney DCP 2012 follows:

(i) Sydney DCP 2012 s. 4.1.3.1 Solar access states that neighbouring dwellings are to achieve a minimum of 2 hours direct sunlight between 9am and 3pm on 21 June onto at least 1m² of living room windows and at least 50% of the minimum amount of private open space. As the increase in height to Building B - Jones Street would not cast any additional shadow onto any living room windows, the east facing private open space at the rear of the Jones Street terraces or the Harbour Mill Apartments, the modified development complies with this solar access control.

(ii) Sydney DCP 2012 s. 3.1.4 Public open space states that 50% of the total area of a park is to receive sunlight for 4 hours from 9am to 3pm on 21 June. As the increase in height to Building B - Jones Street would not overshadow Fig Street Park or Wentworth Park, the modified development complies with this solar access control.



E SHADOW CASTED IN THE FRONT YARD OF EXISTING JONES ST TERRACE HOUSE
STAGE 1 DA APPROVED (WITHOUT EXTRA 10% HEIGHT)
STAGE 2 DA AMENDED - FIG ST BUILDING
STAGE 2 DA AMENDED - WATTLE ST BUILDING
STAGE 2 DA AMENDED - JOHN ST BUILDING
STAGE 2 DA AMENDED - COURTYARD BUILDING
AREA OF SHADOWING REDUCED COMPARED TO STAGE 1 DA APPROVED



21ST JUNE, 3PM SHADOW



SATELLITE IMAGE



Figure 41: Building B - Jones Street: Shadow diagram at 3pm in midwinter

(b) Building C - Courtyard

The plantroom equipment and parapet to Building C - Courtyard will cast an additional shadow onto Wentworth Park at 9am in midwinter (58m² labelled with a "D" on **Figure 42**). The recommended condition to reduce the height of Building C by 2m would eliminate this increase in shadow. Building C itself would also cast an additional shadow, but this shadow overlaps with the additional shadow cast by modified Building D (Labelled with a "B" on **Figure 42**). An assessment of compliance with the relevant solar access controls in Sydney DCP 2012 follows:

(i) Sydney DCP 2012 s. 4.1.3.1 Solar access states that neighbouring dwellings are to achieve a minimum of 2 hours direct sunlight between 9am and 3pm on 21 June onto at least 1m² of living room windows and at least 50% of the minimum amount of private open space. The increase in height to Building C - Courtyard would not overshadow any neighbouring dwellings.

(ii) Sydney DCP 2012 s. 3.1.4 Public open states that 50% of the total area of a park is to receive sunlight for 4 hours from 9am to 3pm on 21 June. The proposed increase in overshadowing of Wentworth Park described above is not supported, but it is acknowledged that it complies with the Sydney DCP 2012 control and is unlikely to have a significant impact on the amenity of Wentworth Park given the large size of the park and the shape and position of the additional shadow which is enveloped by shadow cast by the approved concept consent envelope. In any event, recommended Condition (5)(a) would reduce the shadow cast by Building C - Courtyard so that it falls within the shadow cast by modified Building D - Wattle Street.



Figure 42: Building D - Wattle Street, Building C - Courtyard and Building E - Fig Street: Shadow diagram at 9am in midwinter

(c) Building D - Wattle Street

Increasing in floor to floor height of Building D - Wattle Street and re-arrangement of the envelopes in accordance with the design competition will cast additional shadow onto Wentworth Park from 9am to 11am in midwinter (396m² at 9am, 205m² at 10am, 128m² at 11am in midwinter as Labelled with an "A" and "B" on **Figure 42**). In March, the additional shadow occurs from 9am to 10am. In other places, there would be a small reduction in shadow when compared with the envelope approved by the concept consent (11-24m² between 10am and 11am in midwinter coloured blue on **Figure 42**). An assessment of compliance with the relevant solar access controls in Sydney DCP 2012 follows:

(i) Sydney DCP 2012 s. 4.1.3.1 Solar access states that neighbouring dwellings are to achieve a minimum of 2 hours direct sunlight between 9am and 3pm on 21 June onto at least 1m² of living room windows and at least 50% of the minimum amount of private open space. The increase in height to Building D - Wattle Street would not overshadow any neighbouring dwellings.

(ii) Sydney DCP 2012 s. 3.1.4 Public open space states that 50% of the total area of a park is to receive sunlight for 4 hours from 9am to 3pm on 21 June. The proposed increase in overshadowing of Wentworth Park described above is not supported, but it is acknowledged that it complies with this Sydney DCP 2012 control and is unlikely to have a significant impact on the amenity of Wentworth Park given the large size of the park and the shape and position of the additional shadow which is enveloped by shadow cast by the approved concept consent envelope.

(d) Building E - Fig Street

External shading fins on Building E - Fig Street will cast a small additional shadow onto Wentworth Park (11m² at 9am, 31m² at 10am and 1m² at 11am in midwinter) (Labelled with a "C" on the 10am shadow diagram at **Figure 43**). An assessment of compliance with the relevant solar access controls in Sydney DCP 2012 follows:

(i) Sydney DCP 2012 s. 4.1.3.1 Solar access states that neighbouring dwellings are to achieve a minimum of 2 hours direct sunlight between 9am and 3pm on 21 June onto at least 1m² of living room windows and at least 50% of the minimum amount of private open space. The increase in height to Building E - Fig Street would not overshadow any neighbouring dwellings.

(ii) Sydney DCP 2012 s. 3.1.4 Public open space states that 50% of the total area of a park is to receive sunlight for 4 hours from 9am to 3pm on 21 June. The small additional shadow cast onto Wentworth Park from fins to Building E - Fig Street does not compromise compliance with this control.



Figure 43: Building D - Wattle Street, Building C - Courtyard and Building E - Fig Street: Shadow diagram at 10am in midwinter

Building separation and visual privacy

92. **Table 9** shows the separation distances between windows and balconies set out in Objective 3F-1 of the ADG.

Table 9: ADG Objective 3F-1 separation distances between windows and balconies

Building height	Habitable rooms & balconies	Non-habitable rooms
Up to 12m (4 storeys)	12m	6m
Up to 25m (5-8 storeys)	18m	9m
Over 25m (9+ storeys)	24m	12m

93. As detailed above and in the assessment report on the section 4.56 modification, the concept consent building envelopes (as modified by D/2019/649/B) do not fully comply with the ADG building separation distances. In the non-compliant locations, the concept consent envelope plans include a notation providing that openings in the façade:

    - Belong to a non-habitable room
    - Have a privacy screen / landscape buffer
    - Do not have direct sight line into adjacent buildings
    - Have narrow slot windows with deep reveals
    - Have windows offset from opposite façade.

94. Consistent with this notation, the architectural plans submitted with the development application provide appropriate privacy protection measures in the locations where building separations do not meet the ADG design criteria. **Figure 44** illustrates some of the proposed privacy protection measures including splayed windows, screens, solid balcony walls to Building C - Courtyard and other privacy treatments such as louvred screens on the northern side of Building E - Fig Street (commercial). Additional privacy protection measures where non-compliant separations are proposed include operable louvred screens to Building B - Jones Street and Wattle Building D - Wattle Street.

95. Daylight and natural ventilation are not compromised as discussed in the above ADG assessment of compliance.

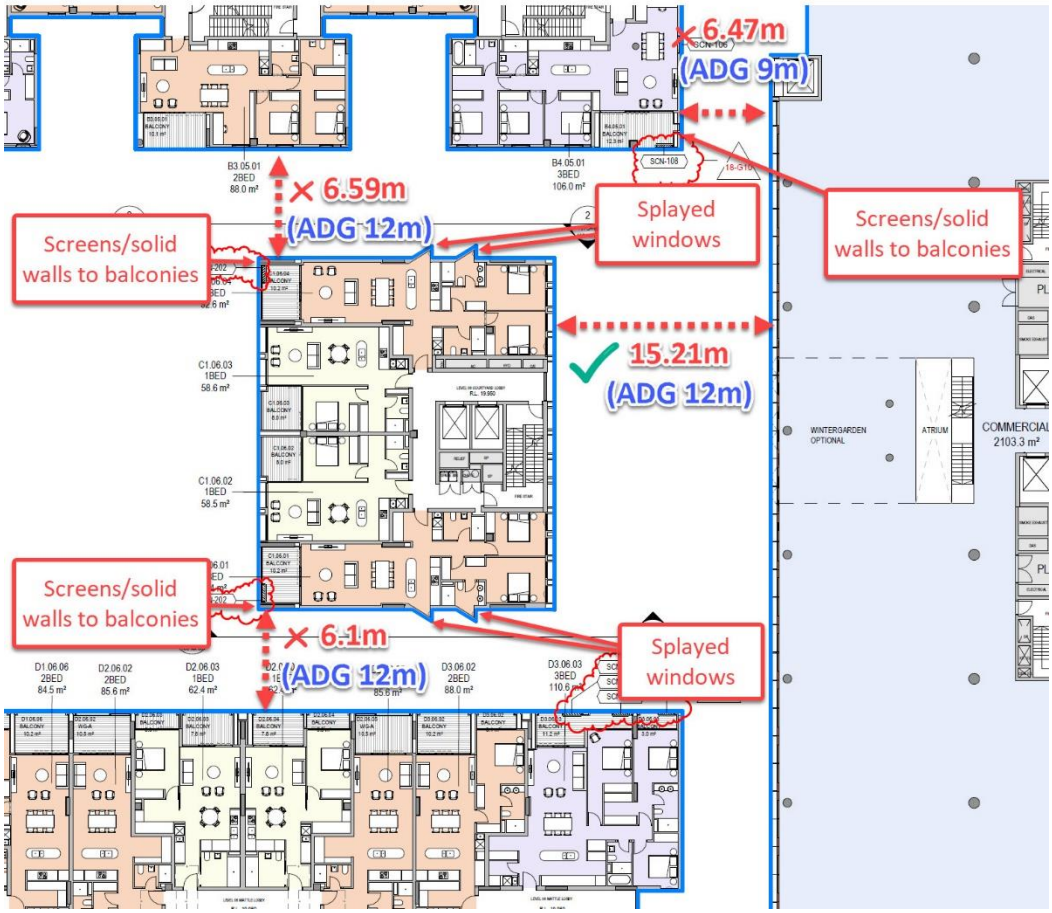


Figure 44: Assessment of compliance with ADG Objective 3F-1 separation distances showing proposed privacy protection measures

Noise and ventilation

96. The following noise requirements apply to the proposed development:

    (a) Transport and Infrastructure SEPP section 2.100 and section 2.120 which respectively require that the NSW Department of Planning Development near Rail Corridors and Busy Roads – Interim Guideline be applied to any residential developments or centre based child care facility located on land adjacent to a rail corridor (land to the north of the site in in a light rail corridor) or a road with an annual average daily traffic volume greater than 20,000 (Wattle Street and Fig Street have an annual average daily traffic volume of more than 20,000 vehicles).

    (b) Sydney DCP 2012 section 4.2.5.3 Development on busy roads and active frontages which outlines criteria for internal noise levels in residential developments and child care centres to ensure that occupants have an acceptable level of amenity in noisy environments. Compliance guidance is also provided within the City of Sydney's Draft Alternative Natural Ventilation of Apartments in Noise Environments – Performance Pathway Guideline.

97. Objective 4B-3 of the ADG states that at least 60% of apartments are to be naturally cross ventilated in the first nine storeys of the building (140 out of 234 required).

98. Given the location of the site on Wattle Street, Fig Street and adjoining the light rail corridor, the development is not able to meet the SEPP and DCP noise requirements with windows open. In turn, the development is not able to achieve natural cross ventilation in accordance with the ADG criteria as windows to noise affected apartments cannot be relied upon for natural cross ventilation. These apartments have been provided with acoustic plenums that deliver a performance based natural cross ventilation.

99. Example plenums are illustrated at **Figure 45**. The architectural plans include plenum details. Both the acoustic report and natural ventilation report will be approved as part of the consent to ensure that plenums are constructed and installed in accordance with the specific details in approved reports.

100. The total number of naturally cross ventilated apartments in the first nine storeys of the development (including apartments that are naturally cross ventilated and have plenums) is 137 out of 234 or 58.5%. An additional seven apartments have the potential to be naturally cross ventilated, however this requires further testing by a certified wind consultant. If these were found to be naturally cross ventilated, it could lead to a total count of 144 out of 234 or 61.5% naturally cross ventilated apartments. Council's Urban Designer considered this level of compliance to be satisfactory given the site constraints.

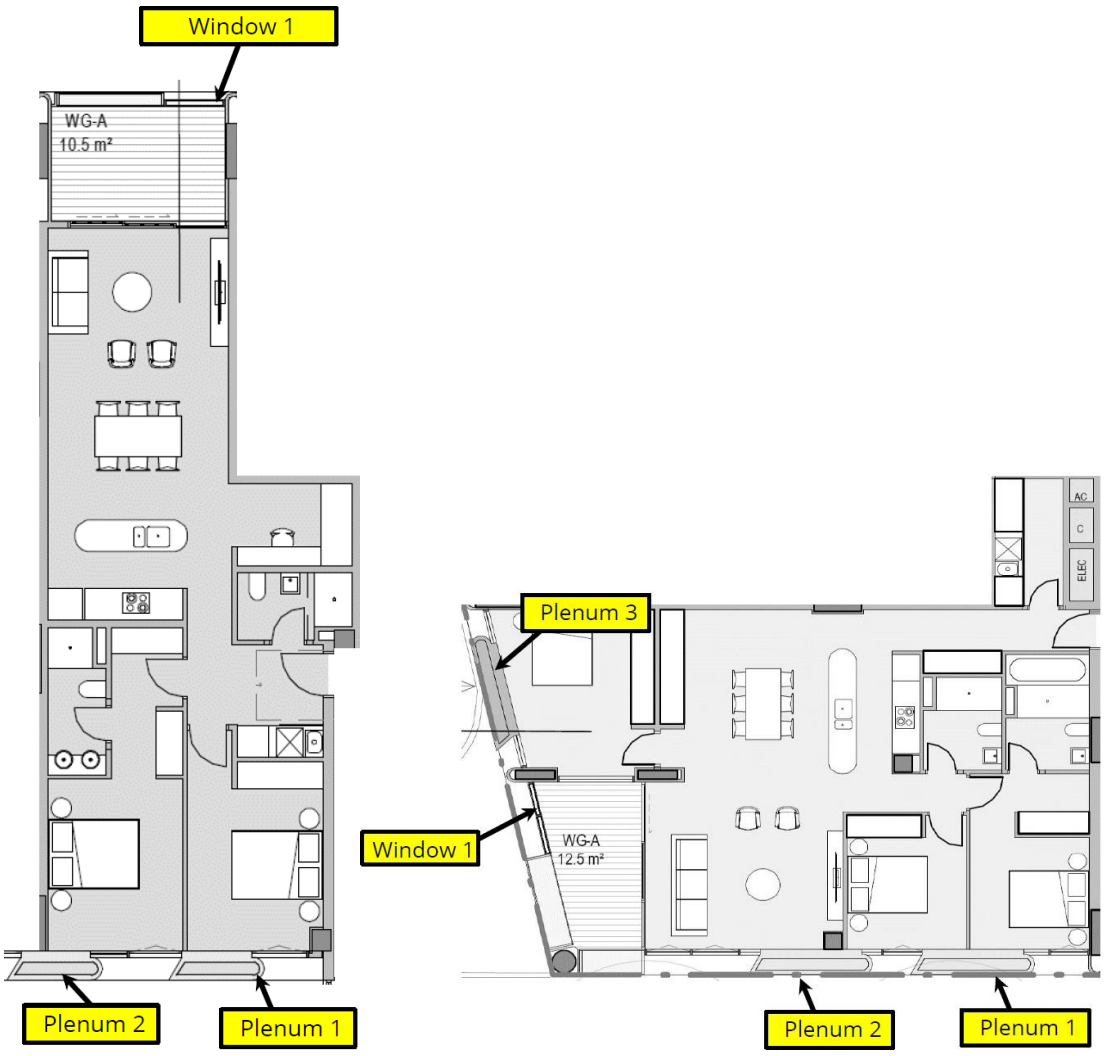


Figure 45: Examples of integrated plenums

Communal open space

101. The design criteria at Objective 3D-1 of the ADG requires communal open space that has a minimum area equal to 25% of the site area. The ADG defines communal open space as:

> "outdoor space located within the site at ground level or on a structure that is within common ownership and for the recreational use of residents of the development. Communal open space may be accessible to residents only, or to the public."

102. The applicant and Council's Landscape Officer have calculated the following communal open space areas:

- **Applicant's calculation**: 4,249m² (34.37%) including private communal and public communal open space
- **Council's Landscape Assessment Officer calculation**: 2,843m² (23%) of uncovered common open space is proposed including a communal roof terraces on Building B - Jones Street, Building C - Courtyard and Building D - Wattle Street.

103. As well as disagreeing with the applicant's calculation of communal open space, Council's Landscape Officer is also concerned about the distribution of communal open space as Building B - Jones Street has:

(a) Three narrow, recessed midlevel communal terraces that are not open to the sky; and

(b) Circuitous access to the ground level swimming pool and BBQ area.

104. Council's Landscape Officer recommends the provision of a roof terrace on Building B - Jones Street, located centrally and to the western side of the building to limit overshadowing impacts.

105. Notwithstanding the Landscape Officer's comments, the proposed communal open space area and arrangement is considered to be satisfactory as:

(a) The ADG definition of communal open space includes areas accessible to the public (the applicant has relied on this definition).

(b) A variety of facilities are provided within the central communal open spaces including seating, a swimming pool, lawn areas and areas covered by pergolas. Building C - Courtyard and Building D - Wattle Street have barbeque facilities and a condition of consent is recommended requiring the provision of barbeque facilities within the central communal courtyard.

(c) If the footprint of Building E - Fig Street (approximately 2,650m²) was excluded from the site area for the purpose of calculating communal open space (giving a site area of 9,711m²), the proposed residential communal space accepted by Council's Landscape Officer would equate to 29% of the site area (2,843m² ÷ 9,711m²) complying with the 25% required by the ADG.

(d) Areas of common open space are provided for the commercial uses in the development (Building E - Fig Street). These spaces are not considered to be usable communal open space for the purpose of the ADG communal open space requirement and have not been included in the communal areas shown above. They do however contribute to the amenity of workers on the site.

Tree removal and protection

106. The development application, as set out in the (Arboricultural Impact Assessment and addendums) proposes the removal of 54 trees (including 11 street trees and 3 trees within the adjoining light rail corridor).

107. **Table 10** lists the trees that are proposed for removal, their retention value and an assessment from Council's tree management unit. Based on a review of the Arboricultural Impact Assessment, Council's tree management unit has recommended retention of the following two trees proposed for removal (see **Figures 46** and **47** and trees noted with an * in **Table 10**):

(a) Tree 40 (Platanus x acerifolia London Plane Street tree Fig St): The Addendum to AIA report by Earthscape Horticultural Services dated 14.2.2024 states that this tree will sustain significant canopy pruning due to the proposed development. The arborist has recommended that Council's Tree Management Officer inspect the tree prior to commencement of any pruning taking place and to reach a joint agreement with the Project Arborist in regards to specific branch removals. Tree Management agrees with this proposal. A similar proposal is requested in regards to any proposed pruning to street trees 41, 42, 43, 44, 45 and 47 adjacent to Fig Street for the minimising pruning amounts.

(b) Tree 46 (Platanus x acerifolia London Plane Street tree Fig St): This tree has a high retention value, is a prominent tree in this area and has a life expectancy >40yrs. This tree should be retained and protected. The design should be modified to accommodate this tree. Also note the proposed design should be set back from street trees 41, 42, 43, 44, 45 and 47 adjacent to Fig Street. Pruning should not exceed 10% canopy removal regarding the proposed development including any hoarding/scaffolding clearances.

108. Appropriate replacement trees are also proposed comprising:

(a) 20 new canopy trees within deep soil zones

(b) 26 new street trees.

109. Council's tree management units has calculated that the proposed canopy cover will achieve equivalent to 15% of the site area within 10 years of completion, consistent with the Sydney DCP 2012.

110. Conditions of consent are recommended requiring compliance with the recommendations in the Aboricultural Impact Assessment (and addendums) and protection of certain street trees (including street Trees 40 and 46).

Table 10: Proposed tree removal

Retention value	Tree numbers	Tree management unit comment
Low retention value	Trees 33, 34, 35 and 98 (Casaurina cunninghamii River Oak), 37 (Casaurina glauca Swamp Oak), 7, 12, 13, 14, 16, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, 29 and 30 (Celtis sinensis Chinese Hackberry), 31 (Ficus rubiginosa Port Jackson Fig), 6 (Lagerstomia indica Crepe myrtle), 23 (Olea europaea African Olive), 22 (Pittosperum undulatum Sweet Pittosperum), 1, 2, 3, 4, 5 and 11 (Platanus orientalis Oriental Plane) Tree 53 (Tristaniopsis laurina Water Gum) Street Tree Removal is supported. Tree to be replaced with advanced species (Weeping Lilly Pilly Waterhousea floribunda Green Avenue) in accordance with the City of Sydney Street Tree master Plan 2023 **33 trees (including 1 street tree)**	The tree removals are supported.
Medium retention value	Tree 8 (Platanus orientalis Oriental Plane) Tree 15 (Ficus rubiginosa Port Jackson Fig) Tree 32 (Casaurina cunninghamii River Oak) Tree 38, 39 and 40 (Platanus orientalis Oriental Plane) Tree 97 and 99 (Syzygium paniculatum Magenta Cherry) Tree 56 (Koelreutaria paniculata Golden Rain Tree) within the rail corridor Tree 48, 49, 50, 51, 52, 54 and 55 Street trees adjacent to Wattle St. **16 trees (including 7 street trees and 3 trees within the rail corridor)**	The tree removals are supported.
High retention value	Tree 36 (Casaurina cunninghamii River Oak), Tree 9, 10 and 40* (Platanus orientalis Oriental Plane) Tree 46* (Platanus x acerifolia London Plane) **5 trees (including 3 street trees)**	Removal of high retention value Trees 40 and 46 (both street trees) is not supported (noted with an *). A condition is recommended requiring retention of these trees.

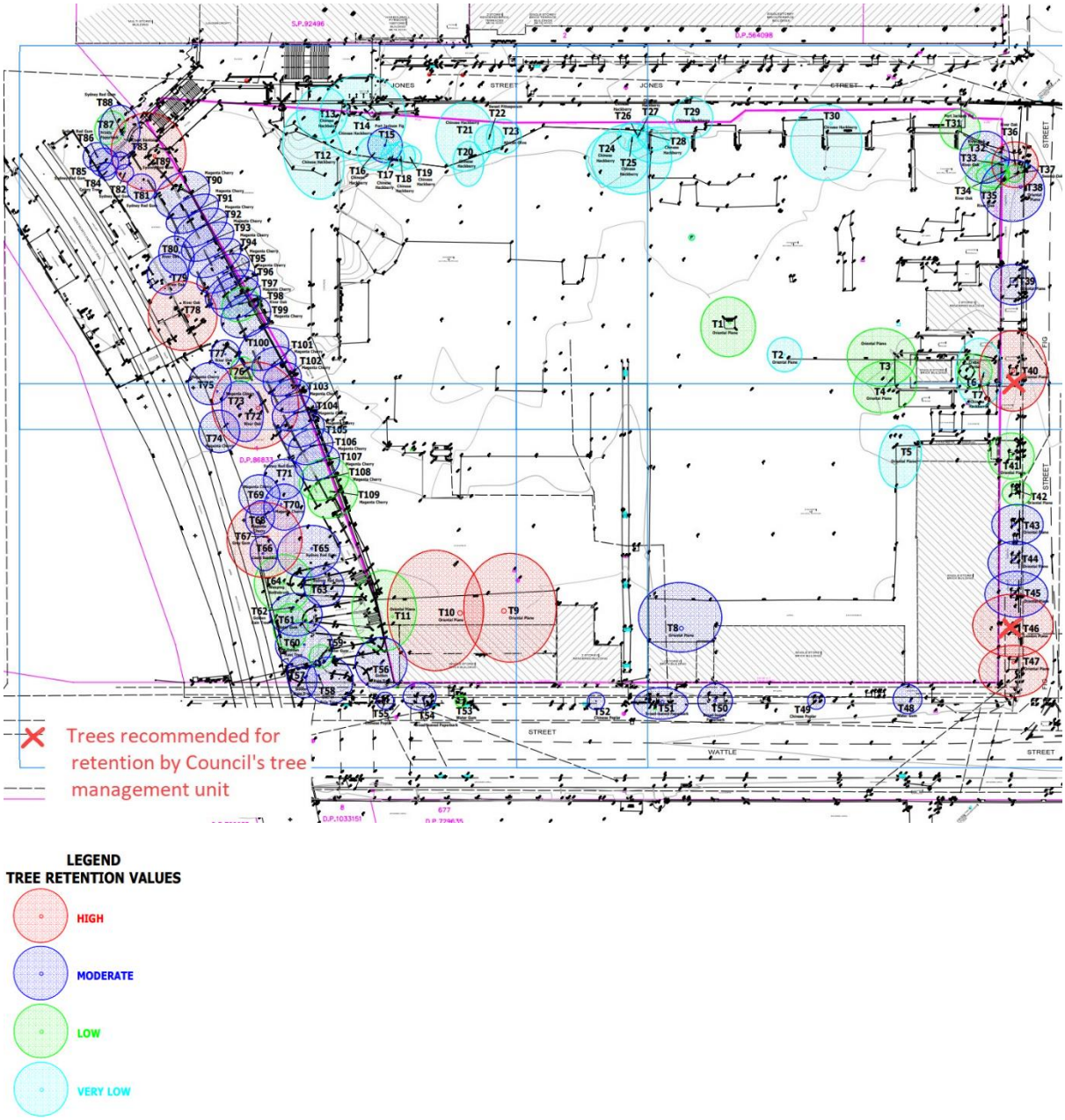


Figure 46: Tree retention value plan showing trees recommended for retention by Council's tree management unit



Figure 47: Tree retention and removal plan showing trees recommended for retention by Council's tree management unit.

Heritage

111. The site is not a heritage item and is not located within a heritage conservation area. The site is within the vicinity of the following heritage items:

    (a) former woolstore at 28-48 Wattle Street, Ultimo “Winchcombe Carson” (I2059)

    (b) terrace houses at 286-318 Jones Street (I1238)

    (c) former Edwin Davies Flour Mill at 280 Jones Street (I1205)

    (d) railway viaduct listed on the State Heritage Register (I800).

112. The cliff face and selected artefacts on the site have historic value.

113. Council's heritage unit has reviewed the Heritage Impact Statement and Heritage Interpretation Strategy prepared by Paul Davies and concludes that the proposed development would have a satisfactory heritage impact.

114. Relevantly visibility to the sandstone cliff face has been optimised through windows at the recreation centre and the setback along Jones Street. Significant historic artifacts (such as scale, weight bridge plates and steel roof trusses) would be salvaged and integrated with the development for heritage interpretation. Brickwork from existing structures would be recycled and integrated into the landscape design.

115. A condition of consent is recommended requiring compliance with the Heritage Interpretation Strategy.

Other Impacts of the Development

116. The proposed development is capable of complying with the BCA

117. The proposed development will have no significantly detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

Suitability of the site for the Development

118. The proposed development is of a nature in keeping with the overall function of the site and its context.

Consultation

Internal referrals

Design advisory panel

119. The original development application and section 4.56 modification application were presented to the DAP on 15 June 2023. The DAP raised a number of concerns (see History section above) that were included the first RFI to the applicant dated 28 July 2023. Additional and amended information has been provided to address the issues raised by the DAP including additional information on building separation and privacy protection, reduced height (although the height of Building C - Courtyard was increased), reduced overshadowing of Wentworth Park, a small reduction in floor space, residential amenity improvements including widening of the indented courtyards, additional information on the child care centre and concurrence from NSW Education, wind analysis and public art (including endorsement by City's Public Art Unit and Public Art Advisory Panel). The information submitted is deemed to satisfy the questions and request for further information from the DAP as outlined below in **Table 11**.

Table 11: DAP advice

Design Advisory Panel (DAP) advice	
Advice	**Comment**
The building envelope controls are sufficient for the site and should not be exceeded beyond the concept consent. Non-compliances with building separation controls are not supported.	The building envelopes proposed by the section 4.56 application and development application have been amended to address concerns in relation to building separation and height. Privacy protection measures are proposed where building separations do not comply with the ADG (see Discussion section above).
There are several non-compliances with height controls which increase overshadowing to Wentworth Park. The Panel does not support additional height or any further overshadowing to the park.	The building envelopes proposed by the section 4.56 application and development application have been amended to address concerns in relation to overshadowing (see Discussion section above).
The scheme is at the upper limit of FSR allowances. Additional FSR has been applied to the site through the acquisition and upgrade of the adjacent public footpath. The general density of the site has resulted in deep building footprints and several bedrooms with poor access to natural light, which should be reconsidered	The proposed development remains at the upper limit of the FSR standard (3.88:1 proposed and 4:1 development standard). The GFA has been somewhat reduced since the DAP meeting (-616m²), the internal courtyards have been widened to improve residential amenity and there are no internalised bedrooms or studies.
The Childcare facilities should be further considered in order to provide adequate circulation space for pram movement and storage in the lobby and corridors, adequate lift provision, and greater solar access and a more generous ceiling height to the outdoor play area.	The childcare centre arrangement has been refined and considered to be acceptable by the Secretary of the NSW Department of Education and Council's Child and Family Services unit.
A wind analysis is required as part of the assessment	A wind impact assessment has been prepared and conditions of consent are recommended requiring compliance with its recommendations.
Further consideration of the courtyard amenity is required and should address natural ventilation and noise	The internal courtyards have been widening and courtyard design refined to improve residential amenity.

Design Advisory Panel (DAP) advice	
Environmental performance of north-west façade should have further analysis and consideration	The amended development application was reviewed by the Environmental Projects Unit which considered that high level sustainable outcomes were proposed.
Engagement with the First Nations history of the site requires further consideration	An amended Public Art Strategy was submitted which proposes an inclusive approach with Aboriginal and Torres Strait Islander communities.
The opportunity to expose views to and interpret the quarry face has not been fully realised	Visibility to the sandstone cliff/quarry face has been optimised through windows at the recreation centre and the setback along Jones Street.
Public art should be further considered to provide an interpretation of the place, rather than be applied as a wayfinding element	The amended Public Art Strategy adopted the recommendations of the Public Art Unit and Public Art Advisory Panel. Public art conditions of consent are recommended.

Council units

120. The section 4.56 modification application and development application were referred to the following Council units:

(a) Building Services

(b) Child and Family Services

(c) Environmental Health

(d) Environmental Projects

(e) Heritage

(f) Landscape

(g) Planning Agreement

(h) Public Art and Public Art Advisory Panel

(i) Public Domain

(j) Safe City

(k) Survey

(l) Transport and Access

(m) Tree Management

(n) Urban Design

(o) Waste Management.

121. The above units advised that the proposal is acceptable subject to conditions (noting the assessment of the tree assessment above).

External referrals

122. The section 4.56 modification application and development application were concurrently referred to Department of Planning and Environment, Transport for New South Wales, Water NSW, Sydney Water, Ausgrid and TAHE. The agencies raised no objections to the proposed modifications subject to conditions which are addressed or included in the recommended conditions of consent in **Attachment B** where relevant.

Advertising and notification

123. The section 4.56 modification application and detailed design development application were notified concurrently for 28 days from **28 February - 29 March 2023**. The amended plans were not re-notified as the proposed changes resulted in less impact compared to the original application.

124. Five submissions were received, including two submissions which provided comments/support and three objections raising concerns in relation to height, design excellence, public interest, certainty, precedent, contravention of the planning controls, heritage, overshadowing of Fig Street Park and Wentworth Park, amenity impacts for nearby residents, wind, density, vehicle and pedestrian traffic, impact on public transport, illegal dumping of rubbish and capacity of public services.

125. Relevant to the development application, submissions raised the following issues:

(a) **Issue**: Building height:

- The height approved by the Land and Environment Court should be not increased
- Height contravention sets an undesirable precedent
- Increase in height is not in the public interest
- Additional height impacts views from Fig Street Park
- Additional height overshadows Fig Street Park
- Additional height overshadows Wentworth Park
- Additional height adversely impacts the historic and cultural significance of the area
- Adverse impact on the amenity of apartments and communal open space of 280 Jones Street (Harbour Mill Apartments)
- Wind tunnel

- Increased height of Building C - Courtyard

Response: An assessment of the proposed increase in height is set out in the Discussion section of this report and in the assessment report on the section 4.56 modification application. It explains that a condition is recommended to reduce the height of Building C - Courtyard Plant Room Equipment and Parapet Zone by at least 2m. Also in response to the issues of concern noted above, the increase in height will not cast a shadow onto Fig Street Park, the additional shadow cast onto Wentworth Park is not supported but complies with the relevant Sydney DCP 2012 controls and would have little impact on the amenity of the park. The increase in height would have a negligible impact on the amenity of apartments and communal open space of 280 Jones Street (Harbour Mill Apartments) when compared with a compliant envelope as well as the envelope approved by the concept consent. Conditions of consent are recommended requiring compliance with the wind impact assessment.

(b) **Issue**: Density, traffic, pedestrian safety and amenity and impact on public services/assets

Response: With a proposed FSR of 3.88:1, the detailed design development application demonstrates that the proposed/modified building envelopes can accommodate a development with a FSR of less than 4:1 (being the FSR standard at clause 4.4 of Sydney LEP 2012). Given this, the density of development is consistent with the planning controls relevant to the site. Council's Access and Transport Unit raised no objection to the section 4.56 modification application.

(c) **Issue**: Landscaping, tree removal and public domain

- Trees removed should be replaced with native trees
- Hard surfaces should be minimised
- Clarify who owns area on top of cliff between Harbour Mill Apartments and the existing stair from the Wentworth Park Light Rail Station and responsibility for the removal of weeds from the cliff top.

Response: Tree removal/replacement is addressed in the Discussion section, a compliant area of deep soil is proposed and maintenance of the public domain outside of the site is not a matter for consideration in the assessment of the development application.

(d) **Issue**: Adverse privacy impact on the amenity of the Harbour Mill Apartments

Response: Adequate building separations are proposed between Building B - Jones Street and the Harbour Mill Apartments (consistent with the concept consent).

(e) **Issue**: An affordable housing levy should be imposed.

Response: The recommended conditions include a requirement to pay a contribution towards the provision of affordable housing.

Public Interest

126. It is considered that the development application will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

Financial Contributions

Contribution under Section 7.11 of the EPA Act

127. The development is subject to a Section 7.11 development contribution under the provisions of the City of Sydney Development Contributions Plan 2015.

153. The following monetary contribution is required towards the cost of public amenities:

(a)	Open Space	$4,799,539.18
(b)	Community Facilities	$1,464,509.68
(c)	Traffic and Transport	$27,14142.56
(d)	Stormwater Drainage	nil
(e)	Total	**$6,291,191.42**

128. A condition relating to this development contribution has been included in the recommended conditions of consent. The condition requires the contribution to be paid prior to the issue of a construction certificate.

Contribution under Section 7.13 of the Sydney LEP 2012

129. The site is located within the Ultimo/Pyrmont affordable housing contribution area as per clause 7.13 of the Sydney LEP 2012. The development application was lodged on 16 February 2023, and as such, the City West affordable housing program applies. The following affordable housing levy contribution is applicable:

(a) $38.84 per square metre of total floor area of the development that is intended to be used for residential purposes; and

(b) $55.81 per square metre of total floor area of the development that is not intended to be used for residential purposes.

130. Based on a residential total floor area of 36,843m² (including 620m² of shared plant) and a non-residential total floor area of 19,159m² (including 322m² of shared plant), the equivalent monetary contribution amount is **$2,500,245.91** for the proposed development.

131. A condition of consent is recommended requiring payment of the affordable housing contribution prior to the issue of a construction certificate.

Conclusion

132. The development application seeks consent for the detailed design and construction of a mixed-use development across five buildings comprising, demolition, remediation, tree removal, 237 residential apartments, 15,827m² of commercial floor space, 426m² of retail floor space, 91 place centre based child care centre, indoor recreation centre, two basement parking levels, loading dock, landscaping, public domain and civil works and stratum subdivision.

133. The development application is consistent with the concept consent as modified by D/2019/649/B.

134. The proposed development exceeds the maximum 29.7m building height standard (including the 10% design excellence bonus) by up to 4.08m (14%) on Building B - Jones Street, 12.76m (43%) on Building C - Courtyard, 4.25m (14%) on Building D - Wattle Street and 5.44m (18%) on Building E - Wattle Street. A written request to contravene the clause 4.3 height of buildings development standard has been received in accordance with clause 4.6 of Sydney LEP 2012. The written request demonstrates that compliance with the standard is unreasonable and unnecessary, and that there are sufficient environmental planning grounds to justify contravening the standard. The proposal is consistent with the objectives of the land use zone and height of buildings development standard and the proposed departure to building height is supported in this instance (subject to a condition of consent required a 2m reduction in height for Building C - Courtyard).

135. Subject to conditions, the proposal is generally consistent with the applicable planning provisions including SEPP 65, Sydney LEP 2012 and Sydney DCP 2012. Proposed non-compliances have been assessed as having merit in this case and are addressed in this report. Conditions are recommended to address non-compliances where appropriate.

136. The proposed development exhibits design excellence in accordance with clause 6.21C of Sydney LEP 2012, with a high standard of architectural and landscape design, materials and detailing and a built form that is consistent with the existing and future desired character of the area.

137. The development is in the public interest and is recommended for approval, subject to the conditions in Attachment B.

SANDRA ROBINSON BTP (HONS) REGISTERED PLANNER PLUS (EIA)

Director, Robinson Urban Planning Pty Ltd

Attachment B

Recommended Conditions of Consent

SCHEDULE 1

CONDITIONS OF CONSENT

PART A - GENERAL

(1) APPROVED DEVELOPMENT

Development must be in accordance with Development Application No. D/2023/97 dated 16 February 2023 and:

(a) The following architectural drawings prepared by BVN:

Drawing Number	Drawing Name	Revision	Date
AR-DA-A 01A-XX-00	COVER SHEET	07	21/02/24
AR-DA-A 01A-XX-05	BASIX COMMITMENTS	03	21/02/24
AR-DA-A 10A-XX-02	SITE PLAN	09	21/02/24
AR-DA-A 10B-00-00	GENERAL ARRANGEMENT PLAN - LEVEL 00	19	21/02/24
AR-DA-A 10B-01-00	GENERAL ARRANGEMENT PLAN - LEVEL 01	20	21/02/24
AR-DA-A 10B-02-00	GENERAL ARRANGEMENT PLAN - LEVEL 02	18	21/02/24
AR-DA-A 10B-03-00	GENERAL ARRANGEMENT PLAN - LEVEL 03	18	21/02/24
AR-DA-A 10B-04-00	GENERAL ARRANGEMENT PLAN - LEVEL 03 & LEVEL 04	18	21/02/24
AR-DA-A 10B-05-00	GENERAL ARRANGEMENT PLAN - LEVEL 04 & LEVEL 05	18	21/02/24
AR-DA-A 10B-06-00	GENERAL ARRANGEMENT PLAN - LEVEL 05 & LEVEL 06	18	21/02/24
AR-DA-A 10B-07-00	GENERAL ARRANGEMENT PLAN - LEVEL 06 & LEVEL 07	18	21/02/24
AR-DA-A 10B-08-00	GENERAL ARRANGEMENT PLAN - LEVEL 07 & LEVEL 08	18	21/02/24
AR-DA-A 10B-09-00	GENERAL ARRANGEMENT PLAN - LEVEL 08 & LEVEL 09	18	21/02/24
AR-DA-A 10B-10-00	GENERAL ARRANGEMENT PLAN - LEVEL 09 & LEVEL 10	19	21/02/24
AR-DA-A 10B-11-00	GENERAL ARRANGEMENT PLAN - LEVEL 10 & LEVEL 11	18	21/02/24
AR-DA-A 10B-12-00	GENERAL ARRANGEMENT PLAN - LEVEL 11 & LEVEL 12	18	21/02/24
AR-DA-A 10B-13-00	GENERAL ARRANGEMENT PLAN - LEVEL 13	18	21/02/24
AR-DA-A 10B-14-00	GENERAL ARRANGEMENT PLAN - LEVEL 14	14	21/02/24

Drawing Number	Drawing Name	Revision	Date
AR-DA-A 10C-XX-00	ELEVATIONS	07	21/02/24
AR-DA-A 10C-XX-01	ELEVATIONS	05	03/11/23
AR-DA-A 10C-XX-02	ELEVATIONS	06	21/02/24
AR-DA-A 10C-XX-03	ELEVATIONS	06	21/02/24
AR-DA-A 10C-XX-04	ELEVATIONS	05	03/11/23
AR-DA-A 10D-XX-00	SECTIONS	08	21/02/24
AR-DA-A 10D-XX-01	SECTIONS	06	21/02/24
AR-DA-A 10D-XX-02	SECTIONS	06	21/02/24
AR-DA-A 10D-XX-03	SECTIONS	07	21/02/24
AR-DA-A 10D-XX-10	SECTIONS - CLIFF FACE - SHEET 1	02	03/11/23
AR-DA-A 10D-XX-11	SECTIONS - CLIFF FACE - SHEET 2	01	03/11/23
AR-DA-A 19T-XX-35	COMPLIANCE - DDA AND LIVABLE UNITS	03	01/02/23
AR-DA-A 19T-XX-40	COMPLIANCE - STORAGE BASEMENT	01	03/11/23
AR-DA-A 19T-XX-50	COMPLIANCE - PLENUM DETAILS	01	03/11/23
AR-DA-A 19T-XX-55	COMPLIANCE - SCREEN DETAILS - SHEET 01	01	03/11/23
AR-DA-A 19T-XX-56	COMPLIANCE - SCREEN DETAILS - SHEET 02	01	03/11/23
AR-DA-A 19T-XX-60	COMPLIANCE - BUILDING INDENT JONES	01	03/11/23
AR-DA-A 19T-XX-61	COMPLIANCE - BUILDING INDENT WATTLE	01	03/11/23
AR-DA-A 19T-XX-70	COMPLIANCE - WEIGHBRIDGE AND SCALE	01	03/11/23
AR-DA-A 19T-XX-80	COMPLIANCE - MATERIAL BOARD - SHEET 01	01	03/11/23
AR-DA-A 19T-XX-81	COMPLIANCE - MATERIAL BOARD - SHEET 02	01	03/11/23
AR-DA-A 19T-XX-82	COMPLIANCE - MATERIAL BOARD - SHEET 03	01	03/11/23
AR-DA-A 19T-XX-83	COMPLIANCE - MATERIAL BOARD - SHEET 04	01	03/11/23
AR-DA-A 31E-XX-03	CARPARK RAMP	05	03/11/23
AR-DA-A 31E-XX-05	CAR AND BICYCLE PARKING	01	03/11/23
AR-DA-A 21B-00-00	DEMOLITION PLAN	04	01/02/23

(b) The following stratum subdivision plans

Drawing Number	Drawing Name	Revision	Date
Sheet 1 of 11	Location Plan	B	7/11/2023
Sheet 2 of 11	Level 00 & Below	B	7/11/2023
Sheet 3 of 11	Level 01	B	7/11/2023
Sheet 4 of 11	Level 02	B	7/11/2023
Sheet 5 of 11	Level 03	B	7/11/2023
Sheet 6 of 11	Level 04	B	7/11/2023
Sheet 7 of 11	Level 05	B	7/11/2023
Sheet 8 of 11	Levels 06 & 07	B	7/11/2023
Sheet 9 of 11	Level 08 & Above	B	7/11/2023
Sheet 10 of 11	Section A-A	B	7/11/2023
Sheet 11 of 11	Section B-B	B	7/11/2023

(c) The following reports and certificates:

(i) Acoustic Impact Assessment, prepared by Stantec, dated 1 November 2023 and addendum letters relating to courtyard bedrooms (dated 13 October 2023), podium terraces (dated 28 August 2023) and garbage chute design (dated 1 November 2023);

(ii) Detailed Natural Ventilation of Apartments in Noisy Environments, prepared by RWDI, dated 17 November 2023 and Detailed Natural Cross Ventilation Analysis, prepared by RWDI, dated 20 February 2024

(iii) BASIX certificates:

- Jones St Building Certificate No 1349432M_03
- Courtyard Building Certificate No 1349433M_03
- Wattle St Building Certificate No 1349085M_03

and as amended by the conditions of this consent.

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) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

(a) **Building C - Courtyard**: The Plant Room Equipment and Parapet Zone height (and any other structures at Level 13 of Building C – Courtyard) is to be reduced by at least 2m (to a maximum of RL 43.55 (AHD).

(b) **Child care centre (simulated outdoor space)**: Vegetable gardens or gardening tubs are to be included within the simulated outdoor spaces.

The modifications are to be submitted to and approved by Council's Director City Planning, Development and 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.

(3) BUILDING HEIGHT

The height of each building must not exceed the following RLs (AHD):

(a) Building A – Retail Pavilion:

(i) RL 10.75 (AHD) to the roof

(ii) RL 11.05 (AHD) to the parapet wall

(b) Building B - Jones Street:

(i) RL 37.100 (AHD) to the PV array on top of plant and lift overrun

(ii) RL 36.600 (AHD) and RL 36.800 (AHD) to the top of plant and lift overrun

(iii) RL 35.10 (AHD) to the Level 10 roof

(c) Building C - Courtyard:

(i) RL 43.55 (AHD) to the Plant Room Equipment and Parapet Zone

(ii) RL 42.35 (AHD) to the Level 12 roof

(iii) RL 39.45 (AHD) to the Level 09 parapet

(d) Building D - Wattle Street:

(i) RL 36.450 (AHD) to the PV array

(ii) RL 36.250 (AHD) to the Level 11 roof parapet

(iii) RL 32.750 (AHD) to the Level 10 roof

(iv) RL 30.850 (AHD) to the Level 09 balustrade/planter zone

(v) RL 29.550 (AHD) to the Level 09 roof

(e) Building E - Fig Street:

(i) RL 37.950 (AHD) to the top of plant and lift overrun

(ii) RL 36.350 (AHD) to the Level 10 roof

(iii) RL 32.350 (AHD) to the Level 09 roof and RL (AHD) 33.550 to the Level 09 parapet

(iv) RL 29.150 (AHD) to the Level 08 roof and RL (AHD) 29.950 to the Level 08 parapet

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.

(4) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio (FSR):

(a) The FSR of the development must not exceed 3.88:1. For the purposes of calculating the FSR, the site area is 12,361m² (being the site area of land in Zone MU1 – Mixed Use) and the total Gross Floor Area (GFA) is 47,954m² comprising the following components:

(i) Residential: 27,208m²

(ii) Commercial: 15,827m²

(iii) Retail: 426m²

(iv) Child care centre: 1,810m²

(v) Recreation centre: 2,683m²

(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 Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.

Reason

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

(5) 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.

(6) 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(s) comprising BVN 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 is to have full access to the site and is/ 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 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.

(7) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

The terms of the planning agreement entered into in accordance with Deferred Commencement Consent D/2019/649 are to be complied with. In accordance with the Planning Agreement:

(a) the provision of the Guarantee is required prior to the first Construction Certificate for Building B - Jones Street; and

(b) the subdivision and acquisition of the Transfer Land is required prior to the Occupation Certificate for Building B - Jones Street; and

(c) The completion of the Jones Street Footpath Works are required prior to the first Occupation Certificate for Building B - Jones Street; and

(d) The easement for public access is required to be registered no later than before the issue of the Occupation Certificate for Building B - Jones Street.

Reason

To ensure the development complies with all terms of the planning agreement.

(8) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES BOARD

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample boards, and specifications prepared by BVN dated 03/11/23.

Reason

To ensure all parties are aware of the approved materials and finishes that apply to the development.

(9) USE - SEPARATE DA REQUIRED

No consent is granted or implied for the fit-out or specific use of Building A – Retail Pavilion or the retail tenancy adjoining the commercial lobby at the Jones Street entry to Building E – Fig Street.

A development consent or Complying Development Certificate (as appropriate) is required to be obtained for fit-out and use of these and any other retail tenancy.

Reason

To require separate consent to be obtained for a use.

(10) AFFORDABLE HOUSING CONTRIBUTION - ULTIMO PYRMONT - PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION

The Affordable Housing Contribution is as follows:

(a) Prior to a Construction Certificate being issued and pursuant to Sydney LEP 2012 and the adopted City West Affordable Housing Program, the applicant must pay a monetary contribution towards the provision of affordable housing. The contribution is **$2,500,245.91**. If the contribution is paid after 30 June of the year in which this consent is granted, the amount of the contribution must be indexed in accordance with the adopted City West Affordable Housing Program.

(b) To make payment contact Councils Planning Assessment Unit email: planningsystemsadmin@cityofsydney.nsw.gov.au who will index the amount, then provide you with written confirmation of the amount payable and details of how to make the payment at the NSW Department of Planning, Industry and Environment.

(c) Payment can be made either by bank cheque to the value of the required contribution (made in favour of City West Housing Pty Ltd) or alternatively a satisfactory bank guarantee is to be provided to the value of the required contribution. Evidence of payment or lodgement of a bank guarantee must be provided to the Registered Certifier prior to issue of a construction certificate.

(d) Prior to issue of any Occupation Certificate being issued or the use commencing, whichever is earlier, the applicant must provide evidence to the Principal Certifier that the bank guarantee referred to in (c) above has been redeemed as payment of the contribution.

Note: All affordable housing contribution payments (and lodgement of bank guarantees) for Ultimo-Pyrmont are paid at the NSW Department of Planning, Industry and Environment.

Reason

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

(11) SECTION 7.11 CONTRIBUTIONS PAYABLE - CONTRIBUTION TOWARDS PUBLIC AMENITIES – CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 – WEST PRECINCT

Council has identified the development will increase demand for public amenities and facilities. Pursuant to Section 7.11 of the Environmental Planning and Assessment Act, 1979 (as amended), and the City of Sydney Development Contributions Plan 2015 the following monetary contributions are required towards the cost of public amenities.

Contribution Category	Amount
Open Space	$4,799,539.18
Community Facilities	$1,464,509.68
Traffic and Transport	$27,142.56
Stormwater Drainage	nil
Total	**$6,291,191.42**

The City of Sydney will index the above contribution for inflation at the time of payment using the following formula.

Cpayment = Cconsent x (CPIpayment ÷ CPIconsent)

Where:

Cpayment = Is the contribution at time of payment;

Cconsent = Is the contribution at the time of consent, as shown above;

CPIpayment = Is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment; and

CPI1consent = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being – 136.4 for the December 2023.

The contribution must be paid prior to the issue of any Construction Certificate in relation to this development.

Please contact Council's Planning Administration staff at planningsystemsadmin@cityofsydney.nsw.gov.au to request a letter confirming the indexed contribution amount payable.

Once the letter confirming the indexed contribution is obtained, payment may be made at any of the City's Neighbourhood Service Centres or the One Stop Shop at Town Hall House. Acceptable payment methods are EFTPOS (debit card only), cash (up to 10K only), Credit Card (up to 50K only) or a bank cheque made payable to the City of Sydney. Personal or company cheques will not be accepted.

Reason

To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved 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) CAR SHARE PARKING SPACES

Car share parking spaces 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 must not be 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.

(16) 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.

(17) 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.

(18) 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.

(19) 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.

(20) PARKING ON COMMON PROPERTY AREAS

No part of the common property, apart from the visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats. The strata subdivision of the building is to include an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, so burdening common property, with the Council being the authority to release, vary or modify the restriction.

Reason

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

(21) 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.

(22) 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.

(23) 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.

(24) 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.

(25) CAPACITY

The total number of children at the centre at any one time must not exceed 91 per day, with a minimum of 33% of the total number of children being 0-2 year olds.

The total number and age break down is subject to approval by the New South Wales Department of Education and any change to the figures stated above will require the lodgement of a Section 4.55 application to modify this consent to reflect the final numbers approved by DEC.

Reason

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

(26) CHILD CARE DROP OFFS AND PICK UP

Child care drop off and pick up spaces must be limited in duration to no more than 30 minutes at any one time during the operation hours of the child care centre.

The spaces must be clearly signposted with this time restriction and must not be used as unrestricted parking at any time.

Reason

To ensure parking operations associated with the childcare centre do not adversely impact on local traffic movements.

(27) NSW DEPARTMENT OF EDUCATION

(a) A service approval to operate the child care centre must be obtained from the NSW Department of Education prior to commencement of operations at the child care centre.

(b) Full compliance with any service approval requirements of the NSW Department of Education is required.

Reason

To ensure all relevant approvals and licenses are obtained for the approved use prior to the commencement of operation.

(28) TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS AFFECTING THE ROAD RESERVE

For temporary shoring including ground anchors affecting the road reserve, a separate application under Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council.

Reason

To ensure that approval under the Roads Act is obtained.

(29) 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.

(30) AIR CONDITIONERS GENERALLY

No air-conditioning equipment is to be visible from the public domain. Equipment and associated wiring must:

(a) Not be located on awnings or attached to the face of the building

(b) Not be located on roofs in such a way that it is visible from any street, footpath or park

(c) Be visually screened if located 1.8 metres above ground level in other locations

(d) Wiring must be fully concealed.

Reason

To ensure the visual impact of air conditioners is minimised.

(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) SWINGING DOORS OVER PUBLIC WAY

Any access doors to enclosures housing building services and facilities, apart from hydrant and sprinkler booster assemblies or Ausgrid substation, must not open over the footway/roadway.

Reason

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

(33) 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 UAP Fig & Wattle Streets, Pyrmont Preliminary Public Art Plan, dated September 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 for further information.

Reason

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

(34) 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.

(35) 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.

(36) SIGNAGE STRATEGY

A separate development application is to be submitted seeking approval of a signage strategy for the building. The signage strategy development application must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.

Reason

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

(37) SIGNS/GOODS IN THE PUBLIC WAY

No signs or goods are to be placed on the footway or roadway adjacent to the property.

Reason

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

(38) 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.

(39) LAND SUBDIVISION – SUBDIVISION CERTIFICATE

A separate application must be made online through the Planning Portal, at www.planningportal.nsw.gov.au to obtain the approval of the plan of subdivision and issue of a Subdivision Certificate under Section 6.15 of the Environmental Planning and Assessment Act 1979. Go to the “Post Consent Certificates” section on the website for Subdivision Certificates. It is recommended that the PDF versions of the subdivision, Administration sheets & Section 88B Instrument that are uploaded are between 400 & 600 dpi as these may be digitally signed.

The subdivision plan must not be finalised by the registered surveyor until such time as the roof, gutters and overhangs on the buildings have been completed. Encroachments by the building at ground floor level upon public roads must be first approved in writing by Council's Area Planning Manager prior to the issue of the subdivision certificate.

Reason

To ensure the orderly development of land.

(40) STRATA SUBDIVISION – APPROVAL OF STRATA PLAN REQUIRED

A separate application must be made to Council or a Registered Strata Certifier to obtain approval of the Strata Plan and issue of a Strata Certificate under the *Strata Schemes Development Act 2015* for further strata subdivision of the registered stratum lots. Where five years has lapsed from the date of determination of consent D/2023/97, a new development application for strata subdivision will be required, pursuant to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

Reason

To ensure separate approval is obtained for approval of the Strata Plan.

(41) 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 broad-band 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.

(42) 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.

(43) WASTE – DESIGN OF GARBAGE CHUTES

The garbage chute located in the northern end of Building B – Jones Street (adjacent to Unit B1.04-09.2) is to be designed in accordance with the details set out in the memorandum titled "14-26 Wattle Street, Pyrmont Garbage Chute and Garbage Disposal Room" prepared by Stantec, dated 12 February 2024. Confirmation of compliance prepared by a qualified acoustic consultant is to be submitted for the approval of Council's Area Planning Manager prior to the issue of the Construction Certificate for construction works.

Reason

To ensure that the garbage chute is designed to minimise noise instructions for the adjoining dwellings.

(44) 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
1 - 5	*Platanus orientalis (Oriental Plane)*	On-site
6	*Lagerstomia indica (Crepe myrtle)*	On-site
7	*Celtis sinensis (Chinese Hackberry)*	On-site
8 - 11	*Platanus orientalis (Oriental Plane)*	On-site
12-14	*Celtis sinensis (Chinese Hackberry)*	On-site
15	*Ficus rubiginosa (Port Jackson Fig)*	On-site
16 - 21	*Celtis sinensis (Chinese Hackberry)*	On-site
22	*Pittosperum undulatum (Sweet Pittosperum)*	On-site
23	*Olea europaea (African Olive)*	On-site
24 - 30	*Celtis sinensis (Chinese Hackberry)*	On-site
31	*Ficus rubiginosa (Port Jackson Fig)*	On-site
32-36	*Casaurina cunninghamii (River Oak)*	Road Reserve – Fig St
37	*Casuarina glauca (Swamp Oak)*	Road Reserve – Fig St
38 - 39	*Platanus orientalis (Oriental Plane)*	Road Reserve – Fig St
48	*Tristaniopsis laurina (Water Gum)*	Road Reserve – Wattle St
49	*Populus simonii (Chinese Poplar)*	Road Reserve – Wattle St
50 -51	*Melaleuca quinquenervia (Broadleaved Paperbark)*	Road Reserve – Wattle St
52	*Populus simonii (Chinese Poplar)*	Road Reserve – Wattle St
53	*Tristaniopsis laurina (Water Gum)*	Road Reserve – Wattle St
54	*Melaleuca quinquenervia*	Road Reserve – Wattle

	(Broadleaved Paperbark)	St
55	*Populus simonii (Chinese Poplar)*	Road Reserve – Wattle St
56	*Koelreutaria paniculata (Golden Rain Tree)*	Rail Corridor
97	*Syzygium paniculatum (Magenta Cherry)*	Rail Corridor
99	*Syzygium paniculatum (Magenta Cherry)*	Rail Corridor

(b) All tree removal works must be carried out by an arborist with a minimum AWF Level 3 qualification in arboriculture in accordance with SafeWork's Code of Practice – Amenity Tree Industry.

Reason

To identify the trees that can be removed.

(45) 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.

Tree No	**Species:**	**Location**
40 - 47	*Platanus orientalis (Oriental Plane)*	Road Reserve – Fig St
57 - 58	*Koelreutaria paniculata (Golden Rain Tree)*	Rail Corridor
59	*Tristaniopsis laurina (Water Gum)*	Rail Corridor
60	*Koelreutaria paniculata (Golden Rain Tree)*	Rail Corridor
61	*Tristaniopsis laurina (Water Gum)*	Rail Corridor
62	*Koelreutaria paniculata (Golden Rain Tree)*	Rail Corridor
63	*Angophora costata (Sydney Red Gum)*	Rail Corridor
64	*Callistemon viminalis (Weeping Bottlebrush)*	Rail Corridor
65	*Angophora costata (Sydney Red Gum)*	Rail Corridor
66	*Banksia integrifolia (Coast Banksia)*	Rail Corridor
67	*Eucalyptus punctata (Grey*	Rail Corridor

	Gum)	
68 - 70	*Syzygium paniculatum (Magenta Cherry)*	Rail Corridor
71	*Angophora costata (Sydney Red Gum)*	Rail Corridor
72	*Casuarina cunninghamiana (River Oak)*	Rail Corridor
73 - 75	*Syzygium paniculatum (Magenta Cherry)*	Rail Corridor
76	*Lophostemon confertus (Brushbox)*	Rail Corridor
77 - 80	*Casuarina cunninghamiana (River Oak)*	Rail Corridor
81 - 82	*Angophora costata (Sydney Red Gum)*	Rail Corridor
83	*Banksia integrifolia (Coast Banksia)*	Rail Corridor
84	*Polyscias elegans (Celery Tree)*	Rail Corridor
85 - 86	*Angophora costata (Sydney Red Gum)*	Rail Corridor
87	*Melaleuca styphelioides (Prickly Paperbark)*	Rail Corridor
88 - 89	*Angophora costata (Sydney Red Gum)*	Rail Corridor
90 - 109	*Syzygium paniculatum (Magenta Cherry)*	Rail Corridor

Reason

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

PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

(46) 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.

(47) 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.

(48) 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	147
Accessible residential spaces	36
Residential visitor spaces	5
Office and business parking	19
Accessible office and business parking	1

Car Parking Type	Number
Child care (staff and drop-off) visitor parking	10
Child care (staff and drop-off) / visitor accessible parking	2
Car share parking (residential)	2
Car share parking (commercial)	1
Subtotal	223
Motorcycle parking	20
Small Rigid Vehicle loading dock(s)	3
Medium Rigid Vehicle loading dock(s)	2
Total	248

Reason

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

(49) 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	256	Spaces must be a class 1 bicycle locker [1] or class 2 bicycle rails
Residential visitor	26	Spaces must be Class 2/3 bicycle rails
Non-residential	110	Spaces must be Class 2 bicycle facilities
Non-residential visitor	52	Spaces must be Class 2/3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	16	
Personal lockers	164	

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.

(50) CAR SHARE SPACES

(a) A minimum of 3 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.

(51) 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.

(52) DRIVEWAY DESIGN

The width of the car park driveway across the footpath Wattle Street is to be reduced to 6m at the property boundary. Details must be submitted to and approved by the Registered Certifier prior to a Construction Certificate being issued.

Reason

To minimise the impact of driveways on pedestrian safety.

(53) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Prior to the issue of a Construction Certificate a Construction Environmental Management Plan (CEMP) must be prepared by appropriately qualified person for the site and submitted to Council's Area Planning Coordinator | Area Planning Manager for written approval. The CEMP must consider all potential environmental impacts from the approved works including but not limited to sedimentation control, contamination containment, stockpiles, noise and vibration, odours and dust emissions.

All works must be undertaken onsite in accordance with the approved Construction Environmental Management Plan.

Reason

To ensure that construction is appropriately managed.

(54) 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.

(55) HERITAGE INTERPRETATION WORKS

(a) The approach to heritage interpretation of the site as outlined in the report titled "Wattle Street Pyrmont Response to Site Interpretation", prepared by Paul Davies dated November 2023, is to be developed further, with detailed information related to the location, materiality, design, text, images, and content submitted for the approval of Council's Area Planning Manager prior to the issue of the Construction Certificate for construction works. The details of the interpretation works required are to include:

(i) Works within the recreation centre;

(ii) Works within the landscape area;

(iii) Details of the new and existing steel structure supporting and related to the reused steel trusses;

(iv) Details of the reuse of stone blocks and the Council sign;

(v) Details of the fixings of the steel plates to the stone wall; and

(vi) Details of the enclosure of the weighbridge scales within the recreation centre.

(b) The approved interpretation works are to be implemented and installed must be implemented and installed to the satisfaction of Council's Area Planning Manager prior to the issue of an Occupation Certificate for the site or the part of the site in which the works are located.

Reason

To ensure that the heritage of the site is appropriately interpreted and incorporated into the development.

(56) ACOUSTIC AND VENTILATION REPORT

The recommendations outlined in the following reports are to be implemented, with a detailed confirmation of compliance prepared by a qualified wind engineering consultant and acoustic consultant submitted for the approval of Council's Area Planning Manager prior to the issue of the Construction Certificate for construction works:

(a) "Detailed Natural Ventilation Of Apartments In Noisy Environments" (Ref: RWDI #22065570), prepared by RWDI, dated 17 November 2023 as amended by the report titled "Detailed Natural Cross Ventilation Analysis" (Ref: RWDI # 2206557), prepared by RWDI, dated 20 February 2024; and

(b) "14-26 Wattle Street, Pyrmont - Acoustic Impact Assessment", prepared by Stantec, dated 1 November 2023.

Reason

To provide a reasonable standard of natural ventilation and acoustic amenity.

(57) PEDESTRIAN WIND STUDY

The recommendations outlined in the reports titled "14-26 Wattle Street Pedestrian Wind Study" (Ref: RWDI # 2206557), prepared by RWDI Australia Pty Ltd dated 31January 2023 and "14-26 Wattle Street, Pyrmont, Sydney Review of Updated Drawings" (RWDI Reference #2206557), prepared by RWDI Australia Pty Ltd dated 31 October, 2023 are to be implemented, with a detailed confirmation of compliance prepared by a qualified wind engineering consultant submitted for the approval of Council's Area Planning Manager prior to the issue of the Construction Certificate for construction works.

(58) 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

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.

(59) LANDSCAPING OF THE SITE

(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 Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of a Construction Certificate. The design must be generally in accordance with the Stage 2 DA Landscape Design Report, Rev F by Oculus dated 20/02/24 and the Stage 2 Development Application drawing package, Rev 2 by Oculus, dated 20/02/24. The drawings 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) Minimum 1 BBQ to be incorporated into the communal space adjacent to the swimming pool;

(iv) Full details of steel heritage interpretation structure, including its construction, use (as appropriate) and maintenance requirements Details of earthworks and soil depths including detailed existing (where appropriate) and proposed 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;

(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) Prior to the issue of an Occupation Certificate, the deep soil area must be constructed as approved on drawing ARDAA 10B0100, Issue 20 by BVN. Where relatively natural soil does not exist, photographic evidence of installation of clean fill, in accordance with approved details, must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager.

(c) All landscaping in the approved plan is to be complete prior to any Occupation Certificate being issued.

Reason

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

(60) ACCESSIBLE GREEN ROOFS RECOMMENDED

(a) A detailed green roof plan including 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 a Construction Certificate. The design must be generally in accordance with the Stage 2 DA Landscape Design Report, Rev F by Oculus dated 20/02/24 and the Stage 2 Development Application drawing package, Rev 2 by Oculus, dated 20/02/24. The drawings must include:

(i) A statement that includes details of proposed use of the green roof, accessibility, and any noise and privacy treatments.

(ii) A detailed design review of all planters to the edges of roofs that are positioned beyond the balustrade. Where safe and easy access is not practicable, these are to be removed.

(iii) Location and details of existing and proposed services, walls, balustrades, hard surfaces, furniture, screens and shade structures, fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.

(iv) Engineers report confirming structural capacity of building for proposed roof terrace loads.

(v) Details of soil types and depth including 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.

(vi) 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.

(vii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.

(viii) 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.

(b) 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.

(c) All landscaping in the approved plan must be complete prior to the issue of an Occupation Certificate.

Reason

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

(61) DEWATERING - APPROVAL NSW OFFICE OF WATER

If any dewatering of the site is to be undertaken, a bore licence may be required from the NSW Office of Water under the provisions of Part V of the Water Act 1912. The NSW Office of Water licences dewatering to allow excavation for construction for a temporary period, usually 12 months.

NOTE: The Department's instructions to Council are that they will not endorse the extraction of groundwater in perpetuity i.e. permanent dewatering around a development site, because it considers such development to be unsuitable. For this reason any proposed basement or other area that requires dewatering on an on-going basis may need to be fully tanked.

Reason

To ensure dewatering is undertaken appropriately.

(62) 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.

(63) 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 Impact Assessment prepared by Stantec, dated 1 November 2023, ref 301350642 rev. 005, titled 'Acoustic Impact Assessment', Council Ref 2023/633671 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. 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.

(64) PUBLIC DOMAIN DAMAGE BOND

(a) A Public Domain Damage Deposit calculated on the basis of 980 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.

(65) PROTECTION OF STONE KERBS: WATTLE STREET

(a) The existing stone kerbs on the Wattle Street frontage of the site are to be retained and properly protected during demolition, excavation and construction works.

(b) The existing driveway entrance comprising curved trachyte kerb stones is to be retained in its current location, level with the new footway to reflect the historical entrances and use of the site.

(c) 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 reinstalled 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.

(d) 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.

(66) 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.

(67) 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.

The concept plan is to clearly show all frontages and proposed treatments as follows:

- Wattle Street: Concrete pavers and existing trachyte kerbs with infill bluestone kerbs
- Fig Street: Concrete pavers with new bluestone kerbs
- Jones Street: Sawcut insitu concrete footway with concrete kerbs

Note: A detailed Public Domain Plan will be required prior to construction (refer to Public Domain Plan.

Reason

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

(68) PUBLIC DOMAIN LEVELS AND GRADIENTS (WHEN NOT APPROVED AT DA STAGE) 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/publicdomainworks/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.

(69) STORMWATER DRAINAGE DESIGN

Prior to issue of any Construction Certificate a detailed stormwater management plan prepared by suitable qualified and experienced 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;

(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/publicdomainworks/daassociatedworks.

(b) The following must be incorporated into any documentation submitted for review and approval:

(i) Pipe diameters shown on the plan sheets must correspond with the pipe diameters on the longitudinal sections.

(ii) Design plans are to incorporate pit pollutant filter inserts for pits within the property boundary as recommended in the design report by Enspire.

(iii) The design report by Enspire recommends vacuum trucks park on the verge at the entry ramp to maintain Water Quality Chamber No. 1. Parking on the footway is not permitted. Revised documentation removing the requirement to park on the footway must be submitted.

(iv) Stormwater pit B1 is to be a raised "letterbox" style pit with concrete apron and weir to allow ponding to improve inlet capacity.

(v) The building adjacent pit B1 is to be suitable waterproofed to a minimum of 150mm above the level of the top of the 300mm high weir.

(vi) The outlet pipe from Pit B1 is to be upgraded to minimum 450mm diameter.

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. A Positive Covenant regarding the retention and ongoing maintenance of the 300mm high weir at pit B1 will be required prior to the issue of any occupation certificate.

Reason

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

(70) STORMWATER QUALITY ASSESSMENT

The development must comply with Section 10 Stormwater Quality Management of the report Design Report Development Application by Enspire dated 16 August 2023 approved with this development application.

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 report dated 17/8/2023.

Reason

To ensure appropriate stormwater quality on the site.

(71) FLOOD PLANNING LEVELS

The development must be constructed to comply with the recommended flood planning levels indicated in Table 3.2 of the letter 14-26 Wattle Street Pyrmont Stage 2 DA Amended _Flood Planning Level Letter prepared by BVN, undated.

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.

(72) 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/publicdomainworks/daassociated works.

The lighting upgrade plan must cover all adjacent street frontages, being Wattle, Fig and Jones Streets and shall be designed to include the following requirements;

(a) Wattle St (along the development site i.e from incl intersection with Fig St to railway bridge)

(i) Lighting compliance with requirements of AS1158 under Category V3 on the roadway and Category PP2 (with minimum 2 lux vertical illuminance) on the footways must be achieved.

(ii) Remove Ausgrid street lighting assets (incl associated cabling etc).

(iii) Install new COS Smartpoles 9.6m S1B complete with suitable COS's approved standard LED luminaire. Complete with banner arm and high-level GPO. Smartpoles cladding should be the standard anodised silver colour.

(iv) Lighting design shall demonstrate compliance with intersection lighting at Fig St/Wattle St.

(b) Fig St (along the development site)

(i) Lighting compliance with requirements of AS1158 under Category V3 on the roadway and Category PP2 (with minimum 2 lux vertical illuminance) on the footways must be achieved.

(ii) If required, upgrade existing Ausgrid street lighting using network standard LED luminaires. (Submit lighting design/simulation and certificate for existing lighting levels achieved.)

(c) Jones St (along the development site):

(i) Lighting compliance with requirements of AS1158 under Category PR2 on the roadway and Category PP2 (with minimum 1.0 lux vertical illuminance) on the footways must be achieved.

(ii) If required, upgrade existing Ausgrid street lighting using network standard LED luminaires. (Submit lighting design/simulation and certificate to confirm existing lighting levels achieved.)

Notes:

- Lighting designs certified by a practising lighting engineer must be submitted for COS review and approval before a construction certificate is issued for public domain works. Lighting designs must consist of two parts: illumination design and electrical supply reticulation design. COS can only review electrical reticulation design once it receives the final illumination designs.

- Supply and install a new 3 Phase COS MSB. Developer should carry out ASP discovery and investigation required. Submit MSB shop drawings before construction for COS review.

- Lighting design submission requirements are specified in the "Sydney Streets Technical Specification A5: Street Lighting Design". For instance:

    - Lighting plans should show calculation points as per Australian standards.

    - Calculation plot scale should not be smaller than 1:250 @ A1.

    - Provide a calculation summary table showing all relevant light technical parameters and compliance.

    - Highlight all areas of noncompliance (if any).

    - Comply with the requirements of AS4282 to ensure no unwanted obtrusive lighting impacts.

- All works shall comply with the requirements of all applicable standards and guidelines, including (but not limited to) AS1158, AS4282, and the City of Sydney’s A5 and Ausgrid NS119 documents.

- Provide a structural and footing design package, design certificate and construction certificate, which information regarding pier footing, soil assumption, reinforcement details, design data, wind, geotechnical report etc. Engineering design drawing and design certificate of footing for all poles (including poles supplied by GM pole, Vicpole, Smartpole supplied by HUB and any other pole types) shall be submitted to CoS for review prior to commencement of any works.

- Engineering footing design drawings shall state cladding and finishes, all design load parameters, construction notes, holding down bolt embedment depth, compressive strength of non-shrink grout, pier diameter & depth, concrete grade, concrete cover, wind load, pole base reaction forces, pole type, and any other relevant geotechnical design information/assumptions (eg. soil cohesion “Cu” value, soil unit weight, internal friction angle and min. allowable soil bearing capacity etc). (Design calculations may be required by CoS during review stage). Detail of the protection treatment – mortar mix covering etc. for the pole’s baseplate and holding down bolts as per CoS “Sydney Streets Technical Specification” A5, Annexure 6 or 7. Specify in the drawings the minimum required period (eg.7 days) from the date of pouring concrete footing before installation of Streetlight pole/Smartpole. Unless conduct compressive strength test of concrete footing specimens has achieved a minimum compressive strength (eg.20 MPa) before installation of Streetlight pole/Smartpole.

- For footings impacting surrounding existing structural elements, such as retaining walls, basement wall or basement slab etc. The structural adequacy of the affected existing elements shall be certified by a suitable qualified engineer and permission must be obtained by the asset owner of existing element before commencing work.

- Provide certification by a qualified geotechnical engineer to verify the soil parameters against the design assumption on site prior to installation of reinforcement bars and concreting etc.

- Provide final structural engineer certificate by a qualified structural engineer to confirm the footing construction is in accordance with approved design drawing.

- Provide temporary lighting complying with COS public domain lighting specifications prior to the removal of existing public lights.

- Under-awning lighting (if applicable): Provide under-awning lighting in accordance with the COS Awnings Policy and the Sydney DCP. Compliance with AS1158 Category PP1 (plus 2 lux minimum vertical illuminance) is required.

- Proposals for building exterior lighting, signage lighting, and lighting of landscape features need to be assessed under a separate DA.

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.

(73) 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.

(74) 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 offsite disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

Reason

To ensure dewatering is managed appropriately

(75) VEGETATED SWALE RECOMMENDED

Prior to the issue of any stormwater approval for the site, an Operation, Maintenance and Monitoring Manual for the vegetated swale and associated stormwater infrastructure shall be submitted for review and approval to the City of Sydney. The Manual shall be prepared by a suitably qualified person in accordance with the City's Engineering Technical Specifications.

The Manual must detail the inspection period, maintenance regime, emergency contacts and note that the Owners Corporation is responsible for the maintenance and any required renewal.

(76) FLOOD RISK MANAGEMENT

(a) Any material used for the habitable / non-habitable floor level below the respective PMF level shall comply with the flood compatible materials under section 6 – flood compatible materials of the Interim Floodplain Management Policy dated May 2014.

(b) All building structures are to be designed to ensure structural integrity for immersion and the impact of hydraulic forces of floodwaters and debris up to the 1% AEP flood level plus 0.5meter or Probable Maximum Flood level, whichever is the greater. For example, where glass is used, it must be toughened glass to resist the impact of hydraulic forces of floodwaters and impact loading of debris. Details of these works shall be submitted to and shall be approved by the Principal Certifying Authority prior to the issue of the Construction Certificate. A copy of the approved Certification report shall be provided to the City for record keeping purposes.

(c) Flood protection is required for all flood events up to and including the minimum flood planning levels applicable to each respective retail space.

(d) The number and location of flood sensors and flood protection mitigation measures are to be certified by a flood engineer and indicated on the relevant plans. A minimum of two sensors are required to operate the doors (flood barriers) independently and ensure that one or both the sensors activate when required. A sensor must also activate an alarm system (flashing lights) on the exterior of the building and entry point to warn of flooding.

(e) Flood proofing is to be maintained for the life of the development. The design of the flood proofing is to be certified by a suitable qualified practitioner engineer with experience in flood proofing and is to be compatible with the design of the development set out in this development consent. The certification must ensure compliance with the relevant Australian Standards and codes for structural engineering. The certification must be supplied by the Applicant to the Certifying Authority prior to the issue of any Construction Certificate. A copy of the approved Certification report shall be provided to the City for record keeping purposes.

(f) All flood protection features requiring power to operate must have alternative backup power source

(g) All electrical features including power points and other mechanical equipment must be set above the FPL. This must be shown on the detailed plans prior to the issue of the Construction Certificate.

(h) No toxic or other hazardous materials are to be stored below the respective flood planning level for each respective retail spaces.

(i) A design certification report prepared by a suitably qualified practitioner engineer demonstrating compliance has been achieved of these requirements above shall be submitted to and shall be approved by the Principal Certifying Authority prior to the issue of any Construction Certificate. A copy of the report shall be provided to the City for record keeping purposes.

(77) FLOOD EMERGENCY RESPONSE PLAN

(a) Flood Emergency Response Plan (FERP) is to be prepared by a suitably qualified flood engineer and be implemented as a positive covenant on the title of the property (and annexed to the positive covenant). The Flood Emergency Response Plan is to be implemented and operated by the building owner and/or Owners Corporation at all times. The FERP is to be reviewed by a suitably qualified flood engineer every five years with regard to the requirements below. Following any amendment, a copy of the FERP is to be submitted to the City for record keeping purposes.

(b) The Flood Emergency Response Plan must include all measures required to be implemented to ensure the ongoing management of flooding risk in relation to the building, including (but not limited to) the following:

(i) Describe the flood conditions in the vicinity of the site;

a. If appropriate, direct persons on the site to seek refuge above the Probable Maximum Flood level for all levels of the building that are flood affected. Shelters in place for flood affected parts of the building is not permissible;

b. Include a map directing residents and visitors to a refuge via a flood free pathway within the building;

c. Describe the audible and visual alarm system for the basement area, including the linkage of this system to the building management system, details of failsafe operations and alternate power arrangements;

d. Provide details (as an appendix) of all proposed flood sensors, their purpose, operation and maintenance (including the frequency of maintenance);

e. Provide details of lift design and operation in the event of a flood and specify how the lift will be deactivated in the event of a flood;

(ii) Provide details of access to flood free areas for disabled persons;

a. Provide details of all flood protection design features of the building (flood doors and the like) and describe their operation, maintenance, repair and replacement arrangements.

b. Repairs are to be completed to ensure that the flood doors/gates/barriers remain operational and effective at all times;

c. Any pumping equipment used to disperse flood waters should have the same maintenance schedule as the flood doors; and

d. Make provision for three monthly testing by the building owner and/or Owners Corporation.

(c) The building owner and/or Owners' Corporation must enter into a service arrangement by which all identified faults or defects to all flood designed features of the building must be repaired within 24 hours.

(d) No toxic or other hazardous materials are to be stored below the Flood Planning Level or in the basement levels.

(e) Prior to the issue of any Construction Certificate, the Flood Emergency Response Plan (FERP) is to be submitted to and approved by Principal Certifying Authority (PCA). A copy of the approved FERP shall be submitted to the City for record keeping purpose.

(f) Prior to the issue of an Occupation Certificate, the approved Flood Emergency Response Plan and positive covenant relating to the flood protection measures shall be registered with the Land Title office

(78) 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 ($L_{A90,\ 15\ minute}$) 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.

(79) LETTERBOXES

(a) Details of the location and design of all letterboxes are to be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of a Construction Certificate.

(b) Letterboxes are to be discreetly located, must not obstruct and/or dominate the public way and must be of a type and specification that minimises opportunities for mail theft.

(c) Where possible, consideration should be given to locating letterboxes within secure building lobbies.

Note: The applicant is strongly advised to contact Australia Post to discuss how the letterboxes within the lobby will be accessed.

Reason

To ensure letterboxes are located in an appropriate location on the site to prevent mail theft.

(80) MEDIAN STRIP

The development's Wattle Street driveway must be physically restricted to a left in left out arrangement.

The central median concept and location must be referred to and agreed to by the Local Pedestrian and Traffic Calming Committee (LPCTCC) and approved from Council prior to the issue of a Construction Certificate. The median must also be approved as part of the Public Domain Plan.

Further information or design changes may be required during the approvals process and the cost of any changes and associated documentation must be borne by the applicant. The median must be constructed as per conditions of the LPCTCC and designed and constructed at no cost to Council.

The median must be construction prior to any Occupation Certificate being issued for the development.

Note: Referral to the Local Pedestrian, Cycling and Traffic Calming Committee may take a few months and it is recommended that the Traffic Works Plan submission is initiated early in the project.

Reason

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

(81) FLOOR TO CEILING HEIGHT

Prior to a Construction Certificate being issued, the Registered Certifier must ensure that all living rooms and bedrooms in sole occupancy units must have a minimum finished floor to ceiling height of not less than 2.7 metres.

Reason

To ensure an adequate minimum floor to ceiling height to provide an acceptable level of amenity.

(82) REDUCTION OF NOISE FROM EXTERNAL SOURCES (RESIDENTIAL AND SERVICED APARTMENTS)

(a) Prior to a Construction Certificate being issued, an acoustic assessment report prepared by a suitably qualified acoustic consultant must be submitted to and approved by the Registered Certifier demonstrating compliance with the requirements of the *Sydney DCP 2012* in relation to acoustic privacy. The approved drawings and specifications for construction are to be in accordance with the requirements of the DCP.

(b) In the preparation of the report:

(i) The environmental noise monitoring at the site of the proposed development must be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations;

(ii) The repeatable maximum LAeq (1 hour) for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified, and

(iii) The LAeq (1 hour) noise levels within living rooms and bedrooms with windows and doors both open and closed must be shown.

(c) Prior to any Occupation Certificate being issued, a Compliance Certificate from a qualified, practising acoustic engineer must be submitted to the satisfaction of the Principal Certifier, certifying compliance with the condition.

Reason

To ensure an appropriate level of acoustic amenity inside apartments.

(83) VENTILATION SECURITY AND WEATHER PROTECTION

All habitable rooms must have a combination of openable sashes and/or louvres that ensure a minimum Effective Openable Area (EOA) for ventilation purposes as required by the NCC and the Apartment Design Guide (ADG) when opened to the maximum dimension permitted under the NCC provisions for *Protection of Openable Windows.*

The sashes and/or louvres must provide the minimum EOA under most wet weather conditions and must also be securable to prevent unauthorised entry when open. The minimum EOA must be provided in addition to any external doors as these cannot be adequately weather-protected or secured when left partially open. A reduction for fly screens must be taken into consideration to account for any future installation.

The method of measurement must be in accordance with the definition of EOA as defined by the Apartment Design Guide, which is:

'the minimum area of clear opening of a window that can take part in providing natural ventilation. The effective openable area of a sliding or hung sash window can be measured in elevation. Hinged windows such as casement, awning and hopper windows may measure the diagonal plane from the sash to the jamb and add the triangles at either end up to a total area of the window opening in the wall. Obstruction within 2m of a window reduce the effective openable area as measured in elevation. Fly screens and security screen will reduce the effective openable area by half'.

(a) Prior to the issue of a Construction Certificate, the following details of the proposed fenestration must be submitted to, and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager:

(i) Detailed elevation drawings and a window schedule which show the size, type and location of all openable sashes / louvres in relation to the floor area served by those sashes;

(ii) Details of any proposed insect screens or other barriers to free air flow;

(b) Evidence that all fenestration details shown in the approved drawings described in part (a) above have been completed is to be provided to the Principal Certifier prior to any Occupation Certificate being issued.

Reason

To ensure adequate ventilation to provide an acceptable level of amenity.

(84) CONSTRUCTION AND FITOUT OF FOOD PREMISES

The construction, fit-out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the *Food Act 2003* and AS 4674 – 2004 Design, Construction and Fit-out of Food Premises.

Note: Copies of AS 4674-2004 may be obtained from the Standards Australia Customer Service on telephone 1300 65 46 46 or by visiting the website www.standards.com.au.

Copies of the Food Standards Code (Australia) may be obtained by contacting the Food Standards Australia and New Zealand Authority on telephone (02) 6271 2222, email info@foodstandards.gov.au or by visiting the website www.foodstandards.gov.au

Reason

To ensure the construction, fitout and finishes of the food premises comply with relevant standards.

(85) FOOD PREMISES – DETAILED PLANS

(a) Detailed and scaled plans of all kitchen, bar, food preparation, waste and storage areas, food handler toilets and all areas associated with the food business must be prepared in accordance with the *Australia New Zealand Food Standards Code – 3.2.3 – Food Premises and Equipment* under the *Food Act 2003* and *AS 4674 - Design, Construction and Fit-out of Food Premises*.

(b) Prior to the issue of a Construction Certificate the plans required by (a) of this condition must be submitted to and approved in writing by the Registered Certifier.

Reason

To ensure all areas associated with the food business comply with relevant standards.

(86) FOOD PREMISES – ADDITIONAL MECHANICAL VENTILATION REQUIREMENTS

(a) The cooking appliances require an approved air handling system designed in accordance with *AS1668.1 - The Use of Ventilation and Air-conditioning in Buildings – Fire and Smoke Control in Buildings* and *AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings*, and must incorporate the following:

(i) The discharge exhaust air must be directed in a vertical, or near vertical direction above the roof, and

(ii) The cooking appliances must not burn any charcoal, wood or other solid fuel.

(b) Details of the proposed system must be submitted to and approved by Council's Health and Building Unit in writing prior to the issue of a Construction Certificate.

Reason

To ensure the cooking appliances comply with relevant standards and do not cause a nuisance or air pollution affecting neighbouring properties.

(87) ADDITIONAL REQUIREMENTS ON PLANS – SINKS AND HAND WASH BASINS

Prior to the issue of Construction Certificate, amended scale plans confirming the position of all sinks and hand wash basins within the food premises must be submitted to and approved by Council's Health and Building Unit. The location and accessibility of sinks and hand wash basins must comply with the requirements of *AS4674 Design, Construction and Fit-out of Food Premises* and *Australia New Zealand Food Standards Code 3.2.3 – Food Premises and Equipment*.

Reason

To ensure sinks and hand wash basins comply with relevant standards.

(88) MECHANICAL VENTILATION

(a) The premises must be ventilated in accordance with the *Building Code of Australia* and *AS1668.1 and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings.*

(b) Details of any mechanical ventilation and/or air conditioning system complying with *AS1668.1 and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*, the *Building Code of Australia* and relevant Australian Standards must be prepared and certified in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, to the satisfaction of the Registered Certifier prior to the issue of a Construction Certificate.

(c) Prior to issue of any Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, must be submitted to the Principal Certifier.

Reason

To ensure the ventilation complies with relevant standards.

(89) 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.

(90) TELECOMMUNICATIONS IN NEW DEVELOPMENTS

Prior to the issue of the Subdivision or Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Registered Certifier that arrangements have been made for:

(a) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and

(b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

Note: real estate development project has the meanings given in section 372Q of the Telecommunications Act.

Reason

To ensure the development adequately provides for telecommunications.

(91) 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.

(92) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

(a) 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.

(b) 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

(c) 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.

(93) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

(a) 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*.

(b) 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

(c) 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.

(94) SUBDIVISION PLAN – SOME COMPONENTS PRIOR TO CONSTRUCTION CERTIFICATE

(a) Prior to the issue of any approval for demolition or Construction Certificate, the initial boundary definition survey work necessary for the preparation of the subdivision plan redefining the boundaries of the subject site shall be carried out by a surveyor registered under the Surveying and Spatial Information Act, 2002. The registered surveyor shall provide a letter or email to the Principal Certifier certifying that the initial survey work and calculations to define the subject boundaries has been completed, prior to the issue of the Construction Certificate.

(b) A plan or CAD file showing the redefined boundaries shall be provided to the project architect, who shall certify in writing that the proposed buildings as designed will fit within the redefined boundaries, without causing any encroachment of the proposed additions or any overhangs attached to the proposed additions. This written confirmation shall be provided to the Principal Certifier prior to the issue of a Construction Certificate.

Reason

To ensure that the buildings do not encroach upon public roads or the light rail corridor.

(95) MINIMISE IMPACT OF POOL ON NEIGHBOURING PROPERTIES

(a) To minimise the impact of the pool on adjoining properties and to ensure the safety of the pool/spa area, the design and construction of the swimming pool/spa and associated equipment and fencing must comply with the following requirements:

(i) The *Swimming Pools Act 1992* and Regulations.

(ii) The swimming pool must have safety barriers installed in accordance with the requirements of AS 1926.1 - 2007 - 'Safety barriers for swimming pools' and AS 1926.2 - 2007 'Location of safety barriers for swimming pools'.

(iii) Australian Standards 1926.3 - Water Recirculation and Filtration; and

(iv) *Protection of the Environment Operations Act 1997*

Reason

To minimise the impact of the pool on adjoining properties and to ensure the safety of the pool/ spa area.

(96) SWIMMING POOL - CONSULTATION WITH AUSGRID

Ausgrid must be consulted in respect to the location of the proposed swimming pool relative to any overhead electrical wiring within a distance of 9 metres around the pool. Details of consultation with Ausgrid are to be submitted to the Registered Certifier prior to a Construction Certificate being issued.

Reason

To ensure consultation with Ausgrid is undertaken where required.

(97) SWIMMING POOL - WASTE AND OVERFLOW WATERS

Swimming pool waste and overflow waters must be collected and directed to the sewer in accordance with the requirements of Sydney Water, and details are to be submitted with the application for a Construction Certificate to the satisfaction of the Registered Certifier.

Reason

To ensure waste and overflow waters are managed appropriately.

(v) be operated in accordance with Schedule 1 to the Public Health Regulation 2012.

Reason

To ensure the public swimming pool is adequately disinfected.

(98) EXCAVATIONS WITHIN TREE PROTECTION ZONES

In accordance with Section 10.10 Excavations within Tree Protection Zones within the Aboricultural Impact Assessment Report by Earthscape Horticultural Services dated February 2023, exploratory excavation will be required along the perimeter of the structure or pavement within the TPZ of Trees T40, T41, T42, T43, T44, T45, T46, T47, T89, T95 and T100 to locate the presence of woody roots. Excavations are to be carried by a AQF level 5 arborist using non-destructive excavation techniques within the TPZ to the depth of 800mm or to the depth of proposed foundations.

Tree sensitive construction methods should be used within these areas such as pier and beam footing, suspended slab or floor supported on piers to avoid the severance of roots.

Architectural plans are to be submitted to and approved by Council's Area Planning Manager providing details (including diagrams) of use of tree sensitive construction methods within the TPZ of the above trees as outlined in Section 9.1.6, 9.1.9, 10.11 Alternative Construction Methods, 10.12 Underground Services and 10.13 Pavements of the AIA report prior to the issue of Construction Certificate.

Reason

To ensure works are to be carried out in an appropriate manner around existing street trees

(99) PUBLIC DOMAIN TREE PLANTING AND MAINTENANCE (PLAN PRIOR TO CC)

(a) A Tree Planting Plan must be submitted and approved by the City's Public Domain Unit prior to the issue of any Construction Certificate. The plan must include and be consistent with the following requirements:

(i) 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.

(ii) Tree pits must be located and constructed in accordance with the City's Street Tree Master Plan (Technical Guidelines) or other relevant guidance document.

(iii) The tree pit design must include structural soils or structural cells to support pavements in accordance with the Street Tree Master Plan (Technical Guidelines).

(iv) Indicate the chosen tree planting arrangement, being a choice of one of two options, being:

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

OR

(vi) 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 200Lt 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 issue 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 twelve [12] 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 twelve [12] month maintenance period, written acceptance of the tree/s must be obtained from the City before release of the public domain bond.

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.

(100) SITE SUPERVISION AND REPORTING

(a) An arborist with minimum AQF Level 5 qualification in arboriculture 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) Reporting at every second month intervals for the duration of construction;

(ii) The installation of tree protection measures prior to the commencement of any construction works;

(iii) During demolition of any ground surface materials (pavers, concrete, grass etc.) within the Tree Protection Zone (TPZ) of any tree to be retained as outlined in Section 10.9 Demolition Works within Tree Protection Zones within the AIA report;

(iv) During construction of all building works including the footpath and building constructions within TPZ of Trees T40, T41, T42, T43, T44, T45, T46 & T47 (Plane trees – Fig St), level changes and surface drainage within TPZ of Trees T90-T109 (Magenta Cherry) along the rail corridor and the new timber deck and stairs construction within the TPZ/SRZ of Tree T89 (Sydney Red Gum);

(v) During any excavation and trenching within the Tree Protection Zone as outlined in Section 10.10 Excavations within Tree Protection Zones within the AIA report;

(vi) 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 approved 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) 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.

(101) TREE MAINTENANCE PLAN AND ANNUAL REPORTING

(a) A tree maintenance plan must be submitted for Council approval prior to a Construction Certificate being issued. The plan must include;

(i) Type of activities and their methodologies;

(ii) Frequency of maintenance;

(iii) Qualifications and skill level required to perform each activity.

(b) The maintenance plan must be implemented and complied with immediately following the tree planting, and until the tree reaches the required minimum height limit of 6 metres and 4 metres canopy width.

(c) The newly planted tree on site must be appropriately maintained on an on-going basis.

(d) Maintenance includes watering, weeding, removal of rubbish from tree bases, pruning (in accordance with AS4373-2007), fertilizing, pest and disease control and any other operations required to maintain a healthy robust tree.

(e) If the newly planted tree fails to establish or does not reach a height of 6 metres and canopy width of 4 metres it must be replaced with a tree of comparable qualities and container size of 100 litres.

(f) The conditions of this consent will apply to all replacement trees, including the maintenance and reporting which re-starts at each replanting event.

Reason

To ensure the ongoing maintenance of trees.

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

(102) DECOMMISSIONING OF UNDERGROUND PETROLEUM STORAGE TANKS

The removal of underground 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;

NSW EPA Technical Note: *Decommissioning, Abandonment and Removal of UPSS* (January 2010),

NSW EPA Technical Note: *Investigation of Service Station Sites* (April 2014),

AS 1940 –2004: Storage and handling of flammable and combustible liquids,

AS 4976 – 2008: The removal and disposal of underground petroleum storage tanks.

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.

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.

The removal or in-situ decommissioning of the underground 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 underground petroleum storage tanks is appropriately managed.

(103) UNDERGROUND PETROLEUM STORAGE SYSTEM – DECOMMISSIONING REPORT

The underground 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.

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)*.

The decommissioning report must contain:

(a) A description of the scale and nature of any contamination originally present,

(b) A description of the remedial methods used, including objectives, where applicable,

(c) A statement about the site's ongoing or future use,

(d) A description of the extent of any remaining contamination and how this was assessed,

(e) A site plan delineating the area being validated and any contamination remaining after site works,

(f) A clear conclusion on the suitability of the site for its ongoing or future use.

Reason

To ensure the removal of underground petroleum storage tanks and contamination of the site is appropriately managed.

(104) 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.

(105) OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD

If it is proposed to install a building maintenance unit or operate a hoisting device above a road (footpath) including swinging, hoisting material/equipment and slewing any part of the device, a separate application under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act 199*3 must be submitted to and approved by Council prior to the installation of such devices.

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 appropriate approvals are sought for operating hoisting devices.

(106) 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.

(107) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

(a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of buildings at 280 and 282-318 Jones Street and 28–48 Wattle Street (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.

(108) DILAPIDATION REPORT – LIGHT RAIL CORRIDOR

Subject to the receipt of permission of the affected landowner, a dilapidation report of adjoining structures associated with the light rail are to be prepared by an appropriately qualified practising structural engineer and submitted for the approval of the Registered Certifier:

(a) Prior to the commencement of demolition/excavation works; and

(b) On completion of construction demolition/excavation works.

Reason

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

(109) 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.

(110) RODENT TREATMENT PROGRAMME – PRE DEMOLITION AND/OR EXCAVATION

(a) Prior to the commencement of any demolition and/or excavation works, a programme of baiting and monitoring of rodent activity is to be put in place at the site.

(b) A licensed Pest Control Operative must carry out all pest control work and prepare a report, confirming that there is no evidence of any rodent activity at the site prior to the commencement of any works on site. The report must be submitted to and be approved/endorsed by Council's Area Coordinator Planning Assessments/Area Planning Manager.

Reason

To ensure that the potential impact of rodents during the demolition, excavation and construction phase is appropriately managed.

(111) 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.

(112) 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.

(113) 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.

(114) TREE PROTECTION ZONE

(a) Before the commencement of works, Tree Protection Zone/s (TPZ) must be established around all trees to be retained not less than the distance indicated in the TPZ schedule below.

(b) Tree protection must be installed and maintained in accordance with the Australian Standard 4970 Protection of Trees on Development Sites and with the following schedule:

TPZ Schedule

Tree No.	Species Name	Location	Radius (m) From Trunk
40	*Platanus orientalis* (Oriental Plane)	Road reserve – Fig St	6.6
41	*Platanus orientalis* (Oriental Plane)	Road reserve – Fig St	5.0
42	*Platanus orientalis* (Oriental Plane)	Road reserve – Fig St	3.4
43	*Platanus orientalis* (Oriental Plane)	Road reserve – Fig St	5.0
44	*Platanus orientalis* (Oriental Plane)	Road reserve – Fig St	5.0
45	*Platanus orientalis* (Oriental Plane)	Road reserve – Fig St	6.0
46	*Platanus x hybrida* (London Plane)	Road reserve – Fig St	7.0
47	*Platanus orientalis* (Oriental Plane)	Road reserve – Fig St	6.0
57 - 58	*Koelreutaria paniculata* (Golden Rain Tree)	Rail Corridor	4.5

59	*Tristaniopsis laurina* (Water Gum)	Rail Corridor	2.2
60	*Koelreutaria paniculata (Golden Rain Tree)*	Rail Corridor	5.0
61	*Tristaniopsis laurina* (Water Gum)	Rail Corridor	4.0
62	*Koelreutaria paniculata* (Golden Rain Tree)	Rail Corridor	5.0
63	*Angophora costata* (Sydney Red Gum)	Rail Corridor	4.0
64	*Callistemon viminalis* (Weeping Bottlebrush)	Rail Corridor	5.4
65	*Angophora costata* (Sydney Red Gum)	Rail Corridor	5.5
66	*Banksia integrifolia* (Coast Banksia)	Rail Corridor	3.0
67	*Eucalyptus punctata* (Grey Gum)	Rail Corridor	7.0
68-70	*Syzygium paniculatum* (Magenta Cherry)	Rail Corridor	4.5
71	*Angophora costata* (Sydney Red Gum)	Rail Corridor	4.0
72	*Casuarina cunninghamiana* (River Oak)	Rail Corridor	7.6
73 - 75	*Syzygium paniculatum* (Magenta Cherry)	Rail Corridor	5.0
76	*Lophostemon confertus* (Brushbox)	Rail Corridor	3.0
77 - 80	*Casuarina cunninghamiana* (River Oak)	Rail Corridor	6.0
81 - 82	*Angophora costata* (Sydney Red Gum)	Rail Corridor	3.0
83	*Banksia integrifolia* (Coast Banksia)	Rail Corridor	2.0
84	*Polyscias elegans* (Celery Tree)	Rail Corridor	2.0
85 - 86	*Angophora costata* (Sydney Red Gum)	Rail Corridor	3.0
87	*Melaleuca styphelioides* (Prickly Paperbark)	Rail Corridor	3.0
88 - 89	*Angophora costata* (Sydney Red Gum)	Rail Corridor	7.5
90 - 96	*Syzygium paniculatum* (Magenta Cherry)	Rail Corridor	5.0
100 - 109	*Syzygium paniculatum (Magenta Cherry)*	Rail Corridor	5.0

Note: The work within the TPZ and installation of tree protection measures is only applicable within the subject development site and the public domain.

(c) Ground surface protection must be installed if construction access is required through any TPZ where the existing ground surface material is not a hard surface or paving. The ground protection must be:

(i) Protected with boarding (ie scaffolding board or plywood sheeting or similar material), placed over a layer of mulch to a depth of at least 75mm and geotextile fabric;

(ii) The protective boarding must be left in place for the duration of the construction and development.

(d) The following works must be excluded from within any TPZs:

(i) Excavation;

(ii) Soil cut or fill including trenching;

(iii) Soil cultivation, disturbance or compaction;

(iv) Stockpiling, storage or mixing of materials;

(v) The parking (except existing on street parking), storing, washing and repairing of tools, equipment and machinery;

(vi) The disposal of liquids and refuelling;

(vii) The disposal of building materials;

(viii) The siting of offices or sheds;

(ix) Any action leading to the impact on tree health or structure.

(e) Any trenching works for services / hydraulics / drainage etc must not be undertaken within any TPZ. Alternative installation methods for services, such as directional boring/drilling, or redirection of services must be employed.

(f) All work undertaken within or above the TPZ must be:

(i) Carried out in accordance with a work methodology statement prepared by an Arborist with a minimum AQF Level 5 qualification in arboriculture and written approval is obtained from Council's Tree Management Officer before its implementation; and

(ii) Supervised by a Project Arborist with a minimum AQF Level 5 qualification in arboriculture.

Reason

To ensure the protection and ongoing health of trees.

(115) 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 an arborist with a minimum AQF Level 3 qualification in arboriculture and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

(c) The removal of any street tree approved by Council must include complete stump removal and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. These works must be completed immediately following the trees removal.

Note: any tree supported to be removed within the rail corridor must first seek permission from Transport NSW

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.

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

(116) HOURS OF WORK AND NOISE – OUTSIDE CBD

The hours of construction and work on the development must be as follows:

(a) All work, including building/demolition and excavation 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 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, 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.

(117) 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.

(118) 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.

(119) 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)).

(120) 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 199*2 and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* is restricted to the standard hours of construction work specified in this consent.

(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.

(121) 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.

(122) 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.

(123) 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.

(124) LAND REMEDIATION (Where Site Auditor engaged)

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by JBS*G dated 9 October 2019, reference number 55900-122315 (Rev 2) Council ref: 2023/085364) and the Letter of Interim Advice or Section B Site Audit Statement prepared by NSW Environment Protection Authority accredited Site Auditor Rebeka Hall dated 16 October 2019 and Council reference 2023/085363. 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.

(125) 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.

(126) 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 ort other materials are appropriately managed.

(127) 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.

(128) COVERING OF LOADS

All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

Reason

To ensure loads are managed appropriately and do not impact local amenity.

(129) EROSION AND SEDIMENT CONTROL

The Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) which has been approved by the Principal Certifier must be implemented in full during the construction period.

During the construction period:-

(a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;

(b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and

(c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

Reason

To ensure no substance other than rainwater enters the stormwater system and waterways.

(130) HAZARDOUS AND INDUSTRIAL WASTE

Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the NSW Work Cover Authority pursuant to the provisions of the following:

(a) *Protection of the Environment Operations Act 1997*

(b) *Protection of the Environment Operations (Waste) Regulation 2005*

(c) *Waste Avoidance and Resource Recovery Act 2001*

(d) *Work Health and Safety Act 2011*

(e) *Work Health and Safety Regulation 2017.*

Reason

To ensure hazardous/ industrial waste is managed appropriately.

(131) 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.

(132) 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.

(133) COMMON PROPERTY MUSIC PRACTICE ROOM - ACOUSTIC REQUIREMENTS

The Music Practice Room (music room) must remain common property and be provided and maintained for the use of all residents and achieve the following acoustic requirements:

(a) . The ceiling must have an airborne sound insulation rating equal to or greater than RW + Ctr of 58. In this instance, to prevent flanking paths for noise, the walls and ceiling must meet the deemed to satisfy provisions F5.5 (e) and F5.5 (f) of the Volume One (Class 2-9) of the National Construction Code.

(b) Music Room door systems (door, frame & seal) must achieve an airborne sound insulation rating of Rw 45, and windows (combined glass frame and seal) must achieve an Rw 40. Windows to the façade of a building must be of minimum necessary dimensions, per the requirements of the Building Code of Australia. Access doors must be to common property accessible by all building occupants.

(c) The floor is to be carpeted.

Reason

To ensure the acoustic amenity of surrounding residential uses is maintained.

(134) 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 Demolition, Excavation and Construction Management Plan required by this consent, once approved by Council.

(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.

(135) 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.

(136) 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.

(137) 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.

(138) 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 requirement*s. 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.

(139) 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.

(140) 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.

(141) COMPLIANCE WITH ARBORIST'S REPORT

All recommendations Tree Protection Plans and Methodology Statements contained in the approved Arboricultural Impact Assessment Report prepared by Arboricultural Impact Assessment Report prepared by 'Earthscape Horticultural Services' (Report No. 22-069, Version 11, dated 6th February 2023), Addendum [1] (dated 11 October 2023) and Addendum 2 dated 14 February 2024, must be implemented during the demolition, construction and use of the development subject to the following amendment:

(a) Retain Tree 40 (Oriental Plane Tree)

(b) Retain Tree 46 (London Plane tree).

During the erection of scaffolding for Tree 40 and Tree 46, Council's Tree Management Officer and the Project Arborist are to inspect the trees prior to any pruning taking place to provide reach joint agreement on specific branches to be pruned and the points that the branches should be reduced to.

Reason

To ensure that works affecting trees are carried out in an appropriate manner and in accordance with the approved arborist's report.

(142) PROTECTION OF NATIVE WILDLIFE

(a) In the event that wildlife is found during the course of tree removal works, work must stop until a trained wildlife handler attends the site or the animal relocates itself. In regards to tree pruning, works may only proceed if the animals will not come into direct harm.

(b) In the event that the tree has nesting birds or native animals, works must be delayed until after the nesting period has been completed, unless in the event of an emergency.

Reason

To ensure that wildlife is adequately protected during tree removal/pruning works.

(143) STREET TREE PROTECTION

All street trees 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 branch protection must be undertaken prior to the commencement of any works (including demolition). The protection must be installed and certified by an arborist with a minimum AQF Level 5 qualification in arboriculture 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 and/or major branches to a height of two metres must be protected by wrapped thick underlay carpet or similar padding material to limit damage, and

(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 [specify] 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.

(144) TREE PRUNING APPROVED

(a) All pruning must be carried out by an arborist with a minimum AQF Level 3 qualification in arboriculture and must be in accordance with AS4373-2007 Australian Standard 'Pruning of Amenity Trees'.

(b) Pruning of Tree T40, T41, T42, T43, T44, T45, T46 and T47 (Plane trees – Fig St) is to be discussed on site with Council's Tree Management Officer and Project Arborist to discuss final pruning amounts as recommended within the Addendum [2] to Arboricultural Impact Assessment Report by Earthscape Horticultural Services dated 14 February 2024.

Reason

To ensure that pruning works to trees are carried out in an appropriate manner.

(145) TREE SENSITIVE EXCAVATION

Excavation undertaken with the specified distance/s from the trunks of the following trees shall be and dug.

Tree (Root) Protection Zone Schedule:

Tree No	Species	Tree Location	TPZ Radius (m) from Trunk	SRZ (m) from Trunk
40	*Platanus orientalis (Oriental Plane)*	Road reserve – Fig St	6.6	2.6
41	*Platanus orientalis (Oriental Plane)*	Road reserve – Fig St	5.0	2.3
42	*Platanus orientalis (Oriental Plane)*	Road reserve – Fig St	3.4	1.9
43	*Platanus orientalis (Oriental Plane)*	Road reserve – Fig St	5.0	1.9
44	*Platanus orientalis (Oriental Plane)*	Road reserve – Fig St	5.0	2.1
45	*Platanus orientalis (Oriental Plane)*	Road reserve – Fig St	6.0	2.0
46	*Platanus orientalis (Oriental Plane)*	Road reserve – Fig St	7.0	2.3

47	*Platanus orientalis (Oriental Plane)*	Road reserve – Fig St	6.0	2.4
89	*Angophora costata (Sydney Red Gum)*	Rail corridor	7.5	2.5
90 - 96	*Syzygium paniculatum (Magenta Cherry)*	Rail corridor	5.0	2.2
100 - 109	*Syzygium paniculatum (Magenta Cherry)*	Rail corridor	5.0	2.1

(a) Within the SRZ;

(i) Excavation must not occur within the SRZ (except for trees T89 and Trees T90-96 and T100-109 for localised siting of piers (T89) and construction of drainage swale (T90-96 and T100-109) as detailed within Section 10.9 and 10.10 of the AIA report dated dated 14 February 2024). If excavation is proposed within this zone, the Council's Tree Management Officer must be contacted immediately, and the excavation must be carried out in accordance with Council's direction.

(b) Within the TPZ;

(i) Tree sensitive excavation, such as small hand tools compressed air or water jetting only must be used. Roots with a diameter equal to or greater than 40mm shall not be severed or damaged unless approved in writing by Council's Tree Management Officer.

Mechanical excavation is permitted beyond this radius when root pruning by hand along the perimeter line is completed. Exposed roots to be retained shall be covered with mulch or a geotextile fabric and kept in a moist condition and prevented from drying out.

(ii) All excavations must be supervised by a Project Arborist with a minimum AQF Level 5 qualification in arboriculture.

(c) Footings must be relocated / realigned if any tree root greater than 40mm in diameter is encountered during excavations. A minimum of 150mm clearance must be provided between the tree root and footing.

(d) All excavations located within the TPZ must be supervised by a Project Arborist with a minimum AQF Level 5 qualification in arboriculture.

(e) All root pruning must be undertaken in accordance with the Australian Standard 4373 'Pruning of Amenity Trees' and by an arborist with a minimum AQF Level 3 qualification in arboriculture.

Reason

To ensure the protection and ongoing health of trees.

(146) 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 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.

(147) 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.

(148) 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.

(149) 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.

(150) 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.

(151) SET-OUT SURVEYS AND CHECK SURVEYS - PRIOR TO CONSTRUCTION AND DURING CONSTRUCTION

(a) AT FOUNDATION STAGE - All footings and walls adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be submitted to the Principal Certifier indicating the position of external walls in relation to the boundaries of the allotment. Any encroachments of the subject building over the side boundaries must be removed prior to continuation of building construction work, or alternatively a letter supplied from the registered proprietor(s) of the adjoining lot(s) confirming that they are aware of the nature & extent of the encroachment, and undertaking to execute all necessary documentation to permit the creation of an easement to permit the encroachment to remain.

(b) Prior to the concrete pour of the main slab at each level, a check survey shall be made by a surveyor registered under the Surveying & Spatial Information Act, 2002, confirming that the formwork adjacent to existing or proposed boundaries is clear of those existing or proposed boundaries and is in accordance with approved setbacks. This survey shall be provided to the Principal Certifier prior to the concrete pour. The concrete pour must not take place until the Principal Certifier receives a survey proving that the formwork has been constructed within the existing and proposed boundaries of the site, and is compliant with the setbacks approved under this consent.

Advisory note: It is recommended that proposed walls on boundaries are set back a minimum of 20 millimetres to allow for construction tolerances and minimise the risk of encroachment and subsequent costs and delays

Reason

To ensure the development does not encroach onto neighbouring properties or public roads.

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

(152) LOADING AND SERVICING MANAGEMENT PLAN

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.

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.

Unimpeded access is to be provided for residential collection vehicles to set down within 10 meters of waste storage area(s) between 6am and 6pm on collection day(s).

Once approved, this management plan must be provided to all tenants and external users.

(153) EMERGENCY EVACUATION PLAN PRIOR TO OCCUPATION CERTIFICATE

Prior to issue of any Occupation Certificate the owner/operator must have in place an emergency evacuation plan that encompasses the requirements of Fire and Rescue NSW and outlines the procedures by which staff will be trained in emergency procedures.

Reason

To ensure the development can safely accommodate children and staff and operates in accordance with Fire and Rescue NSW requirements.

(154) 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.

(155) 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.

(156) REGISTRATION OF COVENANT

Prior to the issue of any Occupation Certificate, a covenant must be registered on the title of the land and a copy of the title submitted to the Council's Area Planning Manager and the Principal Certifier.

This covenant must be registered on the title of the land binding the owners and future owners with the responsibility for the ongoing maintenance and rehabilitation works required in terms of the encapsulated/remaining contaminated materials, including the discharge or prevention of discharge from any contaminants or for any works subsequently required by the NSW Environment Protection Authority

A copy of the revised certificate of land title recording the covenant must be submitted to Council's Area Planning Manager and the Principal Certifier prior to the issue of any Occupation Certificate.

Reason

To ensure that contamination is appropriately managed.

(157) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

(a) The accommodation portion of the building (Building B – Jones Street (Level 04 to Level 10), Building C – Courtyard Building (all levels), Wattle Street Building (Level 02 to Level 10) 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” pursuant to *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.

(158) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL, SERVICED APARTMENTS AND MIXED USE

The following conditions apply to car parking:

(a) The on-site car parking spaces, exclusive of service and visitor car spaces, are not to be used other than by an occupant, tenant or resident of the subject building.

(b) Prior to any Occupation Certificate being issued, 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, 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 are not to be used other than by an occupant, tenant or resident of the building.

(159) NOTIFICATION OF CONDUCT OF FOOD BUSINESS

(a) The use must not commence until the food business has notified Council with their food business details in accordance with the *Food Act 2003* and *The Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements, Clause 4*.

(b) An Occupation Certificate must not be issued until such notification has been received by Council in accordance with Clause (a) of this condition.

Note: Registration forms are available on Council's website www.cityofsydney.nsw.gov.au.

Reason

To ensure Council is notified of food business details.

(160) NON-ROAD FRONTAGE SHOP NUMBERING - EASE OF IDENTIFICATION

Prior to any Occupation Certificate being issued, shop numbers must be clearly visible at the front of the premises, for ease of identification. Numbering must be maintained so that identification can be made at all times.

Reason

To ensure shops can be easily identified.

(161) CONSTRUCTED FLOOR LEVELS

A certification report prepared by a suitably qualified practitioner engineer (NPER) 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 the recommendations of Table 3.2 of the letter 14-26 Wattle Street, Pyrmont – Stage 2 DA Amended_Flood Planning Level letter prepared by BVN, undated.

Reason

To ensure the development achieves the required floor levels.

(162) FLOOD RISK MANAGEMENT

Prior to the issue of any Occupation Certificate, a certification report prepared by a suitably qualified practitioner engineer (NPER), 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.

(163) FLOOD PROTECTION FEATURES

Prior to the issue of any Occupation Certificate, the proposed Flood Protection System including all its features are to be tested by an independent floodplain management consultant, and a report confirming the full operation of the system is to be submitted to and approved by Principal Certifying Authority.

Reason

To ensure flood risk management measures are complied with.

(164) 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.

(165) 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.

(166) 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.

(167) STORMWATER DRAINAGE EASEMENT AND POSITIVE COVENANT

Prior to the issue of any Occupation Certificate for the development, a drainage easement shall be created in favour of the City for the proposed vegetated swale and associated stormwater infrastructure.

The applicant shall prepare a positive covenant for maintenance, repair and insurance of the proposed easement and stormwater infrastructure. The positive covenant must be registered with the LPI.

(168) POSITIVE COVENANT – FLOOD PROTECTION MEASURES

(a) Prior to the issue of an Occupation Certificate, the approved Flood Emergency Response Plan and positive covenant relating to the flood protection measures shall be registered with the Land Title office.

(b) Prior to the issue of any Occupation Certificate for the development, a documentary Positive Covenant is to be created and registered on the Title of the development site, appurtenant to the City.

The Positive Covenant is to be created in terms indemnifying the City against any claims and damages arising from flooding, and is to require the maintenance of a $20,000,000 public indemnity insurance policy to which the City is a named party and is to require the maintenance, upkeep and repair of all flood protection measures. Such indemnity is to be transferable to all future owners of the building.

The positive covenant is to list all the flood protection measures installed in the building and record the ongoing obligation of the owners of the building to comply with the Flood Emergency Response Plan required to be submitted and approved under the condition "Flood Emergency Response Plan" in this determination.

(169) 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.

(170) 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.

(171) BICYCLE PARKING SIGNAGE AND WAYFINDING PLAN

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. Signage is to be generally in accordance with signage shown in *Australian Standard AS 2890.3:2015 Parking facilities Part 3: Bicycle parking Facilities.* The signage plan must be submitted to and approved by Council prior to the issue of an Occupation Certificate.

Reason

To maintain the orderly operation of vehicle / bicycle parking areas.

(172) STREET ADDRESSES OF LOTS

In accordance with Clause 60(c) of the *Surveying and Spatial Information Regulation 2017*, the street addresses for each lot must be shown on the Administration Sheet for the final plan of subdivision. An application must be made to Council's Spatial Information Systems Team by email:

SpatialInformationSystemsTeam@cityofsydney.nsw.gov.au

prior to the lodgement of the subdivision application, to obtain the correct street address for each lot. The street addresses allocated by Council must be provided to the registered surveyor for inclusion in a schedule on the Administration Sheet. This schedule must be completed by the registered surveyor prior to application for a subdivision certificate. The notation "address not available" in the schedule will prevent the issue of a subdivision certificate.

Reason

To ensure street addresses are appropriately allocated, and subsequently issued to the State's emergency services divisions, police departments and postal service.

(173) ENCROACHING AND/OR SHARED SERVICES

All pipes, service lines and the like servicing each lot shall be contained within their respective lots or, if any service lines encroach upon adjoining lots within or adjoining the subdivision, or are shared by more than one lot, appropriate easements must be created, pursuant to Section 88B of the *Conveyancing Act 1919*, over the service lines where any such encroachment or shared situation occurs.

In particular, the location of any water, sewerage or stormwater drainage lines must be determined and, if necessary, a suitable easement must be created where any such encroachment or shared situation occurs.

Prior to the issue of a subdivision certificate, the surveyor must provide a report (to be submitted with the final plan of subdivision) confirming all such service lines are either located within their respective allotments or will be addressed by an appropriate easement, which will also be shown on the final plan of subdivision.

Whole of lot easements for stratum lots may be utilised if so desired.

Reason

To ensure that shared services are formalised on title

(174) SECTION 88B INSTRUMENT

Any easements, rights of way, restrictions on the use of land, and positive covenants required as a consequence of the subdivision are to be created pursuant to Section 88B of the *Conveyancing Act, 1919* and to Council's satisfaction.

Reason

To ensure any shared rights are formalised on title

(175) FLOOR SPACE RATIO RESTRICTION

A Restriction on the Use of Land is to be created burdening each of the lots in the subdivision, limiting the total Gross Floor Area and Floor Space Ratio of the components of the buildings occupying the lots, taken together, to be no more than that permissible for the entire site by the *Sydney Local Environmental Plan 2012*, or the relevant Environmental Planning Instrument in existence at the time.

Reason

To ensure the site remains compliant with the provisions of the Sydney LEP 2012 and future planning instruments

(176) SURVEY CERTIFICATE PRIOR TO ISSUE OF OCCUPATION CERTIFICATE -

AT COMPLETION – Prior to the issue of any staged Occupation Certificate for any of the buildings, a Final Identification Survey prepared and signed by a Surveyor registered under the Surveying & Spatial Information Act, 2002 must be submitted at the completion of the building work certifying the location of the building and showing offsets in relation to the boundaries of the allotment. Any encroachments of the building including overhangs over the side boundaries must be removed, or alternatively appropriate easements under Section 88B of the Conveyancing Act, 1919, with terms to the satisfaction of Council, must be lodged with the office of NSW Land Registry Services, and evidence of lodgement provided to the Principal Certifier prior to the issue of any staged or Final Occupation Certificate. Encroachments upon public roads must, if supported, be approved by Council's Area Planning Manager prior to the issue of any staged Occupation Certificate.

For clarity, a final identification survey must be provided to the Principal Certifier prior to each and every staged Occupation Certificate being issued, proving that the building stage is wholly within the boundaries of the site.

A full Identification survey prepared by a registered surveyor, covering the whole site, showing offsets to boundaries, must be provided to the Principal Certifier prior to the issue of the final Occupation Certificate for the site.

Any encroachments of the buildings upon public roads must first be approved in writing by Council's Area Planning Manager prior to the issue of a final Occupation Certificate or Building Information Certificate.

Reason

To ensure the orderly development of land, and minimise the risk of encroachments upon public roads occurring

PART F – OCCUPATION AND ONGOING USE

(177) 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.

(178) 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.

Reason

To maintain the orderly operation of vehicle parking areas and to ensure the public domain is kept free from physical obstructions.

(179) STACKED PARKING EMPLOYEES OR TENANTS ONLY

Any stacked parking spaces (maximum 2 spaces, nose to tail) must be attached to the same strata title comprising a single dwelling unit or commercial/retail tenancy, subject to the maximum parking limit applying. The stacked parking spaces must be designated (with appropriate signage) for employee or tenant parking only (not visitor parking), prior to any Occupation Certificate being issued. The moving of stacked vehicles must occur wholly within the property.

Reason

To maintain the orderly operation of vehicle parking areas.

(180) 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.

(181) ENCROACHMENTS – NEIGHBOURING PROPERTIES

No portion of the proposed structure shall encroach onto the adjoining properties.

Reason

To protect neighbouring properties.

(182) 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.

(183) USE OF COMMON AREAS AND FACILITIES

The roof top terraces, swimming pool, communal open space and any other communal areas 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.

(184) 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.

(185) NOISE - ENTERTAINMENT

(a) The $L_{Aeq,\ 15\ minute}$ noise level from the use must not exceed the background noise level ($L_{A90,\ 15minute}$) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) by more than 5dB between 7.00am and 12.00 midnight when assessed at the boundary of any residential accommodation or tourist and visitor accommodation.

(b) The $L_{Aeq,\ 15\ minute}$ noise level from the use must not exceed the background noise level ($L_{A90,\ 15\ minute}$) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) between 12.00 midnight and 7.00am when assessed at the boundary of any residential accommodation or tourist and visitor accommodation.

(c) Notwithstanding (a) above, the $L_{Aeq,\ 15\ minute}$ noise level from the use must not exceed the greater of the following levels between 7am and 12 midnight inside any habitable room of a residential accommodation or tourist and visitor accommodation, or at any time in an affected commercial premises:

(i) The existing internal $L_{A90,\ 15\ minute}$ (from external sources excluding the use) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive). Or,

(ii) If the $L_{Z90,\ 15\ minute}$ background level is below the hearing threshold curve (Tf - Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level (Lp) of the Tf curve in that octave band shall become that octave's $L_{Zeq\ 15\ minute}$ noise criteria level.

(d) Notwithstanding (b) above, the $L_{A1\ 15\ minute}$ noise level from the use must not exceed the greater of the following sound pressure levels inside any habitable room between 12 midnight and 7am inside any habitable room of an affected residential accommodation or tourist and visitor accommodation:

(i) The existing internal $L_{A90,\ 15\ minute}$ (from external sources excluding the use) minus 10 dB in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) inside a habitable room of an affected residential accommodation or tourist and visitor accommodation. Or,

(ii) If the $L_{Z90,\ 15\ minute}$ minus 10 dB level is below the hearing threshold curve (Tf - Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level (Lp) of the Tf curve in that octave band shall become that octave's $L_{Z1\ 15\ minute}$ noise criteria level.

Note: L_{eq}, $L_{01,}$ and $L_{90,}$ metrics and 'A' (weightings) are as per the definitions in the standard AS1055-20148. 'Z' means unweighted noise. An internal L_{A90} level must be determined in the absence of noise emitted by the use and be sufficiently representative of the receiver in a low noise level quiet state. External L_{A90} levels for planning must be established as per the long-term methodology in Fact Sheet B of the NPfI unless otherwise agreed by the City's Area Planning Manager.

Reason

To protect the acoustic amenity of surrounding properties.

(186) 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 $L_{Aeq,15\ minute}$ (noise level) emitted from the development must not exceed the $L_{A90,\ 15\ minute}$ (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.

(187) NOISE – STRUCTURE BORNE IMPACT ON SEPARATE COMMERICAL PREMISE

(a) Structure borne noise emanating from the premises is not to exceed the following criterion when measured within any separate commercial premise:

(i) $L_{A1,\ Slow\ 15\ minute} \leq L_{A90,\ 15\ minute}$ +3 dB(A).

Reason

To protect the acoustic amenity of surrounding properties.

(188) NOISE – STRUCTURE BORNE IMPACT ON SEPARATE RESIDENTIAL PREMISE

(a) Structure borne noise emanating from the premises is not to exceed the following criterion when measured within any separate residential accommodation:

(i) $L_{A1,\ Slow\ 15\ minute} \leq L_{A90,\ 15\ minute}$ dB(A).

Reason

To protect the acoustic amenity of surrounding properties.

(189) VIBRATION

Operation of the use is not to result in the transmission of any perceptible vibration to an occupiable area within a separate premises.

Reason

To protect the amenity of surrounding properties.

(190) 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.

(191) SURVEY INFRASTRUCTURE

(a) Prior to the issue of the subdivision certificate, any survey reference marks and permanent marks shown on the subdivision that reference the corners of the subject lots, must be replaced to the satisfaction of Council if removed or damaged.

(b) Survey offsets must be clearly annotated on the subdivision plan to walls, buildings and occupations located within one metre of all existing and proposed boundaries, pursuant to clause 63(e) of the Surveying And Spatial Information Regulation 2017, including fire stairs and lift shafts.

(c) Survey offsets must be shown from the face of the buildings and significant permanent structures to the Easement for Public Access where the building or major structure is located one metre or less from the easement site. This sub-clause shall not apply to permanent planter boxes located within or near the easement site.

Reason

To ensure the integrity of the Cadastre

(192) THROUGH SITE LINK - EASEMENT FOR PUBLIC ACCESS AND POSITIVE COVENANT

(a) An Easement for Public Access variable width, unlimited in height, and limited in stratum where covered, must be created pursuant to Section 88B of the Conveyancing Act, 1919 with the subdivision.

(b) The terms of the Easement for Public Access must be to the satisfaction of Council, and can be provided by the Area Planning Manager upon request.

(c) A Positive Covenant must be created pursuant to Section 88B of the Conveyancing Act, 1919 with the subdivision, must be created pursuant to Section 88B of the Conveyancing Act, 1919. The terms of the positive covenant must include obligations for maintenance of the above easement site, indemnify Council against loss or damage or liability, and include a requirement for public liability insurance in the amount of $20 million for any one occurrence.

The terms of the above easements and positive covenant must be to the satisfaction of Council.

Reason

To formalise public access to the through site link and provide requirements for maintenance and public liability insurance

(193) FUTURE STRATA TITLE PARKING SPACES

All parking spaces other than visitor parking or service spaces must form part of a residential or commercial strata unit in any future strata subdivision of the Lots. No parking spaces or storage spaces are to have their own individual strata title.

Reason

To prevent the sale of individual car parking spaces

(194) BUILDING/STRATA MANAGEMENT STATEMENT

The Building/Strata Management Statement must adequately address the ongoing maintenance, upgrading, redevelopment and structural adequacy of each stratum lot to Council's satisfaction, and be submitted with the subdivision application. Loading docks, shared driveways and garbage rooms must be covered by suitable easements to the satisfaction of Council, and not be dealt with only by means of an SMS or BMS.

Reason

To ensure that the BMS or SMS is adequate and that potentially contentious rights are clearly defined by registered easements on titles

(195) COMPLIANCE WITH CLAUSE 63 SURVEYING AND SPATIAL INFORMATION REGULATION 2017

The subdivision plan must show offsets where appropriate to the final surfaces of the major structural components of the building located within one metre of any proposed or existing vertical, horizontal or inclined boundary, sufficient to satisfy clause 63(1)(e) of the Surveying and Spatial Information Regulation 2017 and to the satisfaction of Council.

All structural components of the buildings located within one metre of any proposed or existing boundary must be completed with their final surfaces applied or constructed, prior to the subdivision plan being finalised by the registered surveyor.

Reason

To ensure the subdivision shows sufficient information to comply with legislation, inform future land owners and surveyors, and to ensure that encroachments are identified prior to subdivision

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

TRANSPORT FOR NSW – CONCURENCE

TfNSW has reviewed the submitted application and would provide concurrence to the proposed civil works on the Wattle St and Fig St frontages under Section 138 of the Roads Act 1993, subject to Central Sydney Planning Committees approval and the following requirements being included in the development consent

1. All buildings and structures (other than pedestrian footpath awnings),together with any improvements integral to the future use of the site shall be wholly within the freehold property (unlimited in height or depth), along the Wattle Street and Fig Street boundary. Shade fins must be located within the property boundary.

2. The construction of the median island on the Wattle Street frontage, stormwater drainage, vehicular crossings and associated works on the Wattle Street and Fig Street shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email at DeveloperWorks.Sydney@transport.nsw.gov.au.

   Detailed design plans of the proposed works are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to development.sydney@transport.nsw.gov.au.

   A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

3. A Construction Traffic Management Plan (CTMP) shall be submitted in consultation with the TfNSW Sydney Coordination Office (SCO), TfNSW and Sydney City Council, 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.

4. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2012/001.

   The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. Please send all documentation to development.sydney@transport.nsw.gov.au.

   If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

5. All vehicles shall enter and exit the site in a forward direction.

6. If not already in place, “No Stopping” restrictions shall be implemented along the full Wattle Street and Fig Street frontage of the development site at no cost to TfNSW.

7. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018.

8. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.

9. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the surrounding state road network during construction activities. A ROL can be obtained through https://myrta.com/oplinc2/pages/security/oplincLogin.jsf.

10. The proposed development should be designed such that road traffic noise from Wattle Street is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of *State Environmental Planning Policy (Infrastructure) 2007.* As such, prior to the issuing of the Construction Certificate, the developer must demonstrate to Council that road traffic noise from Wattle Street has been mitigated to comply with the above and has regard for the applicable requirements in the NSW Government's *Development Near Rail Corridors and Busy Roads – Interim Guideline, 2008* with applicable requirements being details on the Construction Certificate plans.

TRANSPORT FOR NSW – LIGHT RAIL CORRIDOR

1. **Freight and Servicing Management**

   (a) A draft Freight and Servicing Management Plan is to be prepared, for an on-site loading dock or shared off-street parking facilities. The Plan needs to 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 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

      (iii) Swept paths of vehicles entering and exiting the loading dock;

      (iv) Management of queuing along Fig Street as a result of the proposed loading dock arrangement;

      (v) The details of alternate loading zones to redirect vehicles due to extensive queuing at the access to loading dock;

      (vi) Management of incidents at the access to the loading dock;

      (vii) Loading dock management details including measures to minimise freight and service vehicle movements during peak periods;

      (viii) Management of conflicts between cars accessing the car park and vehicle movements to/from the loading dock; and

(ix) Management of conflicts between vehicles accessing the loading dock and pedestrian movements along Fig Street.

2. **Active Transport**

(a) Bicycle facilities are to be located in secure, convenient, accessible areas close to the main entries incorporating adequate lighting and passive surveillance and in accordance with Austroads guidelines.

3. **Construction Pedestrian and Traffic Management**

(a) A draft Construction Pedestrian and Traffic Management Plan (CPTMP) is to be prepared in consultation with the Sydney Coordination Office within TfNSW and the IWLR operator, as part of any Stage 2 application. The draft CPTMP needs to specify matters including, but not limited to, the following:

(i) A description of the development;

(ii) Location of any proposed work zone(s);

(iii) Location of any crane(s);

(iv) Haulage routes;

(v) A detailed plan identifying all construction vehicle access arrangements;

(vi) Estimated number of construction vehicle movements, including measures to reduce the number of movements during the AM and PM peak periods;

(vii) Measures to avoid construction worker vehicle movements within the CBD;

(viii) Construction program;

(ix) Proposed construction hours;

(x) 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;

(xi) Cumulative construction impacts of the development, Sydney Light Rail Project,

(xii) 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

(xiii) 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.

AUSGRID

1. **Supply of Electricity**

It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:

- The existing network can support the expected electrical load of the development
- A substation may be required on-site, either a pad mount kiosk or chamber style and;
- site conditions or other issues that may impact on the method of supply.

Please direct the developer to Ausgrid's website www.ausgrid.com.auabouthowtoconnecttoAusgrid'snetwork.

2. **Streetlighting**

The developer is to consider the impact that existing street lighting and any future replacement street lighting and maintenance may have on the development. Should the developer determine that any existing street lighting may impact the development, the developer should either review the development design, particularly the placement of windows, or discuss with Ausgrid the options for relocating the street lighting. The relocating of any street lighting will generally be at the developers cost. In many cases is not possible to relocate streetlighting due to its strategic positioning.

3. **Service Mains**

It appears the existing overhead electricity service mains, that supply the subject property, may not have sufficient clearance to the proposed construction as per the requirements of "The Installation and Service Rules of NSW". It is recommended that the developer engage a Level 2 Accredited Service Provider(ASP) Electrician to ensure that the installation will comply with the Service Rules.

Proximity to Existing Network Assets

4. **Overhead Powerlines**

There are existing overhead electricity network assets in WATTLE STREET PYRMONT.

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

The proposed development may encroach the statutory clearances of nearby powerlines as per the requirements set out in AS7000 and Ausgrid Standard NS220. The developer is required to either:

- Engage an Accreditted Service Provider Level 3 (ASP3) to confirm that the development does maintain the statutory clearances to the powerlines (this must include wind impacts). If the ASP3 determines that the proposed structure does encroach the statutory clearances, suitable arrangments must be made to ensure that the structure will not encroach the powerline statutory clearance either by redesign of the encroaching structure or relocation of the powerlines away from the proposed structure.

- Make suitable arrangements to have powerlines relocated prior to the commencement of construction so that statutory clearances are not encroached.

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.

5. **Underground Cables**

There are existing underground electricity network assets in WATTLE STREET PYRMONT.

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.

Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable. Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

6. **Substation**

There are existing out of service electricity substation $966 within 14 WATTLE STREET PYRMONT. 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.

For Activities Within or Near to the Electricity Easement

7. **Purpose of Easement**

This easement was acquired for the 11,000 volt distribution assets currently owned and operated by Ausgrid. The purpose of the easement is to protect the distribution assets and to provide adequate working space along the route of the cables for construction and maintenance work. The easement also assists Ausgrid in controlling works or other activities under or near the distribution cables which could either by accident or otherwise create an unsafe situation for workers or the public, or reduce the security and reliability of Ausgrid's network.

The Following Conditions Apply for any Activities Within the Electricity Easement:

1. Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

2. Ausgrid is not responsible for the reinstatement of any finished surface within the easement site.

3. Ausgrid requires 24 hour access along the easement for plant and personnel. For the purpose of exercising its rights under the easement, Ausgrid may cut fences and/or walls and install gates in them. Where the easements on a site do not provide practical access to all of Ausgrid's infrastructure, a suitable right of access at least 5m wide must be provided to each asset.

4. Access driveways shall withstand the weight of a heavy rigid truck when fully laden weighing 30 tonne.

5. Access gates, minimum 4.5 metres wide, may be required in all fences crossing the transmission line easement.

6. Driveways and other vehicle access must be capable of supporting the heaviest vehicle likely to traverse the driveway without damaging Ausgrid's assets.

7. All metal work within the easement site including metallic fencing, are to be locally earthed by a qualified electrician via a 50 sq. mm stranded copper, insulated earthwire bonded to a copper-clad earth-stake driven at least 1.6 metres into the ground.

8. Metallic fencing is generally not permitted to extend away from the easement site unless an insulating section is installed, at least 3 metres wide. This requirement maybe relaxed upon assessment of a supplied fencing design.

9. No buildings/structures or parts thereof constructed may encroach the easement.

10. No machine excavation is permitted within the easement without Ausgrid's express permission.

11. During building construction, adequate controls must be put in place to prevent vehicles and machinery from damaging the Ausgrid assets.

12. Bulk solids (e.g sand and gravels) are not to be stored within the easement area.

13. The proposed finished ground levels within the easement must provide a minimum of 600mm cover to the 11kV Distribution Cables.

14. The proposed finished ground levels within the easement must provide a minimum of 500mm cover to the Low Voltage Cables.

15. Any electrical services and metallic telecoms and metallic piping, whilst installed within easement are not to be run parallel with the overhead electricity mains for a combined total distance greater than 50m per service. Any parallel length greater than this will require additional Ausgrid consent when the services design is determined. Fibre communications cable does and plastic or concrete piping does not need to meet this requirement.

SYDNEY WATER

1. **Water and wastewater Servicing**

- The water and wastewater system should have adequate capacity to service the proposed development.

- Amplifications, adjustments, and/or minor extensions may be required.

2. **Recycled Water Servicing**

- Please note that the City of Sydney has plans in place to deliver a recycled water network which will provide most developments within the Sydney CBD with recycled water servicing over the next few decades.

- The proponent should investigate potential reticulated recycled water servicing solutions that may offset potable water demands for irrigation, toilet flushing and

domestic washing machines, as well as air cooling towers. Consideration should also be given for rainwater capture and storm water runoff reduction.

3. **Stormwater Servicing**

Building over adjacent to stormwater assets

- There is a 300mm stormwater main running along Jones St. The proponent will need to refer to Sydney Waters guidelines for building over or adjacent to stormwater assets.

Proposed Adjustment of Sydney Water's stormwater assets

- As per our available records, the proposed stormwater adjustment works appear to impact following Sydney Water's stormwater assets:
    - Sydney Water's stormwater access chamber in the Jones Street near northern end of the property 282-308 Jones Street, Pyrmont (capping the existing stormwater connection). Existing stormwater connection must be capped at the Sydney Water's manhole (not away from the manhole).
    - Sydney Water's stormwater pipes located within the property boundary at the corner of Jones and Fig Streets (Deviation of Sydney Water's stormwater pipes).
    - The above stormwater deviation and adjustment works are to be carried out according to Sydney Water's requirements as part of the Section 73 application for this development. Further details regarding Sydney Water's requirements can be obtained from Water Servicing Coordinator. Due to the complexity of this works, we strongly advocate that the proponent talks directly to Sydney Water as soon as possible to prevent unnecessary delays.

TRANSPORT ASSET HOLDING ENTITY (TAHE)

1. Prior to the issue of a Construction Certificate the person acting upon this consent is to enter into an Interface Access Deed Poll Agreement with the Rail Infrastructure Manager (Light Rail) to enable the required access to TAHE owned land and Light Rail corridor to carry out any works. In addition to other relevant matters, the Access Deed Poll is to outline, to the Rail Infrastructure Manager's satisfaction, how any removal or changes to structures or landscape beds within TAHE owned areas are to be made good at the cost of the developer and at no cost to TAHE or TfNSW.

2. Prior to the issue of a Construction Certificate the person acting upon this consent is enter into an Access Licence with TAHE, to permit access at $1 over the newly created access points. This agreement is to be between TAHE and Developer but must be novated to the Strata Corporation once the Strata Plan is created. Evidence of this Deed being incorporated into the Strata Management Plan must be provided to TAHE's satisfaction prior to the issue of an Occupation Certificate. Please contact TAHE's property representatives at Property@transport.nsw.gov.au

3. All boundary fencing is to be replaced to the satisfaction of the Rail Infrastructure Manager at the cost of the developer and at no cost to TAHE or TfNSW.

4. Any conditions of consent imposed on the associated Development Consent by the rail authority must be complied with.

Attachment C

Selected Drawings

SHEET LIST - STAGE 2 DA SUBMISSION

SHEET NUMBER	SHEET NAME	REVISION	REVISION DATE
01A - INTRODUCTION			
AR-DA-A 01A-XX-00	COVER SHEET	07	21/02/24
AR-DA-A 01A-XX-05	BASIX COMMITMENTS	03	21/02/24
10A - SITE PLANS			
AR-DA-A 10A-XX-02	SITE PLAN	09	21/02/24
10A - VISUALISATIONS			
AR-DA-A 10A-XX-04	VISUALISATIONS	02	03/11/23
AR-DA-A 10A-XX-05	VISUALISATIONS	01	01/02/23
AR-DA-A 10A-XX-06	VISUALISATIONS	02	03/11/23
AR-DA-A 10A-XX-07	VISUALISATIONS	02	03/11/23
10B - GENERAL ARRANGEMENT			
AR-DA-A 10B-00-00	GENERAL ARRANGEMENT PLAN - LEVEL 00	19	21/02/24
AR-DA-A 10B-01-00	GENERAL ARRANGEMENT PLAN - LEVEL 01	20	21/02/24
AR-DA-A 10B-02-00	GENERAL ARRANGEMENT PLAN - LEVEL 02	18	21/02/24
AR-DA-A 10B-03-00	GENERAL ARRANGEMENT PLAN - LEVEL 03	18	21/02/24
AR-DA-A 10B-04-00	GENERAL ARRANGEMENT PLAN - LEVEL 03 & LEVEL 04	18	21/02/24
AR-DA-A 10B-05-00	GENERAL ARRANGEMENT PLAN - LEVEL 04 &LEVEL 05	18	21/02/24
AR-DA-A 10B-06-00	GENERAL ARRANGEMENT PLAN - LEVEL 05 & LEVEL 06	18	21/02/24
AR-DA-A 10B-07-00	GENERAL ARRANGEMENT PLAN - LEVEL 06 & LEVEL 07	18	21/02/24
AR-DA-A 10B-08-00	GENERAL ARRANGEMENT PLAN - LEVEL 07 & LEVEL 08	18	21/02/24
AR-DA-A 10B-09-00	GENERAL ARRANGEMENT PLAN - LEVEL 08 & LEVEL 09	18	21/02/24
AR-DA-A 10B-10-00	GENERAL ARRANGEMENT PLAN - LEVEL 09 & LEVEL 10	19	21/02/24
AR-DA-A 10B-11-00	GENERAL ARRANGEMENT PLAN - LEVEL 10 & LEVEL 11	18	21/02/24
AR-DA-A 10B-12-00	GENERAL ARRANGEMENT PLAN - LEVEL 11 & LEVEL 12	18	21/02/24
AR-DA-A 10B-13-00	GENERAL ARRANGEMENT PLAN - LEVEL 13	18	21/02/24
AR-DA-A 10B-14-00	GENERAL ARRANGEMENT PLAN - LEVEL 14	14	21/02/24
10C - ELEVATIONS			
AR-DA-A 10C-XX-00	ELEVATIONS	07	21/02/24
AR-DA-A 10C-XX-01	ELEVATIONS	05	03/11/23
AR-DA-A 10C-XX-02	ELEVATIONS	06	21/02/24
AR-DA-A 10C-XX-03	ELEVATIONS	06	21/02/24
AR-DA-A 10C-XX-04	ELEVATIONS	05	03/11/23
10D - SECTIONS			
AR-DA-A 10D-XX-00	SECTIONS	08	21/02/24
AR-DA-A 10D-XX-01	SECTIONS	06	21/02/24
AR-DA-A 10D-XX-02	SECTIONS	06	21/02/24
AR-DA-A 10D-XX-03	SECTIONS	07	21/02/24
AR-DA-A 10D-XX-10	SECTIONS - CLIFF FACE - SHEET 1	02	03/11/23
AR-DA-A 10D-XX-11	SECTIONS - CLIFF FACE - SHEET 2	01	03/11/23
19T - COMPLIANCE			
AR-DA-A 19T-XX-00	COMPLIANCE - BUILDING SEPARATION AND SETBACKS	04	03/11/23
AR-DA-A 19T-XX-01	COMPLIANCE - SOLAR ACCESS	06	21/02/24
AR-DA-A 19T-XX-02	COMPLIANCE - CROSS VENTILATION	08	21/02/24
AR-DA-A 19T-XX-03	COMPLIANCE - COMMUNAL AREAS	06	21/02/24
AR-DA-A 19T-XX-04	COMPLIANCE - DEEP SOIL	05	03/11/23
AR-DA-A 19T-XX-05	COMPLIANCE - COMMUNAL AREAS SOLAR	05	21/02/24
AR-DA-A 19T-XX-07	COMPLIANCE - SOLAR PLAN - 21 JUNE	04	03/11/23
AR-DA-A 19T-XX-08	COMPLIANCE - 3D AXO HEIGHT PLAN - WEST	04	03/11/23
AR-DA-A 19T-XX-09	COMPLIANCE - 3D AXO MASSING	04	03/11/23
AR-DA-A 19T-XX-10	COMPLIANCE - UNIT MIX	05	03/11/23
AR-DA-A 19T-XX-11	COMPLIANCE - STORAGE	04	03/11/23
AR-DA-A 19T-XX-12	COMPLIANCE - 3D AXO HEIGHT PLAN - EAST	03	03/11/23
AR-DA-A 19T-XX-15	COMPLIANCE - SOLAR PLAN - 21 JUNE (SATELLITE VIEW)	01	03/11/23
AR-DA-A 19T-XX-20	COMPLIANCE - SUN EYE VIEW 21/06 - 0900-0915	04	03/11/23
AR-DA-A 19T-XX-21	COMPLIANCE - SUN EYE VIEW 21/06 - 0930-0945	04	03/11/23
AR-DA-A 19T-XX-22	COMPLIANCE - SUN EYE VIEW 21/06 - 1000-1015	04	03/11/23
AR-DA-A 19T-XX-23	COMPLIANCE - SUN EYE VIEW 21/06 - 1030-1045	04	03/11/23
AR-DA-A 19T-XX-24	COMPLIANCE - SUN EYE VIEW 21/06 - 1100-1115	04	03/11/23
AR-DA-A 19T-XX-25	COMPLIANCE - SUN EYE VIEW 21/06 - 1130-1145	04	03/11/23
AR-DA-A 19T-XX-26	COMPLIANCE - SUN EYE VIEW 21/06 - 1200-1215	04	03/11/23
AR-DA-A 19T-XX-27	COMPLIANCE - SUN EYE VIEW 21/06 - 1230-1245	01	03/11/23
AR-DA-A 19T-XX-28	COMPLIANCE - SUN EYE VIEW 21/06 - 1300-1315	01	03/11/23
AR-DA-A 19T-XX-29	COMPLIANCE - SUN EYE VIEW 21/06 - 1330-1345	01	03/11/23
AR-DA-A 19T-XX-30	COMPLIANCE - SUN EYE VIEW 21/06 - 1400-1415	01	03/11/23
AR-DA-A 19T-XX-31	COMPLIANCE - SUN EYE VIEW 21/06 - 1430-1445	01	03/11/23
AR-DA-A 19T-XX-32	COMPLIANCE - SUN EYE VIEW 21/06 - 1500	01	03/11/23
AR-DA-A 19T-XX-35	COMPLIANCE - DDA AND LIVABLE UNITS	03	01/02/23
AR-DA-A 19T-XX-40	COMPLIANCE - STORAGE BASEMENT	01	03/11/23
AR-DA-A 19T-XX-50	COMPLIANCE - PLENUM DETAILS	01	03/11/23
AR-DA-A 19T-XX-55	COMPLIANCE - SCREEN DETAILS - SHEET 01	01	03/11/23
AR-DA-A 19T-XX-56	COMPLIANCE - SCREEN DETAILS - SHEET 02	01	03/11/23
AR-DA-A 19T-XX-60	COMPLIANCE - BUILDING INDENT JONES	01	03/11/23
AR-DA-A 19T-XX-61	COMPLIANCE - BUILDING INDENT WATTLE	01	03/11/23
AR-DA-A 19T-XX-70	COMPLIANCE - WEIGHBRIDGE AND SCALE	01	03/11/23
AR-DA-A 19T-XX-80	COMPLIANCE - MATERIAL BOARD - SHEET 01	01	03/11/23
AR-DA-A 19T-XX-81	COMPLIANCE - MATERIAL BOARD - SHEET 02	01	03/11/23
AR-DA-A 19T-XX-82	COMPLIANCE - MATERIAL BOARD - SHEET 03	01	03/11/23
AR-DA-A 19T-XX-83	COMPLIANCE - MATERIAL BOARD - SHEET 04	01	03/11/23
AR-DA-A 31E-XX-03	CARPARK RAMP	05	03/11/23
AR-DA-A 31E-XX-05	CAR AND BICYCLE PARKING	01	03/11/23
19U - AREA PLANS			
AR-DA-A 19U-XX-01	AREA PLANS - GFA	09	03/11/23
21B - DEMOLITION			
AR-DA-A 21B-00-00	DEMOLITION PLAN	04	01/02/23

REVISION TAG LEGEND

G1 Acoustic Measure to garbage room adjoining Jones Core 1 added
G2 Solar PV provision added
G3 Basix information added
G4 Site area clarified
G5 Water tank capacity added
G6 Parking entry kerb added
G7 Loading dock entry width reduced and kerb added
G8 Access from Jones level 4 discharge waste room to residential garbage loading dock room added
G9 Window missing added
G10 Privacy screen added
G11 Unit solar clarified
G12 Cross ventilation clarified
G13 Communal Open space calculation clarified
G14 Communal Open space solar amended
G16 Stage 1 DA outline added

07-G1

NOTE 1 - DESIGN MEASURES TO MITIGATE GARBAGE CHUTE NOISE:
- GARBAGE CHUTE DOORS FITTED WITH A SOFT CLOSING MECHANISM.
- GARBAGE CHUTES ONLY CONNECTED TO THE STRUCTURE VIA VIBRATION ISOLATION PADS AND INCORPORATING EMBELTON NRD RESILIENT ELEMENTS AT EACH SLAB/SOFFIT
- NO OTHER CONNECTIONS BETWEEN THE GARBAGE CHUTE AND ADJOINING CONSTRUCTION
- OTHER THAN VIA RESILIENT MOUNTS, CLEARANCE OF NOT LESS THAN 10MM BETWEEN THE GARBAGE CHUTE AND ADJOINING CONSTRUCTION
- STEEL GARBAGE CHUTES TO BE EXTERNALLY WRAPPED AND SEALED USING PYROTEK 4525C LAGGING OR ACOUSTICALLY EQUIVALENT PRODUCT. / LLDPE PLASTIC GARBAGE CHUTES (OR EQUIVALENT) DO NOT REQUIRE ACOUSTIC LAGGING.
- THE WALL SEPARATING THE RISER/CHUTE AND THE SOLE OCCUPANCY UNIT IS TO MEET OR EXCEED THE PERFORMANCE REQUIREMENTS OF THE NATIONAL CONSTRUCTION CODE AND BE OF DISCONTINUOUS CONSTRUCTION

07-G2

NOTE 2 - SOLAR PV PROVISION AS PER SECTION 6 ON-SITE RENEWABLE ENERGY.

TOTAL NUMBER OF PV PANELS:

JONES STREET BUILDING:	343
COURTYARD BUILDING:	12
WATTLE STREET BUILDING:	126
FIG STREET BUILDING:	196
GRAND TOTAL:	677

CAPACITY: 677 PANELS x 600 W = 406.2 kW



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NOTE
CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF WORK OR PREPARATION OF SHOP DRAWINGS. DO NOT SCALE THIS DRAWING

ISSUE	DATE	FOR	CHKD
01	21/12/22	STAGE 2 DA DRAFT 01	
02	20/01/23	FOR INFORMATION	
03	01/02/23	STAGE 2 DA SUBMISSION	
04	06/02/23	STAGE 2 DA SUBMISSION	
05	08/02/23	STAGE 2 DA SUBMISSION	
06	03/11/23	STAGE 2 DA AMENDED SUBMISSION	
07	21/02/24	STAGE 2 DA AMENDED 2 SUBMISSION	

SITE BOUNDARY
TOTAL AREA: 12,125 M2

DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL LAND (256 M2). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 12,381 M2

KEY PLAN

PLANNER
GYDE CONSULTING
(02) 9068 7500
STRUCTURE
EI AUSTRALIA
(02) 9516 0722
SERVICES
IGS ENGINEERING
(02) 8488 4600
LANDSCAPE
OCULUS
(02) 9557 5533

CLIENT
LANDREAM
CLIENT NUMBER
PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0877

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
2109023

TRUE NORTH / PROJECT NORTH
GRAPHIC SCALE 0 4000 10000
SCALE As indicated@A0 DO NOT SCALE
STATUS

DRAWING
COVER SHEET
DRAWING NUMBER
AR-DA-A 01A-XX-00
ISSUE
07

C:\Users\cbadenko\REVIT_LOCAL\2022\AR_2109023_WSU_SHEETS_connor_badenko.rvt 21/02/2024 3:28:05 PM

BASIX Certificate - Jones St Building | Certificate No. 1349432M_03 | 03 Nov 2023
BASIX Certificate - Courtyard Building | Certificate No. 1349433M_03 | 03 Nov 2023
BASIX Certificate – Wattle St Building | Certificate No. 1349085M_03 | 03 Nov 2023

03-G3

14-26 Wattle St, Pyrmont NSW

BASIX Commitments Summary

Energy Commitments

Table 1. Jones St Building Water Commitments.

Common Areas and Central Systems	
Common areas	• No common facility for showerheads • 5-star (water rated) taps • No common facility for toilets • No common facility for laundry
Central systems	• Rainwater tank (No. 1) with capacity of minimum 30,000L (minimum), collecting run-off from minimum 1960m² of roof area, used for irrigation of common area landscape with minimum area of 74m².
Private Dwellings	
Fixtures for apartments	• 4-star (Water Rating) showerheads with a flow rate > 4.5 but <= 6 L/min • 4-star (Water Rating) toilets • 6-star (Water Rating) kitchen taps • 6-star (Water Rating) bathroom taps • 5.5-star (Water Rating) dishwashers • 5-star (Water Rating) clothes washers • On demand hot water recirculation
Alternative water supply	• Central rainwater tank (No. 1), connected to laundries, and toilets.

Table 2. Courtyard Building Water Commitments.

Common Areas and Central Systems	
Common areas	• No common facility for showerheads • 5-star (water rated) taps • No common facility for toilets • No common facility for laundry
Central systems.	• Rainwater tank (No. 1) with capacity of minimum 15,000L (minimum), collecting run-off from minimum 390m² of roof area, used for irrigation of common area landscape with minimum area of 250m².
Private Dwellings	
Fixtures for apartments	• 4-star (Water Rating) showerheads with a flow rate > 4.5 but <= 6 L/min • 4-star (Water Rating) toilets • 6-star (Water Rating) kitchen taps • 6-star (Water Rating) bathroom taps • 5.5-star (Water Rating) dishwashers • 5-star (Water Rating) clothes washers • On demand hot water recirculation
Alternative water supply	• Central rainwater tank (No. 1), connected to laundries, and toilets

Table 3. Wattle St Building Water Commitments.

Common Areas and Central Systems	
Common areas	• No common facility for showerheads • 5-star (water rated) taps • No common facility for toilets • No common facility for laundry
Central systems	• Rainwater tank (No. 1) with capacity of minimum 30,000L (minimum), collecting run-off from minimum 1590m² of roof area, used for irrigation of common area landscape with minimum area of 180m².
Private Dwellings	
Fixtures for apartments	• 4-star (Water Rating) showerheads with a flow rate > 4.5 but <= 6 L/min • 4-star (Water Rating) toilets • 6-star (Water Rating) kitchen taps • 6-star (Water Rating) bathroom taps • 5.5-star (Water Rating) dishwashers • 5-star (Water Rating) clothes washers • On demand hot water recirculation
Alternative water supply	• Central rainwater tank (No. 1), connected to laundries, and toilets.

Water Commitments

Table 4. Jones St Building Energy Commitments.

	Component	Commitment
Common Areas of residential areas	Lifts	• Quantity: 5, Gearless traction with VVVF motor
	Ventilation	• Gym: ventilation (supply & exhaust), Time clock or BMS controlled • Carpark: ventilation (supply & exhaust). Controlled with carbon monoxide monitor and VSD fan • Switch room: ventilation supply only. Thermostatically controlled • Garbage room: ventilation exhaust only • Community room: ventilation (supply & exhaust), Time clock or BMS controlled • Plant or service rooms: ventilation supply only. Thermostatically controlled • Ground floor lobby type: ventilation (supply & exhaust), Time clock or BMS controlled • Hallways/lobby type: ventilation (supply & exhaust), Time clock or BMS controlled
	Lighting	• Gym: LED lighting with manual on / manual off • Carpark: LED lighting with motion sensors • Lifts: LED lighting, connected to the lift call button • Switch room: LED lighting with manual on / manual off • Garbage room: LED lighting with motion sensors • Community room: LED lighting with motion sensors • Plant or service rooms: LED lighting with manual on / manual off • Ground floor lobby type: LED lighting with time clock and motion sensors • Hallways/Lobby type: LED lighting with time clock and motion sensors
	Central Hot Water	• Electric heat pump – air sourced with: – R1.0 insulation to external pipes – R0.6 insulation to internal pipes
	Alternative Energy Supply	• 120 kW Solar PV system
Private Dwellings	Ventilation	• Kitchen Exhaust: Individual fan, ducted to façade or roof, manual on/off switch • Bathroom & Laundry Exhaust: Individual fan, ducted to façade or roof, interlocked to light
	Heating & Cooling to living and bedroom areas	• Heating: 1-phase air-conditioning EER 3.5 – 4.0 • Cooling: 1-phase air-conditioning EER 3.5 – 4.0
	Lighting	• Fluorescent or LED lights with dedicated fittings
	Appliances	• Gas cooktops and electric ovens • 4-star (energy rating) dishwashers • 4-star (energy rating) clothes washers • 6-star (energy rating) clothes dryers

Table 5. Courtyard Building Energy Commitments.

	Component	Commitment
Common Areas of residential areas	Lifts	• Quantity: 2, Gearless traction with VVVF motor
	Ventilation	• Carpark: ventilation (supply & exhaust). Controlled with carbon monoxide monitor and VSD fan • Switch room: ventilation supply only. Thermostatically controlled • Garbage room: ventilation exhaust only • Plant or service rooms: ventilation supply only. Thermostatically controlled • Ground floor lobby type: ventilation (supply & exhaust), Time clock or BMS controlled • Hallways/lobby type: ventilation (supply & exhaust), Time clock or BMS controlled
	Lighting	• Carpark: LED lighting with motion sensors • Lifts: LED lighting, connected to the lift call button • Switch room: LED lighting with manual on / manual off • Garbage room: LED lighting with motion sensors • Plant or service rooms: LED lighting with manual on / manual off • Ground floor lobby type: LED lighting with time clock and motion sensors • Hallways/Lobby type: LED lighting with time clock and motion sensors
	Central Hot Water	• Electric heat pump – air sourced with: – R1.0 insulation to external pipes – R0.6 insulation to internal pipes
	Alternative Energy Supply	• 35 kW Solar PV system
Private Dwellings	Ventilation	• Kitchen Exhaust: Individual fan, ducted to façade or roof, manual on/off switch • Bathroom & Laundry Exhaust: Individual fan, ducted to façade or roof, interlocked to light
	Heating & Cooling to living and bedroom areas	• Heating: 1-phase air-conditioning EER 3.5 – 4.0 • Cooling: 1-phase air-conditioning EER 3.5 – 4.0
	Lighting	• Fluorescent or LED lights with dedicated fittings
	Appliances	• Gas cooktops and electric ovens • 4-star (energy rating) dishwashers • 4-star (energy rating) clothes washers • 5-star (energy rating) clothes dryers

Table 6. Wattle St Building Energy Commitments.

	Component	Commitment
Common Areas of residential areas	Lifts	• Quantity: 4, Gearless traction with VVVF motor
	Ventilation	• Carpark: ventilation (supply & exhaust). Controlled with carbon monoxide monitor and VSD fan • Switch room: ventilation supply only. Thermostatically controlled • Garbage room: ventilation exhaust only • Plant or service rooms: ventilation supply only. Thermostatically controlled • Ground floor lobby type: no mechanical ventilation • Hallways/lobby type: no mechanical ventilation
	Lighting	• Carpark: LED lighting with motion sensors • Lifts: LED lighting, connected to the lift call button • Switch room: LED lighting with manual on / manual off • Garbage room: LED lighting with motion sensors • Plant or service rooms: LED lighting with manual on / manual off • Ground floor lobby type: LED lighting with time clock and motion sensors • Hallways/Lobby type: LED lighting with time clock and motion sensors
	Central Hot Water	• Electric heat pump – air sourced with: – R1.0 insulation to external pipes – R0.6 insulation to internal pipes
	Alternative Energy Supply	• 50 kW Solar PV system
Private Dwellings	Ventilation	• Kitchen Exhaust: Individual fan, ducted to façade or roof, manual on/off switch • Bathroom & Laundry Exhaust: Individual fan, ducted to façade or roof, interlocked to light
	Heating & Cooling to living and bedroom areas	• Heating: 1-phase air-conditioning EER 3.5 – 4.0 • Cooling: 1-phase air-conditioning EER 3.5 – 4.0
	Lighting	• Fluorescent or LED lights with dedicated fittings
	Appliances	• Gas cooktops and electric ovens • 4-star (energy rating) dishwashers • 4-star (energy rating) clothes washers • 5-star (energy rating) clothes dryers

Building Fabric Commitments

Table 7. Building Fabric Requirements.

Element	Insulation/glazing
External walls	• Concrete and Metal cladding with added R2.0 insulation.
Internal walls	• Plasterboard and Hebel Interternancy with added R2.0 insulation.
Floor	• Concrete with R2.0 insulation to habitable rooms with floors open to air
Ceiling	• Concrete with R4.0 insulation to top floor units
Roof	• Concrete with no added insulation
Glazing	• Specified glazing (as highlighted in blue below) to achieve a maximum system U-value of 3.0 and SHGC of 0.27 (+/-10%)- marked on plans (REFER BASIX REPORT DRAWINGS *) • All other glazing to achieve a maximum system U-value of 4.3 and SHGC of 0.53 (+/-10%)
Ceiling Penetrations	• Sealed LED downlights and exhaust fans.

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NOTE
CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF WORK OR PREPARATION OF SHOP DRAWINGS. DO NOT SCALE THIS DRAWING

ISSUE	DATE	FOR	CHKD
01	09/02/23	STAGE 2 DA SUBMISSION	
02	03/11/23	STAGE 2 DA AMENDED SUBMISSION	
03	21/02/24	STAGE 2 DA AMENDED 2 SUBMISSION	

KEY PLAN

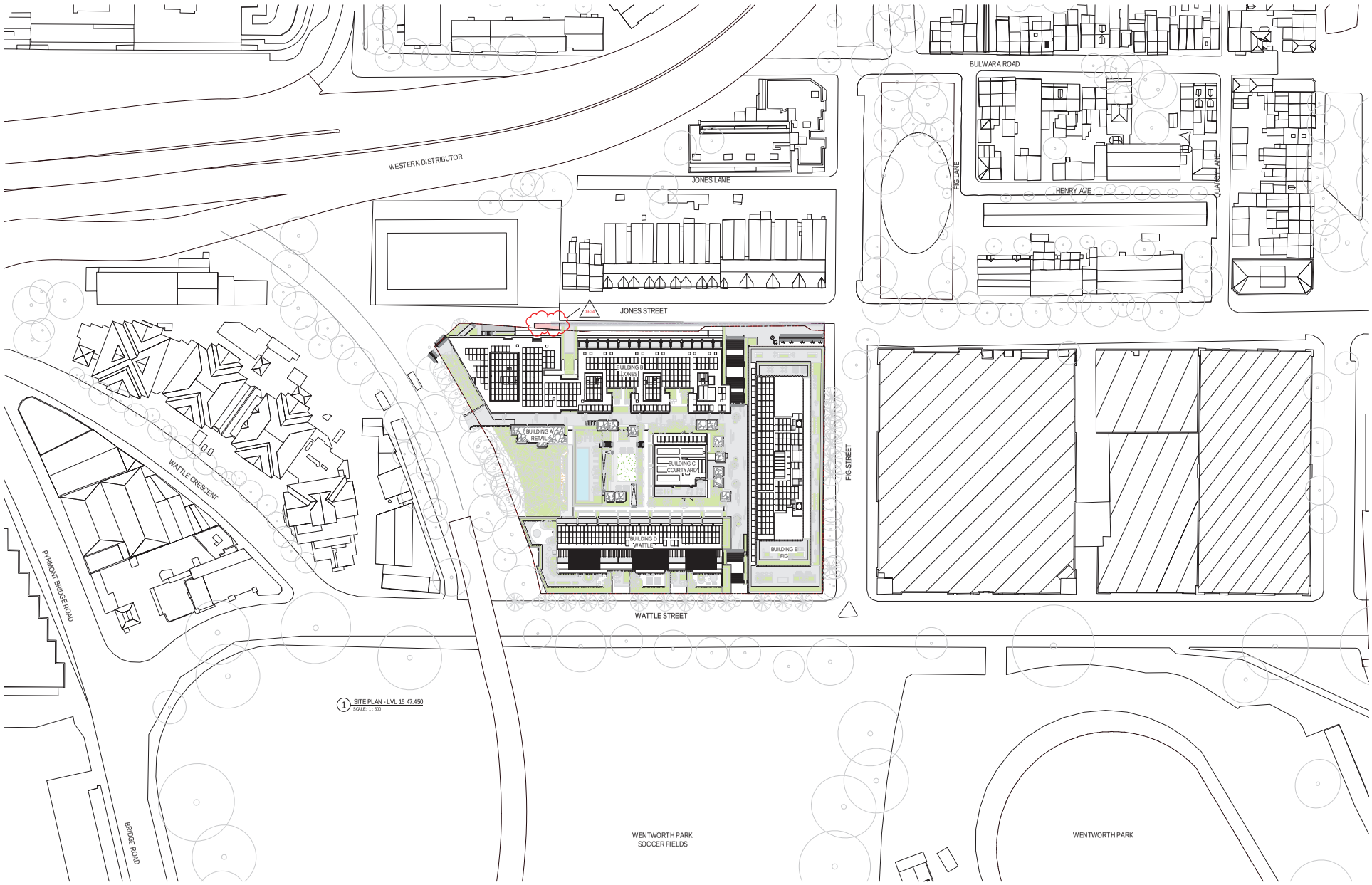
PLANNER: GYDE CONSULTING (02) 9068 7500
STRUCTURE: EI AUSTRALIA (02) 9516 0722
SERVICES: IGS ENGINEERING (02) 8488 4600
LANDSCAPE: OCULUS (02) 9557 5533

CLIENT: LANDREAM
CLIENT NUMBER
PROJECT MANAGER: ARGENTUM GROUP (02) 9037 0877

PROJECT: WATTLE STREET, 14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER: 2109023

TRUE NORTH / PROJECT NORTH
GRAPHIC SCALE 0 2000 5000
SCALE @A0 DO NOT SCALE
STATUS

DRAWING: BASIX COMMITMENTS
DRAWING NUMBER: AR-DA-A 01A-XX-05
ISSUE: 03



1 SITE PLAN - LVL 15 47.450
SCALE: 1 : 500

235

BVN

ARCHITECTS REGISTRATION BD 4HD /
NOMINATED ARCHITECTS

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TOLA ALAIN JUNTOS
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DIANE EVAN O'BRIEN

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NOTE

SCALE
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ISSUE	DATE	FOR	CHKD
01	3.10.2022	PRE-DA	
02	3.10.2022	FOR INFORMATION	
03	3.10.2022	FOR INFORMATION	
04	3.10.2022	FOR INFORMATION	
05	3.10.2022	STAGE 2 DA DRAFT 01	
06	7.10.2022	FOR INFORMATION	
07	0.10.2022	STAGE 2 DA SUBMISSION	
08	0.10.2022	STAGE 2 DA AMENDED SUBMISSION	
09	2.10.2022	STAGE 2 DA AMENDED 2 SUBMISSION	

SITE BOUNDARY
TOTAL AREA: 32, 325 M2

DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM CSX (A.L.L AND LEASE). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 3,218 M.S

AREAS CLOUD FROM SITE AREA FOR THE PURPOSE OF FSR CALCULATION ZONE
TOTAL AREA: 12, 361 M2

KEY PLAN

PLANNER
GYDE CONSULTING
(02) 9068 7500
STRUCTURE
EI AUSTRALIA
(02) 9516 0722
SERVICES
IGS ENGINEERING
(02) 8488 4600
LANDSCAPE
OCULUS
(02) 9957 5533

CLIENT
LANDREAM
CLIENT NUMBER
PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0977

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
21.09.023

TRUE NORTH
PROJECT NORTH
GRAPHIC SCALE
0 25.00 50.00
SCALE
As indicated @ A1
DO NOT SCALE
STATUS

DRAWING
SITE PLAN
DRAWING NUMBER
AR-DA-A 10A-XX-02
ISSUE
09

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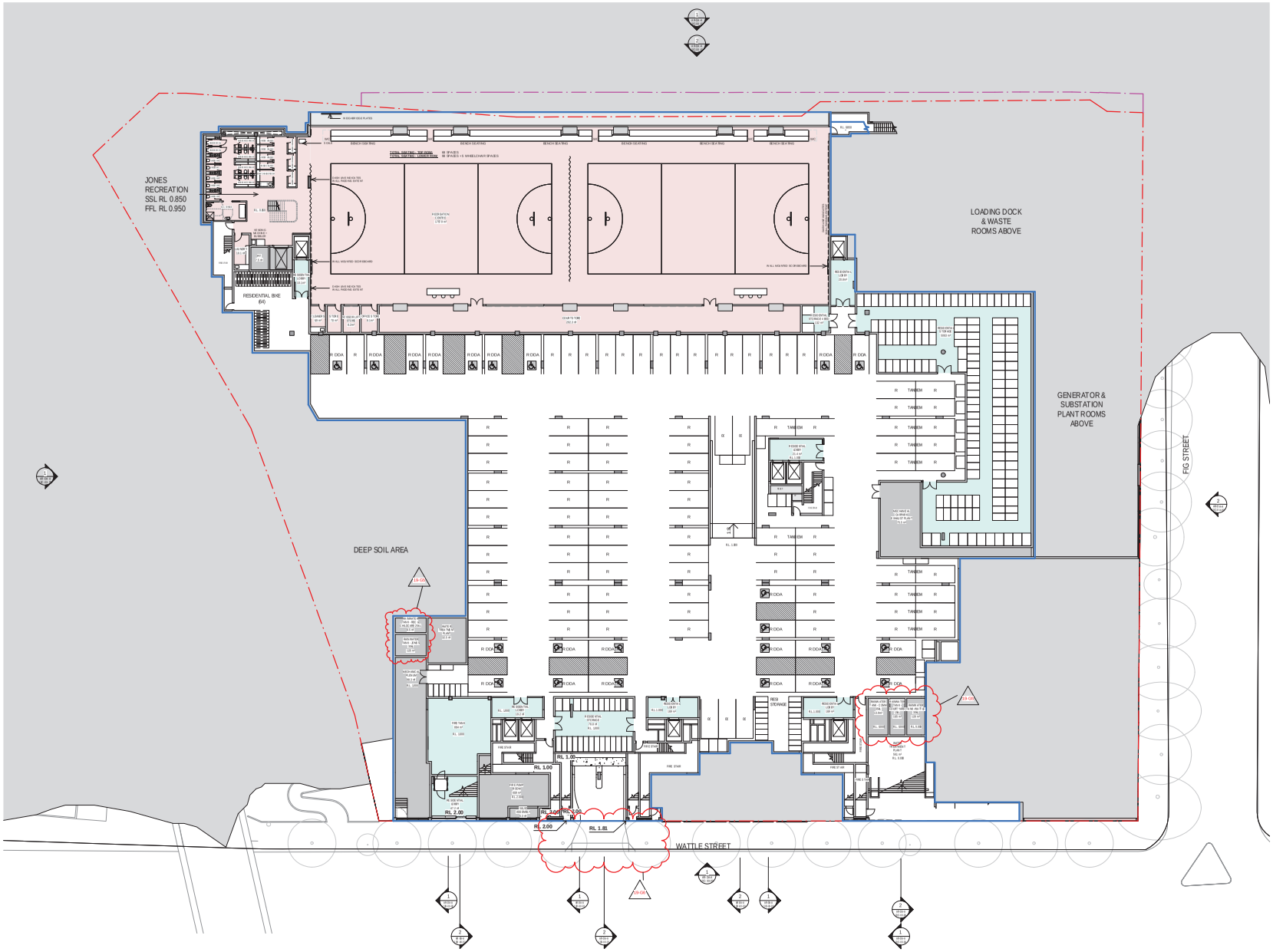

236

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TOM ANKER (SA)1
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CLIENTS
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CHRISTOPHER JOHN
LEONARD LEANDER
ELOISE ANN KELLY
DIANA SARA SIMONA

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NOTE
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ISSUE	DATE	FOR	CHKD
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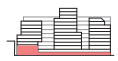
07	04.11.22	FOR INFORMATION	
08	11.11.22	FOR INFORMATION	
09	23.11.22	FOR INFORMATION	
10	2.12.22	FOR INFORMATION	
11	2.12.22	FOR INFORMATION	
12	14.12.22	FOR INFORMATION	
13	7.12.22	STAGE 2 DA DRAFT 01	
14	4.01.23	FOR INFORMATION	
15	2.02.23	FOR INFORMATION	
16	2.02.23	FOR INFORMATION	
17	6.03.23	STAGE 2 DA SUBMISSION	
18	9.03.23	STAGE 2 DA AMENDED SUBMISSION	
19	2.05.23	STAGE 2 DA RFI RESPONSE 2 SUBMISSION	

LEGEND

- SITE BOUNDARY
  TOTAL AREA 12,125M²
- DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL LAND (256M²). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 12,381 M²)
- OUTLINE OF SUBMITTED STAGE 1 DA MOD MASSING

19 GD

KEY PLAN



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STRUCTURE
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LANDSCAPE
OCULUS
(02) 9957 5533

CLIENT
LANDREAM
CLIENT NUMBER
PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0877

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
21.09.023

TRUE NORTH
PROJECT NORTH
GRAPHIC SCALE
0 4000 10000
SCALE
As indicated @ A1
DO NOT SCALE
STATUS

DRAWING
GENERAL ARRANGEMENT PLAN - LEVEL 00
DRAWING NUMBER
AR-DA-A 10B-00-00
ISSUE
19

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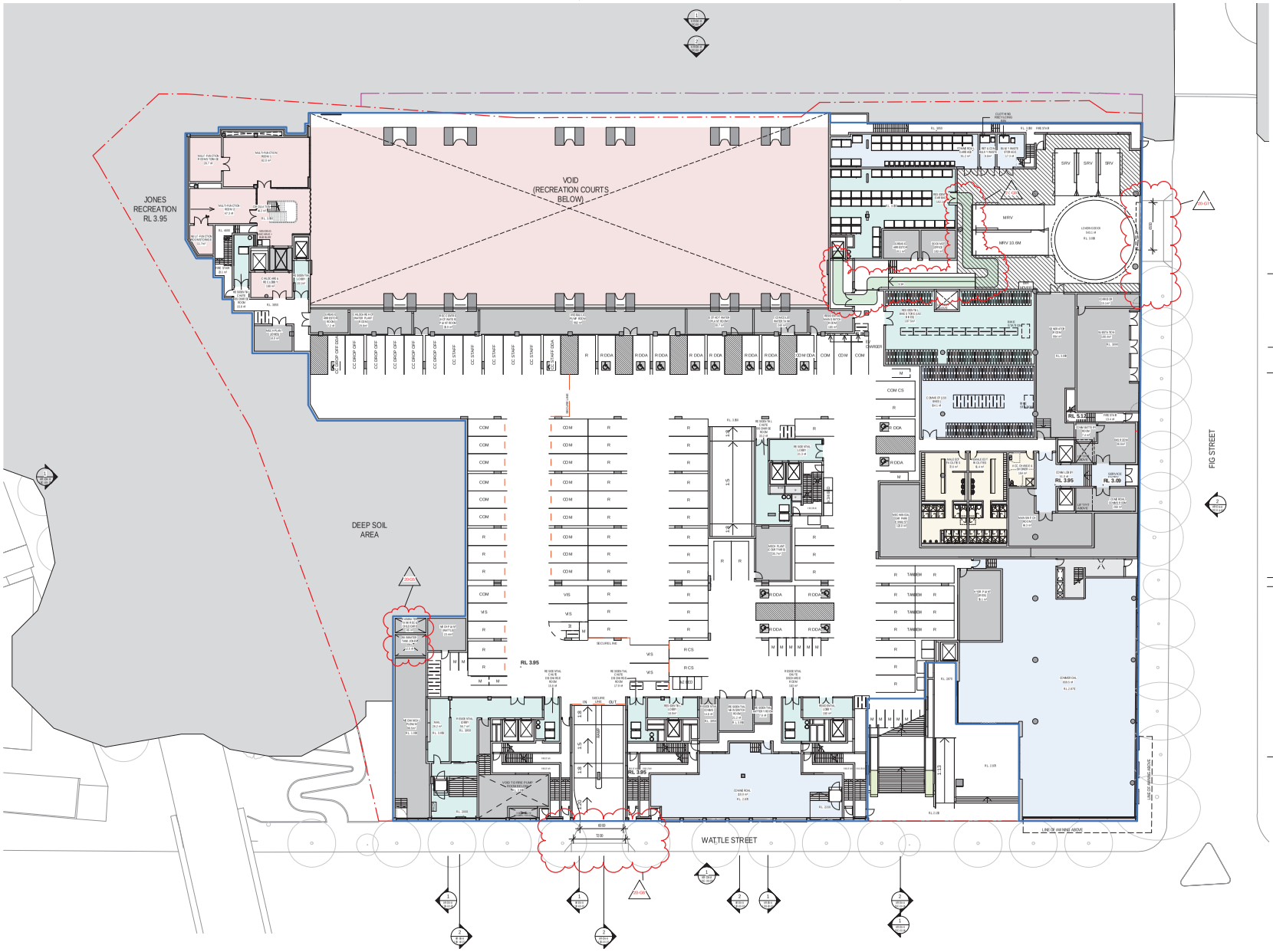

237

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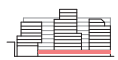
ISSUE	DATE	FOR	CHKD
02	04.03.22	FOR INFORMATION	
01	17.01.22	FOR INFORMATION	
02	28.01.22	FOR INFORMATION	
01	21.02.22	FOR INFORMATION	
01	14.03.22	FOR INFORMATION	
02	24.03.22	FOR INFORMATION	
03	31.03.22	STAGE 2 DA DRAFT 01	
04	13.05.22	FOR INFORMATION	
05	20.05.22	FOR INFORMATION	
06	27.05.22	FOR INFORMATION	
07	10.06.22	STAGE 2 DA SUBMISSION	
08	24.06.22	STAGE 2 DA SUBMISSION	
09	30.09.22	STAGE 2 DA AMENDED SUBMISSION	
10	21.06.23	STAGE 2 DA MOD 1 SUBMISSION	

LEGEND

- SITE BOUNDARY
  TOTAL AREA 12,125M²
- DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL LAND (256M²). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 12,381 M²)
- OUTLINE OF SUBMITTED STAGE 1 DA MOD MASSING

KEY PLAN



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(02) 9516 0722

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IGS ENGINEERING
(02) 8488 4600

LANDSCAPE
OCULUS
(02) 9957 5533

CLIENT
LANDCOM

CLIENT NUMBER

PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0977

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT

BVN PROJECT NUMBER
21.09.023

TRUE NORTH
PROJECT NORTH
GRAPHIC SCALE
0 4000 10000
SCALE
As indicated @ A1
DO NOT SCALE
STATUS

DRAWING
GENERAL ARRANGEMENT PLAN - LEVEL 01
DRAWING NUMBER
AR-DA-A 10B-01-00
ISSUE
20

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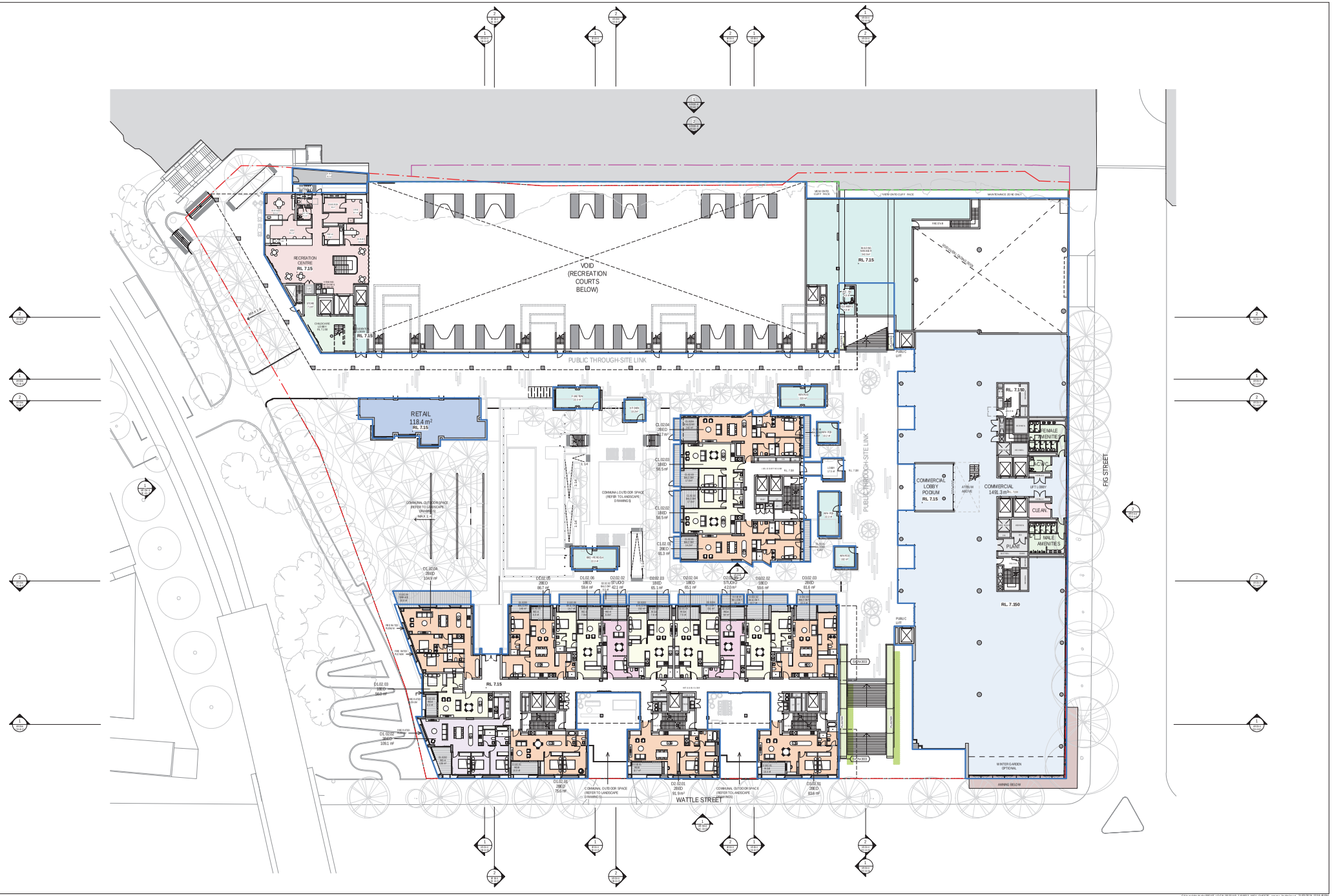

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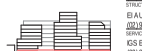
06	24.01.22	FOR INFORMATION	
07	04.03.22	FOR INFORMATION	
08	17.03.22	FOR INFORMATION	
09	21.03.22	FOR INFORMATION	
10	31.03.22	FOR INFORMATION	
11	14.04.22	FOR INFORMATION	
12	27.07.22	STAGE 2 DA DRAFT 01	
13	14.09.22	FOR INFORMATION	
14	23.09.22	FOR INFORMATION	
15	30.09.22	FOR INFORMATION	
16	01.05.23	STAGE 2 DA SUBMISSION	
17	13.10.23	STAGE 2 DA AMENDED SUBMISSION	
18	21.09.23	STAGE 2 DA AMENDED SUBMISSION	

LEGEND

- SITE BOUNDARY
  TOTAL AREA 12,125M²
- DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL LAND (259M²). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 12,381 M²)
- OUTLINE OF SUBMITTED STAGE 1 DA MOD MASSING (LOT 101)
- ACOUSTIC PLENUM
- ACOUSTIC + FIRE RATED PLENUM
- NONA-COUSTIC PLENUM

KEY PLAN



PLANNER
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STRUCTURE
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(02) 9516 0722
SERVICES
IGS ENGINEERING
(02) 8488 4600
LANDSCAPE
OCULUS
(02) 9957 9533

CLIENT
LANDREAM
CLIENT NUMBER
PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0977

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
21.09.023

TRUE NORTH
PROJECT NORTH
GRAPHIC SCALE
STRUCTURE
0 4000 10000
SCALE
As indicated @ A1
DO NOT SCALE
STATUS

DRAWING
GENERAL ARRANGEMENT PLAN - LEVEL 02
DRAWING NUMBER
AR-DA-A 10B-02-00
ISSUE
18

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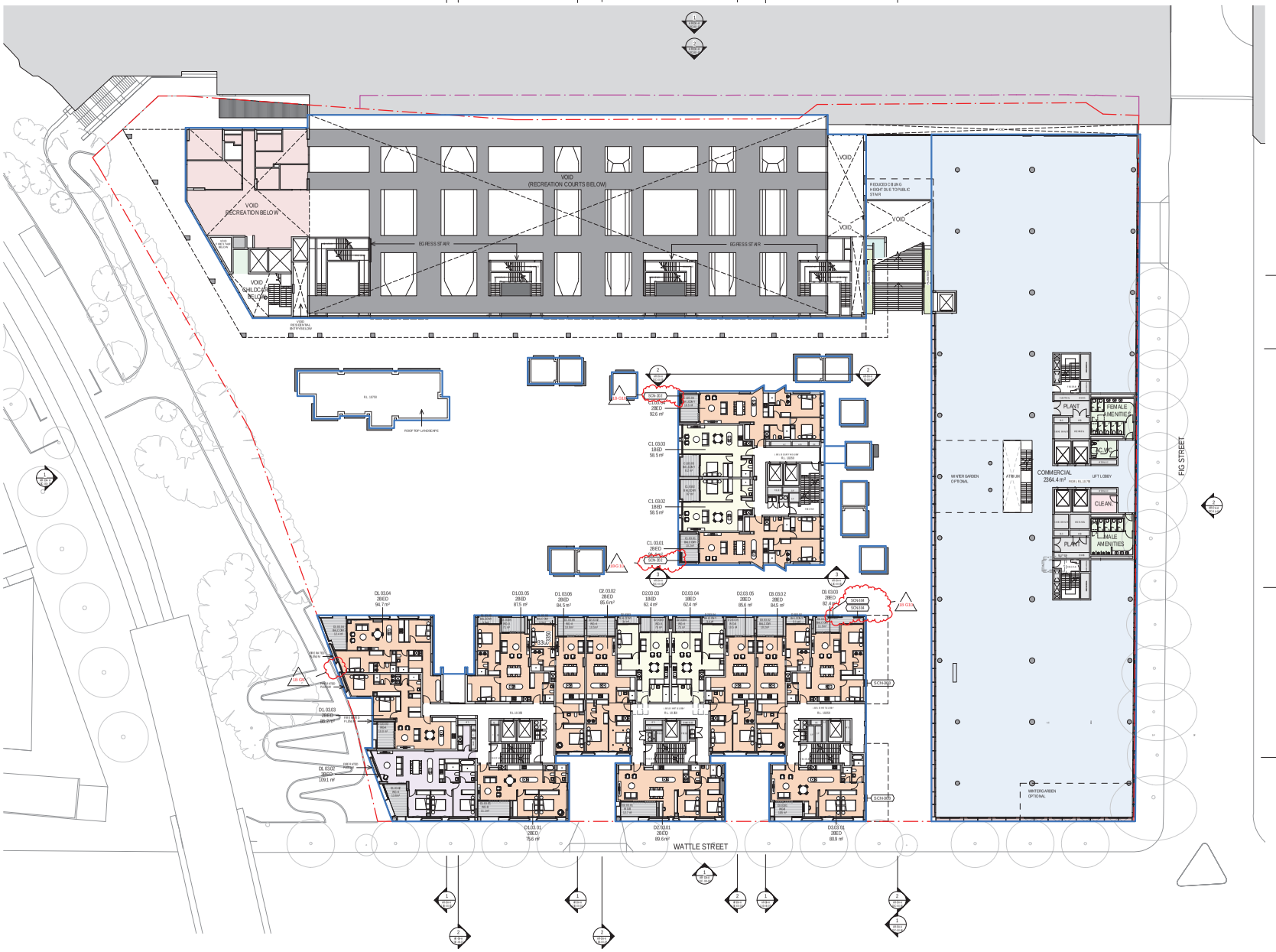

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BVN

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DRAWING
GENERAL ARRANGEMENT PLAN - LEVEL 03 & LEVEL 04
DRAWING NUMBER AR-DA-A 10B-04-00
ISSUE 18

TRUE NORTH / PROJECT NORTH
GRAPHIC SCALE 0 4000 10000
SCALE As indicated@A0
DO NOT SCALE
STATUS

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER 2109023

CLIENT
LANDREAM
CLIENT NUMBER
PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0877

PLANNER
GYDE CONSULTING
(02) 9068 7500
STRUCTURE
EI AUSTRALIA
(02) 9516 0722
SERVICES
IGS ENGINEERING
(02) 8488 4600
LANDSCAPE
OCULUS
(02) 9557 5533

KEY PLAN

LEGEND

- SITE BOUNDARY TOTAL AREA: 12,125M²
- DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL LAND (256 M²). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 12,381 M²
- OUTLINE OF SUBMITTED STAGE 1 DA MOD MASSING
- ACOUSTIC PLENUM
- ACOUSTIC + FIRE RATED PLENUM
- NON-ACOUSTIC PLENUM

ISSUE	DATE	FOR	CHKD
05	19/10/22	FOR INFORMATION	
06	28/10/22	FOR INFORMATION	
07	04/11/22	FOR INFORMATION	
08	17/11/22	FOR INFORMATION	
09	2/12/22	FOR INFORMATION	
10	13/12/22	FOR INFORMATION	
11	16/12/22	FOR INFORMATION	
12	21/12/22	STAGE 2 DA DRAFT 01	
13	18/01/23	FOR INFORMATION	
14	20/01/23	FOR INFORMATION	
15	25/01/23	FOR INFORMATION	
16	01/02/23	STAGE 2 DA SUBMISSION	
17	03/11/23	STAGE 2 DA AMENDED SUBMISSION	
18	21/02/24	STAGE 2 DA AMENDED 2 SUBMISSION	

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7416 PETER TITMUSS
10447 ALISON BOUNDS
10705 CATHERINE SKINNER
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1595 MARK GRIMMER
5528 DAVID KELLY
3866 KEVIN O'BRIEN
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Facsimile +61 2 8297 7299
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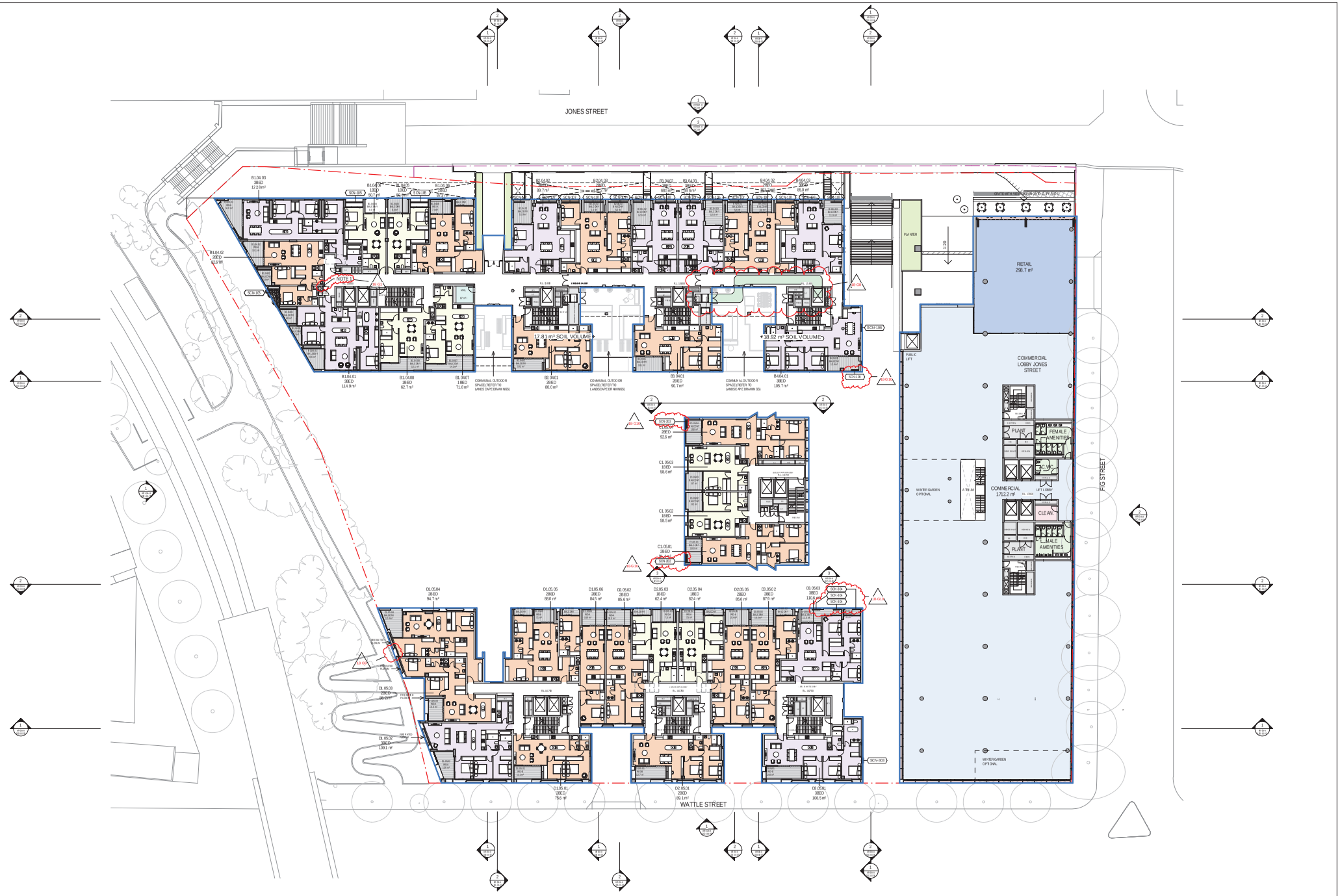
JONES STREET
WATTLE STREET
FIG STREET
RETAIL
298.7 m²
COMMERCIAL
LOBBY JONES
STREET
COMMERCIAL
170.2.2 m²
PLANT
FEMALE
AMENITIES
MALE
AMENITIES
CLEAN
LIFT LOBBY
PUBLIC
LIFT
WINTER GARDEN
OPTIONAL
PLANTER
1:20
17.81 m³ SOIL VOLUME
18.92 m³ SOIL VOLUME
NOTE 1
B1.04.03
3BED
122.8 m²
B1.04.02
2BED
92.6 m²
B1.04.01
3BED
114.9 m²
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2BED
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2BED
90.7 m²
B4.04.01
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105.7 m²
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58.6 m²
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58.1 m²
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92.6 m²
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94.7 m²
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84.5 m²
D2.05.02
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D2.05.03
1BED
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1BED
62.4 m²
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110.6 m²
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2BED
79.6 m²
D2.05.01
2BED
89.1 m²
D3.05.01
3BED
106.5 m²
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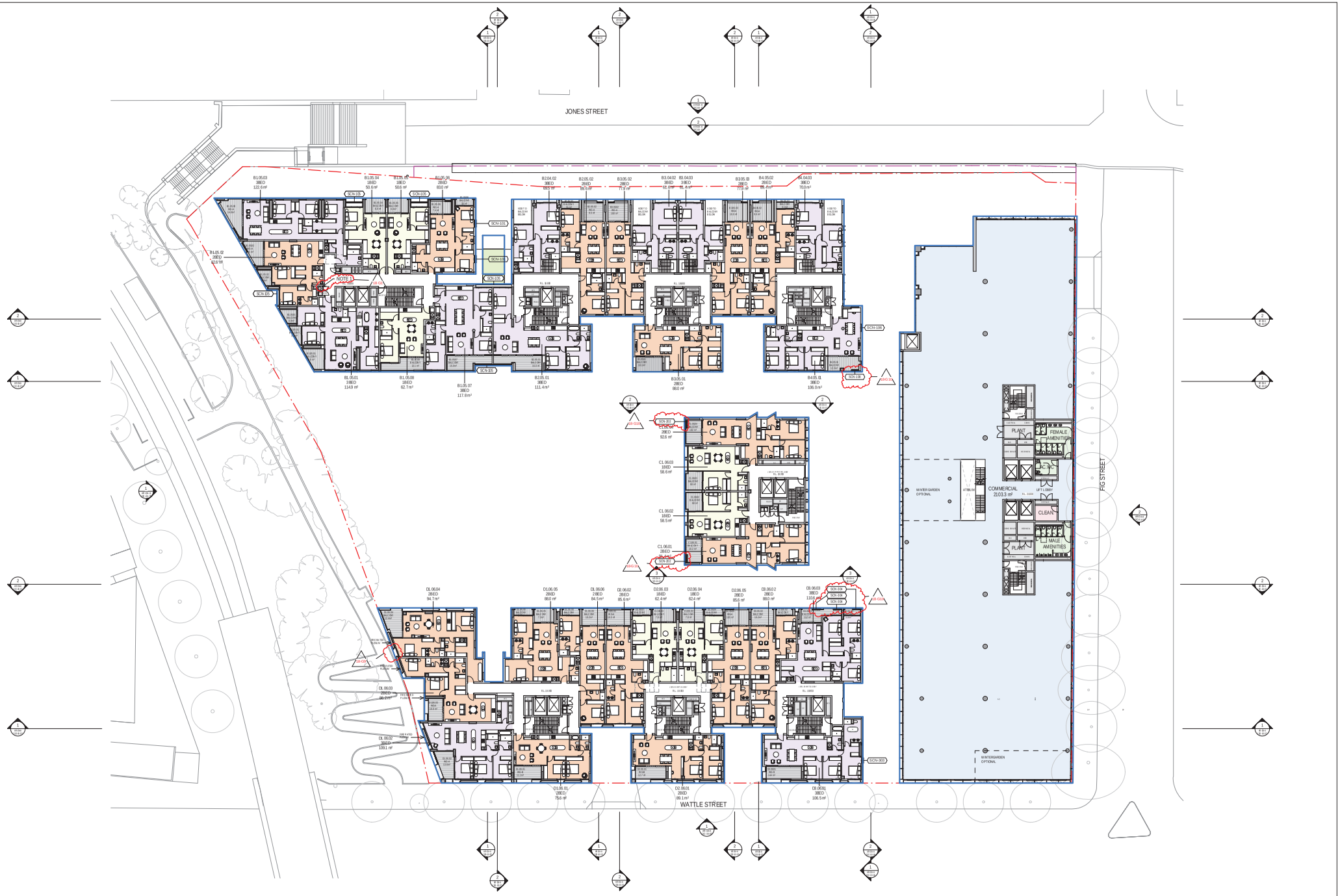
SCH-143
SCH-144



BVN

ARCHITECTS REGISTRATION 6674NSW | NOMINATED ARCHITECTS

NSW
KIRA MINOTTI DANA TITTONI 10477
TOM KELLAWAY 7714
JILL ALAN GARTEN 7924
TIM THE DUKE BLAIR 7925
ANDREW MAXWELL DUNN 7926
TIMOTHY PETER TYRRELL 10417
ANDREW MARTIN 10418
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Tel night owl +61 2 8297 7200
Fax (02) 9956 4822
Fax overflow +61 2 8297 7299
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ELLEN ELLSMORE 10279
CHRISTOPHER MARTIN 10280
ALEXANDER KELLY 10281

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ANDREW JAMES
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PETER TYRE 7778
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CLOTH ELLEN AN
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ISSUE	DATE	FOR	CHKD
01	14.01.22	FOR INFORMATION	
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04	17.03.22	FOR INFORMATION	
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07	7.04.22	FOR INFORMATION	
08	14.04.22	FOR INFORMATION	
09	29.04.22	FOR INFORMATION	
10	13.05.22	STAGE 2 DA DRAFT ES	
11	3.06.22	FOR INFORMATION	
12	10.06.22	FOR INFORMATION	
13	17.06.22	FOR INFORMATION	
14	24.06.22	FOR INFORMATION	
15	30.06.22	STAGE 2 DA SUBMISSION	
16	5.08.22	STAGE 2 DA AMENDED SUBMISSION	
17	5.09.22	STAGE 2 DA RFI RESPONSE SUBMISSION	

LEGEND

- SITE BOUNDARY TOTAL AREA 12,125M²
- DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL LAND (256M²). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 12,381 M²)
- OUTLINE OF SUBMITTED STAGE 1 DA MOD MASSING J18-G01

- ACOUSTIC PLENUM
- ACOUSTIC + FIRE RATED PLENUM
- NONACOUSTIC PLENUM

KEY PLAN

PLANNER
GYDE CONSULTING
(02) 9068 7500
STRUCTURE
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SERVICES
IGS ENGINEERING
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LANDSCAPE
OCULUS
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CLIENT
LANDCOM
CLIENT NUMBER
PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0977

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
21.09.023

TRUE NORTH
PROJECT NORTH
GRAPHIC SCALE
0 2500 5000
SCALE
As indicated @ A1
DO NOT SCALE
STATUS

DRAWING
GENERAL ARRANGEMENT PLAN - LEVEL 06 & LEVEL 07
DRAWING NUMBER
AR-DA-A 10B-07-00
ISSUE
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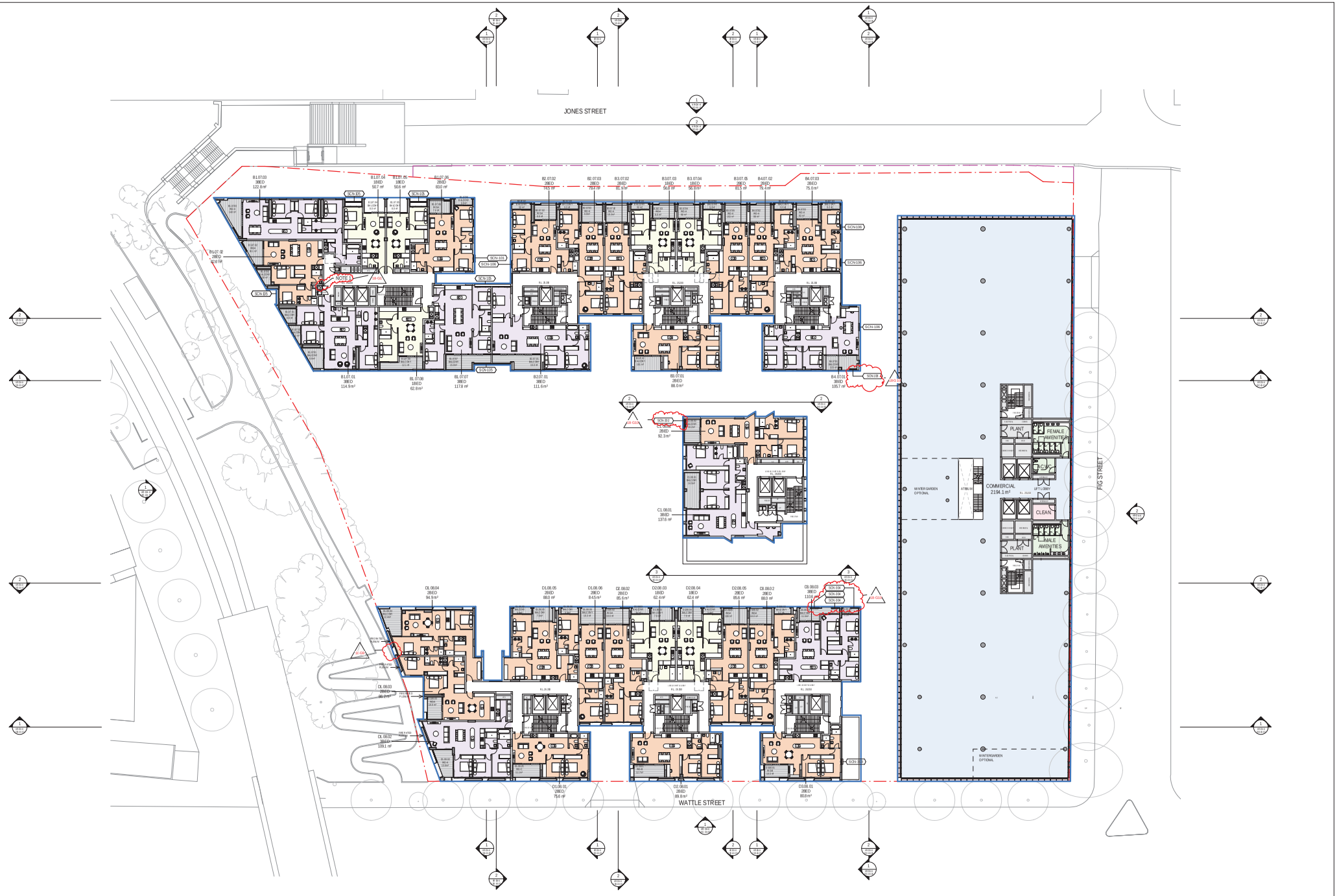
JONES STREET
WATTLE STREET
FIG STREET
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B1.07.04 1BED 50.7 m²
B1.07.05 1BED 50.6 m²
B1.07.06 2BED 83.0 m²
B2.07.02 2BED 74.0 m²
B2.07.03 2BED 79.4 m²
B3.07.02 2BED 81.6 m²
B3.07.03 1BED 50.6 m²
B3.07.04 1BED 50.0 m²
B3.07.05 2BED 81.5 m²
B4.07.02 2BED 79.4 m²
B4.07.03 2BED 75.0 m²
B1.07.02 2BED 92.6 m²
B1.07.01 3BED 114.9 m²
B1.07.08 1BED 62.8 m²
B1.07.07 3BED 117.8 m²
B2.07.01 3BED 111.6 m²
B3.07.01 2BED 88.0 m²
B4.07.01 3BED 105.7 m²
C1.08.01 3BED 137.6 m²
C1.08.02 2BED 92.3 m²
D1.08.04 2BED 94.9 m²
D1.08.05 2BED 88.0 m²
D1.08.06 2BED 84.5 m²
D2.08.02 2BED 85.6 m²
D2.08.03 1BED 62.4 m²
D2.08.04 1BED 62.4 m²
D2.08.05 2BED 85.6 m²
D3.08.02 2BED 88.0 m²
D3.08.03 3BED 110.6 m²
D1.08.01 2BED 80.1 m²
D1.08.02 2BED 109.1 m²
D1.08.03 2BED 80.0 m²
D1.08.01 3BED 79.6 m²
D2.08.01 2BED 89.9 m²
D3.08.01 2BED 80.8 m²
COMMERCIAL 2194.1 m²
WINTER GARDEN OPTIONAL
ATRIUM
PLANT
FEMALE AMENITIES
MALE AMENITIES
CLEAN
LIFT LOBBY
WINTERGARDEN OPTIONAL
NOTE A
SCN-1.05
SCN-1.01
SCN-1.02
SCN-1.03
SCN-1.04
SCN-1.06
SCN-2.01
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SCN-3.40



245

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ARCHITECTS REGISTRATION BO 4HD I NOMINATED ARCHITECTS

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DRAWING
GENERAL ARRANGEMENT PLAN - LEVEL 09 & LEVEL 10
DRAWING NUMBER AR-DA-A 10B-10-00
ISSUE 19

TRUE NORTH / PROJECT NORTH
GRAPHIC SCALE 0 4000 10000
SCALE As indicated@A0
DO NOT SCALE
STATUS

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER 2109023

CLIENT
LANDREAM
CLIENT NUMBER
PROJECT MANAGER
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IGS ENGINEERING
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LANDSCAPE
OCULUS
(02) 9557 5533

KEY PLAN

LEGEND

- SITE BOUNDARY TOTAL AREA: 12,125M²
- DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL LAND (256 M²). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 12,381 M²
- OUTLINE OF SUBMITTED STAGE 1 DA MOD MASSING
- ACOUSTIC PLENUM
- ACOUSTIC + FIRE RATED PLENUM
- NON-ACOUSTIC PLENUM

19-G16

ISSUE	DATE	FOR	CHKD
06	28/10/22	FOR INFORMATION	
07	04/11/22	FOR INFORMATION	
08	17/11/22	FOR INFORMATION	
09	2/12/22	FOR INFORMATION	
10	14/12/22	FOR INFORMATION	
11	16/12/22	FOR INFORMATION	
12	21/12/22	STAGE 2 DA DRAFT 01	
13	18/01/23	FOR INFORMATION	
14	20/01/23	FOR INFORMATION	
15	25/01/23	FOR INFORMATION	
16	01/02/23	STAGE 2 DA SUBMISSION	
17	06/02/23	STAGE 2 DA SUBMISSION	
18	03/11/23	STAGE 2 DA AMENDED SUBMISSION	
19	21/02/24	STAGE 2 DA AMENDED 2 SUBMISSION	

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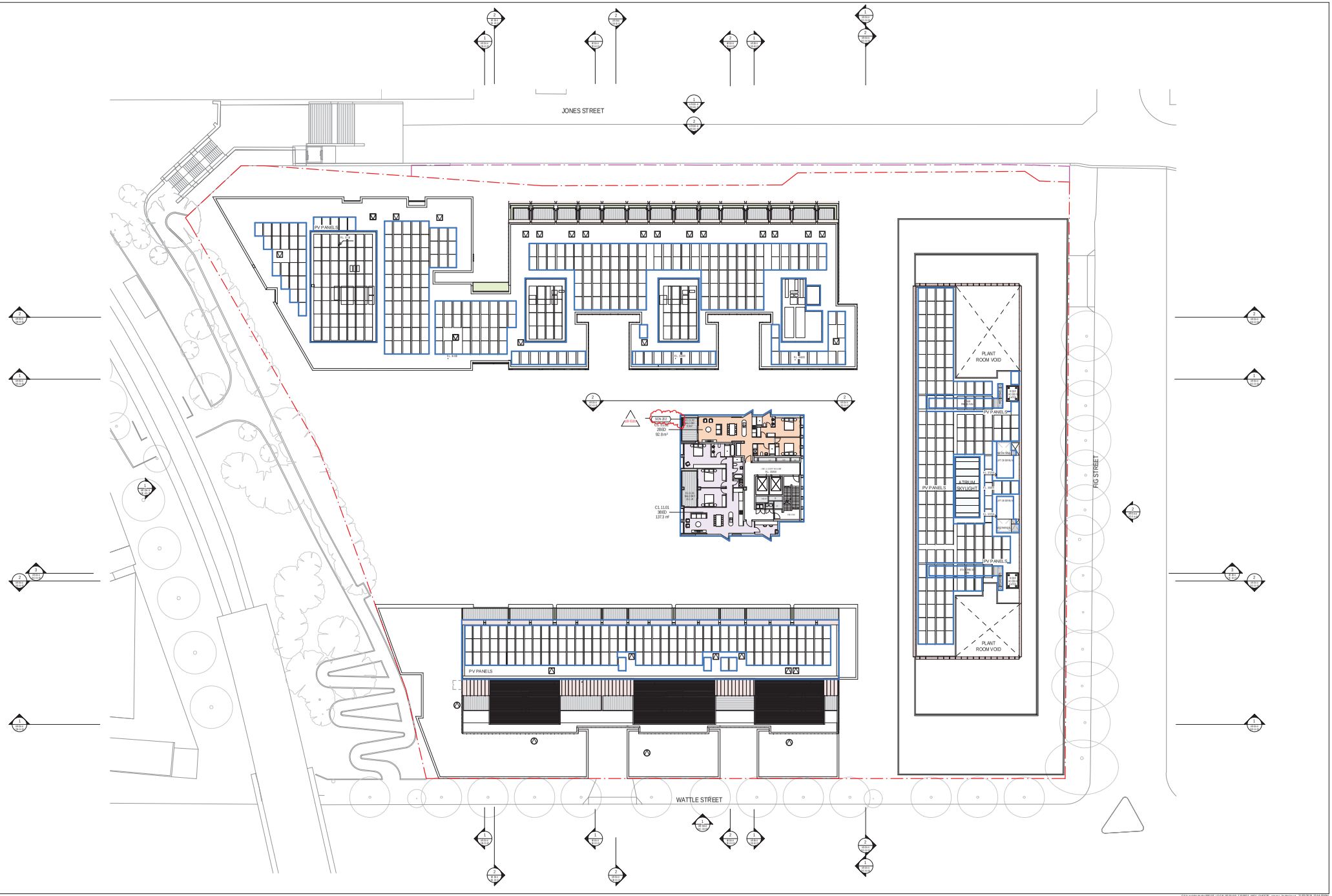

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TIM GRAY (DIRECTOR)
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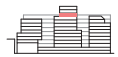
12	3.08.22	FOR INFORMATION	
13	8.08.22	STAGE 2 DA SUBMISSION	
14	5.09.22	STAGE 2 DA AMENDED SUBMISSION	
15	1.09.22	STAGE 2 DA AMENDED SUBMISSION	

LEGEND

- SITE BOUNDARY
  TOTAL AREA 12,125M²
- DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL LAND (256M²). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 12,381 M²)
- OUTLINE OF SUBMITTED STAGE 1 DA MOD MASSING

KEY PLAN



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STRUCTURE
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SERVICES
IGS ENGINEERING
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LANDSCAPE
OCULUS
(02) 9957 9533

CLIENT
LANDREAM

CLIENT NUMBER

PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0877

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT

BVN PROJECT NUMBER
21.09.023

TRUE NORTH

PROJECT NORTH

GRAPHIC SCALE
0 4000 10000

SCALE
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STATUS

DRAWING
GENERAL ARRANGEMENT PLAN - LEVEL 10 & LEVEL 11

DRAWING NUMBER
AR-DA-A 10B-11-00

ISSUE
18

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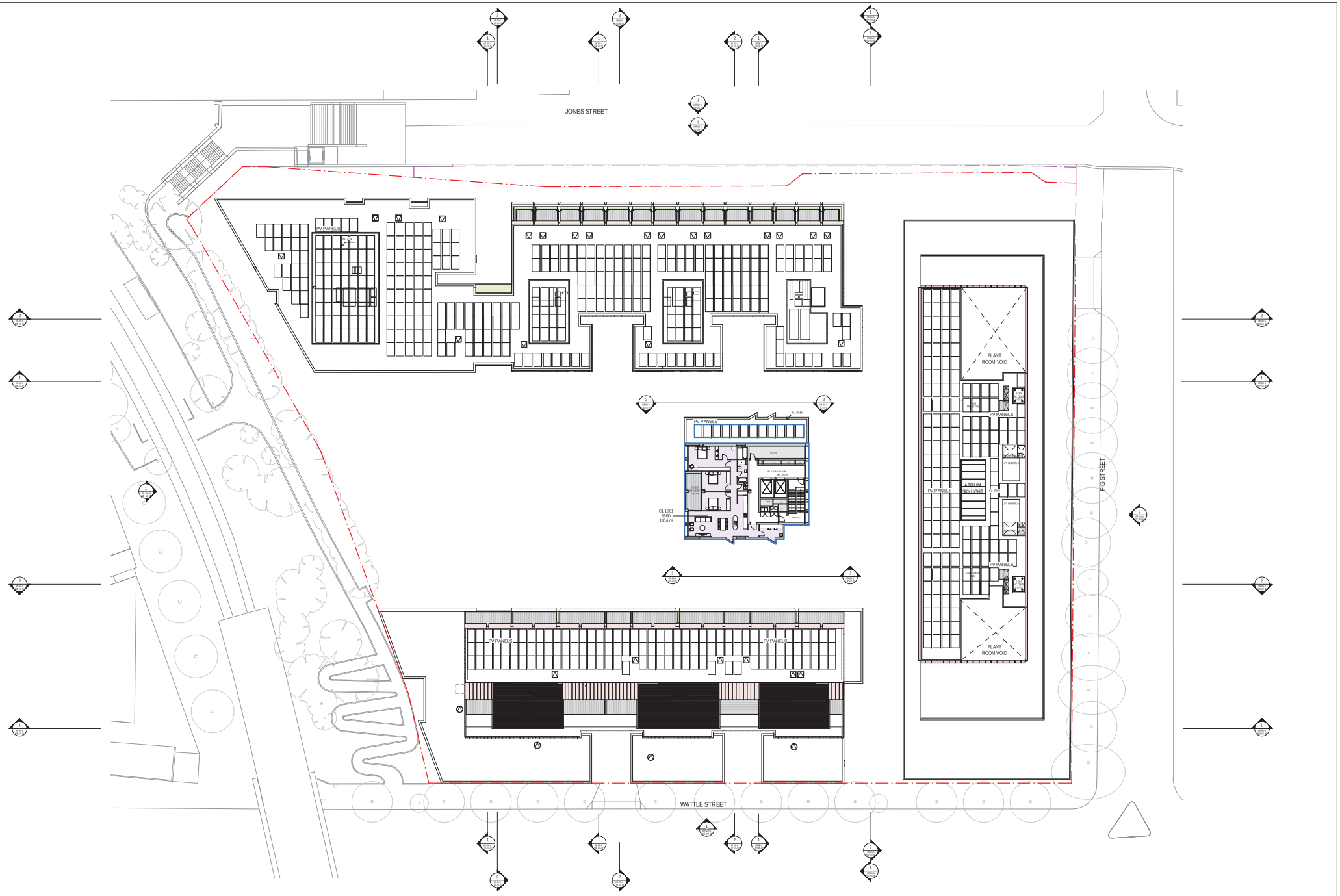

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YSL @ 4-26A WATTLE
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ELIZSO KHIS KELLY
DIANA KHIS DIMENA

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12	05.08.22	STAGE 2 DA SUBMISSION	
13	05.08.22	STAGE 2 DA AMENDED SUBMISSION	
14	11.08.22	STAGE 2 DA AMENDED SUBMISSION	

LEGEND

SITE BOUNDARY
TOTAL AREA 12,125M²

DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL LAND (256M²). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 12,381 M²)

OUTLINE OF SUBMITTED STAGE 1 DA MOD MASSING

KEY PLAN

PLANNER
GYDE CONSULTING
(02) 9068 7500
STRUCTURE
EI AUSTRALIA
(02) 9516 0722
SERVICES
IGS ENGINEERING
(02) 8488 4600
LANDSCAPE
OCULUS
(02) 9957 9533

CLIENT
LANDCOM
CLIENT NUMBER
PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0877

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
21.09.023

TRUE NORTH
PROJECT NORTH
GRAPHIC SCALE
0 4000 10000
SCALE
As indicated @ A1
DO NOT SCALE
STATUS

DRAWING
GENERAL ARRANGEMENT
PLAN - LEVEL 11 & LEVEL 12
DRAWING NUMBER
AR-DA-A 10B-12-00
ISSUE
18

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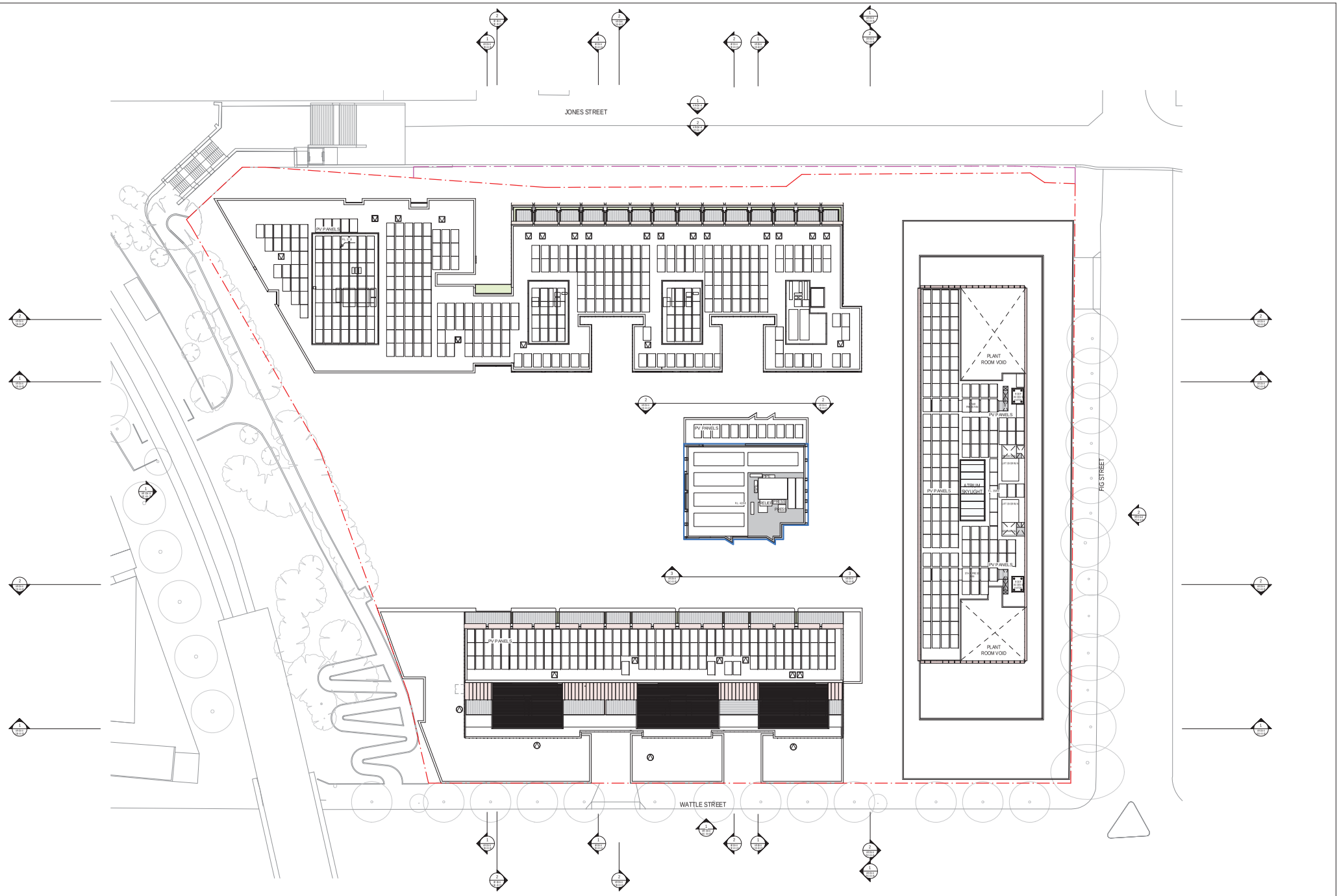

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TOM ADAMS (SA)
TILL ALAN GARTEN
(TAS) BA TIA ELLAM
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11	3.06.22	FOR INFORMATION	
12	8.06.22	FOR INFORMATION	
13	9.06.22	FOR INFORMATION	
14	9.06.22	FOR INFORMATION	
15	9.06.22	STAGE 2 DA SUBMISSION	
16	6.09.22	STAGE 2 DA AMENDED SUBMISSION	
17	5.10.22	STAGE 2 DA AMENDED SUBMISSION	
18	2.11.22	STAGE 2 DA AMENDED SUBMISSION	

LEGEND

SITE BOUNDARY
TOTAL AREA 12,125M²

DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL LAND (256M²). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 12,381 M²)

OUTLINE OF SUBMITTED STAGE 1 DA MOD MASSING

KEY PLAN

PLANNER
GYDE CONSULTING
(02) 9068 7500
STRUCTURE
EI AUSTRALIA
(02) 9516 0722
SERVICES
IGS ENGINEERING
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LANDSCAPE
OCULUS
(02) 9957 9533

CLIENT
LANDREAM
CLIENT NUMBER

PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0877

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
21.09.023

TRUE NORTH
PROJECT NORTH
GRAPHIC SCALE
0 4000 10000
SCALE
As indicated @ A1
DO NOT SCALE
STATUS

DRAWING
GENERAL ARRANGEMENT PLAN - LEVEL 13
DRAWING NUMBER
AR-DA-A 10B-13-00
ISSUE
18

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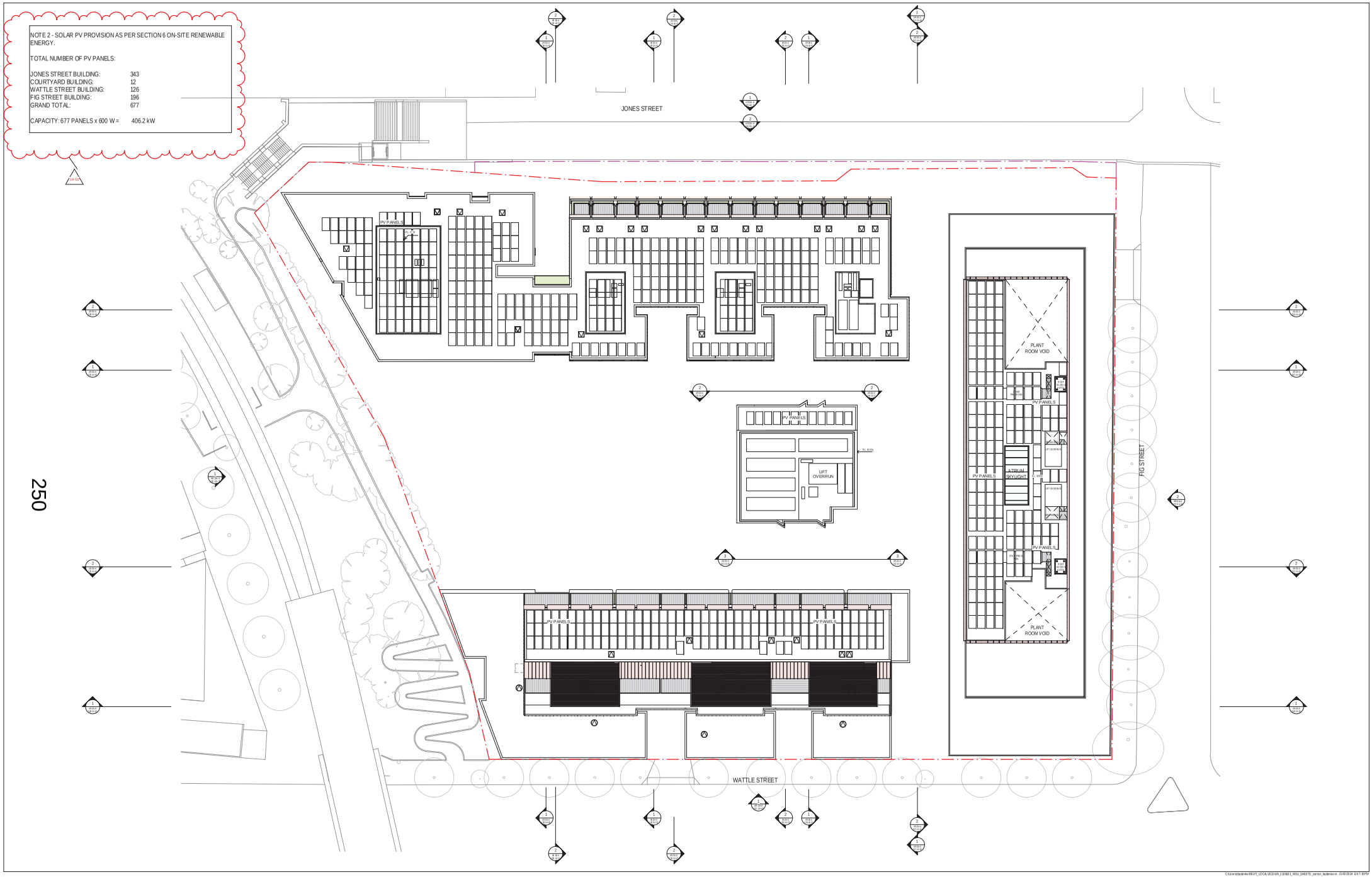
NOTE 2 - SOLAR PV PROVISION AS PER SECTION 6 ON-SITE RENEWABLE ENERGY.

TOTAL NUMBER OF PV PANELS:

JONES STREET BUILDING:	343
COURTYARD BUILDING:	12
WATTLE STREET BUILDING:	126
FIG STREET BUILDING:	196
GRAND TOTAL:	677

CAPACITY: 677 PANELS x 600 W = 406.2 kW



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01	3.AUG.22	PRE DA	
02	5.AUG.22	FOR INFORMATION	
03	9.AUG.22	FOR INFORMATION	
04	10.AUG.22	FOR INFORMATION	
05	15.AUG.22	FOR INFORMATION	
06	17.AUG.22	FOR INFORMATION	
07	21.AUG.22	STAGE 2 DA DRAFT 01	
08	1.DEC.22	FOR INFORMATION	
09	2.DEC.22	FOR INFORMATION	
10	2.DEC.22	FOR INFORMATION	
11	6.DEC.22	STAGE 2 DA SUBMISSION	
12	6.DEC.22	STAGE 2 DA SUBMISSION	
13	5.JULY.23	STAGE 2 DA AMENDED SUBMISSION	
14	2.AUG.23	STAGE 2 DA AMENDED SUBMISSION	

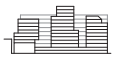
LEGEND

SITE BOUNDARY
TOTAL AREA 12,125M²

DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL LAND (256M²). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 12,381 M²)

OUTLINE OF SUBMITTED STAGE 1 DA MOD MASSING

KEY PLAN



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CLIENT NUMBER
PROJECT MANAGER
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PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
21.09.023

TRUE NORTH
PROJECT NORTH
GRAPHIC SCALE
0 2500 5000
SCALE
As indicated @ A1
DO NOT SCALE
STATUS

DRAWING
GENERAL ARRANGEMENT PLAN - LEVEL 14
DRAWING NUMBER
AR-DA-A 10B-14-00
ISSUE
14

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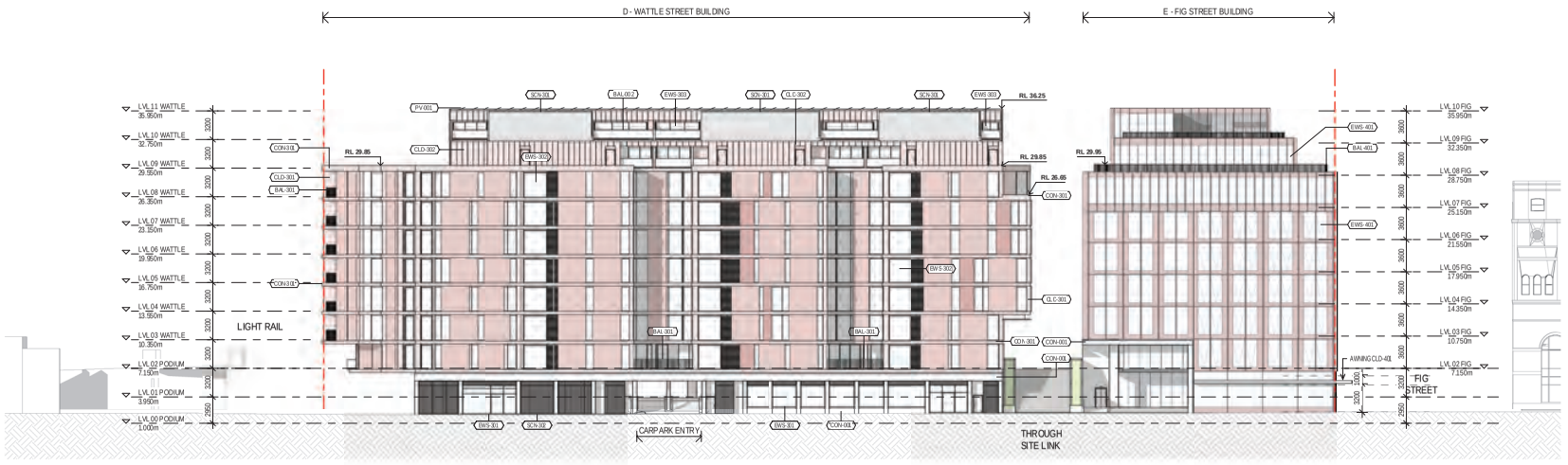
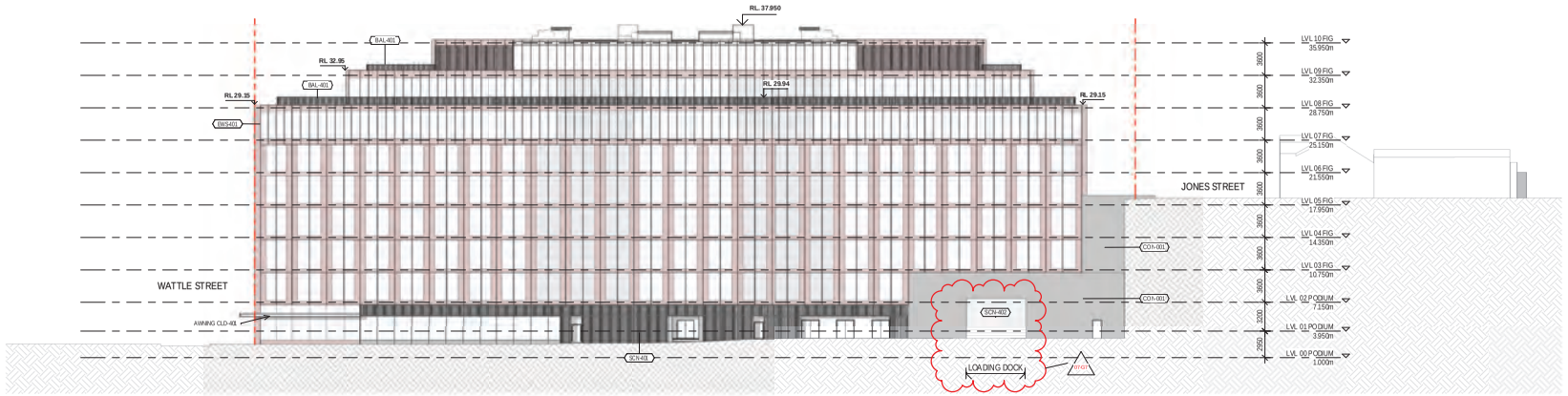


1 WATTLE STREET ELEVATION
SCALE: 1 : 200



2 FIG STREET ELEVATION
SCALE: 1 : 200

CODE	DESCRIPTION	LOCATION
CONCRETE		
• CON-001	Off form concrete	All buildings
• CON-101	Off form concrete- Coloured sealer (Sand)	B- Jones Street building
• CON-301	Off form concrete- Coloured sealer (Pink)	D- Wattle Street building
BALUSTRADES		
• BAL-001	Steel palisade balustrade (Charcoal)	Jones Street Fences and Landscape Courtyard Fences
• BAL-002	Frameless glass balustrade	All buildings
• BAL-101	Steel palisade balustrade (Dark Sand)	B- Jones Street building (Residential North Side)
• BAL-102	Steel palisade balustrade (Bronze)	B- Jones Street building (Residential South Side)
• BAL-201	Steel palisade balustrade (Basalt)	C- Courtyard building
• BAL-301	Steel palisade balustrade (Pink)	D - Wattle Street building
• BAL-401	Steel palisade balustrade (Red)	E- Fig Street building
MASONRY		
• BRK-101	Brickwork	B - Jones Street building
• BRK-201	Brickwork	C- Courtyard building
CLADDING		
• CLD-101	Powdercoated aluminium cladding (Custom Matte - Sand)	B- Jones Street building (Residential North Side)
• CLD-102	Powdercoated aluminium cladding (Custom Metallic Orange)	B- Jones Street building (Residential South Side)
• CLD-103	Powdercoated aluminium cladding (Monument)	B- Jones Street building (Plenum)
• CLD-201	Standing seam metal cladding (Basalt)	C- Courtyard building (Side window extrusion)
• CLD-301	Powdercoated aluminium cladding (Custom Matte - Pink)	D- Wattle Street building
• CLD-302	Powdercoated aluminium cladding (Custom Metallic - Pink)	D- Wattle Street building (Top 2 levels)
• CLD-401	Powdercoated aluminium cladding (Custom Metallic - Red)	E- Fig Street building (awning)
WALL SYSTEMS		
• BWS-001	Shopfront glazing Frame: Steel plate surround to retail glazing Glazing: Clear vision Type: Fix. Glazed louvres and frameless sliding doors Offform concrete plinth (CON-001)	A- Retail Pavilion + Pods
• BWS-101	Front Glazed CCU Frame: Aluminium Glazing: Clear vision DGU Type: Fix, Frameless Sliding Doors Spandrel: Colorback glass Louvres: Powdercoated aluminium	B - Jones Street building Recreation Centre
• BWS-102	Shopfront glazing Frame: Aluminium Glazing: Clear Vision Type: Sliding glass doors Spandrel: Colourback glass Stainless steel non-climbable mesh (SCN-102)	B - Jones Street Building Childcare Facility (Facing Courtyard)
• BWS-103	Shopfront glazing Frame: Aluminium Glazing: Clear vision DGU Type: Fix and Awning Spandrel: Aluminium	B - Jones Street Building Childcare Facility (Facing East)
• BWS-104	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	B - Jones Street Building (Residential North)
• BWS-105	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	B- Jones Street Building (Residential South)
• BWS-202	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning	C - Courtyard building (Residential)
• BWS-301	Full height shopfront glazing Frame: Aluminium plate to retail glazing window Glazing: Clear vision Type: Fix, Slider Louvres: Recessed	D - Wattle Street building Retail frontage
• BWS-302	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	D - Wattle Street building (Residential Levels below 9)
• BWS-303	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	D - Wattle Street building (Residential Levels 8 and 9)
• BWS-401	Unitised curtain wall system Frame: Aluminium Glazing: Clear vision DGU Type: Fix, Slider, Awning Spandrel and cladding: Powdercoated aluminium solid Sun Shading: Single extrusion alum. horizontal and vertical	E - Fig Street Building
• BWS-402	Full height shopfront glazing Frame: Aluminium Glazing: Clear vision, Front glazed Type: Guillotine sliding windows to retail facade	E - Fig Street Building (Facing Jones Street)
• BWS-403	Shopfront glazing Frame: Aluminium Glazing: Clear vision Type: Fix Glass Spandrel: Colourback glass	E - Fig Street Building (Facing Sandstone wall)
SCREENING		
• SCN-101	Aluminium screening to window (Dark Sand)	B- Jones Street building (North Side)
• SCN-102	Mesh balustrade screening	B - Childcare Facility
• SCN-103	Aluminium screening to rooftop plant (Dark Sand)	B- Jones Street building (North Side)
• SCN-104	Aluminium screening to rooftop plant (Bronze)	B- Jones Street building (South Side)
• SCN-105	Horizontal aluminium screening to window (Monument)	B- Jones Street building (North Side)
• SCN-106	Aluminium screening to window (Orange)	B- Jones Street building (South Side)
• SCN-107	Retractable Aluminium screening to window (Bronze)	B- Jones Street building (South Side)
• SCN-108	Sliding Aluminium screening to balcony (Bronze)	B- Jones Street building (West Side)
• SCN-201	Mesh balustrade screening	C- Courtyard building
• SCN-202	Sliding Aluminium screening to balcony (Basalt)	C- Courtyard building (North Side)
• SCN-301	Anodised aluminium screening (Metallic Pink)	D- Wattle Street building (Sloped rooftop plant)
• SCN-302	Vertical anodised aluminium screening	D- Wattle Street building (Ground floor plant areas)
• SCN-303	Aluminium screening to window (Matte Pink)	D- Wattle Street building
• SCN-304	Sliding Aluminium screening to balcony (Matte Pink)	D- Wattle Street building (East Side)
• SCN-401	Vertical anodised aluminium screening	E- Fig Street building (Ground floor plant areas)
• SCN-402	Roller Shutter	E- Fig Street building (Loading dock)
• SCN-403	Aluminium screening to rooftop plant (Red)	E- Fig Street building
EQUIPMENT		
• PV-001	Photovoltaic array	All buildings

251

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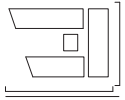
05	14.06.23	STAGE 2 DA SUBMISSION	
06	9.08.23	STAGE 2 DA AMENDED SUBMISSION	
07	7.09.23	STAGE 2 DA AMENDED SUBMISSION	

LEGEND

SITE BOUNDARY
TOTAL AREA 12,125M²

DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL LAND (256M²). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 12,381 M²)

KEY PLAN



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CLIENT
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CLIENT NUMBER
PROJECT MANAGER
ARGENTUM GROUP
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PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
21.09.023

GRAPHIC SCALE
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SCALE
As indicated @ A1 DO NOT SCALE
STATUS

DRAWING
ELEVATIONS
DRAWING NUMBER AR-DA-A_10C-XX-00
ISSUE 07

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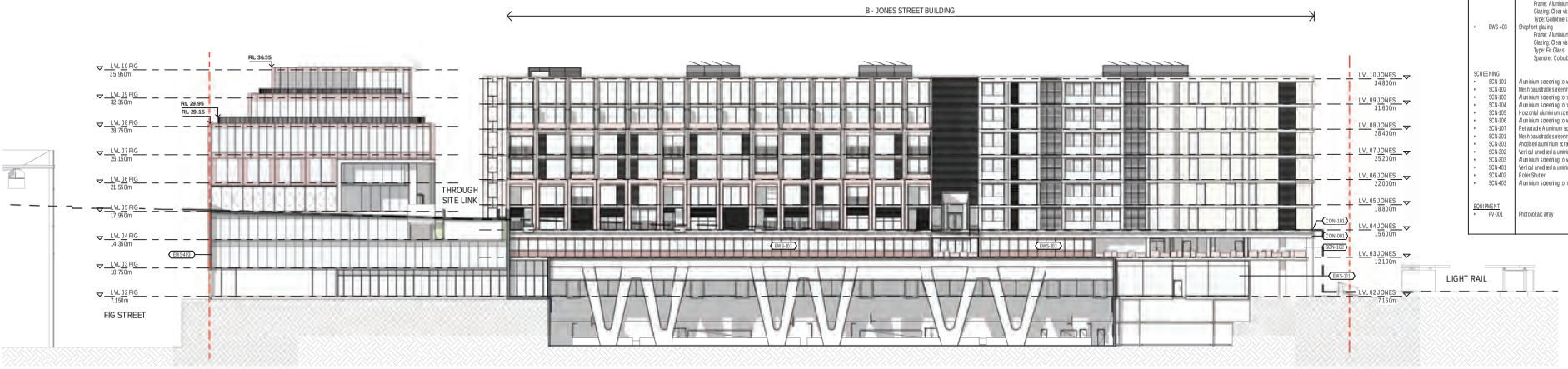
1 JONES STREET ELEVATION
SCALE: 1 : 200



2 JONES STREET ELEVATION - SANDSTONE
SCALE: 1 : 200

CODE	DESCRIPTION	LOCATION
CONCRETE		
• CON-001	Off form concrete	All buildings
• CON-101	Off form concrete- Coloured sealer (Sand)	B-Jones Street building
• CON-301	Off form concrete- Coloured sealer (Pink)	D- Wattle Street building
BALUSTRADES		
• BAL-001	Steel palisade balustrade (Charcoal)	Jones Street Fences and Landscape Courtyard Fences
• BAL-002	Frameless glass balustrade	All buildings
• BAL-101	Steel palisade balustrade (Dark Sand)	B-Jones Street building (Residential North Side)
• BAL-102	Steel palisade balustrade (Bronze)	B-Jones Street building (Residential South Side)
• BAL-201	Steel palisade balustrade (Basalt)	C- Courtyard building
• BAL-301	Steel palisade balustrade (Pink)	D - Wattle Street building
• BAL-401	Steel palisade balustrade (Red)	E- Fig Street building
MASONRY		
• BRK-101	Brickwork	B-Jones Street building
• BRK-201	Brickwork	C- Courtyard building
CLADDING		
• CLD-101	Powdercoated aluminium cladding (Custom Matte - Sand)	B-Jones Street building (Residential North Side)
• CLD-102	Powdercoated aluminium cladding (Custom Metallic Orange)	B-Jones Street building (Residential South Side)
• CLD-103	Powdercoated aluminium cladding (Monument)	B-Jones Street building (Plenum)
• CLD-201	Standing seam metal cladding (Basalt)	C- Courtyard building (Side window extrusion)
• CLD-301	Powdercoated aluminium cladding (Custom Matte - Pink)	D- Wattle Street building
• CLD-302	Powdercoated aluminium cladding (Custom Metallic - Pink)	D- Wattle Street building (Top 2 levels)
• CLD-401	Powdercoated aluminium cladding (Custom Metallic - Red)	E- Fig Street building (awning)
WALL SYSTEMS		
• EWS-001	Shopfront glazing Frame: Steel plate surround to retail glazing Glazing: Clear vision Type: Fix, Glazed louvres and frameless sliding doors Offform concrete plinth (CON-001)	A- Retail Pavilion + Pods
• EWS-101	Front Glazed DGU Frame: Aluminium Glazing: Clear vision DGU Type: Fix, Frameless Sliding Doors Spandrel: Colourback glass Louvres: Powdercoated aluminium	B - Jones Street building Recreation Centre
• EWS-102	Shopfront glazing Frame: Aluminium Glazing: Clear Vision Type: Sliding glass doors Spandrel: Colourback glass Stainless steel non-climbable mesh (SCN-102)	B - Jones Street Building Childcare Facility (Facing Courtyard)
• EWS-103	Shopfront glazing Frame: Aluminium Glazing: Clear vision DGU Type: Fix and Awning Spandrel: Aluminium	B - Jones Street Building Childcare Facility (Facing East)
• EWS-104	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	B - Jones Street Building (Residential North)
• EWS-105	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	B- Jones Street Building (Residential South)
• EWS-202	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning	C - Courtyard building (Residential)
• EWS-301	Full height shopfront glazing Frame: Aluminium plate to retail glazing window Glazing: Clear vision Type: Fix, Slider Louvres: Recessed	D - Wattle Street building Retail Frontage
• EWS-302	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	D - Wattle Street building (Residential Levels below 9)
• EWS-303	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	D - Wattle Street building (Residential Levels 8 and 9)
• EWS-401	Unitised curtain wall system Frame: Aluminium Glazing: Clear vision DGU Type: Fix, Slider, Awning Spandrel and cladding: Powdercoated aluminium solid Sun Shading: Single extrusion alum. horizontal and vertical	E - Fig Street Building
• EWS-402	Full height shopfront glazing Frame: Aluminium Glazing: Clear vision, Front glazed Type: Guillotine sliding windows to retail facade	E - Fig Street Building (Facing Jones Street)
• EWS-403	Shopfront glazing Frame: Aluminium Glazing: Clear vision Type: Fix Glass Spandrel: Colourback glass	E - Fig Street Building (Facing Sandstone wall)
SCREENING		
• SCN-101	Aluminium screening to window (Dark Sand)	B- Jones Street building (North Side)
• SCN-102	Mesh balustrade screening	B - Childcare Facility
• SCN-103	Aluminium screening to rooftop plant (Dark Sand)	B- Jones Street building (North Side)
• SCN-104	Aluminium screening to rooftop plant (Bronze)	B- Jones Street building (South Side)
• SCN-105	Horizontal aluminium screening to window (Monument)	B- Jones Street building (North Side)
• SCN-106	Aluminium screening to window (Orange)	B- Jones Street building (South Side)
• SCN-107	Retractable Aluminium screening to window (Bronze)	B- Jones Street building (South Side)
• SCN-201	Mesh balustrade screening	C- Courtyard building
• SCN-301	Anodised aluminium screening (Metallic Pink)	D- Wattle Street building (Sloped rooftop plant)
• SCN-302	Vertical anodised aluminium screening	D- Wattle Street building (Ground floor plant areas)
• SCN-303	Aluminium screening to window (Matte Pink)	D- Wattle Street building
• SCN-401	Vertical anodised aluminium screening	E- Fig Street building (Ground floor plant areas)
• SCN-402	Roller Shutter	E- Fig Street building (Loading dock)
• SCN-403	Aluminium screening to rooftop plant (Red)	E- Fig Street building
EQUIPMENT		
• PV-001	Photovoltaic array	All buildings

252

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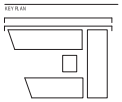
04	19.08.20	STAGE 2 DA SUBMISSION	
05	6.10.20	STAGE 2 DA AMENDED SUBMISSION	

LEGEND
- SITE BOUNDARY
  TOTAL AREA 12,125M²
- DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL LAND (256 M²). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 12,381 M²)

KEY PLAN



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ARGENTUM GROUP
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PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
21.09.023

GRAPHIC SCALE
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SCALE
As indicated @ A1 DO NOT SCALE
STATUS

DRAWING
ELEVATIONS
DRAWING NUMBER
AR-DA-A 10C-XX-01
ISSUE
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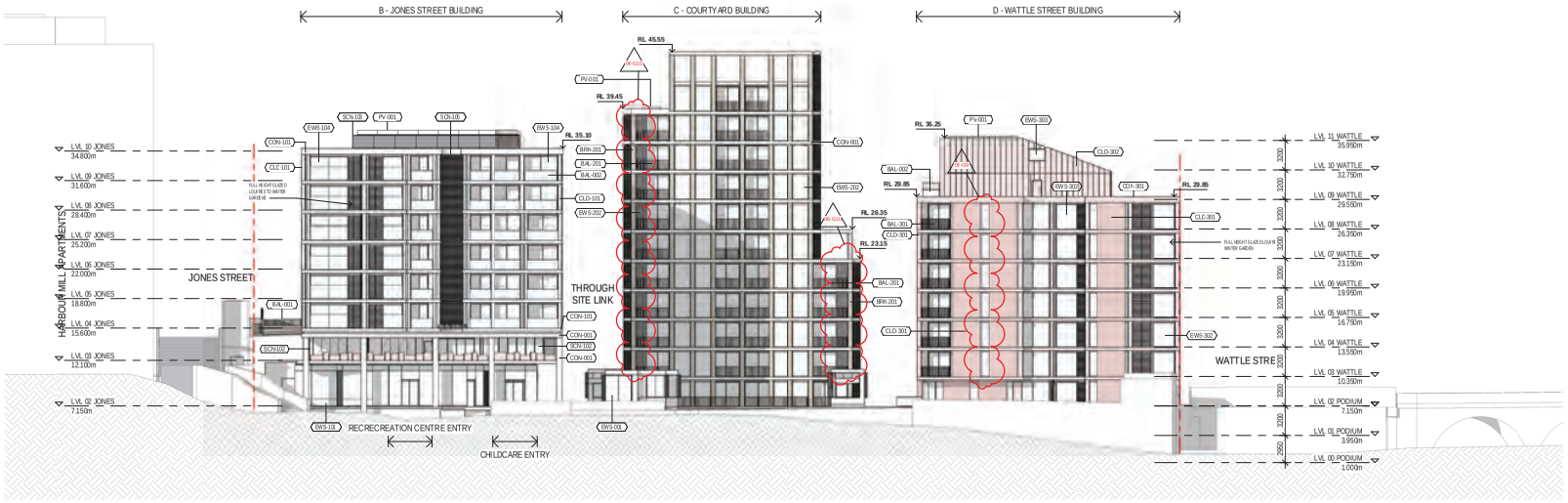

1 WENTWORTH PARK LIGHTRAIL ELEVATION
SCALE: 1 : 200



2 NORTH / SOUTH SECTION 04 LOOKING WEST
SCALE: 1 : 200

CODE	DESCRIPTION	LOCATION
CONCRETE		
• CON-001	Off form concrete	All buildings
• CON-101	Off form concrete- Coloured sealer (Sand)	B- Jones Street building
• CON-301	Off form concrete- Coloured sealer (Pink)	D- Wattle Street building
BALUSTRADES		
• BAL-001	Steel palisade balustrade (Charcoal)	Jones Street Fences and Landscape Courtyard Fences
• BAL-002	Frameless glass balustrade	All buildings
• BAL-101	Steel palisade balustrade (Oak Sand)	B- Jones Street building (Residential North Side)
• BAL-102	Steel palisade balustrade (Bronze)	B- Jones Street building (Residential South Side)
• BAL-201	Steel palisade balustrade (Basalt)	C- Courtyard building
• BAL-301	Steel palisade balustrade (Pink)	D - Wattle Street building
• BAL-401	Steel palisade balustrade (Red)	E- Fig Street building
MASONRY		
• BRK-101	Brickwork	B - Jones Street building
• BRK-201	Brickwork	C- Courtyard building
CLADDING		
• CLD-101	Powdercoated aluminium cladding (Custom Matte - Sand)	B- Jones Street building (Residential North Side)
• CLD-102	Powdercoated aluminium cladding (Custom Metallic Orange)	B- Jones Street building (Residential South Side)
• CLD-103	Powdercoated aluminium cladding (Monument)	B- Jones Street building (Plenum)
• CLD-201	Standing seam metal cladding (Basalt)	C- Courtyard building (Side window extrusion)
• CLD-301	Powdercoated aluminium cladding (Custom Matte - Pink)	D- Wattle Street building
• CLD-302	Powdercoated aluminium cladding (Custom Metallic - Pink)	D- Wattle Street building (Top 2 levels)
• CLD-401	Powdercoated aluminium cladding (Custom Metallic - Red)	E- Fig Street building (awning)
WALL SYSTEMS		
• BWS-001	Shopfront glazing Frame: Steel plate surround to retail glazing Glazing: Clear vision Type: Fix. Glazed loures and frameless sliding doors Offform concrete plinth (CON-001)	A- Retail Pavilion + Pods
• BWS-101	Front Glazed DGU Frame: Aluminium Glazing: Clear vision DGU Type: Fix, Frameless Sliding Doors Spandrel: Colorback glass Louvres: Powdercoated aluminium	B - Jones Street building Recreation Centre
• BWS-102	Shopfront glazing Frame: Aluminium Glazing: Clear Vision Type: Sliding glass doors Spandrel: Colourback glass Stainless steel non-climbable mesh (SCN-102)	B - Jones Street Building Childcare Facility (Facing Courtyad)
• BWS-103	Shopfront glazing Frame: Aluminium Glazing: Clear vision DGU Type: Fix and Awning Spandrel: Aluminium	B - Jones Street Building Childcare Facility (Facing East)
• BWS-104	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	B - Jones Street Building (Residential North)
• BWS-105	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	B- Jones Street Building (Residential South)
• BWS-202	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning	C - Courtyard building (Residential)
• BWS-301	Full height shopfront glazing Frame: Aluminium plate to retail glazing window Glazing: Clear vision Type: Fix, Slider Louvres Recessed	D - Wattle Street building Retail frontage
• BWS-302	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	D - Wattle Street building (Residential Levels below 8)
• BWS-303	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	D - Wattle Street building (Residential Levels 8 and 9)
• BWS-401	Unitised curtain wall system Frame: Aluminium Glazing: Clear vision DGU Type: Fix, Slider, Awning Spandrel and cladding: Powdercoated aluminium solid Sun Shading: Single extrusion alum. horizontal and vertical	E - Fig Street Building
• BWS-402	Full height shopfront glazing Frame: Aluminium Glazing: Clear vision, Front glazed Type: Guillotine sliding windows to retail facade	E - Fig Street Building (Facing Jones Street)
• BWS-403	Shopfront glazing Frame: Aluminium Glazing: Clear vision Type: Fix Glass Spandrel: Colourback glass	E - Fig Street Building (Facing Sandstone wall)
SCREENING		
• SCN-101	Aluminium screening to window (Dark Sand)	B- Jones Street building (North Side)
• SCN-102	Mesh balustrade screening	B - Childcare Facility
• SCN-103	Aluminium screening to rooftop plant (Dark Sand)	B- Jones Street building (North Side)
• SCN-104	Aluminium screening to rooftop plant (Bronze)	B- Jones Street building (South Side)
• SCN-105	Horizontal aluminium screening to window (Monument)	B- Jones Street building (North Side)
• SCN-106	Aluminium screening to window (Orange)	B- Jones Street building (South Side)
• SCN-107	Retractable Aluminium screening to window (Bronze)	B- Jones Street building (South Side)
• SCN-108	Sliding Aluminium screening to balcony (Bronze)	B- Jones Street building (West Side)
• SCN-201	Mesh balustrade screening	C- Courtyard building
• SCN-202	Sliding Aluminium screening to balcony (Basalt)	C- Courtyard building (North Side)
• SCN-301	Anodised aluminium screening (Metallic Pink)	D- Wattle Street building (Sloped rooftop plant)
• SCN-302	Vertical anodised aluminium screening	D- Wattle Street building (Ground floor plant areas)
• SCN-303	Aluminium screening to window (Matte Pink)	D- Wattle Street building
• SCN-304	Sliding Aluminium screening to balcony (Matte Pink)	D- Wattle Street building (East Side)
• SCN-401	Vertical anodised aluminium screening	E- Fig Street building (Ground floor plant areas)
• SCN-402	Roller Shutter	E- Fig Street building (Loading dock)
• SCN-403	Aluminium screening to rooftop plant (Red)	E- Fig Street building
EQUIPMENT		
• PV-001	Photovoltaic array	All buildings

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03	3.06.20	FOR INFORMATION	
04	4.08.20	STAGE 2 DA SUBMISSION	
05	6.03.20	STAGE 2 DA AMENDED SUBMISSION	
06	2.10.20	STAGE 2 DA AMENDED Submission	

LEGEND
SITE BOUNDARY
TOTAL AREA 12,125M²
DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL LAND (256M²). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 12,381 M²)

KEY PLAN

PLANNER
GYDE CONSULTING
(02) 9068 7500
STRUCTURE
EI AUSTRALIA
(02) 9516 0722
SERVICES
IGS ENGINEERING
(02) 8488 4600
LANDSCAPE
OCULUS
(02) 9957 5533

CLIENT
LANDCOM
CLIENT NUMBER
PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0977

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
21.09.023

GRAPHIC SCALE
0 2000 5000
SCALE
As indicated @ A1 DO NOT SCALE
STATUS

DRAWING
ELEVATIONS
DRAWING NUMBER AR-DA-A 10C-XX-02
ISSUE 06

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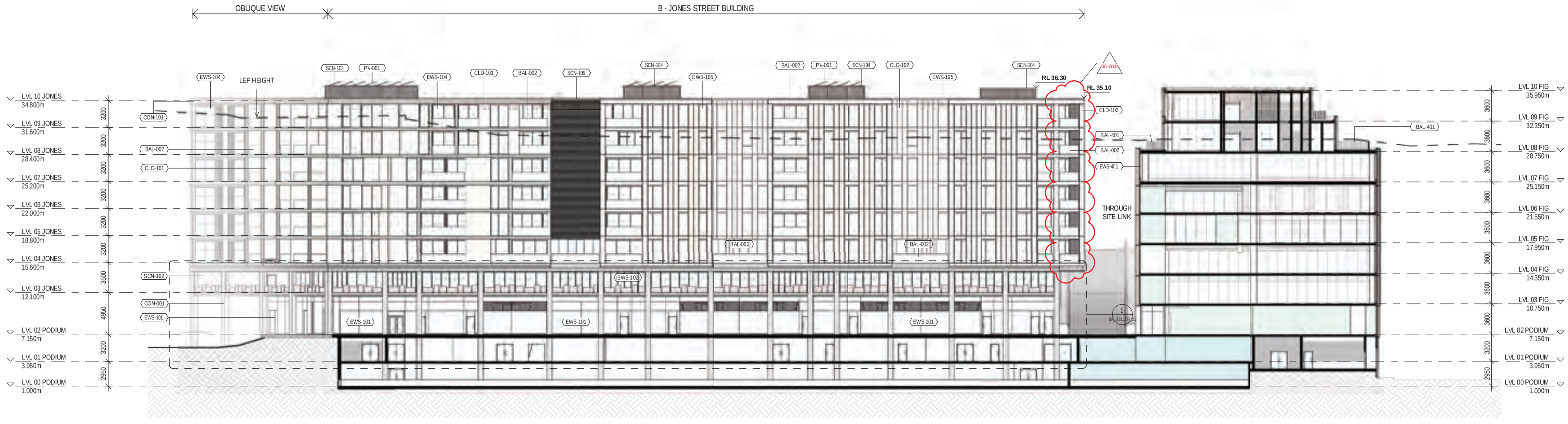
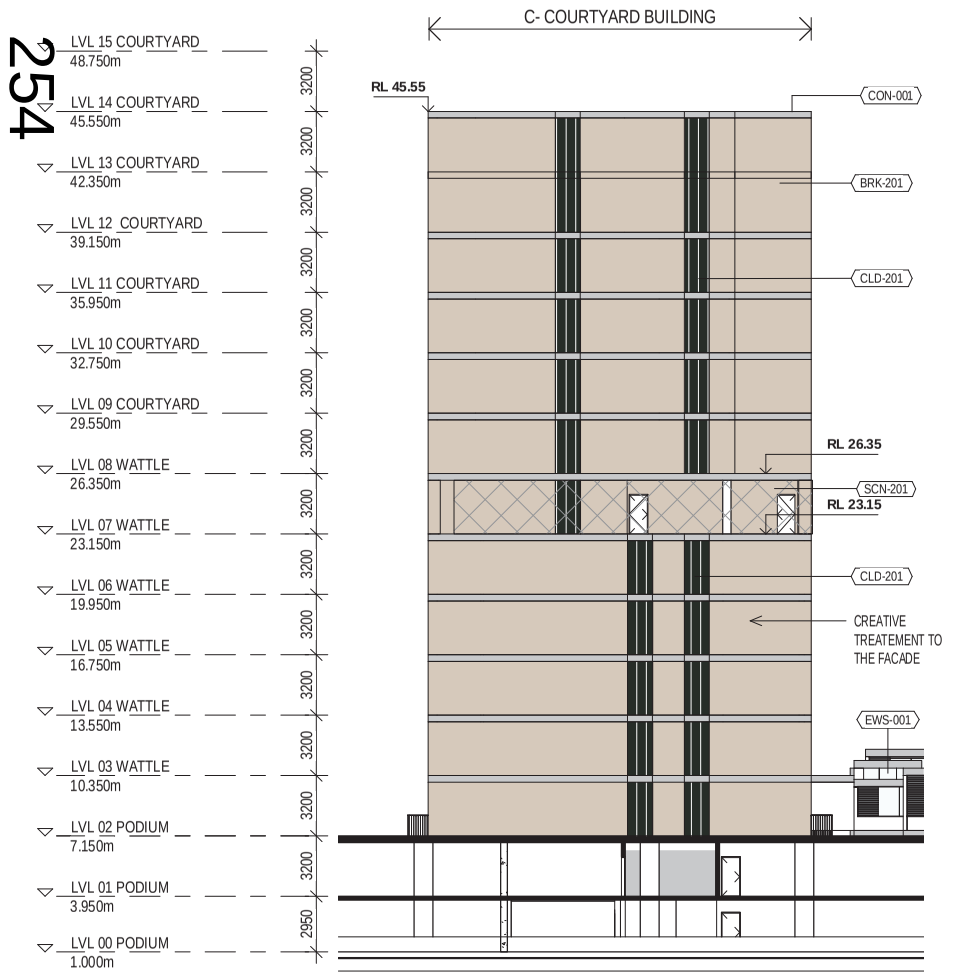
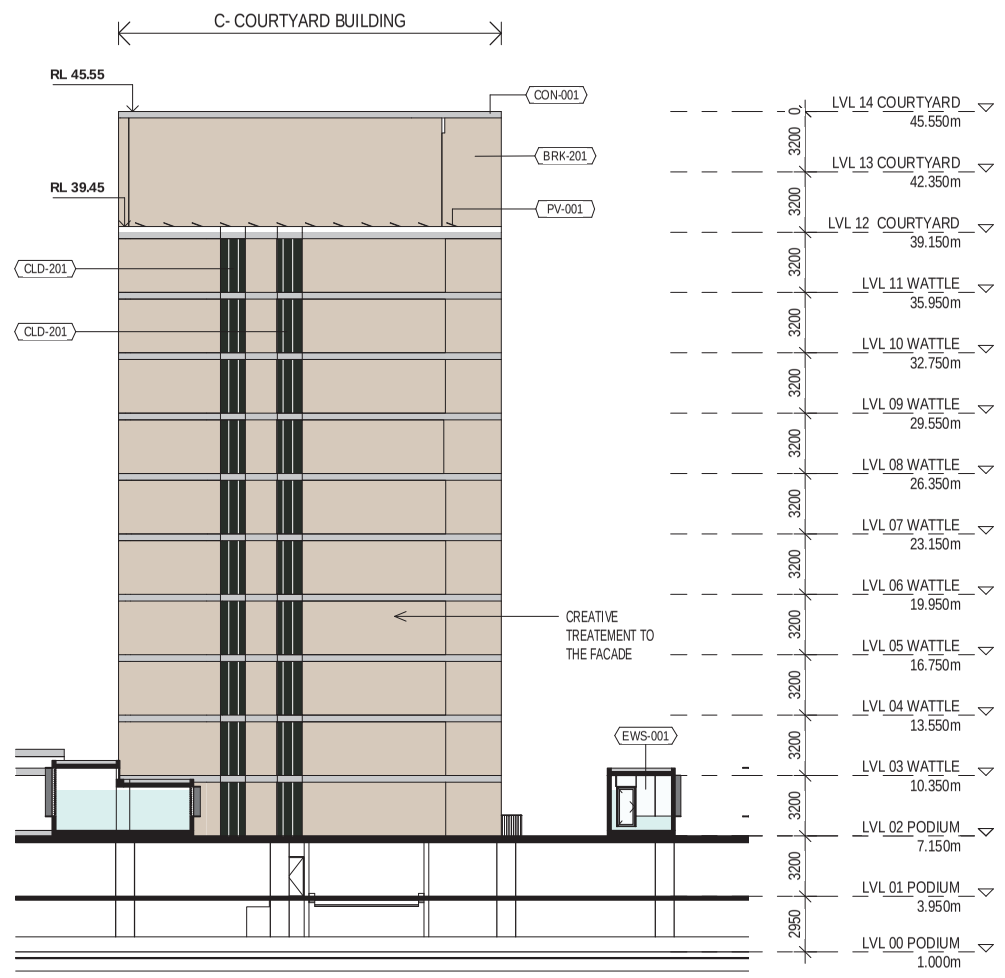


1 NORTH / SOUTH SECTION JONES BUILDING LOOKING EAST
SCALE: 1 : 200



3 NORTH / SOUTH SECTION 03 LOOKING EAST
SCALE: 1 : 200



2 NORTH / SOUTH SECTION 02 LOOKING WEST
SCALE: 1 : 200

254

CODE	DESCRIPTION	LOCATION
CONCRETE		
CON-001	Off form concrete	All buildings
CON-101	Off form concrete- Coloured sealer (Sand)	B- Jones Street building
CON-301	Off form concrete- Coloured sealer (Pink)	D- Wattle Street building
BALUSTRADES		
BAL-001	Steel palisade balustrade (Charcoal)	Jones Street Fences and Landscape Courtyard Fences
BAL-002	Frameless glass balustrade	All buildings
BAL-101	Steel palisade balustrade (Dark Sand)	B- Jones Street building (Residential North Side)
BAL-102	Steel palisade balustrade (Bronze)	B- Jones Street building (Residential South Side)
BAL-201	Steel palisade balustrade (Basalt)	C- Courtyard building
BAL-301	Steel palisade balustrade (Pink)	D - Wattle Street building
BAL-401	Steel palisade balustrade (Red)	E- Fig Street building
MASONRY		
BRK-101	Brickwork	B- Jones Street building
BRK-201	Brickwork	C- Courtyard building
CLADDING		
CLD-101	Powdercoated aluminium cladding (Custom Matte - Sand)	B- Jones Street building (Residential North Side)
CLD-102	Powdercoated aluminium cladding (Custom Metallic Orange)	B- Jones Street building (Residential South Side)
CLD-103	Powdercoated aluminium cladding (Monument)	B- Jones Street building (Plenum)
CLD-201	Standing seam metal cladding (Basalt)	C- Courtyard building (Side window extrusion)
CLD-301	Powdercoated aluminium cladding (Custom Matte - Pink)	D- Wattle Street building
CLD-302	Powdercoated aluminium cladding (Custom Metallic - Pink)	D- Wattle Street building (Top 2 levels)
CLD-401	Powdercoated aluminium cladding (Custom Metallic - Red)	E- Fig Street building (awning)
WALL SYSTEMS		
EWS-001	Shopfront glazing Frame: Steel plate surround to retail glazing Glazing: Clear vision Type: Fix, Glazed louvres and frameless sliding doors Off form concrete plinth (CON-001)	A- Retail Pavilion + Pods
EWS-101	Front Glazed DGU Frame: Aluminium Glazing: Clear vision DGU Type: Fix, Frameless Sliding Doors Spandrel: Colorback glass Louvres: Powdercoated aluminium	B - Jones Street building Recreation Centre
EWS-102	Shopfront glazing Frame: Aluminium Glazing: Clear Vision Type: Sliding glass doors Spandrel: Colourback glass Stainless steel non-climbable mesh (SCN-102)	B - Jones Street Building Childcare Facility (Facing Courtyard)
EWS-103	Shopfront glazing Frame: Aluminium Glazing: Clear vision DGU Type: Fix and Awning Spandrel: Aluminium	B - Jones Street Building Childcare Facility (Facing East)
EWS-104	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	B - Jones Street Building (Residential North)
EWS-105	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	B- Jones Street Building (Residential South)
EWS-202	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning	C - Courtyard building (Residential)
EWS-301	Full height shopfront glazing Frame: Aluminium plate to retail glazing window Glazing: Clear vision Type: Fix, Slider Louvres: Recessed	D - Wattle Street building Retail frontage
EWS-302	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	D - Wattle Street building (Residential Levels below 8)
EWS-303	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	D - Wattle Street building (Residential Levels 8 and 9)
EWS-401	Unitised curtain wall system Frame: Aluminium Glazing: Clear vision DGU Type: Fix, Slider, Awning Spandrel and cladding: Powdercoated aluminium solid Sun Shading: Single extrusion alum. horizontal and vertical	E - Fig Street Building
EWS-402	Full height shopfront glazing Frame: Aluminium Glazing: Clear vision, Front glazed Type: Guillotine sliding windows to retail facade	E - Fig Street Building (Facing Jones Street)
EWS-403	Shopfront glazing Frame: Aluminium Glazing: Clear vision Type: Fix Glass Spandrel: Colourback glass	E - Fig Street Building (Facing Sandstone wall)
SCREENING		
SCN-101	Aluminium screening to window (Dark Sand)	B- Jones Street building (North Side)
SCN-102	Mesh balustrade screening	B - Childcare Facility
SCN-103	Aluminium screening to rooftop plant (Dark Sand)	B- Jones Street building (North Side)
SCN-104	Aluminium screening to rooftop plant (Bronze)	B- Jones Street building (South Side)
SCN-105	Horizontal aluminium screening to window (Monument)	B- Jones Street building (North Side)
SCN-106	Aluminium screening to window (Orange)	B- Jones Street building (South Side)
SCN-107	Retractable Aluminium screening to window (Bronze)	B- Jones Street building (South Side)
SCN-108	Sliding Aluminium screening to balcony (Bronze)	B- Jones Street building (West Side)
SCN-201	Mesh balustrade screening	C- Courtyard building
SCN-202	Sliding Aluminium screening to balcony (Basalt)	C- Courtyard building (North Side)
SCN-301	Anodised aluminium screening (Metallic Pink)	D- Wattle Street building (Sloped rooftop plant)
SCN-302	Vertical anodised aluminium screening	D- Wattle Street building (Ground floor plant areas)
SCN-303	Aluminium screening to window (Matte Pink)	D- Wattle Street building
SCN-304	Sliding Aluminium screening to balcony (Matte Pink)	D- Wattle Street building (East Side)
SCN-401	Vertical anodised aluminium screening	E- Fig Street building (Ground floor plant areas)
SCN-402	Roller Shutter	E- Fig Street building (Loading dock)
SCN-403	Aluminium screening to rooftop plant (Red)	E- Fig Street building
EQUIPMENT		
PV-001	Photovoltaic array	All buildings

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03	20/01/23	FOR INFORMATION	
04	01/02/23	STAGE 2 DA SUBMISSION	
05	03/11/23	STAGE 2 DA AMENDED SUBMISSION	
06	21/02/24	STAGE 2 DA AMENDED 2 SUBMISSION	

LEGEND

SITE BOUNDARY
TOTAL AREA: 12,125M²

DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL LAND (256 M²). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 12,381 M²)

KEY PLAN

PLANNER: GYDE CONSULTING (02) 9068 7500
STRUCTURE: EI AUSTRALIA (02) 9516 0722
SERVICES: IGS ENGINEERING (02) 8488 4600
LANDSCAPE: OCULUS (02) 9557 5533

CLIENT: LANDREAM
CLIENT NUMBER
PROJECT MANAGER: ARGENTUM GROUP (02) 9037 0877

PROJECT: WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER: 2109023

GRAPHIC SCALE 0 2000 5000
SCALE: As indicated@A0 DO NOT SCALE
STATUS

DRAWING: ELEVATIONS
DRAWING NUMBER: AR-DA-A 10C-XX-03
ISSUE: 06

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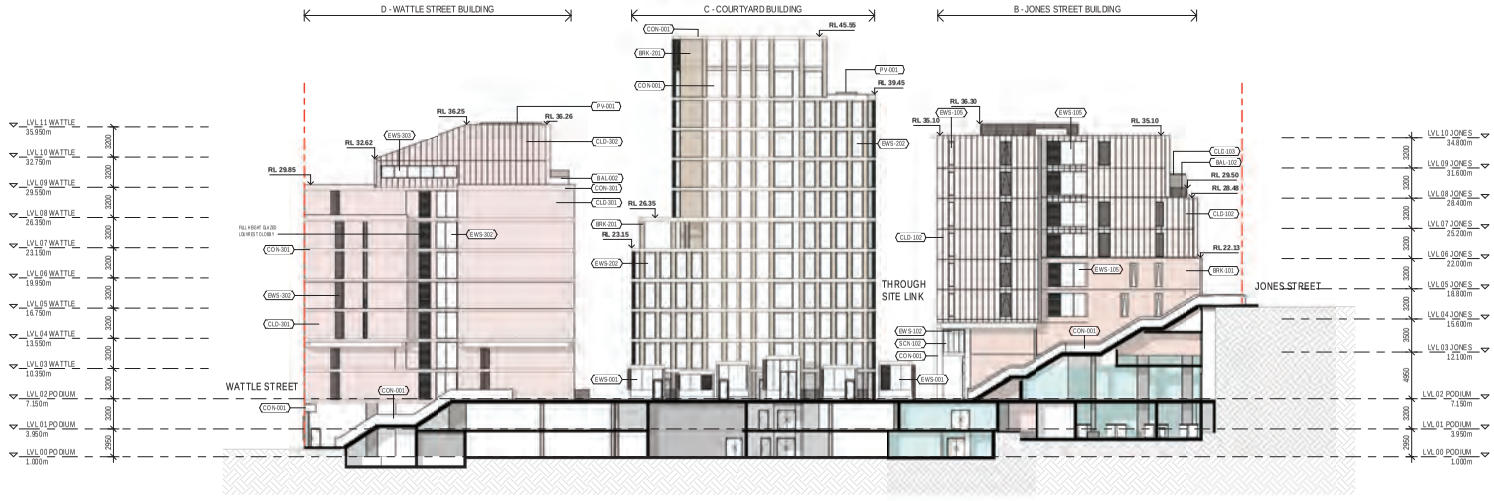
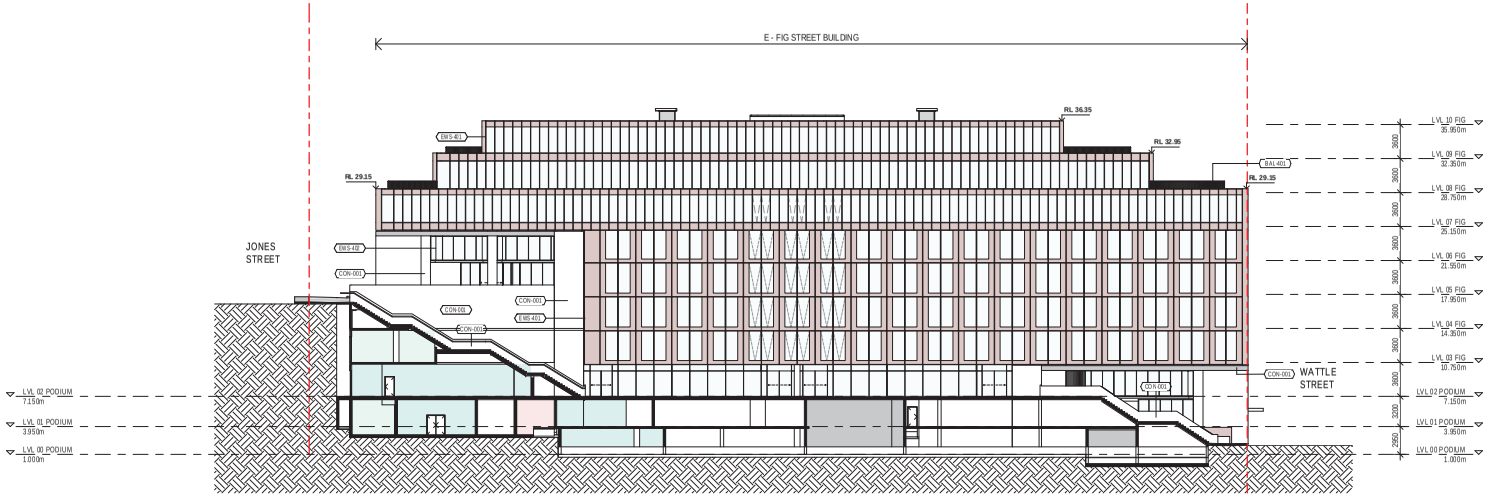


1 EAST WEST THROUGH SITE LINK LOOKING NORTH
SCALE: 1: 200



2 EAST WEST THROUGH SITE LINK LOOKING SOUTH
SCALE: 1: 200

CODE	DESCRIPTION	LOCATION
CONCRETE		
• CON-001	Off form concrete	All buildings
• CON-101	Off form concrete- Coloured sealer (Sand)	B -Jones Street building
• CON-301	Off form concrete- Coloured sealer (Pink)	D- Wattle Street building
BALUSTRADES		
• BAL-001	Steel palisade balustrade (Charcoal)	Jones Street Fences and Landscape Courtyard Fences
• BAL-002	Frameless glass balustrade	All buildings
• BAL-101	Steel palisade balustrade (Dark Sand)	B -Jones Street building (Residential North Side)
• BAL-102	Steel palisade balustrade (Bronze)	B -Jones Street building (Residential South Side)
• BAL-201	Steel palisade balustrade (Basalt)	C- Courtyard building
• BAL-301	Steel palisade balustrade (Pink)	D - Wattle Street building
• BAL-401	Steel palisade balustrade (Red)	E- Fig Street building
MASONRY		
• BRK-101	Brickwork	B -Jones Street building
• BRK-201	Brickwork	C- Courtyard building
CLADDING		
• CLD-101	Powdercoated aluminium cladding (Custom Matte - Sand)	B -Jones Street building (Residential North Side)
• CLD-102	Powdercoated aluminium cladding (Custom Metallic Orange)	B -Jones Street building (Residential South Side)
• CLD-103	Powdercoated aluminium cladding (Monument)	B -Jones Street building (Plenum)
• CLD-201	Standing seam metal cladding (Basalt)	C- Courtyard building (Side window extrusion)
• CLD-301	Powdercoated aluminium cladding (Custom Matte - Pink)	D- Wattle Street building
• CLD-302	Powdercoated aluminium cladding (Custom Metallic - Pink)	D- Wattle Street building (Top 2 levels)
• CLD-401	Powdercoated aluminium cladding (Custom Metallic - Red)	E- Fig Street building (awning)
WALL SYSTEMS		
• EWS-001	Shopfront glazing Frame: Steel plate surround to retail glazing Glazing: Clear vision Type: Fix, Glazed louvres and frameless sliding doors Offform concrete plinth (CON-001)	A- Retail Pavilion + Pods
• EWS-101	Front Glazed DGU Frame: Aluminium Glazing: Clear vision DGU Type: Fix, Frameless Sliding Doors Spandrel: Colouback glass Louvres: Powdercoated aluminium	B - Jones Street building Recreation Centre
• EWS-102	Shopfront glazing Frame: Aluminium Glazing: Clear Vision Type: Sliding glass doors Spandrel: Colouback glass Stainless steel non-climbable mesh (SCN-102)	B - Jones Street Building Childcare Facility (Facing Courtyard)
• EWS-103	Shopfront glazing Frame: Aluminium Glazing: Clear vision DGU Type: Fix and Awning Spandrel: Aluminium	B - Jones Street Building Childcare Facility (Facing East)
• EWS-104	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	B - Jones Street Building (Residential North)
• EWS-105	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	B- Jones Street Building (Residential South)
• EWS-202	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning	C - Courtyard building (Residential)
• EWS-301	Full height shopfront glazing Frame: Aluminium plate to retail glazing window Glazing: Clear vision Type: Fix, Slider Louvres: Recessed	D - Wattle Street building Retail Frontage
• EWS-302	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	D - Wattle Street building (Residential Levels below 9)
• EWS-303	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	D - Wattle Street building (Residential Levels 8 and 9)
• EWS-401	Unitised curtain wall system Frame: Aluminium Glazing: Clear vision DGU Type: Fix, Slider, Awning Spandrel and cladding: Powdercoated aluminium solid Sun Shading: Single extrusion alum. horizontal and vertical	E - Fig Street Building
• EWS-402	Full height shopfront glazing Frame: Aluminium Glazing: Clear vision, Front glazed Type: Guillotine sliding windows to retail facade	E - Fig Street Building (Facing Jones Street)
• EWS-403	Shopfront glazing Frame: Aluminium Glazing: Clear vision Type: Fix Glass Spandrel: Colouback glass	E - Fig Street Building (Facing Sandstone wall)
SCREENING		
• SCN-101	Aluminium screening to window (Dark Sand)	B - Jones Street building (North Side)
• SCN-102	Mesh balustrade screening	B - Childcare Facility
• SCN-103	Aluminium screening to rooftop plant (Dark Sand)	B - Jones Street building (North Side)
• SCN-104	Aluminium screening to rooftop plant (Bronze)	B - Jones Street building (South Side)
• SCN-105	Horizontal aluminium screening to window (Monument)	B - Jones Street building (North Side)
• SCN-106	Aluminium screening to window (Orange)	B - Jones Street building (South Side)
• SCN-107	Retractable Aluminium screening to window (Bronze)	B - Jones Street building (South Side)
• SCN-201	Mesh balustrade screening	C- Courtyard building
• SCN-301	Anodised aluminium screening (Metallic Pink)	D- Wattle Street building (Sloped rooftop plant)
• SCN-302	Vertical anodised aluminium screening	D- Wattle Street building (Ground floor plant areas)
• SCN-303	Aluminium screening to window (Matte Pink)	D- Wattle Street building
• SCN-401	Vertical anodised aluminium screening	E- Fig Street building (Ground floor plant areas)
• SCN-402	Roller Shutter	E- Fig Street building (Loading dock)
• SCN-403	Aluminium screening to rooftop plant (Red)	E- Fig Street building
EQUIPMENT		
• PV-001	Photovoltaic array	All buildings

255

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03	3.06.22.2	FOR INFORMATION	
04	01.09.22.3	STAGE 2 DA SUBMISSION	
05	6.03.23.3	STAGE 2 DA AMENDED SUBMISSION	

LEGEND
SITE BOUNDARY
TOTAL AREA 12,125M²
DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL LAND (256M²). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 12,381 M²)

KEY PLAN

PLANNER
GYDE CONSULTING
(02) 9068 9500
STRUCTURE
EI AUSTRALIA
(02) 9516 0722
SERVICES
IGS ENGINEERING
(02) 8488 4600
LANDSCAPE
OCULUS
(02) 9557 5533

CLIENT
LANDCREAM
CLIENT NUMBER
PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0877

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
21.09.023

GRAPHIC SCALE
0 25.00 50.00
SCALE
As indicated @ A1 DO NOT SCALE
STATUS

DRAWING
ELEVATIONS
DRAWING NUMBER AR-DA-A 10C-XX-04
ISSUE 05

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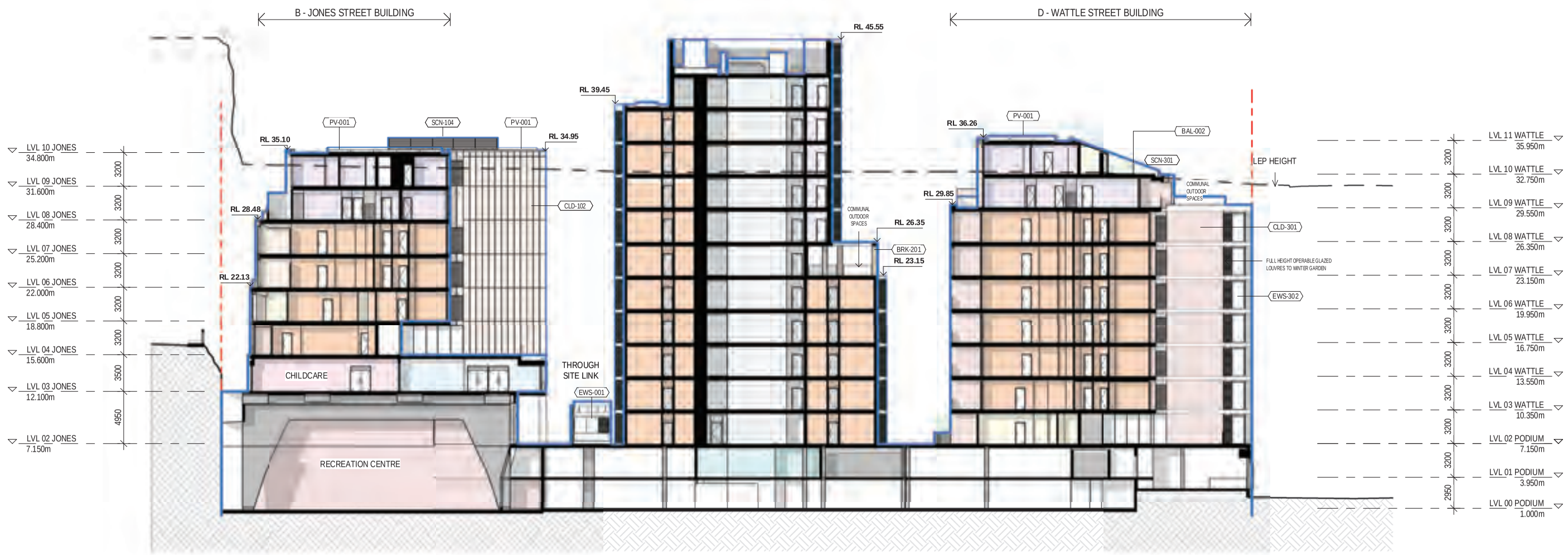
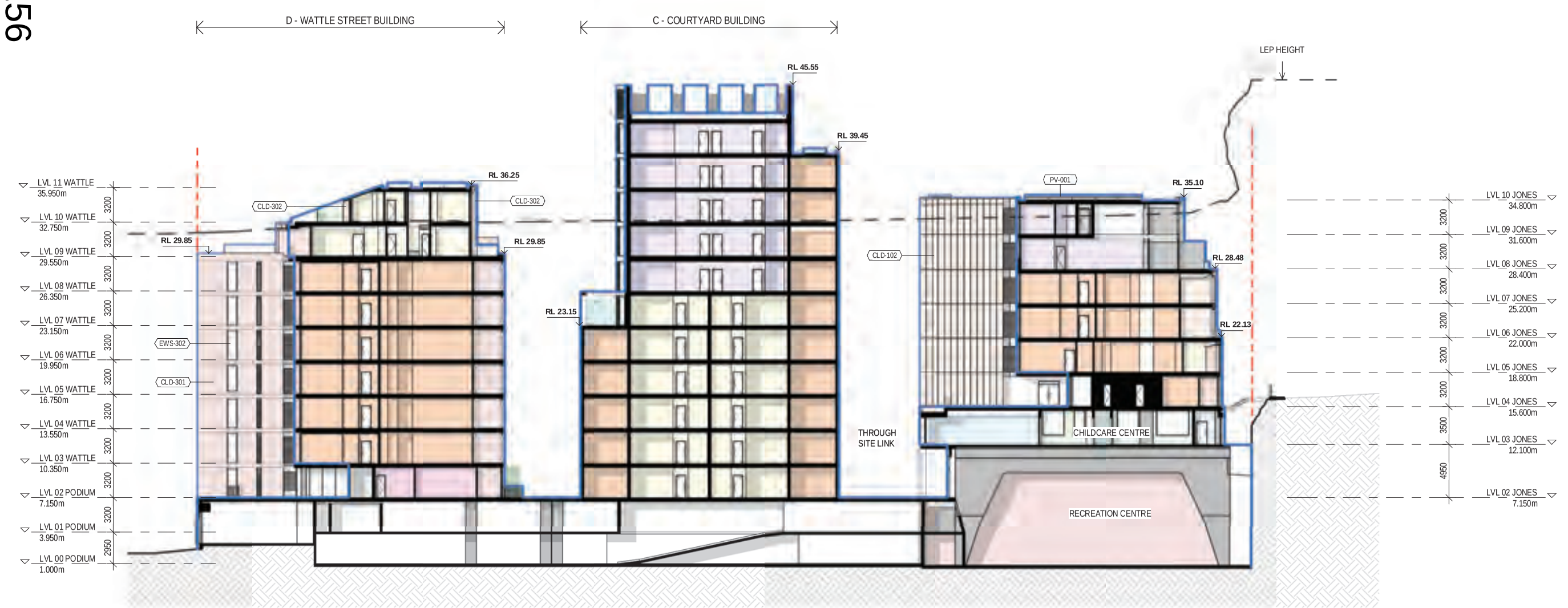


1 EAST / WEST LOOKING SOUTH
SCALE: 1 : 200



2 EAST / WEST THROUGH BUILDING GAP 01 LOOKING NORTH
SCALE: 1 : 200

CODE	DESCRIPTION	LOCATION
CONCRETE		
• CON-001	Off form concrete	All buildings
• CON-101	Off form concrete- Coloured sealer (Sand)	B- Jones Street building
• CON-301	Off form concrete- Coloured sealer (Pink)	D- Wattle Street building
BALUSTRADES		
• BAL-001	Steel palisade balustrade (Charcoal)	Jones Street Fences and Landscape Courtyard Fences
• BAL-002	Frameless glass balustrade	All buildings
• BAL-101	Steel palisade balustrade (Dark Sand)	B- Jones Street building (Residential North Side)
• BAL-102	Steel palisade balustrade (Bronze)	B- Jones Street building (Residential South Side)
• BAL-201	Steel palisade balustrade (Basalt)	C- Courtyard building
• BAL-301	Steel palisade balustrade (Pink)	D - Wattle Street building
• BAL-401	Steel palisade balustrade (Red)	E- Fig Street building
MASONRY		
• BRK-101	Brickwork	B- Jones Street building
• BRK-201	Brickwork	C- Courtyard building
CLADDING		
• CLD-101	Powdercoated aluminium cladding (Custom Matte - Sand)	B- Jones Street building (Residential North Side)
• CLD-102	Powdercoated aluminium cladding (Custom Metallic Orange)	B- Jones Street building (Residential South Side)
• CLD-103	Powdercoated aluminium cladding (Monument)	B- Jones Street building (Plenum)
• CLD-201	Standing seam metal cladding (Basalt)	C- Courtyard building (Side window extrusion)
• CLD-301	Powdercoated aluminium cladding (Custom Matte - Pink)	D- Wattle Street building
• CLD-302	Powdercoated aluminium cladding (Custom Metallic - Pink)	D- Wattle Street building (Top 2 levels)
• CLD-401	Powdercoated aluminium cladding (Custom Metallic - Red)	E- Fig Street building (awning)
WALL SYSTEMS		
• EWS-001	Shopfront glazing Frame: Steel plate surround to retail glazing Glazing: Clear vision Type: Fix, Glazed louvres and frameless sliding doors Off form concrete plinth (CON-001)	A- Retail Pavilion + Pods
• EWS-101	Front Glazed DGU Frame: Aluminium Glazing: Clear vision DGU Type: Fix, Frameless Sliding Doors Spandrel: Colorback glass Louvres: Powdercoated aluminium	B - Jones Street building Recreation Centre
• EWS-102	Shopfront glazing Frame: Aluminium Glazing: Clear Vision Type: Sliding glass doors Spandrel: Colourback glass Stainless steel non-climbable mesh (SCN-102)	B - Jones Street Building Childcare Facility (Facing Courtyard)
• EWS-103	Shopfront glazing Frame: Aluminium Glazing: Clear vision DGU Type: Fix and Awning Spandrel: Aluminium	B - Jones Street Building Childcare Facility (Facing East)
• EWS-104	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	B - Jones Street Building (Residential North)
• EWS-105	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	B- Jones Street Building (Residential South)
• EWS-202	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning	C - Courtyard building (Residential)
• EWS-301	Full height shopfront glazing Frame: Aluminium plate to retail glazing window Glazing: Clear vision Type: Fix, Slider Louvres: Recessed	D - Wattle Street building Retail frontage
• EWS-302	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	D - Wattle Street building (Residential Levels below 8)
• EWS-303	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	D - Wattle Street building (Residential Levels 8 and 9)
• EWS-401	Unitised curtain wall system Frame: Aluminium Glazing: Clear vision DGU Type: Fix, Slider, Awning Spandrel and cladding: Powdercoated aluminium solid Sun Shading: Single extrusion alum. horizontal and vertical	E - Fig Street Building
• EWS-402	Full height shopfront glazing Frame: Aluminium Glazing: Clear vision, Front glazed Type: Guillotine sliding windows to retail facade	E - Fig Street Building (Facing Jones Street)
• EWS-403	Shopfront glazing Frame: Aluminium Glazing: Clear vision Type: Fix Glass Spandrel: Colourback glass	E - Fig Street Building (Facing Sandstone wall)
SCREENING		
• SCN-101	Aluminium screening to window (Dark Sand)	B- Jones Street building (North Side)
• SCN-102	Mesh balustrade screening	B - Childcare Facility
• SCN-103	Aluminium screening to rooftop plant (Dark Sand)	B- Jones Street building (North Side)
• SCN-104	Aluminium screening to rooftop plant (Bronze)	B- Jones Street building (South Side)
• SCN-105	Horizontal aluminium screening to window (Monument)	B- Jones Street building (North Side)
• SCN-106	Aluminium screening to window (Orange)	B- Jones Street building (South Side)
• SCN-107	Retractable Aluminium screening to window (Bronze)	B- Jones Street building (South Side)
• SCN-108	Sliding Aluminium screening to balcony (Bronze)	B- Jones Street building (West Side)
• SCN-201	Mesh balustrade screening	C- Courtyard building
• SCN-202	Sliding Aluminium screening to balcony (Basalt)	C- Courtyard building (North Side)
• SCN-301	Anodised aluminium screening (Metallic Pink)	D- Wattle Street building (Sloped rooftop plant)
• SCN-302	Vertical anodised aluminium screening	D- Wattle Street building (Ground floor plant areas)
• SCN-303	Aluminium screening to window (Matte Pink)	D- Wattle Street building
• SCN-304	Sliding Aluminium screening to balcony (Matte Pink)	D- Wattle Street building (East Side)
• SCN-401	Vertical anodised aluminium screening	E- Fig Street building (Ground floor plant areas)
• SCN-402	Roller Shutter	E- Fig Street building (Loading dock)
• SCN-403	Aluminium screening to rooftop plant (Red)	E- Fig Street building
EQUIPMENT		
• PV-001	Photovoltaic array	All buildings

BVN

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NOTE
CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF WORK OR PREPARATION OF SHOP DRAWINGS. DO NOT SCALE THIS DRAWING

ISSUE	DATE	FOR	CHKD
01	04/11/22	FOR INFORMATION	
02	17/11/22	FOR INFORMATION	
03	2/12/22	FOR INFORMATION	
04	21/12/22	STAGE 2 DA DRAFT 01	
05	20/01/23	FOR INFORMATION	
06	01/02/23	STAGE 2 DA SUBMISSION	
07	03/11/23	STAGE 2 DA AMENDED SUBMISSION	
08	21/02/24	STAGE 2 DA AMENDED 2 SUBMISSION	

LEGEND

SITE BOUNDARY
TOTAL AREA: 12,125M²

DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL LAND (256 M²). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 12,381 M²)

OUTLINE OF SUBMITTED STAGE 1 DA MOD MASSING

08-G16

KEY PLAN

PLANNER
GYDE CONSULTING
(02) 9068 7500
STRUCTURE
EI AUSTRALIA
(02) 9516 0722
SERVICES
IGS ENGINEERING
(02) 8488 4600
LANDSCAPE
OCULUS
(02) 9557 5533

CLIENT
LANDREAM
CLIENT NUMBER
PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0877

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
2109023

GRAPHIC SCALE
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SCALE
As indicated@A0 DO NOT SCALE
STATUS

DRAWING
SECTIONS
DRAWING NUMBER
AR-DA-A 10D-XX-00
ISSUE
08

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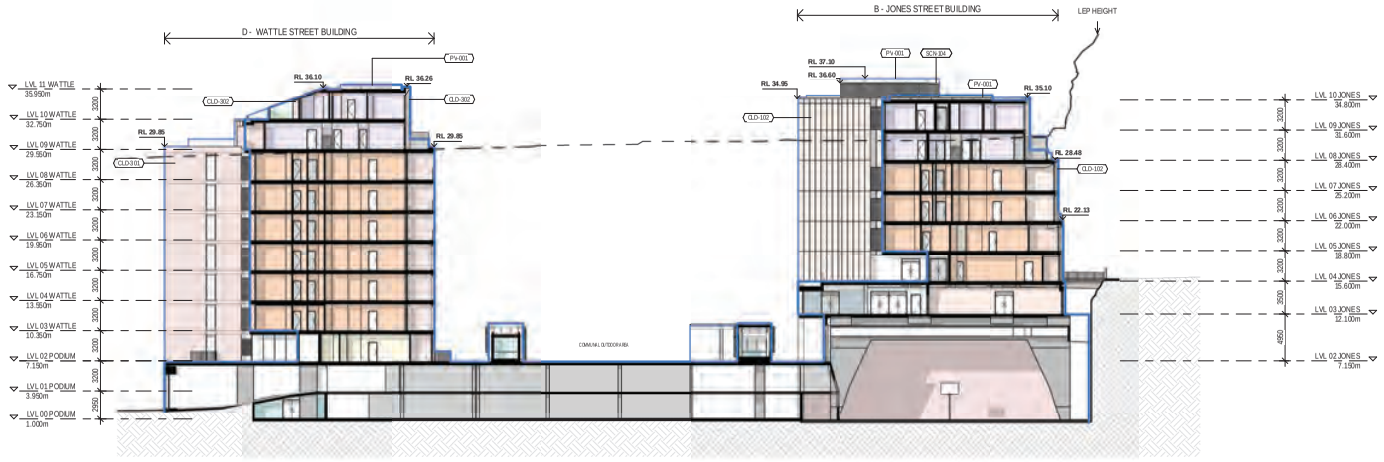
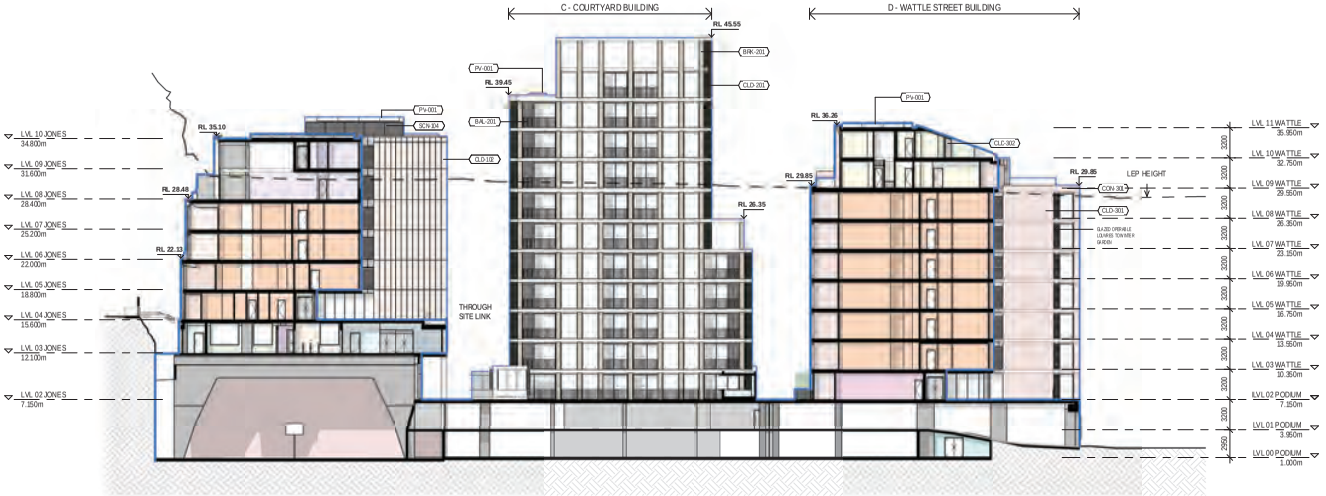


1 EAST / WEST THROUGH BUILDING GAP 02 LOOKING NORTH
SCALE: 1 : 200



2 EAST / WEST THROUGH BUILDING GAP 02 LOOKING SOUTH
SCALE: 1 : 200

CODE	DESCRIPTION	LOCATION
CONCRETE		
• CON-001	Off form concrete	All buildings
• CON-101	Off form concrete- Coloured sealer (Sand)	B- Jones Street building
• CON-301	Off form concrete- Coloured sealer (Pink)	D- Wattle Street building
BALUSTRADES		
• BAL-001	Steel palisade balustrade (Charcoal)	Jones Street Fences and Landscape Courtyard Fences
• BAL-002	Frameless glass balustrade	All buildings
• BAL-101	Steel palisade balustrade (Oak Sand)	B- Jones Street building (Residential North Side)
• BAL-102	Steel palisade balustrade (Bronze)	B- Jones Street building (Residential South Side)
• BAL-201	Steel palisade balustrade (Basalt)	C- Courtyard building
• BAL-301	Steel palisade balustrade (Pink)	D - Wattle Street building
• BAL-401	Steel palisade balustrade (Red)	E- Fig Street building
MASONRY		
• BRK-101	Brickwork	B- Jones Street building
• BRK-201	Brickwork	C- Courtyard building
CLADDING		
• CLD-101	Powdercoated aluminium cladding (Custom Matte - Sand)	B- Jones Street building (Residential North Side)
• CLD-102	Powdercoated aluminium cladding (Custom Metallic Orange)	B- Jones Street building (Residential South Side)
• CLD-103	Powdercoated aluminium cladding (Monument)	B- Jones Street building (Plenum)
• CLD-201	Standing seam metal cladding (Basalt)	C- Courtyard building (Side window extrusion)
• CLD-301	Powdercoated aluminium cladding (Custom Matte - Pink)	D- Wattle Street building
• CLD-302	Powdercoated aluminium cladding (Custom Metallic - Pink)	D- Wattle Street building (Top 2 levels)
• CLD-401	Powdercoated aluminium cladding (Custom Metallic - Red)	E- Fig Street building (awning)
WALL SYSTEMS		
• BWS-001	Shopfront glazing Frame: Steel plate surround to retail glazing Glazing: Clear vision Type: Fix. Glazed frames and frameless sliding doors Offform concrete plinth (CON-001)	A- Retail Pavilion + Pods
• BWS-101	Front Glazed DGU Frame: Aluminium Glazing: Clear vision DGU Type: Fix, Frameless Sliding Doors Spandrel: Colorback glass Louvres: Powdercoated aluminium	B - Jones Street building Recreation Centre
• BWS-102	Shopfront glazing Frame: Aluminium Glazing: Clear Vision Type: Sliding glass doors Spandrel: Colourback glass Stainless steel non-climbable mesh (SCN-102)	B - Jones Street Building Childcare Facility (Facing Courtyard)
• BWS-103	Shopfront glazing Frame: Aluminium Glazing: Clear vision DGU Type: Fix and Awning Spandrel: Aluminium	B - Jones Street Building Childcare Facility (Facing East)
• BWS-104	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	B - Jones Street Building (Residential North)
• BWS-105	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	B- Jones Street Building (Residential South)
• BWS-202	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning	C - Courtyard building (Residential)
• BWS-301	Full height shopfront glazing Frame: Aluminium plate to retail glazing window Glazing: Clear vision Type: Fix, Slider Louvres: Recessed	D - Wattle Street building Retail frontage
• BWS-302	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	D - Wattle Street building (Residential Levels below 9)
• BWS-303	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	D - Wattle Street building (Residential Levels 8 and 9)
• BWS-401	Unitised curtain wall system Frame: Aluminium Glazing: Clear vision DGU Type: Fix, Slider, Awning Spandrel and cladding: Powdercoated aluminium solid Sun Shading: Single extrusion alum. horizontal and vertical	E - Fig Street Building
• BWS-402	Full height shopfront glazing Frame: Aluminium Glazing: Clear vision, Front glazed Type: Guillotine sliding windows to retail facade	E - Fig Street Building (Facing Jones Street)
• BWS-403	Shopfront glazing Frame: Aluminium Glazing: Clear vision Type: Fix Glass Spandrel: Colourback glass	E - Fig Street Building (Facing Sandstone wall)
SCREENING		
• SCN-101	Aluminium screening to window (Dark Sand)	B- Jones Street building (North Side)
• SCN-102	Mesh balustrade screening	B - Childcare Facility
• SCN-103	Aluminium screening to rooftop plant (Dark Sand)	B- Jones Street building (North Side)
• SCN-104	Aluminium screening to rooftop plant (Bronze)	B- Jones Street building (South Side)
• SCN-105	Horizontal aluminium screening to window (Monument)	B- Jones Street building (North Side)
• SCN-106	Aluminium screening to window (Orange)	B- Jones Street building (South Side)
• SCN-107	Retractable Aluminium screening to window (Bronze)	B- Jones Street building (South Side)
• SCN-108	Sliding Aluminium screening to balcony (Bronze)	B- Jones Street building (West Side)
• SCN-201	Mesh balustrade screening	C- Courtyard building
• SCN-202	Sliding Aluminium screening to balcony (Basalt)	C- Courtyard building (North Side)
• SCN-301	Anodised aluminium screening (Metallic Pink)	D- Wattle Street building (Sloped rooftop plant)
• SCN-302	Vertical anodised aluminium screening	D- Wattle Street building (Ground floor plant areas)
• SCN-303	Aluminium screening to window (Matte Pink)	D- Wattle Street building
• SCN-304	Sliding Aluminium screening to balcony (Matte Pink)	D- Wattle Street building (East Side)
• SCN-401	Vertical anodised aluminium screening	E- Fig Street building (Ground floor plant areas)
• SCN-402	Roller Shutter	E- Fig Street building (Loading dock)
• SCN-403	Aluminium screening to rooftop plant (Red)	E- Fig Street building
EQUIPMENT		
• PV-001	Photovoltaic array	All buildings

257

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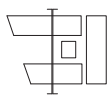
ISSUE	DATE	FOR	CHKD
01	21.02.20	FOR INFORMATION	
02	31.03.20	STAGE 2 DA DRAFT 01	
03	16.06.20	FOR INFORMATION	
04	10.09.20	STAGE 2 DA SUBMISSION	
05	03.11.20	STAGE 2 DA AMENDED SUBMISSION	
06	21.06.21	STAGE 2 DA AMENDED Submission	

LEGEND

- SITE BOUNDARY
  TOTAL AREA 12,125M²
- DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL LAND (256M²). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 12,381 M²)
- OUTLINE OF SUBMITTED STAGE 1 DA MOD MASSING

KEY PLAN



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GYDE CONSULTING
(02) 9068 7500
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SERVICES
IGS ENGINEERING
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LANDSCAPE
OCULUS
(02) 9957 5533

CLIENT
LANDCOM
CLIENT NUMBER
PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0977

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
2109023

GRAPHIC SCALE
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SCALE
As indicated @ A1 DO NOT SCALE
STATUS

DRAWING
SECTIONS
DRAWING NUMBER AR-DA-A 10D-XX-01
ISSUE 06

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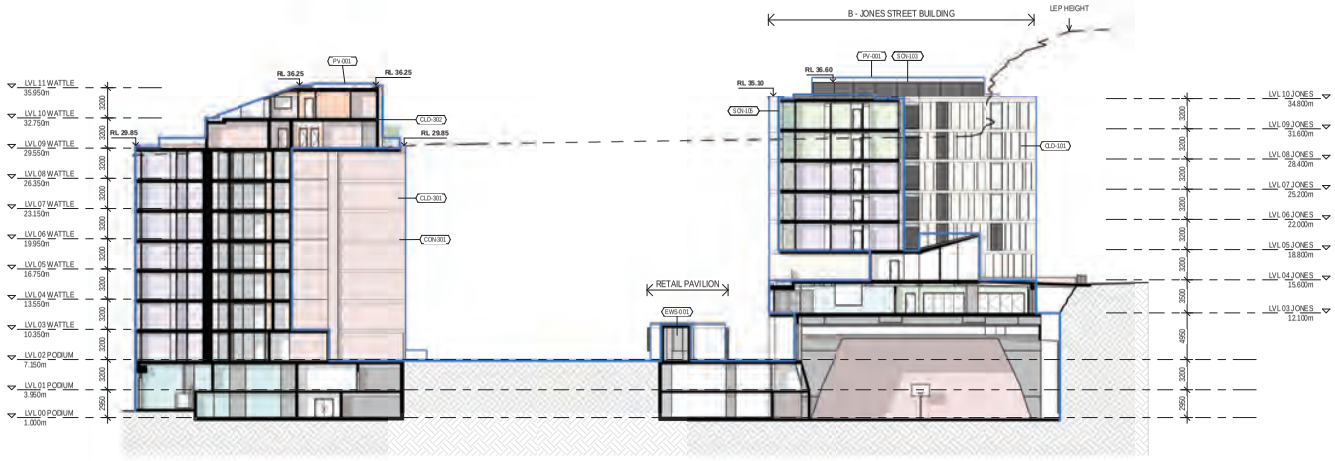
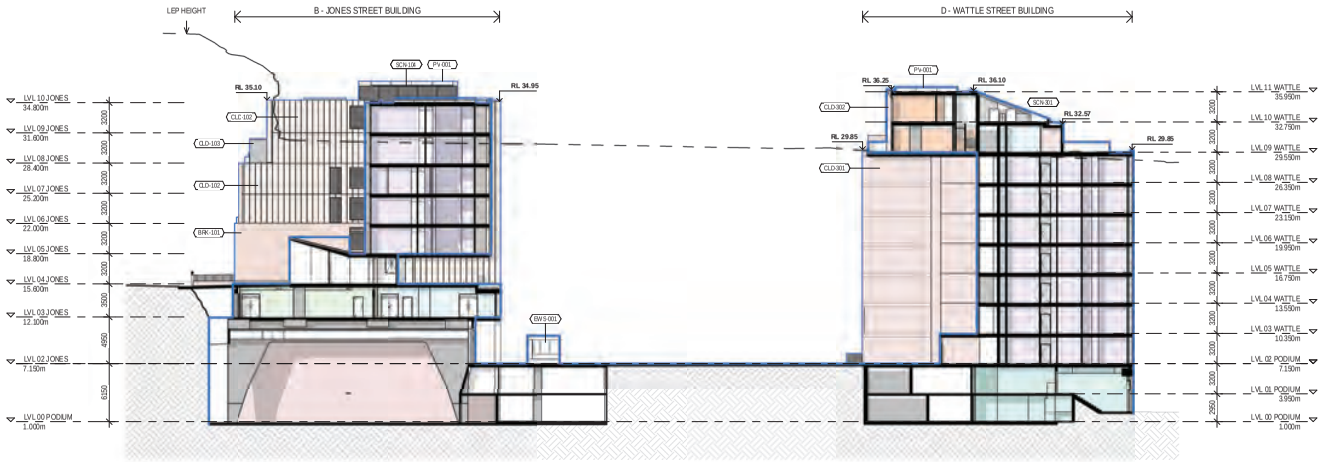


1 EAST / WEST THROUGH BUILDING GAP 03 LOOKING NORTH
SCALE: 1 : 200



2 EAST / WEST THROUGH BUILDING GAP 03 LOOKING SOUTH
SCALE: 1 : 200

CODE	DESCRIPTION	LOCATION
CONCRETE		
• CON-001	Off form concrete	All buildings
• CON-101	Off form concrete- Coloured sealer (Sand)	B- Jones Street building
• CON-301	Off form concrete- Coloured sealer (Pink)	D- Wattle Street building
BALUSTRADES		
• BAL-001	Steel palisade balustrade (Charcoal)	Jones Street Fences and Landscape Courtyard Fences
• BAL-002	Frameless glass balustrade	All buildings
• BAL-101	Steel palisade balustrade (Oak Sand)	B- Jones Street building (Residential North Side)
• BAL-102	Steel palisade balustrade (Bronze)	B- Jones Street building (Residential South Side)
• BAL-201	Steel palisade balustrade (Basalt)	C- Courtyard building
• BAL-301	Steel palisade balustrade (Pink)	D - Wattle Street building
• BAL-401	Steel palisade balustrade (Red)	E- Fig Street building
MASONRY		
• BRK-101	Brickwork	B - Jones Street building
• BRK-201	Brickwork	C- Courtyard building
CLADDING		
• CLD-101	Powdercoated aluminium cladding (Custom Matte - Sand)	B- Jones Street building (Residential North Side)
• CLD-102	Powdercoated aluminium cladding (Custom Metallic Orange)	B- Jones Street building (Residential South Side)
• CLD-103	Powdercoated aluminium cladding (Monument)	B- Jones Street building (Plenum)
• CLD-201	Standing seam metal cladding (Basalt)	C- Courtyard building (Side window extrusion)
• CLD-301	Powdercoated aluminium cladding (Custom Matte - Pink)	D- Wattle Street building
• CLD-302	Powdercoated aluminium cladding (Custom Metallic - Pink)	D- Wattle Street building (Top 2 levels)
• CLD-401	Powdercoated aluminium cladding (Custom Metallic - Red)	E- Fig Street building (awning)
WALL SYSTEMS		
• EWS-001	Shopfront glazing Frame: Steel plate surround to retail glazing Glazing: Clear vision Type: Fix, Glazed loanes and frameless sliding doors Offform concrete plinth (CON-001)	A- Retail Pavilion + Pods
• EWS-101	Front Glazed DGU Frame: Aluminium Glazing: Clear vision DGU Type: Fix, Frameless Sliding Doors Spandrel: Colorback glass Louvres: Powdercoated aluminium	B - Jones Street building Recreation Centre
• EWS-102	Shopfront glazing Frame: Aluminium Glazing: Clear Vision Type: Sliding glass doors Spandrel: Colourback glass Stainless steel non-climbable mesh (SCN-102)	B - Jones Street Building Childcare Facility (Facing Courtyad)
• EWS-103	Shopfront glazing Frame: Aluminium Glazing: Clear vision DGU Type: Fix and Awning Spandrel: Aluminium	B - Jones Street Building Childcare Facility (Facing East)
• EWS-104	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	B - Jones Street Building (Residential North)
• EWS-105	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	B- Jones Street Building (Residential South)
• EWS-202	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning	C - Courtyard building (Residential)
• EWS-301	Full height shopfront glazing Frame: Aluminium plate to retail glazing window Glazing: Clear vision Type: Fix, Slider Louvres: Recessed	D - Wattle Street building Retail frontage
• EWS-302	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	D - Wattle Street building (Residential Levels below 9)
• EWS-303	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	D - Wattle Street building (Residential Levels 8 and 9)
• EWS-401	Unitised curtain wall system Frame: Aluminium Glazing: Clear vision DGU Type: Fix, Slider, Awning Spandrel and cladding: Powdercoated aluminium solid Sun Shading: Single extrusion alum. horizontal and vertical	E - Fig Street Building
• EWS-402	Full height shopfront glazing Frame: Aluminium Glazing: Clear vision, Front glazed Type: Guillotine sliding windows to retail facade	E - Fig Street Building (Facing Jones Street)
• EWS-403	Shopfront glazing Frame: Aluminium Glazing: Clear vision Type: Fix Glass Spandrel: Colourback glass	E - Fig Street Building (Facing Sandstone wall)
SCREENING		
• SCN-101	Aluminium screening to window (Dark Sand)	B- Jones Street building (North Side)
• SCN-102	Mesh balustrade screening	B - Childcare Facility
• SCN-103	Aluminium screening to rooftop plant (Dark Sand)	B- Jones Street building (North Side)
• SCN-104	Aluminium screening to rooftop plant (Bronze)	B- Jones Street building (South Side)
• SCN-105	Horizontal aluminium screening to window (Monument)	B- Jones Street building (North Side)
• SCN-106	Aluminium screening to window (Orange)	B- Jones Street building (South Side)
• SCN-107	Retractable Aluminium screening to window (Bronze)	B- Jones Street building (South Side)
• SCN-108	Sliding Aluminium screening to balcony (Bronze)	B- Jones Street building (West Side)
• SCN-201	Mesh balustrade screening	C- Courtyard building
• SCN-202	Sliding Aluminium screening to balcony (Basalt)	C- Courtyard building (North Side)
• SCN-301	Anodised aluminium screening (Metallic Pink)	D- Wattle Street building (Sloped rooftop plant)
• SCN-302	Vertical anodised aluminium screening	D- Wattle Street building (Ground floor plant areas)
• SCN-303	Aluminium screening to window (Matte Pink)	D- Wattle Street building
• SCN-304	Sliding Aluminium screening to balcony (Matte Pink)	D- Wattle Street building (East Side)
• SCN-401	Vertical anodised aluminium screening	E- Fig Street building (Ground floor plant areas)
• SCN-402	Roller Shutter	E- Fig Street building (Loading dock)
• SCN-403	Aluminium screening to rooftop plant (Red)	E- Fig Street building
EQUIPMENT		
• PV-001	Photovoltaic array	All buildings

BVN
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ISSUE	DATE	FOR	CHKD
01	21.02.20	FOR INFORMATION	
02	3.03.20	STAGE 2 DA DRAFT 01	
03	3.06.20	FOR INFORMATION	
04	5.06.20	STAGE 2 DA SUBMISSION	
05	6.08.20	STAGE 2 DA AMENDED SUBMISSION	
06	2.10.20	STAGE 2 DA AMENDED 2 SUBMISSION	

LEGEND
SITE BOUNDARY
TOTAL AREA 12,125M²
DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL LAND (256M²). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 12,381 M²)
OUTLINE OF SUBMITTED STAGE 1 DA MOD MASSING
AR-01D

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KEY PLAN

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(02) 9068 7500
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EI AUSTRALIA
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LANDSCAPE
OCULUS
(02) 9957 5533

CLIENT
LANDCOM
CLIENT NUMBER
PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0877

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
21.09.023

GRAPHIC SCALE
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SCALE
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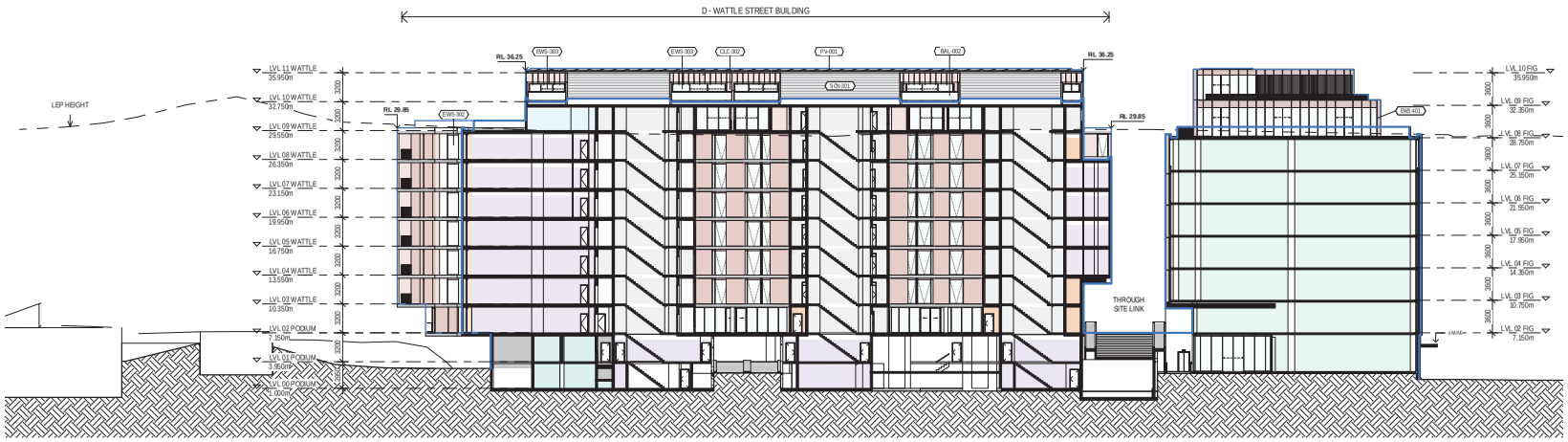
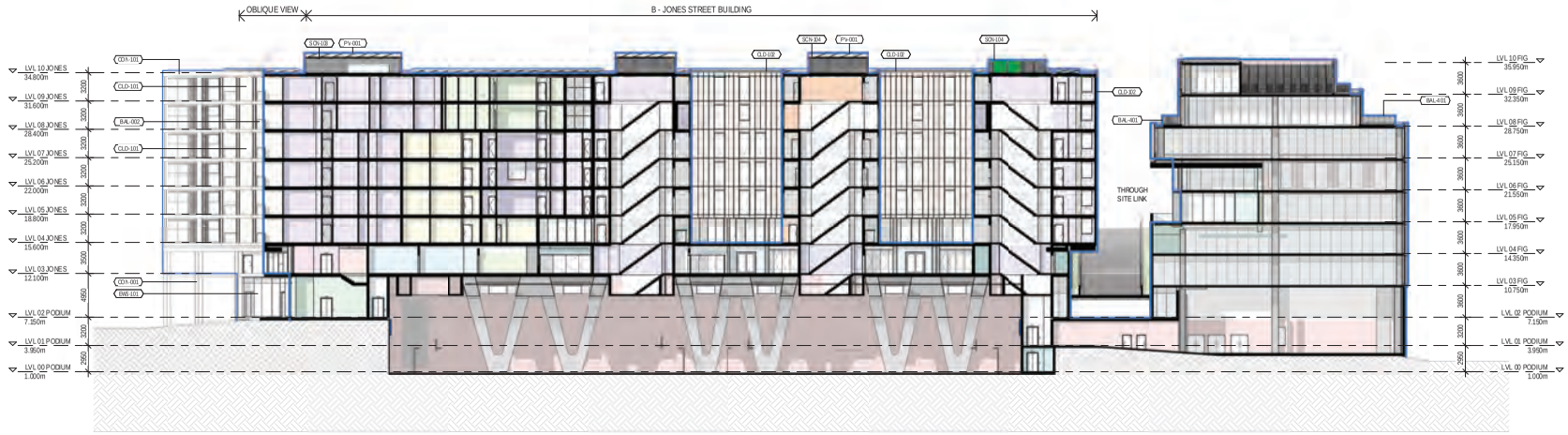
STATUS

DRAWING
SECTIONS
DRAWING NUMBER AR-DA-A 10D-XX-02
ISSUE 06



1 NORTH / SOUTH WATTLE STREET BUILDING LOOKING EAST
SCALE: 1 : 200



2 NORTH / SOUTH SECTION 01 LOOKING EAST
SCALE: 1: 200

CODE	DESCRIPTION	LOCATION
CONCRETE		
• CON-001	Off form concrete	All buildings
• CON-101	Off form concrete- Coloured sealer (Sand)	B- Jones Street building
• CON-301	Off form concrete- Coloured sealer (Pink)	D- Wattle Street building
BALUSTRADES		
• BAL-001	Steel palisade balustrade (Charcoal)	Jones Street Fences and Landscape Courtyard Fences
• BAL-002	Frameless glass balustrade	All buildings
• BAL-101	Steel palisade balustrade (Dark Sand)	B- Jones Street building (Residential North Side)
• BAL-102	Steel palisade balustrade (Bronze)	B- Jones Street building (Residential South Side)
• BAL-201	Steel palisade balustrade (Basalt)	C- Courtyard building
• BAL-301	Steel palisade balustrade (Pink)	D - Wattle Street building
• BAL-401	Steel palisade balustrade (Red)	E- Fig Street building
MASONRY		
• BRK-101	Brickwork	B- Jones Street building
• BRK-201	Brickwork	C- Courtyard building
CLADDING		
• CLD-101	Powdercoated aluminium cladding (Custom Matte - Sand)	B- Jones Street building (Residential North Side)
• CLD-102	Powdercoated aluminium cladding (Custom Metallic Orange)	B- Jones Street building (Residential South Side)
• CLD-103	Powdercoated aluminium cladding (Monument)	B- Jones Street building (Plenum)
• CLD-201	Standing seam metal cladding (Basalt)	C- Courtyard building (Side window extrusion)
• CLD-301	Powdercoated aluminium cladding (Custom Matte - Pink)	D- Wattle Street building
• CLD-302	Powdercoated aluminium cladding (Custom Metallic - Pink)	D- Wattle Street building (Top 2 levels)
• CLD-401	Powdercoated aluminium cladding (Custom Metallic - Red)	E- Fig Street building (awning)
WALL SYSTEMS		
• EWS-001	Shopfront glazing Frame: Steel plate surround to retail glazing Glazing: Clear vision Type: Fix. Glazed loures and frameless sliding doors Offform concrete plinth (CON-001)	A- Retail Pavilion + Pods
• EWS-101	Front Glazed DGU Frame: Aluminium Glazing: Clear vision DGU Type: Fix, Frameless Sliding Doors Spandrel: Colorback glass Louvres: Powdercoated aluminium	B - Jones Street building Recreation Centre
• EWS-102	Shopfront glazing Frame: Aluminium Glazing: Clear Vision Type: Sliding glass doors Spandrel: Colourback glass Stainless steel non-climbable mesh (SCN-102)	B - Jones Street Building Childcare Facility (Facing Courtyad)
• EWS-103	Shopfront glazing Frame: Aluminium Glazing: Clear vision DGU Type: Fix and Awning Spandrel: Aluminium	B - Jones Street Building Childcare Facility (Facing East)
• EWS-104	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	B - Jones Street Building (Residential North)
• EWS-105	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	B- Jones Street Building (Residential South)
• EWS-202	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	C - Courtyard building (Residential)
• EWS-301	Full height shopfront glazing Frame: Aluminium plate to retail glazing window Glazing: Clear vision Type: Fix, Slider Louvres Recessed	D - Wattle Street building Retail frontage
• EWS-302	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	D - Wattle Street building (Residential Levels below 9)
• EWS-303	Apartment / Wintergarden external facade Frame: Aluminium Glazing: Clear vision Type: Fix, Slider, Awning, Louvres	D - Wattle Street building (Residential Levels 8 and 9)
• EWS-401	Unitised curtain wall system Frame: Aluminium Glazing: Clear vision DGU Type: Fix, Slider, Awning Spandrel and cladding: Powdercoated aluminium solid Sun Shading: Single extrusion alum. horizontal and vertical	E - Fig Street Building
• EWS-402	Full height shopfront glazing Frame: Aluminium Glazing: Clear vision, Front glazed Type: Guillotine sliding windows to retail facade	E - Fig Street Building (Facing Jones Street)
• EWS-403	Shopfront glazing Frame: Aluminium Glazing: Clear vision Type: Fix Glass Spandrel: Colourback glass	E - Fig Street Building (Facing Sandstone wall)
SCREENING		
• SCN-101	Aluminium screening to window (Dark Sand)	B- Jones Street building (North Side)
• SCN-102	Mesh balustrade screening	B - Childcare Facility
• SCN-103	Aluminium screening to rooftop plant (Dark Sand)	B- Jones Street building (North Side)
• SCN-104	Aluminium screening to rooftop plant (Bronze)	B- Jones Street building (South Side)
• SCN-105	Horizontal aluminium screening to window (Monument)	B- Jones Street building (North Side)
• SCN-106	Aluminium screening to window (Orange)	B- Jones Street building (South Side)
• SCN-107	Retractable Aluminium screening to window (Bronze)	B- Jones Street building (South Side)
• SCN-108	Sliding Aluminium screening to balcony (Bronze)	B- Jones Street building (West Side)
• SCN-201	Mesh balustrade screening	C- Courtyard building
• SCN-202	Sliding Aluminium screening to balcony (Basalt)	C- Courtyard building (North Side)
• SCN-301	Anodised aluminium screening (Metallic Pink)	D- Wattle Street building (Sloped rooftop plant)
• SCN-302	Vertical anodised aluminium screening	D- Wattle Street building (Ground floor plant areas)
• SCN-303	Aluminium screening to window (Matte Pink)	D- Wattle Street building
• SCN-304	Sliding Aluminium screening to balcony (Matte Pink)	D- Wattle Street building (East Side)
• SCN-401	Vertical anodised aluminium screening	E- Fig Street building (Ground floor plant areas)
• SCN-402	Roller Shutter	E- Fig Street building (Loading dock)
• SCN-403	Aluminium screening to rooftop plant (Red)	E- Fig Street building
EQUIPMENT		
• PV-001	Photovoltaic array	All buildings

BVN

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03	3.06.22	FOR INFORMATION	
04	6.06.22	STAGE 2 DA SUBMISSION	
05	9.06.22	STAGE 2 DA SUBMISSION	
06	8.08.22	STAGE 2 DA AMENDED SUBMISSION	
07	7.09.22	STAGE 2 DA AMENDED 2 SUBMISSION	

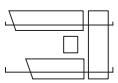
LEGEND

SITE BOUNDARY
TOTAL AREA 12,125M²

DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL LAND (256M²). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 12,381 M²)

OUTLINE OF SUBMITTED STAGE 1 DA MOD MASSING

KEY PLAN



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SERVICES	IGS ENGINEERING (02) 8488 4600
LANDSCAPE	OCULUS (02) 9957 5533
CLIENT	LANDREAM
CLIENT NUMBER	
PROJECT MANAGER	ARGENTUM GROUP (02) 9037 0977

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
21.09.023

GRAPH SCALE
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SCALE
As indicated @ A1 DO NOT SCALE
STATUS

DRAWING
SECTIONS
DRAWING NUMBER AR-DA-A_10D-XX-03
ISSUE 07

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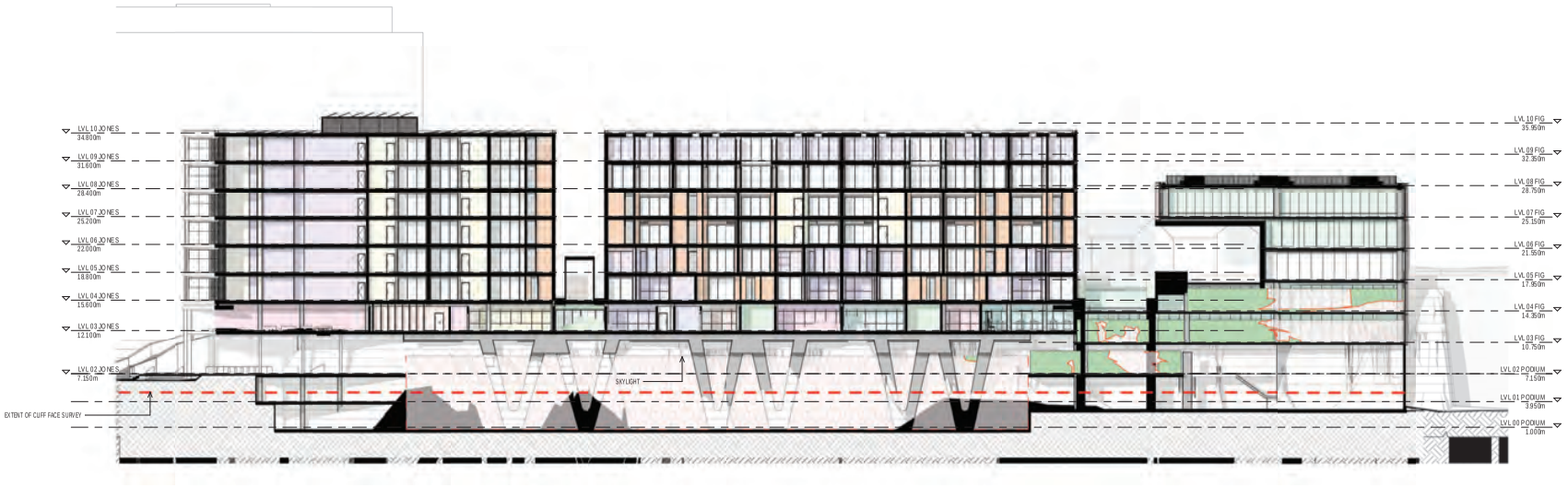
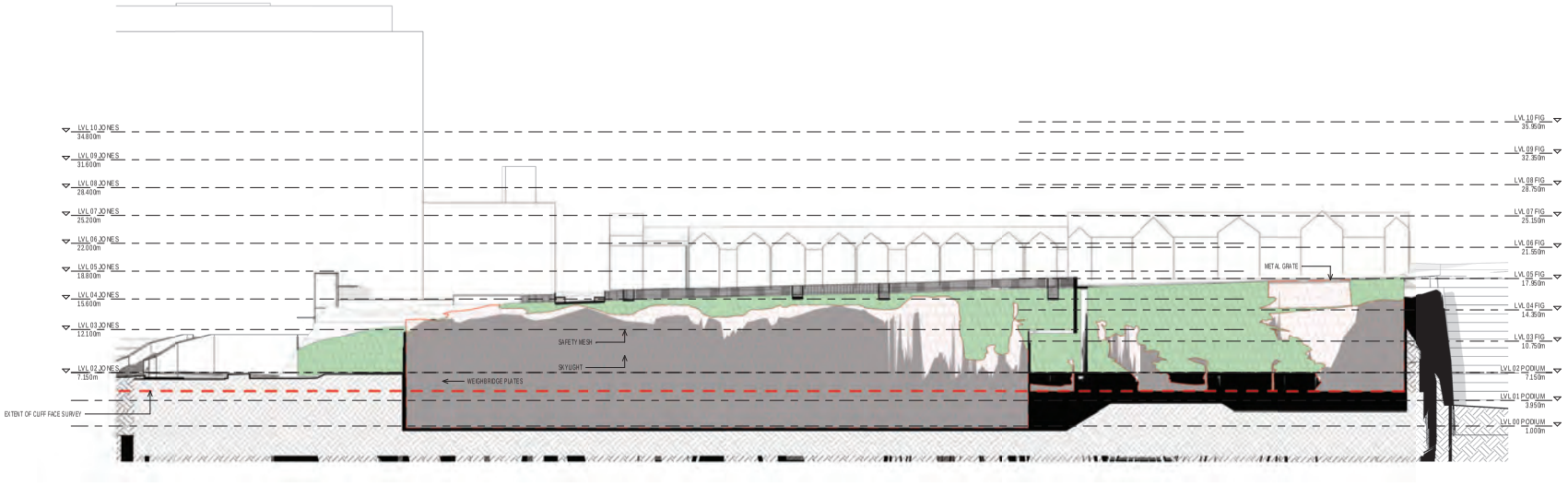


1 CLIFF FACE - NORTH / SOUTH SECTION 01 LOOKING EAST
SCALE: 1: 200



2 CLIFF FACE - NORTH / SOUTH SECTION 02 LOOKING EAST
SCALE: 1: 200

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SITE BOUNDARY
TOTAL AREA: 12,215 M 2

DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL L AND (0.0 M 2). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA = 12,215 M 2

LEGEND

EXPOSED CLIFF FACE

EXTENT OF CLIFF FACE EXCAVATION

NOTE:
EXTENT OF CLIFF FACE SHOWN ON DRAWING ESTIMATED ONLY AND WILL NEED TO BE VERIFIED/FULLY SURVEYED ON SITE.

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CLIENT
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CLIENT NUMBER
PROJECT MANAGER
ARGENTUM GROUP
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PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
21.09.023

TRUE NORTH
PROJECT NORTH
GRAPHIC SCALE
0 25 50
SCALE
1 : 25 @ A3 DO NOT SCALE
STATUS

DRAWING
SECTIONS - CLIFF FACE - SHEET 1
DRAWING NUMBER: AR-DA-A 10D-XX-10
ISSUE: 02

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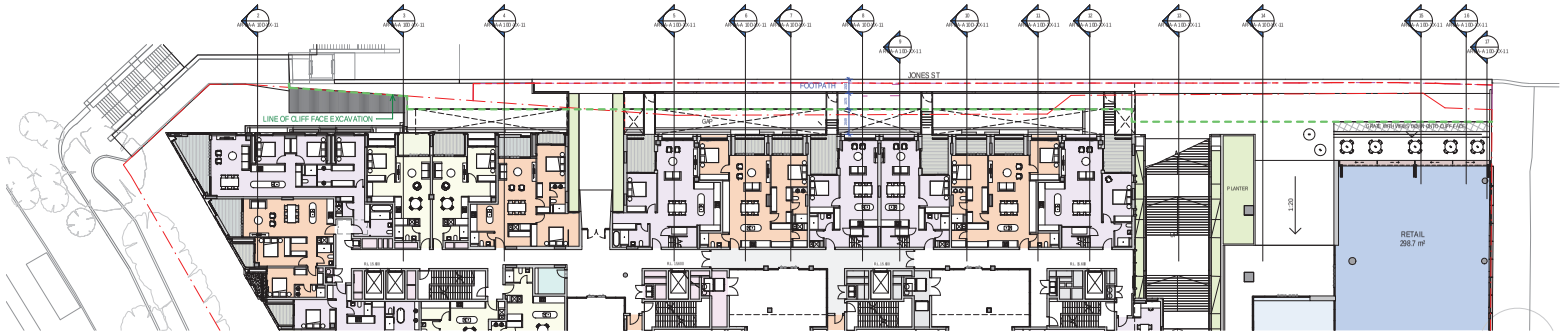

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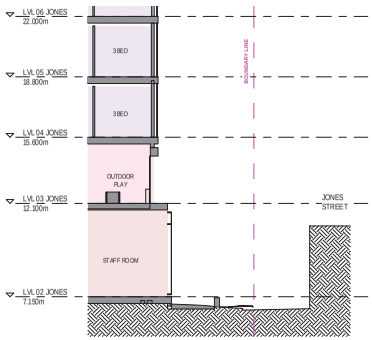

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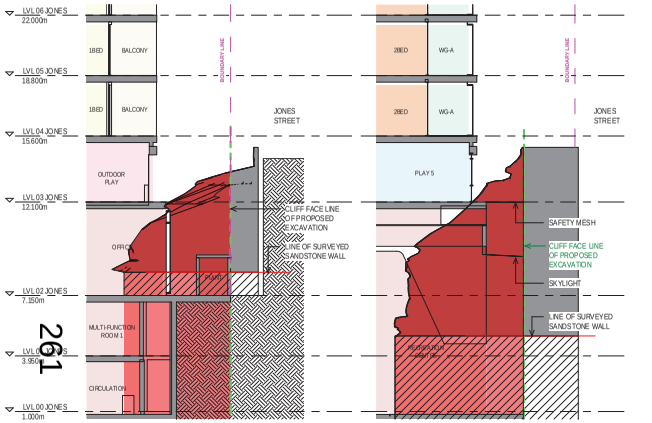

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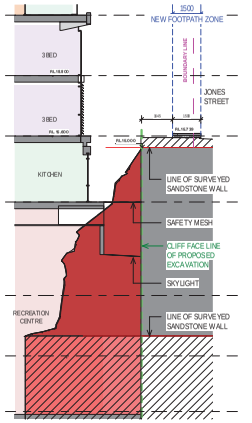
4 SECTION THROUGH CLIFF FACE



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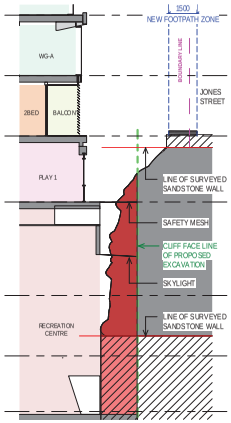

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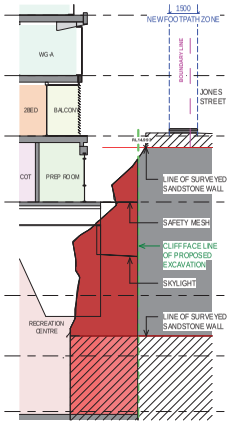

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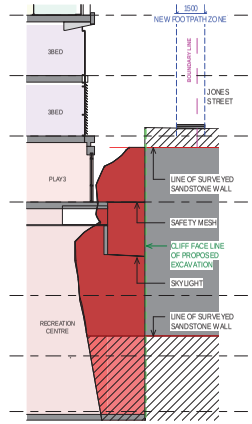

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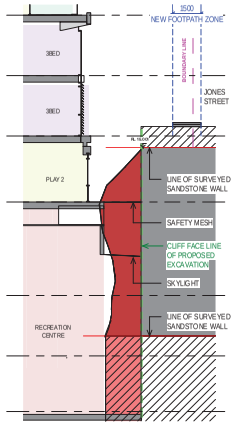

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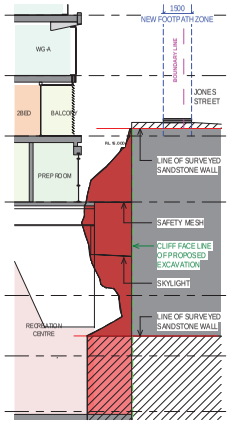

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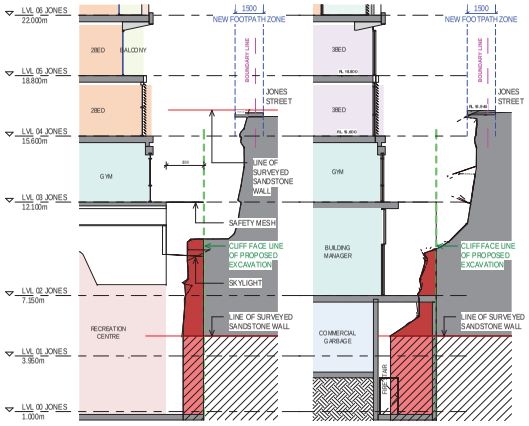
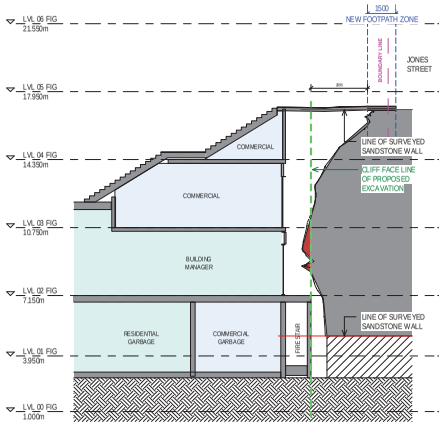


11 SECTION THROUGH CLIFF FACE

12 SECTION THROUGH CLIFF FACE



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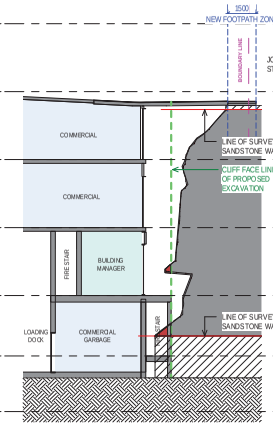

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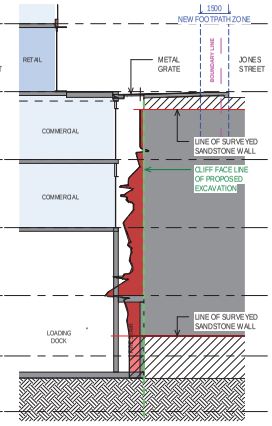

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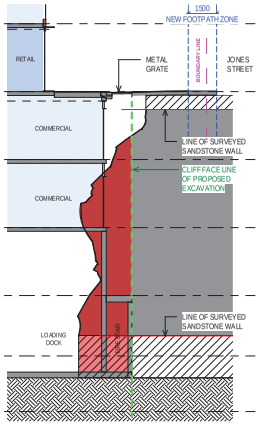

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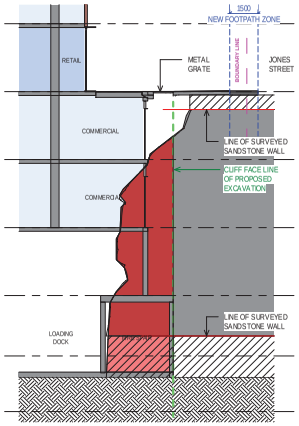

17 SECTION THROUGH CLIFF FACE

261

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ISSUE	DATE	FOR	CHKD
01	03.10.23	STAGE 2 DA AMENDED SUBMISSION	

SITE BOUNDARY
TOTAL AREA: 12,315M2

DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL LAND (2,834M2). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 12,061M2

LEGEND

EXTENT OF CLIFF FACE EXCAVATION

NOTE:
EXTENT OF CLIFF FACE SHOWN ON DRAWINGS EXTIMATED ONLY AND WILL NEED TO BE VERIFIED/FULLY SURVEYED ON SITE

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KEY PLAN

PLANNER
GYDE CONSULTING
(02) 9068 7500
STRUCTURE
EI AUSTRALIA
(02) 9516 0722
SERVICES
IGS ENGINEERING
(02) 8488 4600
LANDSCAPE
OCULUS
(02) 9957 9533

CLIENT
LANDCOM
CLIENT NUMBER
PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0977

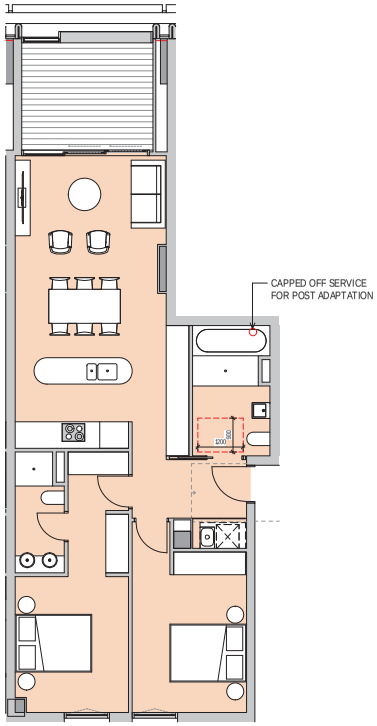
PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
21.09.023

TRUE NORTH
PROJECT NORTH
GRAPHIC SCALE
0 2000 5000
SCALE
As indicated @ A1
DO NOT SCALE
STATUS

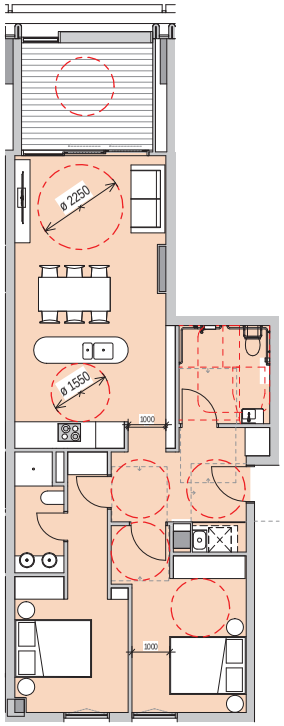
DRAWING
SECTIONS - CLIFF FACE - SHEET 2
DRAWING NUMBER
AR-DA-A 10D-XX-11
ISSUE
01

DDA			
Building Name	Apartment Number	Occupancy	DDA / LIVABLE
B-JONES	B3.06.03	1BED	DDA
B-JONES	B3.06.04	1BED	DDA
B-JONES	B3.07.03	1BED	DDA
B-JONES	B3.07.04	1BED	DDA
D-WATTLE	D2.04.03	1BED	DDA
D-WATTLE	D2.04.04	1BED	DDA
D-WATTLE	D2.03.03	1BED	DDA
D-WATTLE	D2.03.04	1BED	DDA
D-WATTLE	D2.05.03	1BED	DDA
D-WATTLE	D2.05.04	1BED	DDA
D-WATTLE	D2.06.03	1BED	DDA
D-WATTLE	D2.06.04	1BED	DDA
D-WATTLE	D2.07.03	1BED	DDA
D-WATTLE	D2.07.04	1BED	DDA
D-WATTLE	D2.08.03	1BED	DDA
D-WATTLE	D2.08.04	1BED	DDA
1BED: 16			
B-JONES	B3.06.02	2BED	DDA
B-JONES	B3.06.05	2BED	DDA
B-JONES	B3.07.05	2BED	DDA
B-JONES	B3.07.02	2BED	DDA
D-WATTLE	D2.04.05	2BED	DDA
D-WATTLE	D2.04.02	2BED	DDA
D-WATTLE	D2.03.05	2BED	DDA
D-WATTLE	D2.03.02	2BED	DDA
D-WATTLE	D2.05.05	2BED	DDA
D-WATTLE	D2.05.02	2BED	DDA
D-WATTLE	D2.06.05	2BED	DDA
D-WATTLE	D2.06.02	2BED	DDA
D-WATTLE	D2.07.05	2BED	DDA
D-WATTLE	D2.07.02	2BED	DDA
2BED: 14			
B-JONES	B1.04.03	3BED	DDA
B-JONES	B1.05.03	3BED	DDA
B-JONES	B1.09.03	3BED	DDA
B-JONES	B1.08.03	3BED	DDA
B-JONES	B1.07.03	3BED	DDA
B-JONES	B1.06.03	3BED	DDA
3BED: 6			
Grand total: 36			

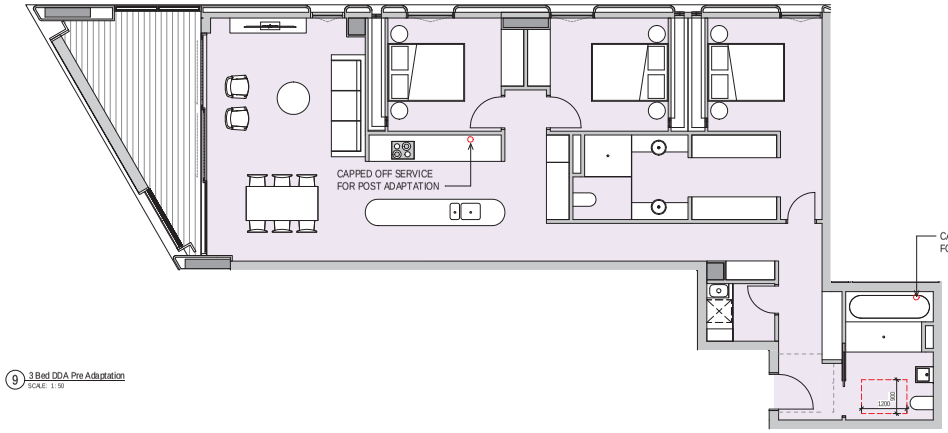
LIVABLE			
Building Name	Apartment Number	Occupancy	DDA / LIVABLE
C-COURTYARD	C1.06.04	2BED	LIVABLE
C-COURTYARD	C1.07.03	2BED	LIVABLE
C-COURTYARD	C1.08.02	2BED	LIVABLE
C-COURTYARD	C1.05.04	2BED	LIVABLE
C-COURTYARD	C1.04.04	2BED	LIVABLE
C-COURTYARD	C1.03.04	2BED	LIVABLE
C-COURTYARD	C1.10.02	2BED	LIVABLE
C-COURTYARD	C1.02.04	2BED	LIVABLE
C-COURTYARD	C1.11.02	2BED	LIVABLE
C-COURTYARD	C1.09.02	2BED	LIVABLE
D-WATTLE	D2.08.05	2BED	LIVABLE
D-WATTLE	D2.08.02	2BED	LIVABLE
Grand total: 12			



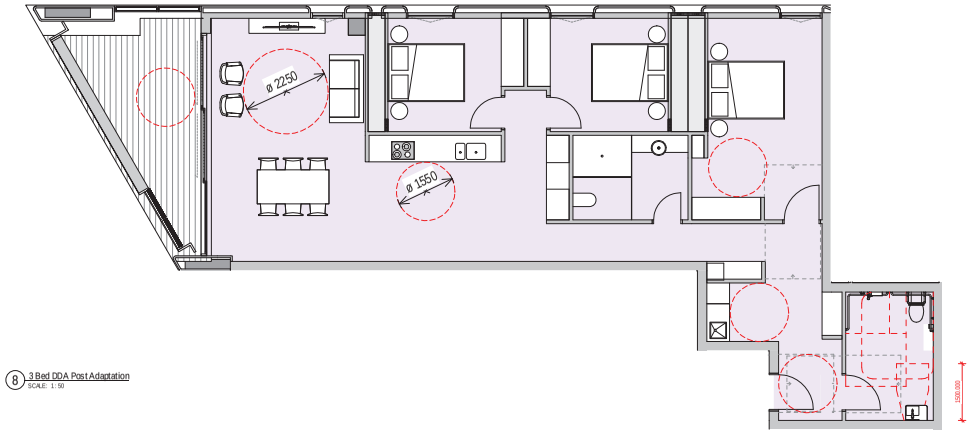
1 2 Bed DDA Pre Adaptation
SCALE: 1 : 50



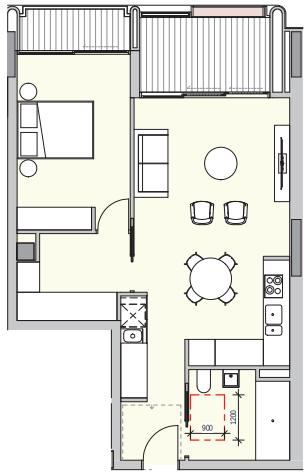
2 2 Bed DDA Post Adaptation
SCALE: 1 : 50



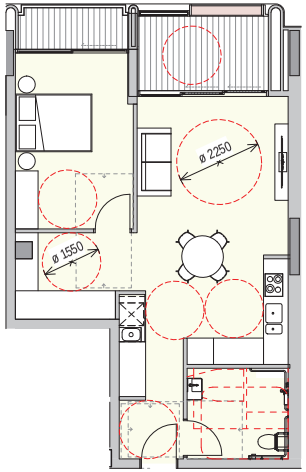
9 3 Bed DDA Pre Adaptation
SCALE: 1 : 50



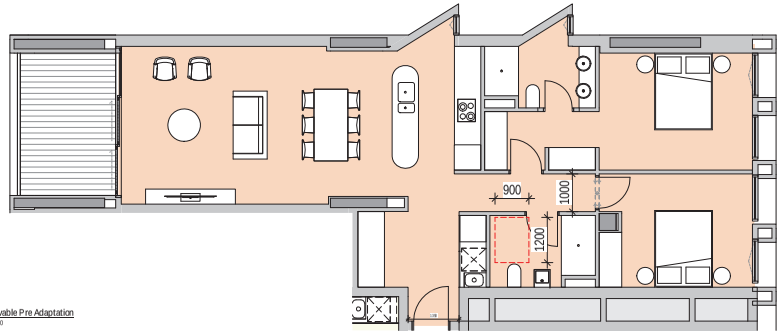
8 3 Bed DDA Post Adaptation
SCALE: 1 : 50



3 1 Bed DDA Pre Adaptation
SCALE: 1 : 50



4 1 Bed DDA Post Adaptation
SCALE: 1 : 50



7 2 Bed Livable Pre Adaptation
SCALE: 1 : 50

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BVN

ARCHITECTS REGISTRATION BODY AND NOMINATED ARCHITECTS

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CLIVE ALAN LUNTER
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(7,000,000) LEANNE
(5127) KYLIE KELLY
(5000) ERIN O'BRIEN

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ISSUE	DATE	FOR	CHKD
01	2.03.2021	STAGE 2 DA DRAFT 01	
02	3.03.2021	FOR INFORMATION	
03	6.03.2021	STAGE 2 DA SUBMISSION	

LEGEND

SITE BOUNDARY
TOTAL AREA: 12,125M²

DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL LAND (256 M²). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 12,381 M²)

KEY PLAN

PLANNER
GYDE CONSULTING
(02) 9068 7500
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LANDSCAPE
OCULUS
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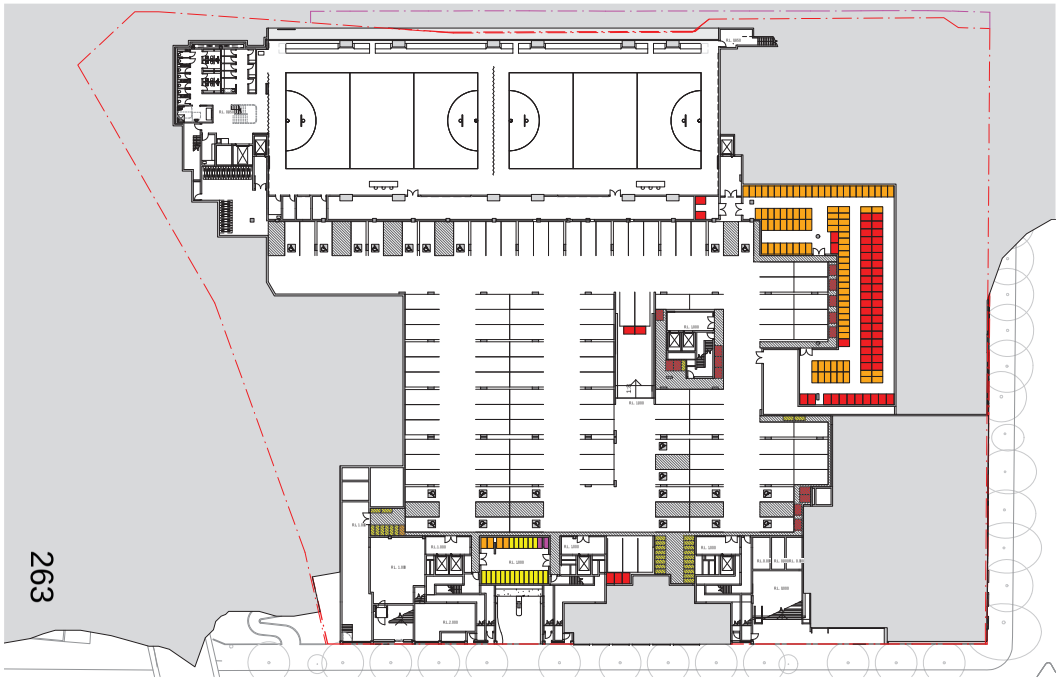
CLIENT
LANDREAM
CLIENT NUMBER
PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0977

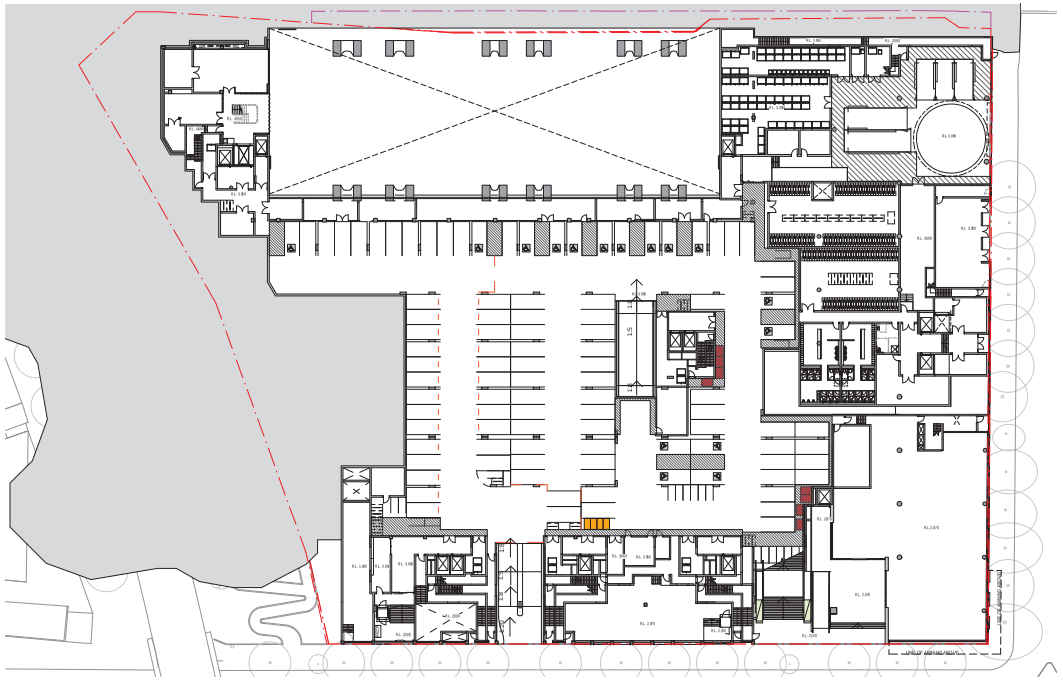
PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
21.09.023

TRUE NORTH
PROJECT NORTH
GRAPHIC SCALE
0 4000 10000
SCALE
1 : 50 @ A0 DO NOT SCALE
STATUS

DRAWING
COMPLIANCE - DDA AND LIVABLE UNITS
DRAWING NUMBER
AR-DA-A 19T-XX-30
ISSUE
03



1 LINKED_GA 1_200_LVL 00 - STORAGE



2 LINKED_GA 1_200_LVL 01 - STORAGE

R-04-BASEMENT STORAGE_DA		
TYPE	LEVEL	COUNT
Basement Storage_1 BED	LVL 00 PODIUM	50
50		
Basement Storage_2 BED	LVL 00 PODIUM	97
Basement Storage_2 BED	LVL 01 PODIUM	4
101		
Basement Storage_3 BED	LVL 00 PODIUM	76
Basement Storage_3 BED	LVL 01 PODIUM	8
84		
Basement Storage_STUDIO	LVL 00 PODIUM	2
2		
Grand total: 237		

BVN

ARCHITECTS REGISTRATION BD 4HD I NOMINATED ARCHITECTS

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TOM KELLAWAY 7714
TILL ALVIN 10497251
ZEKI NA TEH EIR 8149
ANDREW MCNAMARA 10639
YASH PETER TYRA 10
LINCY XIEI ZHI EN 9000
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DIANA SHEN 10639

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ISSUE	DATE	FOR	CHKD
01	03.10.23	STAGE 2 DA AMENDED SUBMISSION	

SITE BOUNDARY
TOTAL AREA: 32,325M2

DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL LAND (0.8 M2). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 1,116 M2

STUDIO
1 BED
2 BED
3 BED

KEY PLAN

PLANNER
GYDE CONSULTING
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OCULUS
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CLIENT
LANDREAM
CLIENT NUMBER
PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0877

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
21.09.023

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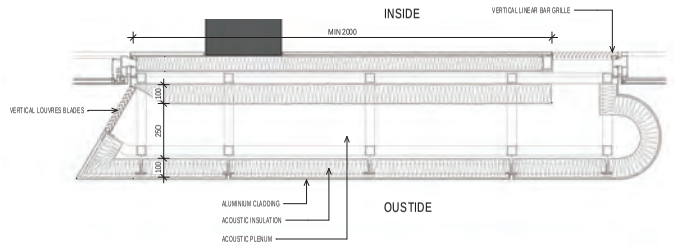
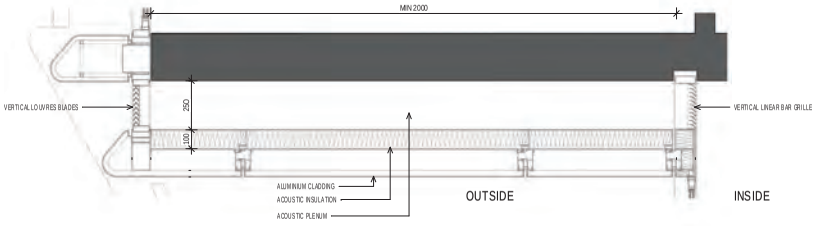
TRUE NORTH
PROJECT NORTH
GRAPHIC SCALE
0 2500 5000
SCALE
1 : 80@A0
DO NOT SCALE
STATUS

DRAWING
COMPLIANCE - STORAGE BASEMENT
DRAWING NUMBER
AR-DA-A 19T-XX-40
ISSUE
01



1 PLENUM TYPE 1
SCALE: 1 : 10



2 PLENUM TYPE 2
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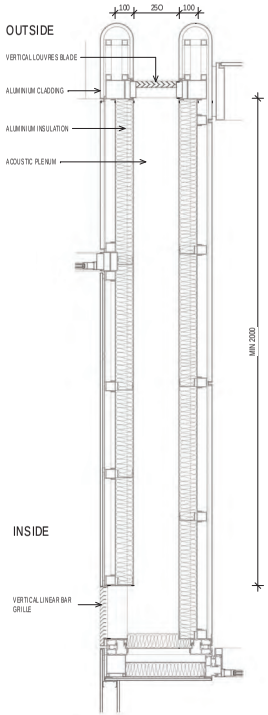

3 PLENUM TYPE 3
SCALE: 1 : 10

KEY PLAN - PLENUM TYPE LOCATIONS



BVN
ARCHITECTS REGISTRATION BO ARD I
NOMINATED ARCHITECTS
NSW
KIRA NINOTSKAYA 7704 (DIRECTOR)
ELIZABETH CLOSE
FELIX LAM 10497(DIRECTOR)
ZEKI BAYRAM 8149(DIRECTOR)
PETER FINLAY 7106
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ISSUE	DATE	FOR	CHKD
01	03.10.23	STAGE 2 DA AMENDED SUBMISSION	

SITE BOUNDARY
TOTAL AREA: 1.2,215 M 2

DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL LAND (0.8 M2). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 1.2,215 M 2

KEY PLAN

PLANNER
GYDE CONSULTING
(02) 9068 7500
STRUCTURE
EI AUSTRALIA
(02) 9516 0722
SERVICES
IGS ENGINEERING
(02) 8488 4600
LANDSCAPE
OCULUS
(02) 9557 5533

CLIENT
LANDREAM
CLIENT NUMBER
PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0877

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
21.09.023

TRUE NORTH
PROJECT NORTH
GRAPHIC SCALE
0 25.00 50.00
SCALE
As indicated @ A1
DO NOT SCALE
STATUS

DRAWING
COMPLIANCE - PLENUM DETAILS
DRAWING NUMBER
AR-DA-A 19T-XX-50
ISSUE
01

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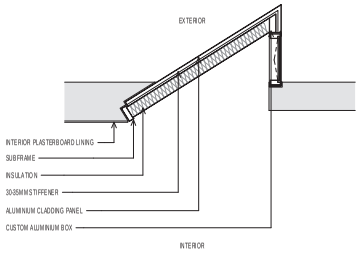
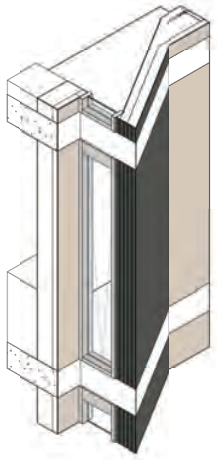


2 PRIVACY DETAIL A - PLAN
SCALE: 1 : 20



3 PRIVACY DETAIL A - 3D AXONOMETRIC
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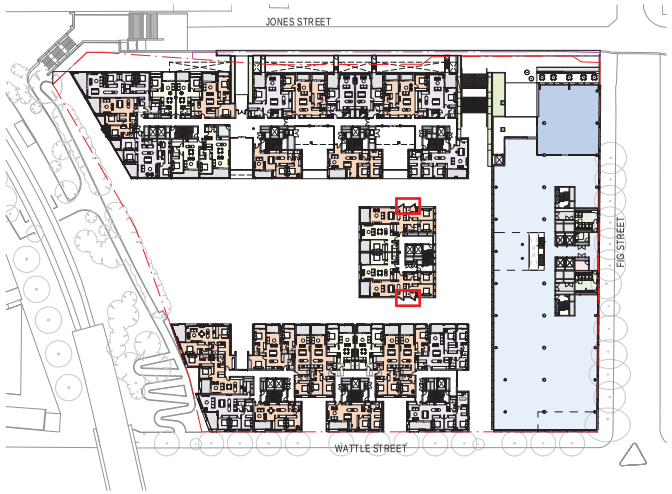
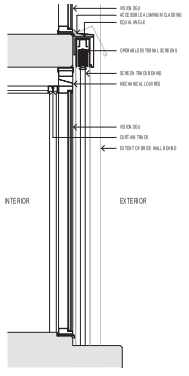
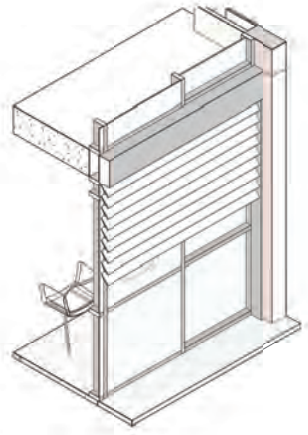


1 PRIVACY DETAIL A - LOCATION PLAN
SCALE: 1 : 500

PRIVACY DETAIL A: COURTYARD BUILDING



5 PRIVACY DETAIL B - SECTION
SCALE: 1 : 20



6 PRIVACY DETAIL B - 3D AXONOMETRIC
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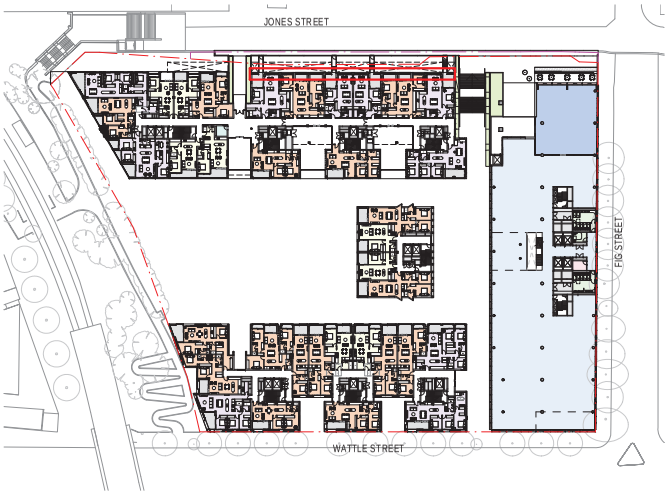

4 PRIVACY DETAIL B - LOCATION PLAN
SCALE: 1 : 500

PRIVACY DETAIL B: JONES BUILDING (SCN - 107)

BVN

ARCHITECTS REGISTRATION BO ARD I NOMINATED ARCHITECTS

NSW
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ANNE) (7106)
TILL A LAN (10972)
I SSA PAYEA (8 LAN
PAUL MITCHELL (7108)
PETER TYRE (8)
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Telephone +61 2 8307 7200
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ISSUE	DATE	FOR	CHKD
01	03.10.23	STAGE 2 DA AMENDED SUBMISSION	

SITE BOUNDARY
TOTAL AREA: 1 2,2 15 M 2

DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL L AND (0.8 M2). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 1 2,0 6 1 M 2

KEY PLAN

PLANNER
GYDE CONSULTING
(02) 9068 7500
STRUCTURE
EI AUSTRALIA
(02) 9516 0722
SERVICES
IGS ENGINEERING
(02) 8488 4600
LANDSCAPE
OCULUS
(02) 9557 9533

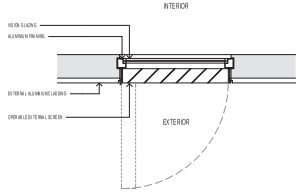
CLIENT
LANDREAM
CLIENT NUMBER
PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0877

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
21 09 023

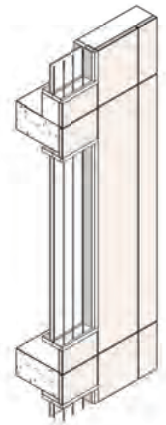
C:\Users\mariia.ANDVITT_LOCAL\0\BIM\AR_21 09 023_WSU_SHEETS_Ciaran.Mallon.rvt 2023-10-03 2:41:03 PM

TRUE NORTH
PROJECT NORTH
GRAPHIC SCALE
0 25 00 50 00
SCALE
As in dicated @ A1
DO NOT SCALE
STATUS

DRAWING
COMPLIANCE - SCREEN DETAILS - SHEET 01
DRAWING NUMBER
AR-DA-A 19T-XX-55
ISSUE
01



8 PRIVACY DETAIL C - PLAN
SCALE: 1 : 20

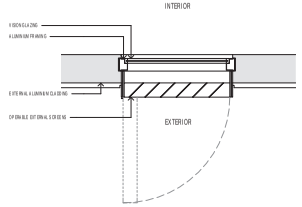


9 PRIVACY DETAIL C - 3D AXONOMETRIC
SCALE:

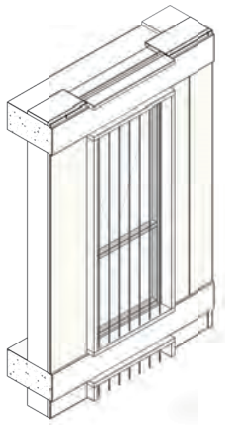


7 PRIVACY DETAIL C - LOCATION PLAN
SCALE: 1 : 500

PRIVACY DETAIL C: JONES BUILDING (SCN - 106)



11 PRIVACY DETAIL D - PLAN
SCALE: 1 : 20



12 PRIVACY DETAIL D - 3D AXONOMETRIC
SCALE:



10 PRIVACY DETAIL D - LOCATION PLAN
SCALE: 1 : 500

PRIVACY DETAIL D: JONES AND WATTLE BUILDING
(SCN - 101)
(SCN - 303)

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JILL ALLAN JOHNSTON 7304
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ANDREW JAMES MACKENZIE 7306
PETER TYRE GIL 8417
QLD
SCOTT ELLEN 4N
ANDREW JAMES MANN 1200648
GEORGINA ELEANOR 15232
ANNA KATE KELLY 15566
VICTORIA EMMA STANTON
ACT
ELLEN GILLIAN 6
ANDREW JAMES MANN
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ISSUE	DATE	FOR	CHKD
01	03.10.23	STAGE 2 DA AMENDED SUBMISSION	

SITE BOUNDARY
TOTAL AREA: 1 2,2 15 M 2

DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL L AND (0.8 M 2). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 1 2,0 6 5 M 2

KEY PLAN

PLANNER
GYDE CONSULTING
(02) 9356 2500
STRUCTURAL
EI AUSTRALIA
(02) 9516 0722
SERVICES
IGS ENGINEERING
(02) 8488 4600
LANDSCAPE
OCULUS
(02) 9557 5533

CLIENT
LANDREAM
CLIENT NUMBER
PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0877

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
21.09.023

TRUE NORTH
PROJECT NORTH
GRAPHIC SCALE
0 25 50
SCALE
As indicated @ A1 DO NOT SCALE
STATUS

DRAWING
COMPLIANCE - SCREEN DETAILS - SHEET 02
DRAWING NUMBER
AR-DA-A 19T-XX-56
ISSUE
01

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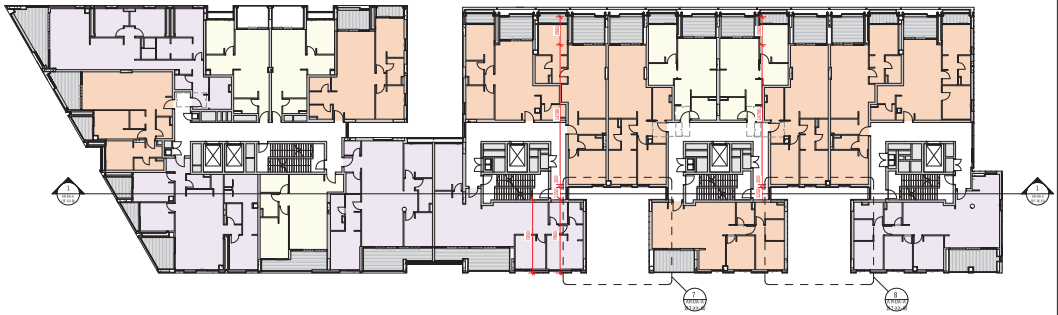
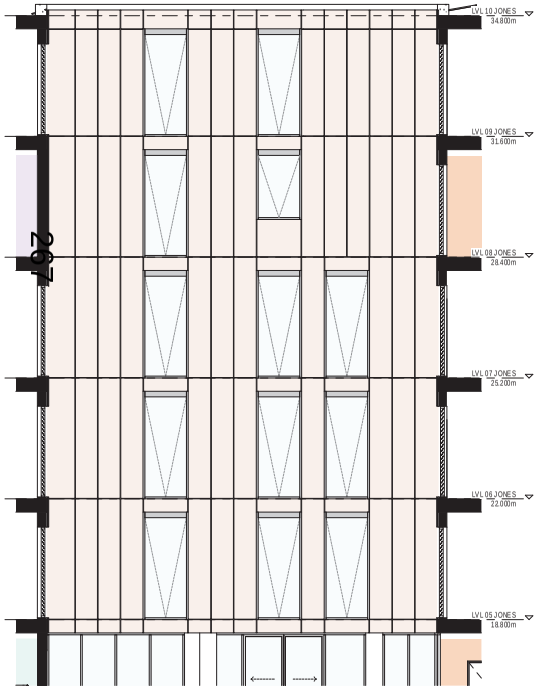
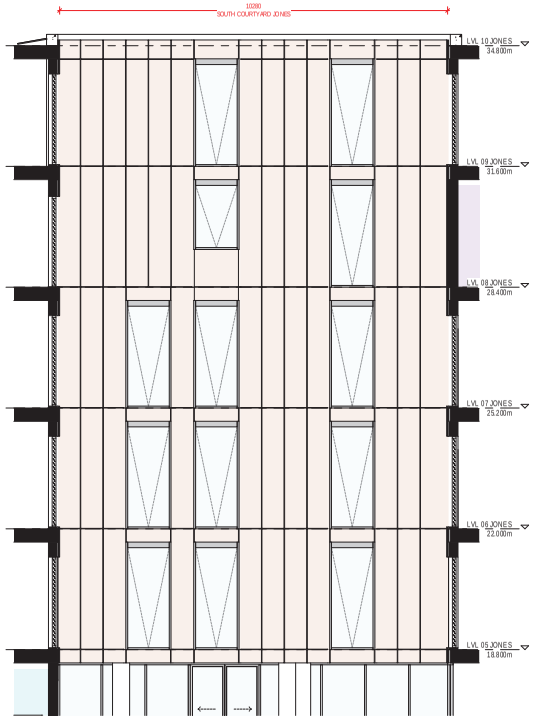
1 JONES - RECESSED COURTYARDS
SCALE: 1 : 200



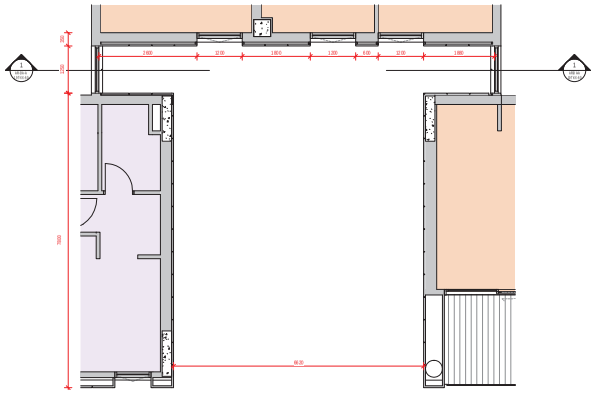
3 JONES - LVL 07 22.650
SCALE: 1 : 200



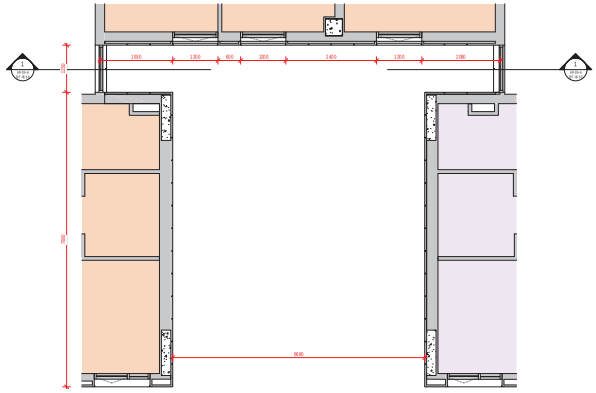
5 CALLOUT - NORTH COURTYARD JONES
SCALE: 1 : 50



6 CALLOUT - SOUTH COURTYARD JONES
SCALE: 1 : 50



7 CALLOUT - NORTH COURTYARD JONES
SCALE: 1 : 50



8 CALLOUT - SOUTH COURTYARD JONES
SCALE: 1 : 50

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ISSUE	DATE	FOR	CHKD
01	03.10.23	STAGE 2 DA AMENDED SUBMISSION	

SITE BOUNDARY
TOTAL AREA: 1,2,215 M 2

DENOTES BOUNDARY OF THE FUTURE ACQUISITION IN FROM COUNCIL LAND (2.5 M 2). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 1,2,18 M 2

KEY PLAN

PLANNER
GYDE CONSULTING
(02) 9356 2500
STRUCTURAL
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OCULUS
(02) 9557 5533

CLIENT
LANDREAM
CLIENT NUMBER
PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0877

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
21.09.023

TRUE NORTH
PROJECT NORTH
GRAPHIC SCALE
0 2000 5000
SCALE
As indicated @ A1 DO NOT SCALE
STATUS

DRAWING
COMPLIANCE - BUILDING INDENT JONES
DRAWING NUMBER
AR-DA-A 19T-XX-60
ISSUE
01

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Fax +61 2 9930 9931
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Melbourne VIC 3000 Australia
Tel +61 3 8620 6000
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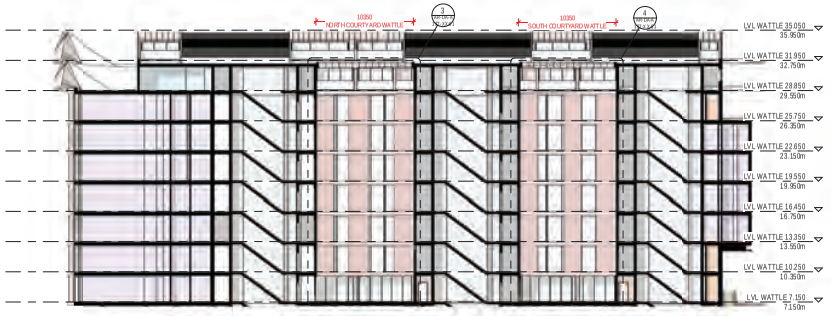
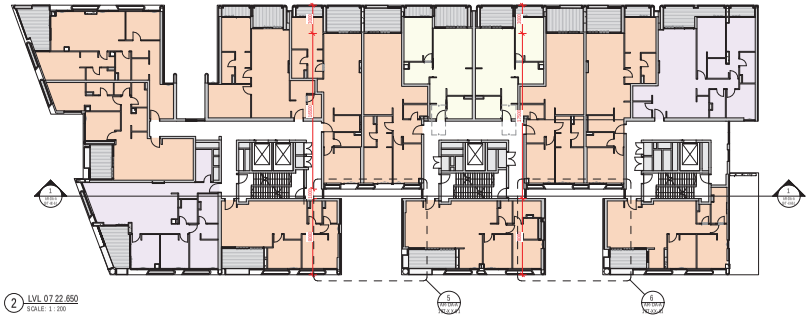


1 WATTLE - RECESSED COURTYARDS
SCALE: 1 : 200

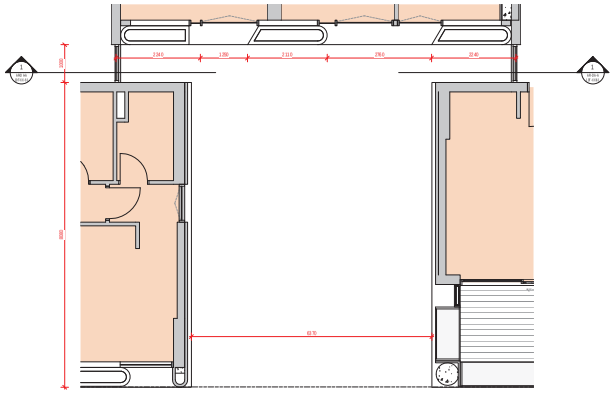


2 LVL 07 22.650
SCALE: 1 : 200

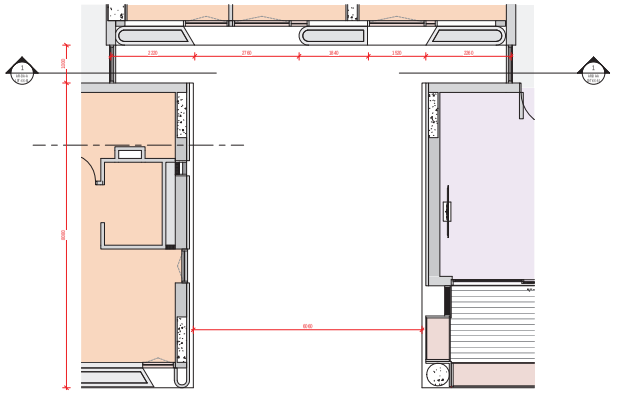


3 CALLOUT - NORTH COURTYARD WATTLE
SCALE: 1 : 50

4 CALLOUT SOUTH COURTYARD WATTLE
SCALE: 1 : 50



5 CALLOUT - NORTH COURTYARD WATTLE
SCALE: 1 : 50



6 CALLOUT - SOUTH COURTYARD WATTLE
SCALE: 1 : 50

268

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ISSUE	DATE	FOR	CHKD
G	03.10.23	STAGE 2 DA AMENDED SUBMISSION	

SITE BOUNDARY
TOTAL AREA: 1.2.215 M 2

DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL L AND (0.3 M 2). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 1.2.18 M 2

KEY PLAN

PLANNER
GYDE CONSULTING
(02) 9068 7500
STRUCTURAL
EI AUSTRALIA
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SERVICES
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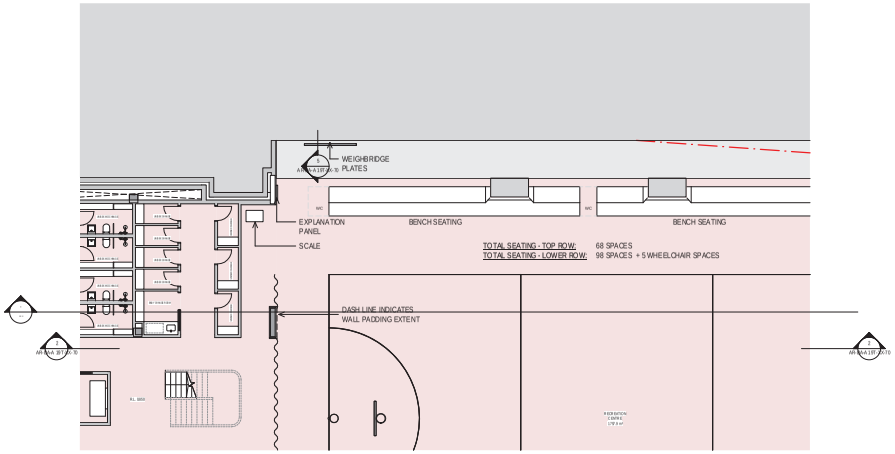
LANDSCAPE
OCULUS
(02) 9557 5533

CLIENT
LANDREAM
CLIENT NUMBER
PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0877

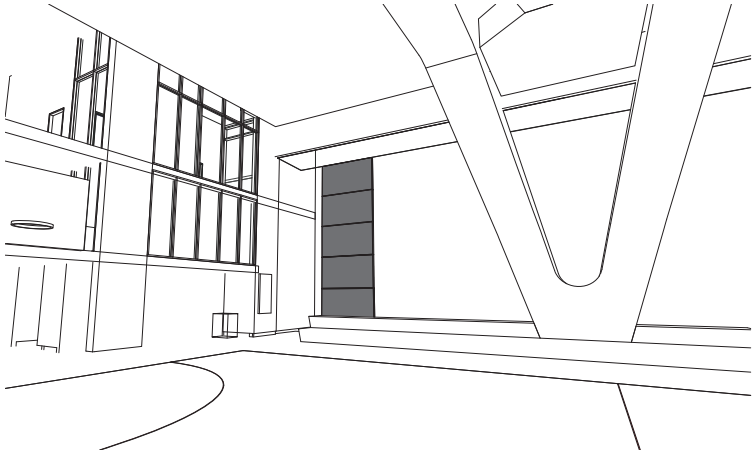
PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
21.09.023

TRUE NORTH
PROJECT NORTH
GRAPHIC SCALE
0 25.00 50.00
SCALE
As indicated @ A1
DO NOT SCALE
STATUS

DRAWING
COMPLIANCE - BUILDING INDENT WATTLE
DRAWING NUMBER
AR-DA-A 19T-XX-61
ISSUE
01



1 WEIGHBRIDGE AND SCALE PLAN

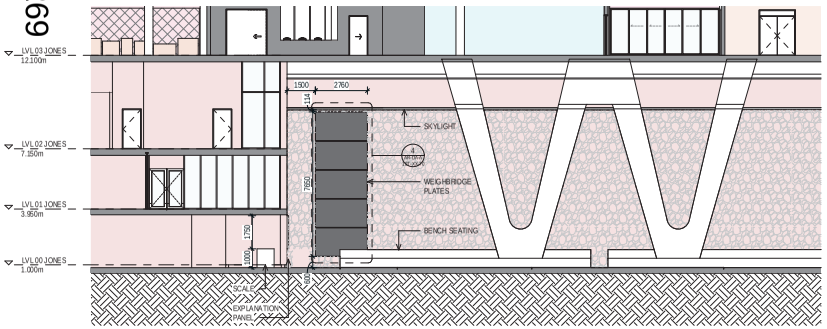


3 WEIGHBRIDGE AND SCALE - 3D

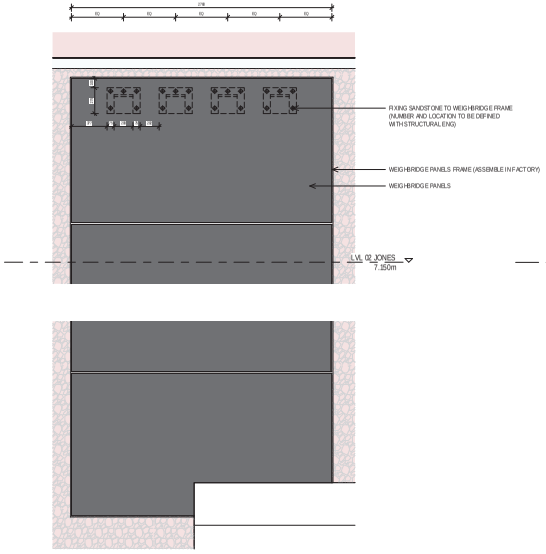


6 WEIGHBRIDGE PHOTO

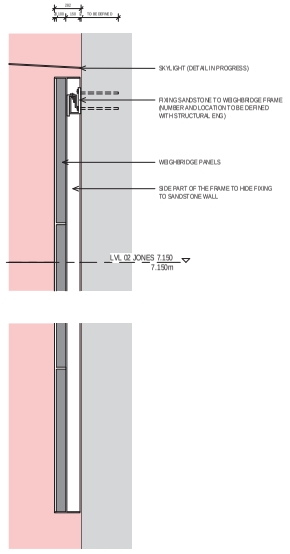
269



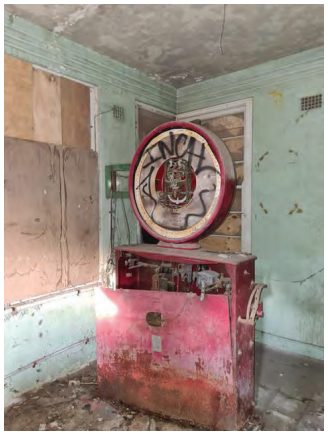
2 WEIGHBRIDGE AND SCALE ELEVATION



4 WEIGHBRIDGE AND SCALE ELEVATION - CALLOUT
SCALE: 1 : 20



5 WEIGHBRIDGE SECTION - CALLOUT
SCALE: 1 : 20



7 SCALE PHOTO

NOTE: Details and fixings will be further investigate in later stage when more information (weight, conditions, etc.) about the Weighbridge are going to be available.

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REG NO 7101
FILE & JOHN GARTEN
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REG NO 7101 PETER TYRE ES
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ISSUE	DATE	FOR	CHKD
01	03.10.23	STAGE 2 DA AMENDED SUBMISSION	

SITE BOUNDARY
TOTAL AREA: 12,315M2

DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL AND (DEEMED, FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 1,116 M2

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KEY PLAN

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GYDE CONSULTING
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STRUCTURE
EI AUSTRALIA
(02) 9516 0722
SERVICES
IGS ENGINEERING
(02) 8488 4600
LANDSCAPE
OCULUS
(02) 9957 5533

CLIENT
LANDREAM
CLIENT NUMBER
PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0877

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
210923

TRUE NORTH
PROJECT NORTH
GRAPHIC SCALE
0 2000 5000
SCALE
As indicated @ A1 DO NOT SCALE
STATUS
SKETCH

DRAWING
COMPLIANCE - WEIGHBRIDGE AND SCALE
DRAWING NUMBER
AR-DA-A 19T-XX-70
ISSUE
01

WATTLE STREET PROJECT INFO: 14-26 WATTLE STREET, PYRMONT NSW 2009
DA No. D/2023/97, Friday 03. November. 2023
SHEET 01

NOTE: MATERIAL SCHEDULE FOR COLOURS REFERENCE ONLY. MATERIAL SPECIFIFCATION CAN BE EQUIVALENT OR SIMILAR.

	DESCRIPTION	LOCATION	MATERIAL	FINISH	COLOUR	SAMPLE	SUPPLIER	SPECIFICATION	LINK	COMMENTS
CONCRETE										
• CON-001	Off form concrete	All buildings	Concrete	Off form Polish	Natural		Concrete: to be defined with conctractor			See material boards
• CON-101	Off form concrete- Coloured sealer (Sand)	B- Jones Street building	Concrete	Off form Polish - Sealer	Sand		Concrete: to be defined with conctractor Sealer: Dulux	S15B2 Candle Bark	https://www.dulux.com.au/specifier/colour/s15/candle-bark/	See material boards
• CON-301	Off form concrete- Coloured sealer (Pink)	D- Wattle Street building	Concrete	Off form Polish - Sealer	Pink		Concrete: to be defined with conctractor Sealer: Dulux	To match: Pink Sand Matt 2724410M DLX0623 DALLOY 101	https://duluxpowders.com.au/product/duralloy-pink-sand-matt/	See material boards
BALUSTRADES										
• BAL-001	Steel palisade balustrade (Charcoal)	Jones Street fence and Landscape Courtyard fence	Steel	Metallic, Ferreko	Charcoal		Dulux	To match: Charcoal Matt 2729229M DLX0523 DALLOY 97	https://duluxpowders.com.au/product/duralloycharcoalmatt/	See material boards
• BAL-002	Frameless glass balustrade	All buildings	Glass	_	Clear		SG China Southern Glass Holding	Clear Glass	http://www.csgglass.com/eng/product/index.asp	Sample in transit
• BAL-101	Steel palisade balustrade (Dark Sand)	B- Jones Street building (Residential North Side)	Steel	Powdercoat, Matt	Dark Sand		Dulux	To match: 2723193M Riversand	https://duluxpowders.com.au/product/riversand/	See material boards
• BAL-102	Steel palisade balustrade (Bronze)	B- Jones Street building (Residential South Side)	Steel	Powdercoat, Metallic	Bronze		Dulux	To match: Medium Bronze Kinetic 9068183F ELECTR 16	https://duluxpowders.com.au/product/medium-bronze/	See material boards
• BAL-201	Steel palisade balustrade (Basalt)	C- Courtyard building	Steel	Powdercoat, Matt	Basalt		Dulux	Basalt Matt 90Z7865M DLX0523 DTECZE 18	https://duluxpowders.com.au/product/duratec-zeus-basalt-matt/	See material boards
• BAL-301	Steel palisade balustrade (Pink)	D- Wattle Street building	Steel	Powdercoat, Matt	Pink		Dulux	Pink Sand Matt 2724410M DLX0623	https://duluxpowders.com.au/product/duralloy-pink-sand-matt/	See material boards
• BAL-401	Steel palisade balustrade (Red)	E - Fig Street Building	Steel	Powdercoat, Metallic	Red		Dulux	S06F9 Carmen Miranda	https://www.dulux.com.au/colour/reds/carmen-miranda/	See material boards
MASONRY										
• BRK-101	Brickwork	B- Jones Street building	Brick	-	Embassy Red		BowralBricks	Bowral 76 Embassy Red SKU 28008001109000136150		See material boards, NOTE: Material selected to match existing Jones St Townhouses facing Jones St building (Proposed brick is made in AUS)
• BRK-201	Brickwork	C- Courtyard building	Brick	-	San Selmo Smoked Opaque Slate		AustalBricks	San Selmo Smoked Opaque Slate SKU 9B060001204000240610O	https://www.australbricks.com.au/nsw/9b060001204000240610O	See material boards
CLADDING										
• CLD-101	Powdercoated aluminium cladding (Custom Matt - Sand)	B- Jones Street building (Residential North Side)	Aluminium	Powdercoat, Matt	Sand		Dulux	S15B2 Candle Bark	https://www.dulux.com.au/specifier/colour/s15/candle-bark/	See material boards
• CLD-102	Powdercoated aluminium cladding (Custom Metallic Orange)	B- Jones Street building (Residential South Side)	Aluminium	Powdercoat, Metallic	Orange		Dulux	To match S08E8 Very Terracotta	https://www.dulux.com.au/specifier/colour/s08/very-terracotta/	See material boards
• CLD-103	Powdercoated aluminium cladding (Monument)	B- Jones Street building (Plenum)	Aluminium	Powdercoat, Matt	Monument		Dulux	Monument Matt 90Z8189M DLX0723 DTECZE 11	https://duluxpowders.com.au/product/monument-5/	See material boards
• CLD-201	Standing seam metal cladding (Basalt)	C- Courtyard building (Side window extrusion)	Aluminium	Powdercoat, Matt	Basalt		Dulux	Basalt Matt 90Z7865M DLX0523 DTECZE 18	https://duluxpowders.com.au/product/duratec-zeus-basalt-matt/	See material boards
• CLD-301	Powdercoated aluminium cladding (Custom Matt - Pink)	D- Wattle Street building	Aluminium	Powdercoat, Matt	Pink		Dulux	Pink Sand - Matt 2724410M	https://duluxpowders.com.au/product/duralloy-pink-sand-matt/	See material boards
• CLD-302	Powdercoated aluminium cladding (Custom Metallic - Pink)	D- Wattle Street building (Top 2 levels)	Aluminium	Powdercoat, Metallic	Pink		Dulux	to Match: Pink Sand - Matt 2724410M	https://duluxpowders.com.au/product/duralloy-pink-sand-matt/	See material boards
• CLD-401	Powdercoated aluminium cladding (Custom Metallic - Red)	E - Fig Street Building (Awning)	Aluminium	Powdercoat, Metallic	Red		Dulux	S06F9 Carmen Miranda	https://www.dulux.com.au/colour/reds/carmen-miranda/	See material boards

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ISSUE	DATE	FOR	CHKD
01	03.10.23	STAGE 2 DA AMENDED SUBMISSION	

SITE BOUNDARY
TOTAL AREA: 1,2,215 M 2

DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL L AND (0.0 M 2). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 1,2,0 M 2

KEY PLAN

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CLIENT NUMBER
PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0877

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
21.09.023

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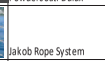
TRUE NORTH
PROJECT NORTH
GRAPHIC SCALE
0 20.00 50.00
SCALE
@A3 DO NOT SCALE
STATUS

DRAWING
COMPLIANCE - MATERIAL BOARD - SHEET 01
DRAWING NUMBER
AR-DA-A 19T-XX-80
ISSUE
01

WATTLE STREET PROJECT INFO: 14-26 WATTLE STREET, PYRMONT NSW 2009
DA No. D/2023/97, Friday 03.November.2023
SHEET 02

NOTE: MATERIAL SCHEDULE FOR COLOURS REFERENCE ONLY. MATERIAL SPECIFIFCATION CAN BE EQUIVALENT OR SIMILAR.

	DESCRIPTION	LOCATION	MATERIAL	FINISH	COLOUR	SAMPLE	SUPPLIER	SPECIFICATION	LINK	COMMENTS
WALL SYSTEMS										
• EWS-001	**Shopfront glazing**	**A- Retail Pavilion + Pods**								
AMW-020	Frame: Steel plate surround to retail glazing		Steel	Powdercoat, Matt	Monument		Frame: to be defined with contractor Powdercoat: Dulux	Monument Matt 9028189M DLX0723 DTECZE 11	https://duluxpowders.com.au/product/monument-5/	See material boards
GLS-001	Glazing: Clear vision		Glass	-	Clear		SG China Southern Glass Holding	Clear Glass	http://www.csgglass.com/eng/product/index.asp	Sample in transit
-	Type: Fix, Glass louvres and frameless sliding doors		-	-	-	-	-	-	-	
CON-001	Off form concrete plinth (CON-001)		Concrete	Off form Polish	Natural		Concrete: to be defined with conctractor	-	-	See material boards
• EWS-101	**Front Glazed DGU**	**B- Jones Street building Recreation Centre**								
AMW-101	Frame: Aluminium		Aluminium	Powdercoat, Matt	Monument		Frame: to be defined with contractor Powdercoat: Dulux	Monument Matt 9028189M DLX0723 DTECZE 11	https://duluxpowders.com.au/product/monument-5/	See material boards
GLS-002	Glazing: Clear vision DGU		Glass	-	Clear		SG China Southern Glass Holding	Clear Glass	http://www.csgglass.com/eng/product/index.asp	Sample in transit
-	Type: Fix, Frameless Sliding doors		-	-	-	-	-	-	-	-
AMW-110	Shadowbox Cladding		Aluminium	Powdercoat, Matt	Monument		Shadowbox Cladding: to be defined with contractor Powdercoat: Dulux	Monument Matt 9028189M DLX0723 DTECZE 11	https://duluxpowders.com.au/product/monument-5/	See material boards
LVR-101	Louvres: Powdercoated aluminium		Aluminium	Powdercoat, Matt	Monument		Louvres: to be defined with contractor Powdercoat: Dulux	Monument Matt 9028189M DLX0723 DTECZE 11	https://duluxpowders.com.au/product/monument-5/	See material boards
• EWS-102	**Shopfront glazing**	**B- Jones Street building Childcare Facility (Facing Courtyard)**								
AMW-101	Frame: Aluminium		Aluminium	Powdercoat, Matt	Monument		Frame: to be defined with contractor Powdercoat: Dulux	Monument Matt 9028189M DLX0723 DTECZE 11	https://duluxpowders.com.au/product/monument-5/	See material boards
GLS-001	Glazing: Clear Vision		Glass	-	Clear		SG China Southern Glass Holding	Clear Glass	http://www.csgglass.com/eng/product/index.asp	Sample in transit
-	Type: Sliding glass door		-	-	-	-	-	-	-	-
W-110	Shadowbox Cladding		Aluminium	Powdercoat, Matt	Monument		Shadowbox Cladding: to be defined with contractor Powdercoat: Dulux	Monument Matt 9028189M DLX0723 DTECZE 11	https://duluxpowders.com.au/product/monument-5/	See material boards
SCN-102	Stainless steel non-dimbable mesh		Stainless Steel	Natural	Natural		Jakob Rope System	Art. Nr. 21261-0150-060 60mm - 1.5mm	https://jakob-usa.com/cat/productos%20pfd-7/stainless-steel-net-webnet-micro-with-clamp.pdf	Sample at BVN office
• EWS-103	**Shopfront glazing**	**B- Jones Street Building Childcare Facility (Facing East)**								
AMW-101	Frame: Aluminium		Aluminium	Powdercoat, Matt	Monument		Louvres: to be defined with contractor Powdercoat: Dulux	Monument Matt 9028189M DLX0723 DTECZE 11	https://duluxpowders.com.au/product/monument-5/	See material boards
GLS-002	Glazing: Clear vision DGU		Glass	-	Clear		SG China Southern Glass Holding	Clear Glass	http://www.csgglass.com/eng/product/index.asp	Sample in transit
-	Type: Fix and Awning		-	-	-	-	-	-	-	-
AMW-110	Spandrel: Aluminium		Aluminium	Powdercoat, Matt	Monument		Spandrel: to be defined with contractor Powdercoat: Dulux	Monument Matt 9028189M DLX0723 DTECZE 11	https://duluxpowders.com.au/product/monument-5/	See material boards
• EWS-104	**Apartment / Wintergarden external façade**	**B- Jones Street building (Residential North)**								
AMW-102	Frame: Aluminium		Aluminium	Powdercoat, Matt	Dark Sand		Dulux	To match: 2723193M Riversand	https://duluxpowders.com.au/product/riversand/	See material boards
GLS-001	Glazing: Clear vision		Glass	-	Clear		SG China Southern Glass Holding	Clear Glass	http://www.csgglass.com/eng/product/index.asp	Sample in transit
-	Type: Fix, Slider, Awning, Louvres		-	-	-	-	-	-	-	-
• EWS-105	**Apartment / Wintergarden external façade**	**B- Jones Street building (Residential South)**								
AMW-103	Frame: Aluminium		Aluminium	Powdercoat, Metallic	Bronze		Dulux	To match: Medium Bronze Kinetic 9068183F ELECTR 16	https://duluxpowders.com.au/product/medium-bronze/	See material boards
GLS-001	Glazing: Clear vision		Glass	-	Clear		SG China Southern Glass Holding	Clear Glass	http://www.csgglass.com/eng/product/index.asp	Sample in transit
-	Type: Fix, Slider, Awning, Louvres		-	-	-	-	-	-	-	-

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ISSUE	DATE	FOR	CHKD
01	03.10.23	STAGE 2 DA AMENDED SUBMISSION	

SITE BOUNDARY
TOTAL AREA: 1,2,215 M 2

DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL L AND (0.0 M 2). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 1,2,0 M 2

KEY PLAN

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OCULUS
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CLIENT
LANDREAM
CLIENT NUMBER
PROJECT MANAGER
ARGENTUM GROUP
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PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
21.09.023

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TRUE NORTH
PROJECT NORTH
GRAPHIC SCALE
0 25 50
SCALE
@A3 DO NOT SCALE
STATUS

DRAWING
COMPLIANCE - MATERIAL BOARD - SHEET 02
DRAWING NUMBER
AR-DA-A 19T-XX-81
ISSUE
01

WATTLE STREET PROJECT INFO: 14-26 WATTLE STREET, PYRMONT NSW 2009
DA No. D/2023/97, Friday 03. November. 2023
SHEET 03

NOTE: MATERIAL SCHEDULE FOR COLOURS REFERENCE ONLY. MATERIAL SPECIFICATION CAN BE EQUIVALENT OR SIMILAR.

	DESCRIPTION	LOCATION	MATERIAL	FINISH	COLOUR	SAMPLE	SUPPLIER	SPECIFICATION	LINK	COMMENTS
• EWS-202	**Apartment external façade**	**C- Courtyard building (Residential)**								
AMW-201	Frame: Aluminium		Aluminium	Powdercoat, Matt	Basalt		Dulux	Basalt Matt 90Z7865M DLX0523 DTECZE 18	https://duluxpowders.com.au/product/duratec-zeus-basalt-matt/	See material boards
GLS-001	Glazing: Clear vision		Glass	-	Clear		SG China Southern Glass Holding	Clear Glass	http://www.csgglass.com/eng/product/index.asp	Sample in transit
-	Type: Fix, Slider, Awning		-	-	-	-	-	-	-	-
• EWS-301	**Full height shopfront glazing**	**D - Wattle Street building Retail frontage**								
AMW-301	Frame: Aluminium plate surround to retail glazing window		Aluminium	Anodised	Natural		Frame: to be defined with contractor	Ref Finish: Platinum E87Cm (Matt)	https://aafonline.com.au/find-a-finish-results/platinum-e87cm/	See material boards
GLS-001	Glazing: Clear vision		Glass	-	Clear		SG China Southern Glass Holding	Clear Glass	http://www.csgglass.com/eng/product/index.asp	Sample in transit
-	Type: Fix. Slider		-	-	-	-	-	-	-	-
LVR-301	Louvres: Recessed		Aluminium	Anodised	Natural		Louvres: to be defined with contractor	Ref Finish: Platinum E87Cm (Matt)	https://aafonline.com.au/find-a-finish-results/platinum-e87cm/	See material boards
• EWS-302	**Apartment / Wintergarden external façade**	**D - Wattle Street building (Residential levels below 8)**								
AMW-302	Frame: Aluminium		Aluminium	Powdercoat, Matt	Pink		Dulux	to Match: Pink Sand - Matt 2724410M	https://duluxpowders.com.au/product/duralloy-pink-sand-matt/	See material boards
GLS-001	Glazing: Clear vision		Glass	-	Clear		SG China Southern Glass Holding	Clear Glass	http://www.csgglass.com/eng/product/index.asp	Sample in transit
-	Type: Fix, Slider, Awning, Louvres		-	-	-	-	-	-	-	-
• EWS-303	**Apartment / Wintergarden external façade**	**D - Wattle Street building (Residential levels 8 and 9)**								
AMW-303	Frame: Aluminium		Aluminium	Powdercoat, Metallic	Pink		Dulux	to Match: Pink Sand - Matt 2724410M	https://duluxpowders.com.au/product/duralloy-pink-sand-matt/	See material boards
GLS-001	Glazing: Clear vision		Glass	-	Clear		SG China Southern Glass Holding	Clear Glass	http://www.csgglass.com/eng/product/index.asp	Sample in transit
-	Type: Fix, Slider, Awning, Louvres		-	-	-	-	-	-	-	-
• EWS-401	**Unitised curtain wall system**	**E - Fig Street Building**								
AMW-401	Frame: Aluminium		Aluminium	Powdercoat, Metallic	Red		Dulux	S06F9 Carmen Miranda	https://www.dulux.com.au/colour/reds/carmen-miranda/	See material boards
GLS-002	Glazing: Clear vision DGU		Glass	-	Clear		SG China Southern Glass Holding	Clear Glass	http://www.csgglass.com/eng/product/index.asp	Sample in transit
-	Type: Fix, Slider, Awning		-	-	-	-	-	-	-	-
AMW-410	Spandrel & Cladding: Powdercoated aluminium solid		Aluminium	Powdercoat, Metallic	Red		Dulux	S06F9 Carmen Miranda	https://www.dulux.com.au/colour/reds/carmen-miranda/	See material boards
AMW-420	Sun Shading: Single extrusion aluminium horizontal and vertical		Aluminium	Powdercoat, Metallic	Red		Dulux	S06F9 Carmen Miranda	https://www.dulux.com.au/colour/reds/carmen-miranda/	See material boards
• EWS-402	**Full height shopfront glazing**	**E - Fig Street Building (Facing Jones Street)**								
AMW-401	Frame: Aluminium		Aluminium	Powdercoat, Metallic	Red		Dulux	S06F9 Carmen Miranda	https://www.dulux.com.au/colour/reds/carmen-miranda/	See material boards
GLS-001	Glazing: Clear vision, front glazed		Glass	-	Clear		SG China Southern Glass Holding	Clear Glass	http://www.csgglass.com/eng/product/index.asp	Sample in transit
-	Type: Guillotine sliding windows to retail facade		-	-	-	-	-	-	-	-
• EWS-403	**Shopfront glazing**	**E - Fig Street Building (Facing Sandstone wall)**								
AMW-401	Frame: Aluminium		Aluminium	Powdercoat, Metallic	Red		Dulux	S06F9 Carmen Miranda	https://www.dulux.com.au/colour/reds/carmen-miranda/	See material boards
GLS-001	Glazing: Clear vision		Glass	-	Clear		SG China Southern Glass Holding	Clear Glass	http://www.csgglass.com/eng/product/index.asp	Sample in transit
-	Type: Fix Glass		-	-	-	-	-	-	-	-
AMW-410	Shadowbox Cladding		Aluminium	Powdercoat, Metallic	Red		Dulux	S06F9 Carmen Miranda	https://www.dulux.com.au/colour/reds/carmen-miranda/	See material boards

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7303 (NT) PETER BLAIR
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ISSUE	DATE	FOR	CHKD
01	03.10.23	STAGE 2 DA AMENDED SUBMISSION	

SITE BOUNDARY
TOTAL AREA: 1,2,215 M 2

DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL L AND (0.8 M 2). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 1,2,0 81 M 2

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LANDREAM
CLIENT NUMBER
PROJECT MANAGER
ARGENTUM GROUP
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PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
21.09.023

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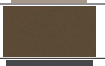
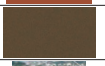
TRUE NORTH
PROJECT NORTH
GRAPHIC SCALE
0 20.00 50.00
SCALE
@A3 DO NOT SCALE
STATUS

DRAWING
COMPLIANCE - MATERIAL BOARD - SHEET 03
DRAWING NUMBER
AR-DA-A 19T-XX-82
ISSUE
01

WATTLE STREET PROJECT INFO: 14-26 WATTLE STREET, PYRMONT NSW 2009
DA No. D/2023/97, Friday 03.November.2023
SHEET 04

NOTE: MATERIAL SCHEDULE FOR COLOURS REFERENCE ONLY. MATERIAL SPECIFIFCATION CAN BE EQUIVALENT OR SIMILAR.

	DESCRIPTION	LOCATION	MATERIAL	FINISH	COLOUR	SAMPLE	SUPPLIER	SPECIFICATION	LINK	COMMENTS
SCREENING										
• SCN-101	Aluminium screening to window (Dark Sand)	B- Jones Street building (North Side)	Aluminium	Powdercoat, Matt	Dark Sand		Dulux	To match: S15B2 Candle Bark	https://www.dulux.com.au/specifier/colour/s15/candle-bark/	See material boards
• SCN-102	Mesh balustrade screening	B - Childcare Facility	Stainless Steel	Natural	Natural		Jakob Rope System	Art. Nr. 21261-0150-060 60mm - 1.5mm	https://jakob-usa.com/cat/productos%20pfd-7/stainless-steel-net-webnet-micro-with-clamp.pdf	Sample at BVN office
• SCN-103	Aluminium screening to rooftop plant (Dark Sand)	B- Jones Street building (North Side)	Aluminium	Powdercoat, Matt	Dark Sand		Dulux	To match: S15B2 Candle Bark	https://www.dulux.com.au/specifier/colour/s15/candle-bark/	See material boards
• SCN-104	Aluminium screening to rooftop plant (Bronze)	B- Jones Street building (South Side)	Aluminium	Powdercoat, Metallic	Bronze		Dulux	To match: Medium Bronze Kinetic 90681B3F ELECTR 16	https://duluxpowders.com.au/product/medium-bronze/	See material boards
• SCN-105	Horizontal Aluminium screening to window (Monument)	B- Jones Street building (North Side)	Aluminium	Powdercoat, Matt	Monument		Dulux	Monument Matt 90281B9M DLX0723 DTECZE 11	https://duluxpowders.com.au/product/monument-5/	See material boards
• SCN-106	Aluminium screening to window (Custom Metallic Orange)	B- Jones Street building (South Side)	Aluminium	Powdercoat, Metallic	Orange		Dulux	To match S08E8 Very Terracotta	https://www.dulux.com.au/specifier/colour/s08/very-terracotta/	See material boards
• SCN-107	Retractable aluminium screening to window (Bronze)	B- Jones Street building (South Side)	Aluminium	Powdercoat, Metallic	Bronze		Dulux	To match: Medium Bronze Kinetic 90681B3F ELECTR 16	https://duluxpowders.com.au/product/medium-bronze/	See material boards
• SCN-201	Mesh balustrade screening	C- Courtyard building	Stainless Steel		Natural		Jakob Rope System	Art. Nr. 21261-0150-060 60mm - 1.5mm	https://jakob-usa.com/cat/productos%20pfd-7/stainless-steel-net-webnet-micro-with-clamp.pdf	Sample at BVN office
• SCN-301	Anodised aluminium screening (Metallic Pink)	D- Wattle Street building (Sloped roofplant)	Aluminium	Anodised	Pink		Dulux	to Match: Pink Sand - Matt 2724410M	https://duluxpowders.com.au/product/duralloy-pink-sand-matt/	See material boards
• SCN-302	Vertical anodised aluminium screening	D- Wattle Street building (Ground floor plant areas)	Aluminium	Anodised	Natural		AAF Australian Aluminium Finishing	Platinum E87Cm (Matt)	https://aafonline.com.au/find-a-finish-results/platinum-e87cm/	See material boards
• SCN-303	Aluminium screening to window (Matt Pink)	D- Wattle Street building	Aluminium	Powercoat, Matt	Pink		Dulux	to Match: Pink Sand - Matt 2724410M	https://duluxpowders.com.au/product/duralloy-pink-sand-matt/	See material boards
• SCN-401	Vertical anodised aluminium screening	E- Fig Street building (Ground floor plant areas)	Aluminium	Anodised	Natural		AAF Australian Aluminium Finishing	Platinum E87Cm (Matt)	https://aafonline.com.au/find-a-finish-results/platinum-e87cm/	See material boards
• SCN-402	Roller Shutter	E- Fig Street building (Loading dock)	Aluminium	Anodised	Natural		AAF Australian Aluminium Finishing	Platinum E87Cm (Matt)	https://aafonline.com.au/find-a-finish-results/platinum-e87cm/	See material boards
• SCN-403	Aluminium screening to rooftop plant (Red)	E - Fig Street Building Awning	Aluminium	Powercoat, Metallic	Red		Dulux	S06F9 Carmen Miranda	https://www.dulux.com.au/colour/reds/carmen-miranda/	See material boards

273

BVN

ARCHITECTS REGISTRATION BOARD | NOMINATED ARCHITECTS:

NSW
KIRA NINOTCHKA TYSON 10047
PAUL ALAN BARTEL
7361
TIM PATRICK BLAIR
8023
PETER TYRE GU
10417
DAVID BENJAMIN WU
10599

ACT
GUSTIN GILLIAN
8179
LEIGH ALEXANDER
10294
ELIZABETH KELLY
10696

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NOTE
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ISSUE	DATE	FOR	CHKD
01	03.10.23	STAGE 1 DA MOD SUBMISSION	

SITE BOUNDARY
TOTAL AREA: 1,121.5 M 2

DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL L AND (19.5 M2). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 1,119.5 M 2

KEY PLAN

PLANNER
GYDE CONSULTING
(02) 9068 7500

STRUCTURAL
EI AUSTRALIA
(02) 9516 0722

SERVICES
IGS ENGINEERING
(02) 8488 4600

LANDSCAPE
OCULUS
(02) 9557 5533

CLIENT
LANDREAM

CLIENT NUMBER

PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0877

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
21.09.023

C:\Users\mariella.RIEVITT_LOCAL.010\Desktop\21.09.023_WSD_SHEETS_Claire_Mallard.rvt 3/11/2023 10:04:13 PM

TRUE NORTH | PROJECT NORTH | GRAPHIC SCALE: 0, 25.00, 50.00

SCALE
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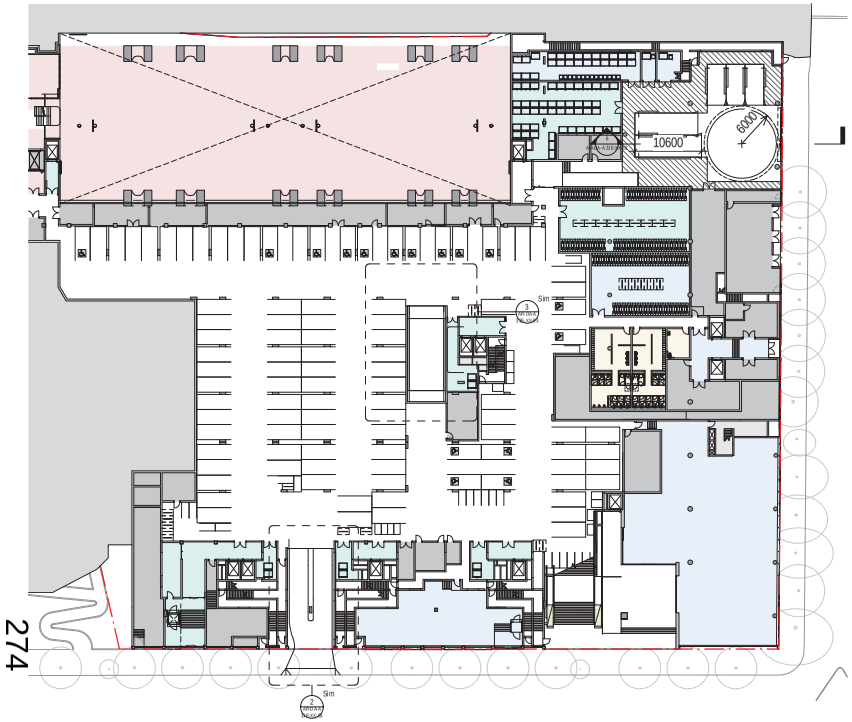
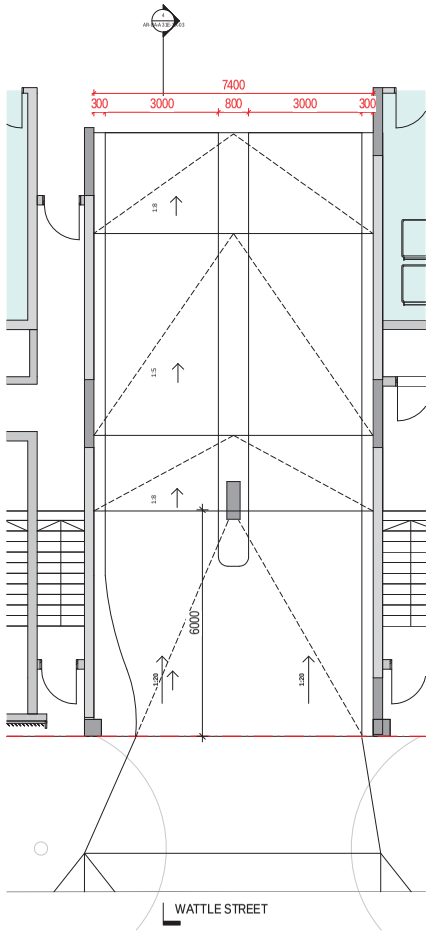
STATUS

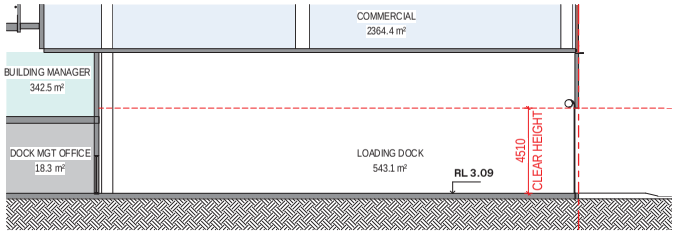
DRAWING
COMPLIANCE - MATERIAL BOARD - SHEET 04
DRAWING NUMBER: AR-DA-A 19T-XX-83
ISSUE: 01



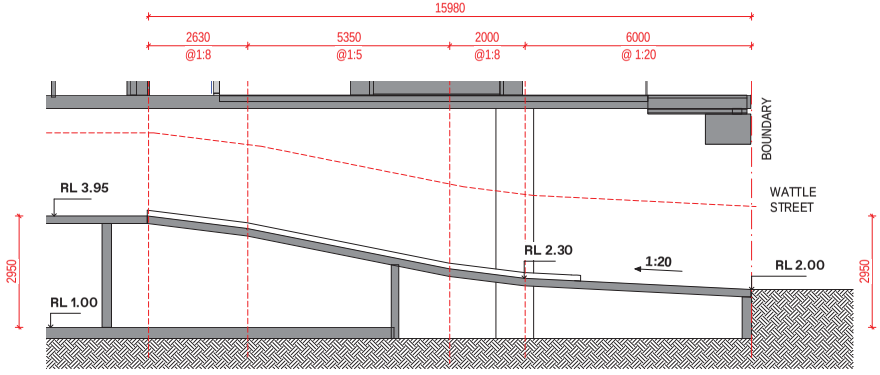
1 KEY PLAN - LEVEL 01



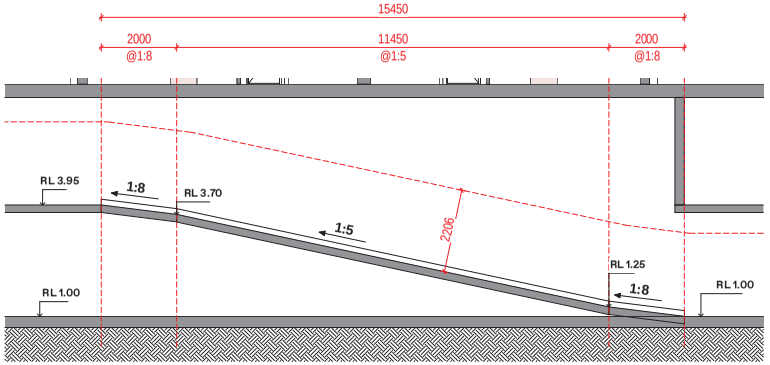
2 CARPARK RAMP LEVEL 01 DOWN TO LEVEL 00



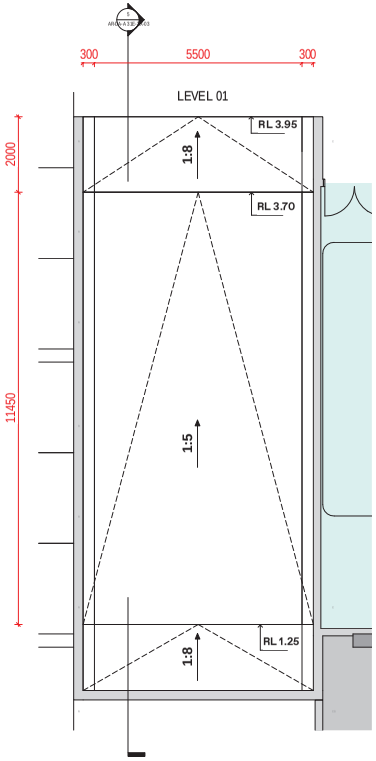
6 LOADING DOCK ENTRY



4 WATTLE STREET RAMP LEVEL 01



5 CARPARK RAMP



3 WATTLE STREET RAMP LEVEL 00 UP TO LEVEL 01

BVN
ARCHITECTS REGISTRATION BD 4KD I
NOM NATED ARCHITECTS
NSW
KEN NINOTS DANA TYTOM DAVY
TEL: & ANN GARTEN
TEL: & ANN GARTEN
ITEN TIM FOR BLAIR
TIM PETER FYFFE BL
TIM PETER FYFFE BL
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ISSUE	DATE	FOR	CHKD
01	04/08/22	SKETCH ONLY	
02	31.01.23	STAGE 2 DA DRAFT 01	
03	10/02/23	FOR INFORMATION	
04	10/03/23	STAGE 2 DA SUBMISSION	
05	03.03.23	STAGE 2 DA AMENDED SUBMISSION	

SITE BOUNDARY
TOTAL AREA: 12,325M2

DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL AND (SUBJECT FINAL EVIDENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 1,121M2

KEY PLAN

PLANNER	GYDE CONSULTING (02) 9068 7500
STRUCTURE	EI AUSTRALIA (02) 9516 0722
SERVICES	IGS ENGINEERING (02) 8488 4600
LANDSCAPE	OCULUS (02) 9957 9533
CLIENT	LANDREAM
CLIENT NUMBER	
PROJECT MANAGER	ARGENTUM GROUP (02) 9037 0877
PROJECT	WATTLE STREET 14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER	21.09.023
TRUE NORTH	PROJECT NORTH
GRAPHIC SCALE	0 2000 5000
SCALE	As indicated @ A1 DO NOT SCALE
STATUS	
DRAWING	CARPARK RAMP
DRAWING NUMBER	AR-DA-A 31E-XX-03
ISSUE	05

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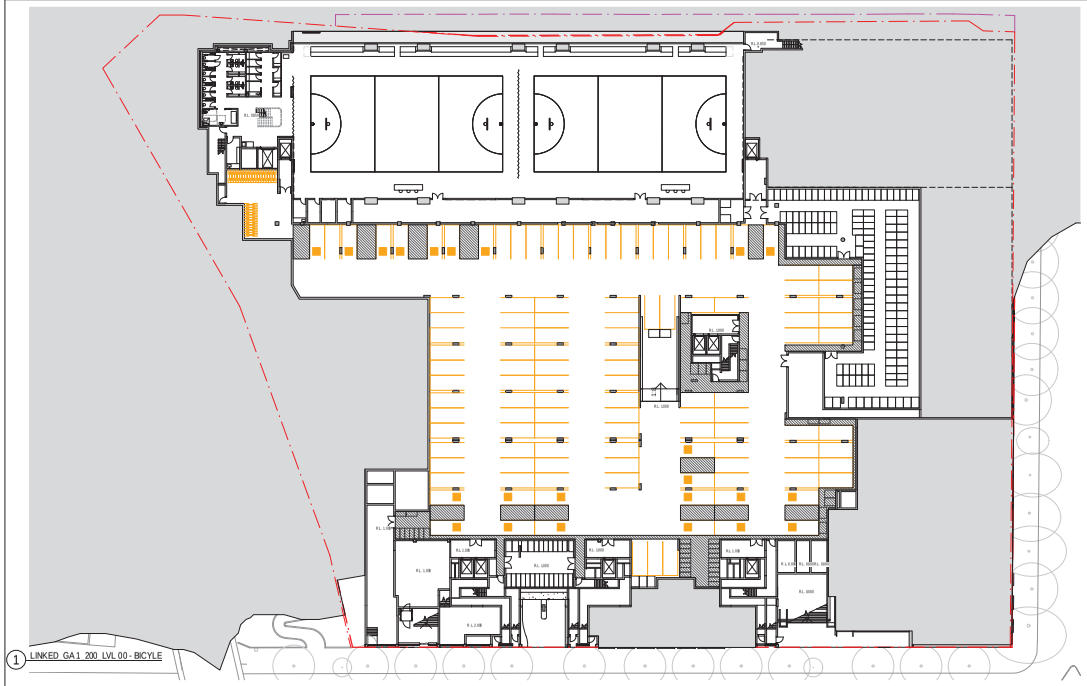
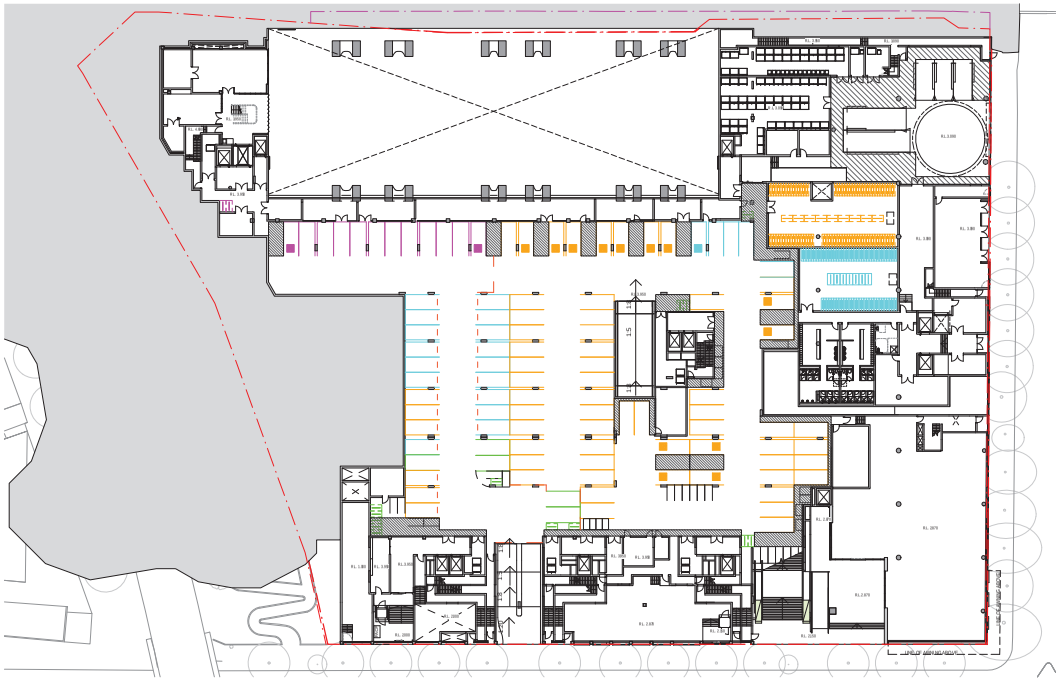
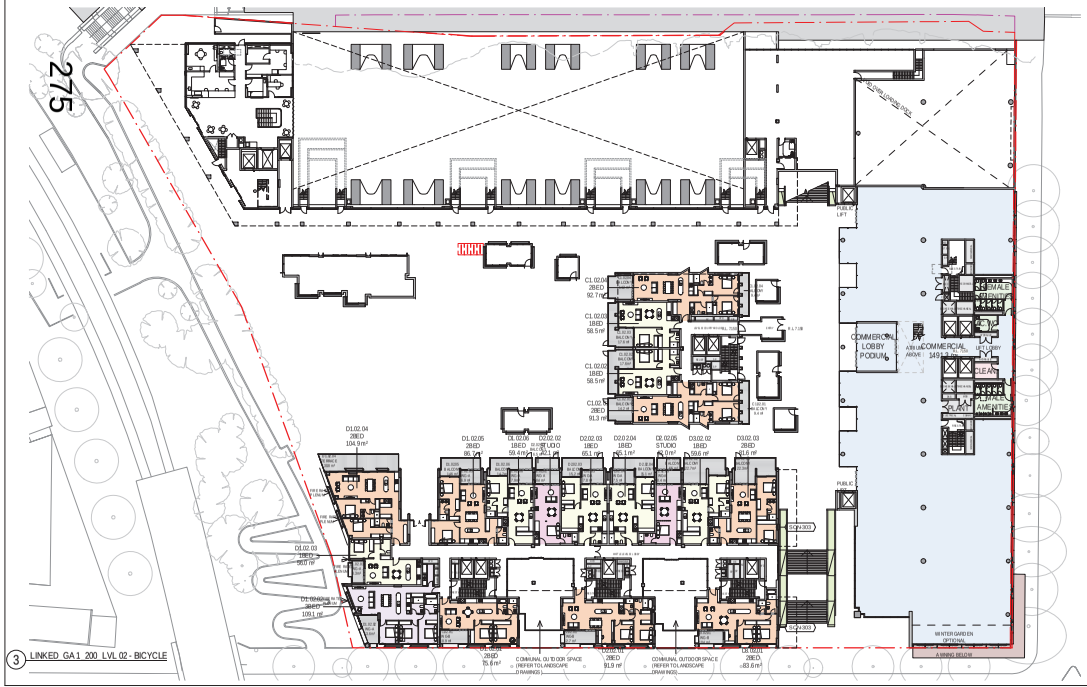


1 LINKED_GA 1_200_LVL 00 - BICYCLE



2 LINKED_GA 1_200_LVL 01 - BICYCLE



3 LINKED_GA 1_200_LVL 02 - BICYCLE

R-03-BIKE SCHEDULE_DA				
CATEGORY	LEVEL	TYPE	RACK COUNT	BIKE COUNT
CC				
CC	LVL 01 PODIUM	FIVE AT HEART - THE WISHBONE - DOUBLE	2	4
			2	4
COMM				
COMM	LVL 01 PODIUM	CORA - E3DT SERIE - DOUBLE	68	136
COMM	LVL 01 PODIUM	FIVE AT HEART - THE WISHBONE - DOUBLE	7	14
			75	150
RESI				
RESI	LVL 00 PODIUM	CORA - E3DT SERIE - DOUBLE	32	64
RESI	LVL 01 PODIUM	CORA - E3DT SERIE - DOUBLE	87	174
RESI	LVL 01 PODIUM	FIVE AT HEART - THE WISHBONE - DOUBLE	9	18
			128	256
RETAIL				
RETAIL	LVL 02 WATTLE	FIVE AT HEART - THE WISHBONE - DOUBLE	4	8
			4	8
VIS				
VIS	LVL 01 PODIUM	FIVE AT HEART - THE WISHBONE - DOUBLE	13	26
			13	26

RESIDENTIAL: EV CHARGING CAPACITY PROVIDED (DB BOARD) FOR 100% RESIDENTIAL PARKING

COMMERCIAL: EV CHARGING CAPACITY PROVIDED (DB BOARD) AND EV CHARGERS PROVIDED FOR 10% COMMERCIAL PARKING

R-03-CAR PARKING SCHEDULE_DA			
TYPE MARK	TYPE	Level	COUNT
CC DROP OFF	5.4 x 2.4 _CHILDCARE DROP OFF	LVL 01 PODIUM	5
CC DROP OFF: 5			5
CC DROP OFF DDA	5.4 x 2.4 _DDA CC DROP OFF	LVL 01 PODIUM	1
CC DROP OFF DDA: 1			1
CC STAFF	5.4 x 2.4 _CHILDCARE STAFF	LVL 01 PODIUM	5
CC STAFF: 5			5
CC STAFF DDA	5.4 x 2.4 _DDA CC STAFF	LVL 01 PODIUM	1
CC STAFF DDA: 1			1
CC: 12			12
COM	5.4 x 2.4 _COMMERCIAL	LVL 01 PODIUM	19
COM: 19			19
COM CS	5.4 x 2.5 _CARSHARE COM.	LVL 01 PODIUM	1
COM CS: 1			1
COM DDA	5.4 x 2.4 _DDA COM.	LVL 01 PODIUM	1
COM DDA: 1			1
COMM: 21			21
R	5.4 x 2.4 _RESI	LVL 00 PODIUM	98
R	5.4 x 2.4 _RESI	LVL 01 PODIUM	49
R: 147			147
R CS	5.4 x 2.5 _CARSHARE RESI	LVL 01 PODIUM	2
R CS: 2			2
R DDA	5.4 x 2.4 _DDA RESI	LVL 00 PODIUM	23
R DDA	5.4 x 2.4 _DDA RESI	LVL 01 PODIUM	13
R DDA: 36			36
RESI: 185			185
VIS	5.4 x 2.5 _VISITOR	LVL 01 PODIUM	5
VIS: 5			5
VIS: 5			5
TOTAL CARPARK: 223			223

SITE BOUNDARY
TOTAL AREA: 12,115M2

DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL AND (EXTRA). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 12,161M2

CC: CHILDCARE
COMM: COMMERCIAL
RETAIL
RESI: RESIDENTIAL
VIS: VISITOR

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BVN

ARCHITECTS REGISTRATION BO 4410 / NOMINATED ARCHITECTS

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NOTE
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ISSUE	DATE	FOR	CHKD
01	03.12.21	STAGE 2 DA AMENDED SUBMISSION	

KEY PLAN

PLANNER	GYDE CONSULTING (02) 9068 7500
STRUCTURE	EI AUSTRALIA (02) 9516 0722
SERVICES	IGS ENGINEERING (02) 8488 4600
LANDSCAPE	OCULUS (02) 9957 5533

CLIENT

LANDSTREAM

CLIENT NUMBER

PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0877

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
2109023

TRUE NORTH | PROJECT NORTH

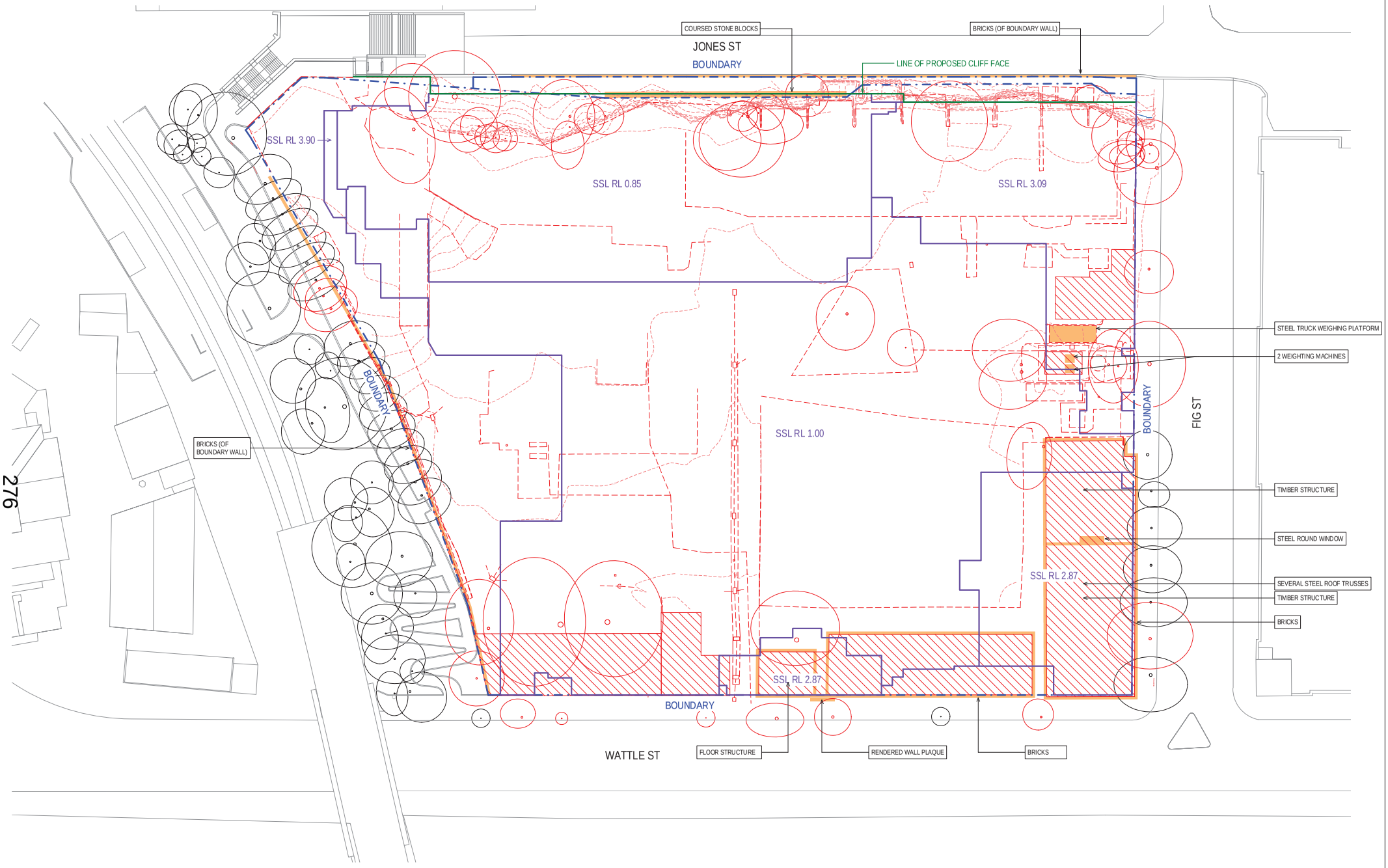
GRAPHIC SCALE
0 | 3000 | 9000

SCALE
1 : 3000@A0 | DO NOT SCALE

STATUS

DRAWING
CAR AND BICYCLE PARKING

DRAWING NUMBER | ISSUE
AR-DA-A 31E-XX-05 | 01



BVN

ARCHITECTS REGISTRATION BD #0D / NOMINATED ARCHITECTS

NSW
KIRA MACFLORA TYTOM 10421
VIC & WA
TIM BLAIR 13147
QLD & NT
PETER TYRE 3161
ACT
SCOTT GILLIGAN 8158
NSW
CHRISTOPHER HANN 10220
DAVID KERR HELLYER 10004
DIANA SIMMONS

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ISSUE	DATE	FOR	CHKD
01	14.01.22	FOR INFORMATION	
02	21.01.22	STAGE 2 DA DRAFT 01	
03	3.02.22	FOR INFORMATION	
04	9.02.22	STAGE 2 DA SUBMISSION	

DEMOLITION PLAN - LEGEND

- EXISTING BUILDINGS
- EXISTING CONTOURS
- EXISTING SITE SLABS / HOBS / UPTURNS
- EXISTING SITE SERVICES
- SITE BOUNDARY
- TREES - TO BE RETAINED
- TREES - TO BE REMOVED
- PROPOSED LINE OF CLIFF FACE
- PERIMETER OF PROPOSED BUILDINGS. LOWEST RL OF SSL INDICATED ON PLAN
- ITEMS TO BE SALVAGED

1. SUBJECT TO REVIEW OF USABILITY & QUALITY, BRICKWORK FROM EXISTING BUILDINGS TO BE RETAINED FOR USE ON CENTRAL COURTYARD BUILDING.
2. EXCAVATED SANDSTONE TO BE RETAINED FOR USE IN LANDSCAPE ON PODIUM. EXTENT OF USE TBC.
3. REFER TO ARBORICULTURAL REPORT FOR TREE RETENTION PLAN
4. REFER TO CIVIL ENGINEERS DRAWING FOR DEMOLITION, EROTION AND SEDIMENT CONTROL PLAN

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KEY PLAN

PLANNER
GYDE CONSULTING
(02) 9068 7500

STRUCTURE
EI AUSTRALIA
(02) 9516 0722

SERVICES
IGS ENGINEERING
(02) 8488 4600

LANDSCAPE
OCULUS
(02) 9955 7533

CLIENT
LANDREAM

CLIENT NUMBER

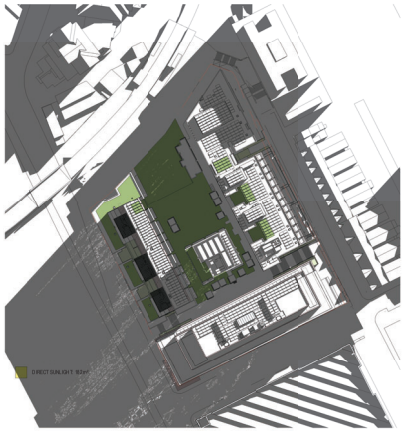
PROJECT MANAGER
ARGENTUM GROUP
(02) 9037 0877

PROJECT
WATTLE STREET
14-26 WATTLE STREET, PYRMONT

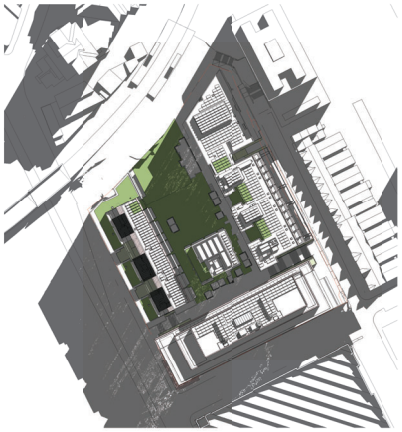
BVN PROJECT NUMBER
21.09.023

TRUE NORTH
PROJECT NORTH
GRAPHIC SCALE
0 4000 10000
SCALE
As indicated @ A1
DO NOT SCALE
STATUS

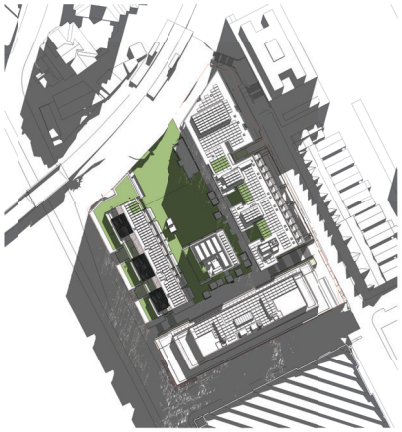
DRAWING
DEMOLITION PLAN
DRAWING NUMBER
AR-DA-A 21B-00-00
ISSUE
04



1 COMMUNAL OPEN SPACE SOLAR COMPLIANCE - 21 JUNE h9.00AM
SCALE: 1 : 1000



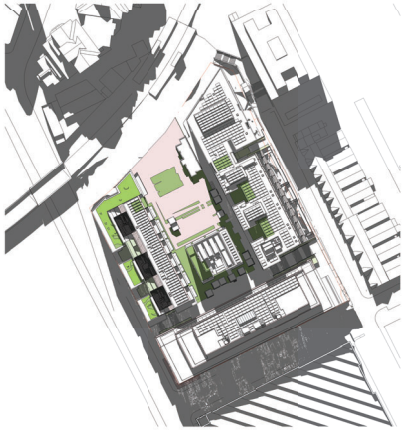
2 COMMUNAL OPEN SPACE SOLAR COMPLIANCE - 21 JUNE h10.00AM
SCALE: 1 : 1000



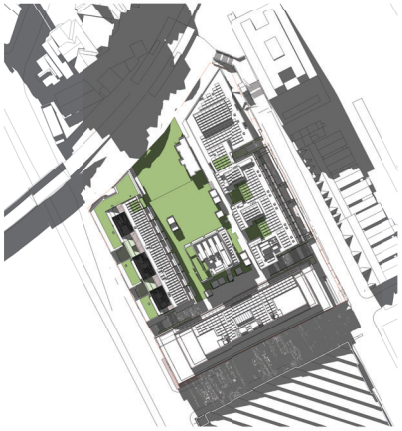
3 COMMUNAL OPEN SPACE SOLAR COMPLIANCE - 21 JUNE h11.00AM
SCALE: 1 : 1000



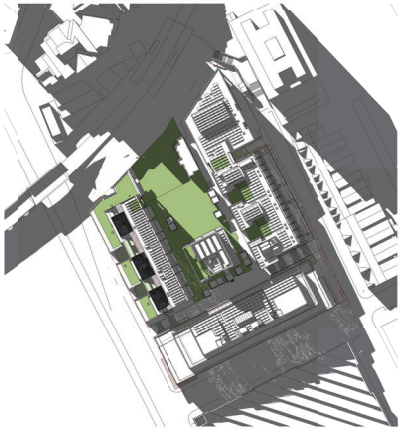
4 COMMUNAL OPEN SPACE SOLAR COMPLIANCE - 21 JUNE h12.00PM
SCALE: 1 : 1000



5 COMMUNAL OPEN SPACE SOLAR COMPLIANCE - 21 JUNE h1.00PM
SCALE: 1 : 1000



6 COMMUNAL OPEN SPACE SOLAR COMPLIANCE - 21 JUNE h2.00PM
SCALE: 1 : 1000



7 COMMUNAL OPEN SPACE SOLAR COMPLIANCE - 21 JUNE h3.00PM
SCALE: 1 : 1000

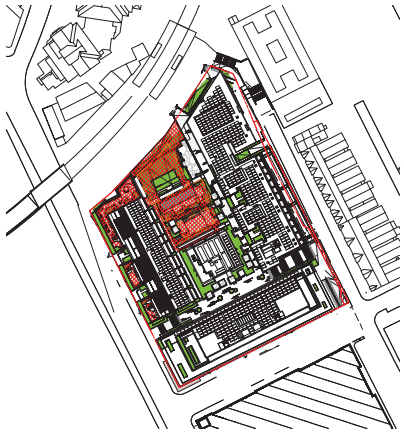
Apartment Design Guide:
Communal and public open space (Objective 3D-1, Design criteria 2)
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter)

SITE AREA	12,361 m²
REQUIRED COMMUNAL OPEN SPACE	3,090 m²
REQUIRED COS AREA GETTING 2H SUN	1,545 m²

PRIVATE COMMUNAL OPEN SPACE AREA

PRIVATE COMMUNAL OPEN SPACE GETTING A MINIMUM OF 2H SUN 1,564 m²

OUTLINE TO DEMONSTRATE THE PRINCIPLE USEABLE PARTS OF THE COMMUNAL OPEN SPACE WILL RECEIVE >2 HRS SUNLIGHT



8 COMMUNAL OPEN SPACE SOLAR COMPLIANCE - 21 JUNE h3.00PM

277

BVN
ARCHITECTS REGISTRATION NO 4KD | NOMINATED ARCHITECTS
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KIRA MACFLOWAN 7772 | NICHOLAS BOYD 7701
QLD
KYLIE GILLIGAN 3109 | CHRISTOPHER MANN 3109 | SHANNAN LANGDEN 10250 | HUGH KELLY 10068 | ERIN O'BRIEN
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02	2.02.23	FOR INFORMATION	
03	6.02.23	STAGE 2 DA SUBMISSION	
04	6.07.23	STAGE 2 DA AMENDED SUBMISSION	
05	21.09.23	STAGE 2 DA AMENDED 2 SUBMISSION	

SITE BOUNDARY
TOTAL AREA: 12, 12.5 M2

DENOTES BOUNDARY OF THE FUTURE ACQUISITION FROM COUNCIL AND (BANK). FINAL EXTENT OF BOUNDARY ALONG JONES STREET IS YET TO BE DETERMINED & FINALISED. TOTAL AREA: 12,918 M2

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PROJECT MANAGER
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PROJECT
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BVN PROJECT NUMBER
2109023

TRUE NORTH
PROJECT NORTH
GRAPHIC SCALE
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STATUS

DRAWING
COMPLIANCE - COMMUNAL AREAS SOLAR
DRAWING NUMBER AR-DA-A 19T-XX-05
ISSUE 05

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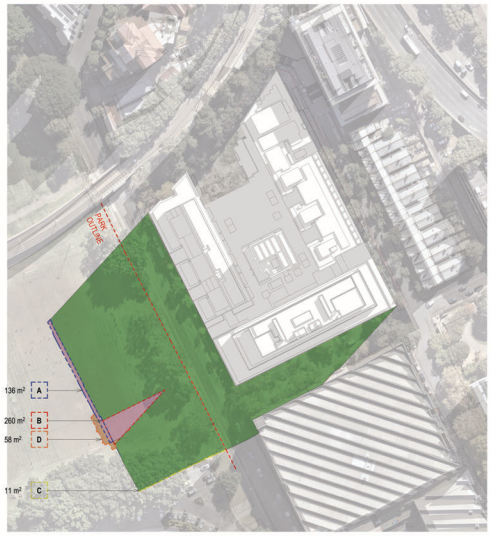

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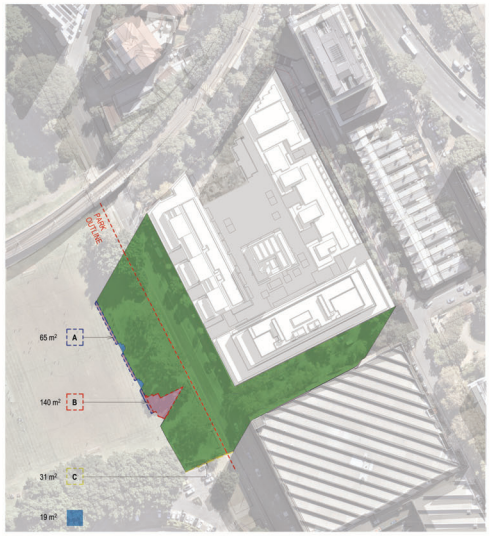

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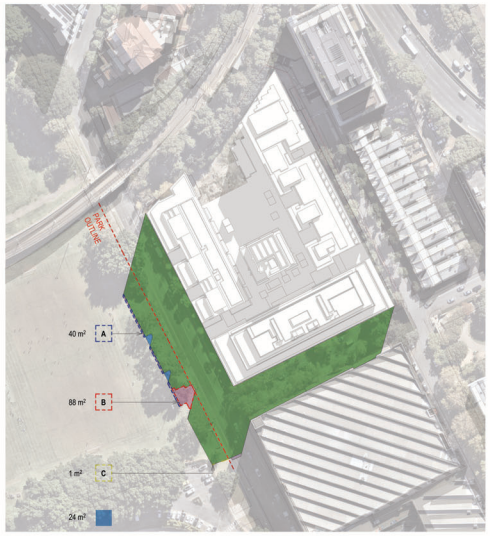

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4 SOLAR ANALYSIS PLAN - JUNE 21 - 1200
SCALE: 1 : 1000



5 SOLAR ANALYSIS PLAN - JUNE 21 - 1300
SCALE: 1 : 1000



6 SOLAR ANALYSIS PLAN - JUNE 21 - 1400
SCALE: 1 : 1000



7 SOLAR ANALYSIS PLAN - JUNE 21 - 1500
SCALE: 1 : 1000

278

COMPLIANCE - SOLAR PLAN - JUNE 21 - 9AM TO 3PM

- STAGE 1 DA APPROVED (WITHOUT EXTRA 10% HEIGHT)
- STAGE 2 DA AMENDED - WATTLE ST BUILDING
- STAGE 2 DA AMENDED -COURTYARD BUILDING
- STAGE 2 DA AMENDED - FIG ST BUILDING
- STAGE 2 DA AMENDED - JOHN ST BUILDING
- AREA OF SHADOWING REDUCED COMPARED TO STAGE 1 DA APPROVED

*AREAS OF SHADOW ARE APPROXIMATE ONLY

- A SHADOW ATTRIBUTED TO THE INCREASE IN FLOOR TO FLOOR HEIGHT IN THE WATTLE ST BUILDING FROM 3.1M TO 3.3M.
- B SHADOW CREATED BY THE RE-ARRANGEMENT OF THE ENVELOPES AND MASSING AS THE OUT COME OF THE DESIGN COMPETITION
- C SHADOW CREATED BY THE EXTERNAL SHADING FINS TO THE FIG ST BUILDING
- D SHADOW FROM THE PLANT ROOM EQUIPMENT AND PARAPET OF THE COURTYARD BUILDING
- E SHADOW CASTED IN THE FRONT YARD OF EXISTING JONES ST TERRACE HOUSE

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PROJECT
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14-26 WATTLE STREET, PYRMONT
BVN PROJECT NUMBER
2109023

TRUE NORTH | PROJECT NORTH
GRAPHIC SCALE
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STATUS

DRAWING
COMPLIANCE - SOLAR PLAN - 21 JUNE (SATELLITE VIEW)
DRAWING NUMBER | ISSUE
AR-DA-A 19T-XX-15 | 01

Attachment D

Clause 4.6 Written Request – Height of Buildings

Amended Clause 4.6 Variation Request (HOB)

Mixed Use Development

14- 26 Wattle Street, Pyrmont

submitted to the City of Sydney Council
on behalf of Landream Pyrmont Pty Ltd

This report was prepared by:

Executive Director:	Stephen Kerr
Associate Director:	Simon Ip
Associate	Olivia Page
Project:	22-204
Report Version:	Final - Amended post lodgement

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1. EXECUTIVE SUMMARY

This request has been prepared in accordance with Clause 4.6 of the *Sydney Local Environmental Plan* 2012 (SLEP 2012). The purpose of the request is to justify a variation to the maximum *height of buildings* (cl 4.3) development standard (HOB development standard) as part of a Stage 2 Detailed Development Application (DA) submitted to the City of Sydney Council (Council). The DA is for the detailed design of a mixed-use development across five buildings containing residential, commercial, retail, childcare, and indoor recreational facilities. The DA relates to land known as 14- 26 Wattle Street, Pyrmont comprising one lot legally described as Lot 200 DP 1224234 and a portion of Jones Street (a public road) (see Figure 1). The site has a total site area of 12,381m², being 12,125m² for Lot 200 and 256m² for the portion of Jones Street.

The SLEP 2012 identifies a 27 metre height control for the site. Relevantly, the NSW Land and Environment Court (LEC) approved a Concept DA at the site on 21 May 2021 (Council Reference: D/2019/649), which included a Clause 4.6 Variation Request to vary the maximum building height for each building, with the greatest variation being 6.08 metres (or 22%) for a portion of the Wattle Street building in the centre of the site.

Since D/2019/649 was granted development consent, the Applicant has undertaken an 'invited' architectural design competition process with five competitors in accordance with the conditions imposed on that consent and in accordance with Council's *Competitive Design Policy*. As a result of this process, and following further design development, additional changes are proposed to the building heights across the site, including the extent of exceedance. Of relevance, the BVN competition scheme (the preferred scheme as nominated by the Jury in the Architectural Design Competition) involved deviations from the approved Stage 1 Concept DA building envelopes. The Competition Jury unanimously supported the BVN scheme, which rearranged the Wattle Street Building, that was originally 'L-shaped' and is now split in two. This strategy places the tallest building elements in the centre of the site, which liberates the ground plane, improves residential amenity outcomes, and reduces overshadowing impacts. The other amendments proposed to the building heights approved under D/2019/649 relate to increases in floor-to-floor heights to allow compliance with the *Design and Building Practitioners Act* 2020, and minor increases to the height of the Fig Street building (with increased setbacks), reflecting its change to wholly commercial use. The above changes also necessitate redistribution of floor space and hence changes to the building envelopes. These changes, trigger a Section 4.56 Modification Application to amend the Stage 1 Concept Approval to address the amendments. A modification application is being lodged simultaneously with the subject Stage 2 Detailed DA.

The Stage 1 Approval (D/2019/649) nominated that pursuant to Clause 6.21D(3)(a) of the SLEP 2012, the site may have a building height that exceeds the maximum height shown on the height of buildings map (27 metres) by an amount, to be determined by the consent authority, of up to 10%. This bonus was reflected in the Architectural Design Competition Brief. For completeness, this request addresses the extent of the proposed variation in the absence of the 10% height bonus as well as with the 10% height bonus, i.e., a 27 metre height standard and 29.7 metres height standard, respectively.

The proposed variation of the HOB development standard is detailed in Table 1 having regard to both; the SLEP 2012 height plane (27 metres) and, SLEP 2012 height plane + 10% design excellence height bonus (29.7 metres). The maximum proposed variation occurs in the centre of the site on Building C (Courtyard) which results in a maximum building height of 42.46 metres (RL 45.55) at the northern roof plant, representing a 15.46 metre variation or 57% (calculated from the 27 metres mapped maximum building height).

This Clause 4.6 Variation Request demonstrates that, notwithstanding the non-compliance, the proposed development:

- Is consistent with, and achieves the objectives of the development standard in Clause 4.3 of the SLEP 2012 (Wehbe Test 1);
- Is consistent with the objectives of the MU1 Mixed Use zone under the SLEP 2012;
- Is consistent with the applicable and relevant State and regional planning policies;
- Will deliver a development that is appropriate for its context, despite the numerical variation to the development standard, and therefore has sufficient environmental planning grounds to permit the variation; and
- Achieves design excellence and is in the public interest.



Figure 1: Aerial view of the site (Source: Nearmap)

2. INTRODUCTION

This request has been prepared in accordance with Clause 4.6 of the SLEP 2012. The purpose of the request is to justify a variation to the maximum HOB (cl 4.3) development standard as part of a DA submitted to Council.

The objectives of Clause 4.6 are to provide an appropriate degree of flexibility in applying development standards to achieve better outcomes for, and from, development. As the following request demonstrates, a better planning outcome for the site would be achieved by exercising the flexibility afforded by Clause 4.6 in the circumstances of this DA.

This request has been prepared having regard to the Department of Planning and Environment's *Guidelines to Varying Development Standards* (August 2011) and various recent decisions in the LEC and the NSW Court of Appeals (Appeals Court).

Clause 4.6 requires that a consent authority be satisfied of the following three (3) matters before granting consent to a development that contravenes a development standard:

1. That the applicant has adequately demonstrated in a written request that compliance with the development standard is unreasonable or unnecessary in the circumstance of the case [Clause 4.6(3)(a) and clause 4.6(4)(a)(i)].

2. That the applicant has adequately demonstrated in a written request that there are sufficient environmental planning grounds to justify contravening the development standard [Clause 4.6(3)(b) and Clause 4.6(4)(a)(i)], and

3. That the proposed development will be in the public interest because it is consistent with the objectives of the particular development standard sought to be varied and the objectives for development within the zone in which the development is proposed to be carried out [Clause 4.6(4)(a)(ii)].

The proposed development involves the construction of five high-quality buildings (one of which is a retail pavilion) in accordance with the principles established by the Concept DA consent (D/2019/649) and the subsequent invited Architectural Design Competition. This request demonstrates that compliance with the SLEP 2012 HOB development standard is unreasonable and unnecessary in the circumstance of the case because the objectives of the HOB development standard and MU1 (Mixed Use) zone (previously B4 Mixed Use zone) are achieved notwithstanding the non-compliance.

The development is in the public interest, there are sufficient environmental planning grounds to justify the variation as outlined in Section 7 and this request restates the majority of the environmental planning grounds which were provided to support the written request prepared in support of the HOB design standard exceedances proposed for the Concept Approval, noting those grounds were endorsed by the LEC when granting development consent to the Concept DA. Further environmental planning grounds are also provided in relation to the additional height exceedances sought by the present DA.

This request also addresses the requirements for concurrence of the Secretary by Clause 4.6(4)(b) and it is considered appropriate in this circumstance to vary the HOB development standard.

3. BACKGROUND – CONCEPT DA (D/2019/649), DESIGN COMPETITION AND CONCURRENT s4.56 MODIFICATION APPLICATION

On 21 May 2021, Concept DA consent was granted by the LEC (Council Reference: D/2019/649). This approval included variations to the height control, with the greatest exceedance being 6.08m (22%) for a portion of the Wattle Street building in the centre of the site. The exceedance is owed, in part, to the unique site topography which includes a level difference of approximately 11.5- 14 metres from the Jones Street property boundary to the Fig and Wattle Street frontages.

The site historically operated as a quarry pit, which has significantly modified its terrain such that most of this level difference occurs across a 5- 10 metres horizontal distance between Jones Street and the centre of the site. This poses a significant constraint when seeking to maintain compliance with the HOB design standard.

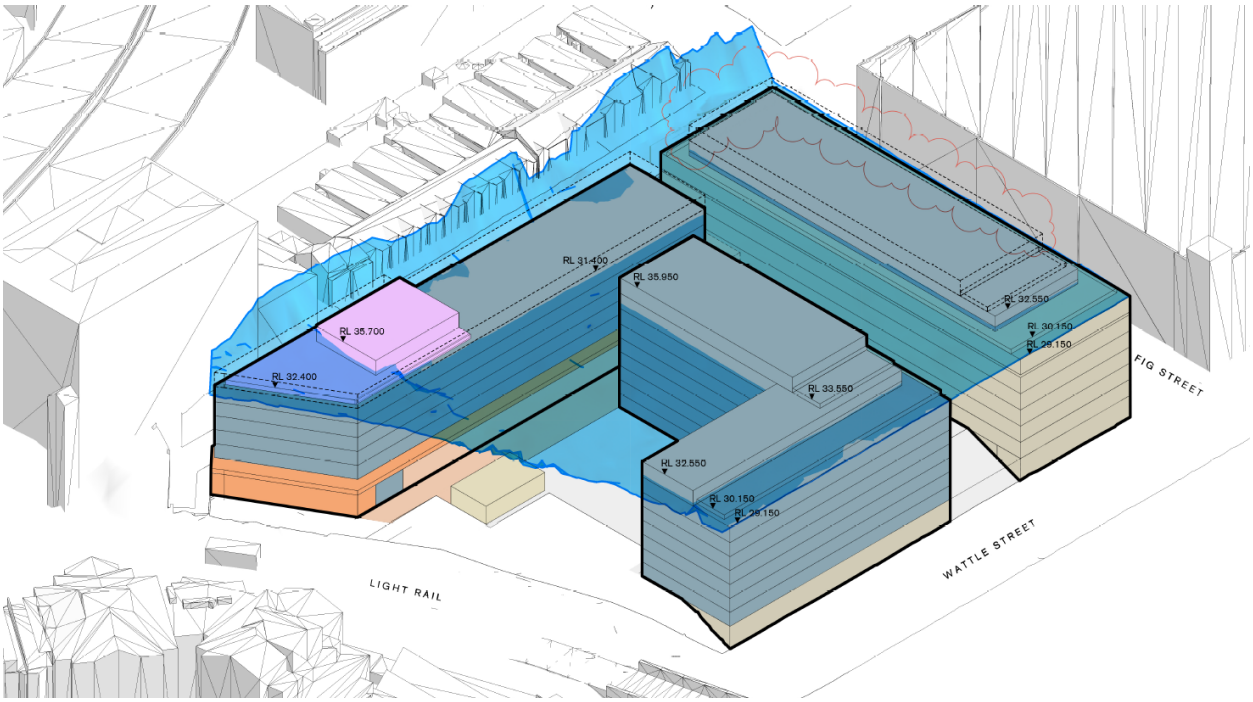


Figure 2: HOB Variations Approved under D/2019/649

In granting Concept DA consent, Commissioner Horton provided the following key reasons for supporting the Clause 4.6 variation to the HOB design standard:

- Strict compliance is unreasonable and unnecessary on the grounds that the envelopes were appropriately sited and designed in response to the topographical condition of the site. The envelopes provided an appropriate transition between the proposal and existing built form adjacent to the site, including heritage items and other buildings in the vicinity.

- Sufficient environmental planning grounds were provided to justify the contravention, in particular the unique topography of the site in the location of the sandstone rock face, and in response to which the Jones Street building is setback and modulated to transition between the scale of existing development on Jones Street and the height of buildings generally permitted on the site. Further, the exceedance occurs in areas well setback from the boundary

lines, where adverse impacts can be managed, and where the uppermost levels are least visible from the street frontages.

- The objectives of the MU1 zone are achieved. Specifically, the development proposed a mix of public and community uses on a site that imposes constraints, in response to which the exceedance is reasonable. The site is bounded on three sides by transport corridors, and on Jones Street by the sandstone rock face. Commissioner Horton accepted that the location and scale of communal open space (COS), including through site links, will encourage access to, and use of, the Light Rail corridor and encourage walking.

- Commissioner Horton accepted that the height of development is appropriate given the site condition and its context, in particular the decision to redistribute allowable building height away from Jones Street to the centre of the site, providing a lower envelope at this interface, including a setback to accommodate a footpath on an important pedestrian link to the Light Rail Station where none currently exists today.

Following the granting of this consent, an Architectural Design Competition was undertaken as required by the consent conditions imposed on the Stage 1 Concept Approval, and in accordance with Council's *Competitive Design Policy*. Of the five competition schemes, the Jury unanimously selected the BVN entry. BVN proposed to deviate from the Concept DA envelope by breaking the 'L-shaped' Wattle Street building into two separate buildings, including a central residential building with a smaller floorplate (named the *'Garaban',* now known as Building C (Courtyard)), which will provide high level north facing and cross ventilated through apartments, delivering positive sustainability and residential amenity outcomes.

The Jury Report dated August 2022 acknowledges the height non-compliance, however from a design and urban character perspective, the variation occurs primarily within the centre of the site where impacts on key issues such as: overshadowing of Wentworth Park; the Wattle Street presentation and scale; and interface with Jones Street (including heritage buildings) is minimal. The rearrangement of massing also facilitates an public, open-air north/south link that will deliver greater pedestrian permeability in proximity to the Light Rail station and improved amenity of the east-west through site link.

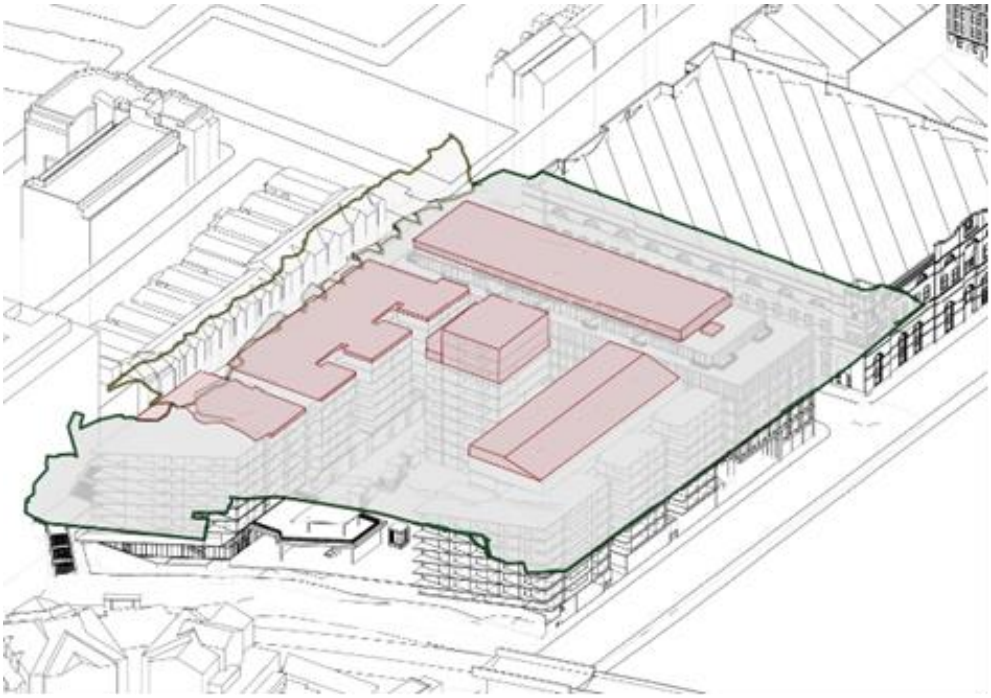


Figure 3: Axonometric drawing showing height non-compliances of the BVN scheme in the Architectural Design Competition (Source: BVN)

As identified earlier in this Request, a concurrent Section 4.56 Modification Application is being submitted with the Stage 2 Detailed DA. The proposed changes are consistent with those identified in this Request notably:

- Conversion of the top residential floors (level 7 and 8) previously proposed on Building E (Fig Street) to commercial use, making it a solely commercial building.

- The floor-to-floor heights of Building E (Fig Street) were originally proposed to be increased from 3.6 metres to 3.8 metres. Following the receipt of Council's request for information (RFI) in July 2023, the floor-to-floor heights are now reverted back to 3.6m for the typical commercial floors to minimise overshadowing of Wentworth Park.

- Increase of floor-to-floor heights of Building B (Jones Street), Building C (Courtyard) and Building D (Wattle Street) from 3.1 metres to 3.2 metres in accordance with the *Design and Practitioners Act* 2020.

- Reconfiguration of the previously approved L-shaped Wattle Street building to create a separate (taller) Building C (Courtyard) and Building D (Wattle). The Stage 2 DA has increased the height of Building C by 1 storey as compared to the design competition scheme, due to the conversion of the top floor apartments in Building E to commercial offices as recommended by the architectural design competition jury. Notwithstanding, the overall floor space ratio (FSR) remains compliant with the 4:1 development standard under SLEP 2012 at 3.87:1.

- Creation of a retail pavilion in the centre of the site with a maximum height of RL10.750 to the roof slab and RL11.050 to the parapet wall.

- The proposed amended building envelopes for Building B (Jones Street) and Building D (Wattle Street) are deeper and wider than those originally approved in the Stage 1 Concept DA.

- As a result of the above amendments, the concurrent modification application increases the approved height of buildings on the site.

These amendments will ensure consistency between the Stage 1 Concept envelopes (as modified) and the subject Stage 2 Detailed DA envelopes (as amended to address Council's RFI).

4. STANDARD TO BE VARIED

The standard proposed to be varied is the HOB development standard which is set out in Clause 4.3 of the SLEP 2012 as follows:

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

The site has a maximum height of building control of 27 metres, as shown in Figure 4 below. The HOB development standard is not excluded from the operation of clause 4.6(8) of the SLEP 2012.

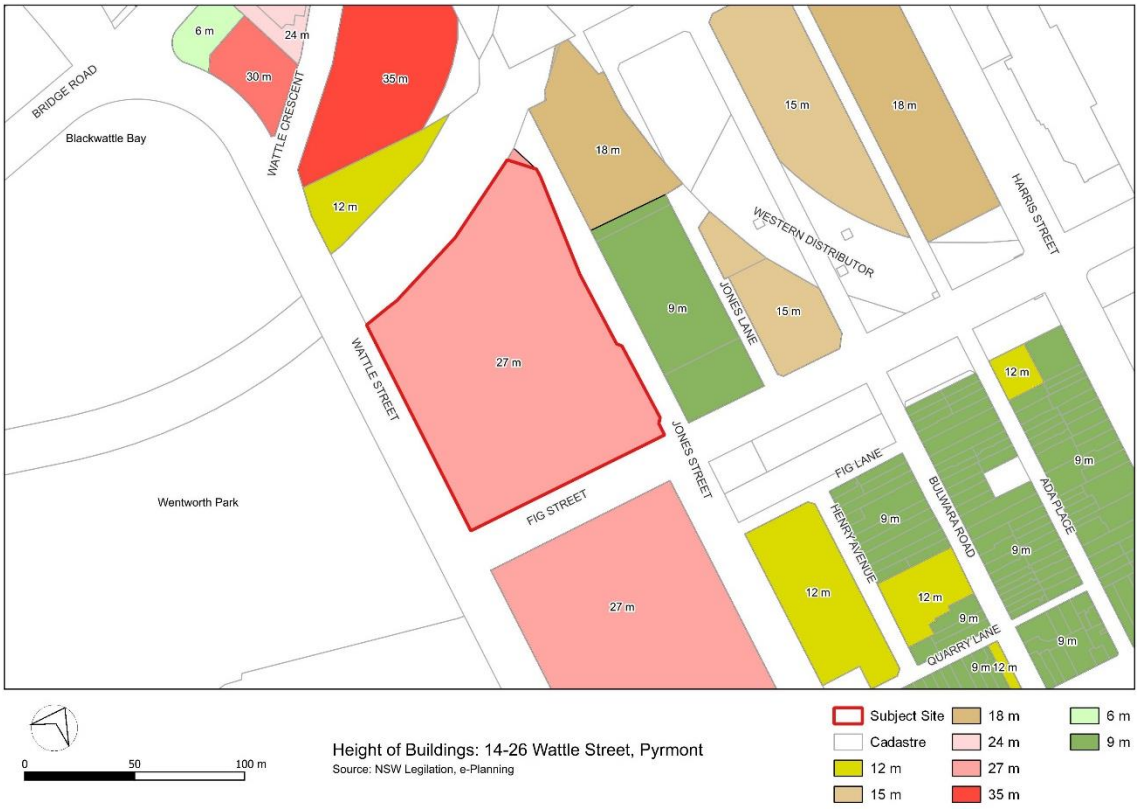


Figure 4: Extract of SLEP 2012 HOB map, site outlined in red (Source: NSW Legislation/Gyde)

As noted earlier in this Request, the Stage 1 Approval (D/2019/649) prescribes that pursuant to Clause 6.21D(3)(a) of the SLEP 2012, the site may have a building height that exceeds the maximum height shown on the height of buildings map (27 metres) by an amount, to be determined by the consent authority, of up to 10%. This bonus was included in the Architectural Design Competition Brief. For the sake of completeness, this request addresses the extent of the proposed variation in the absence of the 10% height bonus and with the 10% height bonus, i.e., a 27 metre height standard and 29.7 metres height standard, respectively.

Condition 7 of the Stage 1 Concept Approval provides that, among other things, the Jones Block and Fig Block may be eligible for up to 10% additional height pursuant to Clause 6.21(7) of SLEP 2012 if the consent authority is satisfied that the resulting detailed design DA exhibits design excellence and is the result of a competitive design process. The concurrent section 4.56 modification application seeks to remove this restriction of applying the design excellence (DE) bonus heights to Building B (Jones) and Building E (Fig), but to Buildings B to E inclusive.

5. EXTENT OF VARIATION

Pursuant to Clause 4.3 of the SLEP 2012, the site has a maximum height of buildings control of 27 metres. See Section 4 above for discussion on the 10% height bonus pursuant to Clause 6.21D(3)(a).

Relevantly, the NSW Land and Environment Court (LEC) approved a Concept DA at the site on 21 May 2021 (Council Reference: D/2019/649), which included a Clause 4.6 Variation Request to vary the maximum building height for each building, with the greatest variation being 6.08 metres (or 22%) for a portion of the Wattle Street building in the centre of the site. Figure 5 depicts these variations.

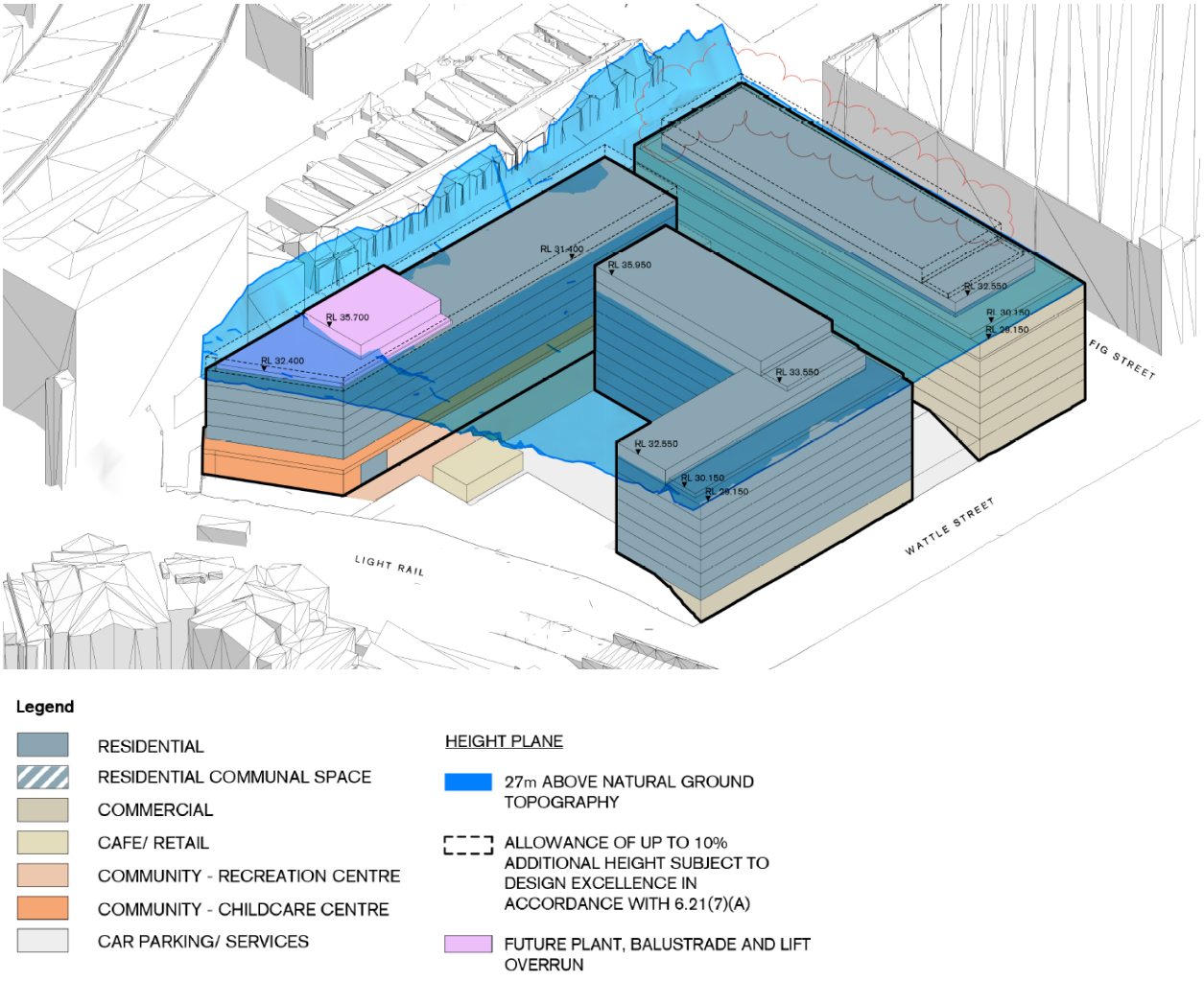


Figure 5: Extract of approved height plane diagram in D/2019/649 (Source: Tzannes)

Each proposed building in this subject Stage 2 Detailed DA does not comply with the maximum height of buildings control, as set out in Table 1 below:

Table 1: Extent of the proposed height non-compliances

BUILDING NAME	PROPOSED MAXIMUM BUILDING HEIGHT IN SUBJECT STAGE 2 DA	NUMERCIAL EXCEEDANCE OF MAXIMUM BUILDING HEIGHT	NUMERCIAL EXCEEDANCE OF MAXIMUM BUILDING HEIGHT + BONUS	EXTENT OF THE VARIATION (%)
Building B (Jones Street)	30.78 metres (RL37.10) at the PV cells on the northern part of the roof **to** 33.78 metres (RL37.10) at the PV cells in the mid area of the roof	3.78 metres at the PV cells on the northern area of the roof **to** 6.78 metres at the PV cells in the mid area of the roof	1.08 metres at the PV cells on the northern area of the roof to 4.08 metres at the PV cells in the mid area of the roof	**LEP height limit**: 14-25% **LEP + design excellence (DE) bonus**: 4- 14%.
Building C (Courtyard)	42.37 metres (RL45.55) at the southern rooftop plant **to** 42.46 metres (RL45.55) at the northern rooftop plant	15.37 metres at the southern rooftop plant **to** 15.46 metres at the northern rooftop plant	12.67 metres at the southern rooftop plant **to** 12.76 metres at the northern rooftop plant	**LEP height limit**: 57% **LEP + DE bonus**: 43%.
Building D (Wattle Street)	33.36 metres (RL36.45) **to** 33.95 metres (RL36.45) at the PV cells at the middle of the roof	6.36 metres **to** 6.95 metres at the PV cells at the middle of the roof	3.66 metres **to** 4.25 metres at the middle of the roof	**LEP height limit**: 24-26% **LEP + DE bonus**: 12-14%.
Building E (Fig Street)	34.87 metres (RL37.95) **to** 35.14 metres (RL37.95) at the PV cells on the mid-southern roof	7.87 metres **to** 8.14 metres at the PV cells on the mid-southern roof	5.17 metres to 5.44 metres at the PV cells on the mid-southern roof	**LEP height limit**: 29-30% **LEP + DE bonus**: 17-18%.

The following four figures provide an extract of the height plane diagrams prepared by BVN. These depict:

- LEP height limit plane (27 metres above existing ground level) – west view
- LEP height limit plane (27 metres above existing ground level) – east view
- LEP height limit + 10% DE height bonus plane (29.7 metres above existing ground level) – west view
- LEP height limit + 10% DE height bonus plane (29.7 metres above existing ground level) – east view

The height plane is identified with dark blue line. The green RLs depict the smallest variation between the relevant height plane and proposed maximum building height. The orange RLs depict the greatest variation between the relevant height plane and the proposed maximum building height. These are also attached in Appendix B.

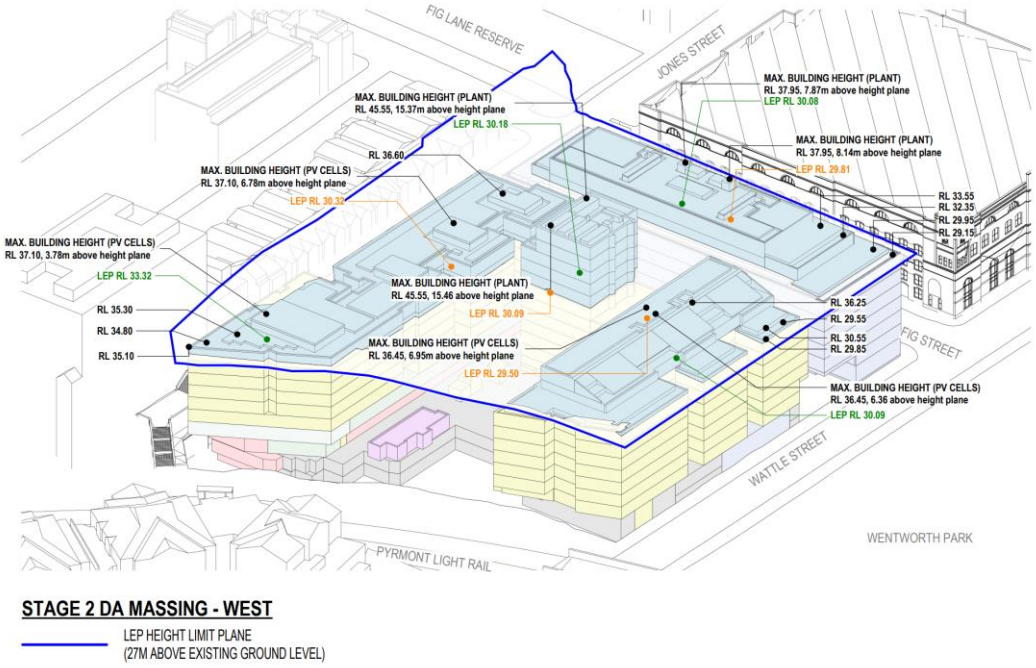


Figure 6: Extract LEP height limit plane (27 metres above existing ground level) – west view (Source: BVN)

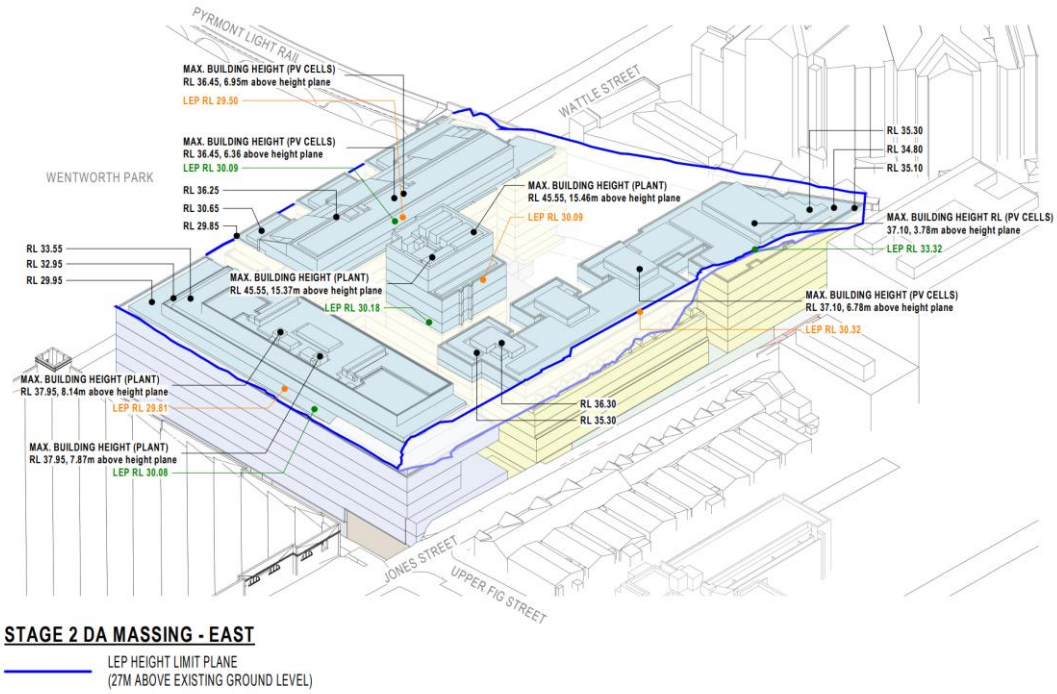


Figure 7: Extract LEP height limit plane (27 metres above existing ground level) – east view (Source: BVN)

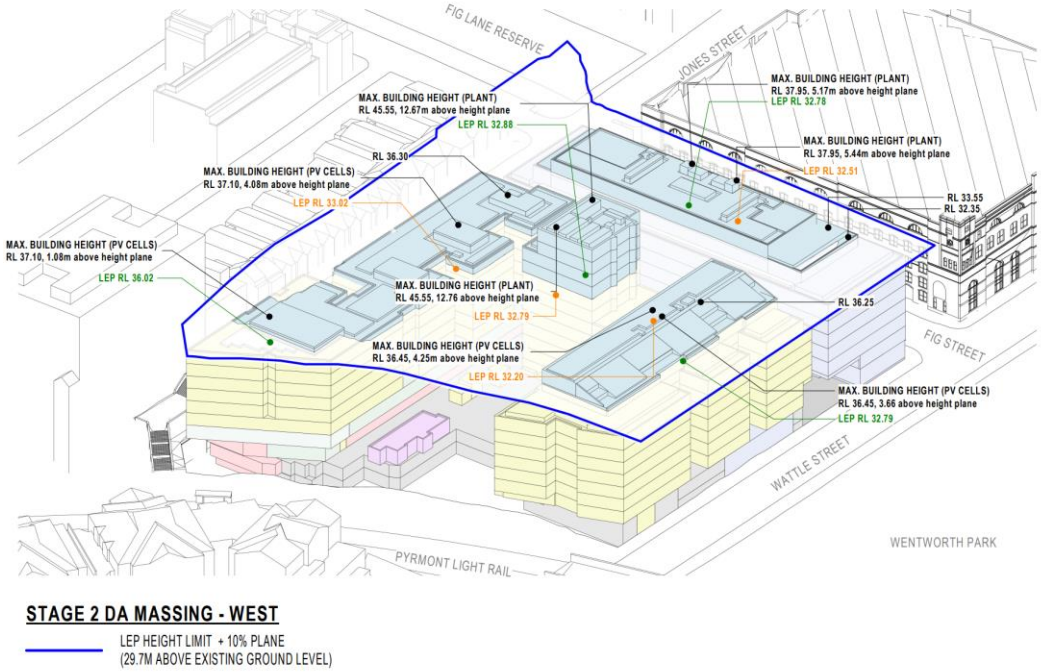


Figure 8: Extract LEP height + 10% DE height bonus plane (29.7 metres above existing ground level) – west view (Source: BVN)

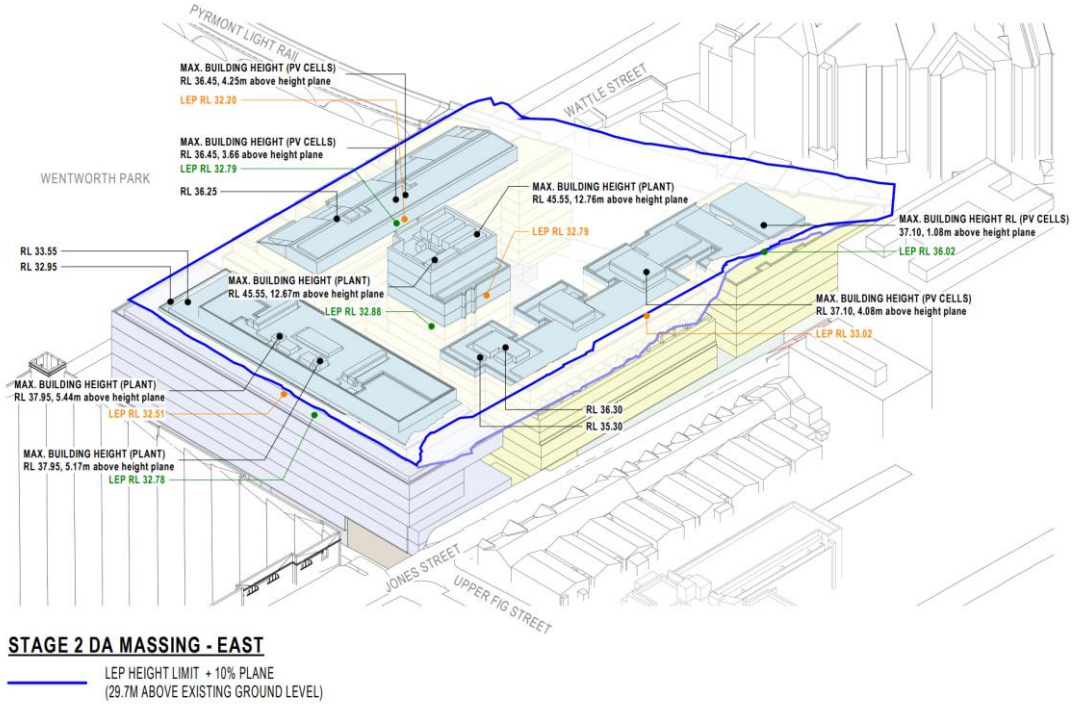


Figure 9: Extract LEP height + 10% DE height bonus plane (29.7 metres above existing ground level) – east view (Source: BVN)

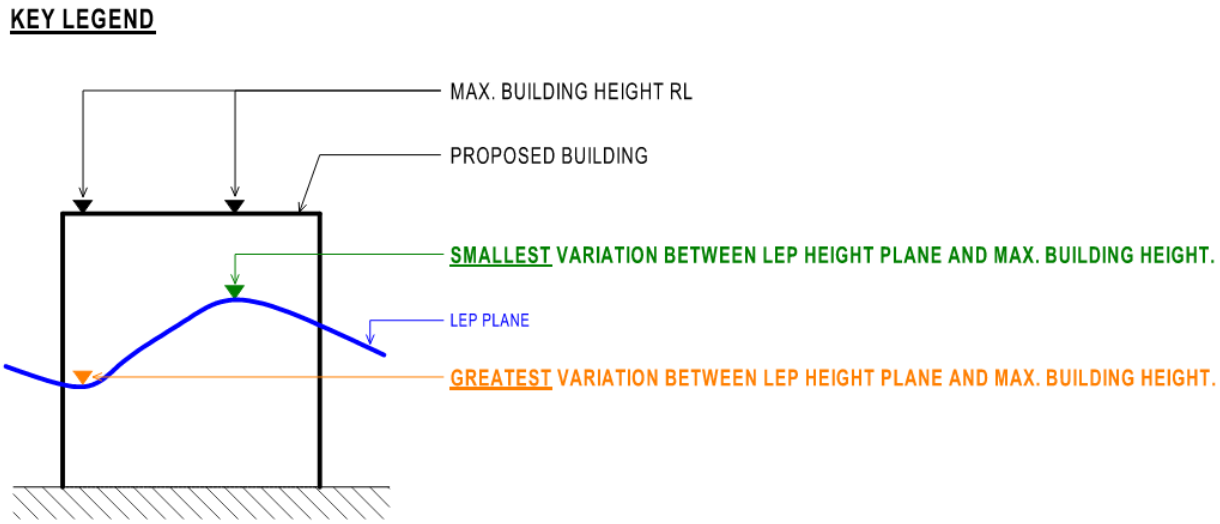


Figure 10: Extract of height plane diagram legend (Source: BVN)

For completeness we note that the quantum of the variation (up to 57%) is not in itself, a material consideration as whether the variation should be allowed. There is no constraint on the degree to which a consent authority may depart from a numerical standard under clause 4.6: *GM Architects Pty Ltd v Strathfield Council* [2016] NSWLEC 1216 at [85].

Some examples that illustrate the wide range of commonplace numerical variation to development standards under clause 4.6 (as it appears in the Standard Instrument) are as follows:

- In *Baker Kavanagh Architects v Sydney City Council* [2014] NSWLEC 1003 the Land and Environment Court granted a development consent for a three storey shop top housing development in Woolloomooloo. In this decision, the Court, approved a floor space ratio variation of 187 per cent.
- In *Abrams v Council of the City of Sydney* [2019] NSWLEC 1583 the Court granted development consent for a four-storey mixed use development containing 11 residential apartments and a ground floor commercial tenancy with a floor space ratio exceedance of 75 per cent (2.63:1 compared to the permitted 1.5:1).
- In *Micaul Holdings Pty Limited v Randwick City Council* [2015] NSWLEC 1386, the Land and Environment Court approved a residential flat building in Randwick with a 55 per cent exceedance of the height limit (at its highest point) and a 20 per cent exceedance of the floor space ratio control.
- In *SJD DB2 Pty Ltd v Woollahra Municipal Council* [2020] NSWLEC 1112 the Court granted development consent to a six-storey shop top housing development with a floor space ratio exceedance of 42 per cent (3.54:1 compared to the permitted 2.5:1).
- In *Artazan Property Group Pty Ltd v Inner West Council* [2019] NSWLEC 1555 the Court granted development consent for a three-storey building containing a hardware and building supplies use with a floor space ratio exceedance of 27 per cent (1.27:1 compared to the permitted 1.0:1).
- In *Stellar Hurstville Pty Ltd v Georges River Council* [2019] NSWLEC 1143 the Land and Environment Court granted development consent for 12-storey residential tower, on the basis of a clause 4.6 request, with a floor space ratio exceedance of 8.3 per cent.
- In *88 Bay Street Pty Ltd v Woollahra Municipal Council* [2019] NSWLEC 1369 the Land and Environment Court granted development consent for a new dwelling house, swimming pool and landscaping at 6 Bayview Hill Road, Rose Bay with a height exceedance of 49 per cent (14.16m compared to the permitted 9.5m).

- In *Merman Investments Pty Ltd v Woollahra Municipal Council* [2021] NSWLEC 1582, the Court granted a development consent for a residential flat building. In this decision, the Court approve a floor space ratio variation of 85 percent (from 0.65:1 to 1.21:1).

In short, clause 4.6 is a performance-based control so it is possible (and not uncommon) for large variations to be approved in the right circumstances.

6. UNREASONABLE OR UNNECESSARY

In this section it is demonstrated why compliance with the HOB development standard is unreasonable or unnecessary in the circumstances of this case, as required by clause 4.6(3)(a) of the SLEP 2012.

The LEC has held that there are at least five (5) different ways, and possibly more, through which an applicant might establish that compliance with a development standard is unreasonable or unnecessary. See *Wehbe v Pittwater Council* [2007] NSWLEC 827 (Wehbe).

The five (5) ways of establishing that compliance is unreasonable or unnecessary are:

1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard; (First Test)
2. The underlying objectives or purpose is not relevant to the development with the consequence that compliance is unnecessary; (Second Test)
3. The objectives would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable; (Third Test)
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granted consents departing from the standard hence the standard is unreasonable and unnecessary; (Fourth Test) and
5. The zoning of the land is unreasonable or inappropriate; (Fifth Test).

It is sufficient to demonstrate only one of these ways to satisfy clause 4.6(3)(a). The First Test is considered below.

6.1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard

Table 2 considers whether the objectives of the development standard are achieved notwithstanding the proposed variation (First Test under Wehbe).

Table 2: Consistency with Objectives of clause 4.3 of the SLEP 2012

OBJECTIVE	DISCUSSION
4.3 Height of Buildings (1) The objectives of this clause are as follows—	
(a) to ensure the height of development is appropriate to the condition of the site and its context.	The height of the proposed development is appropriate to the condition of the site and its context, notwithstanding the proposed exceedance. The site has four quite different contextual interfaces. Each of the four site interfaces, and the proposed Building C (Courtyard Building), are addressed in turn: ***Light Rail Interface*** • Given the existing environmental circumstances of the light rail interface, there is a strong need for the proposal to present as an inviting prospect for people entering/exiting the light rail walk through the site. The proposal maintains a break to the building mass close to the station and delivers large, high-quality COS on

OBJECTIVE	DISCUSSION
	the ground plane of the site. The light rail interface slowly slopes from the highest Jones Street point to the low point of Wattle Street with a series of steps and ramps enabling people entering and exiting the light rail to/from Wattle and Jones Street. The proposal is also set back 5.5 metres off its northern boundary (at the north-east of the site) to retain existing trees and landscaping. In response to the light rail interface to the north of the site, a break to built forms is provided with setbacks, preserving existing trees (as practical) and resulting in an inviting through-site link adjacent to the centrally located COS. Hence, reducing the building height in this part of the site, which provides a through site link, is highly beneficial and a positive outcome. Trees that are proposed to be removed are making way for a new pedestrian connection to the light rail station and improve activation of the station precinct. Ground level open space (publicly accessible and communal) has been arranged adjacent to the light rail station and is connected to internal through site links providing a highly beneficial and positive outcome. ***Wattle Street Interface*** • The proposed height of the Wattle Street frontage is designed to be compatible with the street wall established by the former wool store to the south. Additional height is setback to minimise additional overshadowing to Wentworth Park, and to ensure it does not result in intrusive visual bulk in the context of the dominant street wall along Wattle Street. ***Fig Street Interface*** • Likewise, the Fig Street interface is compatible with the street wall height established by the former wool store to the south of the site but differs from the other frontages in that no pedestrian links are proposed, given the function of Fig Street as a major traffic route into the CBD, and onto the Harbour Bridge. • The topmost levels of Building E (Fig Street) are setback from Fig Street and Wattle Street so as to minimise additional overshadowing of Wentworth Park, and to ensure it will not result in intrusive visual bulk and allow sky view from the street level. ***Jones Street Interface*** • Setbacks are provided to Jones Street boundary of 2.160 metres to the closest point consistent with the Stage 1 DA in respect of the heritage-listed terraces. • The DA proposes a four-storey street wall height opposite the heritage terraces, with the additional height setback further to avoid adverse impacts beyond that of a strictly compliant scheme. From a heritage perspective, locating built form and floor space to a more central position within the site, and to allow the provision of

OBJECTIVE	DISCUSSION
	setbacks from Jones Street is a preferable design response. This will benefit the public domain, appropriately scale the proposal with the surrounding locality, and allow the sandstone rock face to be visible to public areas. ***Courtyard Building (Building C)*** • The taller Building C (Courtyard) is a residential tower exceeds the height limit but provides significant benefit through a slender floor plate which achieves a high level of solar access and cross ventilation, providing superior sustainability and residential amenity outcomes. The placement of this taller tower as a standalone element (not linked to another building as an 'L-shape', as initially envisaged within the Concept Approval) also has the positive effect of liberating the ground plane, providing additional public space and pedestrian permeability through the site. • Moreover the slender nature of Building C (Courtyard) do not cause unreasonable additional overshadowing onto Wentworth Park compared to the Stage 1 Concept envelope, due to the central location of the building.
(b) to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas	The site's adjacency to heritage items on two frontages, being Jones Street and Fig Street, has been appropriately considered in the height transitions provided: • Building B (Jones Street) is lower in overall height, being RL37.10, than the existing apartment building located on the site of heritage item I1205 *Former industrial building elements and industrial components "Edwin Davey & Sons Flour Mill",* which has a top of building height at RL45.95. • The existing terrace group on Jones Street currently presents as low scale buildings within a dense urban context; it is located between the Western Distributor, the 5-storey residential development at 219 Bulwara Road and the former Edmin Davey & Sons Flour Mill building. • Sites surrounding the terrace group, particularly on the southern and western sides of Jones Street are all identified for much higher development than the terrace group, in both the SLEP 2012 and the Sydney Development Control Plan 2012 (SDCP 2012). • The transition between the scale of the heritage listed terraces on Jones Street and the proposal is assisted by the setback from the Jones Street property boundary and additional upper level setbacks, and by matching the four-storey height of the lower portion of the Harbour Mill Apartments. • Strictly applying the 27 metre height plane to the unique topography of the site would permit a built form along Jones Street that imposes a far greater impact than what is now proposed (and

OBJECTIVE	DISCUSSION
	approved in the Stage 1 Concept DA). This is the result of the decision to redistribute the floor space in favour of a lower envelope and to provide a setback that allows visibility of the sandstone cliff face and accommodates a footpath on an important pedestrian link to the light rail station where none exists today. • While the heritage listed terraces on Jones Street are low scale, they are currently visualised in the context of the Harbour Mill Apartment Building that rises from 5 to 10 storeys in height, as well as other larger buildings in the locality. The proposed building heights are lower than the recent Harbour Mill Apartment Building, providing a transition in scale to the heritage terraces. • Similarly, the Fig Street interface is consistent with the heritage-listed former wool store when viewed in context, due to the southern and eastern setbacks at level 8 and above in Building E (Fig Street). • Given that the proposal does not seek to exceed, or even meet, the maximum FSR of 4:1, and the minimal environmental impact associated with the additional height at the centre of the site, when considering the streetscape and heritage impact, compliance with the height standard can be seen to be unreasonable or unnecessary, see *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 at [34]. • The design of Building B (Jones Street) comprises façade articulation which takes cues from the rhythm of the heritage terraces and in doing so break down the building form to respond to Jones Lane. • The Heritage Impact Statement prepared by Paul Davies confirms: - *The relocation of the previously proposed residential uses in Building E (Fig Street) and redistributing across the site/Building C (Courtyard Building) is conceptually sound and results in no heritage impact.* - *The built form is well articulated and modelled to reflect the broader pattern of development including its scale along Wattle Street. The design is varied by responds to the street wall height of adjacent block. There are no heritage issues arising from the Wattle and Fig Street interfaces.* - *The proposal establishes a strong and modulated street wall with setbacks at a higher level which create an appropriate (scaled) relationship to the residences to the south.* - *The modelling of the south-east corner of the development, with open space at street level connecting to the through site link, creates a generous spatial setting at this corner.* - *There is no perceivable heritage impact from the minor*

OBJECTIVE	DISCUSSION
	amendments to the building height from that originally approved in the Stage 1 Concept DA. - *Proposing Building E (Fig Street) as solely a commercial building is more consistent with the existing/historical warehouse qualities of the site, which is considered a positive heritage outcome.* - *The increase height associated with Building C (Courtyard) result in no adverse heritage impacts.*
(c) to promote the sharing of views outside Central Sydney	• The site has been underutilised for many years, devoid of significant built forms, despite its MU1 (previously B4) mixed-use zoning. The surrounding buildings have enjoyed the benefit of the undeveloped site, however there must be a reasonable expectation that the site will be developed in accordance with the relevant planning controls at some stage. • The site most impacted by view loss is the group of terraces on the opposite/eastern side of Jones Street. These western views over Wentworth Park currently enjoyed by these buildings would be lost by a development wholly compliant with the height control, and as such the view impact to the terrace group is reasonable and acceptable in accordance with the fourth principle established in *Tenacity Consulting v Warringah* [2004] NSWLEC 140, and the proposed exceedance does not affect the achievement of this objective. • Likewise, a complying development envelope fronting Jones Street, by virtue of the profile of the sandstone rock face, could achieve a 27 metre height at the Jones Street boundary that would adversely impact views from the Harbour Mills Apartments. Instead, the proposed buildings adopt a lower profile that achieves a positive view sharing outcome. • The views from Fig Lane Park, which is located to the south-east of the site at the intersection of Fig and Jones Street, are in the north-westerly direction comprising treetops on the site and parts of the Inner West Light Rail Corridor Viaduct. A compliant development for Building B (Jones Street) would similarly take these views away. However, the northern view of the Anzac Bridge is unaffected as is the treetops view to the north and east beyond Jones Street.
The site is not located within Central Sydney, or Green Square Town Centre and therefore objectives (d) and (e) are not relevant.	

As demonstrated in Table 2, the objectives of the HOB development standard are achieved notwithstanding the variation. In accordance with *Wehbe*, compliance with the development standard is therefore demonstrated to be unreasonable or unnecessary, and the requirements of clause 4.6(3)(a) have been met on this First Test alone.

7. SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS

In *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 118, Preston CJ determined that "environmental planning grounds" include matters that relate to the subject matter, scope and purpose of the *Environmental Planning and Assessment Act* 1979 (the Act), including the objects in Section 1.3, which are copied in full below:

a. *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources;*
b. *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment;*
c. *to promote the orderly and economic use and development of land;*
d. *to promote the delivery and maintenance of affordable housing;*
e. *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats;*
f. *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage);*
g. *to promote good design and amenity of the built environment;*
h. *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants;*
i. *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State; and*
j. *to provide increased opportunity for community participation in environmental planning and assessment.*

In that decision, Preston CJ also observed that in order for there to be 'sufficient' environmental planning grounds to justify a written request under Clause 4.6 to contravene a development standard, the focus must be on the aspect or element of the development that contravenes the development standard, not on the development as a whole.

The environmental planning grounds relied upon to justify the departure of the HOB development standard are as follows. It is noted that the LEC accepted the sufficiency of the grounds provided in paragraphs (b), (c), (d), (e) and (f) when granting consent to the Stage 1 Concept Approval. The environmental planning grounds provided in paragraphs (a), (g)- (k) relate particularly to the exceedances required in connection with the proposal as adapted consequent upon the design competition:

(a) The proposed development provides large scale community uses including a 91-place childcare and indoor recreation centre comprising two indoor courts and associated facilities; while also delivering significant public benefits through generous through-site links, which are not mandated under the planning controls. The proposal provides a genuine mix of business and residential uses to enhance the character, liveability and productivity of the Wentworth Park Sub Precinct in the Pyrmont Peninsula and 5,181m² or 41.8% of the site area as COS (16.8% more than that required by the Apartment Design Guide), including publicly accessible open space. The proposed height exceedances free up the ground plane to deliver these benefits.

(b) Notwithstanding the proposed exceedance of the HOB development standard, the proposal (FSR 3.87:1) complies with the FSR development standard that applies to the site under clause 4.4 of the SLEP 2012 (being 4:1) and does not represent an overdevelopment of the site from a land use intensity perspective.

(c) A primary driver of the HOB exceedance is the desirability of enabling the buildings across the site to be arranged to maximise COS and enhance pedestrian connectivity within the site and to surrounds. Further public benefit is

evident in the setback from the boundary at Jones Street (including provision of a new footpath) in response to the heritage listed properties opposite the site, and extension of the central courtyard to the interface with the Light Rail Station, where development of 27 metres is possible but is not proposed.

(d) The proposed building forms are derived from analysis of the existing built form adjacent to the site, so that unreasonable impacts do not result, particularly in respect of solar access and streetscape character. No unreasonable additional overshadowing as compared to the approved concept envelope is imposed on Wentworth Park, Fig Lane Reserve, or the existing properties on the eastern side of Jones Street.

(e) The abrupt change in level on the site (formed by the sandstone rock face to the east) demonstrates why it is necessary to apply the HOB standard flexibility. An alternative proposal that achieved compliance with the HOB development standard could be built to the boundary where the rock face is close to the level of Jones Street, and where a narrow envelope of 27 metres in height could be developed. A strictly compliant proposal would result in a comparatively worse environmental planning outcome. Instead, in the current proposal this floor space is redistributed centrally within the site, where it is largely below the 27 metres height control.

(f) A consistent building setback is adopted to the irregular Jones Street boundary line. The result is a loss of floor space on an area of the site on which it is otherwise allowed, in favour of a footpath on Jones Street and a gap with visibility to the sandstone cliff face below. The Jones Street building footprint is consistent with the amenity criteria of the *Apartment Design Guide* (ADG), and its envelope is compatible with surrounding development. Likewise, a generous setback is evident at the upper storeys that are above the height plane at the Fig Street block. The building masses of the Jones and Fig blocks mostly reside under the sandstone wall which forms the eastern site boundary. The shadow impacts are also comparable to that approved in the Stage 1 Concept DA and less than a compliant envelope.

(g) The taller Building C (Courtyard) residential tower exceeds the HOB design standard but provides significant benefit through a slender floor plate that achieves a high level of solar access and cross ventilation, providing superior sustainability and residential amenity outcomes. The placement of this taller tower as a standalone element (not linked to another building in an 'L-shape' configuration as initially envisaged by the Concept Approval) also has the positive effect of liberating the ground plane, providing additional public space and pedestrian permeability through the site. Moreover, the slender nature of the tower ensures shadow impacts are fast moving and so do not cause undue additional impacts on surrounding public open spaces. The redistribution of floor space from the former L-shaped building and from the previously proposed residential floors of Building E (Fig) to the top of Building C (Courtyard) has contributed to the latter's height exceedance. Notwithstanding, the amenity benefits in terms of solar access and cross ventilation for those units outweigh the numerical height exceedance and the minimal environmental impact that would result.

(h) Floor levels in Building D (Wattle Street) and Building E (Fig Street) are elevated by approximately 700mm (RL2.87) for flood planning, which contributes to the height exceedance.

(i) Increase to the floor-to-floor heights of Building B (Jones Street) and Building D (Wattle Street) from 3.1 metres to 3.2 metres is required to meet the requirements of the *Design and Practitioners Act* 2020.

(j) The envelope and inclined roof form of Building D (Wattle Street) protects solar access to Wentworth Park in mid-winter and accommodates floor space that could otherwise be in the COS adjoining the Light Rail station.

(k) The additional shadows on Wentworth Park beyond the approved Stage 1 Concept Envelope and attributed to the height exceedance are minor in nature. The additional shadows are a result of the amended massing strategy and redistribution of floor space driven by the design competition, increased floor to floor heights for improved construction standard, and the need for roof-mounted plant and equipment that cannot be accommodated within basements. The impact is limited to the morning period. By 10am, 21 June, the majority of the shadows will fall on existing trees at the eastern edge of the park as well as the Wattle Street road reserve. The impact will gradually decrease and by 12 noon, 21 June, the proposed development will not cast any shadows on Wentworth Park. The majority of Wentworth Park will remain under direct sunlight throughout the day in mid-winter. The retained solar access will greatly exceed the currently applicable DCP control for protection of sunlight to public parks, which requires 50% of the total park area to receive sunlight for 4 hours from 9am to 3pm at mid winter.

(l) The additional exceedances beyond those already approved by the Concept Approval could be remedied by reducing the floor-to-floor heights and reinstating the L-shaped form of the Wattle Street building, however, this would result in an inferior environmental planning outcome because:

- The reduced floor to floor heights would compromise the design quality of the apartments for no material or perceivable environmental benefit.

- It would require the two top floors of Building E (Fig Street) to be reinstated as residential storeys, resulting in a mixed-use building and less commercial floor space. As noted by the Competition Jury, residential storeys on this building were considered problematic from a design and asset management perspective. Strategically, it is preferable to maximise the commercial floorspace and avoid conflicting land uses that will compromise the performance of the building. In this regard, 33.0% of the total floor space is commercial, 0.9% is retail floor space, 56.7% is residential floor space, 3.8% is childcare floor space and 5.6% is recreational floor space. Further, the site is within the City Fringe and Innovation Corridor which houses knowledge intensive clusters that represent some of the fastest-growing sectors in the City's economy according to City Plan 2036 (the City of Sydney Local Strategic Planning Statement). The creation of unconstrained commercial floor plans in a mixed use and high amenity context is consistent with and promotes the development of innovative and diverse business clusters in the City Fringe in accordance with priority P2 of City Plan 2036.

- It would also require the reinstatement of the L-shaped Wattle Street building, reducing the permeability of the ground plane and amenity of the east-west through site link, creating apartments with poorer amenity due to the deep re-entrant corner, and compromising the outcome of the architectural design competition.

Having regard to the discussion in points (a)- (l) above, the environmental planning grounds are considered sufficient and are consistent with the following objects in Section 1.3 of the Act:

- *(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*

- *(c) to promote the orderly and economic use and development of land,*

- *(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*

- *(g) to promote good design and amenity of the built environment,*

8. PUBLIC INTEREST

Clause 4.6(4)(a)(ii) requires that development consent may not be granted to a proposal which contravenes a development standard unless the consent authority is also satisfied that the proposed development will be in the public interest because it is consistent with the objectives:

a) of the particular standard; and
b) for development within the zone in which the development is proposed to be carried out.

The proposed development will be in the public interest because it is consistent with the objectives of the HOB development standard and the objectives of the MU1 (Mixed Use) zone. An assessment against the objective of the MU1 (Mixed Use) zone is provided in the Table 3 below. An assessment against the objectives of the HOB development standard in Clause 4.3 was provided in Table 2 above, and is not restated here to avoid duplication, but is relied on also in relation to this test.

Table 3: MU1 (Mixed Use) Zone Objectives

OBJECTIVE	DISCUSSION
• To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.	• The proposal delivers a diversity of office, retail, recreational and childcare land uses that generate employment opportunities in a highly accessible area. • The proposal provides a mix of public and community uses alongside commercial, retail and residential use, notably 33.0% of the total floor space is commercial, 0.9% is retail floor space, 56.7% is residential floor space, 3.8% is childcare floor space and 5.6% is recreational floor space. In response to the constraints, the height non-compliances are considered reasonable. The height exceedances result from a staged design excellence process, which sought to locate non-residential uses at 'hostile' interfaces, e.g. putting retail uses at Wattle Street and commercial uses at Fig Street. The more sensitive residential and childcare uses are generally located centrally within the site and at the Jones Street frontage, which is not subject to significant acoustic, traffic or other constraints. • The taller Building C (Courtyard Building) is a residential tower which exceeds the height limit but provides significant benefit through a slender floor plate. The placement of this taller tower as a standalone element (not linked to another building as an 'L-shape', as initially envisaged) also has the positive effect of liberating the ground plane, providing additional public space and pedestrian permeability. • The overall development achieves a high level of cross ventilation with 61.1% (corner and cross-through units, and units assessed by specialist consultant to achieve equivalent level of airflow) of apartments in the first nine storeys being naturally cross ventilated, providing superior sustainability and residential amenity outcomes. Additionally, none of the apartments receive no sun in mid-winter. • Overall, the site planning (including the proposed height exceedances) has resulted, in part, from the desire to locate land uses in suitable

OBJECTIVE	DISCUSSION
	locations across the site. The genuine mix of uses including commercial, residential, retail, childcare and community facilities aligns with the zone objectives and delivers an optimal outcome for the site's mixed-use zoning.
• To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.	• The proposal provides active frontages on all site edges, responding to the unique characteristics of the streets and the Light Rail corridor. • The proposal achieves diverse and active frontages to Wattle, Jones and Fig Streets. Commercial units, a through-site link and a pedestrian forecourt are provided at the Wattle Street frontage. A retail unit, plaza and through-site link offer activation to the Jones Street / Fig Street junction and effectively expand the public domain; the apartments within Building B provide casual surveillance of Jones Street. Fig Street is subject to high volumes of vehicular traffic and it would not be viable to provide retail uses along this frontage. Notwithstanding, the commercial suites within Fig Street would animate the street and contribute to its safety and security. • The development would also provide a revitalised and active edge to the eastern part of Wentworth Park. • The pedestrian permeability afforded by the proposal, together with the setback and footpath proposed at Jones Street, enhance accessibility in proximity to the Light Rail station, which integrates the mixed-use development with public and active transport (such as cycling and walking) and improves pedestrian connectivity in the surrounding neighbourhood.
• To minimise conflict between land uses within this zone and land uses within adjoining zones.	• The proposal (as concurrently proposed to be amended in the Section 4.56 modification application) does not result in any conflict of land uses. • The site adjoins an R1 General Residential zone to the east, SP2 (Railways) zone to the north, and SP2 (Classified Roads) to the south and west. Wentworth Park is situated further to the west. The design scheme adopts a site layout and massing strategy which are contextually appropriate and would minimise adverse environmental and amenity impacts on key public open spaces and existing residential uses in the locality. • The proposed building heights will retain adequate solar access to the terraces along Jones Street as well as Wentworth Park. The tallest element, being the Courtyard Building, is contained within the centre of the site to minimise visual and overshadowing impacts on the surrounding areas. The proposed building heights are also consistent with the nearby heritage listed former wool stores along Wattle Street. • The development will introduce a residential and employment population that maximise usage of the adjacent Light Rail and encourage sustainable modes of transport.
• To encourage business, retail, community and other non-	• Non-residential uses are provided on the ground floor of Building A (Retail Pavilion), Building B (Jones Street – recreation centre), Building D (Wattle

OBJECTIVE	DISCUSSION
residential land uses on the ground floor of buildings.	Street) and Building E (Fig Street). • A range of commercial uses (retail / office) have been provided for at the ground floor levels of the Wattle and Fig Street buildings. • The recreation centre and childcare centre are accessible from the podium level of the development as well as the adjacent Light Rail Station.
• To ensure land uses support the viability of nearby centres.	• The proposed mix of uses will support the viability of Centres, including the Ultimo and Pyrmont precinct and notably the 'Wentworth Park Sub Precinct'. It will deliver a significant range of employment generating and community uses that will align with the objectives of the *Pyrmont Peninsula Place Strategy* relating to employment generation and urban activation in the Pyrmont area. However, the proposed land uses would not compete with the role or viability of Sydney CBD.
• To integrate suitable business, office, residential, retail and other land uses in accessible locations that maximise public transport patronage and encourage walking and cycling.	• The proposal successfully integrates several land uses into a singular development, achieving the objectives of the mixed-use zoning and is consistent with the vision for the Wentworth Park Sub Precinct in the Pyrmont Place Strategy. The uses have been deliberately placed in certain locations on the site in response to the surrounding urban environment. In doing so, ensures a genuine mix of business and residential uses to enhance the character, liveability and productivity of the sub-precinct. • As a result of the undulating and unnatural topography at the Jones Street frontage, the height limit must be varied to provide a contextually responsive built form. The extent of this variation is considered necessary in view of the requirement to provide sufficient building depths (with indents) to achieve residential amenity outcomes consistent with the ADG. As above, the placement of a taller tower (Building C (Courtyard)) centrally within the site is considered appropriate given the flow on benefits to residential amenity, sustainability, and the ground plane. • Further, the proposal does not reach the maximum FSR permissible for the site; despite the technical height exceedances, the proposal is not an overdevelopment from a land use intensity perspective. The maximum FSR is 4:1 or 49,524m², with the proposed development's FSR 3.88:1 (excluding the small RE1 zoned land in Jones Street from site area) or 47,954m² gross floor area.

8.1.1. State Environmental Planning Policy Amendment (Land Use Zones) (No 6) 2022 (Zones SEPP)

LEPs in NSW have been amended to introduce employment zones by way of self-repealing SEPPs. Six self-repealing SEPPs amended 134 LEPs on 16 December 2022. These amendments do not however commence until 26 April 2023. Zones SEPP No.6 applies to the SLEP 2012. The reform of employment zones supports long-term economic recovery through job creation and encourages increased productivity in NSW. The employment zones seek to provide clear strategic intent, include clarity around their application and increase flexibility around land uses.

The Zones SEPP (No 6) which was published on the NSW Legislation website on 16 December 2022, repeals the B4 Mixed Use zone within the Land Use Table of the SLEP 2012 and replaces that with a new MU1 Mixed Zone. However, commencement of the Zones SEPP was deferred by the Inner West Local Environmental Plan Amendment (Land Use Zones) 2022. The SLEP 2012 land use zone mapping which identifies the site as MU1 zone applies to the site from 26 April 2023.

9. STATE OR REGIONAL ENVIRONMENTAL PLANNING

This section considers whether the contravention of the development standard raises any matter of significance for State or regional environmental planning, the public benefit of maintaining the development standard, and any other matters required to be taken into consideration by the Secretary before granting concurrence required by clause 4.6(5).

There is no identified outcome which would be prejudicial to planning matters of State or regional significance, as a result of contravening the development standard as proposed by this application.

As demonstrated already, the proposal is consistent with the objectives of the zone and the objectives of the development standard and in our opinion, there are no additional matters which would indicate there is any public benefit of maintaining the development standard in the circumstances of this application.

Finally, we are not aware of any other matters required to be taken into consideration by the Secretary before granting concurrence.

The Planning Secretary can be assumed to have concurred to the variation. This is because of Department of Planning Circular PS 20–002 'Variations to development standards', dated 5 May 2020. This circular is a notice under 64(1) of the *Environmental Planning and Assessment Regulation* 2000.

A consent granted by a consent authority that has assumed concurrence is as valid and effective as if concurrence had been given. The circular provides for assumed concurrence.

The Secretary can be assumed to have given concurrence to the variation, provided that the determination is not made by a delegate of the Council. (It should be noted that a committee/panel and the LEC are not delegates of the Council).

10. CONCLUSION

This submission requests a variation, under clause 4.6 of the SLEP 2012, to the HOB development standard in clause 4.3 of the SLEP and demonstrates that:

- Compliance with the development standard would be 'unreasonable and unnecessary' in the circumstances of this development;
- The development achieves the objectives of the HOB development standard and is consistent with the objectives of the MU1 (Mixed Use) zone;
- There are sufficient environmental planning grounds to justify the contravention;
- The proposed development will be in the public interest as it is consistent with the objectives of the HOB development standard and MU1 (Mixed Use zone);
- The are no matters of significance for State or regional environmental planning raised by the contravention; and
- There is no public benefit in maintaining the HOB development standard.

The consent authority can be satisfied of the above and the approval of the proposed development is therefore in the public interest. The concurrence of the Secretary can be assumed in accordance with Planning Circular PS 18-003. On this basis, it is therefore appropriate to exercise the flexibility provided by Clause 4.6 in the circumstances of the case.

Attachment E

Submissions

From: David Haertsch [redacted] on behalf of David Haertsch [redacted]
<David Haertsch [redacted]
Sent on: Tuesday, March 14, 2023 2:04:22 PM
To: dasubmissions
Subject: Submission - D/2023/97 - 14-26 Wattle Street PYRMONT NSW 2009 - Attention Jessica Symons

Caution: Th s ema came from outs de the organ sat on. Don't c ck nks or open attachments un ess you know the sender, and were expect ng th s ema .

Dear Ms Symons,

I note that the above application has applied for only a modest height variation of 6 metres in a few parts of the development.

The scheme has many commendable public aspects. It is a project of such great amenity so close to the city centre - mixed uses; public facilities; cross site public connectivity and so on and is of high design quality.

However, I feel that I must express a certain disappointment in the relatively low density of the development. A site with such great amenity could surely accommodate more population and that would better suit its central location and future urban character.
It appears the the maximum number of storeys is between six and eight.

I note that the height limit of 27 metres was given by the City Council some time ago.
I believe that this height limit was probably imposed well before a Pyrmont Metro Station was proposed nearby and before New Sydney Fish Markets (now under construction).
These additional metropolitan facilities will provide greatly increased amenity to the site that would more than justify an increase in density.

The Site already has a light rail stop and nearby bus routes along Harris Street. It faces a park that will be renovated and upgraded to become an even more popular recreational area once the greyhounds are gone.
It is within walking distance of Darling Harbour, Glebe s high streets and the Blackwattle Bay waterfront.

While I understand that the approximately 27metre high wall of Woolstores along Wattle Street is a significant component of the streetscape, I feel that away from Wattle Street towards Jones Street, the density could be made to match that of the ten storey building at No. 280 Jones Street.

I would further advocate that any increase in density above that in this proposal provide affordable housing as this is in limited supply in this part of the city.

In addition, the City's regulation of car parking maximums of dwellings and workplaces should be strictly applied given the ready accessibility of the site to several lines of public transport and the level of traffic congestion in the city centre.

Yours Faithfully

David Haertsch

David Haertsch Architect A A 5367
www.dharchitect.com.au
Level 4 68 Wentworth Ave Surry Hills
t [redacted] f 9281 3171

From: <[redacted]

Sent on: Tuesday, April 4, 2023 10:09:33 AM

To: dasubmissions[redacted]

Subject: Fig/Wattle Street D2023/97

Attachments: Fig Wattle St Redev 31 March 2023.docx (88.71 KB)

Caution: Th s ema came from outs de the organ sat on. Don't c ck nks or open attachments un ess you know the sender, and were expect ng th s ema .

Please find attached Pyrmont Action's submission on this application. Elizabeth Elenius, Convenor, Pyrmont Action Inc. [redacted]

PYRMONTACTION

Elizabeth Elenius, Convenor
9C/2 Bowman Street,
PYRMONT NSW 2009
[redacted]

31 March, 2023

Ms Jessica Symonds,
City of Sydney,
dasubmissions@cityofsydney.nsw.gov.au

Dear Ms Symonds,

D/2023/97 – 14-26 and 12A Wattle Street, Pyrmont

Following a briefing with representatives of the proponent, BVN (winners of the design competition) and landscape architects we wish to make the following comments:

1.0 *Building Heights* – We accept the increase in height of the terraces fronting Jones Street, as each additional storey will be set back from the new footpath and the widened street. However, we are very concerned that no attempt has been made to maintain the open views from Fig Park. Whilst the proposed retail space fronting Jones street associated with the commercial building to the South of the site may provide some community amenity, it will compromise the open vistas that currently exist from the park.

We have previously proposed that a trade-off of height could be achieved by keeping the views from the park and increasing the height of the commercial building towards the South West and recommend reconsideration of the treatment of this SE corner of the site.

We do not support the proposed increase in height of the central building. The Pyrmont Peninsula Place Strategy recommends that developments in the Wentworth Park Sub-Precinct recommend a stepped approach to building heights from Wattle Street which has not been fully achieved in this plan.

2.0 *Public Domain* – We support the widening at the top and bottom sections of the EW through-site link providing improved access from Ultimo to Wentworth Park. We also support the treatment of the public open space in the vicinity of the existing lift from the light rail station to Jones Street. We would like clarification of the ownership of the area at the top of the cliff between Harbour Mill and the existing stairs up from the LR to Jones Street. At present it is weed infested and unsightly, creating ongoing maintenance problems for volunteers from Pyrmont Ultimo Landcare who look after the public domain between the LR station and the Fig/Wattle Street development site. We ask that a condition of approval be that the developer arrange for clearance of the weeds from the cliff-top, in

consultation with PUL volunteers. Any plane trees removed from the development site should be replaced with local native trees in order to increase the canopy cover.

Hard surfaces should be kept to a minimum in all areas of public open space to enhance water infiltration.

3.0 *Renewable Energy and Water Capture* – We commend the proposal for the installation of solar panels and battery storage for all buildings and measures to capture stormwater and run-off for re-use in areas of public parkland and on rooftop gardens.

4.0 *N-S Link* – We note the need to remove 2 lillipiillis which line the existing path to the to the light rail station from Wattle Street in order to provide pedestrian access to the station from the proposed development. We do not oppose this removal on condition that more local native trees are planted on the proposed adjoining public land next to the new pathway.

5.0 *Access to the cliff face of the former Hell Hole sandstone Quarry* – We note that visual access to the cliff face will be provided from the public open space adjacent the proposed sports centre and from Jones Street. Physical access is available from inside the sports centre. We are satisfied with this level of access which should be maintained throughout the life of the development.

6.0 *Affordable Housing* – We ask that funds acquired by Council via an Affordable Housing levy on the development be used to provide new Public/Affordable Housing within the LGA and that Council provide public advice as to the amount raised and details of how it will be spent.

We are happy to discuss this submission further with those assessing the latest plans.

Yours sincerely,

Elizabeth Elenius, Convenor

From: [redacted] on behalf of [redacted] <Elena Akhromova [redacted]

Sent on: Monday, April 10, 2023 8:31:44 PM

To: dasubmissions[redacted]

CC: cmoore@cityofsydney.nsw.gov.au; clover@clovermoore.com; athomas@cityofsydney.nsw.gov.au; kobi@[redacted]; Jamie Parker MP <jamie[redacted]>; [redacted]

Subject: Submission - D/2023/97 - 14-26 Wattle Street PYRMONT NSW 2009 - Attention Jessica Symons

Attachments: 10 April 2023 submission FINAL.pdf (163.61 KB)

Caution: Th s ema came from outs de the organ sat on. Don't c ck nks or open attachments un ess you know the sender, and were expect ng th s ema .

Dear Ms Symons,

Please kindly see a submission attached. We have a long history of submissions in relation to this proposed development, including participation in the Court hearing (mediation) and correspondence with the Lord Mayor and Mr Andrew Thomas. We will be bringing this to their attention, as well as Ms Kobi Shetty our Member for Balmain (we understand this development is in the Balmain electorate).

Thank you for considering our submission.

Kind regards,

[redacted] (owner of unit [redacted] at 280 Jones St, Pyrmont NSW 2009 known as the Harbour Mill)

[redacted]

10 April 2023

Submission regarding D/2023/97 - 14-26 Wattle Street PYRMONT NSW 2009

Made by owners/residents of the following units at 280 Jones Street Pyrmont NSW 2009:

1. [redacted]
2. [redacted]
3. [redacted]
4. [redacted]
5. [redacted]
6. [redacted]
7. [redacted]

[Please keep the above personal details confidential]

Dear **Ms. Jessica Symons**

Delivered via email: dasubmissions@[redacted]
Copy to: Lord Mayor Ms Clover Moore cmoore@c[redacted], clover@c[redacted]
Mr Andrew Thomas, Executive Manager Planning and Development athomas@c[redacted]
Ms Kobi Shetty, MP kobi@k[redacted]
Mr Jamie Parker, former Balmain Electorate MP jamie[redacted]

Re: D/2023/97 - 14-26 Wattle Street PYRMONT NSW 2009

We are delivering this submission in the following capacities:

- Owners of the properties listed above at 280 Jones St Pyrmont NSW 2009, known as the Harbour Mill building, which is adjacent to and overlooks the proposed development site;
- payers of taxes, duties and rates; and
- members of the public.

Each of us has lived in the Pyrmont and Ultimo area for more than 5 years. We represent the common consumers and the public who "live and breathe" the area. This is our neighbourhood and our home. We represent all those people who will be directly impacted by the proposed development.

We are disappointed that Landream Pyrmont Pty Ltd ("Landream" or "the developer") is proposing a modified DA in excess of the building heights approved by the Commissioner through mediation ("the Court").

We trust in the Council's responsibility to protect our interests and list the following major concerns regarding this DA:

- **Building heights.** The DA approved by the Court already included heights in excess of the standards set by the Law. The developer is now attempting to increase the heights even further. We request that the Council does not allow further height increases.

- **Allowing +10% design excellence neither fair nor reasonable in the circumstances**. Given that the proposed Development is in breach of the height standard as approved by the Court already, we kindly request the Council to reconsider whether it is fair and reasonable for this non-complying Development to maintain eligibility for +10% additional height under SLEP 2012 provisions.

- **Not in Public Interest.** As the Council already outlined in its decision to refuse the original DA in July 2020, this non-complying development is not in the Public Interest. We agree that the scale of this proposed development is excessive for this site / area. Therefore, access to +10% heights and increases above DA envelope as approved by the Court should be disallowed

- **Consumer confidence.** The proposed material breach of the height standard undermines consumer confidence (including home owners in the area who made property ownership decisions in good faith relying on the height standard legislation).

- **Undesirable precedent**. The proposed height breach sets precedent for future developments in the area, exacerbating the issues described herein.

- **Developer opportunistically pushing the envelope for own benefit at the expense of the local community.** We note a long history of DA proposals, rejections, modifications and mediation for this development since 2019. The original DA was firmly rejected by the Council with independent consultant's review. However, the Developer has pushed and pulled all possible levers to again propose yet a new set of modifications resulting in an envelope similar to the original DA heights and scale, thus must be firmly rejected again for the same reasons.

- **Integrity of the DA consent process**. Breaches of height standard of the magnitude as detailed in this DA would put a reasonable person on alert that the process may not have been properly followed to protect the interests of the community.

- **History of the site – failed school.** The community has suffered enough as this site was proposed for a new Public School, which the Council failed to sell to the State Government as they wanted a higher price. This should be taken into consideration in deciding on building heights.

- **Landmark site.** This site is a highly visible landmark with heritage. We request consideration of this before consenting to any heights in excess of the Court decision and before allowing +10%.

- **Overshadowing the Fig Street park.** The proposed height increases above those approved by the Court create additional overshadowing and locking of views from the public park.

- **Adverse impact on the historic and cultural significance of the area.** Harbour Mill has been faithful to the design of the original flour mill, and is the primary landmark for commuters travelling eastbound over the Anzac bridge. However, with the proposed DA heights the new building will dwarf Harbour Mill and be seen from multiple vantage points with out of character design and excessive height.

- **Harbour Mill adversely impacted.** Height increase will infringe on the privacy of existing units in 280 Jones St, who would have previously seen over the Wattle st proposed structure. Additionally, the height increase will overshadow 280 Jones St common amenities, including the internal courtyard and Level 4 shared rooftop.

- **Wind tunnel.** The height increase compared to what was approved can also lead to wind tunnel effects and exacerbate noise pollution, affecting all residents of 280 Jones St, the neighbouring terrace houses, and the proposed Wattle St structure.

- **Density increase negative impact - traffic**. Height increase means additional increase in density that will create an access issue and safety hazard for residents accessing the Jones St cul-de-sac. The street is narrow and an additional density increase and subsequent increase in traffic will make 280 Jones St inaccessible by car, including rideshares. The council should assess Jones St access as a destination for ride share vehicles. As a resident of the area for over 5 years, it is unlikely that ride share vehicles will be taken to Wattle St. They will instead create traffic issues on Jones St.

- **Density increase negative impact – public transport.** Height increase leads to increased density which will overburden the limited existing public transport, such as the light rail and local buses from Harris St.

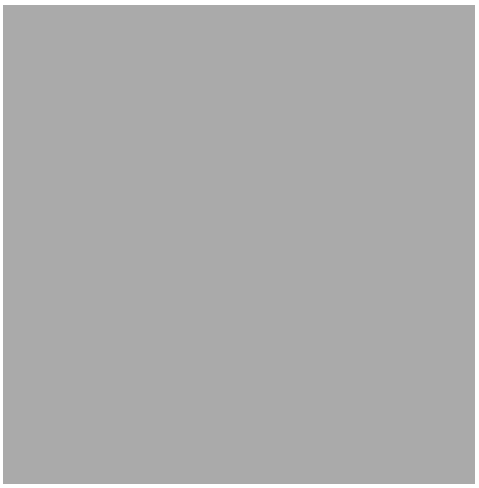
- **Density increase negative impact – illegal dumping.** The increased density will promote and worsen existing illegal dumping in Jones Lane around the Western Distributor overpass. The illegal dumping is a safety concern due to sharp objects, and blocks the primary access point from Jones St to Harris St public transport.

- **Wentworth Park overshadowing**. The council should assess the compatibility of an increased height structure at Wattle St against its existing plans to reclaim Wentworth Park as a recreation site.

Thank you for considering this important matter and our submission. We trust in your responsibility to protect the interests of the minorities, rather than allowing those with money and power to over-ride the system.

If you need to discuss any matters in relation to this submission, please contact any or all of us via the email addresses listed above or [redacted] can be reached on [redacted].

Yours sincerely,



From: [redacted] > on behalf of [redacted]
[redacted] > <[redacted]
Sent on: Wednesday, April 12, 2023 7:47:50 AM
To: [redacted] dasubmissions[redacted]
CC: Jamie Parker MP <jamie[redacted]>; athomas@[redacted];
clover@[redacted]; cmoore@[redacted]; kobi[redacted]u
Subject:
Attachments: Final submission D202397.pdf (51.36 KB), 10 April 2023 submission FINAL.pdf (163.61 KB)

Caution: Th s ema came from outs de the organ sat on. Don't c ck nks or open attachments un ess you know the sender, and were expect ng th s ema .

Dear Ms Symons,

Please find my submission attached:Final submission D/2023/97
This submission is written in addition to but echos the submission also attached: 10 April 2023 submission FINAL
I request that my submission and strong objection is brought to the attention of all recipients and I ask that it is to be included in the process of determining the DA modification application for the proposed development D/2023/97 - 14-26 Wattle Street PYRMONT NSW 2009.

Respectfully
[redacted]

------ Original Message ------

From: "[redacted]

To: "dasubmissions[redacted] <dasubmissions[redacted]>

Cc: cmoore@[redacted]; clover@[redacted]; athomas@c[redacted]
kobi@[redacted]; "Jamie Parker MP" <jamie@[redacted]>; "[redacted]"
<[redacted]>; [redacted]

Sent: Monday, 10 Apr, 2023 At 8:31 PM

Subject: Submission - D/2023/97 - 14-26 Wattle Street PYRMONT NSW 2009 - Attention Jessica Symons

Dear Ms Symons,

Please kindly see a submission attached. We have a long history of submissions in relation to this proposed development, including participation in the Court hearing (mediation) and correspondence with the Lord Mayor and Mr Andrew Thomas. We will be bringing this to their attention, as well as Ms Kobi Shetty our Member for Balmain (we understand this development is in the Balmain electorate).

Thank you for considering our submission.

Kind regards,

[redacted] (owner of unit [redacted] at 280 Jones St, Pyrmont NSW 2009 known as the Harbour Mill)

[redacted]

[redacted]

12 April 2023

From:
[redacted]
Pyrmont 2009

Objection to the modifications for the proposed development D/2023/97 - 14-26 Wattle Street PYRMONT NSW 2009

Delivered via email: dasubmissions[redacted]

Copy to:
Lord Mayor Ms Clover Moore cmoore[redacted]
Mr Andrew Thomas, Executive Manager Planning and Development
athomas[redacted]
Ms Kobi Shetty, MP kobi@[redacted]
Balmain Electorate balmain[redacted]

To Ms Jessica Symons

I object to and strongly oppose any **further** modifications proposed by Landream Pyrmont Pty Ltd ("Landream" or "the developer") to D/2023/97 - 14-26 Wattle Street PYRMONT NSW 2009.

I wish to preface my objection with commentary regarding the process and personal observations - which may not be within the confinements of proper process, are context and common ways that the community communicate and as such, I feel appropriate to this objection.

This developer has a history of requesting multiple modifications to DAs of previous projects for example, Beecroft Place - 8 Hannah Street, Beecroft NSW.
In this case, the developer has presented City of Sydney Council (CoS) with a DA for the site and had it approved; modified the approved DA and applied for approval which was rejected by CoS; appealed CoS decision to the Commissioner which was approved through mediation ("the Court"). And now we have another application by the developer, to modify the approved modified DA.
If the initial DA was rejected by CoS, I would expect (based on this history), that this current application to modify the DA should not be approved based on similar grounds as the first

application. In fact, given that the developer wishes to increase the density and height of the build, the negative and non-compliant effects of this measure are amplified even further.

Again, given there pattern of behaviour and the methods employed by the developer, we may see that the developer again, takes this matter to court for an anticipated overthrowing of the CoS decision.

I implore CoS to take the strongest action to prevent this form of delinquency which makes a mockery of CoS processes and decisions.

Whilst legislation permits this developer manner of asking for more modifications based on no other justification but for **financial gain** it is both disheartening and worrisome. Whilst a motive for maximum profit may be acceptable in a purely commercial operation - the residential adjunct changes the completion of the decision making.

We must rely on legislation and evidence-based research in this matter in order to arrive at a decision that not just preserves the financial gains for this business group but also also accounts for any and all **human, social, cultural and environmental consequences** that are measurable and permanent.

I implore the decision makers in this matter to understand the history of this location and area; to know about the current issues of concerns that remain unresolved for the community; and to satisfactorily forecast the impending demands on the area once this and all other known developments are in place. Almost all of which, will occur in only a 5 -10 year period.

As a member of the community, invited to participate in the determination process for the application to modify this already modified proposed development, I draw your attention to the **considerable technical disadvantage** that I or other non-trained community members may face when opposing development applications.

Obviously, there may be a wider range of impacts, considerations, precedents and arguments that can be legitimately put during this process but which are not known or presented by community members. Given this, we rely upon your experience and expertise in the human, social, cultural, economic and technical data of consequences, to understand and draw together both, our explicit and implied concerns.

The modifications proposed by Landream Pyrmont Pty Ltd (“Landream” or “the developer”) in D/2023/97 - 14-26 Wattle Street PYRMONT NSW 2009, seek to increase even further the high density residential and commercial buildings on this site, without commensurate planning to services and public spaces.

Given all known research and our most recent experiences around the Covid pandemic, the importance of residential and community liveability and wellbeing is amplified. Prudent decisions and measures applied conscientiously, must be undertaken in order to preserve the present and future community needs.

The decision to refuse the proposed **further modifications** by Landream Pyrmont Pty Ltd ("Landream" or "the developer") to D/2023/97 - 14-26 Wattle Street PYRMONT NSW 2009 is both in alignment with the legislated standards and conditions in the planning process but also satisfies the **highly relevant needs** of immediate and surrounding neighbours to be affected by the additional proposed modifications.

The proposed further modifications **will impose the effects** of overcrowding, access to light and quality air circulation that leads to disfunction for the amenity and healthy living of the residents established and moving into this development and the surrounding area.

The effects of overcrowding are numerous but specific to this area are the **higher levels of foot traffic** around Sydney Fish Markets, Wentworth Park, Wattle Street, Pyrmont Bridge Road, Wentworth Park Light Rail Stop, Jones Street, Upper Fig Street, Harbour Mill (280 Jones Street) throughway, Jones Lane, Fig Street, Bulwara Road, Allen Street and Harris Street are safety and logistic concerns.

I hold great safety concerns for locals including primary school-aged children, visitors/tourists and any future residents that walk along and cross eg corner of Upper Fig Street and Jones Street, Bulwara Road and Allen Street, unaware of current unresolved problems of a lack of pedestrian visibility on corners, a lack of footpaths contributing to people walking on the street, a lack of loading areas turning areas and parking. Increasing the residential and commercial capacity of this development site will only **amplify these hazards**.

The proposed further modifications to this DA will result in overshadowing to the general area and specifically to Harbour Mill and the heritage terraces on Jones Street. Objections by the owner of the terraces namely NSW Government Department of Social Housing, may not be provided and any residents of these houses may not participate in this DA process due to a range of factors one of which is a lack of awareness to influence the decision. I fear that the lack of input by these residents or even residents renting at Harbour Mill may create a skewed perception by the decision makers about levels of community interest or concern, that will favour the developer. I ask that in making the final decision about this development that due care is applied so that **all residents and community benefit** appropriately.

With specific focus on the effects of the proposed further modifications to this DA to the residents of Harbour Mill there will be a direct impact on the access to adequate **light and privacy** as the

proposed buildings **will** have views into windows, balconies and the common area of Level 5 (floor 4). When these are DA requirements for the construction of Harbour Mill, **what is the calculated impact to these features of amenity?** Will the needs of the residents of Harbour Mill be **negatively impacted** by an approval of the proposed further modifications to this DA?
The open common space of **Level 5 will be affected** by and possibly impact on the proposed development in terms of noise/acoustic activities, privacy, possible quality airflow and access to light. **Have these been accounted for** by Landream Pyrmont Pty Ltd ("Landream" or "the developer")?

Further residential and commercial intensity in this development will create **substantial traffic** to be generated due to visitors to and from this residential and commercial project. Irrespective of standard building parking facilities, the continual moving in and out of tenants and/or commercial deliveries and their parking requirements is well known and is a negative feature of our own Harbour Mill. The legislation fails to recognise and account for this type of traffic which is well above that calculated.

I have not elaborated on the specific **public services and assets required** to support such an increase in occupation and use of this site but please consider and evaluate the required needs for education, recreation, pollution controls, waste management, utilities supply. Please remember the impending needs of the Blackwattle Bay developments which are only a few streets away.

Finally, I will add that, based on past applications for proposed modifications to DAs I am **expecting many more changes** including those within the construction and those about the operation of the commercial premises that form an integral part of this development.

With each change, I ask that you consider the **whole picture and impact** to our homes and community and apply the available legislation to work for the community that includes those to come in 14-26 Wattle Street PYRMONT NSW 2009.

I support and echo the concerns presented to you in a previous email submission regarding D/2023/97 - 14-26 Wattle Street PYRMONT NSW 2009 by owners/residents of units at 280 Jones Street Pyrmont NSW 2009 and presented to you by [redacted] – unit [redacted]

I genuinely believe, when I compare the existing buildings and commercial developments made in the recent past the appearance and character of the peninsula is irrevocably altered with the changes not benefitting the community.

Respectfully

[redacted]

From:

[redacted]

To The Honourable Gladys Berejiklian MP The Honourable [First name] [Surname] MP The Honourable [First name] [Surname] MP or Minister for...

To:

The Hon. Gladys Berejiklian, MP

The Hon. (Rob) Robert Gordon STOKES, MP Geoff Gerring, Development Director, INSW Alex Greenwich, MP

Jamie Parker, MP

I object to the proposed development of Blackwattle Bay State Significant Precinct (BBSSP), because as they stand, as they do not comply with current planning controls.

I object to the proposed development of BBSSP because it relies upon changes to the existing planning controls.

The existing planning controls serve the Blackwattle Bay Precinct well and it is with these planning controls that the various communities encompassing the BBSSP have prospered and flourished into appealing, active and successful settings for both economic and social enterprises.

To alter the existing planning controls for the sake of the stated but not guaranteed outcomes of the proposed development of Blackwattle Bay State Significant Precinct will alter the current environment and will impact upon the immediate and wider communities.

I object to the rezoning of the BBSSP in order to facilitate the proposed development.

The proposed BBSSP does not comply with relevant standards or guidelines that ensure commitment to the local character and amenity of the community in the following ways:

The proposal states “public domain network of open spaces, streets and lanes is central to the plan and defines building envelopes”. This suggests more than usual open spaces but what is to be delivered is simply a series of public pathways and access roads, typical of all streets and buildings described as “building envelopes”.

The proposal states that the urban design will be “formulated around aspirations for the public domain”. An “aspiration” is not a defined outcome.

It is stated that the “public domain network integrates streets and lanes with
the open space and parks of the Precinct Plan” but the models provided show nothing more than a series of streets and small green spaces that do not reflect the unique opportunity that we have for 10 hectares of uninterrupted land to be used first and foremost for the Public.

I object to the inclusion of Wentworth Park as part of the open spaces formula. This area is seperate to the foreshore space of the current Sydney Fish Markets (SFM). The purchase of

foreshore land to accommodate the move of the SFM, will block the site lines of the parkland and so, for this BBSSP, the community has already suffered a detrimental outcome.
Given the loss of community use of Wentworth Park to the temporary Public School and the Greyhound Race Course, there is a genuine argument and expectation that Public facilities and amenity is returned. The simplest and greater long term value will be derived by establishing a unique foreshore landscape that is substantially natural.
The community demonstrates daily, its use of parklands and foreshore. There has already been significant population growth because of residential and commercial developments in the adjacent areas of Darling Harbour. To create further high density residential and commercial buildings without commensurate planning to services and public spaces will impose the effects of overcrowding and disfunction in the amenity and quality of lifestyle for the residents moving into the area and those surrounding the area, as you are aware.
Lucy Turnbull, former Lord Mayor of Sydney after being appointed as the chief commissioner to the Baird government's Greater Sydney Commission stated that it was important that Sydney remains as a "liveable and loveable city". Mrs Turnbull further stated that governments had failed to integrate land-use planning with other government agencies, such as transport, hospital and schools. The growth in the inner-city population had left the area short on schools, for example."
http://www.theaustralian.com.au/national-affairs/state-politics/none-of-pms- business-says-lucy-turnbull-of-greater-sydney-role/story- e6frgczx-1227633141894
Mr Jamie Parker, MP has stated, "The obvious thing to do, given everything we have learnt about liveability and wellbeing over the past period, would be to replicate the success of the four Glebe foreshore parks—Jubilee, Federal, Blackwattle Bay and Bicentennial.
Mr JAMIE PARKER (Balmain), Parliamentary Debates 06/05/21, Hansard(16:59) The BBSSP provides relatively, no more than a walkway to and from the SFM.
I genuinely believe, when I compare the existing buildings and commercial developments made in the past up until most recently, that the appearance and character of the peninsula will be irrevocably altered. There will most certainly be overshadowing eg. shadows cast by the proposed building onto existing residences.
Whilst several streets away, high rise structures will overlook residences and
impact amenity and privacy as the proposed buildings will have potential views into windows and balconies.
There will be substantial traffic generated irrespective to building parking facilities due to visitors and to the people visiting SFM. The layout and density of the BBSSP buildings do not seem to provide adequate parking/loading/ turning and Anzac Bridge safety - which is already at capacity.
I object to the BBSSP for the reasons stated by Mr Jamie Parker, "The development will monster the foreshore, cast shadows on the solar panels of the new Fish Market and limit public access to Blackwattle Bay forever.
Only five percent of the 1,550 proposed dwellings are earmarked as affordable when the government owns this land and must address the growing housing affordability crisis.
The proposal represents privatisation of the harbour and has little public benefit."

Finally, I object to the BBSSP because of its failure to recognise the increase in pollution and lack of investigation into the conservation of sea life, both aquatic and birdlife in the area. This area serves as a breezeway to the city and route for the activity of specifies endemic to the area.
A large parkland space with conservative residential spaces that do not impact on the visual and social amenity of the locality must be paramount for this large parcel of PUBLIC LAND.
Respectfully



10 April 2023

Submission regarding D/2023/97 - 14-26 Wattle Street PYRMONT NSW 2009

Made by owners/residents of the following units at 280 Jones Street Pyrmont NSW 2009:

[redacted]

[Please keep the above personal details confidential]

Dear **Ms. Jessica Symons**

Delivered via email: dasubmissions@c[redacted]
Copy to: Lord Mayor Ms Clover Moore cmoore[redacted]au, clover@c[redacted]
Mr Andrew Thomas, Executive Manager Planning and Development athomas[redacted]
Ms Kobi Shetty, MP kob[redacted]
Mr Jamie Parker, former Balmain Electorate MP jamie[redacted]

Re: D/2023/97 - 14-26 Wattle Street PYRMONT NSW 2009

We are delivering this submission in the following capacities:

- Owners of the properties listed above at 280 Jones St Pyrmont NSW 2009, known as the Harbour Mill building, which is adjacent to and overlooks the proposed development site;
- payers of taxes, duties and rates; and
- members of the public.

Each of us has lived in the Pyrmont and Ultimo area for more than 5 years. We represent the common consumers and the public who "live and breathe" the area. This is our neighbourhood and our home. We represent all those people who will be directly impacted by the proposed development.

We are disappointed that Landream Pyrmont Pty Ltd ("Landream" or "the developer") is proposing a modified DA in excess of the building heights approved by the Commissioner through mediation ("the Court").

We trust in the Council's responsibility to protect our interests and list the following major concerns regarding this DA:

- **Building heights.** The DA approved by the Court already included heights in excess of the standards set by the Law. The developer is now attempting to increase the heights even further. We request that the Council does not allow further height increases.

- **Allowing +10% design excellence neither fair nor reasonable in the circumstances**. Given that the proposed Development is in breach of the height standard as approved by the Court already, we kindly request the Council to reconsider whether it is fair and reasonable for this non-complying Development to maintain eligibility for +10% additional height under SLEP 2012 provisions.

- **Not in Public Interest.** As the Council already outlined in its decision to refuse the original DA in July 2020, this non-complying development is not in the Public Interest. We agree that the scale of this proposed development is excessive for this site / area. Therefore, access to +10% heights and increases above DA envelope as approved by the Court should be disallowed

- **Consumer confidence.** The proposed material breach of the height standard undermines consumer confidence (including home owners in the area who made property ownership decisions in good faith relying on the height standard legislation).

- **Undesirable precedent**. The proposed height breach sets precedent for future developments in the area, exacerbating the issues described herein.

- **Developer opportunistically pushing the envelope for own benefit at the expense of the local community.** We note a long history of DA proposals, rejections, modifications and mediation for this development since 2019. The original DA was firmly rejected by the Council with independent consultant's review. However, the Developer has pushed and pulled all possible levers to again propose yet a new set of modifications resulting in an envelope similar to the original DA heights and scale, thus must be firmly rejected again for the same reasons.

- **Integrity of the DA consent process**. Breaches of height standard of the magnitude as detailed in this DA would put a reasonable person on alert that the process may not have been properly followed to protect the interests of the community.

- **History of the site – failed school.** The community has suffered enough as this site was proposed for a new Public School, which the Council failed to sell to the State Government as they wanted a higher price. This should be taken into consideration in deciding on building heights.

- **Landmark site.** This site is a highly visible landmark with heritage. We request consideration of this before consenting to any heights in excess of the Court decision and before allowing +10%.

- **Overshadowing the Fig Street park.** The proposed height increases above those approved by the Court create additional overshadowing and locking of views from the public park.

- **Adverse impact on the historic and cultural significance of the area.** Harbour Mill has been faithful to the design of the original flour mill, and is the primary landmark for commuters travelling eastbound over the Anzac bridge. However, with the proposed DA heights the new building will dwarf Harbour Mill and be seen from multiple vantage points with out of character design and excessive height.

- **Harbour Mill adversely impacted.** Height increase will infringe on the privacy of existing units in 280 Jones St, who would have previously seen over the Wattle st proposed structure. Additionally, the height increase will overshadow 280 Jones St common amenities, including the internal courtyard and Level 4 shared rooftop.

- **Wind tunnel.** The height increase compared to what was approved can also lead to wind tunnel effects and exacerbate noise pollution, affecting all residents of 280 Jones St, the neighbouring terrace houses, and the proposed Wattle St structure.

- **Density increase negative impact - traffic**. Height increase means additional increase in density that will create an access issue and safety hazard for residents accessing the Jones St cul-de-sac. The street is narrow and an additional density increase and subsequent increase in traffic will make 280 Jones St inaccessible by car, including rideshares. The council should assess Jones St access as a destination for ride share vehicles. As a resident of the area for over 5 years, it is unlikely that ride share vehicles will be taken to Wattle St. They will instead create traffic issues on Jones St.

- **Density increase negative impact – public transport.** Height increase leads to increased density which will overburden the limited existing public transport, such as the light rail and local buses from Harris St.

- **Density increase negative impact – illegal dumping.** The increased density will promote and worsen existing illegal dumping in Jones Lane around the Western Distributor overpass. The illegal dumping is a safety concern due to sharp objects, and blocks the primary access point from Jones St to Harris St public transport.

- **Wentworth Park overshadowing**. The council should assess the compatibility of an increased height structure at Wattle St against its existing plans to reclaim Wentworth Park as a recreation site.

Thank you for considering this important matter and our submission. We trust in your responsibility to protect the interests of the minorities, rather than allowing those with money and power to over-ride the system.

If you need to discuss any matters in relation to this submission, please contact any or all of us via the email addresses listed above or [redacted] can be reached on [redacted]

Yours sincerely,



Item 6.

Public Exhibition - Planning Proposal - 232-240 Elizabeth Street, Surry Hills - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendments

File No: X094617

Summary

Lower Surry Hills is part of the Eastern Creative District, City Fringe and 'Tech Central'. Its unique and authentic character of former warehouse buildings, and its high amenity, accessibility and transport connections, attract major creative firms and their workers at more affordable rents. This proposal will help to grow the City's creative industries and strengthen their competitiveness. Supporting development and investment in this area, through increasing the amount of employment floor space, is a key priority across City and State strategies.

A planning proposal has been prepared for 232-240 Elizabeth Street, Surry Hills, following a request by the applicant to amend the planning controls for the site. Located on the corner of Elizabeth and Reservoir Streets, 250 metres north of Central Railway Station, the site is well positioned to support the existing employment cluster in creative industries.

The proposal for a 10-storey commercial development with office and retail space is a good contextual fit with neighbouring buildings and land uses in Lower Surry Hills, providing contemporary workspace while reinforcing the area's unique character. The planning proposal seeks to amend the building height and floor space ratio controls for the site. In addition, the redevelopment of the site will facilitate the delivery of a new pedestrian through-site link connecting Foster Lane and Reservoir Street, increasing pedestrian permeability and opportunities for ground-floor activation.

The applicant has submitted a public benefit offer to enter into a planning agreement to dedicate an area of land in stratum to the City for the purposes of the pedestrian through-site link. This is in addition to any required contributions under the Central Sydney Contributions Plan 2020 and affordable housing contributions.

This report recommends approval of the planning proposal for submission to the Department of Planning, Housing and Infrastructure seeking a Gateway Determination, followed by public exhibition. It also recommends that a draft site-specific development control plan is endorsed for exhibition, and a draft planning agreement be prepared based on the public benefit offer. It is proposed that all documents are exhibited concurrently.

Recommendation

It is resolved that:

(A) the Central Sydney Planning Committee approve Planning Proposal - 232-240 Elizabeth Street, Surry Hills, as shown at Attachment A to the subject report, to be submitted to the Minister for Planning and Public Spaces with a request for Gateway Determination;

(B) the Central Sydney Planning Committee approve Planning Proposal - 232-240 Elizabeth Street, Surry Hills, as shown at Attachment A to the subject report for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;

(C) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 25 March 2024 that Council seek authority from the Minister for Planning and Public Spaces 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 Proposal - 232-240 Elizabeth Street, Surry Hills;

(D) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 25 March 2024 that Council approve the Draft Sydney Development Control Plan 2012 - 232-240 Elizabeth Street, Surry Hills, shown at Attachment B to the subject report for public authority consultation and public exhibition concurrent with the Planning Proposal;

(E) authority be delegated to the Chief Executive Officer to make any variations to Planning Proposal - 232-240 Elizabeth Street, Surry Hills, to correct any drafting errors or to ensure consistency with the Gateway Determination;

(F) authority be delegated to the Chief Executive Officer to make any variations to Draft Sydney Development Control Plan 2012 - 232-240 Elizabeth Street, Surry Hills, to correct any drafting errors or ensure it is consistent with the Planning Proposal following the Gateway Determination; and

(G) the Central Sydney Planning Committee note the Chief Executive Officer will prepare a draft planning agreement in accordance with the letter of offer dated 13 March 2024 at Attachment C to the subject report, and the requirements of the Environmental Planning and Assessment Act 1979, to be exhibited in accordance with the Act.

Attachments

Attachment A.	Planning Proposal - 232-240 Elizabeth Street, Surry Hills and appendices
Attachment B.	Draft Sydney Development Control Plan 2012 - 232-240 Elizabeth Street, Surry Hills
Attachment C.	Public Benefit Offer - 232-240 Elizabeth Street, Surry Hills - dated 13 March 2024

Background

1. A planning proposal request has been lodged for a site in Surry Hills, close to Central Sydney and within 'Tech Central'. The site is located at 232-240 Elizabeth Street, Surry Hills, and has street frontages to Elizabeth and Reservoir Streets, and Foster Lane, as shown in Figure 1.

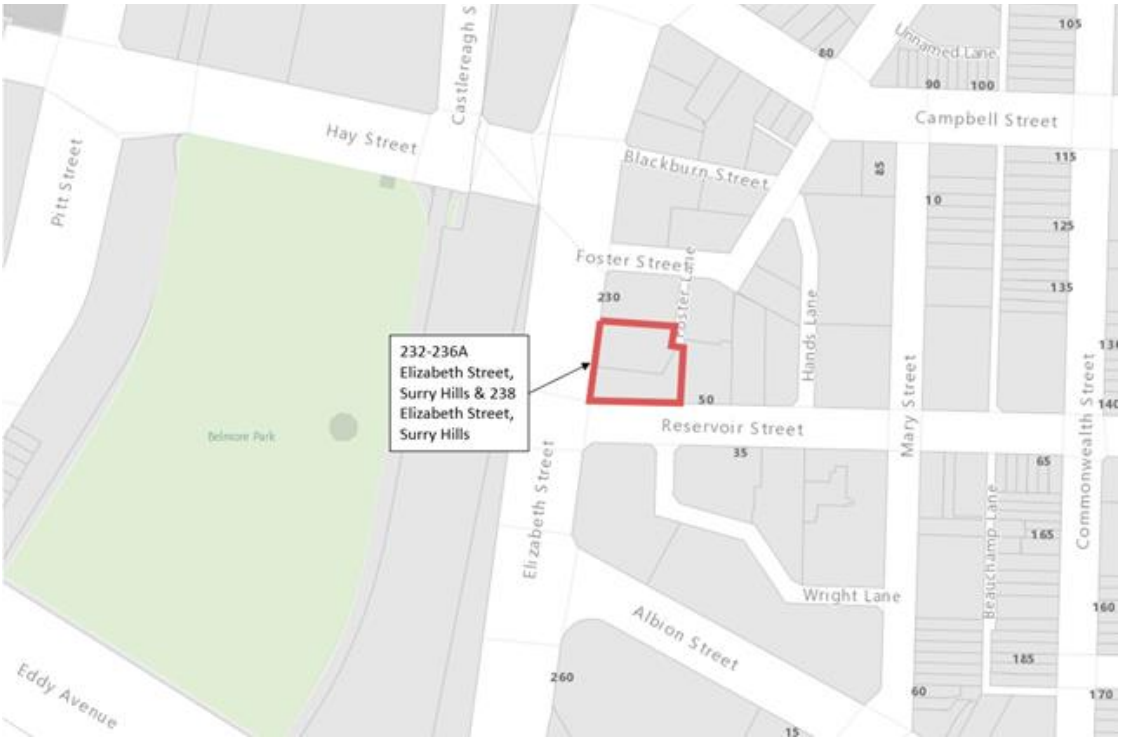


Figure 1: Land affected by this planning proposal

2. The multiple lots comprising the site have a total area of 906 square metres. Existing development on the site consists of a series of two- and three-storey buildings featuring ground-floor retail tenancies and a hostel occupying the first and second floors, with an outdoor terrace and rear dock. The buildings were originally five separate terrace buildings but are now interconnected and have all been heavily altered since their construction.

3. Further details of the site and existing planning controls can be found in sections 1 and 2 of the Planning Proposal. An image of the site with the affected buildings outlined yellow is shown at Figure 2.



Figure 2: 232-240 Elizabeth Street, viewed from the south-west, outlined in yellow

4. Following comprehensive pre-lodgement advice, the applicant, Stasia Holdings Pty Ltd, represented by Planning Lab and Candalepas Associates, lodged a request to prepare a planning proposal in February 2024.

Key Implications

Proponent has requested changes to height and floor space controls to enable a commercial development and construct a through-site link

5. The proponent has requested a planning proposal to facilitate the redevelopment of the site to include:

   (a) a 10-storey commercial building up to a maximum height of RL 50.33 metres (39.3 metres);

   (b) approximately 6,300 square metres of new commercial office space with ground floor retail activation; and

   (c) a new pedestrian through-site link connecting Reservoir Street with Foster Lane, which is currently built upon and adjoins a dead-end laneway.

6. Images prepared by the proponent of the indicative development scheme can be found in Figures 3 and 4.



Figure 3: Artistic representation of indicative design - Elizabeth Street perspective



Figure 4: Artistic representation of indicative design - Reservoir Street perspective

The City has prepared a planning proposal to increase the height and floor space controls for a commercial development

7. The planning proposal details the proposed amendments to the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) by inserting new site-specific provisions. The provisions are to:

   (a) permit a maximum building height of RL 50.33 metres (39.3 metres), an increase from the current control of 35 metres;

   (b) increase the maximum floor space ratio control from 5:1 to 7.3:1 inclusive of design excellence and below ground end of journey floor space;

   (c) require the consent authority to be satisfied that the resulting building would not be used for the purpose of residential accommodation or serviced apartments.

8. Further explanation of the provisions can be found in section 4 of the Planning Proposal.

Changes to the Development Control Plan will make sure the development fits within the area, protects amenity and improves access and activation

9. A site-specific draft development control plan (draft DCP) is at Attachment B and provides further guidance for development facilitated by this planning proposal. The draft Development Control Plan provisions include:

   (a) a maximum building envelope including setbacks, street wall heights and maximum height (as shown at Figure 5);

   (b) a pedestrian through-site link with a minimum width of 3400 millimetres to be provided along the site's eastern boundary connecting Reservoir Street and Foster Lane;

   (c) active frontages to be provided along Elizabeth Street, Reservoir Street and the through-site link; and

   (d) requirements for servicing and access.

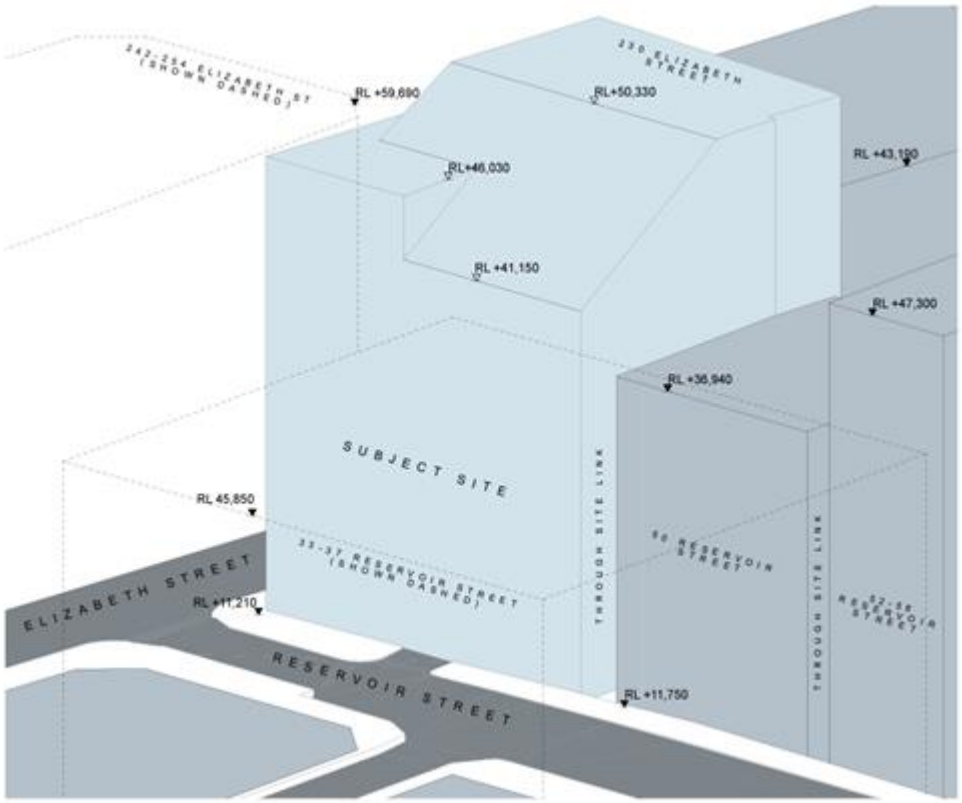


Figure 5: Proposed maximum building envelope - axonometric view

The proposal is a good contextual fit and has site-specific merit

10. The proposed building envelope has been designed to minimise overshadowing to nearby buildings. It also aligns with a previous Development Application approved in November 2020 regarding the preservation of sun access to neighbouring buildings.

11. The proposal forms a good contextual fit and maintains a consistent street wall with neighbouring buildings on Elizabeth Street, with all massing above the street wall set back by 3 metres from the Elizabeth Street frontage.

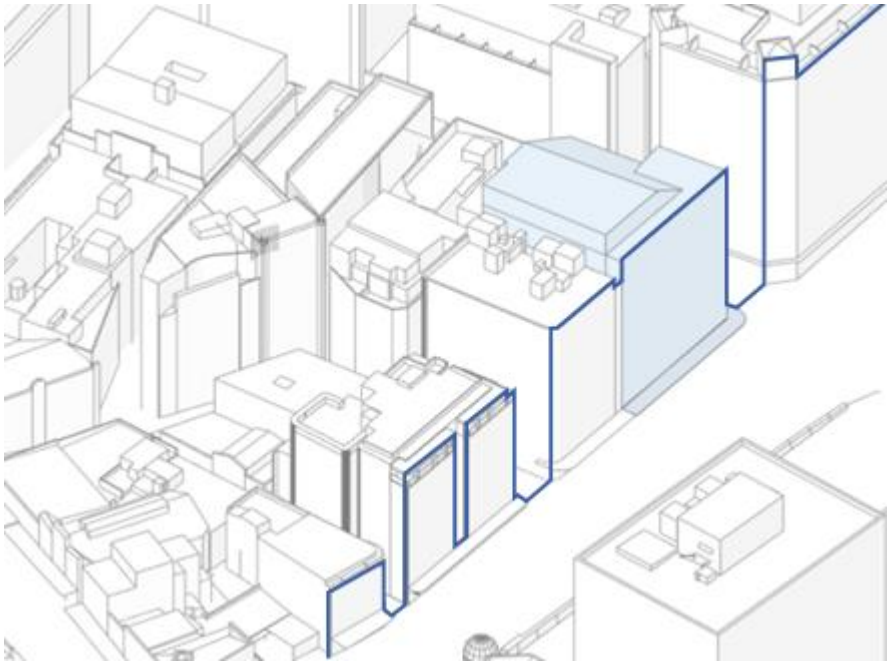


Figure 6: Proposed building envelope - isometric view facing south-west

12. The planning proposal, draft Development Control Plan and Voluntary Planning Agreement will facilitate the redevelopment of the subject site to enable a new commercial development with the following key benefits:

    (a) the delivery of more than 6,000 square metres of new commercial workspace in Surry Hills, helping to promote development, investment and business opportunities in a district already well supported by existing and proposed infrastructure.;

    (b) supporting development and investment within the Innovation Corridor, City Fringe, Eastern Creative District and Camperdown-Ultimo Collaboration Area (Tech Central) - an area identified as existing employment cluster, particularly in knowledge-intensive sectors such as health, education, creative industries, professional services and information media; and

    (c) providing a new pedestrian through-site link, which extends Foster Lane to the south to connect to Reservoir Street, increasing permeability and opportunities for ground floor activation.



Figure 7: Ground floor plan of indicative design featuring through-site link

13. Further information on the urban design, environmental, social and economic impacts of the planning proposal can be found in section 5.4 of the planning proposal. In addition, the proponent commissioned a number of technical reports in support of their proposal which have been attached as appendices to the planning proposal. These include an Urban Design Study, Traffic Impact Assessment and Heritage Impact Statement.

A Voluntary Planning Agreement will deliver a dedicated through-site link

14. The proponent has offered to enter into a Voluntary Planning Agreement (VPA) with Council to deliver public benefits as part of this planning proposal. The Environmental Planning and Assessment Act 1979 (the Act) allows the proponent to enter into a legally binding Voluntary Planning Agreement with Council. Voluntary Planning Agreements are voluntary and must be freely entered into by the public authority and a proponent. They are also publicly exhibited and held on a publicly accessible register.

15. The letter of offer from Stasia Holdings Pty Ltd at Attachment C to this report outlines the public benefits. The benefit will be the dedication of an area of land to the Council for the purpose of a road, specifically a pedestrian through-site link free of cost. The through-site link land will be dedicated in stratum both in height and depth, with the width of the through-site link land to be consistent with the width of Foster Lane.

16. This Voluntary Planning Agreement will not offset local infrastructure contributions required under a contributions plan (section 7.12 of the Act), and housing and productivity contributions (division 7.1, subdivision 4 of the Act).

17. The Voluntary Planning Agreement will be prepared and publicly exhibited with the planning proposal.

Planning Proposal is consistent with City's strategic vision

18. The City's Local Strategic Planning Statement, City Plan 2036, sets out the 20-year vision for land use planning in the city and the planning priorities and actions needed to achieve the vision.

19. Two of the key moves are to build internationally competitive and knowledge-intensive business clusters in the Innovation Corridor and support creative and cultural industries in the Eastern Creative Precinct. These areas leverage the dense economic activity and global outlook of Central Sydney, its significant investment (including transport infrastructure) and urban amenities that attract talent, while remaining precincts with high amenity and character featuring diverse and well-designed workplaces. These areas, as part of the City Fringe, may contribute at least 53,800 additional jobs by 2036.

20. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions for the future of the city, as well as 10 targets against which to measure progress. This planning proposal is aligned with the following strategic directions and objectives.

    (a) Direction 5 - A city for walking, cycling and public transport - the site is well-positioned to take advantage of existing and planned transport infrastructure, most notably the train, light rail, and Metro connections of Central Railway Station, as well as bus routes along Elizabeth Street and cycleways in Surry Hills. The provision of a new pedestrian through-site link enhances the existing pedestrian permeability of Surry Hills.

    (b) Direction 9 - A transformed and innovative economy - the site is located within the City Fringe, Camperdown-Ultimo Collaboration Area (Tech Central) and Eastern Creative Precinct. This planning proposal would facilitate the delivery of new office space in an existing employment cluster, supporting employment uses particularly in knowledge-intensive sectors such as health, education, creative industries, professional services and information media.

21. Further information regarding the alignment of the Planning Proposal with the strategic planning framework can be found in section 5.3 of the Planning Proposal.

Relevant Legislation

22. Environmental Planning and Assessment Act 1979.

23. Environmental Planning and Assessment Regulation 2021.

Critical Dates / Time Frames

24. Should Council and the Central Sydney Planning Committee endorse the attached planning proposal for public exhibition, it will be forwarded to the Department of Planning, Housing and Infrastructure in accordance with section 3.34 of the Act for Gateway Determination. The Gateway Determination will provide the required date for the completion of the Local Environmental Plan amendment. Following public exhibition, the outcomes will be reported back to Council and the Central Sydney Planning Committee.

Public Consultation

25. The public exhibition process for this planning proposal will be determined by the Department of Planning, Housing and Infrastructure. It is planned for the public exhibition of the planning proposal, draft Development Control Plan and notification of the planning agreement will run concurrently. The consultation will be in accordance with:

    (a) the Gateway Determination issued by the Department of Planning, Housing and Infrastructure under section 3.34 of the Act;

    (b) the Environmental Planning and Assessment Regulation 2021;

    (c) in relation to the Voluntary Planning Agreement, section 7.5(2) of the Act; and

    (d) the City of Sydney's Community Engagement Strategy and Participation Plan.

26. It is likely that the public exhibition for the planning proposal would be a minimum of 28 days.

27. The planning proposal, draft Development Control Plan and draft Voluntary Planning Agreement will be publicly exhibited online on the City of Sydney website in accordance with the Environmental Planning and Assessment Regulation 2021.

GRAHAM JAHN AM

Director City Planning, Development and Transport

James Dirickx-Jones, Planner

Attachment A

Planning Proposal
232-240 Elizabeth Street, Surry Hills

CITY OF SYDNEY

Planning Proposal: 232-240 Elizabeth Street, Surry Hills



The City of Sydney acknowledges the Gadigal of the Eora Nation as the Traditional Custodians of our local area.

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Executive summary

The City of Sydney (the City) has prepared this planning proposal for 232-240 Elizabeth Street, Surry Hills (the site) in response to a request from the applicant, Stasia Holdings Pty Ltd, for the City to prepare a planning proposal for the site.

The planning proposal will enable development on the site consistent with the objectives and priorities of the Greater Sydney Region Plan, Eastern City District Plan and the City's local strategic planning statement. This proposal seeks to increase the maximum building height and floor space ratio for the site to support future redevelopment delivering the following key benefits:

– The delivery of 6,339 square metres of new commercial office space in Surry Hills, helping to promote development, investment and business opportunities in centres supported by existing infrastructure;

– By delivering development and investment within the Innovation Corridor, City Fringe, Eastern Creative District and Camperdown-Ultimo Collaboration Area, an area identified as an existing employment cluster, this is supporting employment uses particularly in knowledge-intensive sectors such as health, education, creative industries, professional services and information media;

– Helping to enhance the amenity of Surry Hills through the provision of a new pedestrian through-site link connecting Foster Lane with Reservoir Street and facilitating ground floor activation along the Elizabeth Street, Reservoir Street and Foster Lane frontages.

– A building form that will minimise overshadowing to nearby residents, while forming a good contextual fit and consistent street wall with neighbouring buildings on Elizabeth Street.

The site

The site is 906 square metres in area with three street frontages, to Elizabeth Street along the western boundary, to Reservoir Street along the southern boundary, and to Foster Lane in the north-eastern corner. Existing development on the site consists of a series of two- and three-storey buildings featuring ground-floor retail tenancies and a hostel occupying the first and second floors, with an outdoor terrace and rear dock. The buildings were originally five separate terrace buildings but are now interconnected and have all been heavily altered since their construction. The site shares common boundaries with a nine-storey residential building to the north and a six-storey commercial building to the east.

Existing development controls

Under the existing LEP controls, the site is zoned MU1 Mixed Use permitting a broad range of uses including office, retail and residential. The site has a maximum floor space ratio of 5:1 and a maximum building height of 35m.

The planning proposal – Sydney Local Environmental Plan 2012 controls

The City has prepared this planning proposal following a detailed review of the proponent's planning proposal request and accompanying documentation.

This planning proposal seeks to insert a new site-specific clause in Division 5 of the LEP to:

– Increase the maximum building height from 35m to RL 50.33 metres (39.3m)

– Increase the maximum floor space ratio from 5:1 to 7.3:1 inclusive of design excellence and end of journey floor space

– Prevent development consent being granted under this clause unless the consent authority was satisfied that the resulting building would not be used for the purpose of residential accommodation or serviced apartments.

Draft site-specific Development Controls Plan

The City has prepared a draft site-specific amendment to the Sydney Development Control Plan 2012 (draft DCP) to help ensure the objectives and intended outcomes of this planning proposal are achieved. The draft DCP includes controls relating to the built form of the proposed development, active frontages and public domain, provision of a pedestrian through-site link connecting with Foster Lane, and amenity. The City intends to publicly exhibit the draft DCP with this planning proposal.

1. Site identification

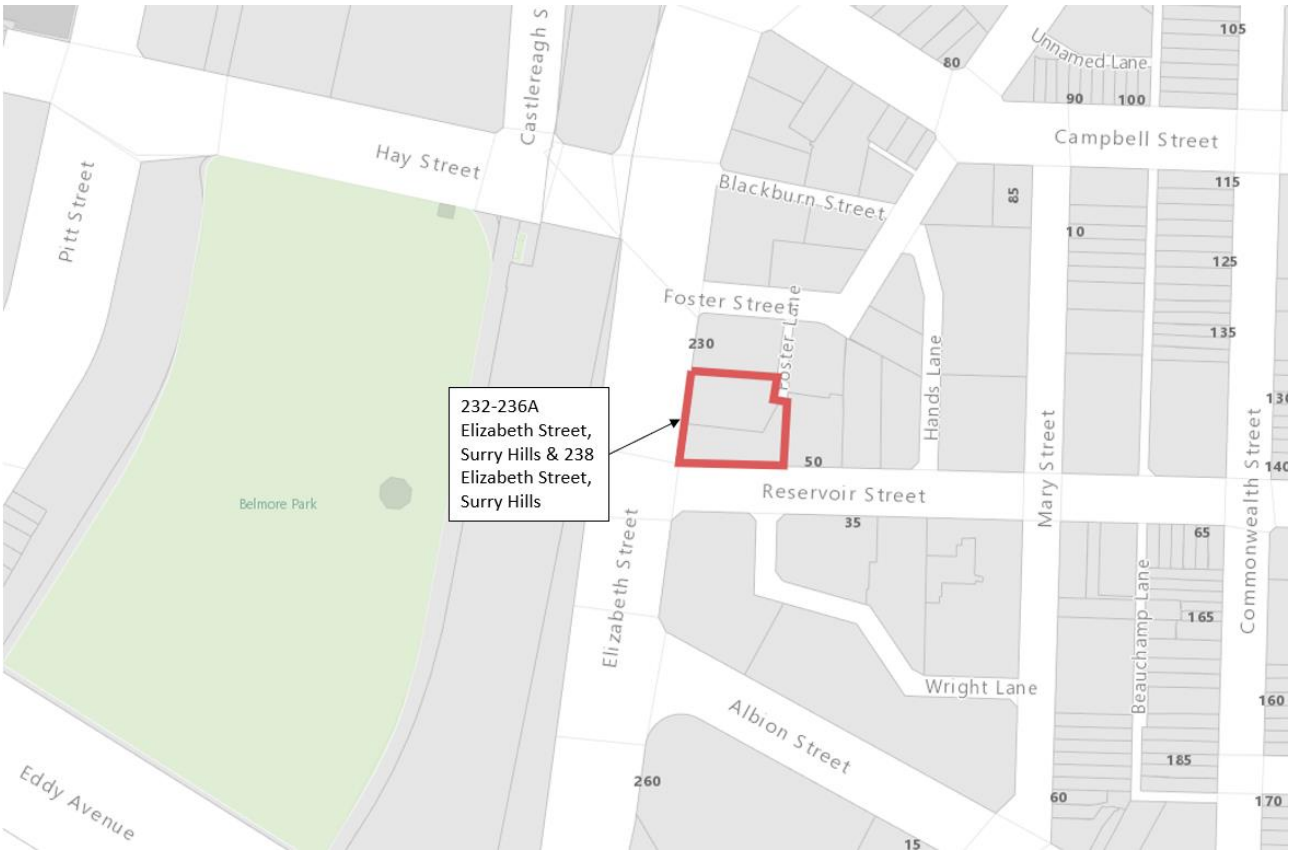
1.1 Site identification

The addresses and lot references affected by this planning proposal are collectively referred to as 'the Site'. They are identified in Table 1, and a map of the site, outlined in red, is shown at Figure 1.

Table 1. List of addresses and lot references comprising the site

Address	Lot numbers
232-236A Elizabeth Street, Surry Hills	Lots 1 & 2 SP 1379
238 Elizabeth Street, Surry Hills	Lots 1 & 2 DP 779385, Lot 1 DP 664653

Figure 1. Land affected by this Planning Proposal



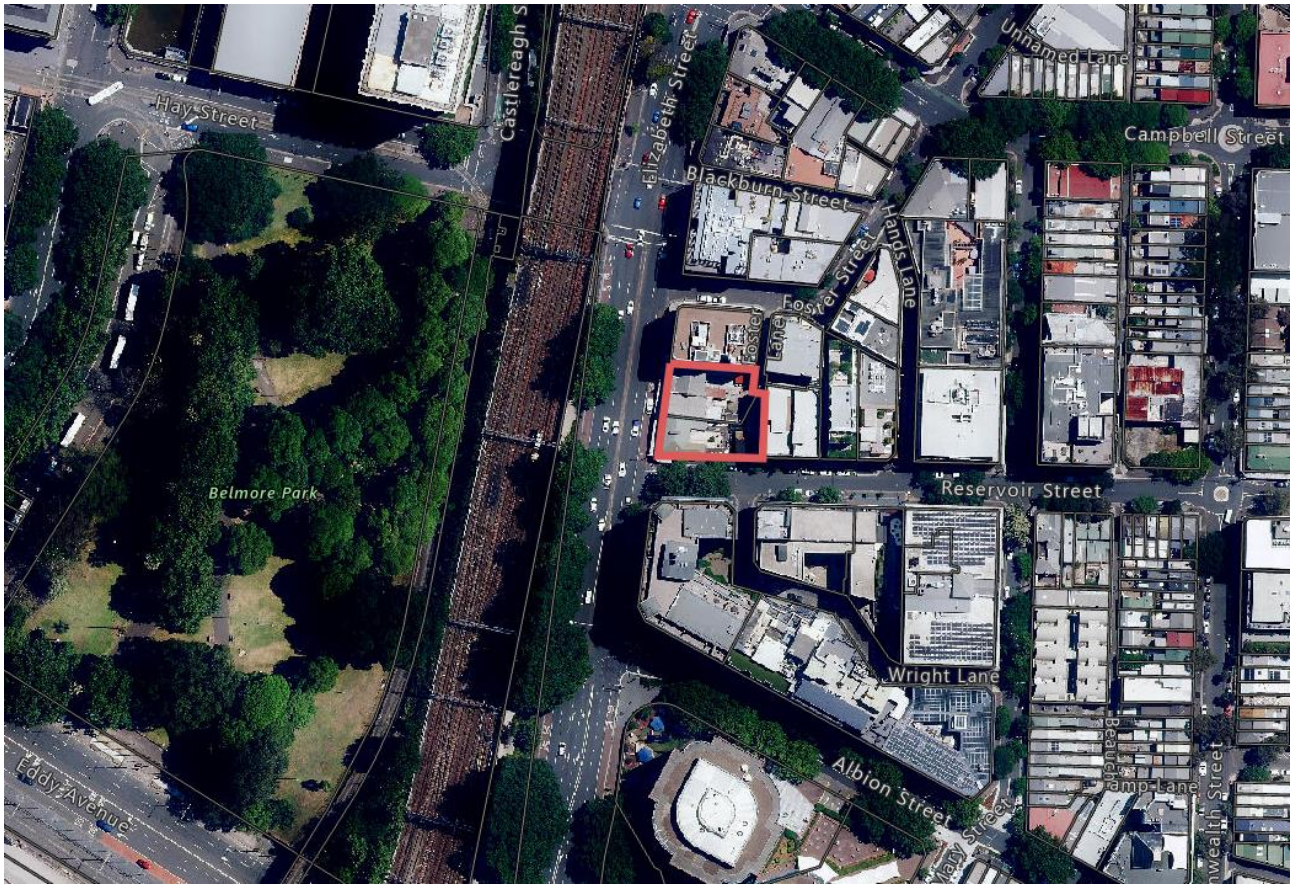
1.2 Site location

The site is located in the suburb of Surry Hills, to the east of Central Sydney within the City of Sydney Local Government Area. It fronts Elizabeth Street to the west, Reservoir Street to the south, and Foster Lane in the north-eastern corner. It shares common boundaries with a nine-storey residential building to the north and a six-storey commercial building to the east.

The site is 250m away from Central Railway Station with intercity, suburban, light rail and bus connections. Bus stops are located in front of the site on Elizabeth Street, and nearby cycleways are located on Campbell Street, Castlereagh Street and Chalmers Street. The site is centrally located with Railway Square, Devonshire Street Tunnel, Chinatown, Hyde Park, Belmore Park and Harmony Park all located within a 500m radius from the site.

An aerial photo of the site and surrounding area is shown at Figure 2.

Figure 2. Aerial photo of the site



1.3 Site characteristics

The multiple lots comprising the site have a total area of 906m^2. The Elizabeth Street frontage is approximately 30m and the Reservoir Street frontage is approximately 34m. The frontage to Foster Lane is approximately 11m, representing the termination of the laneway.

Existing development on the site consists of a series of two- and three-storey buildings featuring ground-floor retail tenancies and a hostel occupying the first and second floors, with an outdoor terrace and rear loading dock. The buildings were originally five separate terrace buildings but are now interconnected and have all been heavily altered since their construction.

Figure 3. 232-240 Elizabeth Street, viewed from the west, outlined in yellow (Elizabeth Street frontage)



Figure 4. 232-240 Elizabeth Street, viewed from the north-west, outlined in yellow



Figure 5. 232-240 Elizabeth Street, viewed from the south-west, outlined in yellow



Figure 6. 232-240 Elizabeth Street, viewed from the south-east, outlined in yellow (Reservoir Street frontage)



Figure 7. 232-240 Elizabeth Street, viewed from the north, outlined in yellow (with access to Foster Lane)



2. Existing planning controls

2.1 Zoning

The site is located within the MU1 ‘Mixed Use’ Zone. The objectives of this zone are to:

- encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- minimise conflict between land uses within this zone and land uses within adjoining zones.
- encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- ensure land uses support the viability of nearby centres.
- integrate suitable business, office, residential, retail and other land uses in accessible locations that maximise public transport patronage and encourage walking and cycling.

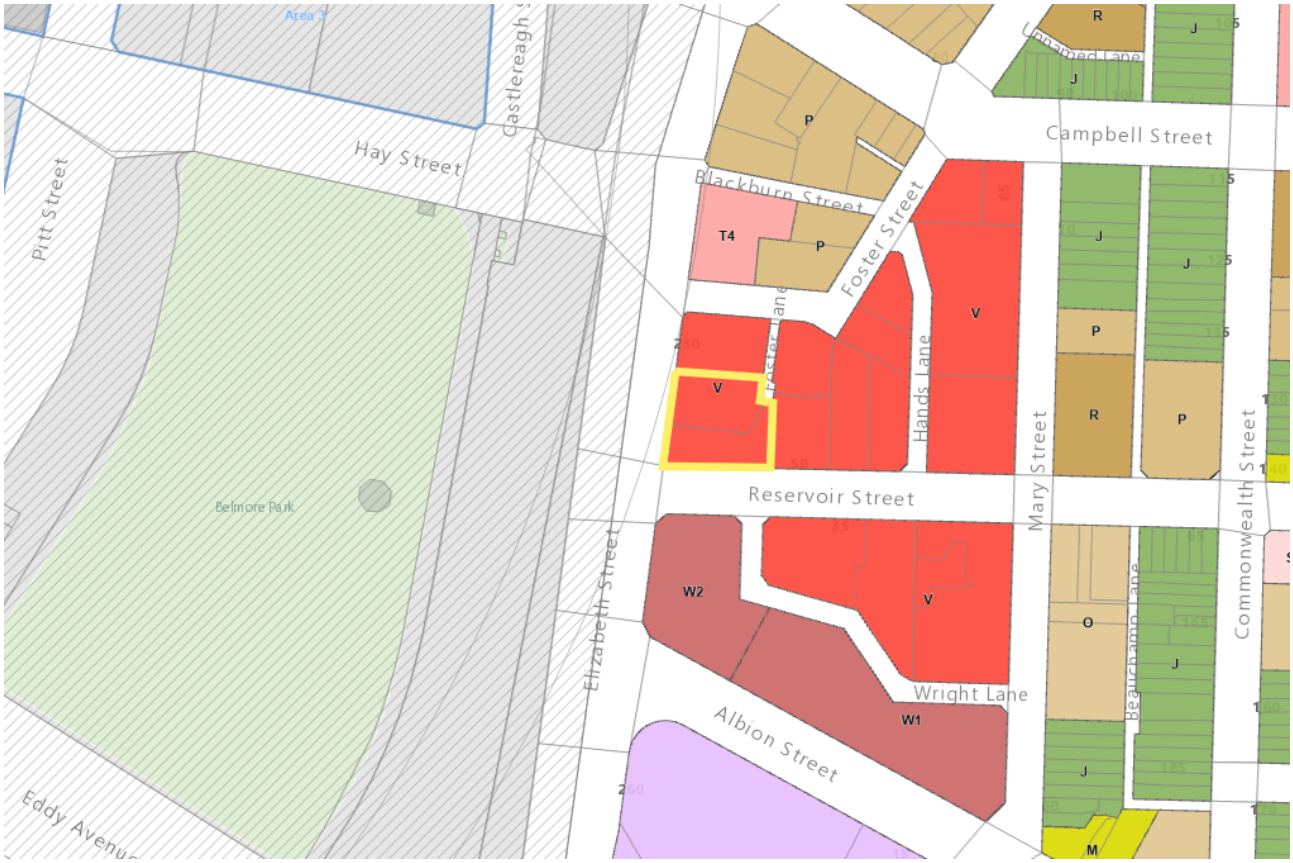
Figure 8. Extract from zoning map in Sydney LEP 2012



2.2 Building height

The site is subject to a building height control of 35m, as represented by 'V' and the red shading in Figure 9. It is not affected by any Sun Access Plane or No Additional Overshadowing controls.

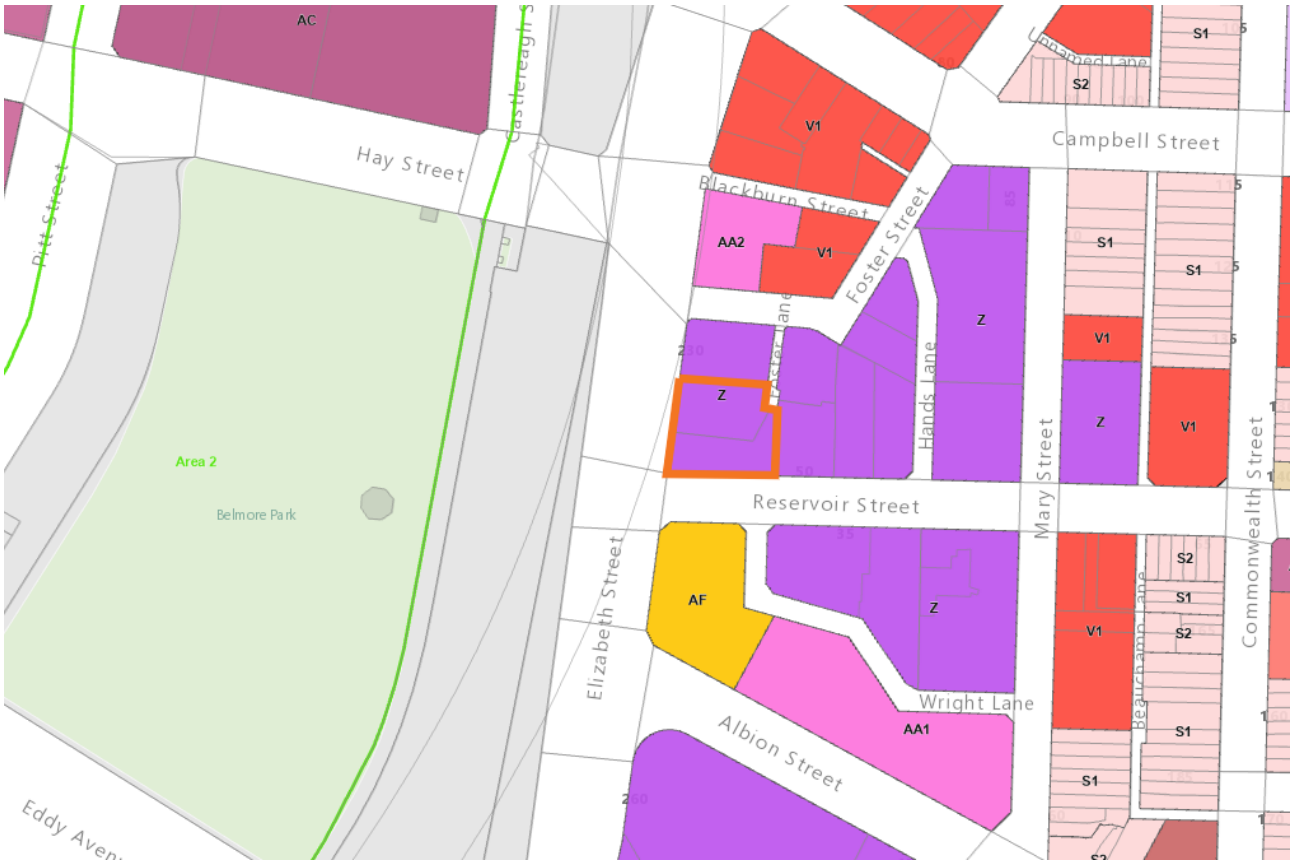
Figure 9. Extract from Height of building map in Sydney LEP 2012



2.3 Floor space ratio

The current maximum floor space ratio for the site is 5:1, as indicated by 'Z' and the purple shading in Figure 10. Up to 10 per cent additional floor space may be granted subject to a competitive design process and the demonstration of design excellence. A maximum of 0.3:1 additional floor space may be granted with the provision of end of trip facilities, should the building be used solely for commercial premises.

Figure 10. Extract from floor space ratio map in Sydney LEP 2012

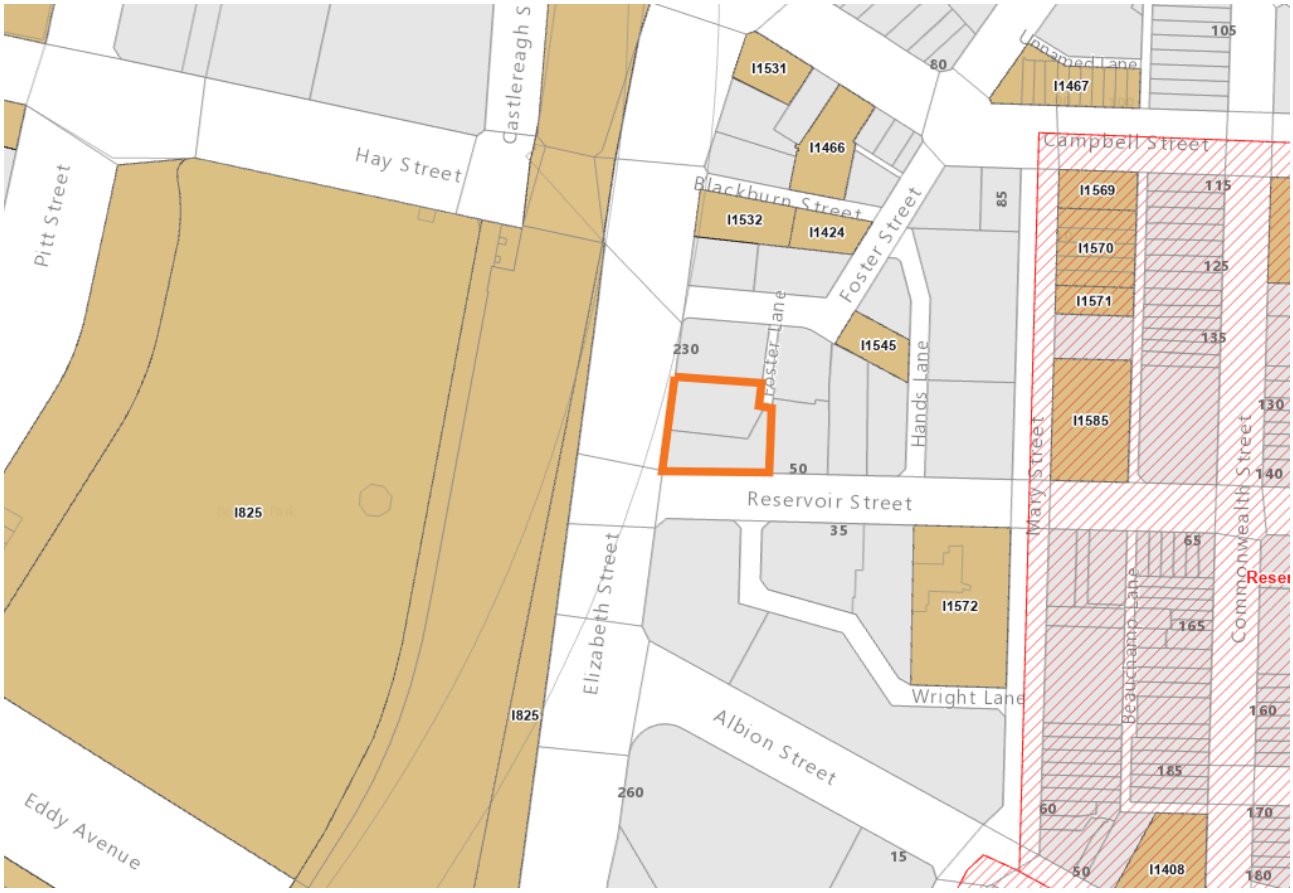


2.4 Heritage

The site is not heritage listed nor located in a Heritage Conservation Area. It is located adjacent to the State heritage-listed Central Station (including the City Circle railway viaduct) and the local heritage-listed Belmore Park. Other nearby heritage-listed buildings include the 'Edwards & Co' warehouse at 56-60 Foster Street (I1545), 'Prospect House' at 1 Blackburn Street (I1424), and the former 'Silknit House' at 23-33 Mary Street (I1572).

A brick oviform sewer runs below the site which has been dated to 1883. It is not heritage-listed but connects to the State heritage-listed Bondi Ocean Outfall Sewer at Hyde Park.

Figure 11. Extract from heritage map in Sydney LEP 2012



2.5 Approved development consent

A Stage 1 Concept Development Application (DA) (D/2016/1451) was approved by the NSW Land and Environment Court on 21 July 2017, granting approval for demolition of the existing buildings and construction of a mixed-use building to a maximum height of 35 metres. This application was subsequently modified (D/2016/1451/A) and approved on 25 November 2020.

Condition 3 of D/2016/1451/A required the building envelope to be modified to reduce overshadowing impacts to Apartments 601 and 602 in 242-254 Elizabeth Street. The part of the envelope to be modified is the portion fronting Reservoir Street in the southeast corner of the site. This is to maintain a minimum of 2 hours solar access to Apartments 601 and 602 at 242-254 Elizabeth Street on the mid-winter solstice.

3. Objectives and intended outcomes

3.1 Objectives

This planning proposal will enable the redevelopment of 232-240 Elizabeth Street to deliver:

- 10 storey commercial building representing infill development appropriate to the surrounding context and the MU1 Mixed Use Zone;
- the provision of additional commercial workspace within Surry Hills, located within the City Fringe and the Eastern Creative Precinct, and in close proximity to Central Railway Station and associated transport links;
- a pedestrian through-site link connecting Reservoir Street to Foster Lane;
- additional height and floor space while protecting sun access to 242-254 Elizabeth Street, as required by Condition 3 of D/2016/1451/A;
- a reinforced street wall along both Elizabeth and Reservoir Streets by maintaining the parapet heights and all massing above the street wall to be set back and not visible from the street; and
- a built form capable of achieving design excellence and acceptable sustainability outcomes.

The draft DCP accompanying the Planning Proposal will provide more detailed guidance for the site.

A Voluntary Planning Agreement (VPA) will be exhibited to secure the through-site link, its dimensions in stratum and its dedication to the City of Sydney.

4. Explanation of provisions

4.1 Sydney Local Environmental Plan 2012

To achieve the objectives and intended outcomes, this planning proposal seeks to amend the Sydney Local Environmental Plan 2012 by inserting a new site-specific clause under Division 5 Site Specific Provisions to:

- permit a maximum building height of RL50.33 metres;
- permit a maximum floor space ratio at or above ground level for the site of:
  - the gross floor area resulting from applying a floor space ratio of 6.36:1;
  - additional floor space, of up to 10%, if the building demonstrates design excellence (under clause 6.21D(3)(b);
- permit a maximum floor space ratio of 0.3:1 of end of journey floor space below ground level (under clause 6.13);
- prevent development consent being granted under this clause unless the consent authority was satisfied that the resulting building would not be used for the purpose of residential accommodation or serviced apartments.

The total floor space ratio calculated under the subclauses above must not exceed 7.3:1.

Clause 6.21D(3)(a) should not apply to these site specific controls, no additional building height should be available to exceed the maximum set at RL50.33 metres.

Appendix 1 of this Planning Proposal provides some example clauses of the proposed controls. The final version of the clauses to be inserted into Division 5 would be subject to drafting and agreement by the Parliamentary Counsel's Office.

4.2 Sydney Development Control Plan 2012

To ensure future development is consistent with the objectives of the planning proposal, site-specific provisions for the DCP will be drafted to ensure a high-quality built form and public domain. These provisions include the maximum building envelope dimensions, controls regarding the pedestrian through-site link, and servicing and access provisions. A draft of the new site-specific provisions for the DCP can be found at Attachment B.

5. Justification

5.1 Landowner request

The applicant, Stasia Holdings Pty Ltd, represented by Candalepas Associates and Planning Lab, sought initial pre-lodgement advice in April 2022 and lodged a formal request to prepare a planning proposal in February 2024.The intended use of the site would be as a commercial development. The reference design depicts ground floor tenancies and commercial offices on all upper levels.

Figure 12. Artistic representation of indicative design – Elizabeth Street perspective



Figure 13. Artistic representation of indicative design – Reservoir Street perspective



5.2 Need for the planning proposal

Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The Local Strategic Planning Statement includes actions to:

– strengthen the economic and productive role of the Innovation Corridor by prioritising and safeguarding space for specialised and knowledge-based clusters and businesses and

– identifying and supporting opportunities to appropriately increase capacity for commercial and other enterprise uses particularly those contributing to specialised and knowledge-based clusters, in mixed use (B2 and B4) zoned areas.

This planning proposal is the result of a request from the landowner to change the planning controls that relate to the site.

The landowner has undertaken a number of studies in support of the request, including an Urban Design Study prepared by Candalepas Associates. The study describes how the proposal is consistent with the City's vision for Surry Hills and demonstrates how the site is capable of accommodating growth in employment generating floor space through amending building height and floor space ratio controls without unacceptable impacts on public domain and amenity.

The supporting documents commissioned by the applicant to support their request are attached as the following Attachments to this planning proposal:

– Attachment A1: Planning Proposal Justification Report – Planning Lab

– Attachment A2: Urban Design Study – Candalepas Associates

– Attachment A3: Economic and Social Impact Report – Planning Lab

– Attachment A4: Traffic Impact Assessment - Traffix

– Attachment A5: Heritage Impact Statement - Urbis

– Attachment A6: Desktop Contamination Study – Douglas Partners

– Attachment A7: Flood Advice Report - IGS

– Attachment A8: Oviform Sewer Investigation

– Attachment A9: Archaeological Assessment - Curio

– Attachment A10: Geotechnical Desktop Investigation – Douglas Partners

– Attachment A11: Landscape Concept Plan – Black Beetle

– Attachment A12: Section J Assessment Report - IGS

– Attachment A13: Acoustic Assessment – Acoustic Logic

– Attachment A14: Qualitative Wind Assessment - CPP

– Attachment A15: Waste Management Plan – Ratio

– Attachment A16: Survey Plan

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

This planning proposal seeks to insert new site-specific provisions into the LEP for the site. The resultant conditions have been assessed to ensure any future built form is appropriate and does not result in any unacceptable impacts on adjoining properties or the public domain. The amended controls would facilitate the delivery of additional employment generating floor space consistent with the objectives of the City Fringe and Eastern Creative District.

5.3 Relationship to the strategic planning framework

Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy?

A Metropolis of Three Cities – The Greater Sydney Region Plan

The planning proposal gives effect to the following objectives of the Greater Sydney Region Plan:

- Objective 5: Benefits of growth realised by collaboration of governments, community and business – The site is located within the Camperdown-Ultimo Collaboration Area, also known as Tech Central. The increase in commercial floor space is well-positioned to service major digital and creative innovators within the Surry Hills and the Haymarket activity node.
- Objective 12: Great places that bring people together – Improving accessibility, connectivity and amenity through the provision of a pedestrian through-site link connecting Reservoir Street with Foster Lane, enhancing the existing fine-grain, walkable nature of Surry Hills.
- Objective 14: Integrated land use and transport creates walkable and 30-minute cities – The site is located 250m away from Central Railway Station and nearby bus connections and cycleways provide additional linkages with the metropolitan transport network. The location within a Mixed Use Zone and proximity to residential areas within the Inner East promotes the vision of a 30-minute city.
- Objective 18: Harbour CBD is stronger and more competitive – The site's location within the Harbour CBD and the provision of additional commercial office space, helps to achieve the strategies for an internationally competitive commercial sector to support an innovation economy and to support the growth of the Camperdown-Ultimo Collaboration Area.
- Objective 22: Investment and business activity in centres – The site is located within the metropolitan centre of the Eastern Harbour City, supporting the economic significance of the Harbour CBD.

Eastern City District Plan

The planning proposal gives effect to the following Planning Priorities of the Eastern City District Plan:

- Planning Priority E1: Planning for a city supported by infrastructure – To refresh and renew the offering of commercial floor space in this area of the Harbour CBD, this planning proposal would facilitate the delivery of new office space on a site well-positioned to take advantage of existing and planned transport infrastructure, maximising the efficient use of rail, light rail, Metro and bus services.
- Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage – This planning proposal would facilitate the redevelopment of the site in a way that would contribute to the existing well-design built environment and fine grain urban form of Surry Hills, especially through the provision of a new pedestrian link between Foster Lane and Reservoir Street. It would promote a people-friendly public realm, with high amenity and easy walkability on the edge of the metropolitan centre.
- Planning Priority E7: Growing a stronger and more competitive Harbour CBD – The provision of additional commercial office space in the Harbour CBD would contribute to the goals to strengthen the international competitiveness of the CBD and support an innovation economy.
- Planning Priority E8: Growing and investing in health and education precincts and the Innovation Corridor – The site is located within the Innovation Corridor, Camperdown-Ultimo Collaboration Area and Haymarket activity node, and as a result the planning proposal would assist efforts to facilitate an innovation corridor with sufficient supply of scalable spaces, increased business-to-business interaction and co-location, high walkability and high amenity.

- Planning Priority E10: Delivering integrated land use and transport planning and a 30-minute city – Any redevelopment of the site under the controls made by this planning proposal would be designated for employment uses, which would be well-positioned to take advantage of the metropolitan transport network, including the rail, light rail and Metro connections of Central Railway Station only 250 metres away, as well as nearby bus services and cycleways.
- Planning Priority E11: Growing investment, business opportunities and jobs in strategic centres – The site is located within the metropolitan centre of the Eastern City District (Harbour CBD) and any redevelopment facilitated by controls made by this planning proposal would provide new commercial floor space to support employment growth, while being well-positioned to take advantage of existing services and transport connections.

Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

City Plan 2036 (Local strategic planning statement)

The planning proposal gives effect to the following priorities of City Plan 2036:

- Priority I1: Movement for walkable neighbourhoods and a connected city – This planning proposal would facilitate a commercial development well-positioned to integrate with existing and future transport connections while encouraging increased walking, especially through the provision of a new pedestrian through-site link.
- Priority I2: Align development and growth with supporting infrastructure – This planning proposal would facilitate the development of new commercial office space well-positioned to take advantage of existing and planned infrastructure, including the rail, light rail and Metro connections of Central Railway Station, as well as bus routes along Elizabeth Street and cycleways in Surry Hills and the CBD.
- Priority L5: Creating great places – The planning proposal would deliver improved street life and activation by creating a new pedestrian through-site link connecting Foster Lane and Reservoir Street which, in addition to new opportunities for new retail premises, would further enhance the character and walkable nature of this part of Surry Hills.
- Priority P2: Developing innovative and diverse business clusters in City Fringe – The site is located within the City Fringe, Camperdown-Ultimo Collaboration Area (Tech Central) and Eastern Creative Precinct. This planning proposal would facilitate the delivery of new office space in an existing employment cluster, supporting employment uses particularly in knowledge-intensive sectors such as health, education, creative industries, professional services and information media.

Sustainable Sydney 2030-2050: Continuing the Vision

- Direction 5: A city for walking, cycling and public transport – The site is well-positioned to take advantage of existing and planned transport infrastructure, most notably the train, light rail, and Metro connections of Central Railway Station, as well as bus routes along Elizabeth Street and cycleways in Surry Hills. The provision of a new pedestrian through-site link enhances the existing pedestrian permeability of Surry Hills.
- Direction 9: A transformed and innovative economy – The site is located within the City Fringe, Camperdown-Ultimo Collaboration Area (Tech Central) and Eastern Creative Precinct. This planning proposal would facilitate the delivery of new office space in an existing employment cluster, supporting employment uses particularly in knowledge-intensive sectors such as health, education, creative industries, professional services and information media.

Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Camperdown-Ultimo Collaboration Area Place Strategy

This planning proposal gives effect to the following priorities of the Place Strategy:

- Priority 5: Foster healthy, creative, culturally rich, socially connected and welcoming communities – This planning proposal would encourage active street frontages and ground floor areas through the provision of new retail spaces and help to prioritise pedestrians through the provision of a new through-site link connecting Foster Lane and Reservoir Street.
- Priority 7: Cultivate an internationally competitive health, education, research and innovation area – This planning proposal would facilitate the delivery of new commercial office space in an area (Haymarket activity node) earmarked for new cultural, creative and innovative uses, supporting convergence, the development of clusters, attracting investment and driving jobs growth.

Is the planning proposal consistent with applicable SEPPs?

The following table (Table 2) outlines the consistency of this planning proposal with applicable State Environmental Planning Policies (SEPPs).

Table 2. Consistency with applicable SEPPs

SEPP	Comment
SEPP (Biodiversity and Conservation) 2021	This planning proposal is consistent.
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 (Precincts – Eastern Harbour City) 2021	This planning proposal is consistent.
SEPP (Resilience and Hazards) 2021	This planning proposal is consistent.
SEPP (Resources and Energy) 2021	This planning proposal is consistent.
SEPP (Sustainable Buildings) 2022	This planning proposal is consistent.
SEPP No 65 – Design Quality of Residential Flat Development	This planning proposal is consistent.
SEPP (Transport and Infrastructure) 2021	This planning proposal is consistent. As the site subject to development is on land shown as 'Zone B' on a rail corridors map and involves the penetration of ground to a depth greater than 2m below existing ground level, and is on land within the Interim Metro Corridor, the consent authority must give written notice of the application to the relevant rail authority and

SEPP	Comment
	the Secretary of the Department of Transport within 7 days of receiving any development application, in accordance with sections 2.101 & 2.102 of the SEPP.

The following SEPPs are not applicable to this planning proposal:

– SEPP (Precincts – Central River City) 2021, SEPP (Precincts – Regional) 2021, SEPP (Precincts – Western Parkland City) 2021, SEPP (Primary Production) 2021

Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

The following table (Table 3) outlines the consistency of this planning proposal with applicable Ministerial Directions.

Table 3. Consistency with Ministerial Directions

Ministerial Direction	Comment
1.1 Implementation of Regional Plans	This planning proposal is consistent, as demonstrated in section 5.3 of this document.
1.3 Approval and Referral Requirements	This planning proposal is consistent. No provisions are being proposed that would require the concurrence, consultation or referral of development applications to a Minister or public authority, nor identify the development as designated development.
1.4 Site Specific Provisions	This planning proposal is consistent. The planning proposal does not unnecessarily restrict the permitted uses on the land. The planning proposal provides development uplift for a range of commercial uses. This is consistent with strategic priorities established in the relevant regional and district plan and LSPS. Development that does not make use of the uplift provided by the planning proposal can continue to make use of the full range of uses permitted in the MU1 zone.
3.2 Heritage Conservation	This planning proposal is consistent. There are no heritage-listed items within the site, nor is it located within a heritage conservation area. The planning proposal considers impacts on adjacent heritage items, and a Heritage Impact Statement and Archaeological Assessment, provided by the proponent, are attached to this document at Attachments A5 and A9 respectively.
3.10 Water Catchment Protection	This planning proposal is consistent. The site located within the Darling Harbour Catchment in the Sydney Harbour Catchment but outside the Foreshore and Waterways Area Boundary. The planning proposal does not conflict with the objectives of the Direction and the proponent has provided a Desktop Contamination Study, Flood Advice Report and Geotechnical Desktop

Ministerial Direction	Comment
	Investigation, attached to this document at Attachments A6, A7 and A10 respectively.
4.1 Flooding	This planning proposal is consistent. The proponent has identified flood risk in alignment with the objectives of the Direction and provided a Flood Advice Report (Attachment A7) showing that the proposed building envelope is capable of hosting a development which complies with all flood planning levels
4.4 Remediation of Contaminated Land	This planning proposal is consistent. The possibility of land contamination has been considered, and the site will be suitable for all proposed land uses.
4.5 Acid Sulfate Soils	This planning proposal is consistent. Development on this site is not likely to disturb, expose or drain acid sulfate soils and cause environmental damage. It is classified as Class 5 under section 7.14 of the Sydney LEP, is not located within 500m of land designated Class 1,2,3 or 4.
5.1 Integrating Land Use and Transport	This planning proposal is consistent. The site is located in an area that is well serviced by existing public and private transport options.
6.1 Residential Zones	This planning proposal is consistent. The planning proposal does not prevent a residential use from occurring on the site under the current zoning and development standards. It introduces additional standards to encourage commercial uses.
7.1 Business and Industrial Zones	This planning proposal is consistent. It will encourage employment growth in a suitable location, as well as protect and support the viability of an area identified in the relevant regional and district plans and LSPS for commercial uses.

The following Ministerial Directions are not applicable to this planning proposal:

– Ministerial Direction 1.2 Development of Aboriginal Land Council Land, 1.4A Exclusion of Development Standards from Variation, 1.5 Parramatta Road Urban Transformation Strategy, 1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan, 1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan, 1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan, 1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor, 1.10 Implementation of the Western Sydney Aerotropolis Plan, 1.11 Implementation of Bayside West Precincts 2036 Plan, 1.12 Implementation of Planning Principles for the Cooks Cove Precinct, 1.13 Implementation of St Leonards and Crows Nest 2036 Plan, 1.14 Implementation of Greater Macarthur 2040, 1.15 Implementation of the Pyrmont Peninsula Place Strategy, 1.16 North West Rail Link Corridor Strategy, 1.17 Implementation of the Bays West Place Strategy, 1.18 Implementation of the Macquarie Park Innovation Precinct, 1.19 Implementation of the Westmead Place Strategy, 1.20 Implementation of the Camellia-Rosehill Place Strategy, 1.21 Implementation of the South West Growth Area Structure Plan, 1.22 Implementation of the Cherrybrook Station Place

Strategy, 3.1 Conservation Zones, 3.3 Sydney Drinking Water Catchments, 3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs, 3.5 Recreation Vehicle Area, 3.6 Strategic Conservation Planning, 3.7 Public Bushland, 3.8 Willandra Lakes Region, 3.9 Sydney Harbour Foreshores and Waterways Area, 4.2 Coastal Management, 4.3 Planning for Bushfire Protection, 4.6 Mine Subsidence and Unstable Land, 5.2 Reserving Land for Public Purpose, 5.3 Development Near Regulated Airports and Defence Airfields, 5.4 Shooting Ranges, 6.2 Caravan Parks and Manufactured Home Estates, 7.2 Reduction in non-hosted short-term accommodation period, 7.3 Commercial and Retail Development along the Pacific Highway, North Coast, 8.1 Mining, Petroleum Production and Extractive Industries, 9.1 Rural Zones, 9.2 Rural Lands, 9.3 Oyster Aquaculture, 9.4 Farmland of State Regional Significance on the NSW Far North Coast.

5.4 Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The planning proposal applies to a site located in Surry Hills, on the fringe of the CBD, currently occupied by 3 storey buildings without any vegetation within its boundaries. Any redevelopment would be of similar use and intensity to surrounding buildings. It is highly unlikely for any adverse impact on a critical habitat or threatened species, population or ecological community to take place as a result of this proposal.

Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

Floor Space Ratio

This planning proposal will insert site-specific floor space ratio (FSR) controls in the LEP for the site, 232-240 Elizabeth Street. These FSR controls are specific to the building envelope outlined in this planning proposal, and have been tested to ensure that it is possible to accommodate the proposed FSR within the dimensions of the proposed building envelope while applying standard assumptions for space efficiencies and floor-to-floor heights.

The planning proposal establishes a maximum FSR of 7.3:1 for the site, with a maximum FSR of 7:1 above ground inclusive of design excellence. An Urban Design Study, prepared by Candalepas Associates, is attached to this Planning Proposal at Attachment A2 and demonstrates how the desired density is consistent with the surrounding area and will result in additional commercial floor space without significant adverse impacts. In particular, it is demonstrated that the increase is consistent with surrounding buildings when considering their FSRs as built. The mixed-use building to the immediate north of the site at 230 Elizabeth Street has an FSR of approximately 8:1, and the residential building to the immediate south at 242-254 Elizabeth Street has an FSR of approximately 10.3:1. Other commercial buildings in the immediate vicinity along Reservoir Street feature FSRs between 5:1 and 6.5:1.

Considering the proximity of the site to the boundary of Central Sydney, and the strategic context of the site considering its location within the City Fringe, Tech Central and Eastern Creative District, the planning proposal is an appropriate response to encourage redevelopment of the site for employment generating uses.

Urban design

This planning proposal will insert site-specific building height controls in the LEP. The increase in the maximum building height from 35m to RL 50.33m (39.3m) would facilitate the increase in FSR while remaining consistent with neighbouring buildings on Elizabeth and Reservoir Streets. Proposed site-specific DCP controls will establish a maximum street wall height of RL 46.03 (35m)

to maintain a consistent street wall along Elizabeth Street, with additional massing setback from the Elizabeth Street frontage by 3m.

Figure 14. Proposed building envelope – isometric view

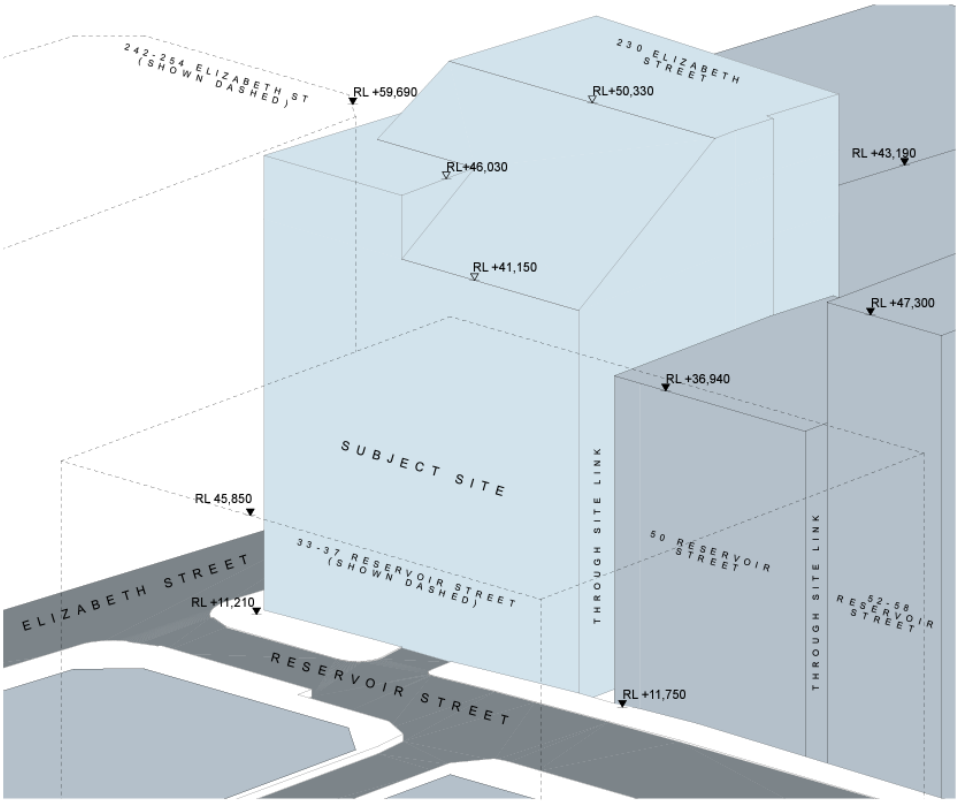


Figure 15. Proposed building envelope – Reservoir Street elevation

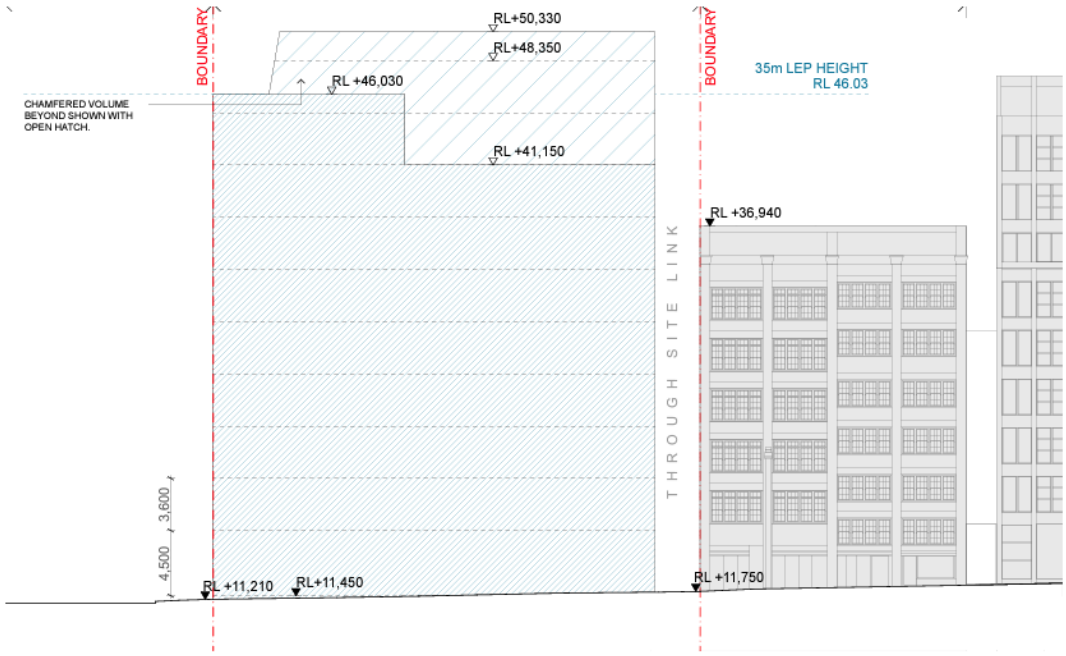


Figure 16. Proposed building envelope – roof plan



The proposed building envelope is a good contextual fit with neighbouring buildings on Elizabeth Street, which show a gradual increase in height when travelling south from the intersection with Wentworth Avenue towards Central Station.

Figure 17. Street wall analysis – Elizabeth Street elevation (proposed building envelope shaded blue)

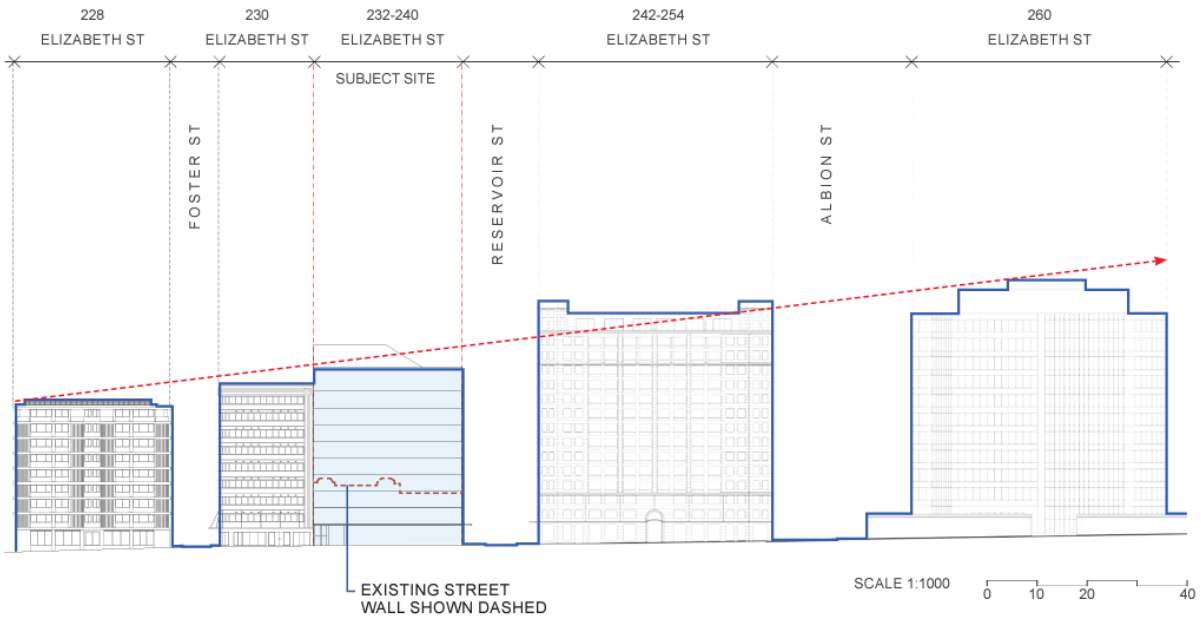
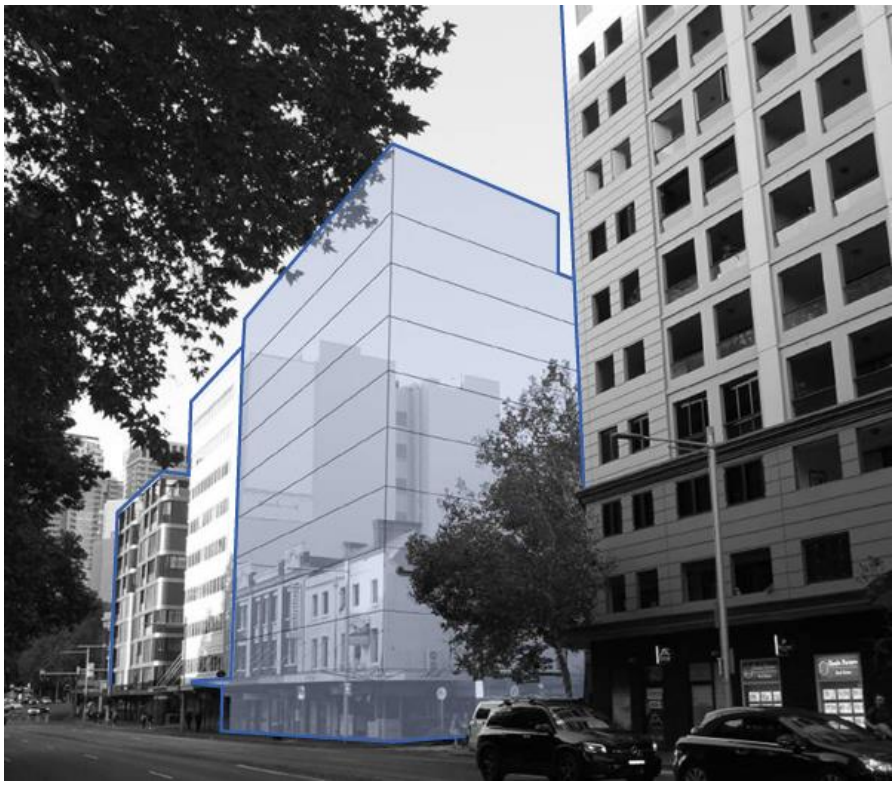
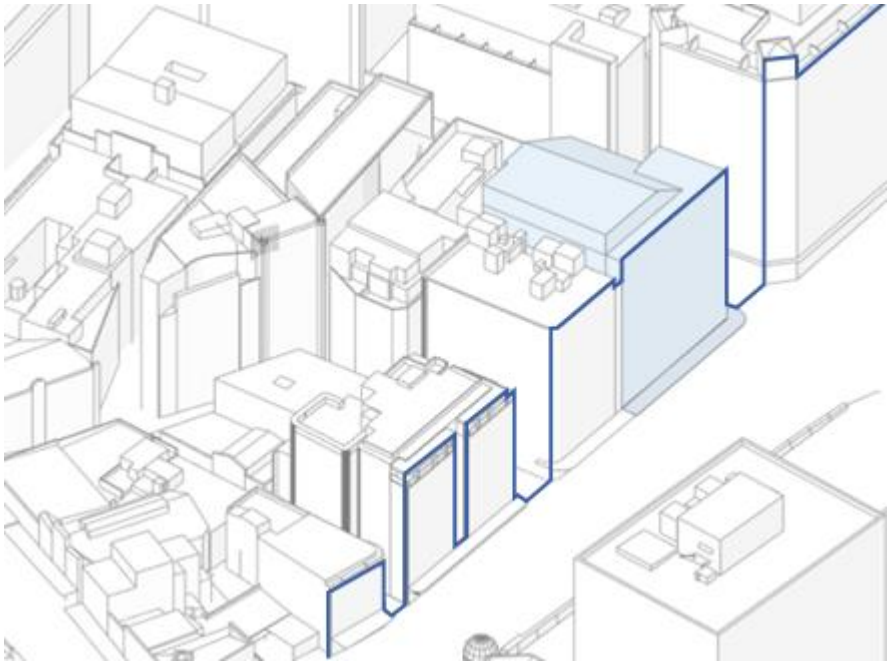


Figure 18. Proposed building envelope – viewed from Elizabeth Street facing north-east



The prevailing street wall is reinforced along Elizabeth Street by aligning the parapet heights, with all massing above the street wall to be set back by 3m from the Elizabeth Street frontage.

Figure 19. Proposed building envelope – isometric view facing south-west



The proposed building envelope maintains the gradual increase in building height and density westwards along Reservoir Street as the street approaches Elizabeth Street and the CBD.

Figure 20. Street wall analysis – Reservoir Street elevation (proposed building envelope shaded blue)

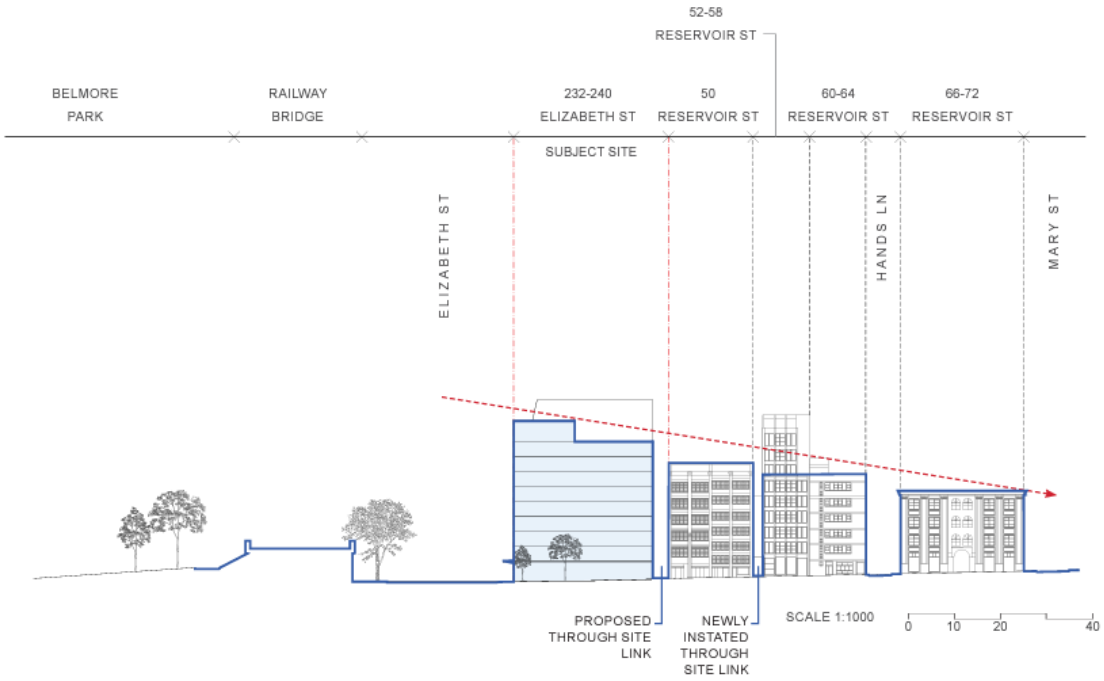


Figure 21. Proposed building envelope – viewed from Reservoir Street facing west



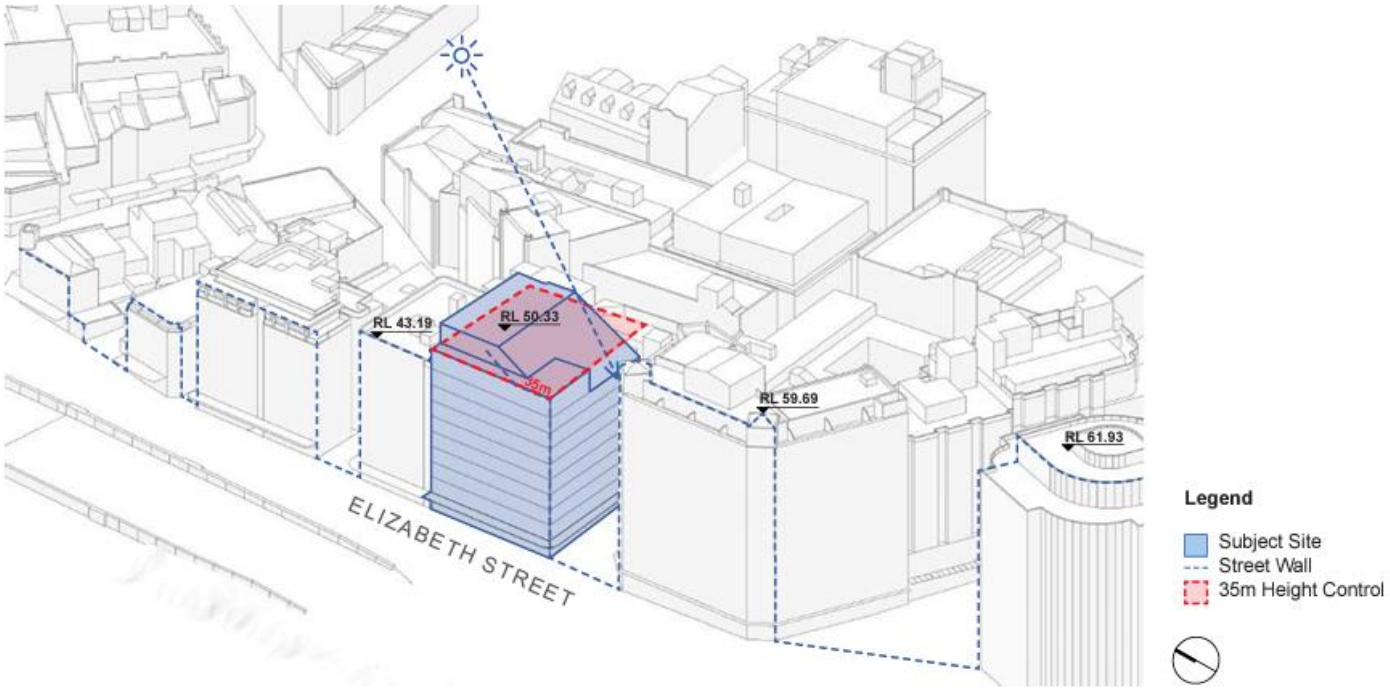
Overshadowing

The site is located north of two multi-storey residential apartment buildings at 242-254 Elizabeth Street and 33-37 Reservoir Street. A previous Development Application (D/2016/1451/A) for a mixed-use development approved for the site applied a condition requiring the building envelope

be modified to ensure a minimum of 2 hours solar access to Apartments 601 and 602 at 242-254 Elizabeth Street on the mid-winter solstice.

This planning proposal adheres to that condition through a sloped roof form and increased setback depth for the upper two levels on the Reservoir Street frontage.

Figure 22. Proposed building envelope showing sloped roof form



The following table shows the periods during which at least 1sqm of living space is exposed to direct sunlight for Apartments 601 & 602 at 242-254 Elizabeth Street. The proposed envelope provides over 2 hours of solar access to these apartments.

Figure 23. Solar analysis for Apartments 601 & 602 at 242-254 Elizabeth Street

PROPOSED

UNIT NO.	9.00 AM	9.30 AM	10.00 AM	10.30 AM	11.00 AM	11.30 AM	12.00 PM	12.30 PM	1.00 PM	1.30 PM	2.00 PM	2.30 PM	3.00 PM	TOTAL HOURS	2 + HOURS
601	■	■	■	■	■	■	■	■	■					4HR 15MIN	COMPLIES
602					■	■				■	■	■	■	2HR 15MIN	COMPLIES

■ INDICATES DIRECT SUN ACCESS TO GLAZING TO LIVING SPACE – OVER 1 SQM

The Urban Design Study which accompanies the planning proposal (Attachment A2) includes solar and overshadowing analysis. The study shows that the proposal would result in a smaller degree of overshadowing to 242-254 Elizabeth Street and 33-37 Reservoir Street than that caused by the already approved building envelope for D/2016/1451/A in November 2020. This is as a result of the increased setback to Reservoir Street, the sloped roof form and the provision of a 3.4m-wide through-site link along the eastern boundary of the site running north-south. Therefore the overshadowing impacts would be acceptable.

A detailed solar access and overshadowing analysis will be included as part of a future development application.

Through-site link

The planning proposal will facilitate the delivery of a through-site link running north-south along the eastern boundary of the site, connecting Foster Lane to Reservoir Street. Controls for the through-site link will be contained within the site-specific DCP for the site (Attachment B), with the land dedicated to the City in stratum as part of a Voluntary Planning Agreement (VPA) between the City and the landowner. A draft VPA will be placed on exhibition concurrently with this planning proposal and the associated letter of offer is attached as Attachment C.

Figure 24. Ground floor plan of indicative design featuring through-site link



The site-specific DCP will require the through-site link to be 3.4m wide, matching the width of the existing Foster Lane. Extending Foster Lane to Reservoir Street will provide additional opportunities for ground floor activation, enhance the existing pedestrian laneway network to encourage walkability and mirror the success of Fracks Lane at 52 Reservoir Street, and improve security through the application of CPTED principles by removing the current dead-end alleyway, as shown in Figure 7. This supports the objective of making the Eastern Creative Precinct an attractive location for a range of businesses and workers in creative industries.

Transport and servicing

The development concept for the site includes 18 parking spaces, including 2 accessible parking spaces, consistent with the maximum number of spaces allowable under section 7.6 of the Sydney LEP. In addition, 4 loading spaces have been provided for general servicing and private waste collection, which is in accordance with section 3.11.6 and Schedule 7 of the Sydney DCP. Parking and loading spaces are to be located in four basement levels accessed via a car lift and driveway off Reservoir Street (shown in Figure 24).

End of journey facilities are also shown to be accommodated below ground, with bicycle parking in accordance with section 3.11.3 of the Sydney DCP.

Modelling provided as part of a Traffic Impact Assessment, completed by Traffix on behalf of the proponent and attached to this planning proposal at Attachment A4, concluded that additional vehicle trips associated with the concept development equated to less than one vehicle every five minutes during both peak periods, having a negligible impact on the surrounding road network.

A more detailed traffic impact assessment would be included as part of any future development application for the site.

Flooding

The City's Darling Harbour Catchment Floodplain Risk Management Plan shows that the site is flood-affected. The TUFLOW model shows that the site is affected by overland flows from the eastern direction, along Foster Lane and Reservoir Street and towards Elizabeth Street before leaving through the railway corridor along the western side of Elizabeth Street.

A Flood Advice Report, prepared on behalf of the proponent by Integrated Group Services and attached to this planning proposal at Attachment A7, finds that the proposed building envelope is capable of hosting a development which complies with all flood planning levels as per the Interim Floodplain Management Policy.

A more detailed flood advice report would be included as part of any future development application for the site.

Sustainability

Any development application using the controls made by this planning proposal will be subject to the sustainability requirements outlined in section 7.33 of the Sydney LEP and section 3.6.1 'Energy efficiency in non residential developments' of the Sydney DCP, both of which came into force in October 2023.

An NCC 2022 Section J Assessment Report, prepared on behalf of the proponent by Integrated Group Services and attached to this planning proposal at Attachment A12, indicates that any future DA design within the proposed building envelope can be capable of compliance with the NCC 2022 provisions for energy efficiency.

Contamination

A Desktop Contamination Study, prepared on behalf of the proponent by Douglas Partners and attached to this planning proposal at Attachment A6, found that based on a review of site history information and a limited site walkover inspection, the potential for widespread site contamination is considered to be low to moderate, and it is unlikely that significant contamination is present which would render the site unsuitable for any development facilitated by this planning proposal.

A more detailed contamination study would be included as part of any future development application for the site.

Acoustics

An Acoustic Impact Statement has been prepared by Acoustic Logic on behalf of the proponent and is attached to this planning proposal at Attachment A13. It identified existing high levels of background noise near Elizabeth Street which diminish moving east along Reservoir Street. It identified two potential sources of acoustic impact associated with a commercial development

being loading dock operation and mechanical plant noise, and recommended that they be considered and addressed at development application stage.

The site-specific DCP will also feature objectives and provisions relating to noise, ensuring that the amenity of nearby residents will be maintained.

Has the planning proposal adequately addressed any social and economic effects?

Heritage

The site is not heritage listed nor located within a Heritage Conservation Area. As the existing buildings on site are more than 50 years old, a Heritage Impact Statement was prepared on behalf of the proponent by Urbis and is attached to this planning proposal at Attachment A5.

The statement found 232-236 Elizabeth Street to be a building with some components of a Federation Free style façade but with little noteworthy architectural detailing. The remaining 19th Century buildings at 238-240 Elizabeth Street are late Victorian residential structures which are common typologies within the area. All of the buildings on site have been heavily modified both internally and externally and their demolition is considered acceptable from a heritage perspective.

The proposed building envelope was not found to impact the heritage values of any nearby buildings or heritage items, including any significant views or settings, and the introduction of a new pedestrian through-site link was found to permit a visual distinction between new works on the site and early 20th Century building works on adjoining properties.

A preliminary Archaeological Assessment prepared by Curio (Attachment A9) found that there are no registered Aboriginal objects and/or sites located within or directly adjacent to the site, however the undisturbed soils below the existing structures have moderate Aboriginal archaeological potential. The assessment found a low to moderate likely potential for non-Aboriginal archaeological findings.

The site is traversed by a brick oviform sewer constructed in 1887, which connects to the heritage-listed Bondi Ocean Outfall Sewer. Preliminary investigations have been undertaken to ensure that future development can take place without impact on the sewer, including a minimum clearance requirement. It will be the responsibility of the proponent to undertake a Specialist Engineering Assessment (SEA), in consultation with Sydney Water, to demonstrate no adverse impact or nominate protection measures. A letter and approvals program has been provided (Attachment A8) which outlines the investigations already conducted and those yet to be performed, and proposes that the most appropriate stage to complete the SEA would be following the design excellence competition when the competition winning scheme would be subject to a detailed DA.

Economic Impact

An Economic and Social Impact Report, prepared by Planning Lab and attached to the planning proposal at Attachment A3, found that a commercial development with 6,000sqm of new commercial floor space will accommodate more than 300 jobs. This is 86 more jobs than is possible with a commercial development under the current FSR controls and is consistent with the land use and economic objectives of the Greater Sydney Region Plan, Eastern City District Plan, City Plan 2036 and Camperdown-Ultimo Collaboration Area Place Strategy. Surry Hills historically has a lower vacancy rate than Central Sydney and is an attractive location for business operating in creative and technology-based industries. Redevelopment of the site, including a new pedestrian through-site link, increases activation and accessibility of the surrounding public domain, delivering improved amenity and safety for the public.

5.5 Infrastructure (Local, State and Commonwealth)

Is there adequate public infrastructure for the planning proposal?

The site is located 250m from Central Railway Station on the fringe of the Sydney CBD. The site is well serviced by the transport network including rail, light rail, Metro, buses and cycleways. It is also located less than 100m from Belmore Park, and 250m from Harmony Park and Reservoir Street Reserve. The site is already serviced by public utilities including reticulated water, sewer and stormwater, electricity and telecommunications.

Any development application on the site will be subject to section 7.12 development contributions as outlined in the Central Sydney Development Contributions Plan 2020.

There is adequate public infrastructure to support this planning proposal.

5.6 State and Commonwealth interests

What are the views of the state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

The gateway determination will advise the public authorities to be consulted as part of this planning proposal process. Any issues raised will be incorporated into this planning proposal following consultation in the public exhibition period.

6. Mapping

This planning proposal does not include any amendments to maps.

No change will be made to any maps contained in the LEP as part of this planning proposal, instead additional floor space ratio is proposed to be included through new site-specific provisions under Division 5 as discussed earlier in this planning proposal document.

7. Community consultation

This Planning Proposal is to be exhibited in accordance with a Gateway Determination issued by the Department of Planning, Housing & Infrastructure.

It is anticipated that the Gateway Determination will require public exhibition for a period of not less than 28 days in accordance with the Environmental Planning and Assessment Act 1979 and the Local Environmental Plan Making Guideline.

Notification of the public exhibition will be consistent with the Gateway Determination and the City's Community Engagement Strategy and Participation Plan, and include publication on the City of Sydney website and notification to surrounding owners and occupiers.

Consultation with relevant NSW agencies, authorities and other relevant organisations will be undertaken in accordance with the Gateway Determination.

8. Project timeline

The anticipated timeframe for the completion of the planning proposal is as follows:

Stage	Timeframe
Commencement / Gateway Determination	June 2024
Government agency consultation	July - August 2024
Public exhibition	July - August 2024
Consideration of submissions	August - September 2024
Post exhibition consideration of proposal	October - November 2024
Draft and finalise LEP	November - December 2024
LEP made	January - February 2025
Plan forwarded to the Department of Planning, Housing & Infrastructure	January – February 2025

Appendix 1

Example clauses

The final version of the clauses to be inserted into Division 5 would be subject to drafting and agreement by the Parliamentary Counsel's Office, but may be written as follows:

Part 6 Local provisions – height and floor space

Division 5 Site-specific provisions

6.XX 232-240 Elizabeth Street, Surry Hills

(1) This clause applies to Lots 1 & 2 SP 1379, Lots 1 & 2 DP 779385, Lot 1 DP 664653, 232-240 Elizabeth Street, Surry Hills.

(2) The maximum height for a building on the land to which this clause applies is RL 50.33 metres.

(3) The part of a building located at or above ground level may have a floor space ratio of up to the ratio of the sum of the following to the site area-

(a) the gross floor area resulting from applying a floor space ratio of 6.36:1

(b) if the building is a building demonstrating design excellence – the gross floor area, determined by the consent authority, of up to 10% of the sum of the amount specified in subclause (3)(a)

(4) The part of a building located below ground level may have a floor space ratio of up to 0.3:1 for the purpose of any end of journey floor space for which the building is eligible under clause 6.13.

(5) The total floor space ratio calculated under subclauses (2) to (4) must not exceed 7.3:1.

(6) Subclauses (2) to (5) do not apply unless the consent authority is satisfied the building will not be used for the purposes of residential accommodation or serviced apartments.

(7) Clause 6.21D(3)(a) does not apply to the building.



Attachment A1

Proponent Planning Proposal Justification Report

PLANNING LAB

Planning Proposal for 232-240 Elizabeth Street, Sydney

Amendment to the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012



Prepared by Planning Lab

Issued 24 November 2023

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Summary

This Planning Justification Report has been prepared by Planning Lab on behalf of Stasia Holdings Pty Ltd in support of a planning proposal to amend the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) and Sydney Development Control Plan 2012 (Sydney DCP 2012) in relation to 232-240 Elizabeth Street, Surry Hills. The proposed amendments have been informed by an indicative concept design by Angelo Candalepas and Associates (Appendix A) for a 10-storey commercial building with three basement levels. The proposal would facilitate redevelopment of the site including the construction of a commercial infill development appropriate to the surrounding urban context. The development will provide additional commercial office space within Surry Hills in support of the local economy.

The existing planning controls prevent the development of the indicative concept design due to non-compliance with the floor space ratio (FSR) and height controls. In response, this planning proposal seeks Council's support to progress an amendment to the Sydney LEP 2012 to create a new site-specific clause that will allow non-residential development to achieve;

- a maximum building height of RL 50.33m which is 39.3m in height; and,
- a maximum FSR of 7.0:1

It is also proposed to create a new site-specific development control plan for the site with Chapter 6 of the Sydney DCP 2012 (Appendix B & C) to work in conjunction with the amended Sydney LEP 2012. The site specific DCP would enable development consistent with the indicative concept design.

The indicative concept design is the result of an Urban Design Study carried out by Angelo Candalepas and Associates. It has considered the recent approval history of the site which includes a current concept approval (formerly called Stage 1 approval) permitting a 35m mixed use building including a residential component. It has also assessed the permissible and actual height and density of surrounding sites, along with how the site could enhance the public domain. The concept envelope that is proposed seeks to improve upon previous approvals and to permit a design that will respond positively to neighbouring developments.

The proponent has incorporated the pre-lodgement feedback from the City of Sydney Council into the submitted Urban Design Study, most notably:

<u>Floor-to-Floor Heights, FSR and Envelope</u>

1. This proposal comprises 10 storeys with 4.5m and 3.6m floor-to-floor heights allowed for all levels, as per Section 4.2.1.2 (Sydney SCP 2012);

2. The solar analysis appended to this proposal demonstrates the retained solar access to Apartments 601 and 602 at 242-254 Elizabeth Street, and 33 Reservoir Street; and

3. Important urban outcomes:

    a. The prevailing street wall is reinforced both along Elizabeth and Reservoir Streets by maintaining the parapet heights;

    b. All massing above the street wall is set back so as to not be visible from the street;

    c. The through-site link is retained.

Sustainability

A commitment to the NABERS Energy Rating of 5.5 stars + 25% for the proposal. The competitive design process will be the opportunity to investigate and provide innovative sustainability solutions to the site specific challenges of the site.

Through-site link

An offer to Council for the dedication of this link as a public road, based on another City of Sydney precedent.

Clause 6.21(D) of Sydney LEP 2012 requires development outside of Central Sydney that is over 25m in height to undergo a competitive design process. The site's existing maximum height limit is 35m, This Planning Proposal will increase the maximum building height by 4.3m to RL 50.33m. Accordingly, the development of a new building up to the proposed LEP controls would require a design competition to be undertaken. A future detailed DA would be based on the competition winning design and not on the indicative concept design lodged in support of this planning proposal. Notwithstanding, the indicative concept design demonstrates that a building of high quality can be designed within the proposed building envelope.

The proposed amendments to the Sydney LEP 2012 and Sydney DCP 2012 could facilitate the development of the proposed indicative concept design for a 10-storey commercial office building with ground floor retail and three basement levels. It carefully considers the surrounding buildings by providing a suitable height transition along both Elizabeth and Reservoir streets. A stepped setback on the upper levels along Reservoir Street also lessens the shadow impact of the proposed building envelope relative to the site's current concept approval under D/2016/1451. The design will enhance the street level providing a new activated through site link between Reservoir Street and Foster Lane and providing active frontages to all streets with its driveway crossing being minimised. The proposed amendments to planning controls will facilitate a commercial development that responds positively to its environment, will enhance the walkability of the public domain in the immediate surrounds.

Surry Hills has developed a concentration of creative, technology and professional services companies which is driving agglomeration benefits. High rents in the Sydney CBD and high levels of amenities in the Surry Hills area of the City Fringe are also increasing demand for commercial office space in the area. The Economic and Social Impact Report by Planning Lab (Appendix D) estimates that the indicative concept design would be capable of hosting 301 employees. This is 86 more employees that could be supported under the existing controls, assuming that the site was developed for commercial use rather than residential. The proposal would incentivise commercial development on the site and would increase its capacity to contribute to the local and State economy. The primary commercial uses of the site are compatible with the existing MU1 – Mixed Use zone and will support the zone objectives.

The use of the site for commercial office space is well aligned with the strategic requirements of the Greater Sydney Region Plan, Eastern City District Plan and the local City of Sydney strategic plans. The project will provide new employment opportunities in the construction industry during the building phase and will provide floor space which is likely to be utilised by the creative, technology or professional services industries. The site's high level of access to public transport and location within an existing business centre that is near sizeable residential areas makes it well suited to

intensified employment being consistent with the 30-minute city. These aspects of the proposal support the combined visions of the various relevant strategic plans.

This planning proposal demonstrates the need for the proposed amendments to the Sydney LEP 2012 and Sydney DCP 2012, the effect that the proposed amendments will have, and that the amendments are consistent with the relevant planning strategies and instruments. The proposal is shown to be consistent with the relevant State Environmental Planning Policies and Ministerial Directions. It is recommended that the City of Sydney progress this planning proposal which will improve the site's relationship to the surrounding urban environment and will support necessary commercial development within Surry Hills and the City Fringe.

Introduction

Background

This planning proposal seeks the amendment of planning controls within the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) and Sydney Development Control Plan 2012 (Sydney DCP 2012) that apply to 232-240 Elizabeth Street, Surry Hills ('the site'). This planning proposal has been prepared by Planning Lab, in conjunction with Angelo Candalepas and Associates on behalf of Stasia Holdings Pty Ltd. It has been prepared in accordance with Division 3.4 of the Environmental Planning and Assessment Act 1979 (EP&A) and with reference to the Department of Planning and Environment's document 'Planning Proposals: A Guide to Preparing Planning Proposals'.

A request to prepare a planning proposal was sent to the City of Sydney along with a preliminary design proposition. This proposal has been refined in accordance with the advice and requirements provided by Council in response.

An indicative concept design for a commercial office building with ground floor retail located within the proposed building envelope has been produced by Angelo Candalepas and Associates. The accompanying indicative concept design is provided to show that an appropriate building can be developed under the proposed site-specific controls.

To realise the concept design, it is proposed to amend the Sydney LEP 2012 to include a site-specific clause allowing the site to achieve an increased floor space ratio (FSR) and building height. It is also proposed to create a site-specific section of the Sydney DCP 2012 (Appendix B & C) to work in conjunction with the amended Sydney LEP 2012 to enable development on the site that corresponds with the indicative concept design.

Site Identification

This planning proposal relates to 232-240 Elizabeth Street, Surry Hills which is legally identified as SP1379 and Lots 1 & 2 in DP779385. The site is wholly owned by Stasia Holdings Pty Ltd.

Site Description

The site is an irregular 'square shaped' block with an area of 905.6m^2 located on the corner of Elizabeth Street and Reservoir Street (Figures 1-2). The site is comprised of three separate lots occupied by five buildings between one and three storeys. The buildings are currently used for a mixture of temporary accommodation and retail tenancies. Both buildings presenting to Elizabeth Street are used as a hostel with various retail spaces at the ground floor (Figures 3-4). Similarly, the buildings presenting to Reservoir Street have ground-floor retail tenancies, with the upper levels owned and used by the hostels as part of the roof terrace (Figure 5). The buildings were originally five separate terrace buildings, but all have been heavily altered since their construction.

The site is located on the outer edge of the Sydney CBD Fringe east of the elevated city circle railway corridor running between Elizabeth Street and Belmore Park. The buildings along this section of

Elizabeth Street begin a reduction in scale away from the CBD and a transition into lower scale mixed commercial and residential development in Surry Hills.

The site is exceptionally well serviced by public transport being about 350m walking distance from Central Station where there is regular access to all train lines, all light rail lines routing through the Sydney CBD and a multitude of metropolitan, regional, and interstate bus services. A large range of services and amenities exist in the area to support non-residential uses including restaurants, cafes and a supermarket located about 300m to the south. The site is also within Surry Hills where there is a concentration of creative, professional services and technology-based businesses creating a positive agglomeration effect.

To the north, the site adjoins 230 Elizabeth Street which is a 9-storey commercial building. It has a blank southern elevation that appears to have assumed the future development of the subject site. 230 Elizabeth Street is located on the western side of Foster Lane having fire doors opening into the Lane. North-east of the site is 62-64 Foster Street which is a 6-storey shop top residential apartment building that has driveway access from Foster Lane (Figure 6).

East of the subject site is 50 Reservoir Street which is a 7-storey commercial building. It has some secondary windows and openings along its western elevation. Further east is 52 Reservoir Street which is a 9 storey commercial development that has recently finished construction. It includes a newly created through site link on its western boundary connecting Reservoir Street and Foster Street (Figure 7).

South of the site are two apartment buildings fronting Reservoir Street at 242 Elizabeth Street and 33 Reservoir Street. 242 Elizabeth Street is a 15-storey shop top residential apartment building with apartments and balconies facing directly north towards the subject site. 33 Reservoir Street is a 9-storey shop top housing development which similarly has apartments and balconies facing north over Reservoir Street.

The eastern side of Elizbeth Street is dominated by retail tenancies, generally with a fine grain. The western side of Elizbeth Steet is occupied by a sheer sandstone wall several metres high which supports an elevated rail line. There is a footpath, landscaping and bus stops along this edge but no active land uses. The western end of Reservoir Street where the site is located is dominated by fine grain retail tenancies typically occupied by specialty retailers, cafes and restaurants. While the level of activation along Reservoir Street is very high, Foster Street to the north and Albion Street to the south contain far less ground floor retail activity.

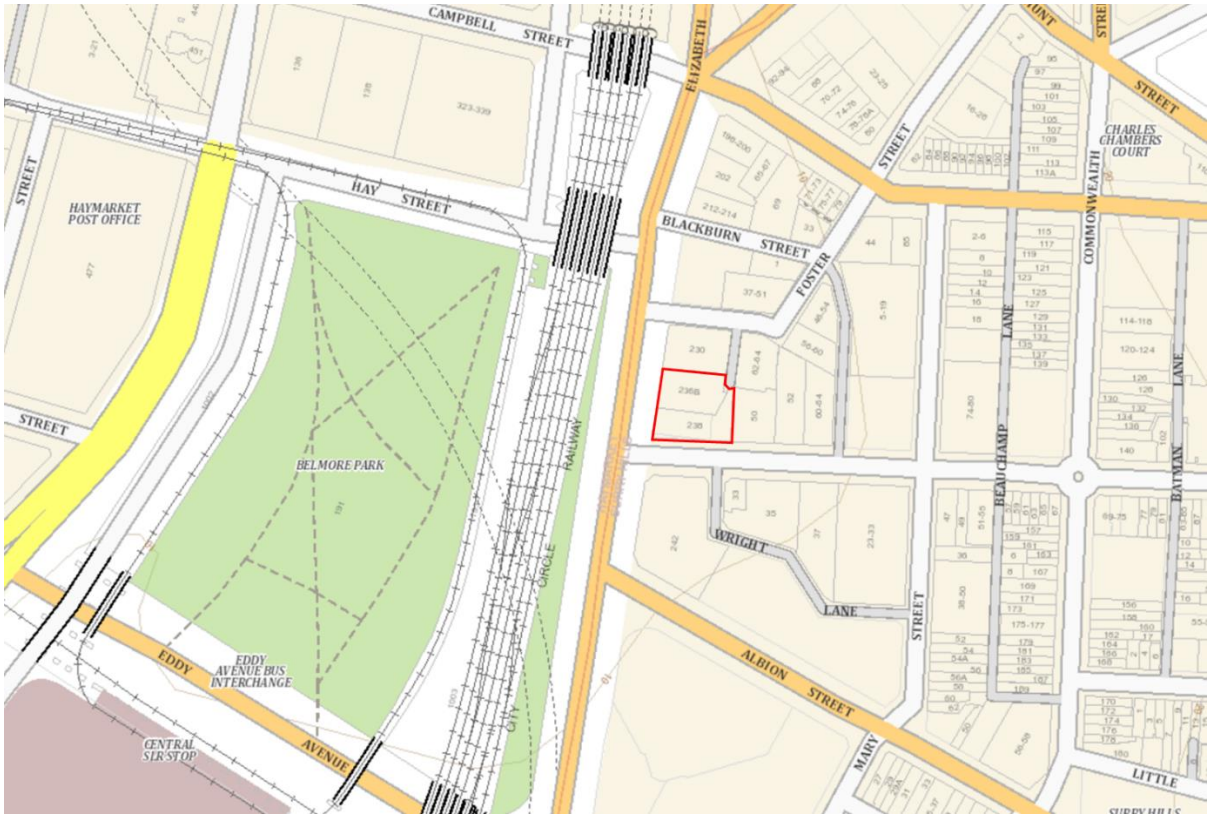


Figure 1 - The site in the neighbourhood context



Figure 2 - Aerial image of the site



Figure 3 - The site viewed looking south east along Elizabeth Street



Figure 4 - The Site viewed looking north east from Elizabeth Street



Figure 5 - The site viewed from Reservoir Street



Figure 6 - Foster Lane viewed looking south from Foster Street



Figure 7 - Through site link at 52 Reservoir Street

Site History

The subject site has a history of recent development consents including a current active consent under D/2016/1451. This provides an indication of an acceptable building envelope for the subject site. The proposal has been designed in consideration of previously approved designs and has sought to improve on them to minimise environmental impacts.

D/98/05362

In 1999, consent was granted under D/98/05362 for the development of a 7-storey serviced apartment building at 238-240 Elizabeth Street.



Figure 8 - D/98/05362 development proposal (Joshua Farkash & Associates)

D/01/00140

In 2001, consent was granted under D/01/00140 for the development of a 9-storey backpackers hotel building at 232-263 Elizabeth Street.

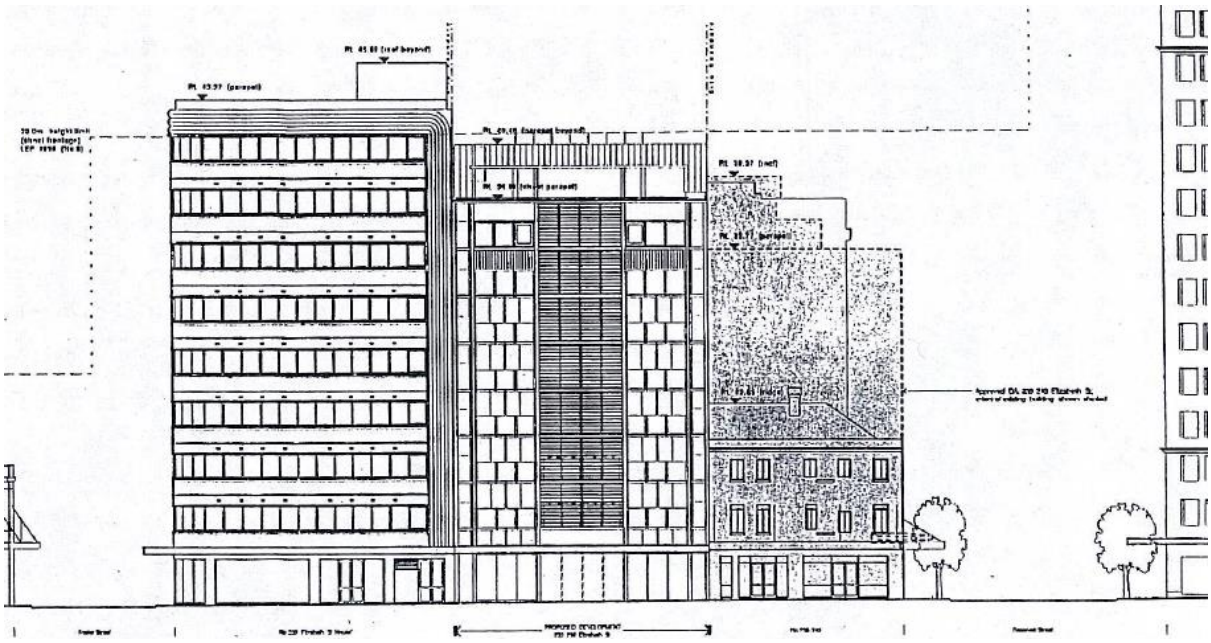


Figure 9 - D/01/00140 streetscape elevation (Jahn Associates Architects)

D/2016/1451

A Stage 1 Concept Development Application (DA) (D/2016/1451) was approved by the NSW Land and Environment Court on 21 July 2017 for the demolition of the existing buildings in the study area and the construction of a mixed-use building containing retail, residential and hotel uses with a 2-level basement carpark.

The application was subsequently modified removing 1 level of the basement carpark and adding ground level bike parking. This application (D/2016/1451/A) was approved on 25 November 2020.

Condition 3 of D/2016/1451/A requires that the approved building envelope must be modified to reduce overshadowing impacts on two residential apartments located in a building opposite the site at 242-254 Elizabeth Street. The condition requires that:

> *a. the southern alignment of the upper level (Level 9) is to be moved to the north by such a dimension which will maintain a minimum of 2 hours solar access to Apartments 601 and 602 at 242- 254 Elizabeth Street on the mid-winter solstice.*

The envelope approved under D/2016/1451/A has a maximum height of 35m with nil setbacks to Elizabeth and Reservoir Street. At the two uppermost levels on the Reservoir Street frontage, a stepped setback was provided to minimise overshadowing on 242 Elizabeth Street. As noted above, consent condition 3(a) requires further amendments to reduce overshadowing.

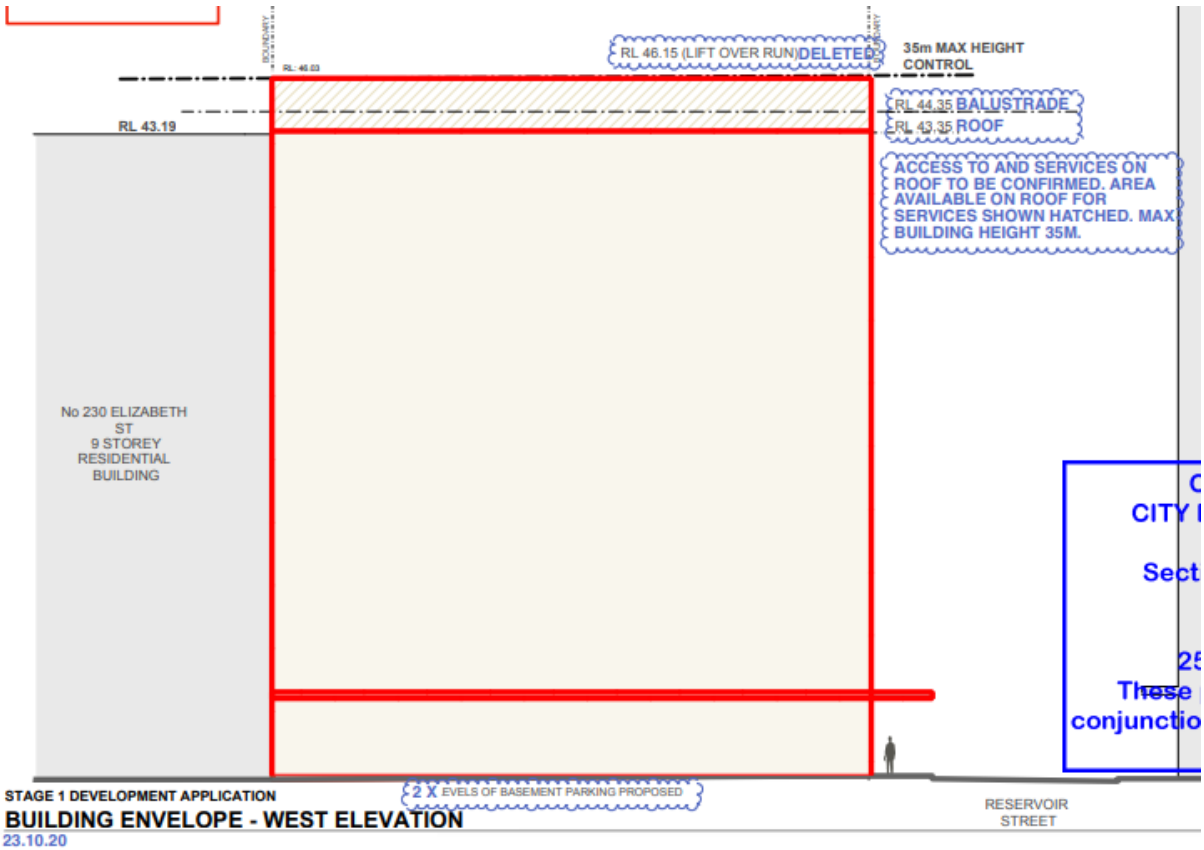


Figure 10 - Approved western elevation

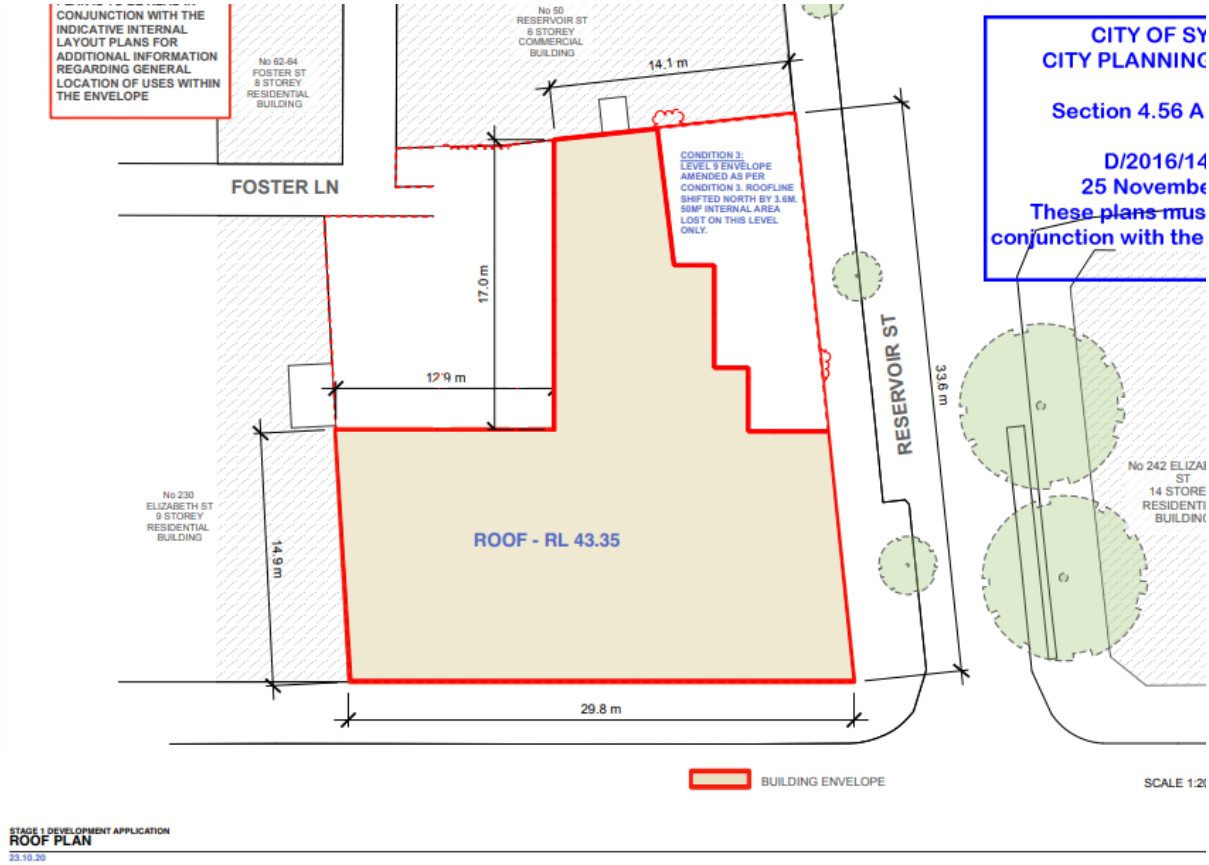


Figure 11 - Approved roof plan

Existing Planning Controls

Table 1 and Map Extracts A-F below provide a summary of the key planning controls in the Sydney LEP 2012 that are relevant to the site.

Table 1 - Current Sydney LEP 2012 Controls

Aspect	Control	Comment
Land Use Table **Zoning**	MU1 – Mixed Use	'Commercial premises' including business premises, office premises and retail premises are permitted with consent in the MU1 Mixed Use Zone. The future land use of the site envisioned under the indicative concept design is as an office premises with ground floor retail or business uses. These uses are permissible with consent and are consistent with the zone objectives to: • *To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.* • *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.* • *To minimise conflict between land uses within this zone and land uses within adjoining zones.* • *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.* • *To ensure land uses support the viability of nearby centres.* • *To integrate suitable business, office, residential, retail and other land uses in accessible locations that maximise public transport patronage and encourage walking and cycling.*
4.3 **Height of Buildings**	35m	The parapet height of the proposed massing is 35m. An amendment is proposed to the Sydney LEP 2012 to permit a maximum height of RL 50.33.
4.4 **Floor Space Ratio**	5:1	The proposed massing has an FSR of 7.0:1. This planning proposal recommends increasing the site's maximum FSR to 7:1 to accommodate a future development consistent with the indicative concept design.
5.10	General	The site is not identified as a heritage item or as being within a heritage conservation area.

Heritage and Heritage Conservation	Brick oviform sewer	A brick oviform sewer runs below the site which has been dated to 1883. The sewer is not heritage listed but the indicative concept design locates the basement areas to the west of the sewer to avoid interference.
	Building age	While not heritage listed, the buildings on the subject site are more than 50 years old. A Heritage Impact Statement has been prepared by Urbis to consider the retention value of the existing buildings. The HIS finds that the buildings do not meet the criteria for heritage listing and supports demolition.
7.6 Public Transport Accessibility	Category D	Clauses 7.6 and 7.7 provide maximum parking rates for development. The applicable formula permits a maximum parking provision of 18.114 spaces. The basement shown in the indicative concept design depicts 18 car parking spaces. The exact provision of parking would be subject to a future DA.
7.14 Acid Sulfate Soils	Class 5	An Acid Sulfate Management Plan is required for works below 5m AHD by which the water table is likely to be lowered below AHD on adjacent land. A Desktop Geotechnical Assessment (Appendix J) indicates that the site of the concept design is not within, or close to an area of acid sulfate soil risk.

Map Extract A – Zoning Map Sheet 015



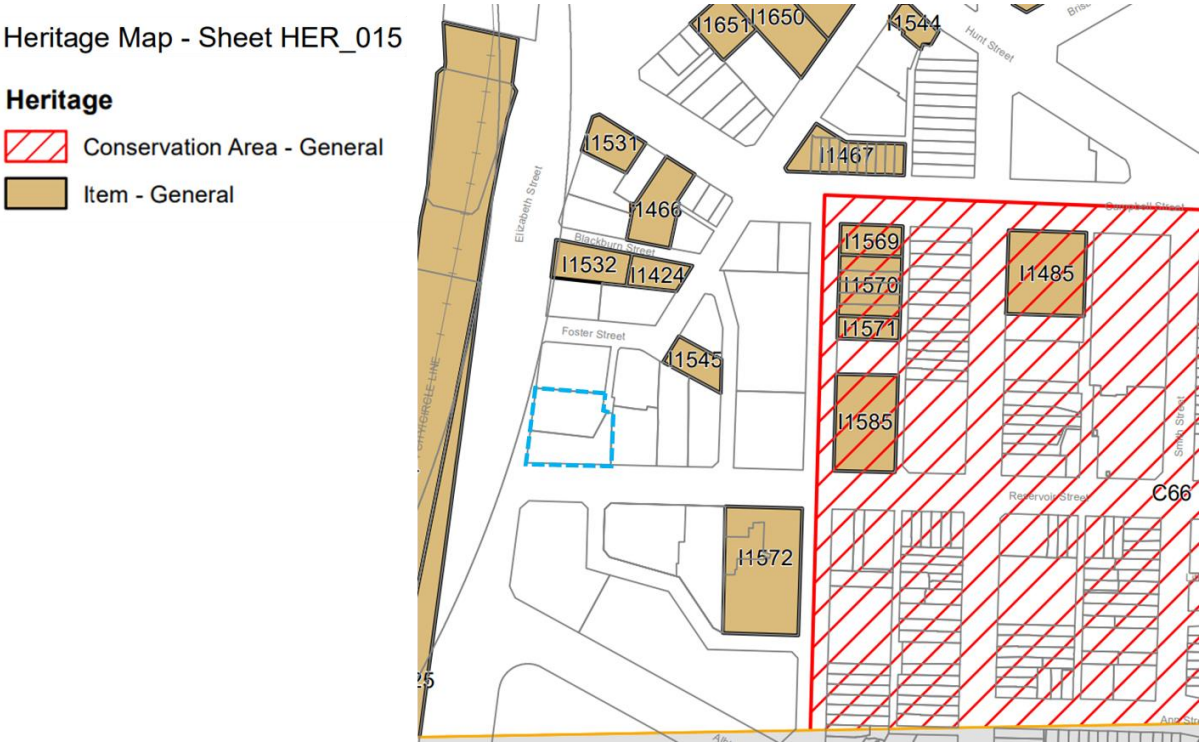
Map Extract B – Floor Space Map Sheet 015



Map Extract C – Height of Buildings Map Sheet 015



Map Extract D – Heritage Map Sheet 015



Map Extract E – Public Transport Accessibility Map Sheet 015



Map Extract G – Acid Sulfate Soils Map Sheet 015



Project Description

This planning proposal seeks to amend the Sydney LEP 2012 and Sydney DCP 2012 to include site specific controls for 232-240 Elizabeth Street, Sydney.

The proposed amendments to the Sydney LEP 2012 would permit the following where no residential or serviced apartment uses are proposed:

- An increase in the maximum permissible FSR from 5:1 to 7:1.
- An increase in the maximum permissible building height from 35m to RL 50.33m (approximately 39.3m).

The proposed amendments to the Sydney DCP 2012 will require that development be contained within the building envelope depicted in the Building Envelope Plans provided by Angelo Candalepas and Associates. The building envelope includes the following attributes:

- A maximum street wall height of 35m above ground level (RL 46.03).
- Reduced and stepped street wall heights along the eastern portion of the Reservoir Street frontage.
- A maximum building height of RL 50.33 (approximately 39.3m).
- A pedestrian through site link equal to the width of Foster Lane along the site's eastern boundary to connect Foster Lane and Reservoir Street.
- The building envelope has nil setbacks to all street and side boundaries except where the through site link is provided.
- A single vehicular driveway crossover off Reservoir Street for access to basement parking and for loading.

Clause 6.21D(1)(a)(ii) of the Sydney LEP 2012 requires development greater than 25m in height and located outside of Central Sydney to undergo a competitive design process. Assuming the successful amendment of the Sydney LEP 2012 and DCP 2012 as proposed, the future detailed building design would be determined by the winner of a competitive design process and assessed as part of a detailed DA.

Notwithstanding the above, an indicative concept design has been prepared by Angelo Candalepas and Associates which is included within the Urban Design Study that accompanies this planning proposal. It demonstrates that a building of high quality could be achieved within the proposed building envelope. The indicative concept design envisions demolishing the existing buildings for the development of a 10-storey commercial building with ground floor retail tenancies and a through-site link connecting Foster Lane and Reservoir Street. It includes the excavation of three basement levels with access via a car lift and driveway off Reservoir Street.

Use

The intended use of the site is as a commercial development. The indicative design depicts ground floor retail tenancies and commercial offices on all upper levels. This strategic land use is compatible

with the objectives of the 'Sydney Region Plan, A Metropolis of Three Cities' and the 'Eastern City District Plan' and various City of Sydney strategic plans and documents which all encourage job creation in areas serviced by public transport and improvements in the urban environment.

Extracts from the indicative reference design are included below to demonstrate how the site might be developed under the proposed controls.

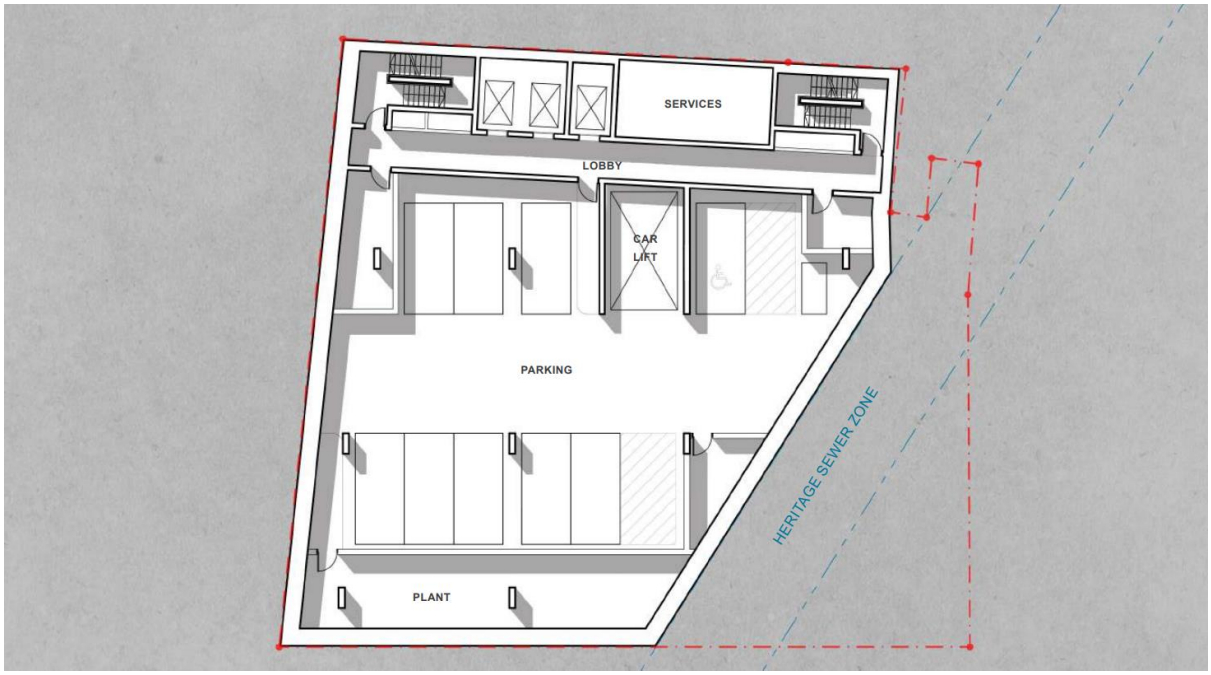


Figure 12 - Indicative Basement Levels 3-4

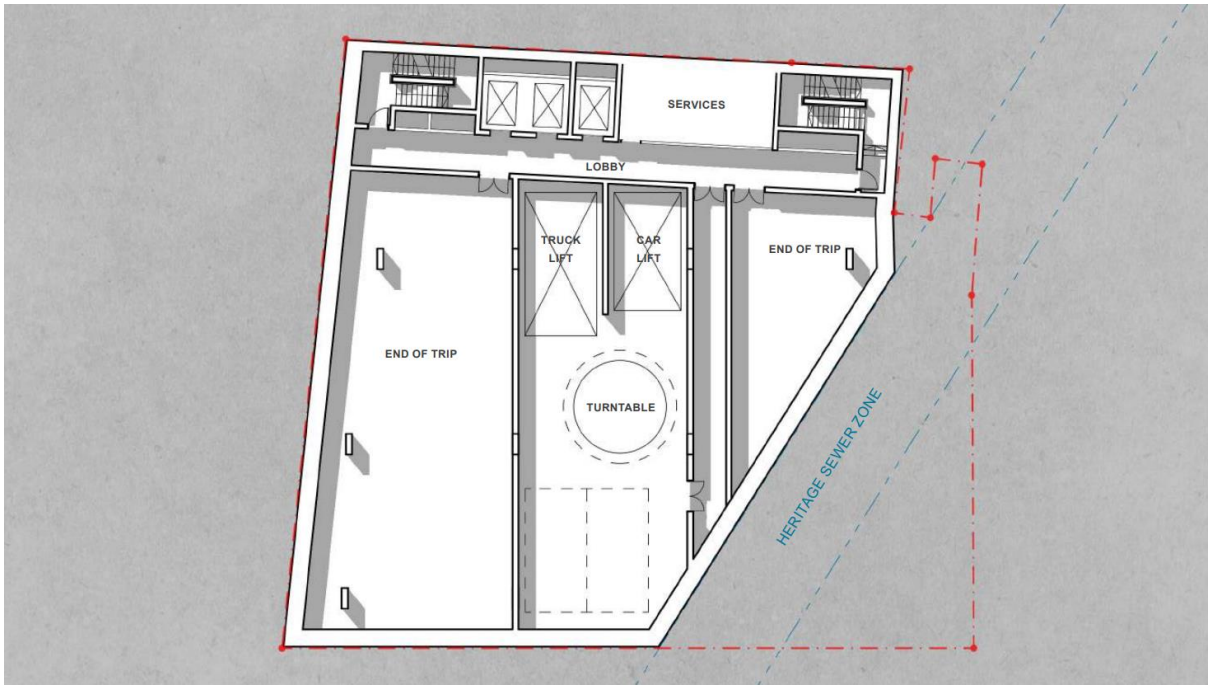


Figure 13 - Indicative Basement Level 2

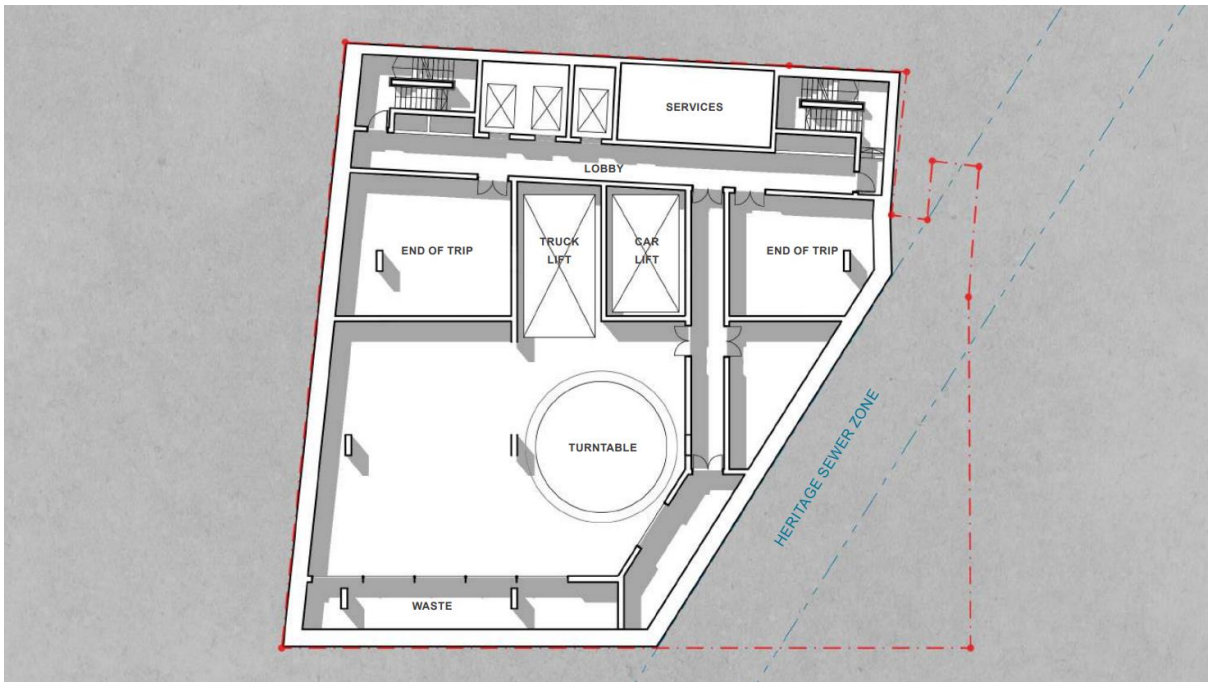


Figure 14 - Indicative Basement Level 1

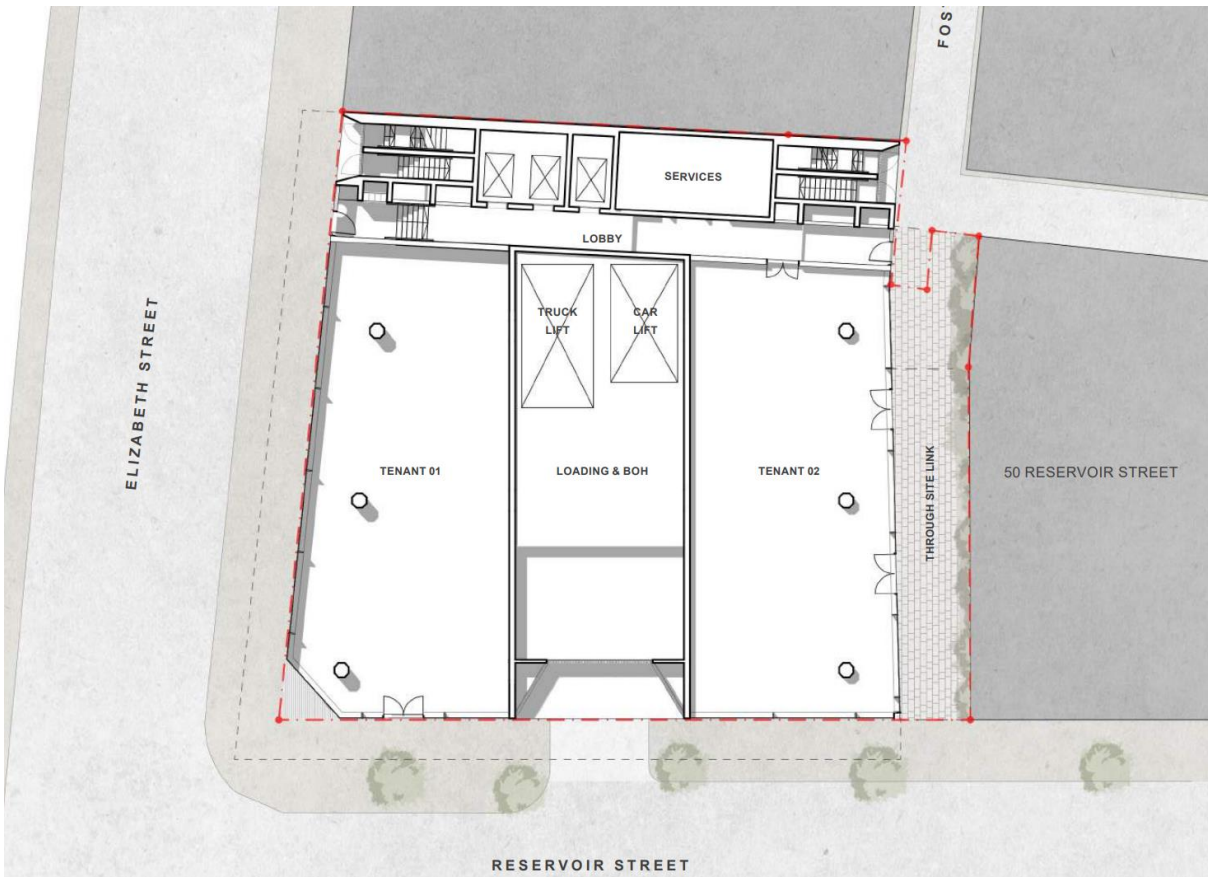


Figure 15 - Indicative Ground Floor



Figure 16 - Indicative Levels 1 to 7

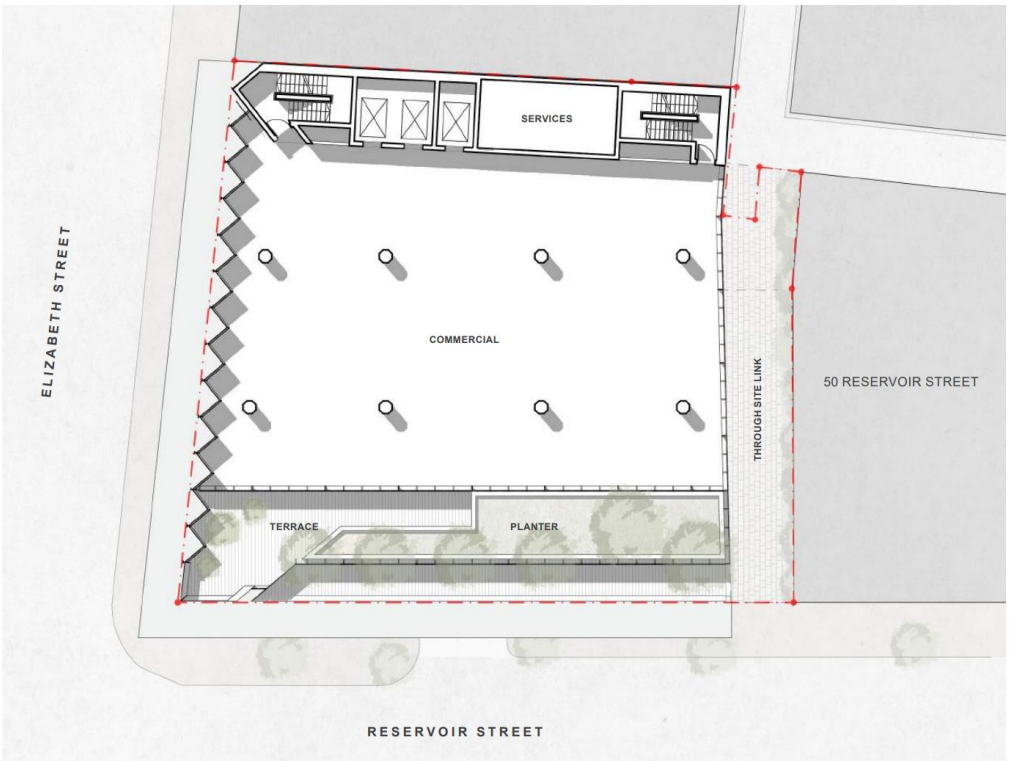


Figure 17 - Indicative Level 8

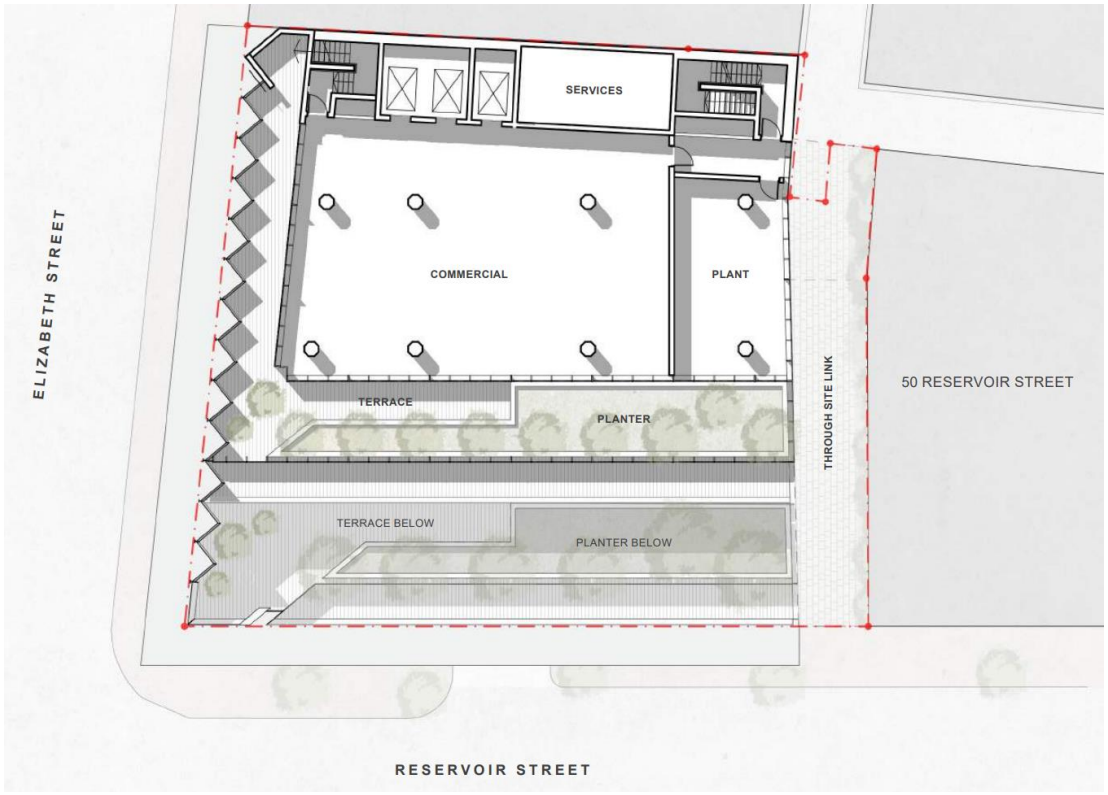


Figure 18 - Indicative Level 9

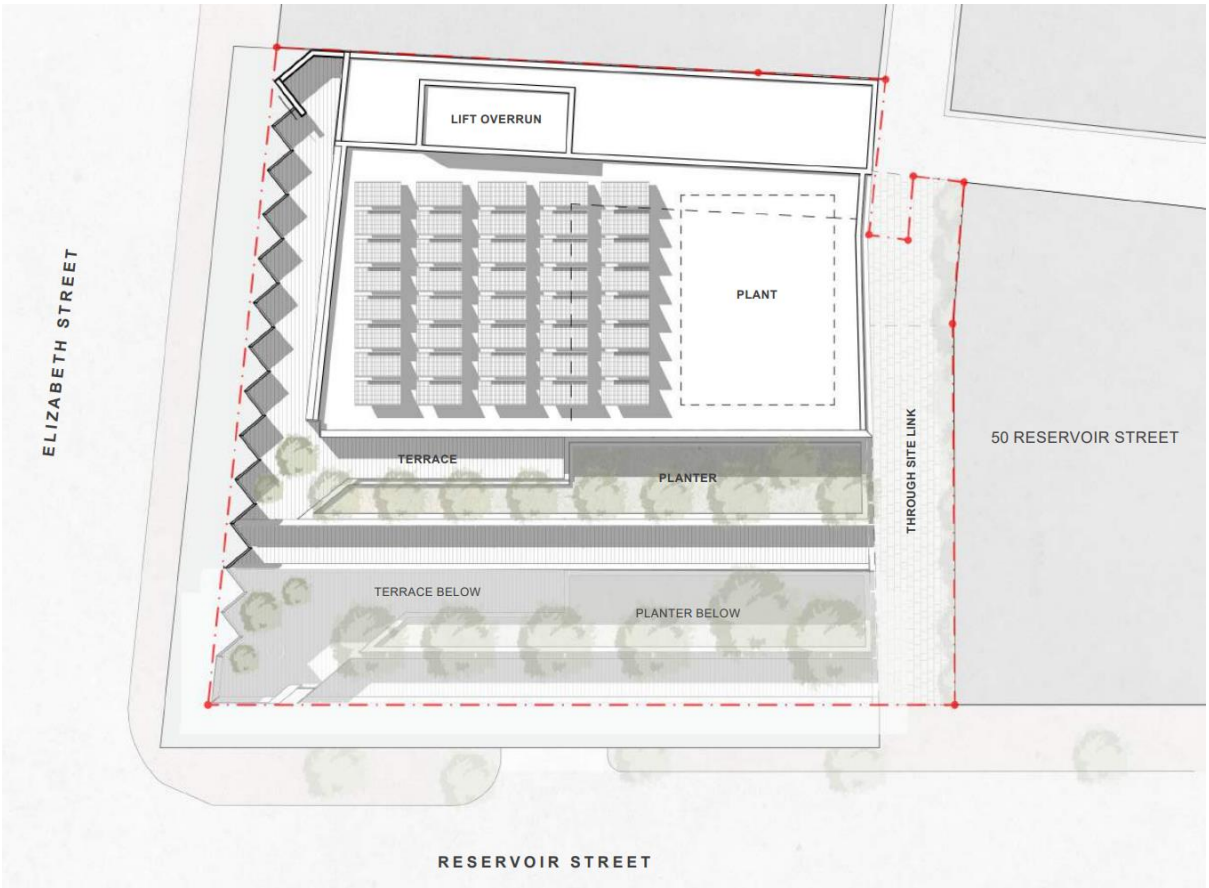


Figure 19 - Indicative Roof Level

Part 1 – Objectives and Intended Outcomes

The planning proposal will amend the Sydney LEP 2012 and Sydney DCP 2012 in relation to 232-240 Elizabeth Street, Surry Hills to:

- Enable the development of a non-residential building that is aligned with the MU1 Mixed Use zone objectives.
- Strategically incentivise land use change near Central Train Station to support the 30-minute city.
- Deliver increased commercial office floor space in the Sydney CBD Fringe area.
- Deliver an appropriate built form that responds to the scale of existing development around the site and will infill the existing gap in the upper-level street wall of Elizabeth Street.
- Provide a through site link connecting Foster Lane to Reservoir Street.
- Retain an acceptable level of solar access for 242 Elizabeth Street to the south of the subject site.

Part 2 – Explanation of the Provisions

This planning proposal seeks to amend the existing planning controls to allow for an increased floor space ratio and maximum building height on the site where it is used for non-residential purposes.

It is proposed to amend the Sydney LEP 2012 by:

- Inserting a new Clause under Part 6, Division 5 Site Specific Provisions, to create a site-specific provision that applies where the site is developed exclusively for non-residential purposes, and:
    - Permits a maximum building height of RL 50.33m.
    - Permits a maximum floor space ratio of 7:1.

Examples of proposed clauses

It is proposed to insert a new site specific Clause under Part 6, Division 5.

Part 6 Local provisions — height and floor space

Division 5 Site-specific provisions

6.## 232-240 Elizabeth Street, Surry Hills

(1) The objective of this clause is to provide for additional building height and floor space for development on certain land for the purposes of non-residential development.

(2) This clause applies to land at 232-240 Elizabeth Street, Surry Hills, being SP1379 and Lots 1 & 2 in DP 779385.

(3) Despite clauses 4.3 and 4.4, development consent may be granted to the erection of a new building, or alterations or additions to an existing building, on the subject land that will result in a building:

(a) with a maximum height of RL 50.33 metres, and
(b) with a maximum floor space ratio of 7:1.

(4) Development consent must not be granted under this clause unless the consent authority is satisfied that the development does not contain any residential land uses.

Part 3 – Justification of Strategic and Site-Specific Merit

The NSW Department of Planning and Environment Guide to Preparing Planning Proposals provides a two-part strategic merit test to justify changes to Local Environmental Plans. Part A of the test considers whether the proposal has strategic merit and is consistent with regional, district and local strategic plans and whether it responds to a change in circumstances. Part B considers whether the proposal has site-specific merit regarding the natural environment, existing and future land uses and current or future services and infrastructure.

The strategic merit is considered in sections A and B below while the site-specific merit is considered within sections C, D and E.

The proposal is considered to have site-specific merit as it would incentivise a commercial development in an appropriate location and would allow the site to respond appropriately to the scale of existing nearby development. The proposal will also create a through site link between Reservoir Street and Foster Lane which will contribute to the activation of the nearby lanes and will increase block permeability.

Section A – Need for the Planning Proposal

Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The proposal is the result of contextual urban analysis of the site in conjunction with economic impact analysis and other supporting expert reports identified in this Planning Proposal Justification Report. This research has identified an increased floor space ratio for non-residential land uses will have a positive economic impact on the LGA and is compatible with the existing urban environment.

The professional reports which support the proposal are referenced throughout this report and accompany the report as appendices. These reports are supportive of the proposal and demonstrate that it is consistent with the relevant strategic plans, State Environmental Planning Policies and Ministerial Directions.

Economic Impact Analysis

Planning Lab has prepared an Economic and Social Impact Report to accompany this application. The Report demonstrates that there is a strategic need for additional commercial floor space within Surry Hills and on the City Fringe. Surry Hills has had historically lower vacancy rates than the Sydney CBD since 2011 indicating strong demand for the area. Surry Hills offers agglomeration benefits for technology, professional services and creative industries having an existing concentration of these industries.

The site is zoned MU1 which permits residential development. It also currently has a stage 1 approval for a mixed-use building containing residential floor space. The proposed site-specific controls would incentivise development of a commercial office building through the greater floor

space incentive. A commercial development could support up to 301 jobs in line with the indicative concept design.

The Report also shows that the population demographics of Surry Hills and the City of Sydney LGA are younger than Greater Sydney. They are also more highly educated and more likely to be engaged in the labour market. The demographics of the local area indicate that some of the provided jobs will likely be taken by residents of Surry Hills and the City of Sydney LGA.

Urban Design Study

The planning proposal has been initiated by the proponent to enable an architectural design competition to be undertaken in accordance with Clause 6.21D1(a)(ii) of the Sydney LEP 2012 which will allow the achievement of an FSR of up to 7:1. The Urban Design Study by Angelo Candalepas Associates (Appendix A) includes a building envelope that is proposed for inclusion as a site specific DCP along with an indicative concept design utilising the building envelope. These have been developed based on the findings of the study.

The building envelope and indicative concept design have been developed following an extensive analysis of the area surrounding the site. Notably, the subject site has an FSR of 5:1 while neighbouring and nearby sites along Elizabeth Street have permissible or constructed FSRs of between 6.5:1 – 11:1. This has resulted in an inconsistent street wall along Elizabeth Street where the subject site currently hosts 3-storey buildings. Development under the existing FSR control would result in a building substantially lower than its neighbours. The proposed building envelope would match the average street wall height created by existing development resolving the inconsistency. The proposed building envelope steps down towards the West along Reservoir Street ensuring that a suitable height transition is provided to that frontage.

The Urban Design Study has also taken into consideration shadow impacts on the apartment buildings to the south at 242-254 Elizabeth Street and 33-37 Reservoir Street. The proposed building envelope provides a reduction in the overall overshadowing of these apartments in comparison to recent development approval for the subject site under D/2016/1451. Notably, apartments 601 and 602 at 242-254 Elizabeth Street will receive greater than 2 hours of solar access in mid-winter. The comparative overshadowing impact on 33-37 Reservoir Street is also reduced by the proposed building envelope.

Consideration has also been given to the existing street and lane network. The Urban Design Study recommends the creation of a pedestrian through site link which will connect Reservoir Street with Foster Lane.

The proposed built-form controls have been derived from the Urban Design Study. They are compatible with the character of the surrounding area and relevant strategic plans.

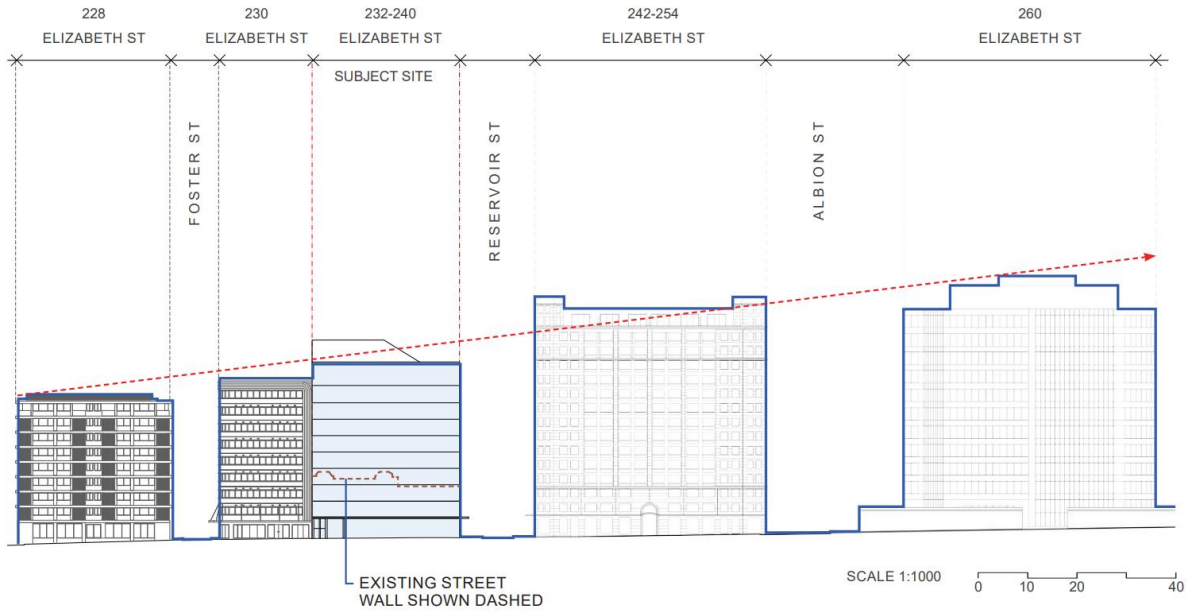


Figure 20 - Street wall of Elizabeth Street

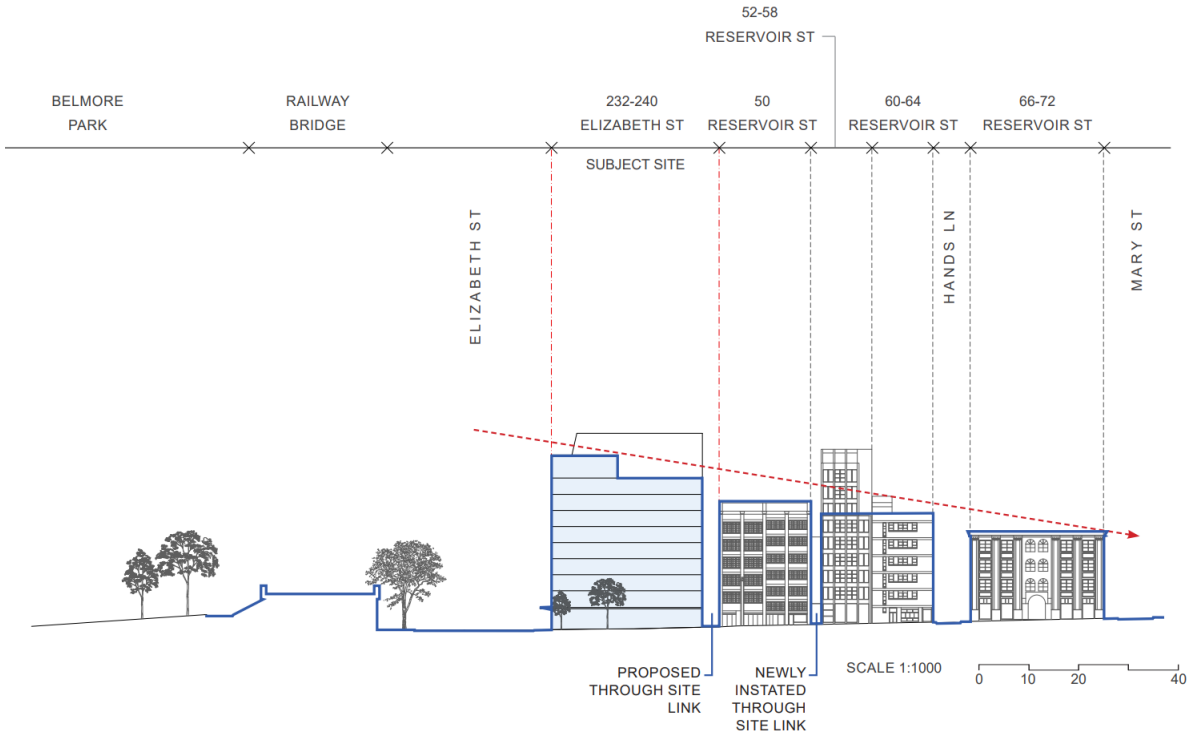


Figure 21 - Street wall of Reservoir Street

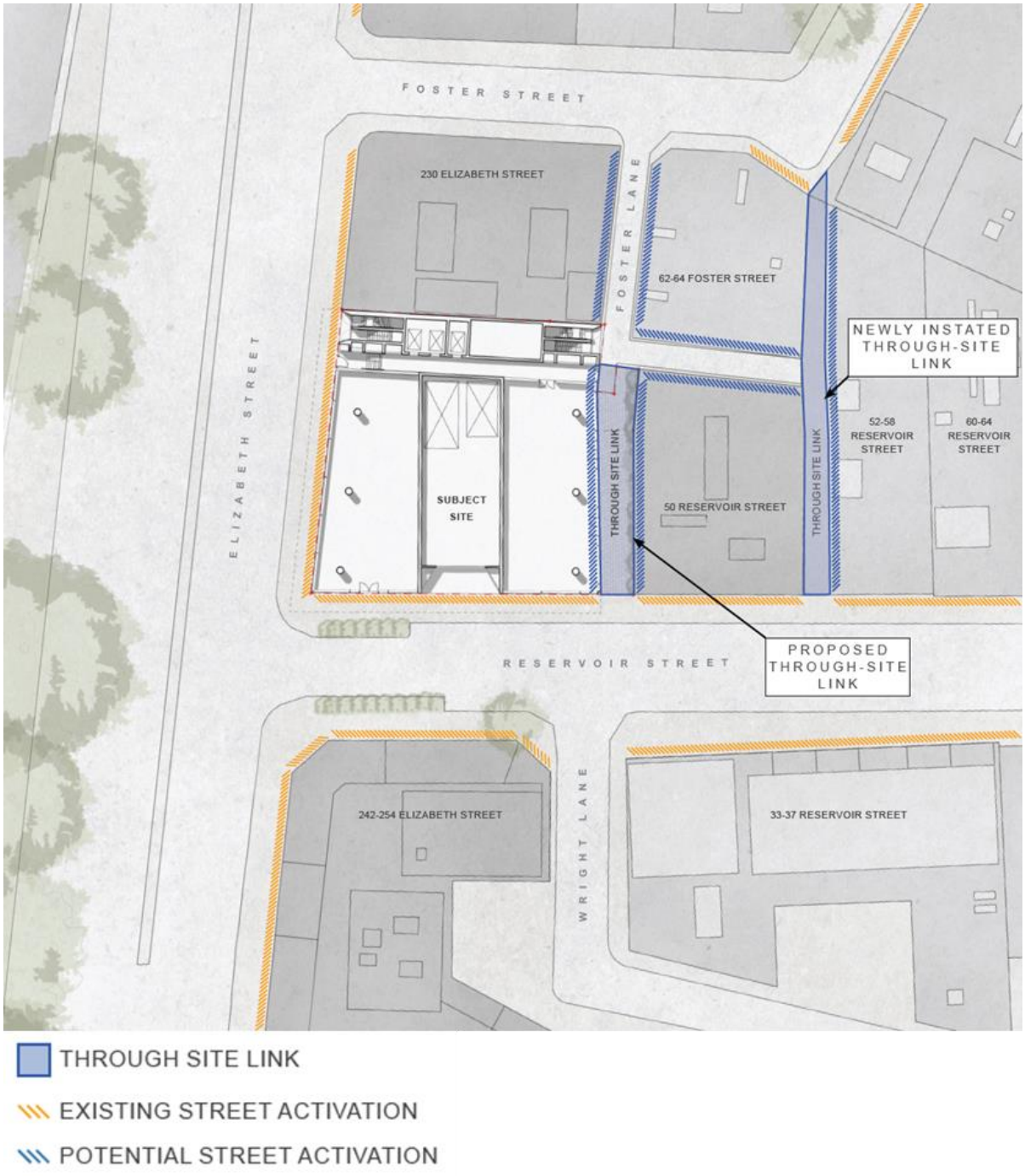


Figure 202 - Existing Street network analysis

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The objectives of this proposal are to provide an improved urban form and public domain while delivering additional commercial floor space on the City's Fringe. The site is currently zoned to allow residential development and has an active consent for a part residential development under D/2016/1451/A. In the absence of an incentive towards commercial development, the site is likely to be developed, at least in part, for residential purposes under the existing controls.

The current building height controls permit buildings up to 35 metres and an FSR of 5:1. Under the existing controls, the site objectives cannot be achieved.

Under Clause 4.6 of the Sydney LEP 2012, development consent may be granted for development which exceeds the maximum height or FSR as set out on the relevant map. However, the FSR of the preferred scheme is substantially greater than the existing controls. Approval of a development application that substantially exceeds the height control would set an undesirable precedent, undermine the Sydney LEP 2012 height controls and prevent broader strategic considerations of allowing additional height at the site. Varying the existing maximum FSR control through a development application is not an appropriate way to achieve the objectives.

This planning proposal would increase the site's maximum height and FSR limits where no residential uses are proposed. It would also approve the proposed building envelope which has a lesser overshadowing impact on apartments to the south and which contains a through site link.

A planning proposal is the most suitable means of achieving the objectives and intended outcomes. By amending the Sydney LEP 2012 to allow for additional height and FSR, the indicative concept design will be enabled and the intended objectives can be met. By inserting a site-specific section into the Sydney DCP 2012 (Appendix B & C), Council can be assured of a positive built form outcome for the site that respects the amenity of surrounding development.

Following the planning proposal, an architectural design competition would be undertaken and a subsequent development application would then be submitted for Council's consideration.

Section B – Relationship to Strategic Planning Framework

Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Greater Sydney Region Plan, A Metropolis of Three Cities

The *Greater Sydney Region Plan, A Metropolis of Three Cities* was released by the NSW Department of Planning and Environment (DPE) in March 2018 and is the NSW Government's current strategic plan for metropolitan Sydney. The Plan provides a broad strategic vision for Sydney towards 2056 based on a polycentric strategy that divides Sydney into three cities, being the Eastern Harbour

City, the Central River City and the Western Sydney Aerotropolis. The site is centrally located within the Eastern Harbour City.

The Greater Sydney Region Plan identifies 40 objectives across categories of Infrastructure, Collaboration, Liveability, Productivity, Sustainability and Implementation. The objectives that are relevant to the proposal are discussed below in Table 2.

Table 2 - Compliance with the relevant objectives of the Greater Sydney Region Plan

Objective	Compliance	Comment
Objective 7 **Communities are healthy, resilient and socially connected**	Yes	The Economic Impact Analysis (Appendix D) which accompanies this proposal has considered the demographic profile of the Surry Hills area and City of Sydney. The profile of the Surry Hills neighbourhood is one of young professionals, typically employed in "white collar" industries which operate from commercial offices. There will be a large catchment of potential employees within walking distance of the subject site. The subject site is located approximately 300m walk from Central Train Station which will encourage the use of active transport. The proposal includes the creation of through site link between Foster Lane and Reservoir Street which will increase neighbourhood walkability. The proposal supports a healthy, resilient and socially connected neighbourhood.
Objective 12 **Great places that bring people together**	Yes	The proposal will facilitate the renewal of the currently underutilised site with a built form that responds to existing nearby development and which can provide an activated through site link. The proposal contributes positively to walkability and matches the desired fine grain urban form that helps to create great places. The proposal also has the potential to co-locates retail and commercial office spaces near areas of existing residential development. The proposal supports the objective of developing great places that bring people together.
Objective 13 **Environmental heritage is identified, conserved and enhanced**	Yes	While the subject site is not itself a heritage item or located within a heritage conservation area, the existing buildings are over 50 years old. Accordingly, a HIS has been prepared to accompany this proposal which has considered the possible heritage value of the buildings. The HIS demonstrates that there

		is no heritage retention value for the existing structures and supports demolition. The proposal has taken into consideration the conservation and enhancement of environmental heritage and has demonstrated that retention or heritage listing of the existing buildings is not appropriate.
Objective 14 - Integrated land use and transport creates walkable and 30-minute cities	Yes	Objective 14 supports the creation of walkable, 30-minute cities. The 30-minute city refers to a city where most residents can access a metropolitan centre or cluster within 30-minutes by public transport. The site is within easy walking distance of Central Train Station (about 300m) where train, bus and light rail services can all be accessed. As an employment location, the site is accessible to a wide range of residential areas within 30 minutes travel time. The site's location within a mixed use zone and its close proximity to public transport promote walkability and the vision of a 30-minute city.
Objective 18 **Harbour CBD is stronger and more competitive**	Yes	The site is located within the Harbour CBD area. It will support the Harbour CBD's global role by increasing the supply of easily accessed commercial office space. Office space located on the City Fringe provides a less expensive alternative to the CBD which may appeal to smaller firms who are still able to benefit from the proximity to other companies.
Objective 22 **Investment and business activity in centres**	Yes	The site is located within the Harbour CBD area. Increasing commercial floor space is vital to maintaining access to high levels of employment opportunity and diversity combined with supporting services within the Sydney CBD.

Eastern City District Plan

The Eastern City District Plan is informed by the Greater Sydney Region Plan, *A Metropolis of Three Cities* and was released by the DPE in March 2018. It is the NSW Government's current strategic plan for the Eastern City District. The vision articulated for the Eastern City District is to "become more innovative and globally competitive, carving out a greater portion of knowledge intensive jobs from the Asia Pacific Region".

The Eastern City District Plan identifies 21 Planning Priorities for the district to meet the strategic vision of the Greater Sydney Region Plan. The Planning Priorities that are relevant to the proposal are discussed below in Table 3.

Table 3 - Compliance with the Eastern City District Plan

Planning Priority	Compliance	Comment
Planning Priority E6 **Creating and renewing great places and local centres, and respecting the District's heritage**	Yes	The proposal will facilitate the renewal of the currently underutilised site. Under the proposed massing, a new through site link would be created between Reservoir Street and Foster Lane. The proposal would also achieve a street wall height consistent with nearby development. The proposal will contribute positively to the urban design and walkability of the local area.
Planning Priority E7 **Growing a stronger and more competitive Harbour CBD**	Yes	The proposal would create additional commercial floor space which is well located in relation to both Central Train Station and existing businesses operating in both the CBD and Surry Hills.
Planning Priority E10 **Delivering integrated land use and transport planning and a 30-minute city**	Yes	Planning Priority E10 supports the creation of walkable, 30-minute city. The 30-minute city refers to a city where most residents can access a metropolitan centre or cluster within 30-minutes by public transport. The site is within easy walking distance of Central Train Station (about 300m) where train, bus and light rail services can all be accessed. As an employment location, the site is accessible to a wide range of residential areas within 30 minutes commute. The site's location within a mixed use zone and with close proximity to public transport promotes walkability and the vision of a 30-minute city.
Planning Priority E11 **Growing investment, business opportunities and jobs in strategic centres**	Yes	The site is located within the Harbour CBD area. Increasing commercial floor space is vital to maintaining access to a large number of jobs and services within the Sydney CBD.

Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

The planning proposal is consistent with *Sustainable Sydney 2030*, *Sustainable Sydney 2030—2050: Continuing the Vision* and the *City Plan 2036: Local strategic planning statement*. Each strategy is discussed in detail below.

Sustainable Sydney 2030

The current City of Sydney strategic plan is Sustainable Sydney 2030 (SS2030). SS2030 provides a vision of the Council being green, global and connected. This vision is supported by 10 strategic directions alongside targets and objectives. The relevant strategic directions are considered in Table 4.

Table 4 - Compliance with Sustainable Sydney 2030

Direction	Compliance	Comment
Direction 1 **A globally competitive City**	Yes	This planning proposal supports the creation of additional commercial floor space within the Eastern Creative Precinct and along the City Fringe. The indicative concept design shows that a high-quality urban design outcome can be achieved which will enhance the urban environment and contribute to the City's economy.
Direction 3 **Integrated transport for a connected city**	Yes	The subject site is located within short walking distance of Central Station providing high levels of access to train, light rail and bus services encouraging the use of public transport. The site is also located within walking and bike riding distance of large residential catchments in Surry Hills, Redfern, Darlinghurst, Paddington and Chippendale. Bicycle parking will be provided on site along with end of journey facilities in compliance with the requirements of the Sydney DCP 2012.
Direction 4 **A city for walking and cycling**		
Direction 9 **Sustainable Development, Renewal and Design**	Yes	The proposal relates only to the creation of a maximum building envelope. The specific design will be subject to a future design competition where environmental performance will be considered. The indicative concept design is capable of meeting the requirements of NCC 2022 Section J.

Sustainable Sydney 2030—2050: Continuing the Vision

Sustainable Sydney 2030—2050: Continuing the Vision outlines the City's vision until 2050, guided by community consultation. It includes 10 directions and 10 targets for 2050. The relevant strategic directions and targets are considered in Table 5.

Table 5 - Compliance with Sustainable Sydney 2030—2050: Continuing the Vision

Direction	Compliance	Comment
Direction 4 **Design excellence and sustainable development**	Yes	The proposal includes the creation of a new through site link which will enhance walkability. The specific design will be subject to a future design competition and a development application. The design would be required to satisfy design excellence requirements.
Direction 5 **A city for walking, cycling and public transport**	Yes	The proposal would locate commercial floor space in a highly accessible area, encouraging the use of public transport.
Direction 9 **A transformed and innovative economy**	Yes	The proposal would provide additional commercial floor space within the Eastern Creative Precinct and along the City Fringe.
Target 5 **By 2036 there will be approximately 700,000 jobs in the City of Sydney local area including 200,000 new jobs compared to 2017.**	Yes	The proposal would provide additional commercial floor space within the Eastern Creative Precinct and along the City Fringe. The proposed envelope is estimated to host 301 jobs at occupation which is 86 jobs more than could be potentially accommodated by a commercial development with a maximum FSR of 5:1. This will assist the City to accommodate the additional 200,000 jobs required between 2017-2036.
Target 8 **By 2050 people will use public transport, walk or cycle to travel to and from work.**	Yes	The subject site is located within short walking distance of Central Station providing high levels of access to train, light rail and bus services encouraging the use of public transport. The site is also located within walking and bike riding distance of large residential catchments in Surry Hills, Redfern, Darlinghurst, Paddington and Chippendale. Bicycle parking will be provided on site along with end of journey facilities in compliance with the requirements of the Sydney DCP 2012.
9. By 2030 every resident will be around a 10-minute walk to what they need for daily life.	Yes	The indicative concept design envisions active retail frontages on the ground level. Retail tenancies contribute to the provision of services for nearby residents and people who work in the area.

City Plan 2036: Local strategic planning statement

The *City Plan 2036: Local strategic planning statement* (LSPS) provides a vision of the City being green, global and connected. This vision is supported by 10 strategic directions alongside targets and objectives. The relevant strategic directions are considered in Table 6.

Table 6 - Compliance with City Plan 2036: Local strategic planning statement

Priorities	Compliance	Comment
Priority I1 **Movement for walkable neighbourhoods and a connected city**	Yes	The proposal includes the creation of a new through site link which will enhance walkability. Bicycle parking will be provided on site along with end of journey facilities in compliance with the requirements of the Sydney DCP 2012.
Priority I2 **Align development and growth with supporting infrastructure**	Yes	The proposal would permit the site to host up to an additional 1,811m^2 of GFA above its current capacity. This is equivalent to an additional 86 commercial office jobs being located within walking distance of Central Station. The subject site is well serviced by existing infrastructure.
Priority L2 **Creating great places**	Yes	The proposal will create a new through site link between Foster Lane and Reservoir Street. Enhancing block permeability supported by active frontages enhances walkability and supports the liveability of the neighbourhood.
Priority P2 **Developing innovative and diverse business clusters in City Fringe**	Yes	The subject site is located within the City Fringe and is part of the Eastern Creative Precinct. Figure 63 of the LSPS identifies job clusters around the site in "information media", "creative industries", "professional industries" and "Health Services". The proposal to provide additional commercial office space is consistent with encouraging the continued development and location of these industries on the City Fringe and in the Eastern Creative Precinct. The LSPS notes that: *"without intervention, residential development may constrain City Fringe's capacity to contribute up to 53,800 additional jobs by 2036 to meet the baseline District Plan jobs targets for the Harbour CBD."* The subject site is located within a mixed use zone that permits residential development and has an existing approval for a part residential development. The proposed site specific LEP controls would increase density only for development that did not include a residential component. This will incentivise commercial

		development of the site to assist in meeting the 2036 District Plan jobs target. The proposal supports Priority P2 by incentivising well located commercial development.
Priority S2 **Creating better buildings and places to reduce emissions and waste and use water efficiently**	Yes	The proposal relates only to the creation of a maximum building envelope. The specific design will be subject to a future design competition where environmental performance will be considered. The indicative concept design is capable of meeting the requirements of NCC 2022 Section J.

Is the planning proposal consistent with any other applicable State and regional studies or strategies?

No other State or regional studies or strategies require consideration.

Is the planning proposal consistent with applicable state environmental planning policies?

This planning proposal is not inconsistent with the conditions of any State Environmental Planning Policies (SEPPs). The SEPPs which apply to this development are considered in Tables 7 and 8.

Table 7 - Compliance with the relevant SEPPs

SEPP	Consistent	Comment
Transport and Infrastructure SEPP	Yes	The streets surrounding the subject site are not classified roads. The indicative concept design and proposed site specific DCP amendments locate the site's driveway access off Reservoir Street. Traffic advice obtained from Traffix (Appendix F) finds that this location can meet all relevant safety standards and will not unduly impact the local road network. The proposal is consistent with the Transport and Infrastructure SEPP.
Biodiversity and Conservation SEPP	Yes	The site does not fall within the foreshore area of the Sydney Harbour Catchment. The planning proposal is unlikely to have any effect on Sydney Harbour or the foreshore area. The planning proposal is consistent with the Biodiversity and Conservation SEPP.

Resilience and Hazards SEPP	Yes	There is no proposed change to the site's zoning. Notwithstanding, a contamination Study by Douglas Partners (Appendix E) accompanies this application. It finds that the potential for widespread site contamination is low to moderate and that it is unlikely that contamination would render the site unsuitable for future development. This planning proposal is consistent with the Resilience and Hazards SEPP.
Industry and Employment SEPP	N/A	This planning proposal does not contradict or hinder the application of the Industry and Employment SEPP.
Planning Systems SEPP	N/A	The indicative concept plan provided alongside this planning proposal would not trigger any requirements under the Planning Systems SEPP.
Design and Place SEPP	N/A	The proposed site specific controls would only apply to a building with no residential uses. The proposal does not contradict or hinder the application of the Design and Place SEPP.
Housing SEPP	N/A	The proposed site specific controls would only apply to a building with no residential uses. The proposal does not contradict or hinder the application of the Housing SEPP.
SEPP (Exempt and Complying Development Codes) 2008	N/A	This planning proposal does not contradict or hinder the application of the Exempt and Complying Development SEPP.

Is the planning proposal consistent with applicable s9.1 Ministerial Directions (formerly s.117)?

This planning proposal is not inconsistent with the conditions of any Ministerial Directions under s9.1 of the EP&A Act. The Ministerial Directions which apply to this development are considered in Table 8.

Table 8 - Compliance with the relevant s9.1 Ministerial Directions

Ministerial Directions	Objectives	Consistency
1. Planning Systems		
1.3	*The objective of this direction is to ensure that LEP provisions encourage*	**Consistent.**

Approval and Referral Requirements	*the efficient and appropriate assessment of development.*	No provisions are being proposed which would require the concurrence, consultation or referral of development applications to a Minister or public authority nor identify the development as designated development.
1.4 **Site Specific Provisions**	*The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.*	**Consistent.** The site is zoned MU1 – Mixed Use which permits commercial developments. The proposal does not require the amendment of the Sydney LEP land use table. The planning proposal is accompanied by an indicative concept design which demonstrates that the proposed building envelope can accommodate a suitable development. The indicative concept design is not a proposed development.
3. Biodiversity and Conservation		
3.2 **Heritage Conservation**	*The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.*	**Consistent.** The subject site does not contain any heritage items. The existing buildings have been assessed for heritage significance and are shown to not meet the criteria for individual heritage listing.
4. Resilience and Hazards		
4.1 **Flooding**	*The objectives of this direction are to:* *(a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and* *(b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood*	**Consistent.** A Flood Report has been prepared by IGS to accompany this application (Appendix G). It demonstrates that the site's flood affectation is minor and can be readily addressed at the development application stage. The site specific controls being proposed have no impact on the permissible uses of the site or its response to flooding.

	impacts both on and off the subject land.	
4.4 **Remediation of Contaminated Land**	*The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.*	**Consistent.** The planning proposal does not seek to change the site's zoning under Sydney LEP 2012.
4.5 **Acid Sulfate Soils**	*The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.*	**Consistent.** The Desktop Contamination Study by Douglas Partners (Appendix E) found that the site is not located in a known acid sulfate soil area.
5. Transport and Infrastructure		
5.1 **Integrating Land Use and Transport**	*The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:* *(a) improving access to housing, jobs and services by walking, cycling and public transport, and* *(b) increasing the choice of available transport and reducing dependence on cars, and* *(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and* *(d) supporting the efficient and viable operation of public transport services, and* *(e) providing for the efficient movement of freight.*	**Consistent.** The planning proposal increases the permissible FSR of the site where no residential land uses are proposed. The subject site is proximate to a large catchment of residents within walking and cycling distance of the site. It is also located approximately 300m from Central Station providing the highest possible level of public transport access for the site. Development under the proposed controls would encourage the use of active and public transport modes to access the site.
7. Industry and Employment		

7.1 **Business and Industrial Zones**	*The objectives of this direction are to:* (a) *Encourage employment growth in suitable locations,* (b) *protect employment land in business and industrial zones, and* (c) *support the viability of identified strategic centres.*	**Consistent.** The planning proposal would increase the potential available floor space for commercial development of the subject site.

Section C – Environmental, Social and Economic Impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The site of the planning proposal is within the Sydney CBD and is currently occupied by 3 storey buildings. There is unlikely to be any adverse impact on a critical habitat or threatened species, populations or ecological communities, or their habitats because of the proposal.

Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

There are a range of environmental effects that will arise because of the planning proposal. They will all be managed effectively and are considered in detail in the following sections.

Urban Design

The proposed building envelope was designed to facilitate development that will enhance the site's response to the surrounding urban environment. An Urban Design Study (Appendix A) was undertaken by Angelo Candalepas and Associates and considers the envelope's response to surrounding buildings in detail. It also includes an indicative concept design which demonstrates how the proposed building envelope will promote good urban design.

The Study includes an assessment of the FSRs of surrounding buildings considering both the maximum permissible FSR and the FSR as built (figure 21). The Study identifies that the site is located between a constructed building to the north with an FSR of 6.5:1 and a constructed building to the south with an FSR of 11:1. Other nearby buildings on comparable sites typically have FSRs within this range of 6.5:1 – 11:1. This assessment demonstrates that an FSR of 7:1 on the subject site

would not be inconsistent with existing pattern of development or a substantial change from the prevailing controls.

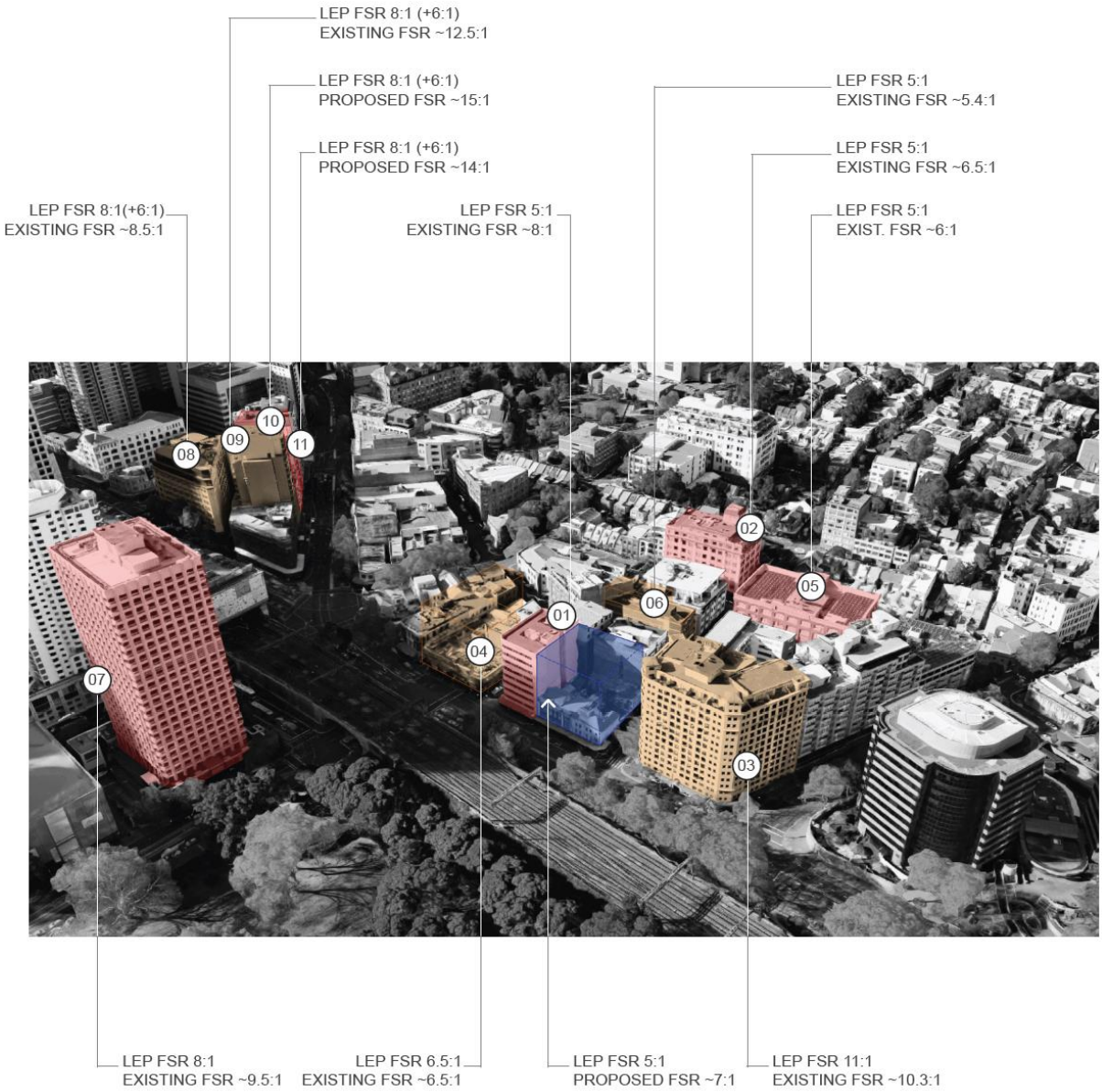


Figure 213 - Density of nearby development

The site is currently underdeveloped in comparison to its neighbours. This causes an inconsistent street wall height along Elizabeth Street. Maintaining the current FSR of 5:1 is likely to result in any future commercial development having a lower height than the northern neighbour at 230 Elizabeth Street. This would effectively mandate an inconsistent street wall height. The proposed building massing utilising an FSR of 7:1 would provide an appropriate height transition between the site's northern and southern neighbours creating a positive urban outcome (figures 24-25).

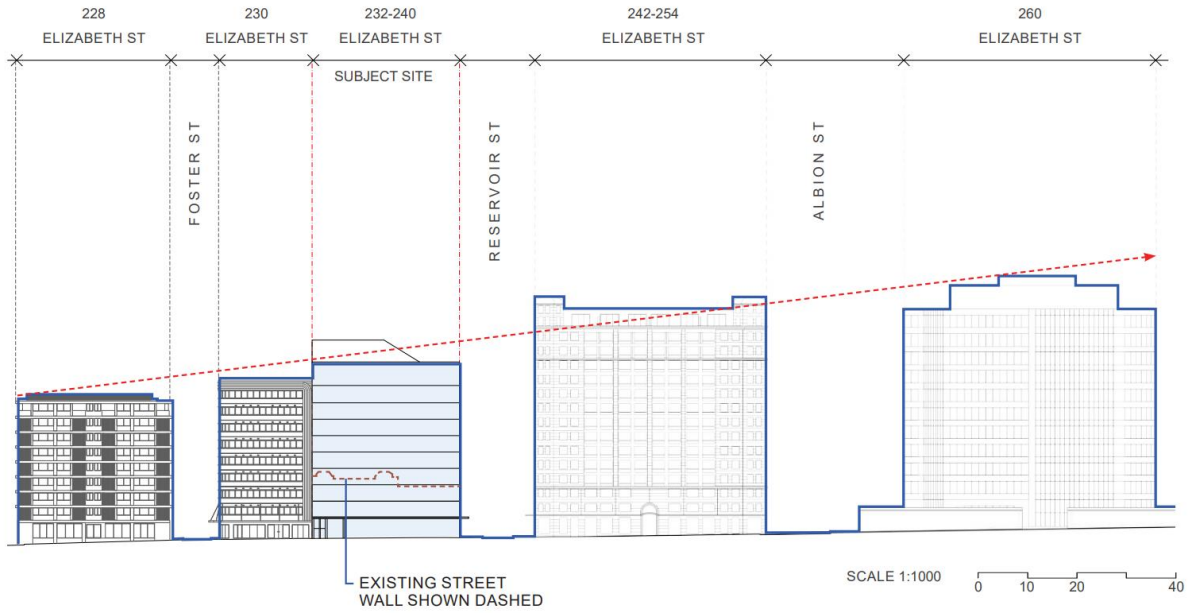


Figure 224 - Building envelope response to street wall along Elizabeth Street

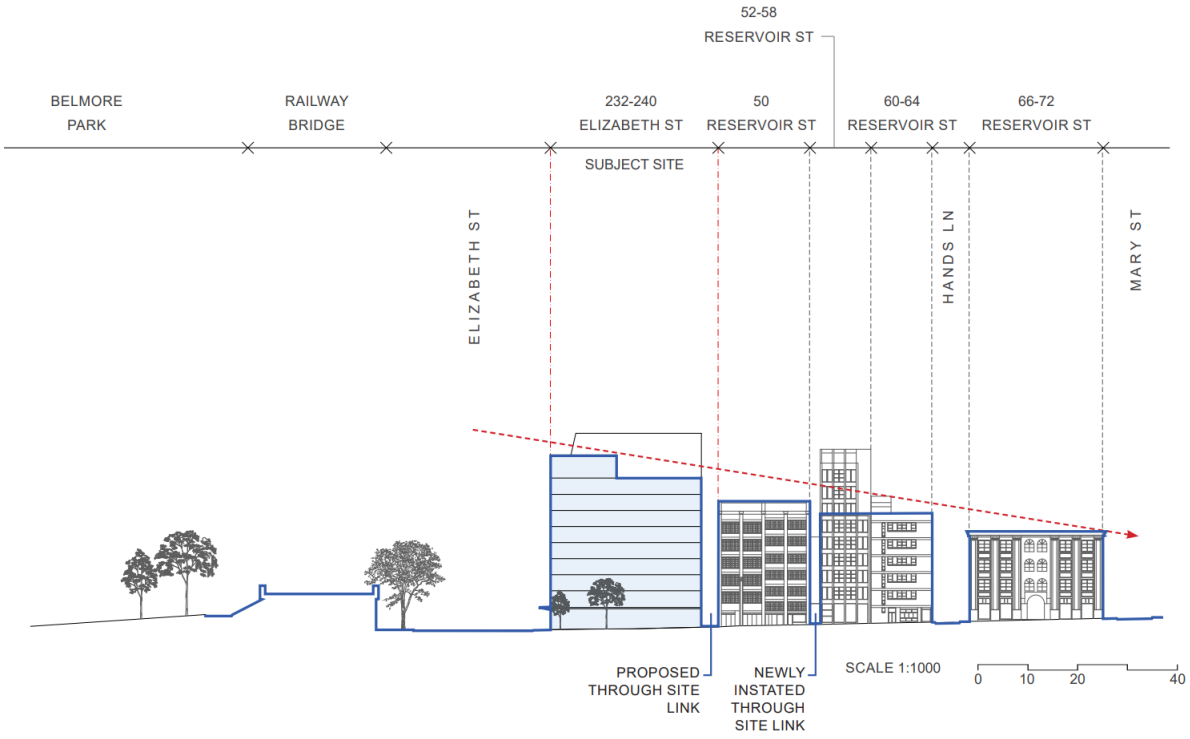


Figure 235 - Building envelope response to street wall along Reservoir Street

The proposed envelope steps down towards the east along Reservoir Street which has dual benefits. Firstly, it responds better to the scale of Reservoir Street providing a height transition towards 50 Reservoir Street, mediating between the prevailing heights of both Elizabeth and Reservoir streets. Secondly, the stepped façade also reduces shadow impacts on apartments to the south at 242-254 Elizabeth Street and 33-37 Reservoir Street which is considered in more detail below.

The proposed building envelope also includes the creation of a new pedestrian through-site link. This is proposed as a result of analysis of the surrounding street network. The proposed through site link is intended to work in concert with the newly instated link at 52 Reservoir Street to open greater opportunities for activation within the rear lanes. The indicative concept design demonstrates the potential for activation of the entire through site link with an active retail frontage and office lobby entrance.

The indicative concept design demonstrates that a commercial building with an FSR of 7:1 can be accommodated within the proposed building envelope. It shows that active frontages can be provided to all streets with a single vehicle crossover from Reservoir Street. It shows that the single vehicle crossover can be minimised and well-integrated into the design.

The proposed building envelope will enable a superior urban design outcome in comparison with the site's existing controls by allowing development to better match its surrounding. The proportions of the proposed building envelope have been developed to facilitate a development that achieves design excellence and responds positively to the urban environment.

Overshadowing and privacy of nearby residential apartments

The subject site is located north of two multi-storey residential apartment buildings at 242-254 Elizabeth Street and 33-37 Reservoir Street. The location of the sites in relation to each other necessitates that the proposed building envelope consider its shadow impact upon these existing buildings.

The subject site has an approved Concept Development Application under D/2016/1451 which has established a possible building envelope for the site. It includes a condition of consent requiring modification of the building envelope to ensure that a minimum of 2 hours solar access is maintained to apartments 601 and 602 at 242-254 Elizabeth Street at midwinter. The proposed building envelope has been designed to contain a greater amount of floor space but results in a lower amount of overshadowing of the southern residential apartment buildings in mid-winter than the approved concept scheme under D/2016/1451.

The reduced shadow impact is a result of two factors:

1. The inclusion of a 3.4m wide through site link on the eastern side boundary; and,
2. Increased average setback depth on the upper two levels.

The Urban Design Report includes a detailed shadow impact analysis demonstrating the shadow impacts of the proposed building envelope and comparing this against the shadow impact of the concept envelope approved under D/2016/1451 (Figures 24-25).

The analysis demonstrates that the total time of solar access in mid-winter for apartment 601 is increased from 3:45 to 4:15 hours and is increased for apartment 602 from 1:45 to 2:15 (Figure 26). Under the proposal, solar access to both apartments is increased and achieves compliance. While not mapped to specific apartments, the shadow diagrams also demonstrate a notable reduction in overshadowing of 33-37 Reservoir Street in comparison to the approved concept envelope.

The indicative concept design depicts the Level 8 and 9 terraces offering privacy protection for the adjacent apartments. This is in the form of dense planting and view shielding. During detailed design,

various design techniques can be incorporated to ensure that the use of upper level terraces does not diminish the privacy of apartments in the apartments to the south.

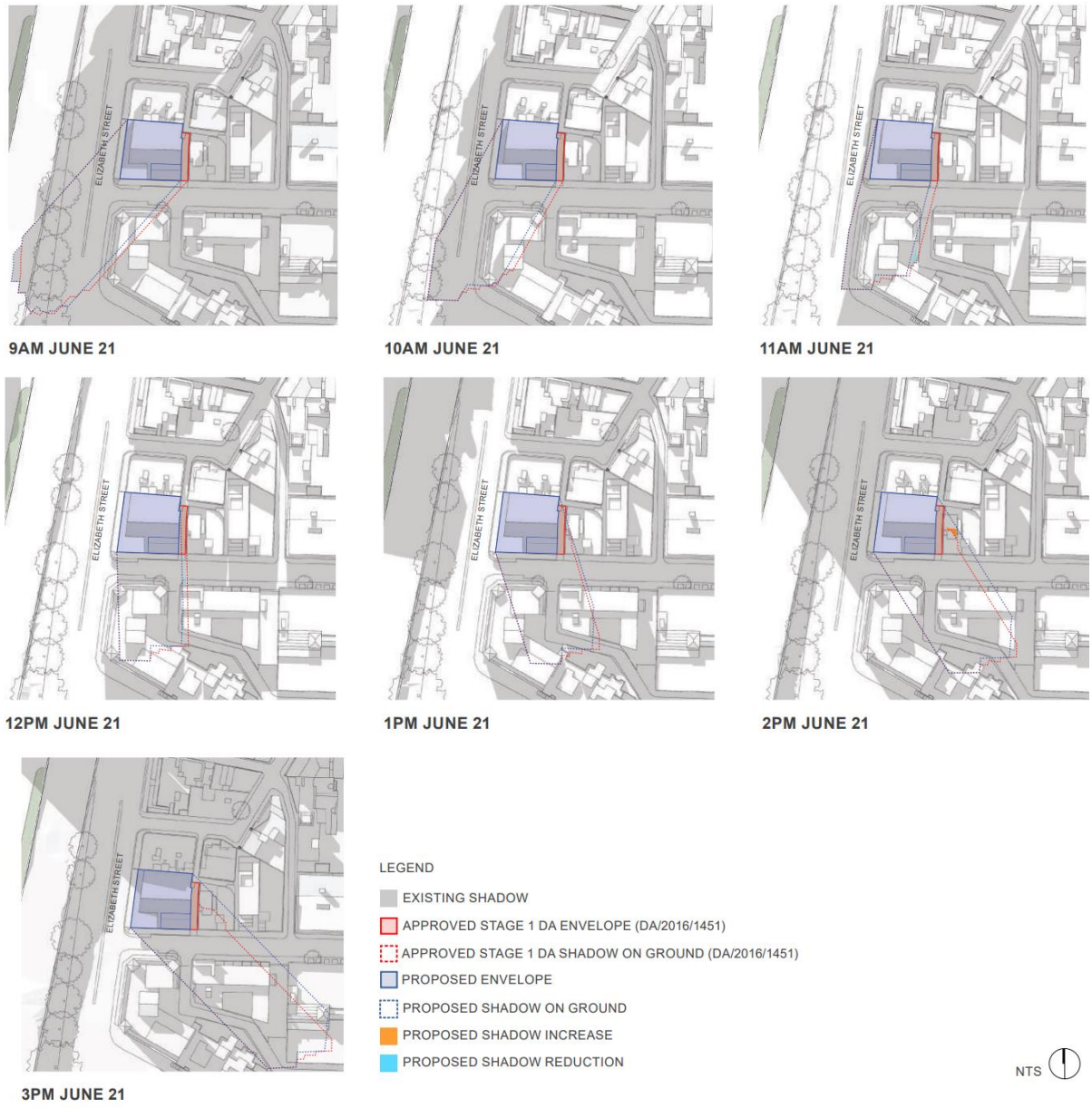


Figure 246 - Shadow diagrams

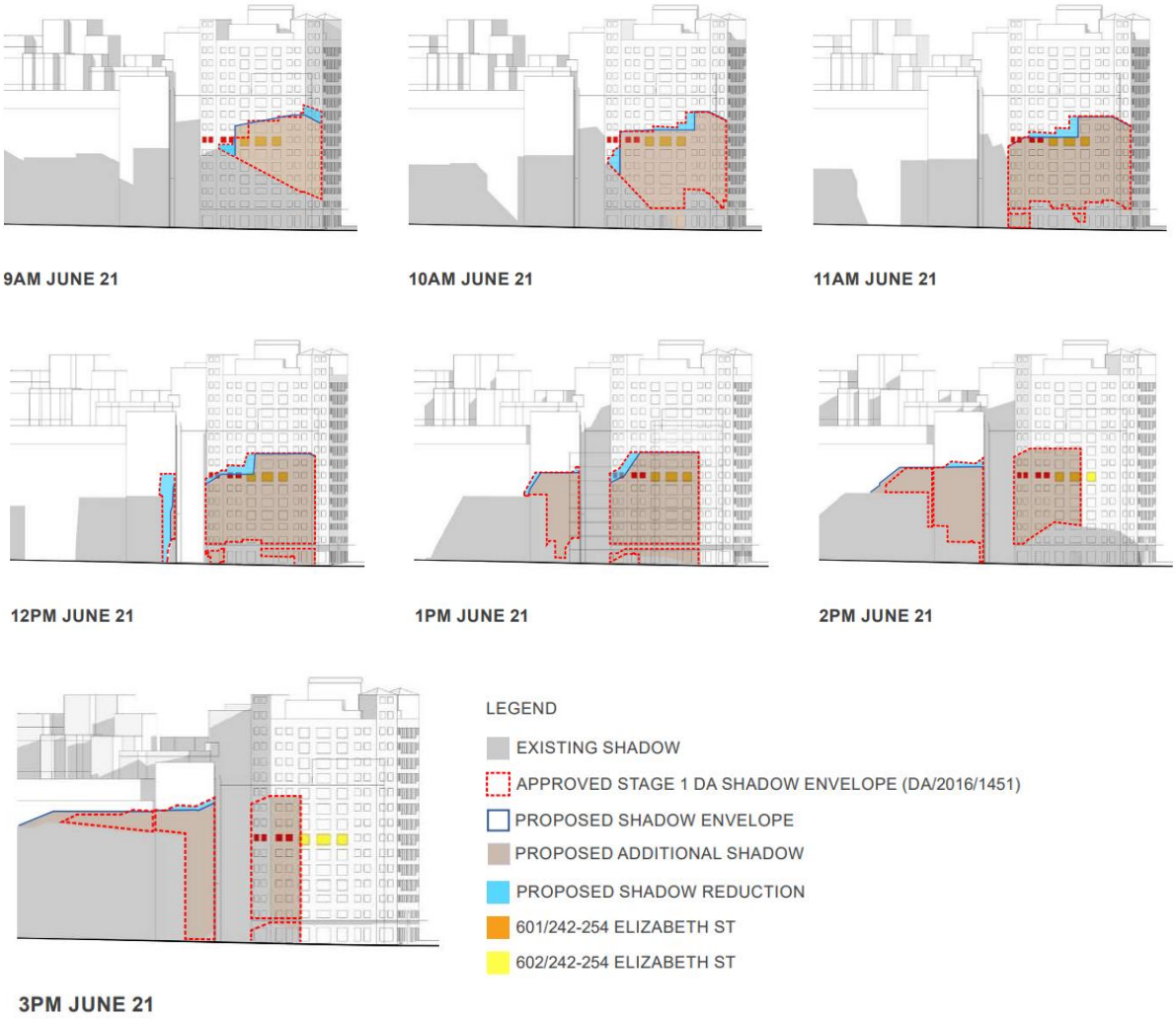


Figure 257 - Elevational shadow diagrams showing 242-254 Elizabeth Street and 33-37 Reservoir Street

APPROVED

UNIT NO.	9.00 AM	9.30 AM	10.00 AM	10.30 AM	11.00 AM	11.30 AM	12.00 PM	12.30 PM	1.00 PM	1.30 PM	2.00 PM	2.30 PM	3.00 PM	TOTAL HOURS	2 + HOURS	CHANGE
601														3HR 45MIN	COMPLIES	N/A
602														1HR 45MIN	NON-COMPLIANCE	N/A

PROPOSED

UNIT NO.	9.00 AM	9.30 AM	10.00 AM	10.30 AM	11.00 AM	11.30 AM	12.00 PM	12.30 PM	1.00 PM	1.30 PM	2.00 PM	2.30 PM	3.00 PM	TOTAL HOURS	2 + HOURS	CHANGE
601														4HR 15MIN	COMPLIES	+13%
602														2HR 15MIN	COMPLIES	+28%

INDICATES DIRECT SUN ACCESS TO GLAZING TO LIVING SPACE – OVER 1 SQM

Figure 268 - Outcome of comparative solar analysis

Heritage Significance

The site is not heritage listed and is not located within a Heritage Conservation Area. However, it is located within the vicinity of several heritage items which are listed on the Sydney Local Environmental Plan (Sydney LEP) 2012 and the State Heritage Register including Belmore Park (local item I825) and the Central Railway Station group (State heritage item (I824). While none are individually listed as heritage items, the subject site contains several buildings which are over 50 years old.

A Heritage Impact Statement has been prepared by Urbis and is attached to this planning proposal Justification as Appendix H. The Statement was prepared to assess the potential heritage impacts of the indicative concept design on the surrounding heritage items and whether any of the existing buildings on site met the requirements for individual heritage listing.

The HIS identifies 232-236 Elizabeth Street to be occupied by a building with some components of a Federation Free style façade but with little noteworthy architectural detailing. The remaining existing 19th century buildings on the site are late Victorian residential structures which is a common typology within the area. Further, the buildings have been heavily modified both internally and externally. Further, the existing buildings are found to have no relationship with the character or scale of the street. The existing buildings are found to have no heritage retention value and their demolition is considered acceptable from a heritage perspective.

The heritage impacts of the indicative concept design have been assessed and were found to be acceptable from a heritage perspective. The 10-storey design is consistent with the existing pattern of development in the area and does not significantly impact on any heritage item in the vicinity. The proposed building envelope was found to not detrimentally impact any identified significant views or settings of the heritage items within the vicinity. The introduction of a new pedestrian through site link was found to permit a visual distinction between new works on the subject site and early 20th century building works to the rear of the site. The proposed building envelope will not negatively impact on the heritage values of any nearby buildings or heritage items.

Archaeological Assessment including Aboriginal Due Diligence

A Preliminary Archaeological Assessment Including Aboriginal Due Diligence Report has been prepared by Curio and is attached to this planning proposal Justification as Appendix I. The Report considers the potential for a future development to encounter objects of archaeological significance in relation to either Aboriginal or non-Aboriginal settlement.

The Report finds that there are no registered Aboriginal objects and/or sites located within or directly adjacent to the study area. However, the area around the site is known to have been used by past Aboriginal groups. The undisturbed soils below the existing structures have moderate Aboriginal archaeological potential.

The Report finds that there is a low to moderate likely potential for archaeological findings related to non-Aboriginal settlement.

The Report makes a range of recommendations for application at later stages of development to protect any archaeological findings that could be made during excavation and construction.

Contamination

A Desktop Contamination Study has been prepared by Douglas Partners to accompany this planning proposal as Appendix E. The Contamination Study was prepared concurrently with the Geotechnical Desktop Study described above.

The Desktop Contamination Study was not able to definitively identify all previous uses of the subject site and has identified some potential sources of contamination that might be present on the site. The Study's conclusion states in part (emphasis added):

> *"Based on a review of site history information and a limited site walkover inspection, the potential for widespread site contamination is considered to be low to moderate and it is unlikely that significant contamination is present at the site which would render the site unsuitable for the proposed development."*

The Study recommends that intrusive investigation be undertaken at a later stage of development. The findings of the report indicate that the site can be made suitable for commercial uses under a future redevelopment.

Geotechnical

A Report on Desktop Geotechnical Assessment has been prepared by Douglas Partners and is attached to this planning proposal as Appendix J. The Geotechnical Report relies on previous investigations undertaken by Douglas Partners on the site in 2015. The Report provides comments for consideration in future detailed design and recommends further investigation during the DA stage of development.

Flooding

The City of Sydney's Darling Harbour Catchment TUFLOW model identifies that the site is flood affected. Council's flood model shows that the site is affected by overland flows flowing from the eastern side along Foster Lane and Reservoir Street and towards Elizabeth Street before leaving through the railway corridor along the western side of Elizabeth Street. Elizabeth street along the west side of the site is very flat and a maximum approximate flood depth of 350mm can be seen along Elizabeth Street during 1% AEP storm events.

A Flood Advice Report has been prepared by Integrated Group Services (Appendix G) to consider the flood impacts upon the indicative concept design. It finds that the predicted flooding depths around the site vary from 50 – 20mm during 1% AEP storm events, and there is no downstream trapped low point. It recommends therefore that expecting the finished floor levels to be set 500mm above the 1% AEP level is unreasonable. Adopting the FPL standard for commercial premises outside the floodplain, a flood planning level at or above the 1% AEP would protect the ground floor ingress points and allows more reasonable finished floor levels to be adopted.

The Review finds that the building envelope is capable of hosting a development that will comply with the flood planning levels per the City of Sydney's Interim Flood Planning Management Policy.

Landscape and Tree Removal

A Landscape Plan has been prepared by Black Beetle and is attached to this planning proposal Justification report as Appendix K. The indicative Landscape Plan envisions the removal and replacement of a single street tree on Reservoir Street to accommodate a driveway entrance. It also envisions the creation of a landscaped strip along the eastern side of the new through site link. The indicative concept design also provides the potential for planting on the terrace levels.

The indicative Landscape Plan envisions a possible landscaped area equivalent to 15.8% of the site area. These minor landscaping interventions would maintain the green aspect of Reservoir Street which already features multiple maturing street trees.

It should be noted that the landscape plan has been prepared in response to the indicative concept plans and would be subject to revision at the DA stage of development.

Transport and Traffic

A Traffic Impact Assessment has been prepared by Traffix and is attached to this planning proposal Justification as Appendix F. It considers the possible impacts of a commercial development with a maximum FSR of 7:1 using the indicative concept design for consideration.

The Assessment details the public transport connections near the site which are extensive. It also finds that the site is well connected to the footpath network servicing pedestrians and is near several separated bicycle lanes and bicycle friendly roads. The site is well suited for access by pedestrians, bicycles and public transport.

The Assessment finds that the indicative concept design would result in traffic generation of 11 vehicle trips per hour during the morning peak and 9 vehicle trips during the evening peak. This level of traffic generation is found to have a negligible impact on the surrounding road network and is found to be acceptable from a traffic planning perspective.

The Assessment also considered the use of a car lift to service parking on the subject site. It finds that, subject to the inclusion of a single waiting bay, queuing will be acceptable and comply with the relevant standards.

Traffix concludes that the planning proposal is acceptable from a transport perspective and makes minor recommendations that can be addressed in the detailed design phase or by Plan of Management.

Sustainability

An NCC 2022 Section J Assessment Report has been prepared by Integrated Group Services Traffix and is attached to this planning proposal as Appendix L. It considers the potential for compliance with the Deemed-to-Satisfy requirements for the National Construction Code 2022 provisions for energy efficiency under Section J (NCC 2022 Volume One). The Report has been prepared in consideration of the indicative concept design by Angelo Candalepas and Associates as an assessment cannot be undertaken on a building envelope alone. The indicative concept design is

found to be capable of compliance subject to the Report's recommendations indicating that a future DA design within the proposed building envelope can be capable of compliance.

Consistent with recently commenced State Environmental Planning Policy (Sustainable Buildings) 2022 and Council's updated sustainability controls, the proponent has also given a commitment through this proposal to the NABERS Energy Rating of 5.5 stars + 25%. The competitive design process will be the opportunity to investigate and provide innovative sustainability solutions to the site specific challenges of the site.

Acoustic Impacts

An Acoustic Impact Statement has been prepared by Acoustic Logic and is attached to this planning proposal as Appendix M.

The report found high levels of existing background noise near Elizabeth Street and low levels of background noise were identified at 52-58 Reservoir Street. The report identifies two possible sources of acoustic impacts associated with a commercial development being loading dock operation and mechanical plant noise.

The report notes that, if the loading dock is to be used between 10pm – 7am, consideration must be given to the potential for sleep disturbance in adjacent residential buildings. This can be addressed in a range of ways at the DA stage through physical interventions, management measures or time restrictions on use. These will be matters for consideration at the DA stage and are able to be adequately addressed.

Mechanical plant cannot be designed or selected at the planning proposal stage of development. A future DA will consider the selection and location of mechanical plant to ensure compliance with all acoustic standards.

Wind

The site is located on a corner position and is proposed to introduce a new pedestrian through site link. Accordingly, the possible impacts on wind conditions require consideration. CPP Wind Engineering Consultants have prepared a Qualitative Wind Assessment (Appendix N) which concludes in part:

> *The scale of the proposed development and its position in the existing built massing environment are not indicative of any significant impacts to pedestrian wind comfort in the surrounding public domain areas. Overall, conditions in and around the site are expected to remain similar to the existing environment. Wind conditions around the development are expected to be classified as acceptable for pedestrian standing or walking from a Lawson comfort perspective and pass the distress/safety criterion. Local amelioration would likely be necessary for areas intended for long-term stationary or outdoor dining activities, similar measures would be suggested for outdoor terraces.*

The proposed building envelope is shown not to have significant impacts on the existing environment. Any necessary local amelioration would be considered in the detailed design stage of development.

Has the planning proposal adequately addressed any social and economic effects?

The planning proposal is accompanied by an Economic and Social Impact Report by Planning Lab (Appendix D) which considers the social and economic impacts of the planning proposal.

There has been a reduction in demand for commercial floor space in the Sydney CBD following the Covid-19 pandemic, however, rents have increased slightly despite a historically high vacancy rate. The vacancy rate appears to have peaked and is forecast to stabilise over the next 12 months. No significant new floor space is forecast to enter the Sydney CBD until 2024. This is expected to come predominantly from over train station developments which will appeal to predominantly large businesses. There is also expected to be demolition of some older office stock to accommodate the new developments.

The Report finds that there has been a strong demand for commercial floor space within Surry Hills from 2011-2019. This is attributed to demand from companies to provide more flexible working space that is located near good amenities to attract staff. The influx of companies into Surry Hills in the recent past generates agglomeration benefits increasing the relative value of Surry Hills for commercial tenants. Lower rent relative to the CBD is also identified as an ongoing driver of demand. Surry Hills is expected to remain popular with commercial tenants and demand for floor space is expected to increase.

The increased floor space proposed in this application will have a positive economic impact as it will increase the intensity of use of the site. This will result in the expenditure by additional employees on site supporting local businesses.

The proposal includes providing a new through site link which will encourage the activation of the nearby lanes. This increases the permeability of the block increasing the area's walkability and appearance. It will also support massing that is consistent with the existing neighbouring buildings providing a more suitable scale of development. The proposal is thereby anticipated to have a positive social impact through improvements to the urban environment.

Section D – Infrastructure (Local, State and Commonwealth)

Is there adequate public infrastructure for the planning proposal?

The site is located 300m from Central Train Station on the fringe of the Sydney CBD. The site is well serviced by a range of infrastructure including ready access to public transport and public open space. The site is already serviced by existing public utilities including reticulated water, sewer and stormwater, electricity and telecommunications. There is adequate public infrastructure to support the planning proposal.

Section E – State and Commonwealth Interest

What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

No consultation has been necessary with any State or Commonwealth agencies. Any necessary consultation will be conducted once a gateway determination is issued.

Part 4 – Maps

No changes are proposed to the maps within the Sydney LEP 2012.

Part 5 – Community Consultation

If this planning proposal is supported by the City of Sydney, the City will prepare a draft planning proposal and draft Development Control Plan for consideration by Council and the Central Sydney Planning Commission (CSPC). If the planning proposal is endorsed by Council and the CSPC for public exhibition, the proposal will be referred to the Minister for Planning for Gateway Determination. If Gateway is issued the draft planning proposal and DCP amendments will be placed on public exhibition, generally for a minimum period of 28 days.

Part 6 – Project Timeline

The anticipated project timeline for this planning proposal is as follows:

Table 9 - Anticipated project timeline

Stage	Timing
Endorsement by the City of Sydney and CSPC	December 2023
City prepared draft planning proposal and DCP	February 2024
Anticipated commencement date (date of Gateway determination)	March 2024
Anticipated timeframe for the completion of required technical information	May 2024
The timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	May 2024
Commencement and completion dates for the public exhibition period	July 2024
The timeframe for consideration of submissions	September 2024
The timeframe for the consideration of a proposal post exhibition	October 2024 (CSPC) October 2024 (Council)
Date of submission to the department to finalise the LEP	December 2024
Anticipated date RPA will make the plan (if delegated)	February 2025
Anticipated date RPA will forward to the department for notification.	February 2025

Appendices

Appendix A – Urban Design Study: Candalepas Associates

Appendix B – Proposed DCP Building Envelope: Candalepas Associates

Appendix C – Proposed Amendments to the Sydney DCP 2012: Planning Lab

Appendix D – Economic Impact Analysis: Planning Lab

Appendix E – Desktop Contamination Study: Douglas Partners

Appendix F – Traffic Impact Assessment: Traffix

Appendix G – Flood Advice Report: Integrated Group Services

Appendix H – Heritage Impact Statement: Urbis

Appendix I – Preliminary Archaeological Assessment including Aboriginal Due Diligence: Curio Projects

Appendix J – Geotechnical Desktop Investigation: Douglas Partners

Appendix K – Landscape Concept Plan: Black Beetle

Appendix L – Section J Assessment Report: Integrated Group Services

Appendix M – Acoustic Assessment: Acoustic Logic

Appendix N – Qualitative Wind Assessment: CPP

Appendix O – Survey Plans: Eric Scerri & Associates Pty Ltd

Appendix P – Waste Management Plan: Ratio Consultants

Attachment A2

Urban Design Study

4 October 2023
5968

Ms Sally Peters
Manager, Central Sydney Planning, Strategic Planning & Urban Design
City of Sydney
Town Hall House
Level 2, 456 Kent Street
Sydney 2000

Dear Ms Peters,

Re: 232-240 Elizabeth Street ("The Property")
Planning Proposal (the Proposal)
Response to City of Sydney Planning Proposal Queries

We write on behalf of *Stasia Holdings Pty Limited,* owners of the property at 232-240 Elizabeth Street in response to a letter from the City of Sydney (the Council) dated 18th of May 2023 and email correspondence with the Council dated 29 June 2023.

Please find below a response to the issues identified by the Council to assist in the assessment of the Planning Proposal.

Floor-to-Floor Heights, FSR & Envelope

The revised proposal appended to this letter '**Appendix A – Urban Design Study'** amends the volume that was put forward in our earlier reports and provides the Council with further information to clarify the parameters of the site. We believe this proposal can fulfil the Council's requirements while permitting the maximum flexibility for any subsequent competitive design process. We understand the revised floor heights and envelope is supportable and clarify the current proposal as follows:

1. This proposal comprises 10 storeys with 4.5m and 3.6m floor-to-floor heights allowed for all levels, as per Section 4.2.1.2 (Sydney SCP 2012);

2. The solar analysis appended to this proposal demonstrates the retained solar access to Apartments 601 and 602 at 242-254 Elizabeth Street, and 33 Reservoir Street

3. The urban outcomes in our previous Urban Design report are maintained in the enclosed design, notably:

    a. The prevailing street wall is reinforced both along Elizabeth and Reservoir Streets by maintaining the parapet heights;
    b. All massing above the street wall is set back so as to not be visible from the street;
    c. The open through-site link is retained.

The Council noted in their letter that "the objective of the Planning Proposal stage is to establish a building envelope that can achieve Design Excellence while complying with the City's planning controls and objectives". We believe that the increased flexibility of the proposed volume will give further opportunity for design excellence to be achieved, while maintaining consistency with the key urban outcomes sought and noted.

In response to the Council's email on the 29th of June 2023, we confirm that the floor plans are similar to those previously shown except for the two uppermost storeys which are modified to respond to the solar access considerations within the immediate context of the site.

Sustainability

In consideration of the comments and recommendations by the Council in the letter dated 18th of May, we confirm that the proponent commits to the NABERS Energy Rating of 5.5 stars + 25% for the proposal. The competitive design process will be the opportunity to investigate and provide innovative sustainability solutions to the site-specific challenges of the site.

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Nominated Architect
Angelo Candalepas
NSW 5773
VIC 17978
WA 2405
ACT 2603
QLD 5463

Through-site Link

Our client has instructed that it will consider dedicating a public road in stratum limited in height and depth by reference to reduced levels (RLs). That is, a stratum lot is offered to be created and dedicated as a Public Road. The proposed plan of subdivision to create the public road will nominate:

(a) The depth of the lot, being a reduced level below the existing ground, and
(b) The height to end the new lot, to allow for, maintenance of lighting and landscaping.

We are confident with the approach as there is precedent in the City of Sydney for this proposed arrangement, please refer to the attached '**Appendix B – Deposited Plan - Public Road Dedication Limited in Stratum'.** The attached deposited plan details two public roads that have been dedicated to the Council, limited in stratum.

(a) Lot 101 is part of the George Street Road Reserve and was dedicated, in part, below RL 15.5.
(b) Lot 103 is part of Margaret Lane and was dedicated below only to RL 24.

4.Next Steps

In consideration of our offer for the ownership of the through-site link and the Council's comments regarding Public Benefit, we note that the arrangement aligns with Section 3.1.2.2 of the Sydney DCP and the priorities of City Plan 2036. With respect to the public benefit, we consider that what is being offered is adequate for a planning proposal stage.

We trust that this letter and attachments responds meaningfully to councils requirements, please do not hesitate to telephone the undersigned if anything requires further clarification.

Yours faithfully,
CANDALEPAS ASSOCIATES

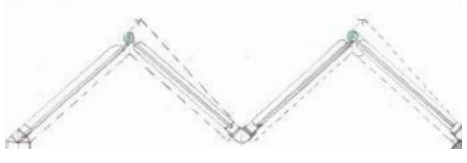


Angelo Candalepas LFRAIA
Director

Encl. 232-240 Elizabeth Street, Council RFI Response Appendices A-B

Appendix A – Urban Design Report Issue C – Candalepas Associates

Urban Design Study
(Increase in FSR 5:1 to 7:1)
Issue C



Candalepas Associates

232-240 Elizabeth St, Surry Hills
20 July 2023

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- Subject Site & Surrounding Buildings
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- Building Envelope & Street Wall Analysis
- Existing & Future Street Network

20 Proposed DCP Controls

- Envelope Diagrams

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- Perspective
- Layout: Typical Plans
- Built Form & Character: Elevations
  - Sections
  - Facade Details
- Solar Analysis
- Development Calculations

All drawings to scale at A3

INTRODUCTION

This Urban Design Report has been prepared by Candalepas Associates on behalf of Stasia Pty Ltd in support of a proposed massing envelope for the property located at 232-240 Elizabeth Street, Surry Hills.

This Report describes the site, outlines the key constraints imposed by the existing controls, and sets out the strategic justification for the proposed design.

Key findings of the Report include:

- The Property is strategically located and aligned with the City Plan 2036: Local Strategic Planning Statement (LSPS) planning priorities.
- The proposal for the site will allow the City of Sydney to meet the planning priorities set out in the LSPS (Actions P 2.3, P 2.6) by ensuring adequate floor space capacity to accommodate enterprise activities.
- The proposed floor space ratio is in line with existing and emerging higher density developments in the vicinity.

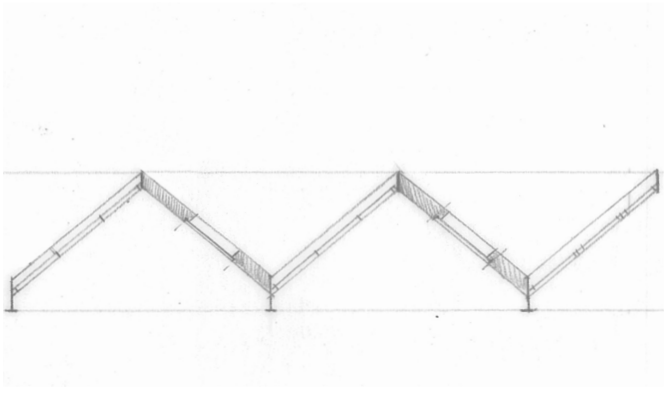
The Property is known as 232-240 Elizabeth, and is formally identified as 232-236A Elizabeth Street (SP71301), 238-240 Elizabeth Street (Lots 1&2, DP779385; Lot 1, DP664653). The combined site area is 905.6 square metres and is located within the Eastern Creative and Camperdown-Ultimo Health and Education Precincts. The site has frontages to Elizabeth Street and Reservoir Street and access to the rear from Foster Lane.

The site currently contains a collection of three storey commercial/retail and budget accommodation buildings. While these were largely constructed in the late nineteenth and early twentieth centuries they have been heavily modified and are not considered to be of heritage significance.

The site is less than 300m north of Central Station, a few hundred metres from a number of Light Rail stops and adjacent to several bus routes. It is therefore well located to provide strong connections to a wide range of areas throughout Sydney.

The area has a diverse mixture of building forms, architectural styles and scales. The proposed building use and massing envelope have been considered in order to ensure integration with the emerging surrounding uses and built form.

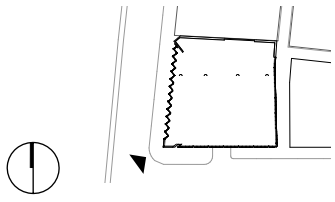
The proposed development offers an appropriate and compatible addition to this part of Surry Hills, giving an opportunity to provide floor space in support of the Eastern Creative Precinct. This is consistent with the objectives of providing economic development, innovation and jobs in this key strategic centre as well as supporting the long term economic viability and growth of the City of Sydney.





PERSPECTIVE VIEW - ELIZABETH STREET

Artistic representation of the proposed development.
Prepared by Darc Studio.



SITE ANALYSIS



AERIAL PHOTOGRAPH

0 25 50

SUBJECT SITE

Site Address	232-240 Elizabeth Street, Surry Hills NSW 2010
Site Details	232-236A Elizabeth Street - SP 1379 238-240 Elizabeth Street - LOT 1, LOT 2, DP 779385; LOT 1, DP 664653



SITE PLAN - EXISTING

SCALE 1:1000

0 10 20 40

SUBJECT SITE

KEY SITES

GENERAL CONTEXT

Existing Site Controls - Sydney LEP 2012

Site Area	905.6 m2
Base FSR	5:1
Base GFA	4,528 m2
Land Zoning	B4 mixed use
Max. Height of Buildings	35 m

Key Surrounding Buildings

No.	Address	Use	Storeys
01	N/A (Railway Bridge)	Infrastructure	1 Storey
02	228 Elizabeth St	Residential	9 Storey
03	230 Elizabeth St	Mixed Use	9 Storey
04	50 Reservoir St	Commercial	7 Storey
05	52-58 Reservoir St	Commercial	9 Storey
06	45 Reservoir St	Commercial	7 Storey
07	33-37 Reservoir St	Residential	10 Storey
08	242-254 Elizabeth St	Residential	14 Storey



01. Railway Bridge



02. 228 Elizabeth Street



03. 230 Elizabeth Street



Foster Lane
(Subject Site at end of lane)



Subject Site
232-236 Elizabeth Street

Subject Site
238-240 Reservoir Street



Subject Site
238-240 Reservoir Street



Subject Site
238-240 Reservoir Street



04. 50 Reservoir Street



05. 52-58 Reservoir Street
photo by Brett Boardman



06. 45 Reservoir Street



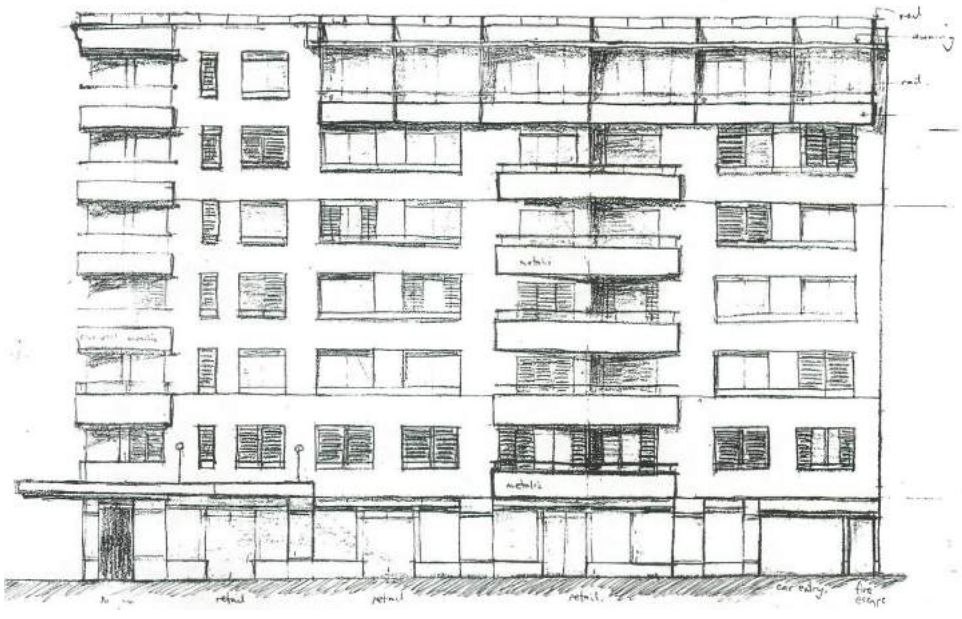
07. 33-37 Reservoir Street



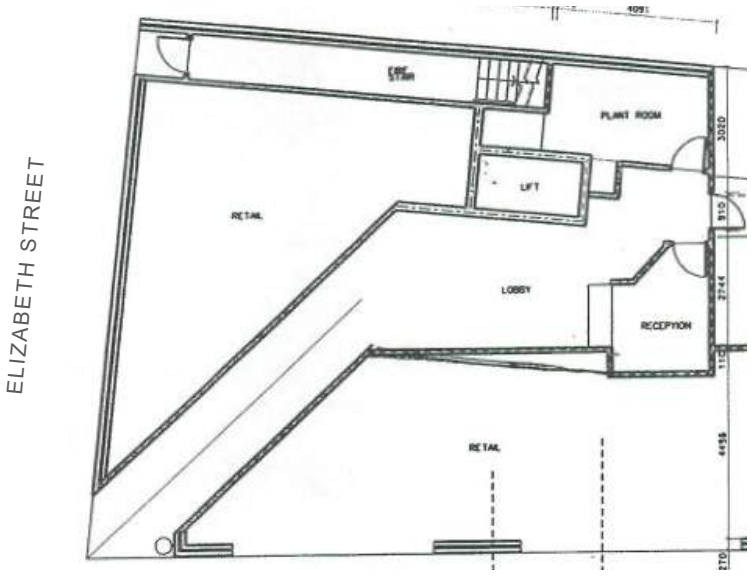
08. 242-254 Elizabeth Street



260 Elizabeth Street









1999 Development Proposal (Joshua Farkash & Associates)

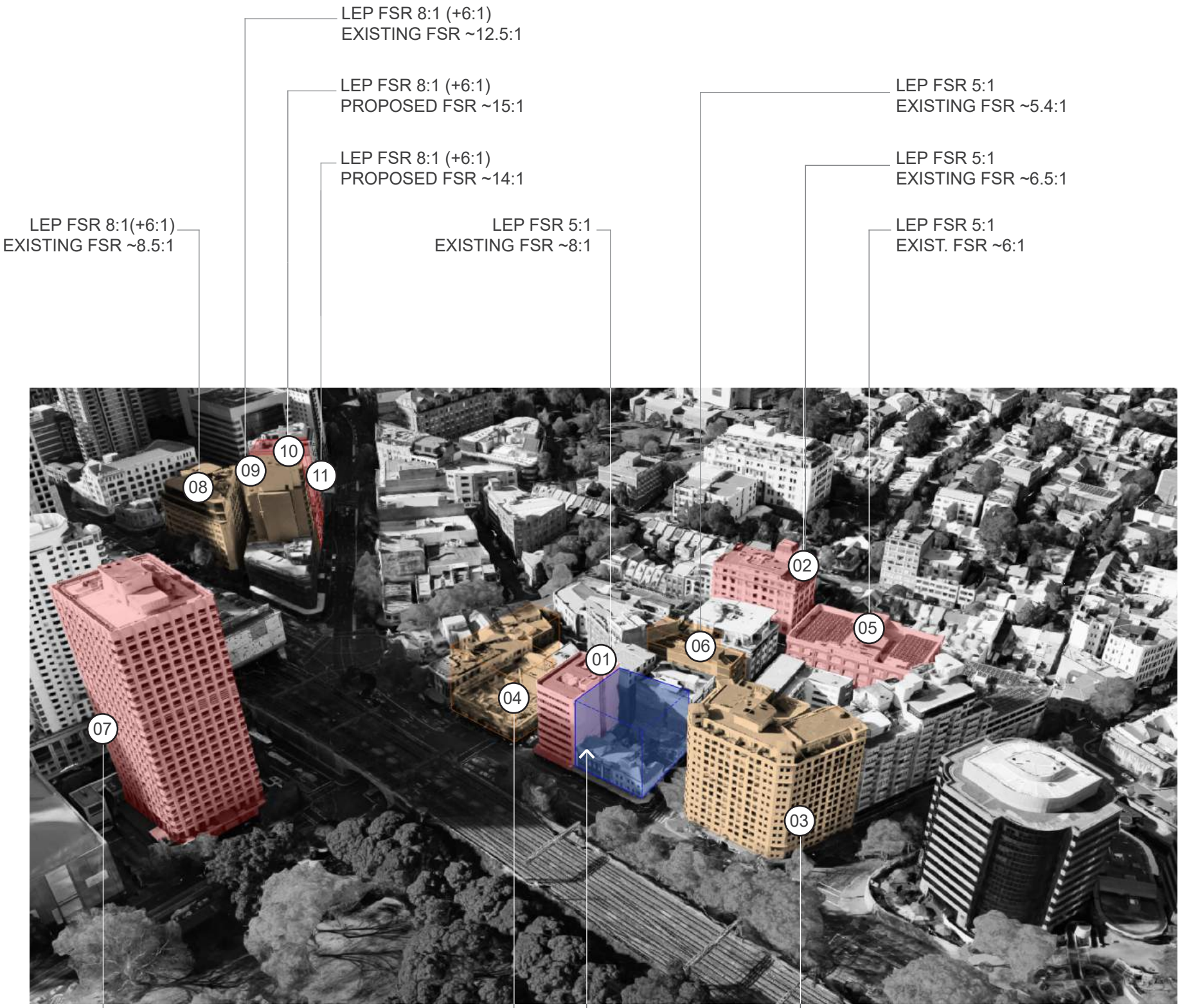
2016 DA/2016/1451 (MHN Design Union)

PRIOR DEVELOPMENT APPLICATIONS

On 21 July 2017, the NSW Land and Environment Court approved a Stage 1 Concept Development Application (DA) for the demolition of existing buildings on the site and the construction of a 2-level basement car park and mixed-use building containing residential, hotel and retail uses (referred to as D/2016/1451). The application was subsequently modified and approved on 25 November 2020 to delete 1 level of basement car parking and provide bike parking at the ground level (referred to as D/2016/1451/A). An acceptable envelope – height, bulk and scale has therefore been determined for the site through this approval.

URBAN STUDY + CONSIDERATIONS

FSR OF SURROUNDING BUILDINGS



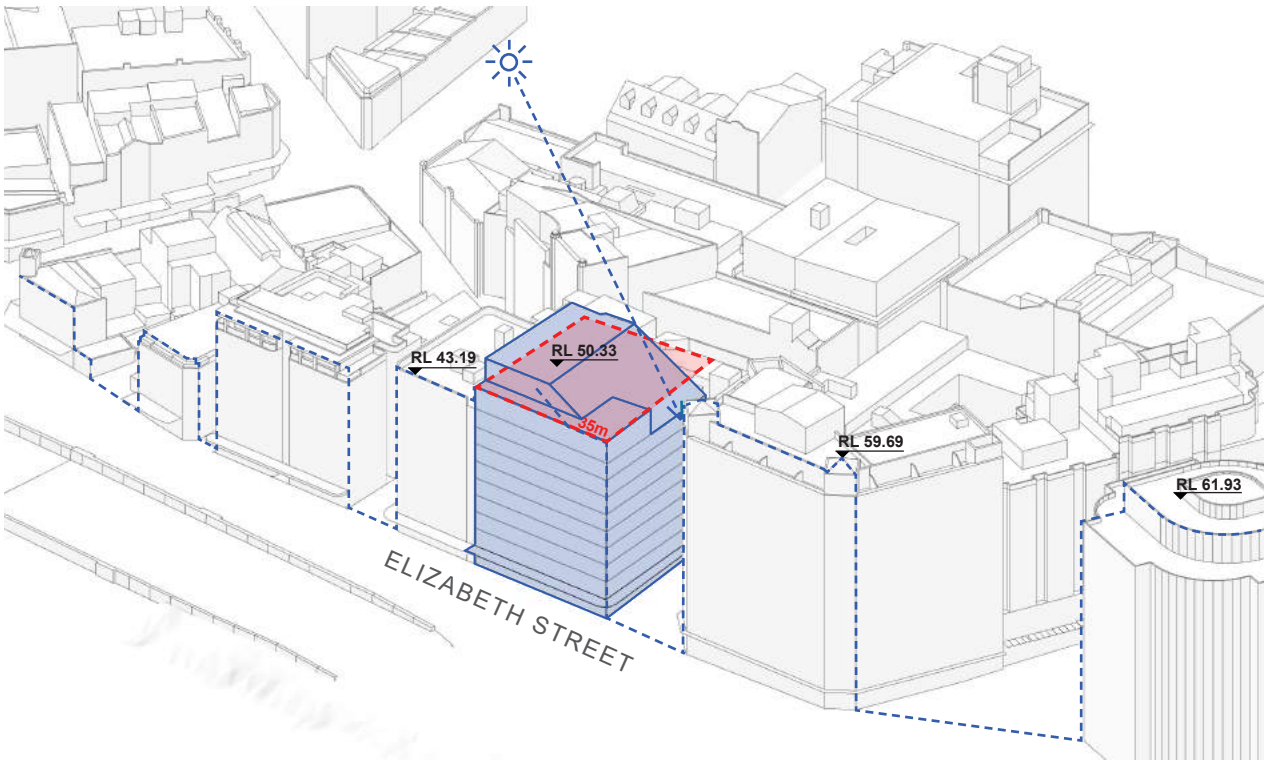
There is an inconsistency in the permitted FSR between the subject site and the surrounding sites. The subject site, with a maximum FSR of 5:1, is bordered to the north and south by sites with maximum FSRs of 6.5:1 and 11:1 respectively. In addition, nearby comparable developments on Wentworth Avenue to the north include FSR rates of up to 15:1.

Legend

- Site
- Buildings in excess of current SLEP 2012 density control
- Compliant high density buildings (in excess of 5:1)

Key Surrounding Buildings

No.	Address	Use	Storeys
01	230 Elizabeth St	Mixed Use	9 Storey
02	74-80 Reservoir St	Commercial	7 Storey
03	242-254 Elizabeth St	Residential	14 Storey
04	228 Elizabeth St	Residential	9 Storey
05	45 Reservoir St	Commercial	7 Storey
06	52-58 Reservoir St	Commercial	9 Storey
07	323 Castlereagh St	Commercial	23 Storey
08	111 Goulburn St	Accommodation	10 Storey
09	61-65 Wentworth Ave	Accommodation	18 Storey
10	55-59 Wentworth Ave	Accommodation	20 Storey
11	47-53 Wentworth Ave	Mixed Use	10 Storey



PROPOSED BUILDING ENVELOPE
INDICATIVE YIELD

Height	35m
Storeys	9
FSR	7:1
Typical Floor to Floor Height	3.4m
Typical Floor Area	714 sqm

The proposed building mass addresses this inconsistency by proposing an FSR of 7:1 which is in keeping with current and proposed urban development in the area.

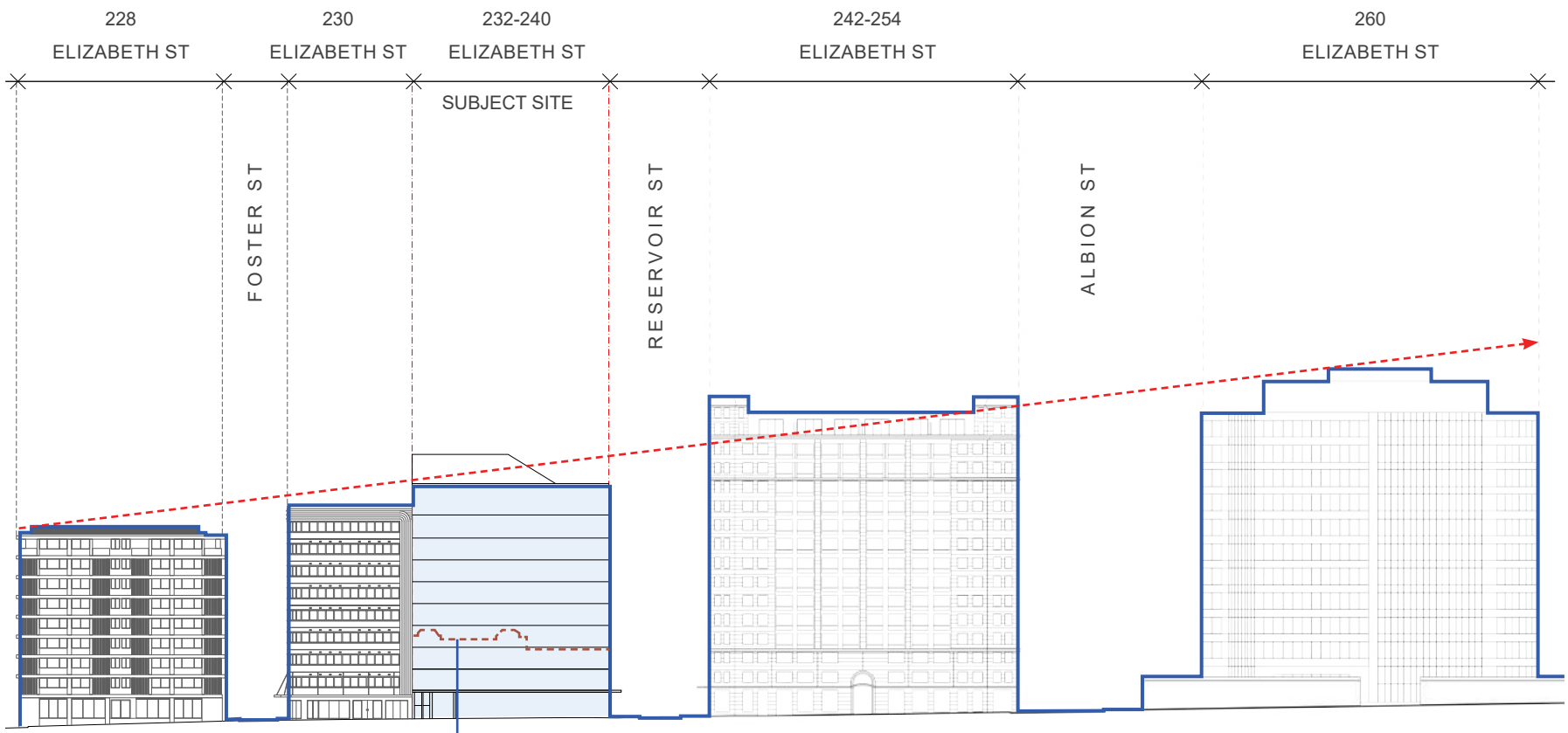
A consistent street wall is established along Elizabeth Street, infilling the previously underdeveloped site and resulting in a good urban outcome.

Negotiating the change in scale along Reservoir Street, the proposed envelope steps down at the street edge. This transition assists in maintaining solar access to 242-254 Elizabeth St & 33-37 Reservoir St, providing an overall increase in solar amenity to these dwellings compared to the approved concept scheme for the site.

Further reducing the building mass, a through site link along the eastern boundary is established. Open to the sky, this new public realm provides additional retail activation and connectivity from Reservoir St through to Foster Lane.

ELIZABETH STREET ELEVATION

The existing street wall along Elizabeth Street can be seen to have a strong prevailing trend, stepping up gradually to the south. This trend is currently interrupted by the existing buildings on the site. A volume of the maximum permitted height on the site resolves the current inconsistency both with regard to the site's immediate neighbours and to the broader street wall trend.

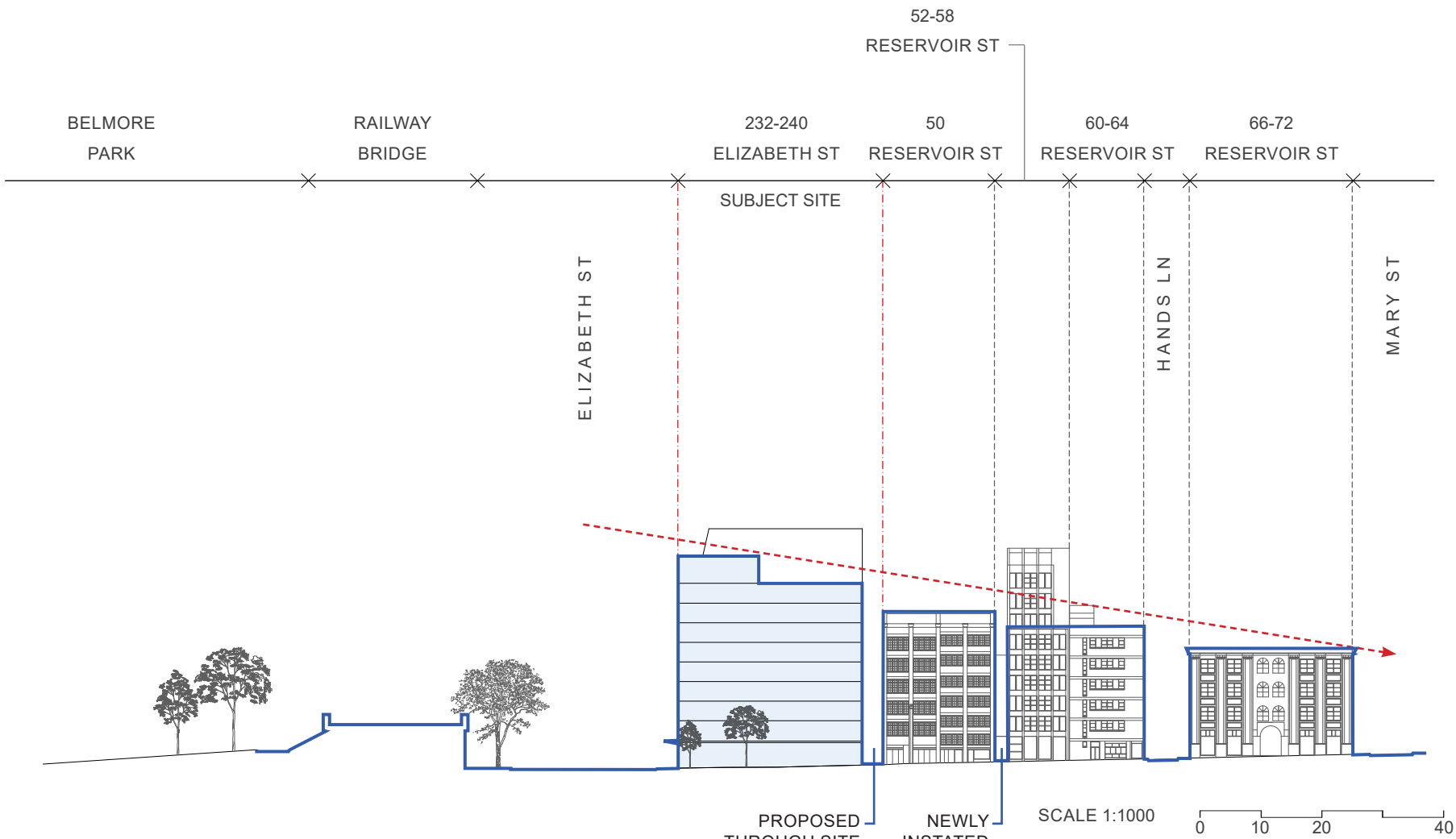


Legend

- Subject Site
- Street Wall
- Average Street Wall Projection

RESERVOIR STREET ELEVATION

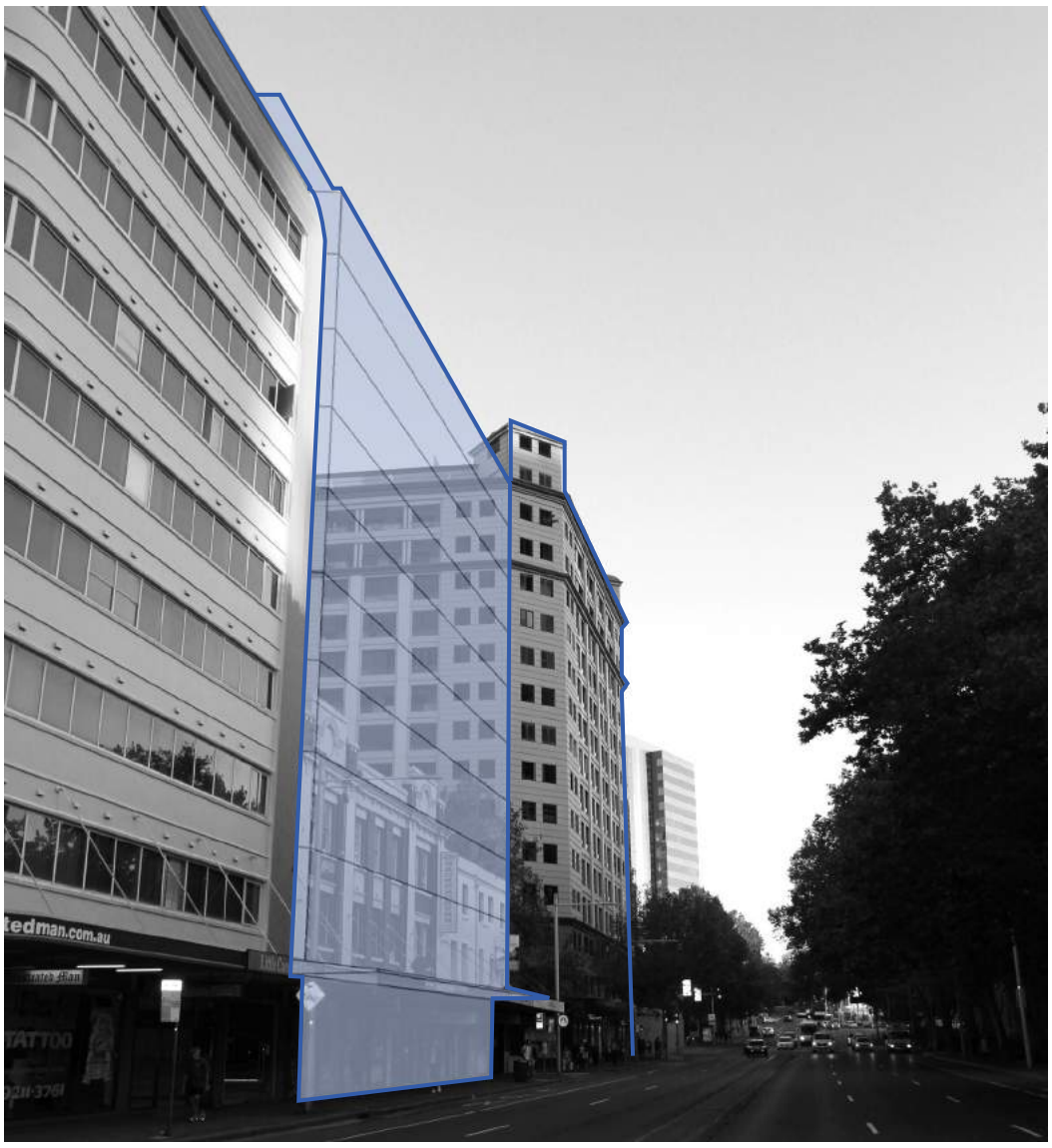
The existing street wall has a broad trend, but, unlike Elizabeth Street, features a greater level of variation. As such, the proposed volume chiefly seeks to mediate between the prevailing Elizabeth Street height and that of Reservoir Street. This is achieved by the stepped facade, which also allows greater solar amenity to opposite residential dwellings at 242-254 Elizabeth Street & 33-37 Reservoir Street.



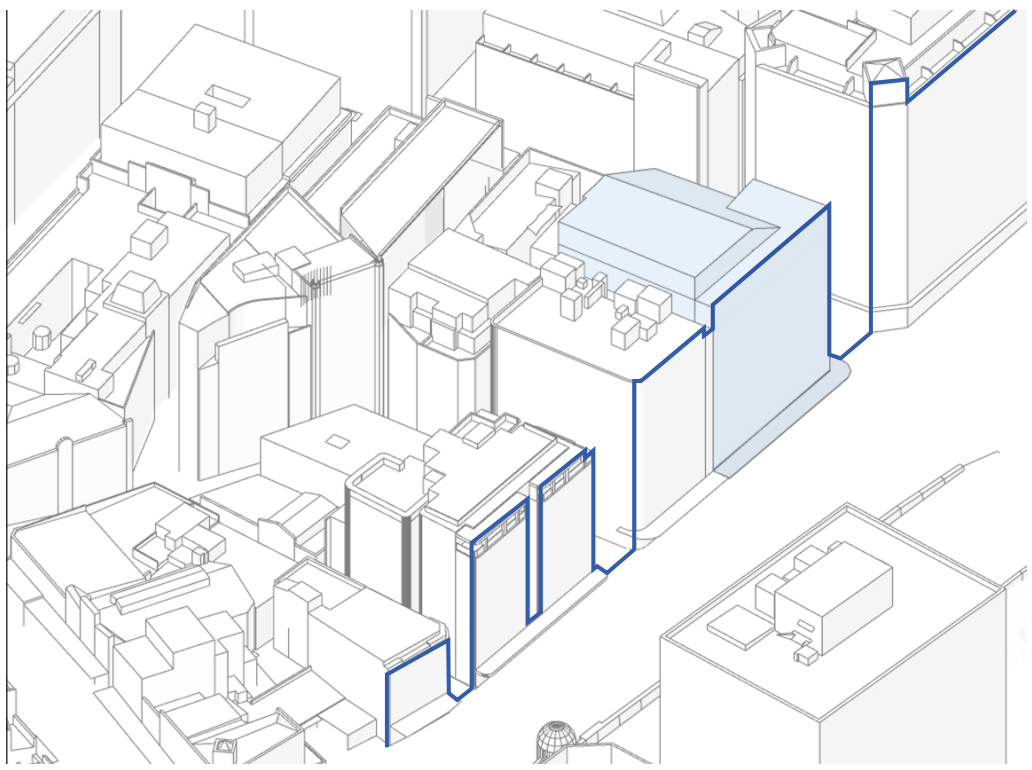
Legend

- Subject Site
- Street Wall
- Average Street Wall Projection

STREETSCAPE VIEWS - ELIZABETH STREET



VIEW 1 - PERSPECTIVE

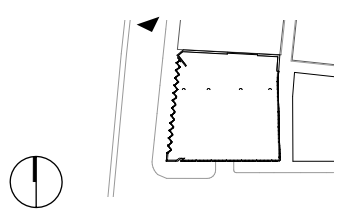


VIEW 1 - ISOMETRIC

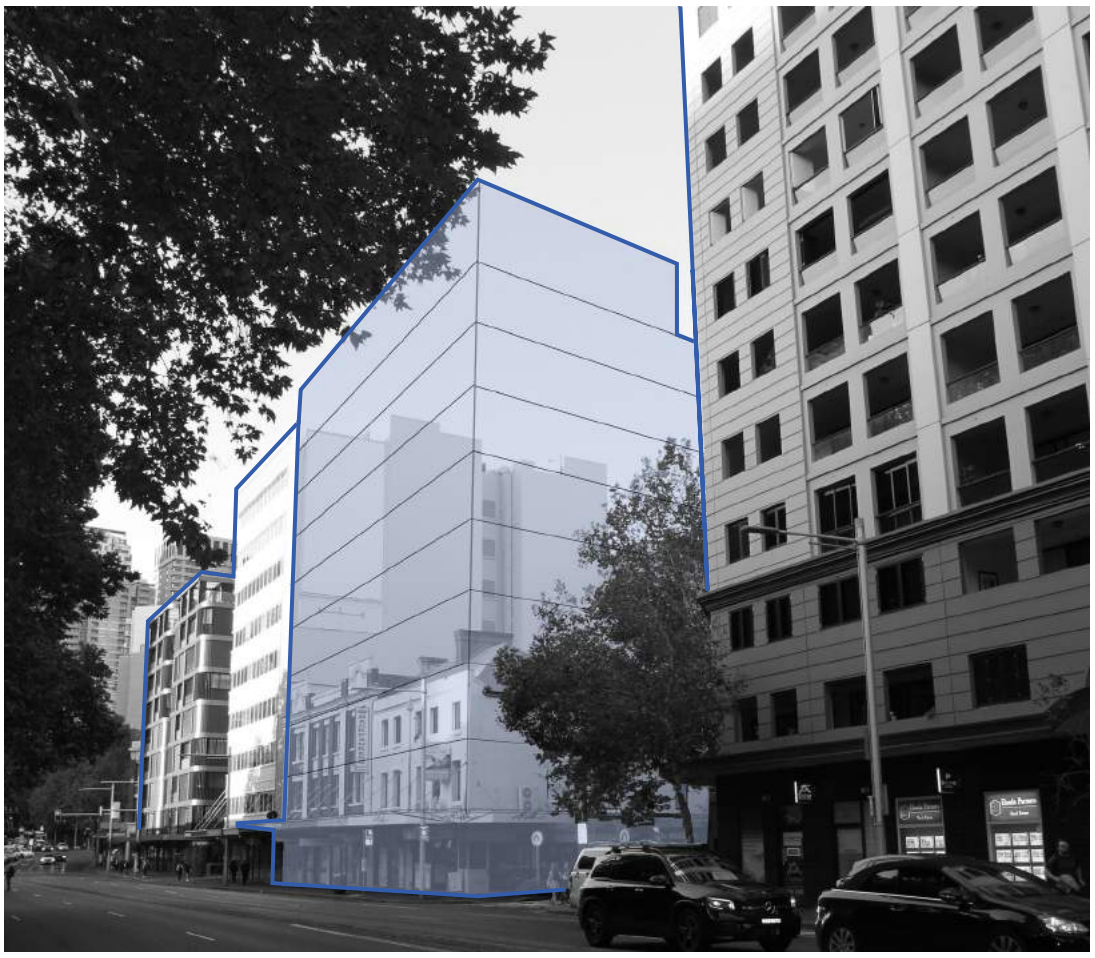
Approaching the site along Elizabeth Street from the north, there is a significant inconsistency in the street wall caused by the height of the existing buildings on the site. This interruption of the prevailing trend in the street wall represents a bad urban outcome. The proposed volume, on the other hand, resolves the existing issue in that its height represents a compromise between the two adjacent buildings along Elizabeth Street, and it continues the trend of heights stepping up to the south.

Legend

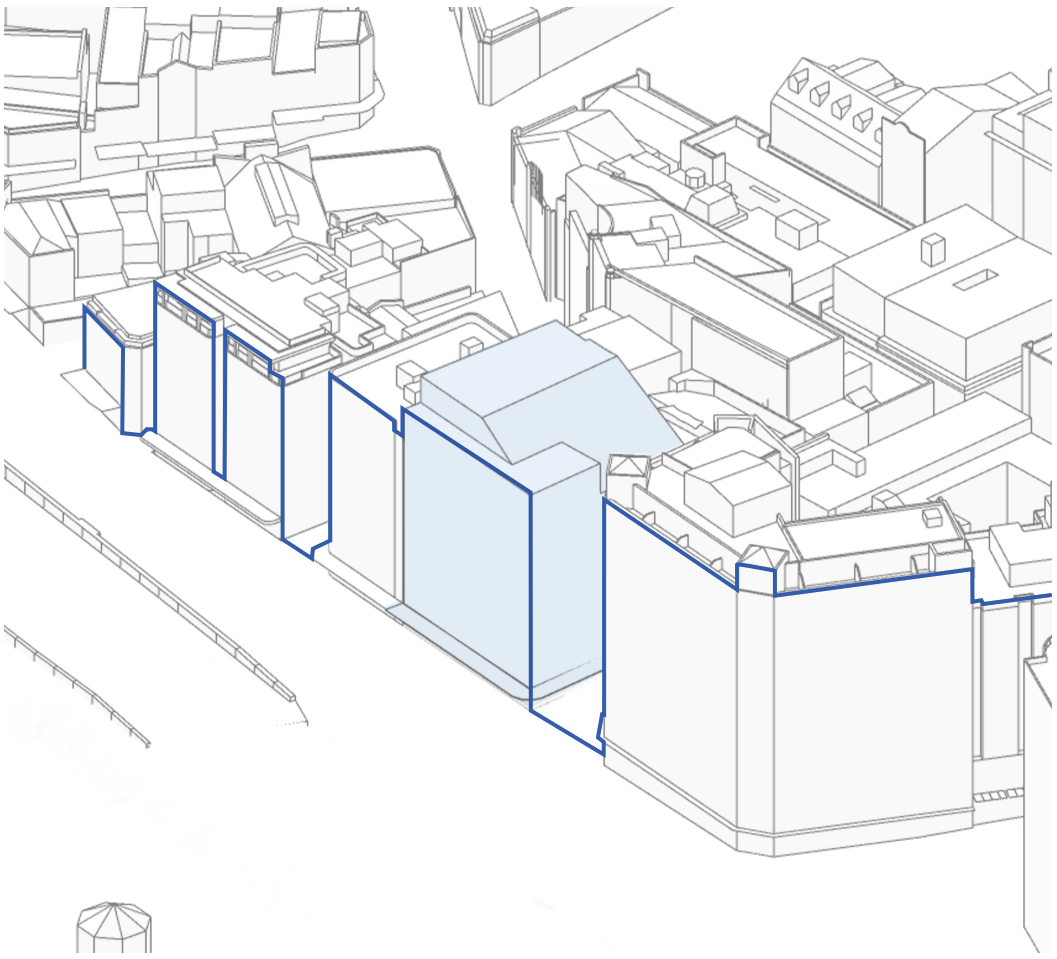
Subject Site
Street Wall



STREETSCAPE VIEWS - ELIZABETH STREET



VIEW 2

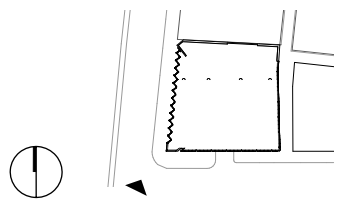


VIEW 2

Approaching the site along Elizabeth Street from the south, the inconsistency noted earlier is even more pronounced. In particular, the large blank wall presented by 230 Elizabeth Street along the site boundary represents a bad urban outcome. The proposed volume, on the other hand, resolves this issue in that it creates a continuous, articulated street wall.

Legend

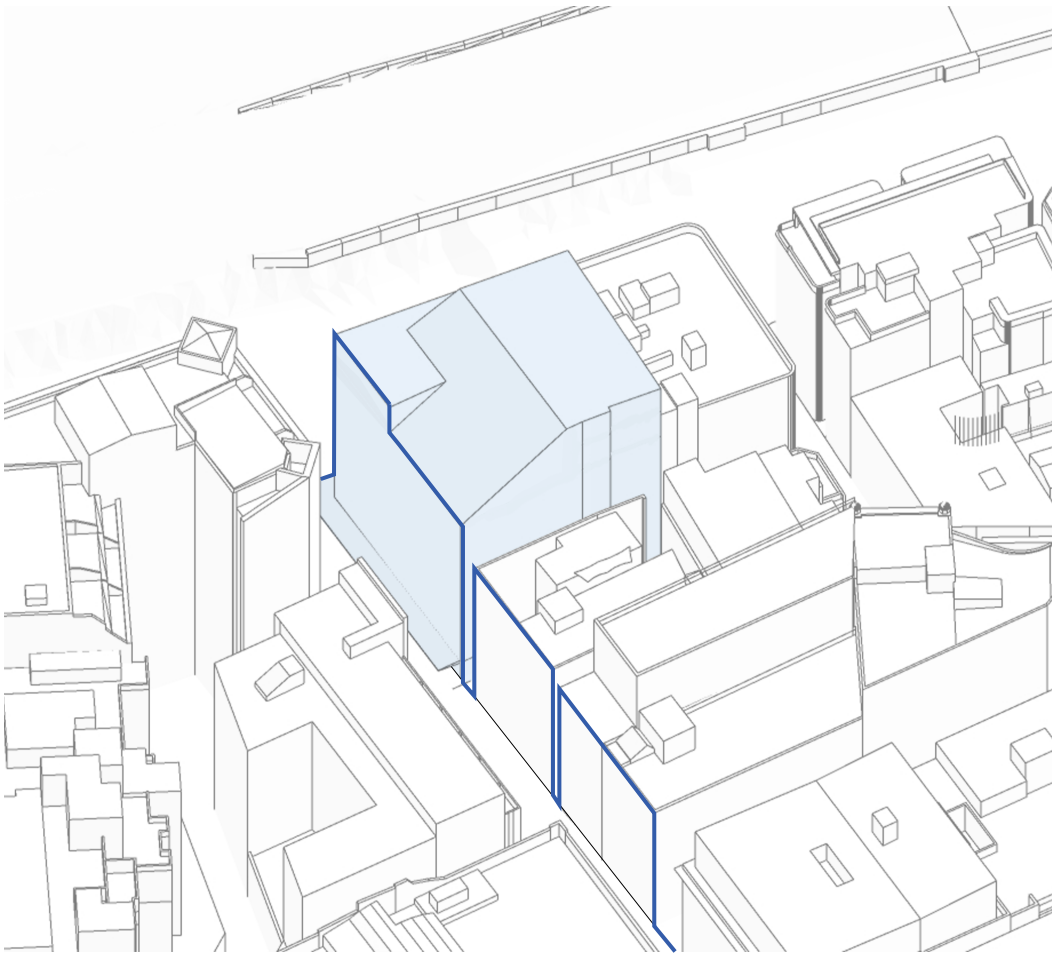
- Subject Site
- Street Wall



STREETSCAPE VIEWS - RESERVOIR STREET



VIEW 3

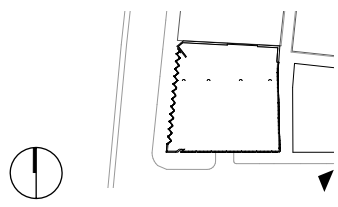


VIEW 3

Approaching the site along Reservoir Street from the east, the height inconsistency of the street wall is less pronounced than along Elizabeth Street due to the more constricted views permitted. However, the proposed volume would bring the site more broadly into line with the heights of the buildings both opposite and adjacent along Reservoir Street. The stepped massing allows the proposed volume to mediate between the street wall along Elizabeth Street and that along Reservoir Street, as well as providing greater solar amenity to the opposite residentail dwellings.

Legend

Subject Site
Street Wall





SITE PLAN - EXISTING STREET NETWORK

SCALE 1:1000 0 10 20 40

SUBJECT SITE

EXISTING STREET ACTIVATION

The existing local street network sustains a level of activation, in particular along Reservoir Street. There is also some activation along Elizabeth Street but this is compromised to a degree by the large traffic volumes. Moreover, there is some scattered activation in many of the smaller streets and lanes, such as along Foster Street, although these are often isolated from the main activation arteries such as Reservoir Street. The proposed through-site link, assisted by the newly instated link at 52 Reservoir Street, will assist in opening up these existing pockets of activation as well as promoting new activation.



SITE PLAN - PROPOSED STREET NETWORK

SCALE 1:500 0 5 10 20

THROUGH SITE LINK

EXISTING STREET ACTIVATION

POTENTIAL STREET ACTIVATION

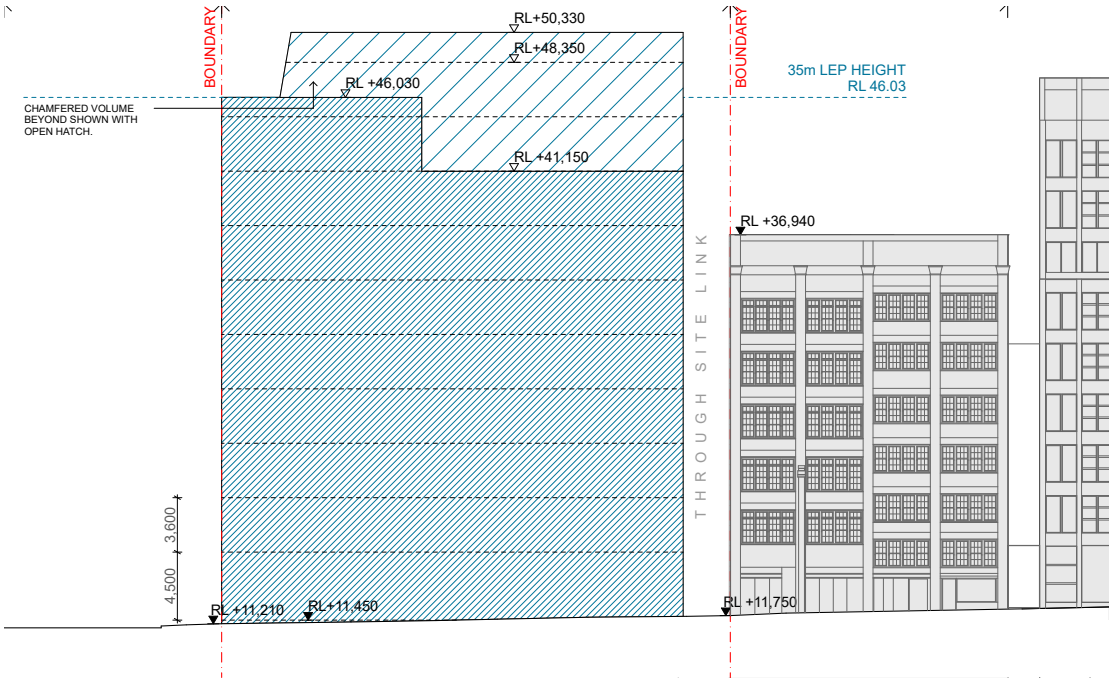
Existing street activation in the immediate vicinity of the site is focussed along Reservoir Street. Foster Lane to the north-east of the site boundary has historically been inactive. Recently however, Foster Lane has been provided with a new level of activation with the creation of a through-site link at 52 Reservoir Street along its western boundary edge. This progress to integrate Foster Lane into the Reservoir Street network will be assisted by the proposed through-site link along the eastern boundary of the subject site. The combined effect of new and existing links will encourage increased street activation along Foster Lane, leading off Reservoir Street.



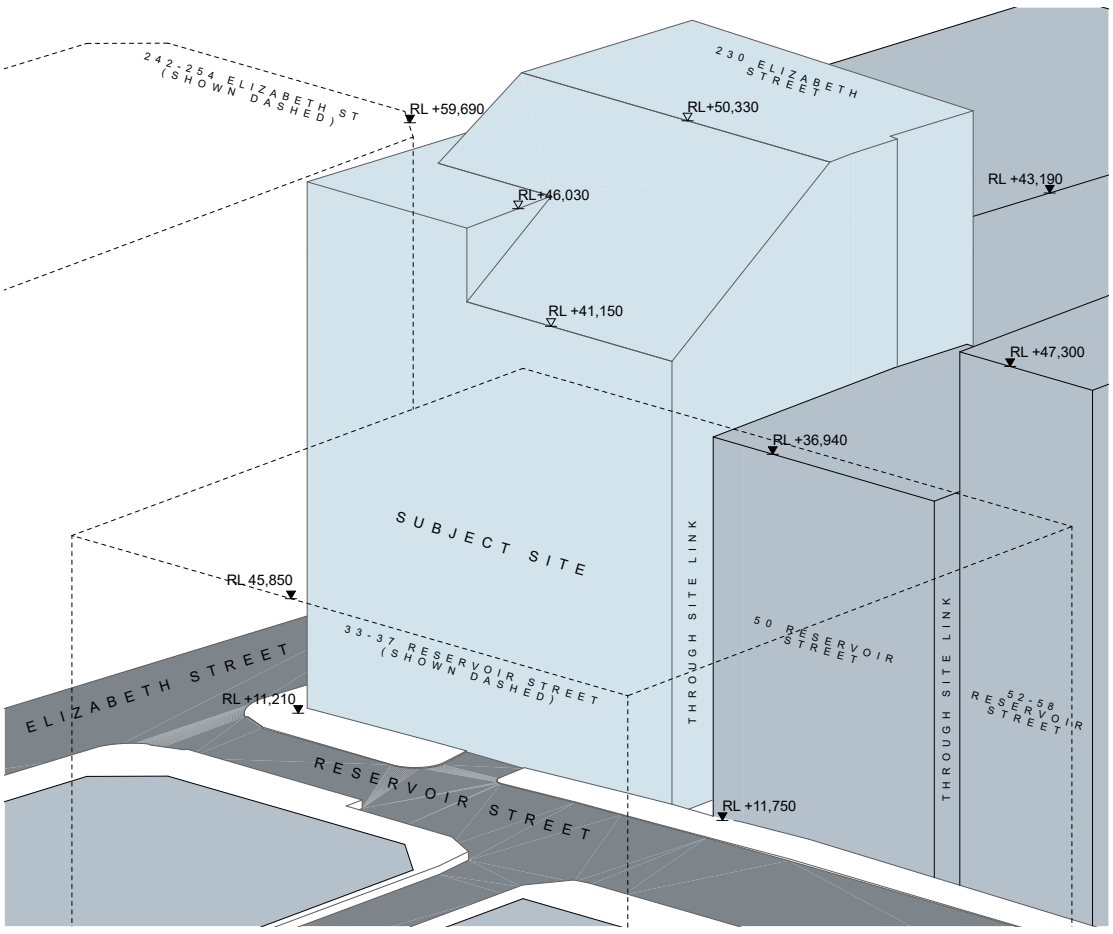
PROPOSED DCP CONTROLS



ROOF PLAN - PROPOSED ENVELOPE



SOUTH ELEVATION - PROPOSED ENVELOPE



ISOMETRIC - PROPOSED ENVELOPE

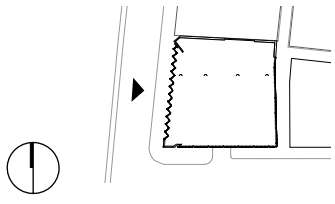
SCALE 1:500 0 5 10 20

INDICATIVE PROPOSAL



PERSPECTIVE VIEW - ELIZABETH STREET

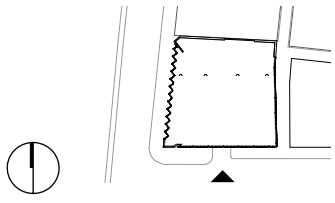
Artistic representation of the proposed development.
Prepared by Darc Studio.

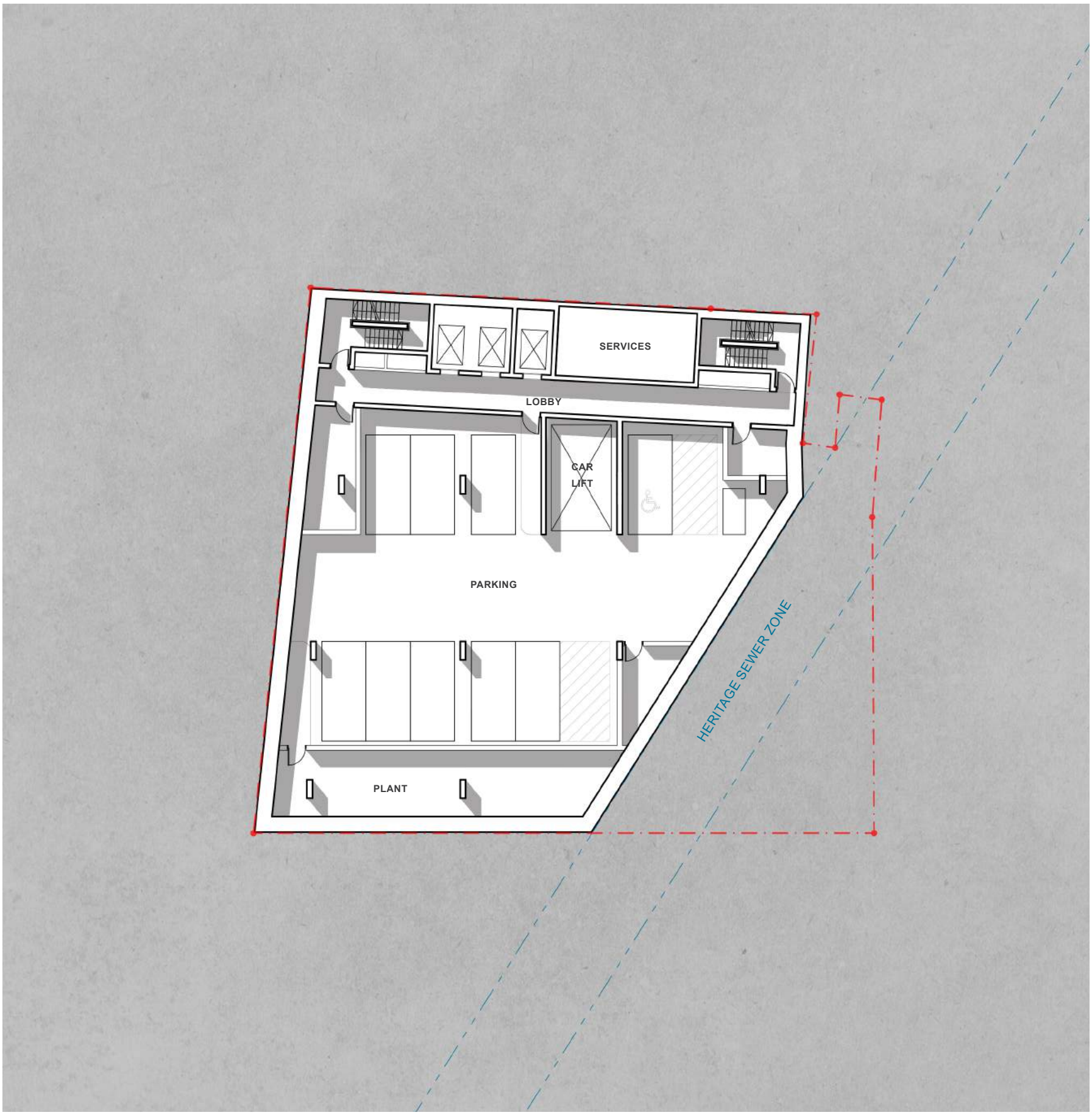




PERSPECTIVE VIEW - RESERVOIR STREET

Artistic representation of the proposed development.
Prepared by Darc Studio.

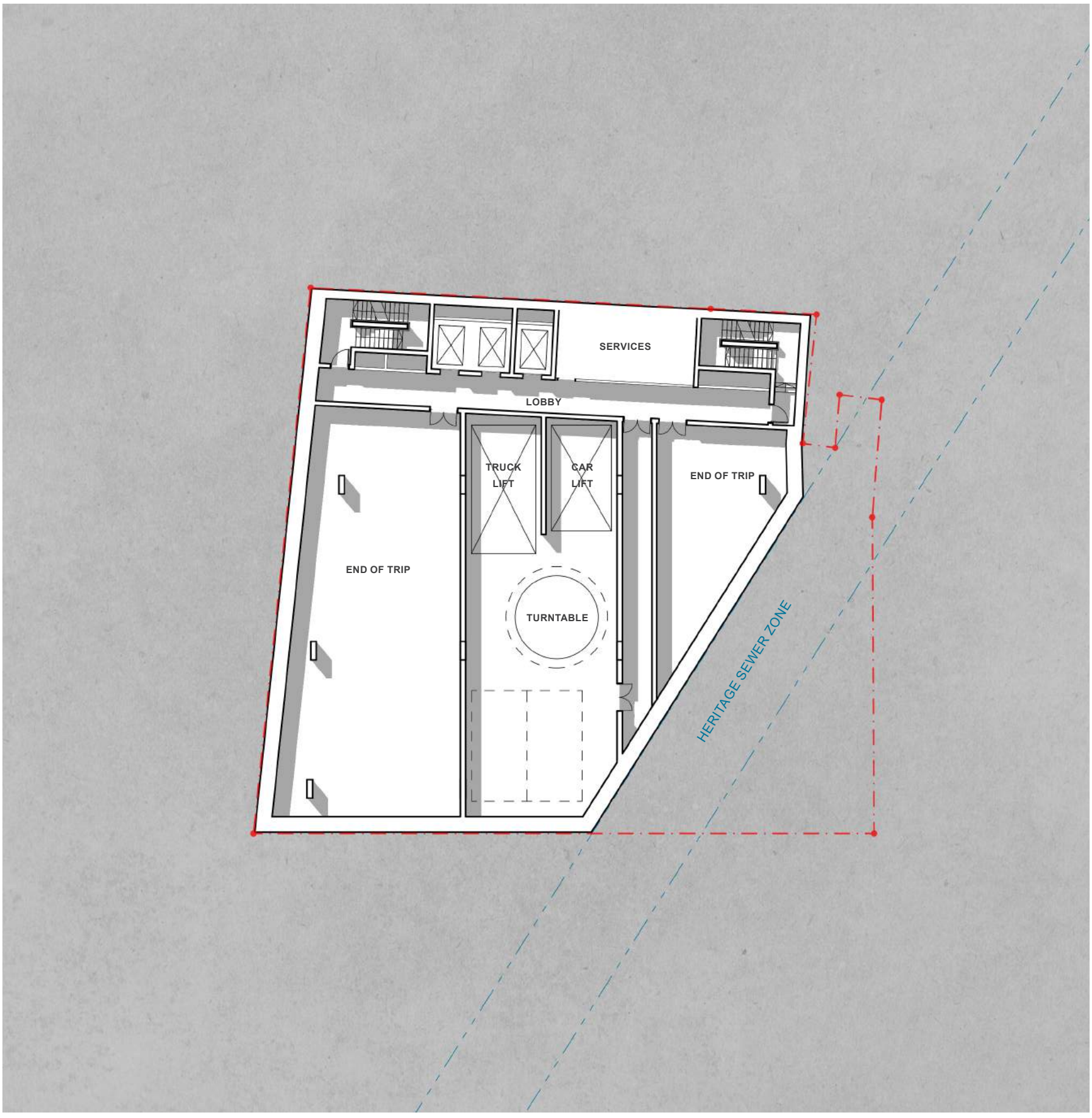




BASEMENT 3-4 PLAN

CAR PARKS PER LVL	9
MOTORCYCLE PARKS PER LVL	1

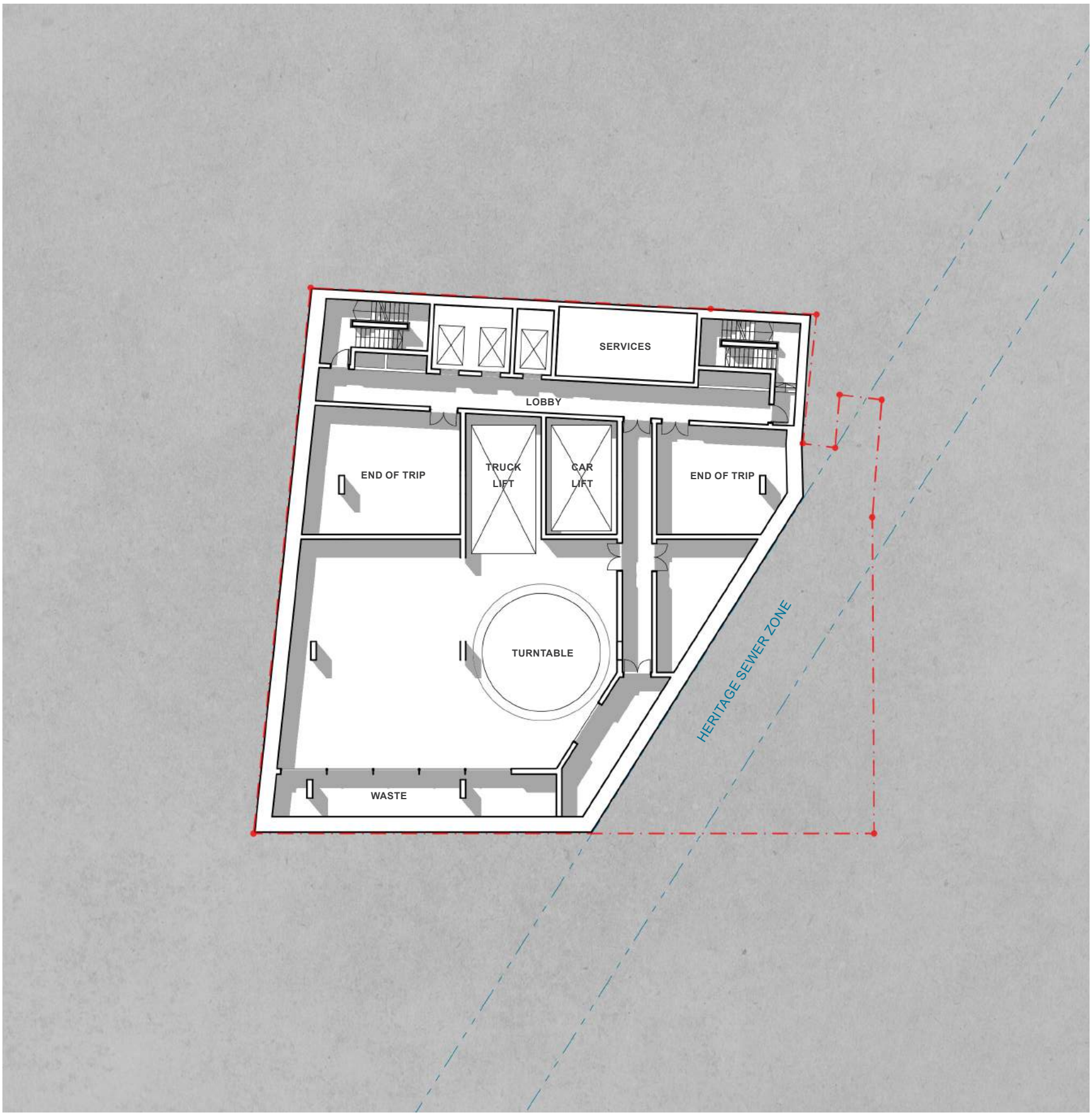
SCALE 1:250 0 5 15



BASEMENT 2 PLAN

END OF TRIP GFA **270 m²**

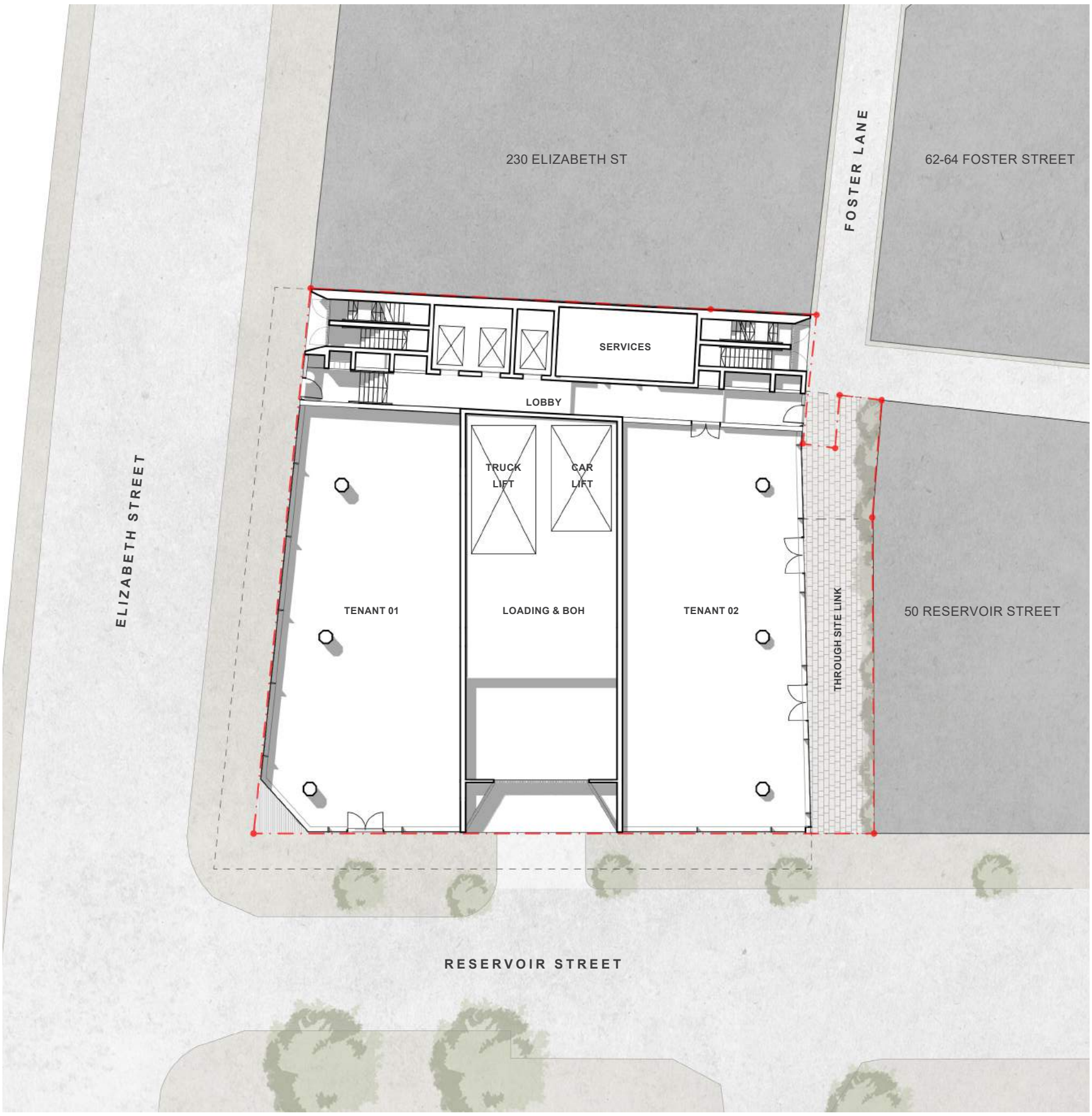
SCALE 1:250 0 5 15



BASEMENT 1 PLAN

END OF TRIP GFA **270 m²**

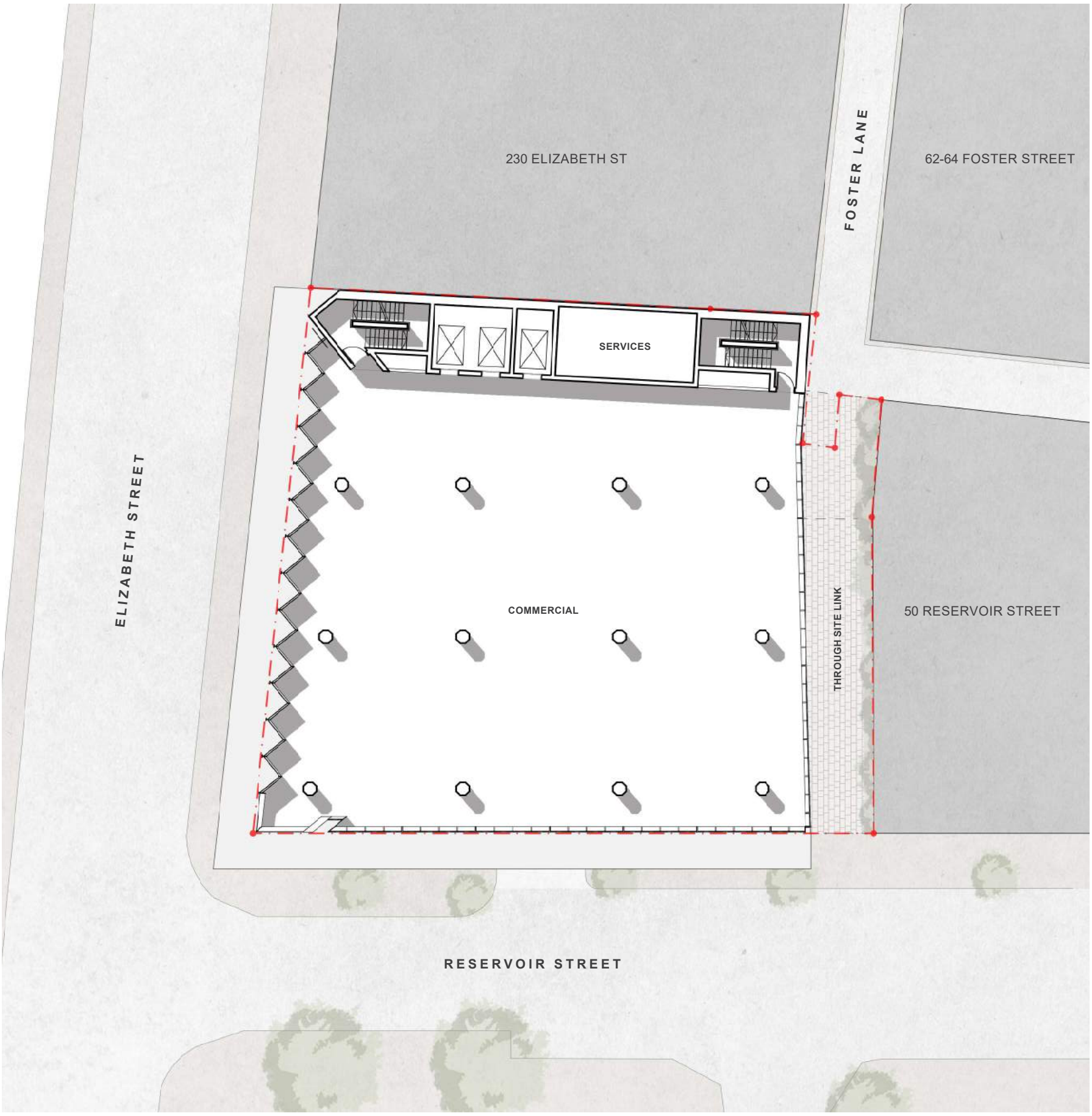
SCALE 1:250 0 5 15



GROUND FLOOR PLAN

SCALE 1:250 0 5 15

COMMERCIAL GFA	80 m²
RETAIL GFA	452 m²



TYPICAL FLOOR PLAN - L1 TO L7

COMMERCIAL GFA **714 m²**

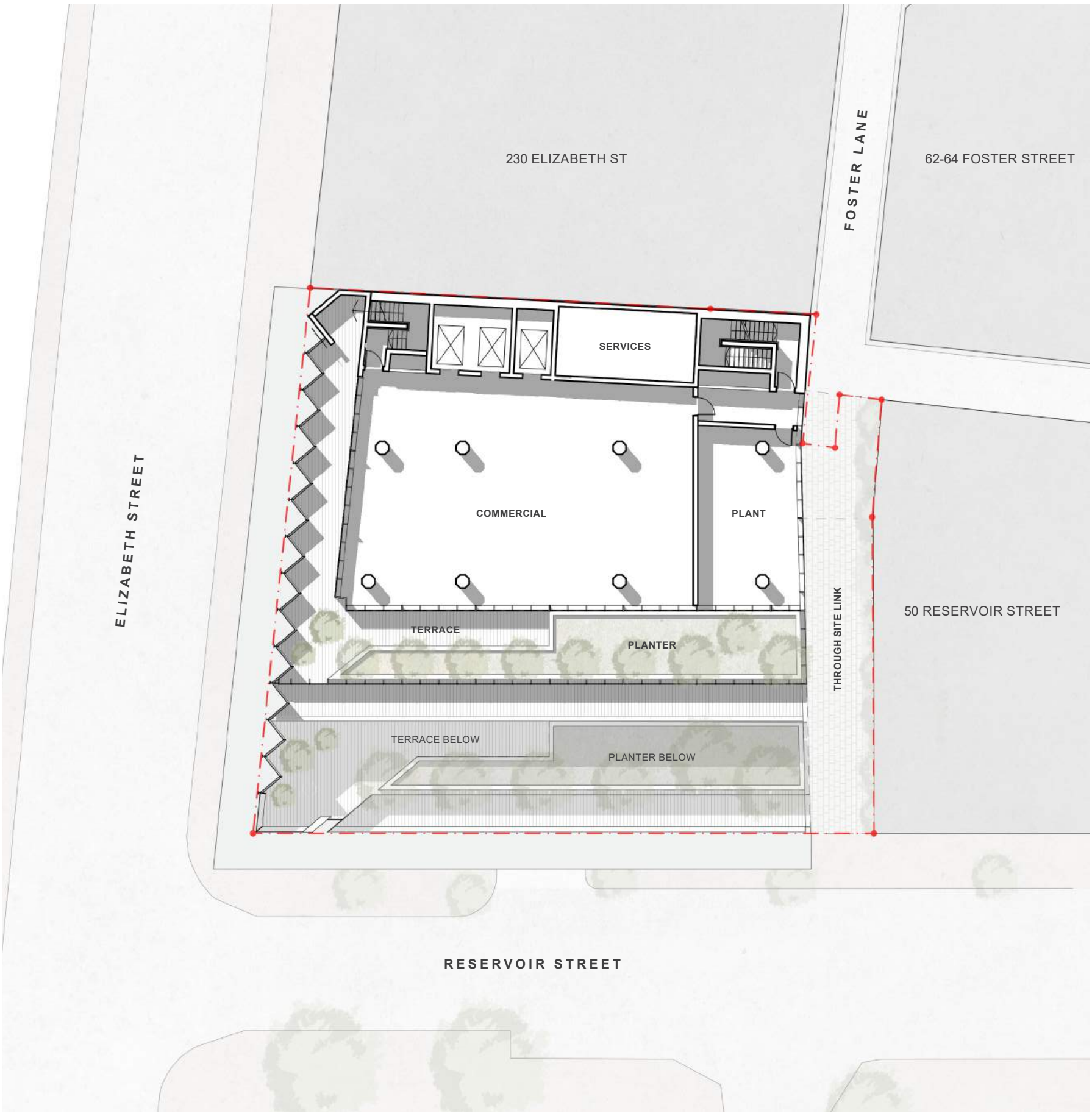
SCALE 1:250 0 5 15



FLOOR PLAN - L8

COMMERCIAL GFA	**539 m²**
TERRACE	**46 m²**

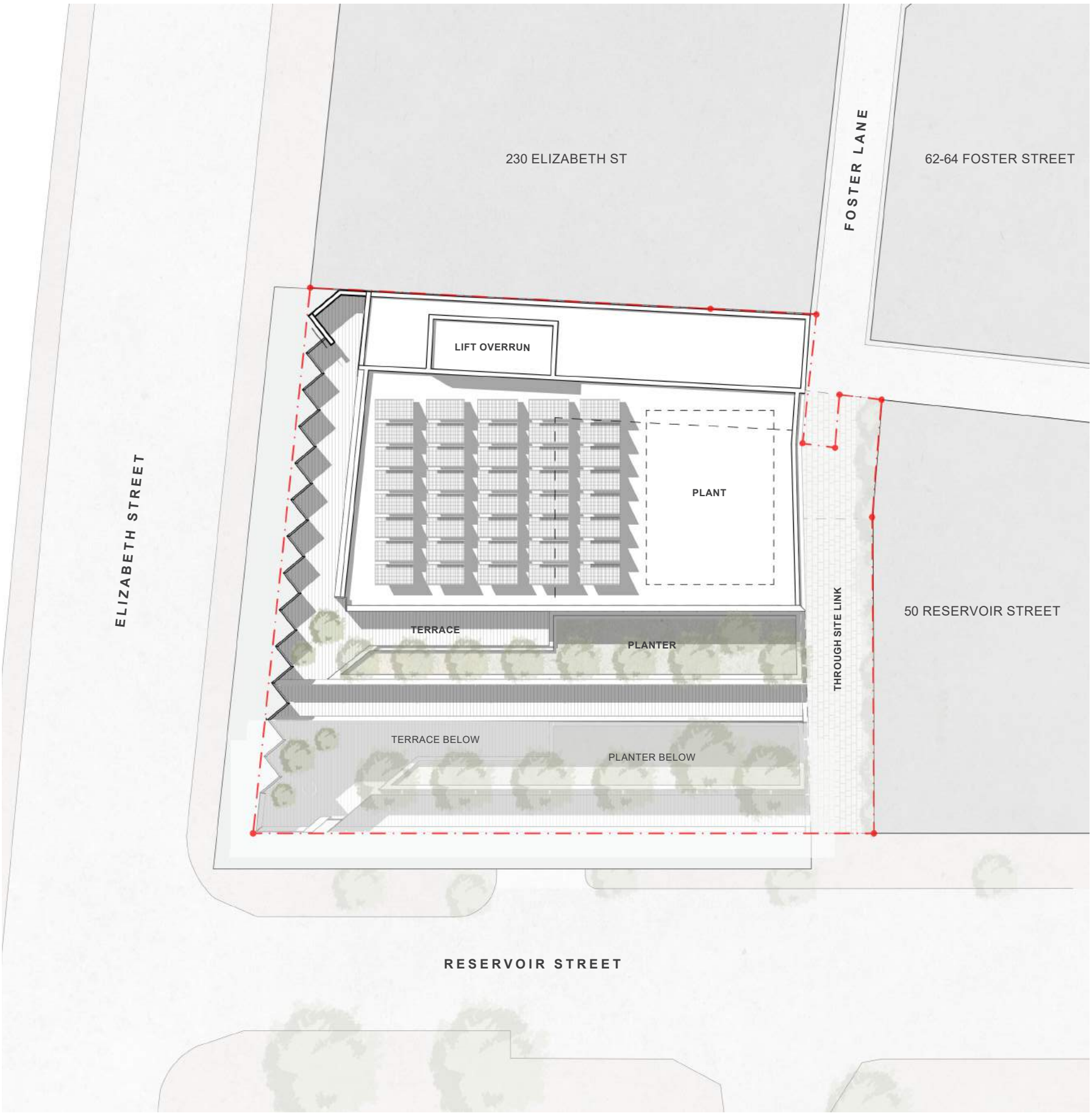
SCALE 1:250 0 5 15



FLOOR PLAN - L9

SCALE 1:250 0 5 15

COMMERCIAL GFA	**275 m²**
TERRACE	**37 m²**
PLANT	**173 m²**

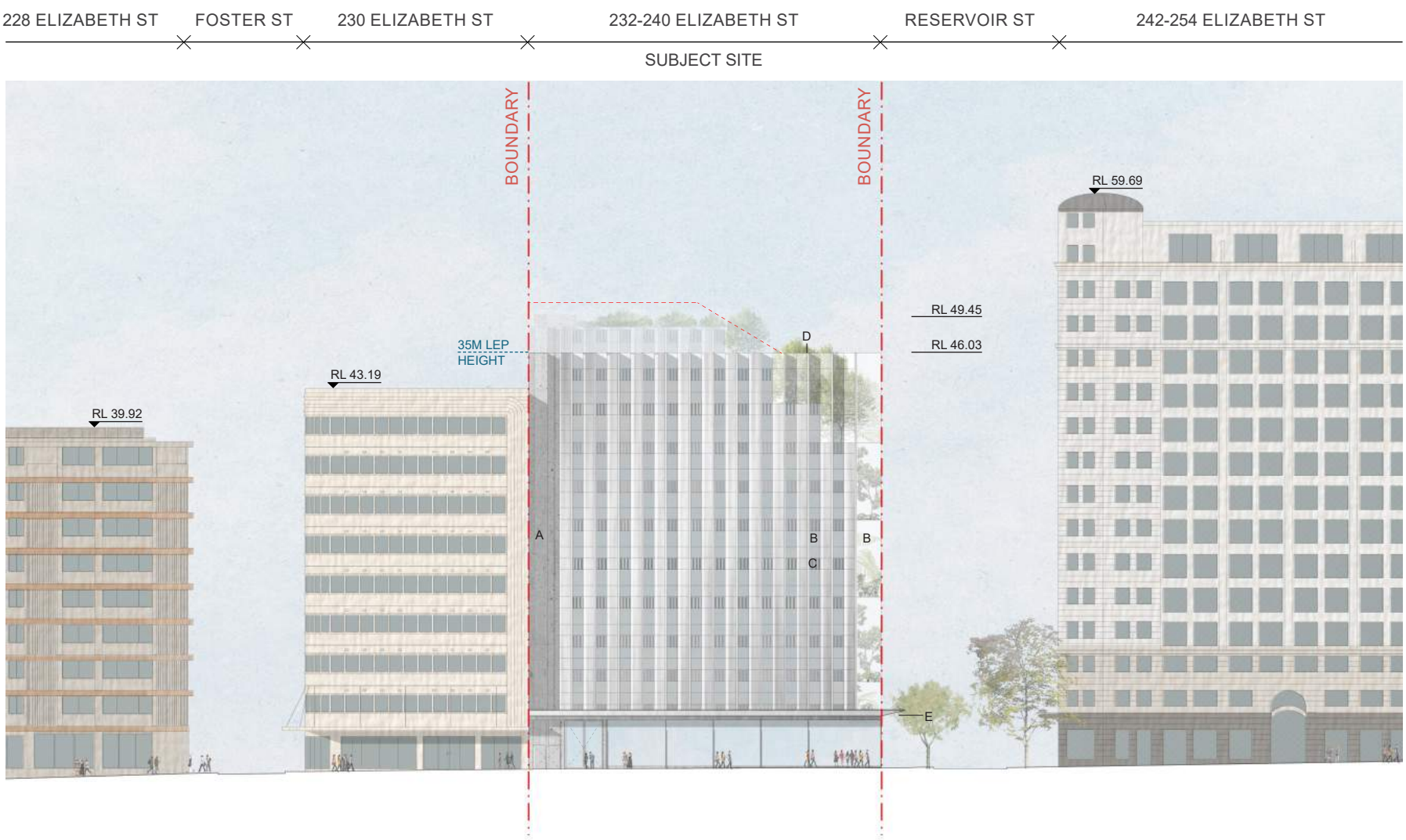


ROOF PLAN

SCALE 1:250

0 5 15

ELEVATION



WEST ELEVATION - ELIZABETH STREET

SCALE 1:500

0 5 10 20



A

Off-form Concrete

President Avenue Apartments, Candalepas Associates



B

Glass

Cullen Aalhuitzen House, Candalepas Associates



C

Reeded Glass

Plain English Design



D

Stainless Steel

Virchow 6, Álvaro Siza Vieira

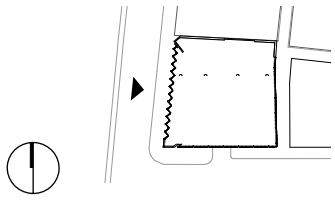


E

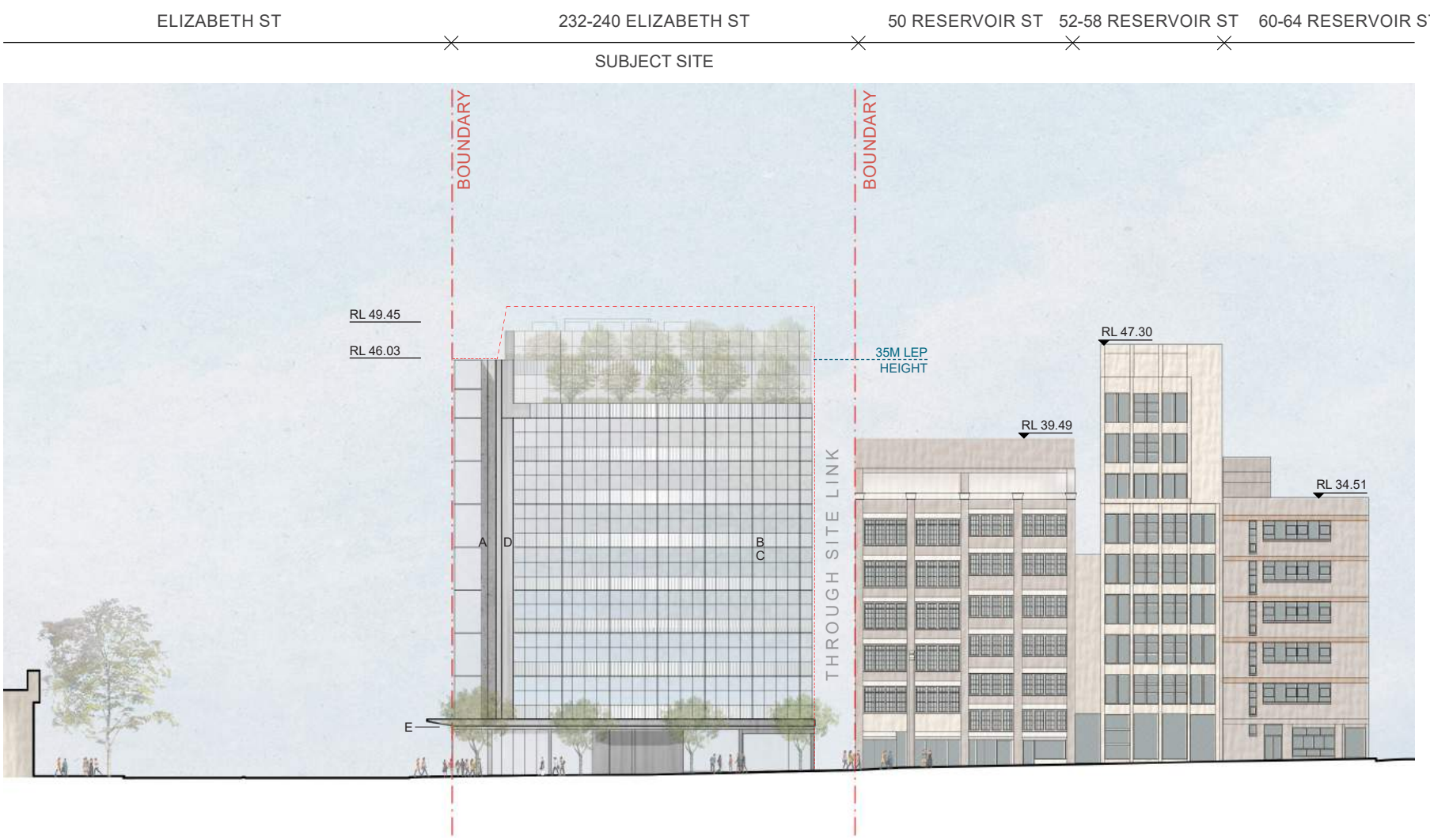
Dark Painted Steel

QT Hotel, Melbourne, Candalepas Associates

MATERIALS



ELEVATION



SOUTH ELEVATION - RESERVOIR STREET

SCALE 1:500 0 5 10 20



A

Off-form Concrete

President Avenue Apartments, Candalepas Associates



B

Glass

Cullen Aalhuitzen House, Candalepas Associates



C

Reeded Glass

Plain English Design



D

Stainless Steel

Virchow 6, Álvaro Siza Vieira

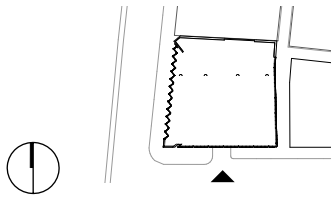


E

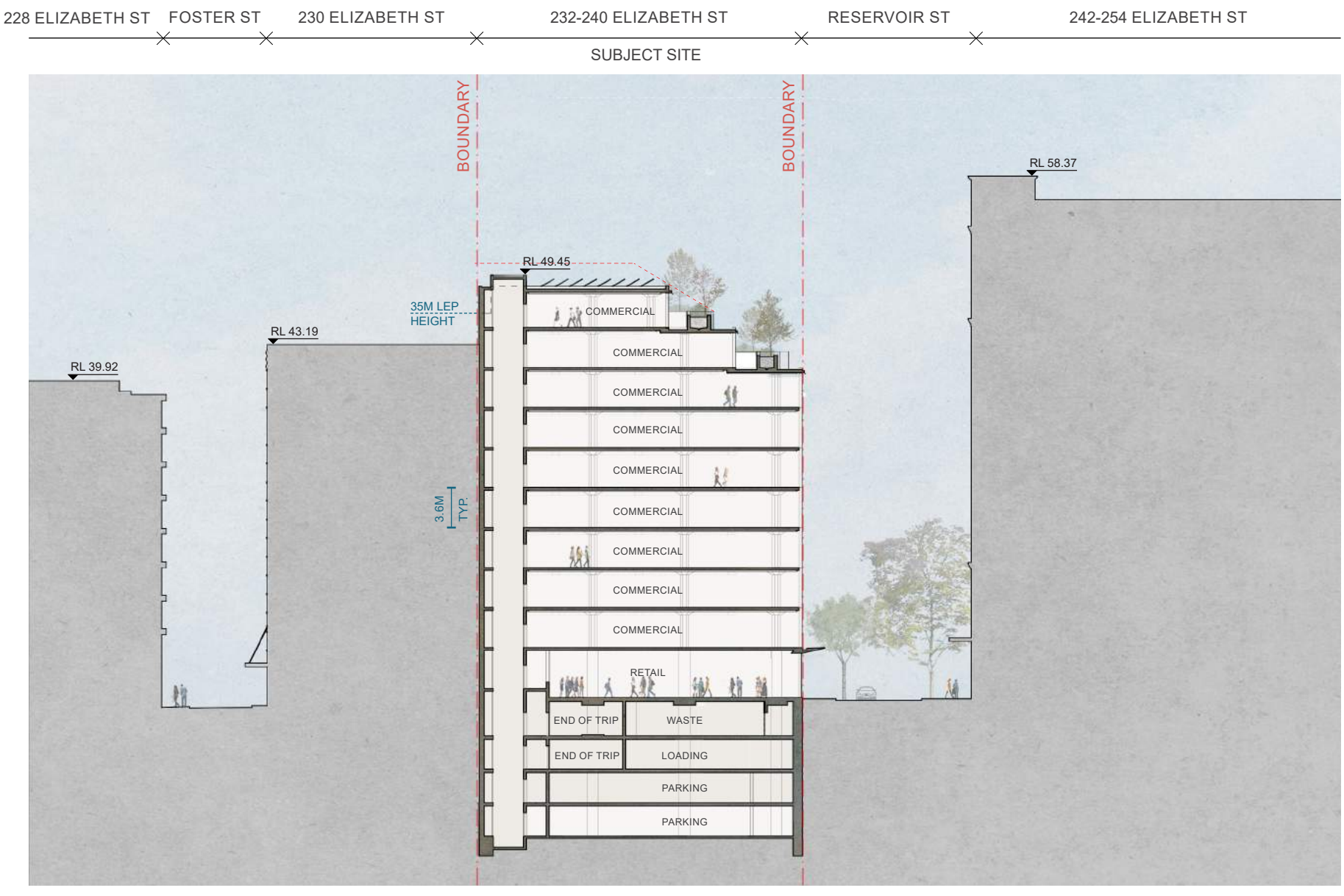
Dark Painted Steel

QT Hotel, Melbourne, Candalepas Associates

MATERIALS



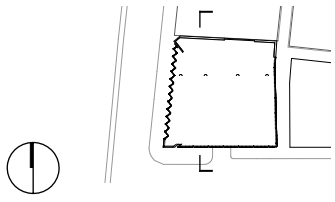
SECTION



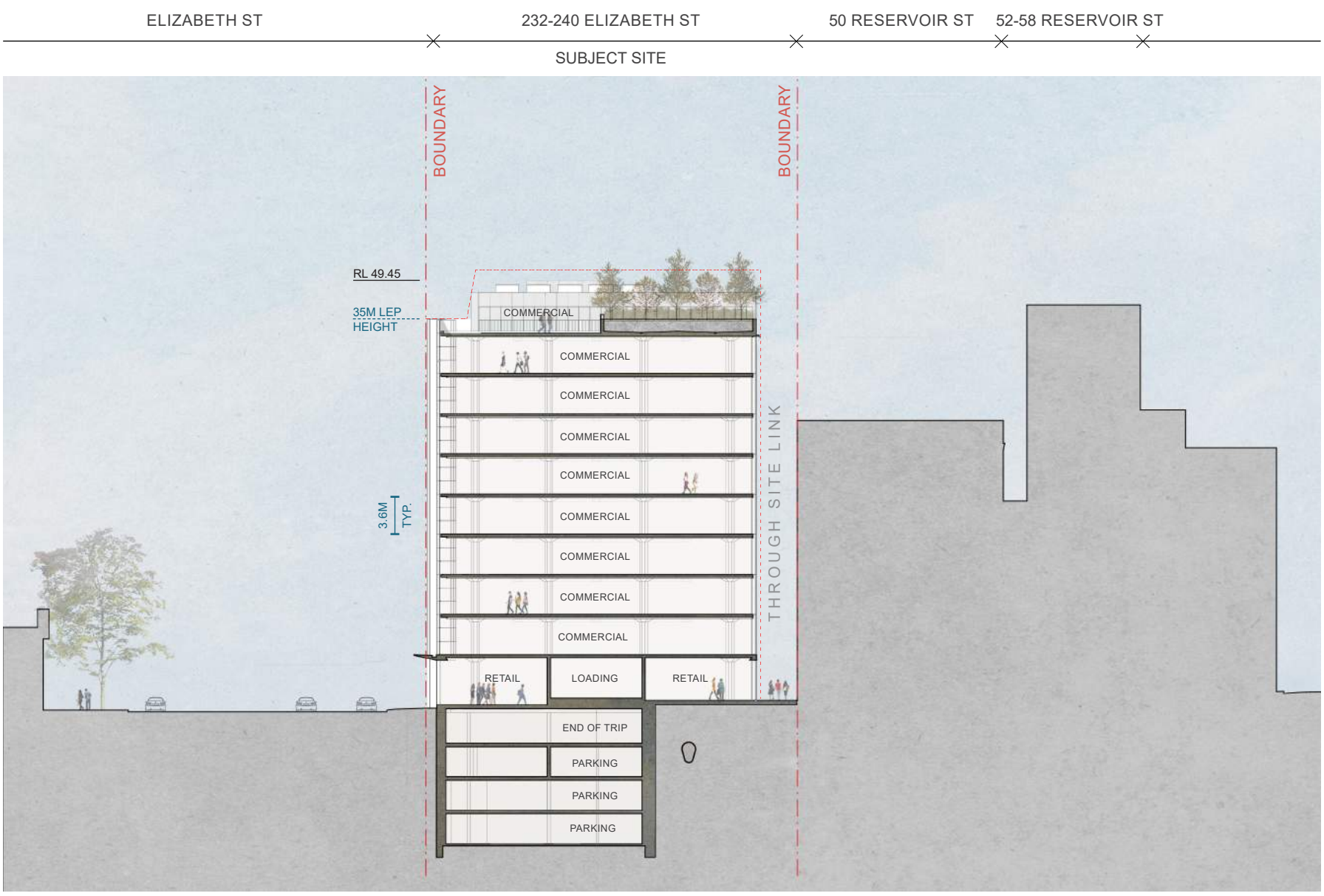
SECTION AA

SCALE 1:500

0 5 10 20



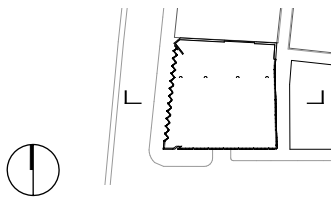
SECTION

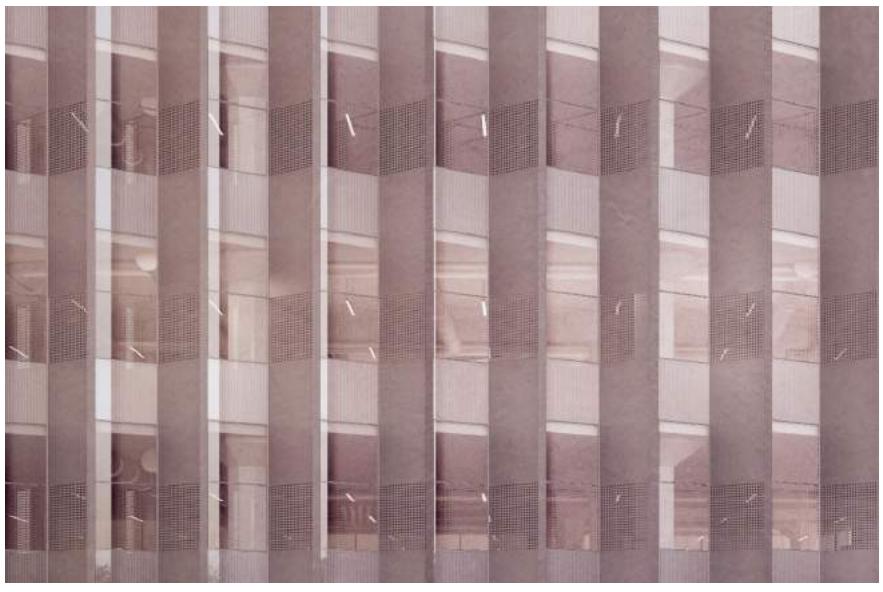


SECTION BB

SCALE 1:500

0 5 10 20

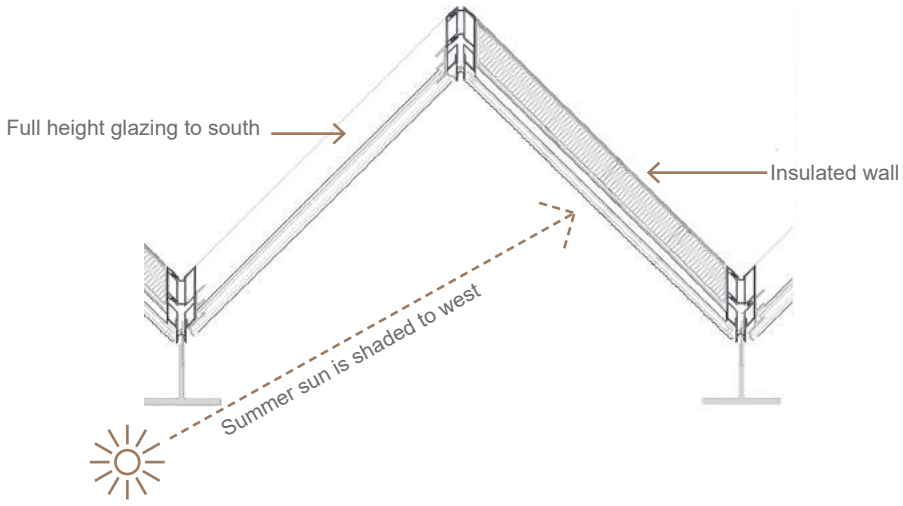




ELEVATION

Elizabeth St Elevation Detail

NTS



PLAN

Typical Plan Detail

0 0.5 1



SECTION

Typical Section Detail

SCALE 1:50

0 1 2

Legend

1 **Clear glass**

2 **Ribbed glass**

3 **Double glazed unit**

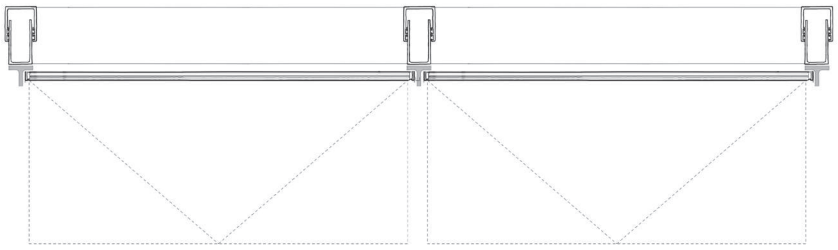
4 **Stainless Steel Frame**



ELEVATION

Reservoir St Elevation Detail

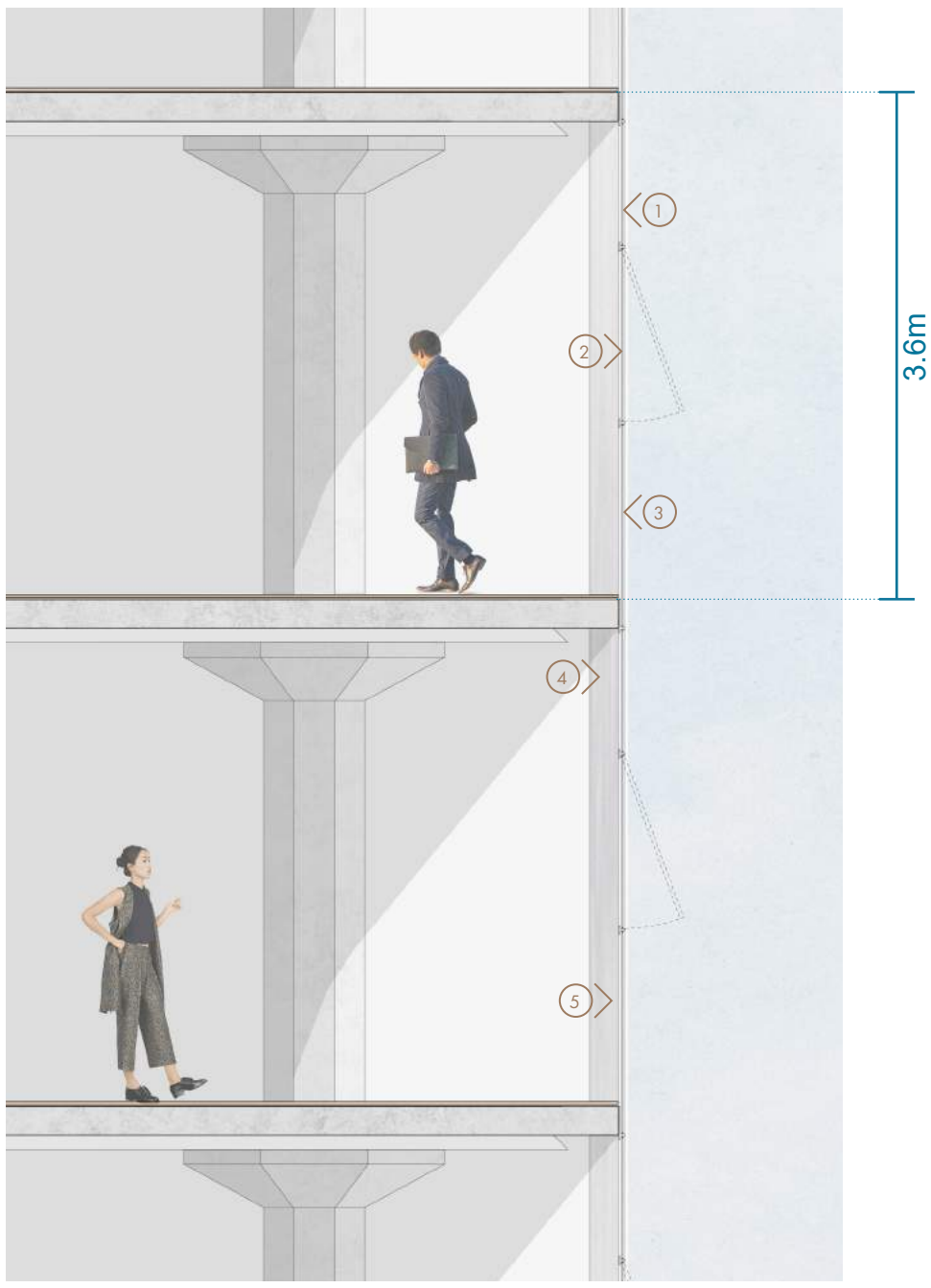
NTS



PLAN

Typical Plan Detail

0 0.5 1



SECTION

Typical Section Detail

SCALE 1:50

0 1 2

Legend

1 **Clear glass**

2 **Operable Glass**

3 **Ribbed Glass**

4 **Steel frame**

5 **Double glazed unit**



ELEVATION

Through Site Link Detail

NTS

SECTION

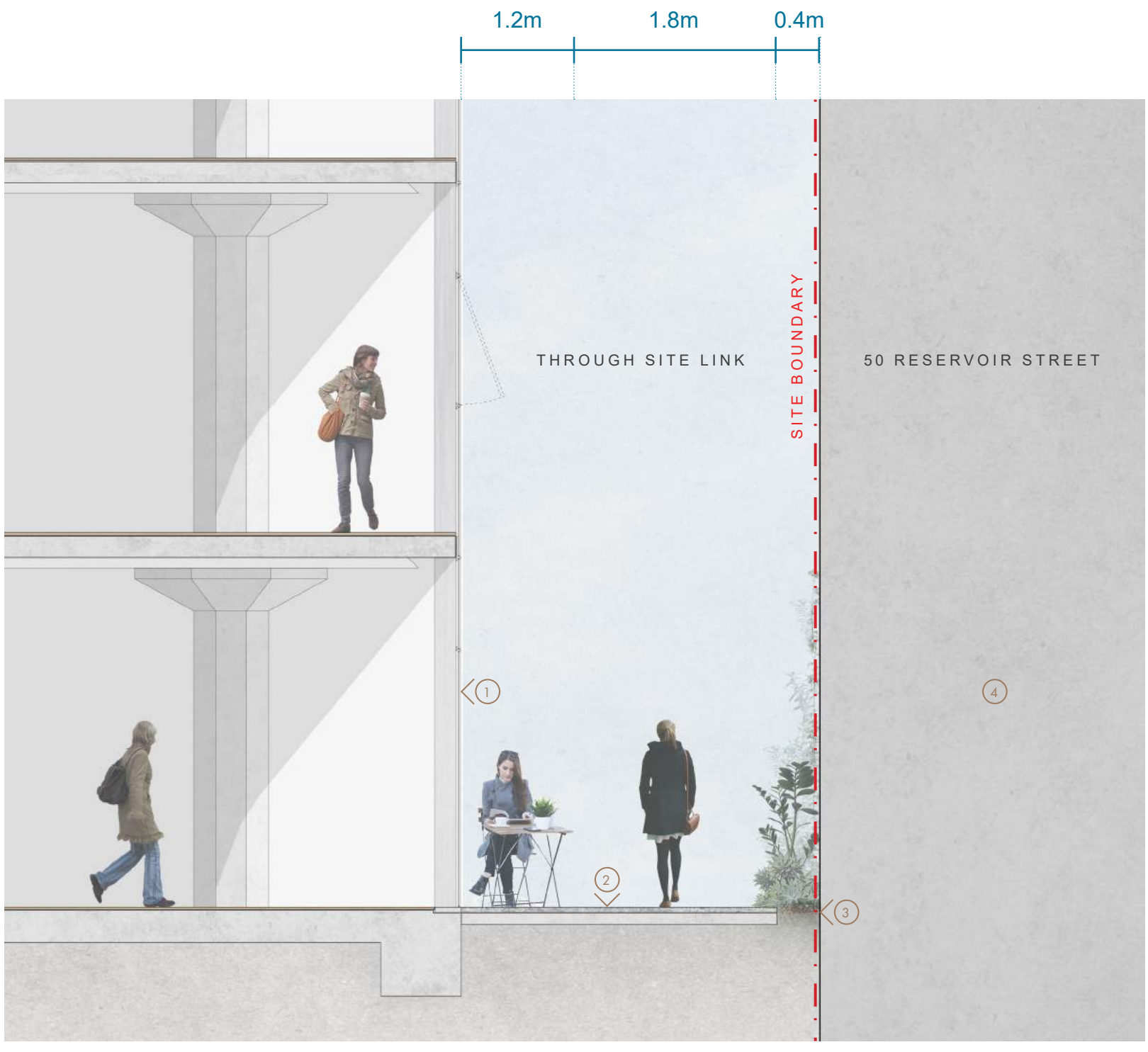
Typical Section Detail

SCALE 1:50

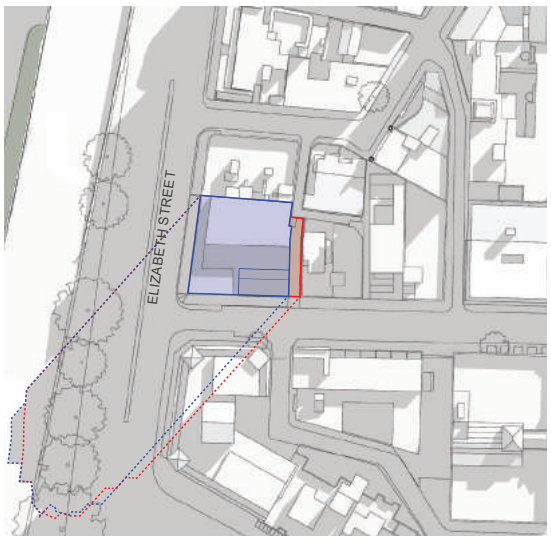
0 1 2

Legend

1 Glazed Entry Door
2 Stone Paving
3 Planter Bed
4 Existing Building



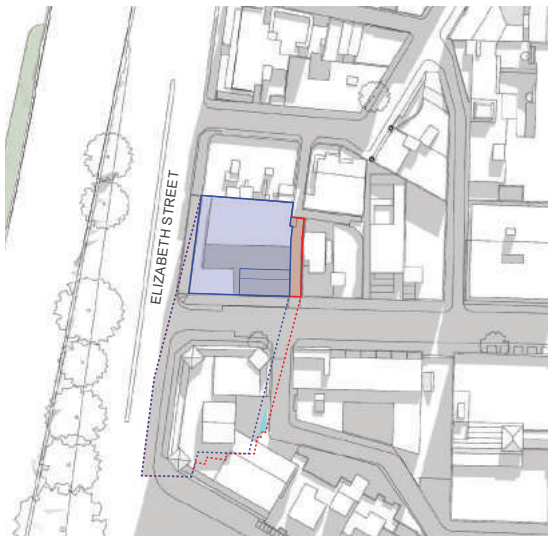
SHADOW DIAGRAMS



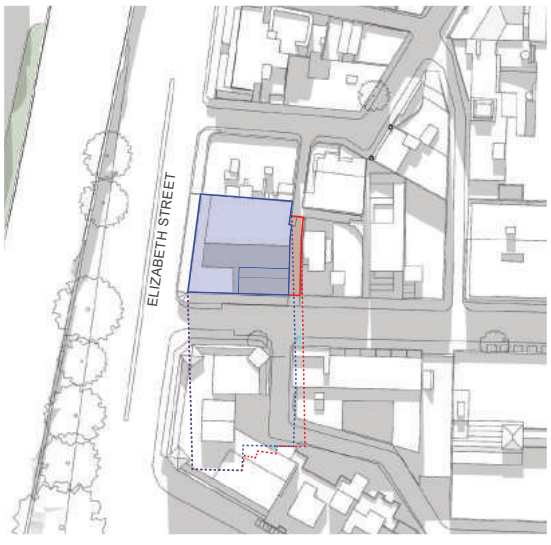
9AM JUNE 21



10AM JUNE 21



11AM JUNE 21



12PM JUNE 21



1PM JUNE 21



2PM JUNE 21



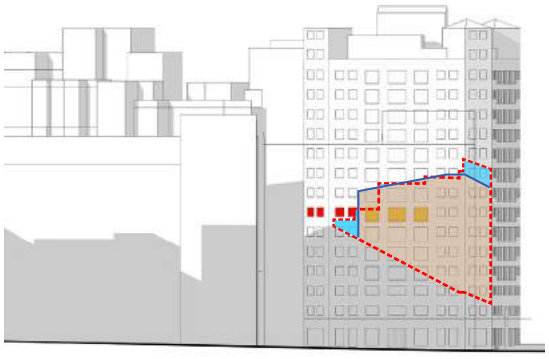
3PM JUNE 21

LEGEND

- EXISTING SHADOW
- APPROVED STAGE 1 DA ENVELOPE (DA/2016/1451)
- APPROVED STAGE 1 DA SHADOW ON GROUND (DA/2016/1451)
- PROPOSED ENVELOPE
- PROPOSED SHADOW ON GROUND
- PROPOSED SHADOW INCREASE
- PROPOSED SHADOW REDUCTION

NTS

RESERVOIR STREET SHADOW ELEVATIONS



9AM JUNE 21



10AM JUNE 21



11AM JUNE 21



12PM JUNE 21



1PM JUNE 21



2PM JUNE 21

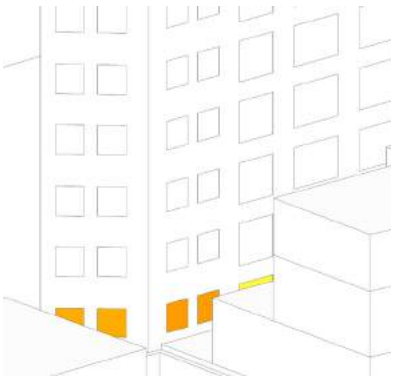


3PM JUNE 21

LEGEND

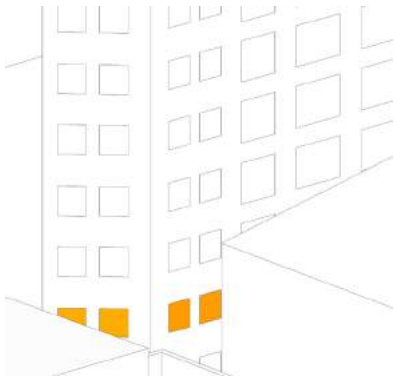
- EXISTING SHADOW
- APPROVED STAGE 1 DA SHADOW ENVELOPE (DA/2016/1451)
- PROPOSED SHADOW ENVELOPE
- PROPOSED ADDITIONAL SHADOW
- PROPOSED SHADOW REDUCTION
- 601/242-254 ELIZABETH ST
- 602/242-254 ELIZABETH ST

As illustrated in the adjacent diagrams, the proposed envelope provides an overall reduction in shadow cast when compared to the approved Stage 1 DA envelope. Both residential apartment buildings at 242-254 Elizabeth St & 33-37 Reservoir St are provided greater solar access on their north facing elevations than previously approved.



APPROVED STAGE 1 DA

9AM JUNE 21



PROPOSED

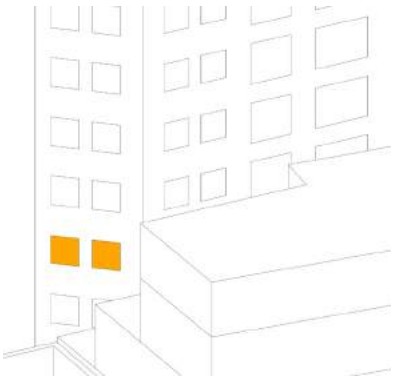


APPROVED STAGE 1 DA

9:30AM JUNE 21

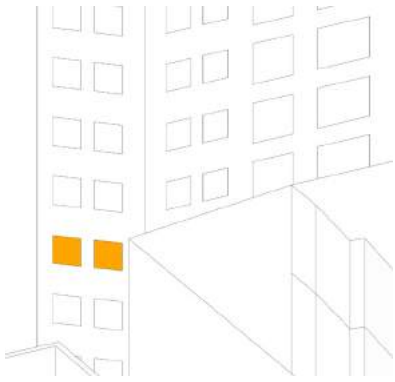


PROPOSED

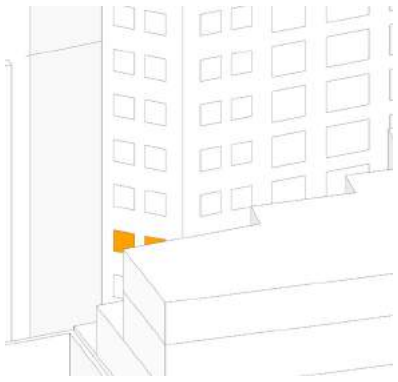


APPROVED STAGE 1 DA

10AM JUNE 21



PROPOSED



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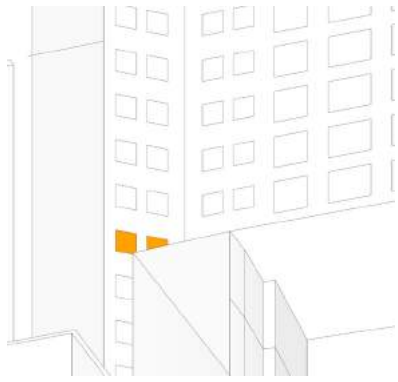
10:30AM JUNE 21



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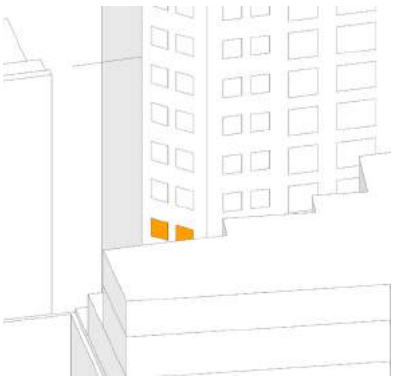
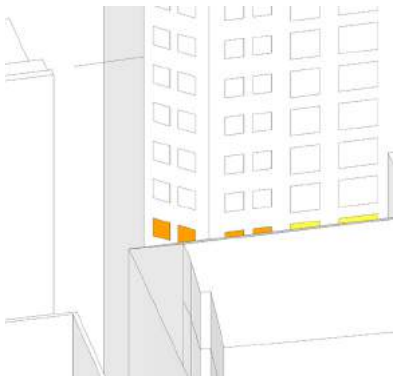


APPROVED STAGE 1 DA

11AM JUNE 21



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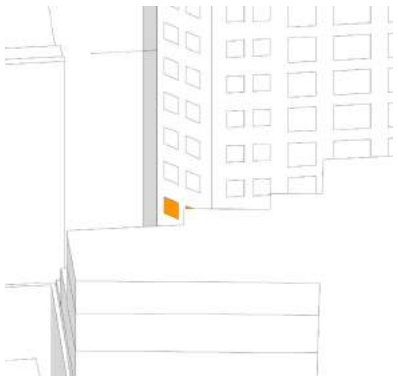
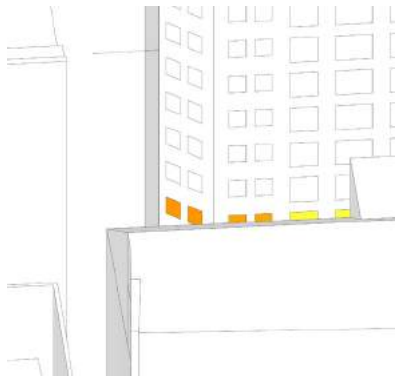
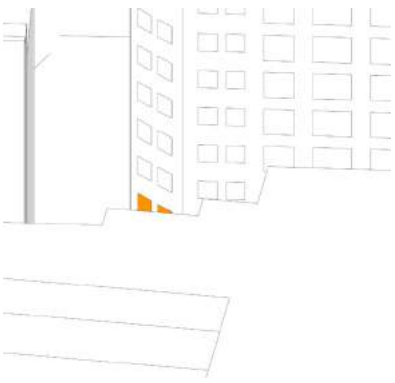


APPROVED STAGE 1 DA

11:30AM JUNE 21

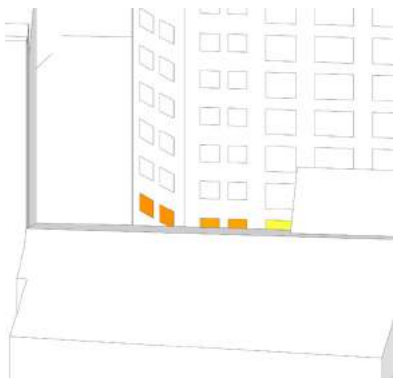


PROPOSED



APPROVED STAGE 1 DA

12PM JUNE 21



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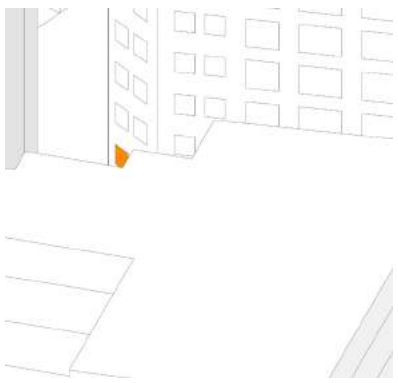

APPROVED STAGE 1 DA

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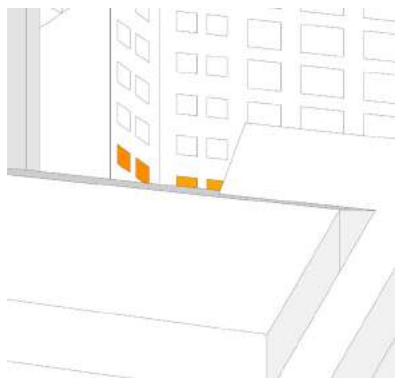


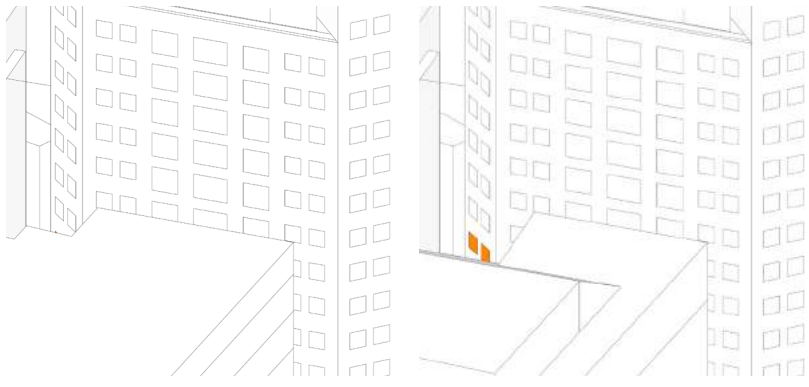
PROPOSED

LEGEND

601/242-254 ELIZABETH ST

602/242-254 ELIZABETH ST

242-254 ELIZABETH ST VIEWS FROM THE SUN



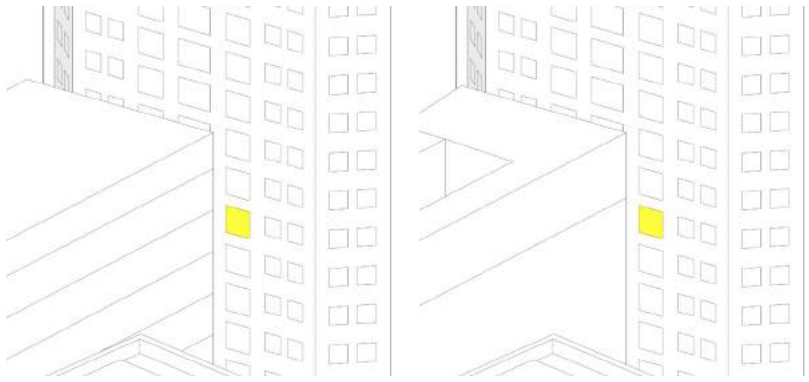
APPROVED STAGE 1 DA PROPOSED

1PM JUNE 21



APPROVED STAGE 1 DA PROPOSED

1:30PM JUNE 21



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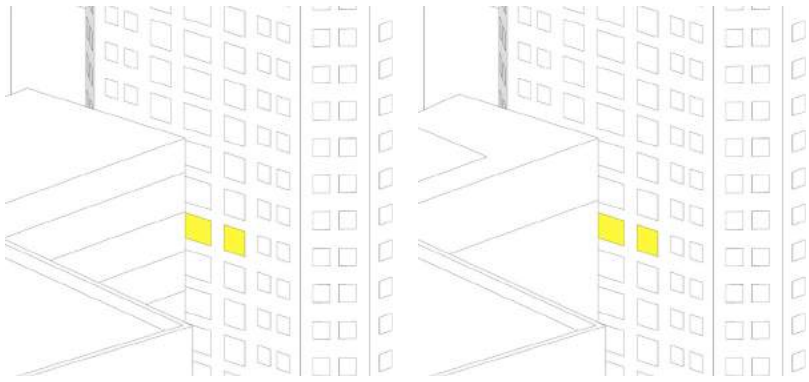
2PM JUNE 21



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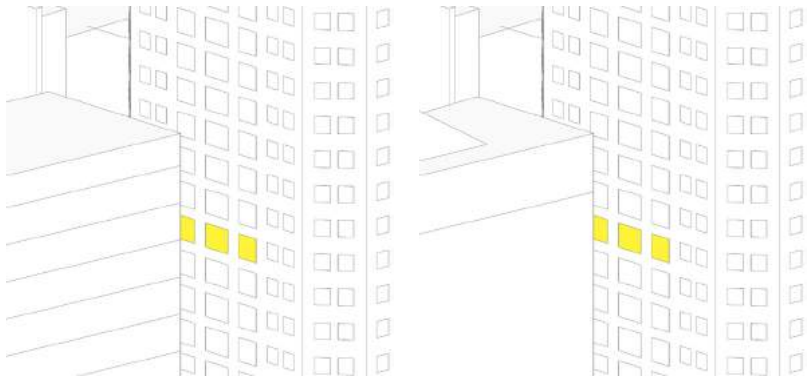
2:30PM JUNE 21



APPROVED STAGE 1 DA PROPOSED

3PM JUNE 21

242 ELIZABETH ST - UNITS 601&602
COMPARATIVE SOLAR ACCESS

The following table shows the period(s) during which at least 1sqm of living space is exposed to direct sunlight for units 601 & 602 of 242-254 Elizabeth Street. As demonstrated, the proposed envelope provides a solar improvement to both apartments when compared to the approved envelope. In particular, the proposed envelope provides over 2 hours of solar access to both units which exceeds the minimum provisions of the Apartment Design Guide. It is noted that the previously approved envelope did not meet this requirement.

LEGEND

601/242-254 ELIZABETH ST

602/242-254 ELIZABETH ST

APPROVED

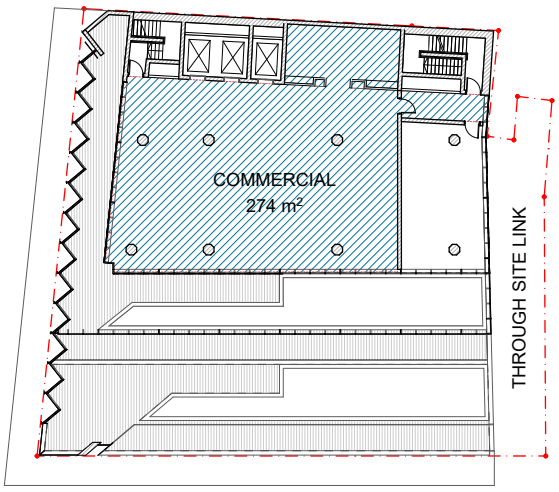
UNIT NO.	9.00 AM	9.30 AM	10.00 AM	10.30 AM	11.00 AM	11.30 AM	12.00 PM	12.30 PM	1.00 PM	1.30 PM	2.00 PM	2.30 PM	3.00 PM	TOTAL HOURS	2 + HOURS	CHANGE
601														3HR 45MIN	COMPLIES	N/A
602														1HR 45MIN	NON–COMPLIANCE	N/A

PROPOSED

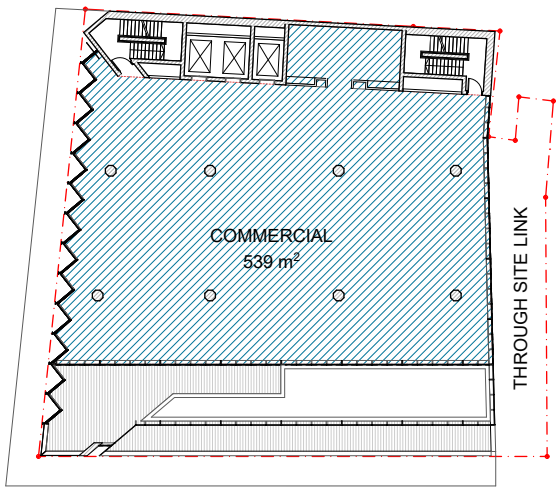
UNIT NO.	9.00 AM	9.30 AM	10.00 AM	10.30 AM	11.00 AM	11.30 AM	12.00 PM	12.30 PM	1.00 PM	1.30 PM	2.00 PM	2.30 PM	3.00 PM	TOTAL HOURS	2 + HOURS	CHANGE
601														4HR 15MIN	COMPLIES	+13%
602														2HR 15MIN	COMPLIES	+28%

INDICATES DIRECT SUN ACCESS TO GLAZING TO LIVING SPACE – OVER 1 SQM

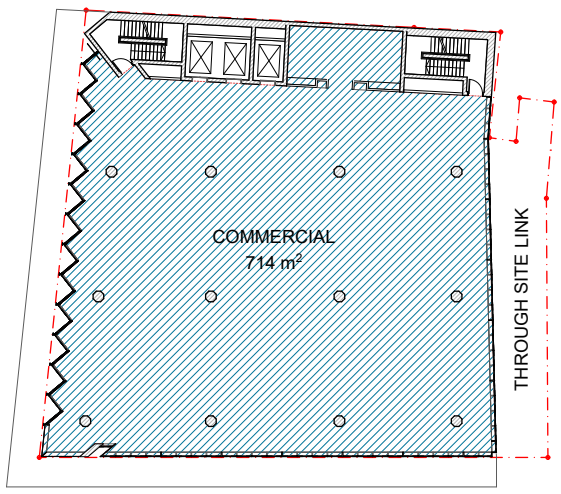
INDICATIVE PROPOSAL - PLANS



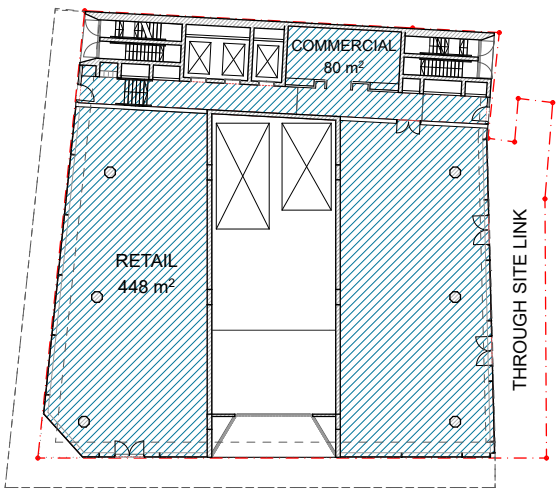
LEVEL 9 PLAN



LEVEL 8 PLAN



TYPICAL PLAN - L1- L7



GROUND FLOOR PLAN

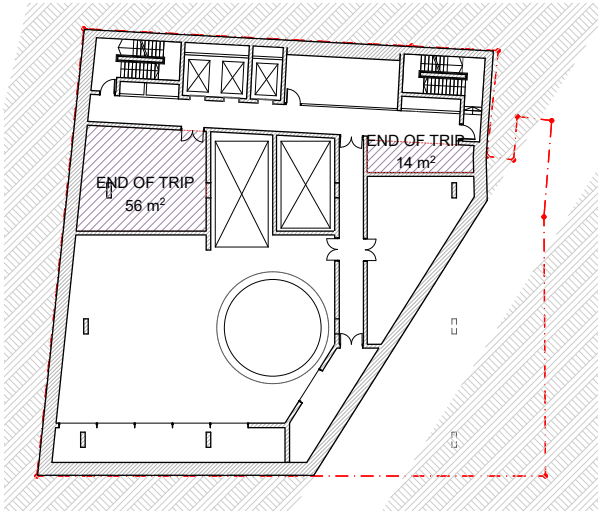
EXISTING CONTROLS - SYDNEY LEP 2012

SITE AREA:	905.6 SQM
ZONE:	B4 - MIXED USE
HEIGHT:	35M
STOREYS:	10
FSR:	5:1
GFA:	4,528 SQM
MAX. PARKING:	1 SPACE/200 SQM +1 ACCESSIBLE VISITOR/20 SPACES +1 SERVICE SPACE
GREENING & TERRACE:	135.84 SQM (15% SITE AREA)
END OF TRIP:	271.68 SQM (FSR 0.3:1)

INDICATIVE PROPOSAL - YIELD ANALYSIS

SITE AREA:	905.6 SQM
ZONE:	B4 - MIXED USE
HEIGHT:	35M
STOREYS:	9
FSR:	7:1
GFA:	6,339 SQM
MAX. PARKING:	16 CAR PARKING SPACES +2 ACCESSIBLE PARKING SPACES +1 SERVICE SPACE +2 MOTORCYCLE PARKING SPACES
GREENING & TERRACE:	143 SQM (15% SITE AREA)
END OF TRIP:	270 SQM (FSR 0.3:1) +42 STAFF BICYCLE PARKS +42 STAFF LOCKERS +7 SHOWER & CHANGE CUBICLES +21 VISITOR BICYCLE PARKS

GROUND	APPROX.448 SQM
LEVEL 1	APPROX.714 SQM
LEVEL 2	APPROX.714 SQM
LEVEL 3	APPROX.714 SQM
LEVEL 4	APPROX.714 SQM
LEVEL 5	APPROX.714 SQM
LEVEL 6	APPROX.714 SQM
LEVEL 7	APPROX.714 SQM
LEVEL 8	APPROX.539 SQM
LEVEL 9	APPROX.274 SQM
PROPOSED TOTAL GFA	6,259 SQM
PROPOSED FSR	7:1



BASEMENT 1 PLAN

SCALE 1:500

0 5 10 20

Appendix B – Deposited Plan – Public Road Dedication Limited in Stratum

CERTIFICATE ORDER SUMMARY

Transaction Details

Date:	12/07/2023 09:20
Order No.	80291562
Certificate No:	119523826
Your Reference:	3642636
Certificate Ordered:	NSW LRS - Copy of Plan - Deposited Plan 597228
Available:	Y
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PLAN FORM 2 — Plan Drawing only to appear in this space — OFFICE USE ONLY

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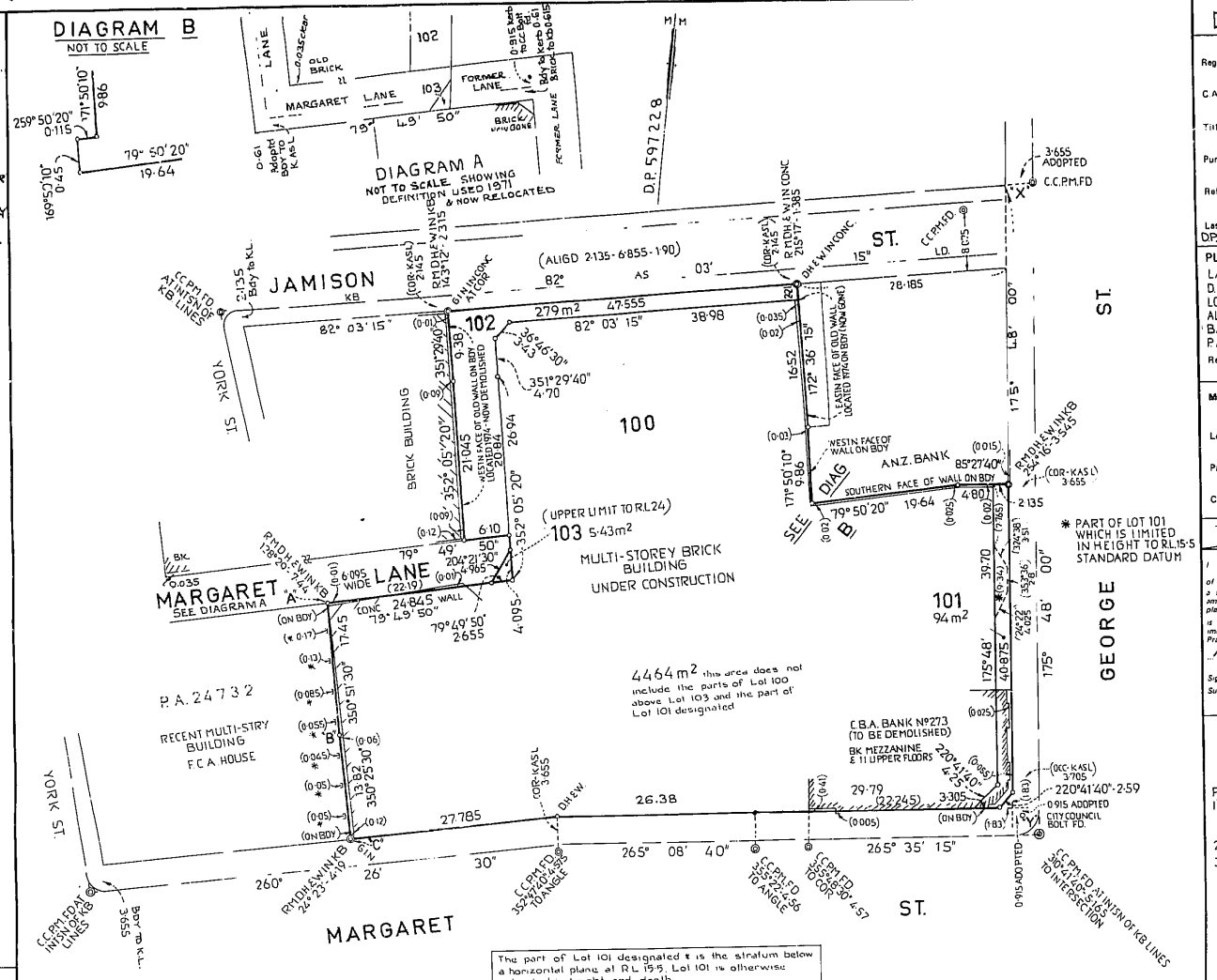
.....DIRECTOR

.....SECRETARY

DATED.....

DIAGRAM B
NOT TO SCALE



NOTES: BOUNDARY A-B-C
"A"-"B" DEFINED BY EASTERN FACE OF OLD WALL (NOW GONE)
"B"-"C" PASSED THROUGH BK WALL (NOW GONE) AT "C" BDY 0·23 WEST OF EASTN FACE OF WALL (LOCATED 1974) NOW GONE (VIDE FP 74732)
* DENOTES FACE OF COLUMN CLEAR

The part of Lot 101 designated * is the stratum below a horizontal plane at R.L. 15·5 Lot 101 is otherwise unlimited in height and depth
Lot 103 is the stratum below a horizontal plane at R.L. 24 and is unlimited in depth
Lot 100 includes the strata above Lot 103 and the part of Lot 101 designated * and is exclusive of those lots and is otherwise unlimited in height and depth
All levels are related to standard datum

B.M. USED TO ESTABLISH STANDARD DATUM SHOWN HEREON IS A BOLT & A CUT ON LOW STONE WALL ON SOUTH SIDE OF JAMISON ST. ABT. 7·6 METRES EAST OF YORK ST. ALIGNMENT ADOPTED AS R.L. 25·073 STANDARD DATUM.

Town Council Clerk's Certificate

I hereby certify that –

(a) the requirements of the Local Government Act, 1919 (other than the requirements for the registration of plans), and

*(b) ~~the requirements of section 348 of the Metropolitan Water, Sewerage and Drainage Act, 1924, as amended, Hunter District Water, Sewerage, and Drainage Act 1938, as amended~~

have been complied with by the applicant in relation to the proposed subdivision (insert "new road", "subdivision" or "consolidated lot") set out herein

Subdivision No 17/1978

Date 25th October, 1976

(Signature) ..... Town Council Clerk

*This part of certificate to be deleted where the application is only for a consolidated lot or the opening of a new road or where the land to be subdivided is wholly outside the areas of operations of the Metropolitan Water Sewerage and Drainage Board and the Hunter District Water Board.
(Delete if inapplicable.

Amendment to Title Block made in the G.G.O. vide 1979 M7(874) 20-5-1981

M.P.D

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

D.P. 597228

Registered: 17-8-1978

C.A.: No 17/1978 of 25-10-1976

Title System: TORRENS

Purpose: SUBDIVISION

Ref. Map: R.P 433# BARRACK SQUARE#

Last Plan: D.P. 250180 #176(L)#
DP.564209, DP.3375238 OTHERS

PLAN OF SUBDIVISION OF THE LAND IN P.A. 37536, LOT 22 D.P. 564208, APPN 37512, F.P. 62160, LOT 1718 D.P. 564209, D.P. 250180, ALLOTMENTS 13, 14, 15, 16 & PT. 12 SEC. 4 BARRACK SQ. LOT 1 F.P. 337523, P.A. 33337 & F.P. 50861

Reduction Ratio 1: 400
Lengths are in metres.

Mun./Shire
City: SYDNEY
Locality: SYDNEY
Parish: PHILIP ST. ~~PHILLIP~~
County: CUMBERLAND

This is sheet 1 of my plan in ..... sheets.
(Delete if inapplicable).

I WILLIAM LAWRENCE REIN
COLWELL, LARCOMBE & REIN
of 104 BATHURST ST. SYDNEY
a surveyor registered under the Surveyors Act, 1929, as amended, hereby certify that the survey represented in this plan ..... is accurate and has been made *(~~in accordance~~ (2) under my immediate supervision in accordance with the Survey Practice Regulations, 1933, and was completed on *16th May 1978.

Signature .....
Surveyor registered under Surveyors Act, 1929, as amended.
Datum Line of Azimuth.
*Strike out either (1) or (2) *(insert date of survey.

Panel for use only for statements of intention to dedicate public roads or to create public reserves, drainage reserves, easements or restrictions as to user.

IT IS INTENDED TO DEDICATE TO THE PUBLIC FOR ROAD
1) LOT 101 - BUT LIMITING IN HEIGHT THAT PART OF THIS LOT SHOWN * TO R.L. 15·5 STANDARD DATUM
2) LOT 102
3) LOT 103 - BEING LIMITED IN HEIGHT TO R.L. 24 STANDARD DATUM

AND THERE ARE NO OBJECTIONS TO SUCH LOTS BEING SHOWN AS ROAD ON CERTIFICATES OF TITLE OF ADJOINING LANDS.

AMENDMENT TO AREA OF LOT 100 ADDITION OF 30 M², MADE IN ... THE REGISTERED ...

SURVEYOR'S REFERENCE: P 735/7814-A

I, Bruce Richard Davies, Under Secretary for Lands and Registrar General for New South Wales, certify that this negative is a photograph made as a permanent record of a document in my custody this day.

1st June, 1981

Req:R867814 /Doc:DP 0597228 P /Rev:10-Sep-1992 /NSW LRS /Pgs:ALL /Prt:12-Jul-2023 09:20 /Seq:1 of 1
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Attachment A3

Economic and Social Impact Report

PLANNING LAB

Economic and Social Impact Report

Impact of Increased Density at 232-240 Elizabeth Street, Surry Hills



Prepared by Planning Lab

Issued 24 November 2023

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Introduction

Planning Lab has been engaged by Stasia Holdings Pty Ltd to prepare an Economic and Social Impact Report of the proposed increase to the non-residential floor space ratio of 232-240 Elizabeth Street, Surry Hills. The increased density is being proposed under a planning proposal along with a maximum building envelope. The indictive concept design accompanying the planning proposal envisions the demolition of the existing structures on site for replacement with a new 10-storey commercial building with three basement levels.

The proposed increase in commercial GFA is a response to market demand for commercial office space within Surry Hills and on the Sydney CBD fringe. The proposal also responds to the State planning priority to achieve a 30-minute city by locating additional commercial floor space within short walking distance from Central Train Station.

The City of Sydney has requested the preparation of an Economic and Social Impact Report to discuss the social and economic benefits of the planning proposal. This Report demonstrates that there is sufficient demand for commercial floor space within Surry Hills to warrant the increased density. The analysis also demonstrates that the demographics of Surry Hills are favourable towards the type of employment likely to be available during the building's operational phase. Accordingly, the Report finds that the proposed increase in available floor space on the subject site will have a positive social and economic impact.

Methodology

The following have been undertaken in the preparation of this Report:

- a site visit;
- a review of the strategic land use policies applicable to the site and proposal;
- a socio-economic review of available ABS Census data; and,
- a summary of commercial office leasing trends;

Resources

The following resources were used to produce this report:

- Australian Bureau of Statistics (2011). Census of Population and Housing
- Australian Bureau of Statistics (2016). Census of Population and Housing
- Australian Bureau of Statistics (2021). Census of Population and Housing
- Knight Frank (2019) Sydney City Fringe: Office Market Report – June 2019
- Knight Frank (2020) Sydney CBD: Office Market Report – September 2020
- Knight Frank (2021) Sydney CBD: Office Market Report – September 2021
- Knight Frank (2022) Sydney CBD: Office Market Report – September 2022

Project Context

Site Location

The subject site is located at 232-240 Elizabeth Street, Surry Hills within the City of Sydney Local Government Area (LGA). It is located approximately 300 metres north of Central Train Station (Figure 1). The surrounding area is characterised by a mix of commercial and residential land uses. The ground level is typified by active retail tenancies. Development along Elizabeth Street is dominated by buildings greater than 6 storeys in height.

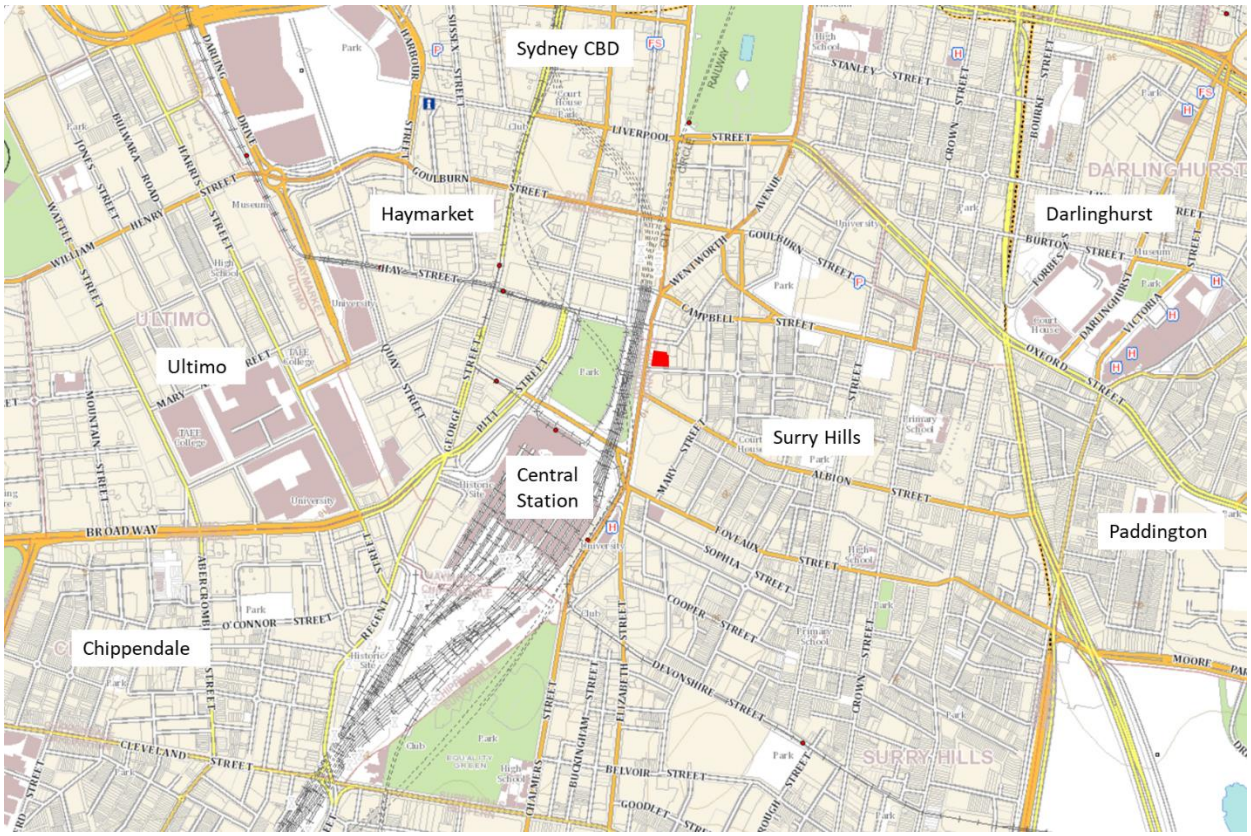

Figure 1 - Site location

Planning Proposal

The Planning Proposal that this assessment supports seeks to amend the site's permissible maximum floor space ratio (FSR) from 5:1 to 7:1 where a non-residential development is proposed.

The subject site has an area of 905.6m^2. Under the existing FSR of 5:1, a maximum gross floor area (GFA) of 4,528m^2 is permitted. Under the proposed non-residential FSR of 7:1, a maximum GFA of 6,339m^2 would be permitted. This is a proposed maximum GFA increase of 1,811m^2 for non-residential land uses. It is anticipated that the development would provide ground floor retail space and that the upper levels would likely be occupied by commercial offices. Therefore, the additional GFA would be utilised entirely by commercial office space.

The *City of Sydney Development Contributions Plan 2015* estimates an occupancy of 21m^2 of GFA per worker in an office premises with 4 or more storeys. It also estimates 21m^2 of GFA per worker in a food and drink premises (ie, restaurant, café & takeaway premises). These figures, along with the indicative concept design, have been used in table 1 to estimate the increase in workers accommodated on the site between a commercial development with an FSR of 5:1 against 7:1.

It should be noted that the site is zoned MU1 Mixed Use which permits the development of shop top housing or residential flat buildings. It is possible that an application under the current controls could provide no employment floor space.

Table 1 - Proposed increase to floor space and occupancy

Attribute	Existing FSR Control	Proposed FSR Control	Difference
Maximum GFA	4,528m^2	6,339m^2	1,811m^2
Est Retail GFA	452m^2	452m^2	Nil
Est Retail workers	21.5	21.5	Nil
Est office GFA	4,076m^2	5,887m^2	1,811m^2
Est office workers	194.1	280.3	+86.2
Total workers	215.6	301.8	+86.2

The increased FSR would accommodate an estimated 86.2 additional office workers and would ensure that the site was developed for commercial purposes rather than as a residential flat building. In comparison to a residential flat building, the indicative concept design would provide floor space for an additional 301.8 jobs.

Strategic Planning and Policy Framework

Greater Sydney Region Plan—A Metropolis of Three Cities

The Greater Sydney Region Plan provides direction for the future development of the Greater Sydney Region. Of relevance to the proposed development is the target to facilitate 817,000 new jobs by 2036 and the objective to create a 30-minute city.

The proposal to increase the maximum permissible non-residential GFA on the subject site would increase additional employment opportunities in a central and accessible location. Given the demographic characteristics of the area, the proposed development is likely to be an attractive place to work for local residents, allowing residents to work close to home. The proposal is will contribute positively towards the 2036 employment target and the objective for a 30-minute city.

Eastern City District Plan

The Eastern City District Plan identifies Surry Hills as being within the 'Harbour CBD' which is described as the "established economic heart" of Greater Sydney.

Planning Priority E7 is growing a stronger and more competitive Harbour CBD. The Eastern City District Plan estimates there to have been 496,900 jobs in the Harbour CBD area (excluding North Sydney) in 2016 and forecasts between 662,000 – 732,000 jobs by 2036 which is an increase of between 165,100 - 235,100 jobs over the 20-year period. The plan also emphasises the importance of high amenity levels to attract employers and their workers to the Harbour CBD.

The Eastern City District Plan describes strong growth in residential property values against commercial property values since 2009. It identifies residential property as a competitor to commercial land uses that needs to be managed so as not to compromise the CBD's economic value.

The proposed development aims to create a new infill building that is of commensurate scale with existing surrounding development, provides additional commercial floor space and improves the site's relationship to the public domain with a new through site link. The proposed increase to FSR would allow a potential additional 86.26 office workers in comparison with the existing FSR control. The proposal is consistent with The Eastern City District Plan's intention to support additional employment capacity and improved amenity in the Harbour CBD.

City Plan 2036: Local strategic planning statement

The City Plan 2036: Local strategic planning statement sets a land use vision for the City of Sydney until 2036. It sets a range of land use priorities for the City.

Of relevance to the proposed development is Priority P2 which is "developing innovative and diverse business clusters in City Fringe". Surry Hills is identified as being part of the Eastern Creative Precinct which makes a valuable contribution to the City's economy.

Priority P2 includes the following objectives:

Objectives	Comment
City Fringe is a leading place for investment and innovation and is known for its specialised economic role, knowledge intensive clusters, urban amenity and character	The subject site is located just outside of the Sydney CBD area where the CBD transitions to the City Fringe. The proposal would allow for the creation of additional commercial floor space in this valuable and well-connected location.
Walkable, high amenity and technologically connected places support knowledge sharing and collaboration between diverse businesses, institutions and global talent	The subject site is within Surry Hills which exhibits high levels of amenity, is walkable and has excellent access to public transport. The proposal would deliver a through site link

	between Foster and Reservoir Streets, increasing walkability.
The Innovation Corridor is globally competitive with specialised knowledge intensive, research and innovation-based clusters, industries and institutions	N/A – the subject site is not within the Innovation Corridor.
The Eastern Creative Precinct is a thriving, regionally significant cluster of creative sector business, arts and cultural enterprises	The proposal would provide for additional commercial floor space within the Eastern Creative Precinct.
Genuine mixed-use village areas celebrate distinct economic, social, heritage and cultural characteristics	The proposal has the potential to include ground floor retail uses to contribute to the vibrancy of the area.

In considering the City Fringe Area, the LSPS states (emphasis added):

> *"The economic opportunities of the City Fringe relies in part on the capacity for clusters to grow. Our capacity study shows that 52 per cent of the remaining floor space capacity available within current planning controls in City Fringe is likely to be for uses other than residential. However, 70 per cent of this available capacity is within business zones that allow residential development.*
>
> *Without intervention, residential development may constrain City Fringe's capacity to contribute up to 53,800 additional jobs by 2036 to meet the baseline District Plan jobs targets for the Harbour CBD. We also need to improve the diversity of enterprise spaces and balance other uses, including housing, community, recreational and cultural uses, or risk losing out to other global economies that are continually moving towards a knowledge-based innovation economy."*

The subject site is within a MU1 mixed use zone which permits residential development. With the recent removal of accommodation bonuses for residential land uses within Central Sydney, locations of the City Fringe, such as the subject site, are likely to experience increased residential demand. The proposed site specific control would only be available to a non-residential development incentivising commercial development.

The planning proposal is consistent with the Priorities of the City Plan 2036: Local strategic planning statement.

Local Economic Profile

The proposed development will have economic impacts at multiple levels within the community. The greatest impact will be upon people living in the local area around the site. There will be an impact on the wider City of Sydney LGA in which the site is located and a more diffuse impact on the Greater Sydney Region. The 2021 Australian Bureau of Statistics (ABS) census data has been used in this assessment.

The subject site is located within ABS Surry Hills Statistical Area 2 (Surry Hills) (SA2). This data has been used to build a profile of the local community. The Surry Hills SA2 has been benchmarked against statistics for the City of Sydney LGA (City of Sydney) and the Sydney Greater Capital City Statistical Area (Greater Sydney).

Changes to the economic and social environment generated by the proposed development will be most significant within Surry Hills and are the focus of this report. However, in an overall sense, economic and social outcomes will also be generated across the City of Sydney and the wider metropolitan area.

Existing Community and Economic Profile

Key findings of the analysis are as follows:

Population and Age Structure

- Between 2016 and 2021, the number of residents in Surry Hills decreased by 588 to 15,828 residents in 2021, or an average annual rate of -0.7%. This reversed the previous growth trend that occurred between 2011 and 2016.

- The population of the Surry Hills is relatively young with a median age of 35 years. This is slightly older than the City of Sydney's median age of 34 years but slightly younger than the Greater Sydney median age of 36 years.

- Approximately 71.2% of the residents in the Surry Hills were aged between 20-64 years. This is fewer people in that age range than across the City of Sydney where 80.2% were between 20-64 years but more than the Greater Sydney Region where 60.7% of people are in that range.

- The population data indicates that the City of Sydney, and Surry Hills in particular, is attractive to people of working age.

Education

- 54.9% of residents (over 15 years of age) in Surry Hills have obtained a level of education equal to a bachelor degree or higher. This is slightly higher than for the City of Sydney at 52.6% and much higher than the Greater Sydney rate of 33.3%.

Occupation and Employment

- 70.9% of people living in Surry Hills (over the age of 15 years) are in the labour force. This is higher than the proportion in the City of Sydney at 68.7% and higher than the Greater Sydney Region at 60.0%.

- Surry Hills has a substantially greater number of residents who fall within the occupation categories of 'professionals', 'managers' or 'clerical and administrative workers' than the

City of Sydney or Greater Sydney. These are the occupational categories most likely to be employed in the proposed building.

Occupation (top responses)	Surry Hills	City of Sydney	Greater Sydney
Professionals	45.9%	41.6%	29.3%
Managers	20.2%	18.7%	15.2%
Clerical and Administrative workers	9.4%	10.6%	13.8%
Total	75.5%	70.9%	58.3%

Summary

The Surry Hills statistical area and the City of Sydney LGA have younger than median populations. This population is both more highly educated and more likely to be engaged in the labour market than the Greater Sydney Region average. Residents of Surry Hills are also much more likely to be employed in typically 'white collar' occupations. The demographics of Surry Hills and the City of Sydney are favourable to staffing commercial office space.

Commercial Office Market in Surry Hills

This Report accompanies a Planning Proposal to increase the permissible density of the subject site. The realisation and completion of a development under the proposed controls would be likely to take at least four years from the lodgement of a Planning Proposal.

The following section examines the commercial office market in the Sydney CBD and Surry Hills.

Current Trends in Commercial Office Space Market

The Covid-19 pandemic saw a reduction in demand for commercial office space within the City of Sydney CBD. The Knight Frank Sydney CBD Reports from September 2020, September 2021 and September 2022 recorded average vacancy rates of 5.6%, 9.2% and 10.1% respectively. Notably, during this time an additional 255,930m^2 of additional floor space became available due to building completions.

While average vacancy rates have increased since the beginning of the Covid-19 pandemic, Knight Frank (2022) forecasts that vacancy rates have likely peaked. Their forecast notes that unemployment is historically low and job vacancies are near record highs. These economic attributes

will likely drive demand for more office space in the near future. The analysis also notes that demand for leasing floor space over the 18 months to September 2022 has been strongest in the technology sector (33%) followed by financial services (21%) and professional services (16%). Knight Frank (2022) forecasts that there will not be a substantial increase in CBD office supply until 2024 which will be focused around over station developments. These developments will involve the demolition of some existing ageing office stock which will cause displacement.

While the above relates to the CBD, the site is located in the closest area of the City Fringe which will react to changes in the CBD market. Rents have continued to rise slowly in the Sydney CBD since 2020 despite higher vacancy rates. This will encourage some tenants who are priced out of the CBD to continue seeking nearby alternatives.

Knight Frank released a Sydney City Fringe Market Report in June 2019 which found there was an undersupply of commercial floor space in the City Fringe area. That report recorded Surry Hills as having a commercial vacancy rate of only 3.2% at that time. It noted that Surry Hills was an attractive area for tenants and had recorded average vacancy rates below the Sydney CBD average since 2011. The research accounted for this noting that businesses were increasingly looking to promote flexibility for their workforce and provide superior amenities through the nearby co-location of exciting restaurant and bar concepts.

Much of the floor space likely to be delivered in the near future will occur as part of large over-station developments which will draw large corporations and leaseholders into new premium office space. The subject site can offer office space to suit multiple smaller or mid-size businesses that are forced out of the Sydney CBD market or who value the Surry Hills location.

Proposal's Response to Commercial Office Trends

The proposed amendment to the Sydney LEP 2012 would permit an additional 1,811m^2 of commercial GFA to be realised on the subject site within the City Fringe market. While demand for commercial office space has fallen within the Sydney CBD following the Covid-19 pandemic, it is forecast to rebound in the future. Demand is likely to continue in the Surry Hills area as the area offers a cheaper alternative to the Sydney CBD and is attractive to create industries.

Social and Economic Benefits

The following section examines the social and economic benefits of the proposed development.

Employment

Once operational, a commercial building on the subject site in accordance with the indicative concept design would support up to 280.3 office jobs in addition to 21.5 retail jobs. This is 86.2 additional office jobs in comparison to a commercial development carried out with an FSR of 5:1.

The increased FSR would help ensure that the site was developed for commercial purposes rather than as a residential flat building. In comparison to a residential flat building, the indicative concept design would provide floor space for an additional 301.8 jobs.

Surry Hills, has a concentration of employers in the Professional, Scientific and Technical Services industries. Firms occupying these office spaces will demand highly skilled workers. As illustrated by the demographic analysis, Surry Hills has a relatively high proportion of highly educated workers. Notwithstanding this, the site is in proximity to sustainable public transport options and thus has access to a relatively large pool of highly skilled workers.

Increased Local Expenditure

Additional employees will increase retail trade in the local area. This benefits a range of local businesses including; local cafés; restaurants; bars; shops selling take-home groceries; and, personal services such as gyms and hairdressers.

Assuming that employees spend an average of $15 per working day on local food and beverages, this would result in total annual spending on local businesses of around $1.13 million per annum.

- (301.8 workers x ($15 x 5)) x 50 = $1,131,750

Of this, $323,250 per annum would be attributable to the additional 86.2 office workers.

- (86.2 workers x ($15 x 5)) x 50 = $323,250

There will also be additional spending on retail goods, entertainment, leisure activities and personal services. Some of this spending will be retained within the Surry Hills area and will be of benefit to the wider retail/commercial precinct along Crown Street and surrounding areas. Additional spending will inevitably also be directed towards retail shops and services within the Sydney CBD.

The extent of spending by workers on non-food items is difficult to estimate but will be positive for Surry Hills and the wider City of Sydney LGA.

Urban Improvement

The proposed building envelope includes a new through-site link between Reservoir Street and Foster Lane. This is intended to work in conjunction with a through site link newly created at through site link at 52 Reservoir Street to enliven Foster Lane. The indicative concept design demonstrates that a through-site link could be activate along its entire extent encouraging greater permeability of the block and improving the local character.

Promotion of Active Transport

Commercial development on the subject site will encourage the use of active and public transport modes.

The demographic analysis undertaken in this report demonstrates that there is a large pool of prospective employees within the Surry Hills and wider City of Sydney LGA areas. Employees living

close to their place of work are more likely to walk or cycle to work. The inclusion of end of trip facilities will further encourage active transport.

The site is located approximately 300m walk from Central Station where Train, Light Rail and Bus services can all be readily accessed. This encourages the use of public transport to access the site.

Efficient and Productive Use of Land

The site is located on the City Fringe and in the Eastern Creative Precinct. This area hosts existing office space but there continues to be high demand for more. The planning proposal has the potential to deliver a high-quality re-development of the site for office uses. The subject site can accommodate a scale of offices that will attract and retain additional professional services business that are is consistent with the employment needs of the local workforce.

Conclusion

The key findings of this report are as follows:

- The proposed increased density being tied to commercial uses will incentivise a commercial development over a residential development. A commercial development at an FSR of 7:1 will accommodate an estimated 301.8 jobs. This is 86.2 more office jobs more than a commercial development at an FSR of 5:1.
- The proposed increase in achievable commercial density is generally consistent with the land use and economic outcomes sought by relevant key strategic planning documents.
- Demographic analysis shows that residents of the City of Sydney and Surry Hills more specifically are well suited to work opportunities likely to arise in a commercial office on the subject site.
- The commercial office market in Sydney and the City Fringe, which includes Surry Hills, has higher vacancy than in 2020 due to changes following the Covid-19 pandemic though vacancy rates appear to have peaked and no substantial new floor commercial space is expected to enter the market until 2024.
- Surry Hills has had consistently lower vacancy rates than the Sydney CBD between 2011-2019. More recent data is not available.
- Surry Hills is an attractive location for businesses operating in creative and technology-based industries.
- The site is well located in relation to public transport and has a large population within a 30 minute commute catchment.

This Report finds that the proposed density increase on the subject site, restricted to non-residential land use, will have a positive impact on the economy of Surry Hills and the Sydney of Sydney LGA. The redevelopment will also improve the site's urban presentation and increase the permeability of the block. Overall, the proposal is anticipated to have a positive economic and social impact.

Attachment A4

Traffic Impact Assessment

TRAFFIX
TRAFFIC AND TRANSPORT PLANNERS



TRAFFIC IMPACT ASSESSMENT

Planning Proposal for Mixed Use Development
232-240 Elizabeth Street, Surry Hills NSW 2010

Reference: 21.338r01v08
Date: January 2024

Suite 2.08, 50 Holt St
Surry Hills, NSW 2010

t: (02) 8324 8700
w: www.traffix.com.au

DOCUMENT VERIFICATION

Job Number	21.338			
Project	232-240 Elizabeth Street, Surry Hills NSW 2010			
Client	**Stasia Holdings Pty. Limited**			
Revision	**Date**	**Prepared By**	**Checked By**	**Signed**
v08	18/01/2024	Hayden Dimitrovski	Hayden Dimitrovski	

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1. INTRODUCTION

TRAFFIX has been commissioned by Stasia Holdings Pty Limited to undertake a Traffic Impact Assessment (TIA) in support of a Planning Proposal relating to a mixed use development at 232-240 Elizabeth Street, Surry Hills. For the purposes of the planning proposal, an indicative development concept has been formulated comprising 5,846m^2 of commercial gross floor area (GFA) and 452m^2 of ground floor retail GFA. The development is located within the Council of The City of Sydney Local Government Area (LGA) and has been assessed under that Council's controls.

This report documents the findings of our investigations and should be read in the context of the Planning Proposal Justification Report prepared separately. The development is a minor development and does not require referral to Transport for NSW (TfNSW) under Schedule 3 Chapter 2 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.

The report is structured as follows:

- Section 2: Describes the site and its location
- Section 3: Documents existing traffic conditions
- Section 4: Describes the concept development
- Section 5: Assesses the parking requirements
- Section 6: Assesses traffic impacts
- Section 7: Discusses access and internal design aspects
- Section 8: Presents the overall study conclusions

2. LOCATION AND SITE

The subject site is known as 232-240 Elizabeth Street, Surry Hills and is located on the eastern side of Elizabeth Street, approximately 205 metres north of Eddy Avenue. It is also located about 300 metres northeast of Central Railway Station and 1.5 kilometres south of Sydney Central Business District (CBD).

The site has a total site area of 905.6m^2 and consists of existing mixed use developments. It has a western boundary measuring 30 metres to Elizabeth Street and a southern frontage of 35 metres to Reservoir Street. It is bounded to the north and east, boundaries to neighbouring mixed use developments.

Vehicular access to the site is currently provided via Foster Lane on the northern boundary of the site.

A Location Plan is presented in **Figure 1**, with a Site Plan presented in **Figure 2** which provides an appreciation of the general character of roads and other key attributes in proximity to the site.

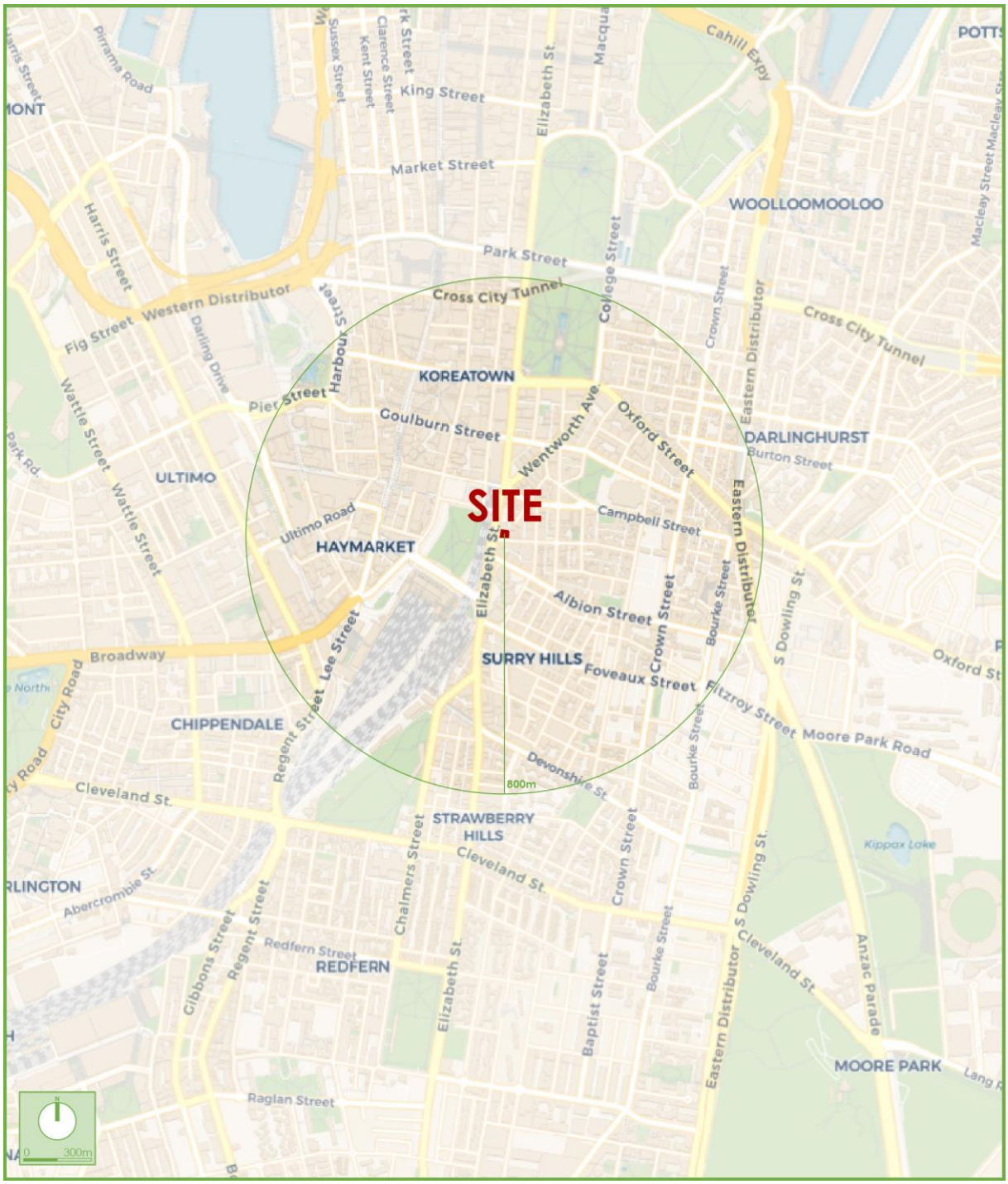


Figure 1: Location Plan



Figure 2: Site Plan

3. EXISTING TRAFFIC CONDITIONS

3.1 Road Network

The road hierarchy in the vicinity of the site is shown in **Figure 3** with the following roads of particular interest:

- Elizabeth Street: is an Unclassified Regional Road (7083) that traverses north-south between Chifley Square in the north and Joynton Avenue in the south. It is an unclassified regional road between King Street and Cleveland Street . Within the vicinity of the site, Elizabeth Street is subject to a speed zoning of 40km/hr as part of a High Pedestrian Activity Area. It accommodates four lanes (4) lanes of traffic northbound and three (3) lanes of traffic southbound with dedicated kerbside bus lanes in both direction from 6:00am to 10:00am and 3:00pm to 8:00pm. Elizabeth Street generally does not permit on-street parking on both sides .
- Reservoir Street: is a local road that traverses east-west, between a dead end east of its intersection with Reservoir Lane and Elizabeth Street in the west. Within the vicinity of the site, Reservoir Street is subject to 40km/h speed zoning, accommodates a single lane of traffic in each direction and permits time restricted and ticketed parking on both sides.
- Foster Lane: is a local laneway that traverses north-south, between Foster Street in the north and a dead end in the south. It is subject to 40km/h speed zoning, accommodates a single lane of traffic in both directions. Foster Lane does not permit on-street parking on either side.

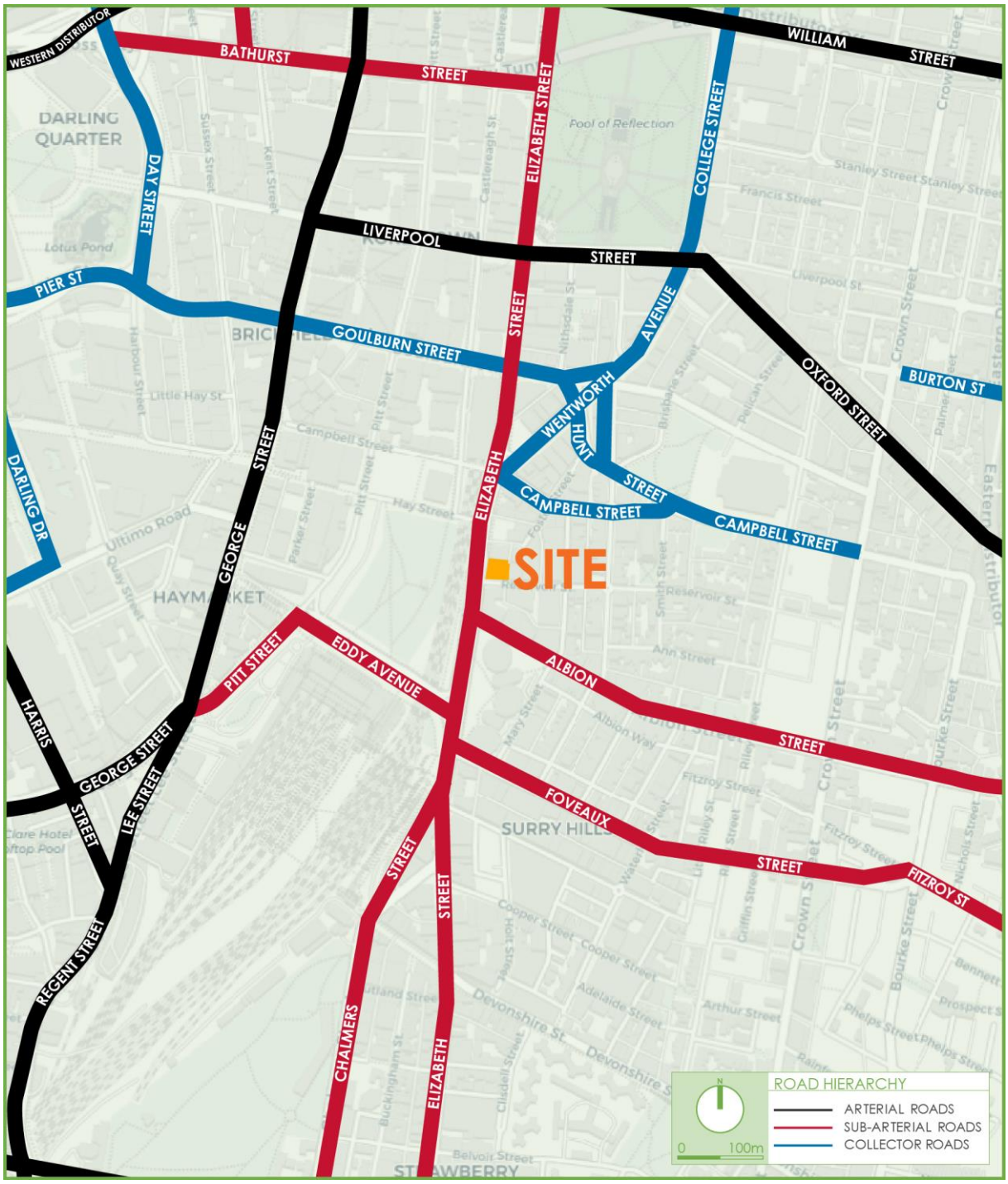


Figure 3: Road Hierarchy

3.2 Public Transport

The existing public transport services that operate in the locality are presented in **Figure 4** and **Figure 5** and are summarised as follows:

3.2.1 Bus Services

The subject site is within optimal walking distance (400 metres) of several bus services. These services and destinations are summarised in **Table 1** below:

Table 1 – Bus Routes and Services

No.	Route	No.	Route
304	City Circular Quay to Green Square	426	Dulwich Hill to City Martin Place
308	Marrickville Metro to Central Eddy Ave (Loop Service)	428	Canterbury to City Martin Place
310	Botany to Central Railway Square	428X	Canterbury to City Martin Place
311	Central Belmore Park to City Millers Point	430	Sydenham to City Martin Place
320	Green Square to Gore Hill	431	Glebe Point to City Martin Place
339	Clovelly to Central Belmore Park	433	Balmain Gladstone to City Martin Place
343	Kingsford to City Circular Quay	438X	Abbotsford to City Martin Place
373	Coogee to City Museum (Loop Service)	480	Strathfield to Central Pitt Street
374	Coogee to Central Belmore Park	483	Strathfield to Central Pitt Street
412	Campsie to City Martin Place (Express)	470	Lilyfield to City Martin Place
413	Campsie to Central Pitt Street	461X	Burwood to City Domain (Express)
422	Kogarah to Central Pitt Street	440	Bondi Junction to Rozelle
423	Kingsgrove to City Martin Place	501	Parramatta to Central Pitt Street
423X	Kingsgrove to City Martin Place (Express)		

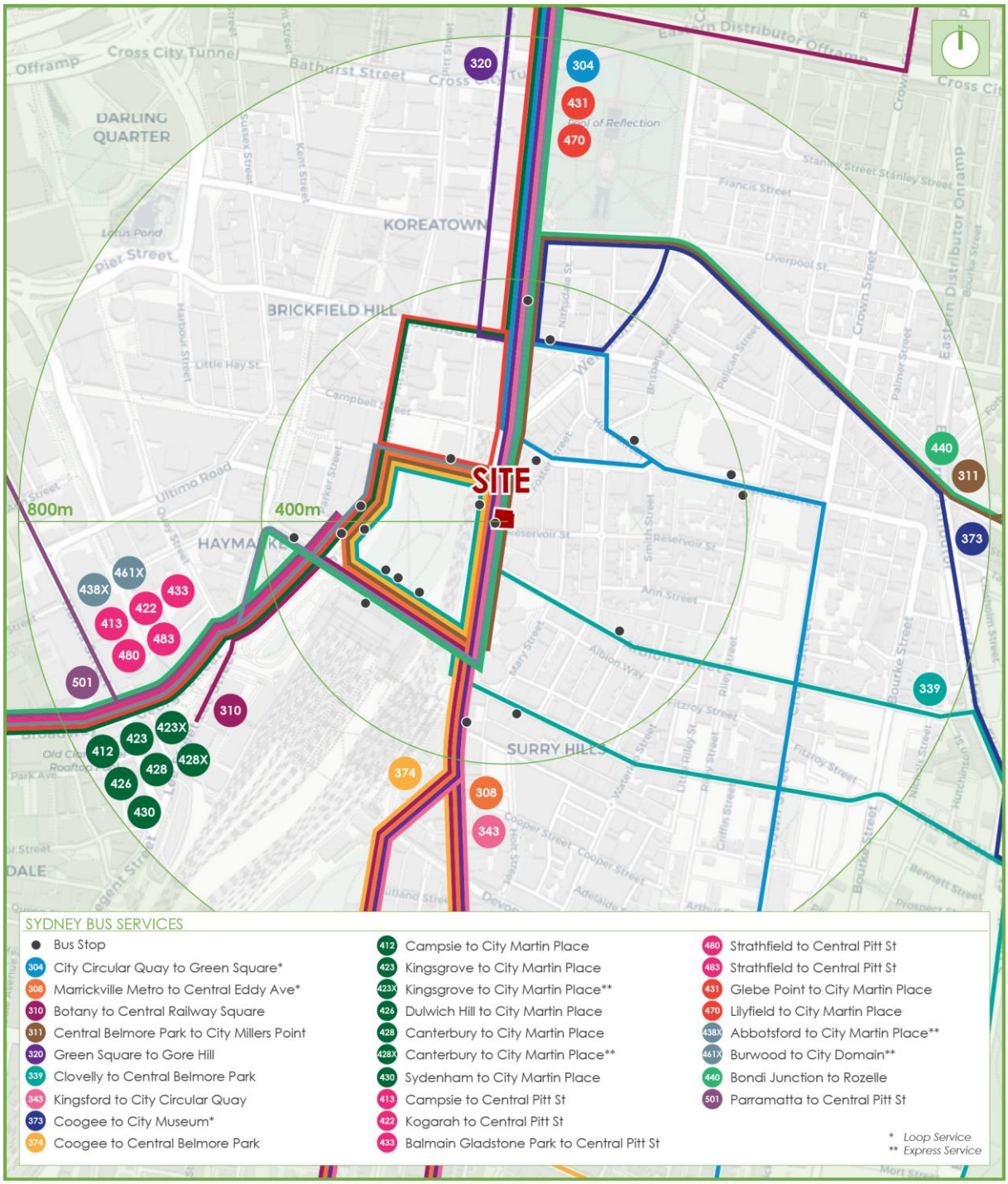


Figure 4: Bus Services

3.2.2 Railway Services

The site is also conveniently situated approximately 300 metres from Central Railway Station. This railway station provides services to the routes outlined in **Table 2** below

Table 2 – Central Railway Station Existing Services and Routes

Train Line	Routes	Train Line	Routes
CCN	Central Coast and Newcastle Line	T1	North Shore and Western Line
SHL	Southern Highlands Line	T2	Inner West and Leppington Line
SCO	South Coast Line	T3	Bankstown Line
BML	Blue Mountains Line	T4	Eastern Suburbs and Illawarra Line
Regional NSW	North Coast NSW	T7	Olympic Park Line
	Northwest NSW	T8	Airport Line
	Southern NSW	T9	Northern Line
	Western NSW		

Additionally, the site is also located within 600 metres of Museum Railway Station which provides access to the T2 Inner West and Leppington Line, T3 Bankstown Line and T8 Airport and South Line.

3.2.3 Light Rail Services

In addition, the site is within 800 metres of several light rail stations along the L1 Dulwich Hill Line, L2 Ranwick Line and L3 Kingsford Line. The L1 Dulwich Hill Line provides services to 23 stations between Central and Dulwich Hill. The stations for this line within 800 metres of the site are outlined below:

- Central Light Rail Stop; and
- Capitol Square Light Rail Stop.

The L2 Ranwick and L3 Kingsford Lines features a total of 19 stations between Circular Quay, Kingsford and Randwick. The stations for this line within 800 metres of the site are outlined below:

- Haymarket Light Rail Stop; and
- Central Station Chalmers Street Light Rail Stop;

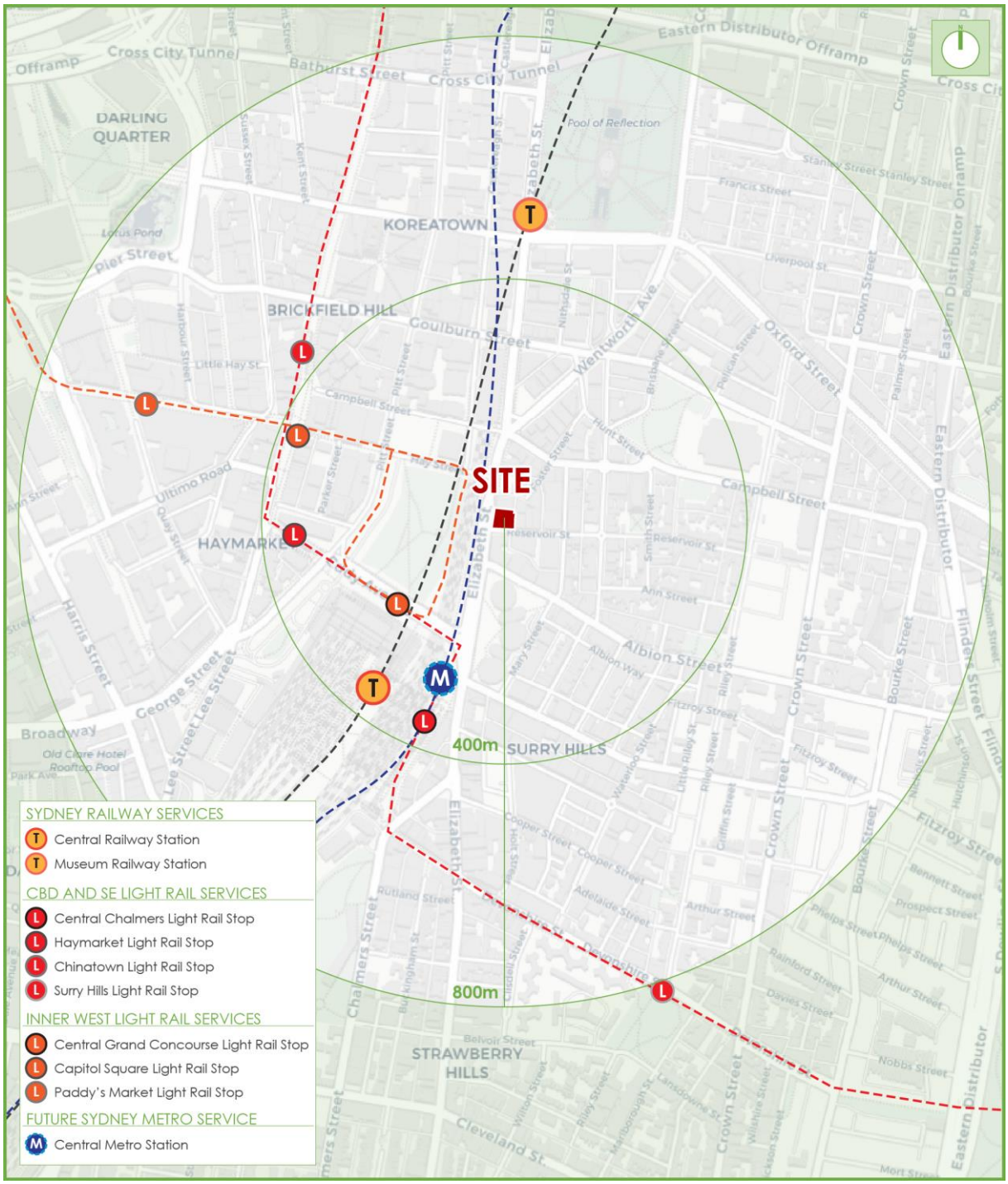


Figure 5: Rail Services

The above bus, train and light rail services also provide connection to the wider public transport network. Further information regarding bus and train frequencies is available from the Transport for NSW information website: **https://www.transportnsw.info**.

3.3 Walking and Cycling

3.3.1 Walking Facilities

The site is ideally placed with several pedestrian facilities available in the locality. There are existing pedestrian footpaths surrounding the site, with footpaths provided along both sides of Elizabeth Street and Reservoir Street. The signalised intersection of Elizabeth Street and Albion Street provides signalised pedestrian crossings at two (2) of its legs and the intersection of Elizabeth Street and Reservoir Street provides a pedestrian crossing, providing pedestrians safe and efficient connections to the wider footpath network.

3.3.2 Cycling Infrastructure

The site is also located within proximity to separated bicycle lanes, off-road shared paths and bicycle friendly roads available throughout the area. These cycleways can be used concurrently with other bicycle routes to provide connections to various areas around Sydney. The existing cycling facilities are presented in Figure 6, with the cycleways summarised as follows:

- Separated Bicycle Lanes: Sections of Elizabeth Street, Campbell Street and Bourke Street accommodate separated bicycle lanes. These routes provide access to areas towards Haymarket, Darling Harbour, and Sydney CBD.
- Low Traffic On-road Routes: Campbell Street, Commonwealth Street, Riley Street and Crown Street accommodate low-traffic on road routes. These routes provide access to areas such as Surry Hills, Sydney CBD and Darlinghurst.
- Off-Road Shared Paths: Sections of Elizabeth Street, Pitt Street and Belmore Park accommodate off-road shared paths for bicycles. These routes provide access to areas towards Pyrmont and Darling Harbour.

- Wayfinding Signage Routes: Castlereagh Street, Campbell Street and Liverpool Street accommodate routes with wayfinding signage. These routes provide access to areas such as Ultimo and the Sydney CBD.

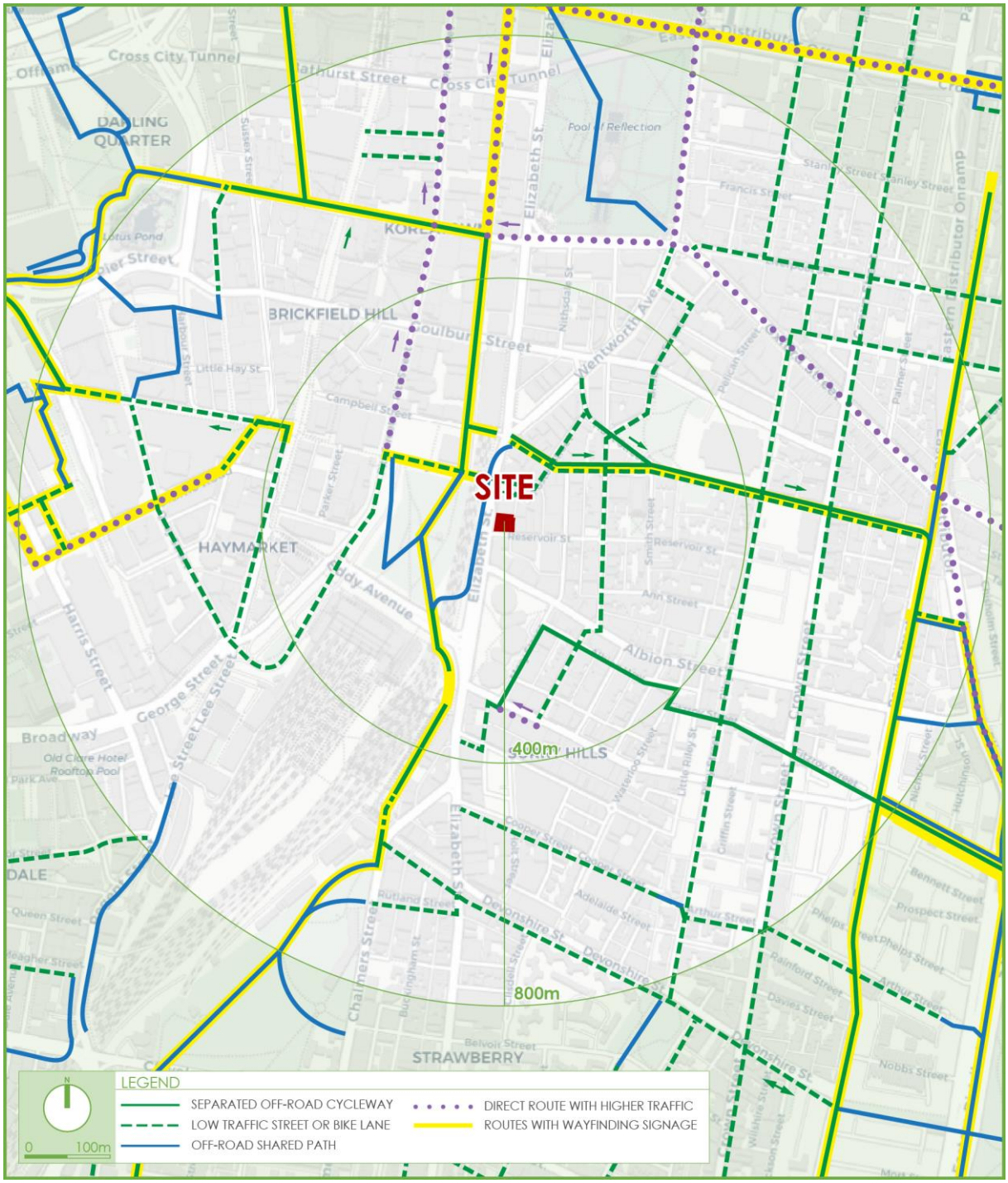


Figure 6: Existing Cycleways in the Locality

4. DESCRIPTION OF CONCEPT DEVELOPMENT

A detailed description of the concept development adopted for the purpose of assessing the planning Proposal impacts is provided in the Planning Proposal Justification Report prepared separately. In summary, the concept development is a mixed use development comprising of the following components:

- Demolition of existing buildings on site.
- Construction of a 10 - storey mixed use development providing 6,298 m^2 of gross floor area (GFA) comprising of:
  - 452 m^2 of ground floor retail GFA; and,
  - 5,846 m^2 of commercial GFA.
- The provision of three (3) basement levels consisting of:
  - A loading dock and end of trip facilities on B1; and,
  - 18 car parking spaces across B2 and B3 including two accessible parking spaces.
- The provision of a new access driveway from Reservoir Street located on the southern frontage.
- A through site link along the eastern boundary providing a pedestrian connection between Foster Lane and Reservoir Street.

The parking and traffic impacts arising from the development are discussed in **Section 5** and **Section 6**. Reference should be made to the plans submitted separately to Council which are presented at reduced scale in **Appendix A**.

It is emphasised that further analysis will be provided at development application stage, based on a confirmed development yield.

5. PARKING REQUIREMENTS

5.1 Car Parking

The Sydney Local Environmental Plan (LEP) 2012 provides car parking rates for developments located within the City of Sydney LGA. The parking requirement for the additional commercial and retail component of the concept development is assessed below:

The site falls within Category D under the Public Transport Accessibility map of the Sydney LEP. The maximum parking requirements for the development are shown in **Table 1** below

Table 1: LEP Parking Rates and Provision

Type	Rooms/GFA	Maximum Parking Rate	Maximum Parking Provision[1*]
Commercial	5,846m²	$M = \frac{(G \times A)}{(50 \times T)}$	16.8
Retail	452m²	$M = \frac{(G \times A)}{(50 \times T)}$	1.3
		Totals	**18**

M= Maximum no. of car parking spaces, G = Commercial space (5,888m²), A = Site area (905.6m²),
T = Total gross floor area of all buildings on the site (6,298m²)

It is evident from Table 1 that the concept development is permitted to provide a maximum of 18 parking spaces under the LEP. The development currently provides 18 car parking spaces consisting of 17 commercial car space and one (1) retail car parking. Therefore, the concept development complies with the maximum requirements of the LEP and is considered acceptable.

5.2 Accessible Parking

The Building Code of Australia (2010) provides accessible parking rates for the concept development. The commercial and retail components are identified as Class 5 and Class 6 in the BCA respectively and are subject to the following accessible parking rates:

- Class 5 -1 space for every 100 carparking spaces or part thereof.
- Class 6 -1 space for every 50 carparking spaces or part thereof.

The development therefore requires one (1) accessible space for commercial use and one (1) for retail use. In response, the development proposes two (2) accessible car parking spaces with one to be allocated to the commercial use and one to the retail use in accordance with BCA requirements.

5.3 Bicycle Parking

The City of Sydney DCP Section 3.11.3 provides the minimum bicycle parking rates and provisions for residential and retail developments. These rates and provisions are summarised in **Table 2** below:

Table 2 – DCP Minimum Bicycle Parking Rate and Provisions

Type	Number of Dwellings	DCP Minimum Bicycle Parking Rate	Parking Required*
Commercial – Office Premises			
Employees	5,846m²	1 space per 150m² GFA	39
Visitors		1 space per 400m² GFA	15
Retail			
Employees	452m²	1 space per 250m² GFA	2
Visitors		2 plus 1 space per 100m² over 100m² GFA	6
		Totals	**62**

Accordingly, the bicycle parking required under the DCP is a total of 62 spaces. The 21 visitor spaces are to be provided on the ground floor near a main entrance. For the 41 employee bicycle spaces, a total of six (6) shower and change cubicles and 41 personal lockers are to be provided. An area on Basement 1 has been allocated for bicycle parking and end of trip facilities which will be further detailed as part the Development Application.

5.4 Motorcycle Parking

The Council DCP requires that in all buildings that provide onsite parking, one (1) motorcycle parking space for every 12 car parking spaces is to be provided as separate parking for motorcycles. Therefore, for a provision of 18 spaces the development is required to provide

two (2) motorcycle parking spaces. In response the development provides two (2) space within the basement car park in accordance with Council's requirement.

5.5 Waste Collection

General servicing and private waste collection is to be conducted on Basement 1 accessed via the dedicated service vehicle lift for vehicles up to the 6.4m long small rigid vehicle (SRV) and the turntable with four loading spaces provided. Two (2) spaces allow for the SRV and the other two (2) spaces allow for the B99 vehicle. This arrangement is considered appropriate and supportable given the low frequency of waste collection and the nature of the concept development.

6. TRAFFIC AND TRANSPORT IMPACTS

6.1 Existing Site Generation

The site currently consists of ground floor retail, commercial and backpacker accommodation uses. As vehicular access is provided from Foster Lane to the rear of the site with only servicing and minimal parking provided to the site it has been assumed the existing site generates no vehicular traffic as a conservative assessment.

6.2 Development Trip Generation

The concept development includes commercial and retail components and would be classified as a mixed-use development. As such, each use has been assessed individually to determine the combined traffic generation of the concept development.

6.2.1 Commercial

The TDT 2013/04a conducted surveys of several office block development around Sydney to determine the traffic generation rate for these developments. However, most of these developments provided significantly more parking compared to the concept development. For office block developments that are within the Sydney CBD region the most similar development surveyed is the North Sydney office block, which was determined to have hourly trip generation rates as follows:

- 0.17 vehicle trips per 100m^2 GFA during the AM peak period and
- 0.14 vehicle trips per 100m^2 GFA during the PM peak period.

Application of these rates to the 5,846m^2 of commercial GFA and adopting an 80/20 split results in the following trip generation:

- 10 vehicle trip per hour during the morning peak period (8 in, 2 out); and,
- 8 vehicle trip per hour during the evening peak period (2 in, 6 out).

6.2.2 Retail

For the retail component of the concept development, as only one (1) car parking space is provided, this will be for staff only and is assumed to generate the following:

- 1 vehicle trip per hour during the morning peak period (1 in, 0 out); and,
- 1 vehicle trip per hour during the evening peak period (0 in, 1 out).

6.2.3 Combined Traffic Generation

The combined traffic generation of the concept development is therefore as follows:

- 11 vehicle trip per hour during the morning peak period (9 in, 2 out); and,
- 9 vehicle trip per hour during the evening peak period (2 in, 7 out).

6.3 Net Traffic Impacts

The additional vehicle trips associated with the concept development equates to less than one vehicle every five (5)-minutes during both peak periods. As such, the traffic generation associated with the concept development will have a negligible impact on the surrounding road network. Therefore, the development is considered supportable from a traffic planning perspective and no external network improvements are required.

7. ACCESS AND INTERNAL DESIGN ASPECTS

7.1 Site Vehicular Access

The development proposes a total of 18 car parking spaces and two (2) motorcycle spaces with access to Reservoir Street, a local road. It will therefore require a Category 1 driveway under AS2890.1 (2004), being a combined entry and exit width of 3.0 to 5.5-metres. In response, a 4.8m wide driveway access has been provided at the property boundary, meeting the requirements of AS 2890.1 (2004).

A queuing analysis, provided in **Appendix B**, has been conducted for the car lift to access the basement car park on Basement Levels 2 and 3 to ensure the 98th percentile queue is accommodated within the site as required under AS 2890.1 (2004). The queuing analysis determined a single waiting bay is required in front of the lift to accommodate the 98th percentile queue. Swept path analysis provided in **Appendix C** demonstrates that a waiting can be provided on Ground Floor at the vehicular access. Therefore, the development accommodates all queuing on site in accordance with the requirements of AS 2890.1 (2004).

7.2 Internal Design

The internal car park complies with the requirements of AS 2890.1 (2004), AS 2890.2 (2018) and AS 2890.6 (2009), and the following characteristics are noteworthy:

7.2.1 Parking Modules

- All standard car parking spaces have been designed in accordance with User Class 1A being for residential parking. These spaces are provided with a minimum space length of 5.4m, a minimum width of 2.4m and a minimum aisle width of 5.8m.
- All spaces located adjacent to obstructions of greater than 150mm in height are provided with an additional width of 300mm.
- Two (2) accessible parking spaces have been designed in accordance with AS 2890.6 (2009), being 2.4m wide and 5.4m long, and situated immediately adjacent to a dedicated shared area.
- The turning bay opposite the car lift allows vehicles to enter the aisle in a forward direction in a maximum of one reverse manoeuvre.

7.2.2 Loading Bay

- The turntable on Basement 1 provides sufficient area for loading to occur and allows services to enter and exit the site in a forward direction.

7.2.3 Clear Head Heights

- A minimum clear head height of 2.2m is provided for all areas within the basement car park as required by AS 2890.1 (2004).
- A minimum clear head height of 2.5m is to be provided above all accessible spaces in accordance with AS 2890.6 (2009).

7.2.4 Other Considerations

- Pedestrian visual splay has been provided at the access driveway for egressing vehicles in accordance with **Figure 3.3** of AS 2890.1 (2004).
- Swept path analysis of critical vehicle movements is presented in **Appendix C**.

7.3 Summary

In summary, the internal configuration of the basement car park has been designed in accordance with AS 2890.1 (2004), AS 2890.2 (2018) and AS 2890.6 (2009). A development application will be required for any future development at the site which will incorporate a more detailed assessment of the car park design.

8. CONCLUSIONS

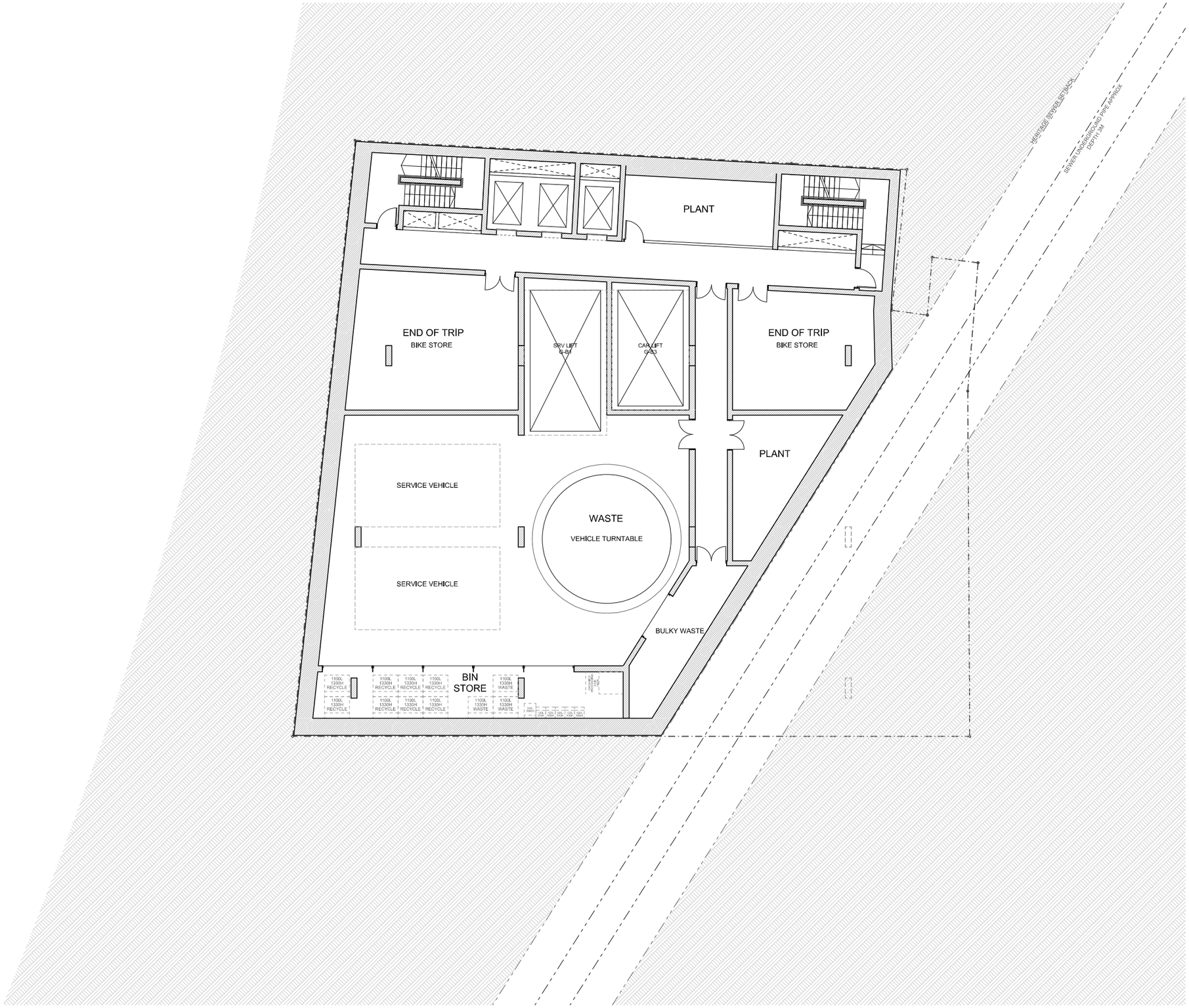
In summary:

- The planning proposal seeks to amend the Sydney LEP 2012 and Sydney DCP 2012 such that the site could accommodate a development consistent with the indicative concept design at 232-240 Elizabeth Street, Surry Hills, that could potentially comprise 5,846m^2 of commercial GFA and 452m^2 of retail GFA and three levels of basement car parking accommodating a loading dock and 18 car parking spaces.
- The subject site has excellent connections to the public transport network with reliable access to regular bus and rail services. These, along with existing pedestrian and cycle links, ensure the site is ideally situated for a mixed-use development as it provides a good opportunity to encourage future tenants / visitors to use sustainable transport modes.
- The indicative concept design provides 18 parking spaces, including 17 commercial parking spaces and one (1) retail parking space, which complies with the maximum provision of the Sydney LEP. As such, all normal parking demands will be readily accommodated on-site.
- The traffic generation arising from the development has been assessed as a net increase over existing conditions and equates to an additional 11 vehicle trips per hour during the weekday morning peak period, and nine (9) vehicle trips per hour during the weekday evening peak period. As such, no external improvements are required to facilitate the indicative concept design. The traffic impacts of the development are therefore considered acceptable.
- The basement car park has been assessed to generally comply with the requirements of AS 2890.1 (2004), AS 2890.2 (2018) and AS 2890.6 (2009), thereby ensuring safe and efficient operation.

This Traffic Impact Assessment therefore demonstrates that the planning proposal is supportable on traffic planning grounds. TRAFFIX anticipates an ongoing involvement during the development approval process.

APPENDIX A

Reduced Plans



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Shop drawings are to be completed for all metalwork, joinery and specified trade items and reviewed by the architect (and structural engineer where required) prior to fabrication.
Refer to the 'Architectural Drawing Notes Page' for further notation.

DRAWING ORIGINAL SIZE: A1

Issue	Date	Description
PB	22/03/2023	Information
P7	22/11/2022	Consultant Issue
P6	9/11/2022	Consultant Issue
P5	2/11/2022	Client Issue
P4	19/10/2022	Consultant Issue
03	17/10/2022	Consultant Issue
02	10/10/2022	Client Review

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Site: 232-240 Elizabeth Street, Sydney NSW
Client: STASIA PTY LIMITED

Scale:	Drawn By:	Checked 1:	Checked 2:	Approved:
1:100 @ A1	PB LE	LE		

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BASEMENT 1	5968
Drawing Number:	Issue:
PP 1003	P8

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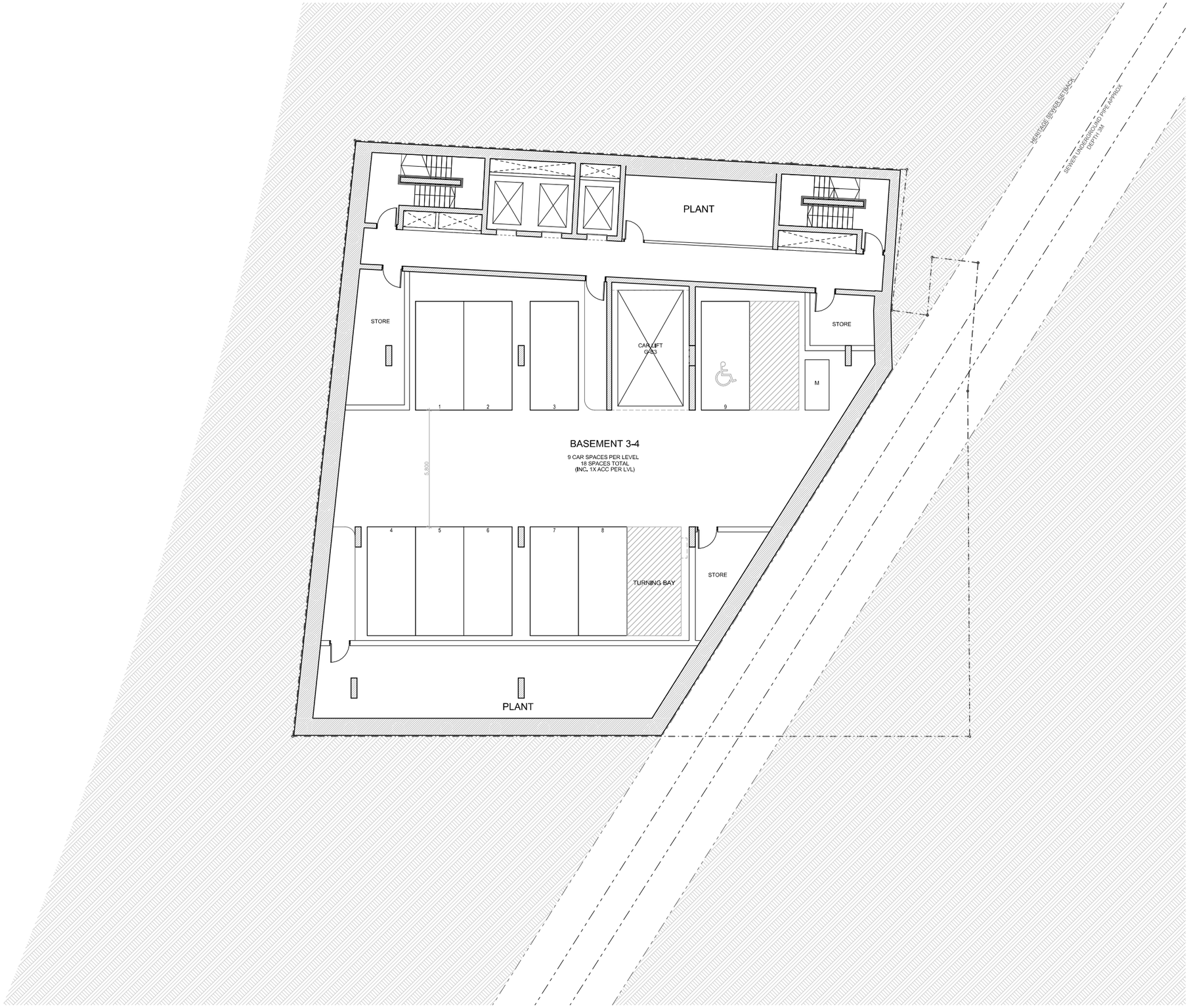

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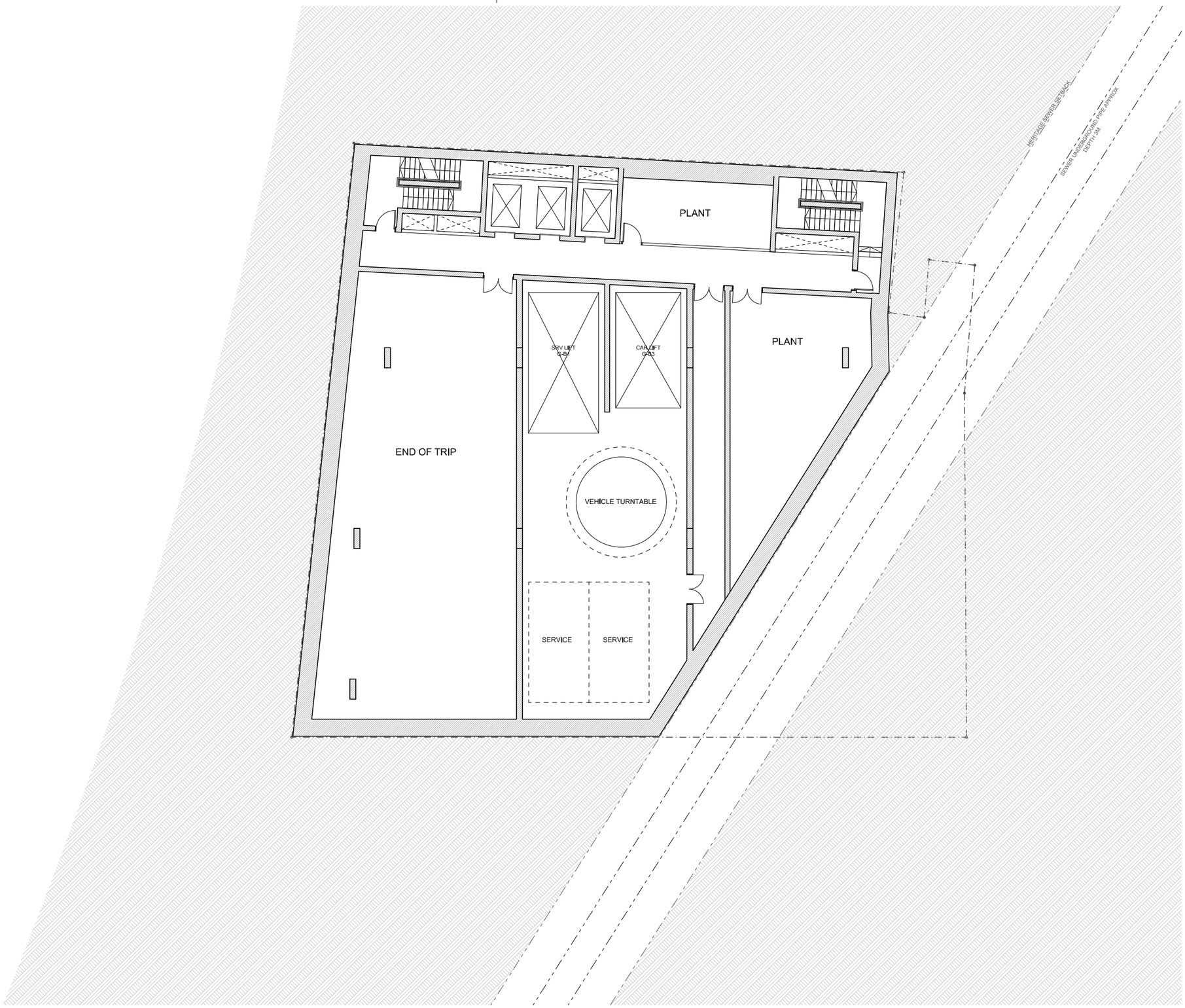

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Client:
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Scale:	Drawn By:	Checked 1:	Checked 2:	Approved:
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Architect:
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APPENDIX B

Queuing Analysis

21.338 - 232-240 Elizabeth Street, Surry Hills - Queuing Calculations

Average Travel Distance			
Basement Level	No Cars/ Motorcycles	Assumed Vert Distance from G (m)	Weighted Distance Factor
G	0	0	0
B2	10	7.2	72
B3	10	10.2	102
Total	20		174
		Average	8.7

Vehicle Arrivals (veh/hr)	8
Travel Speed (m/sec)	0.3
Load & Exit Time (sec) (assumed)	10
Door Opening Time (sec) (assumed)	10
Average Travel Time (sec)	29
Total Average Time (sec)	98

Queuing Theory Factors		
average arrival rate (r)	8.00	*r=(veh/hr)
average service rate (s)	36.73	*s=3600/(Total Average Time)
utilisation factor (p)	0.21778	*p=r/s
mean queue (E(m))	0.06063	*E(m)=(p/(1-p))-p

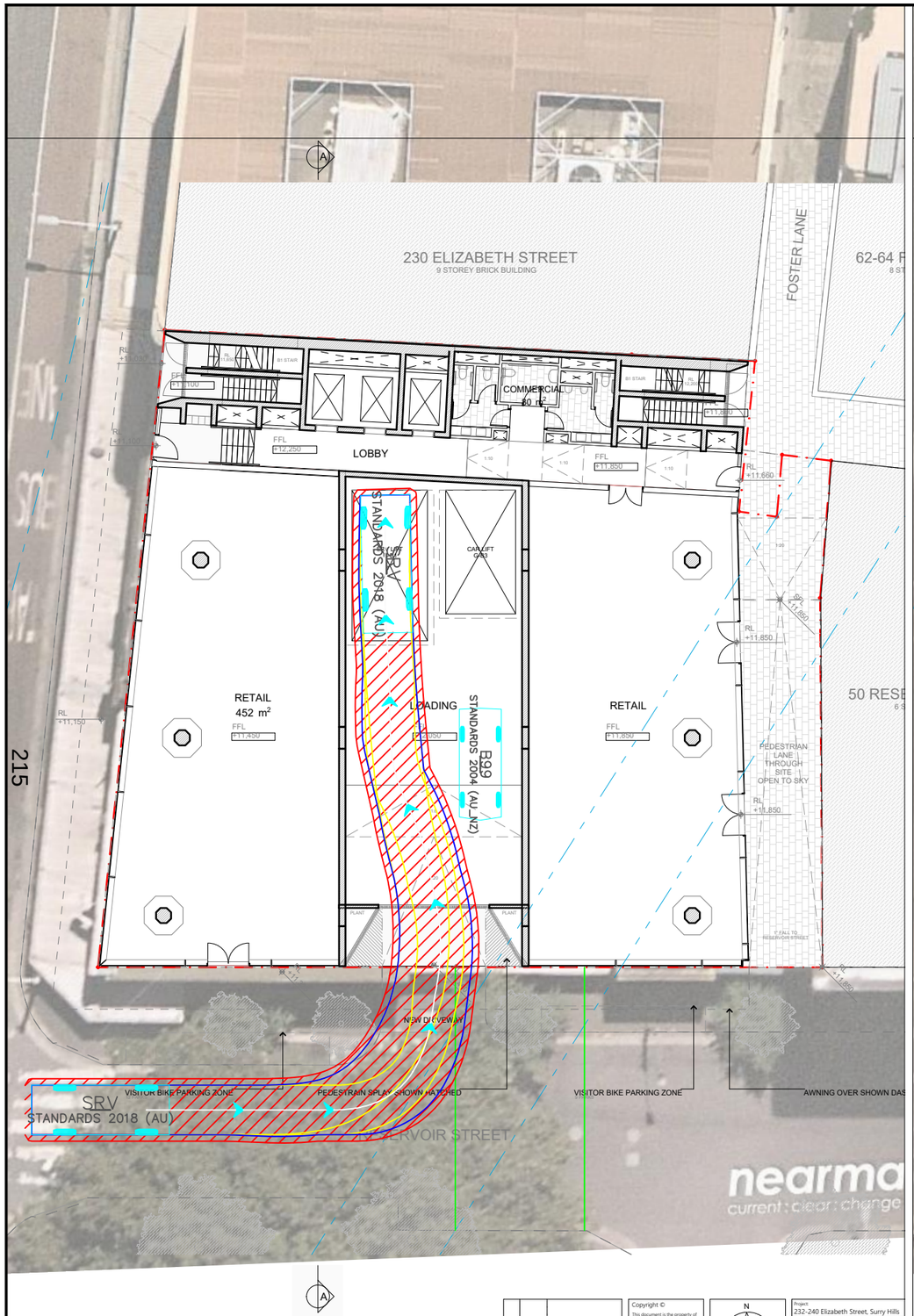
Probability of Vehicles in System (P(n))		*P(n)=(1-p)p^n
No. Vehicles in System (n)	Probability (%)	Percentile Queue (Require min. 98% under AS2890.1)
0	78.2%	78.2%
1	17.0%	95.3%
2	3.7%	99.0%
3	0.8%	99.8%
4	0.2%	100.0%

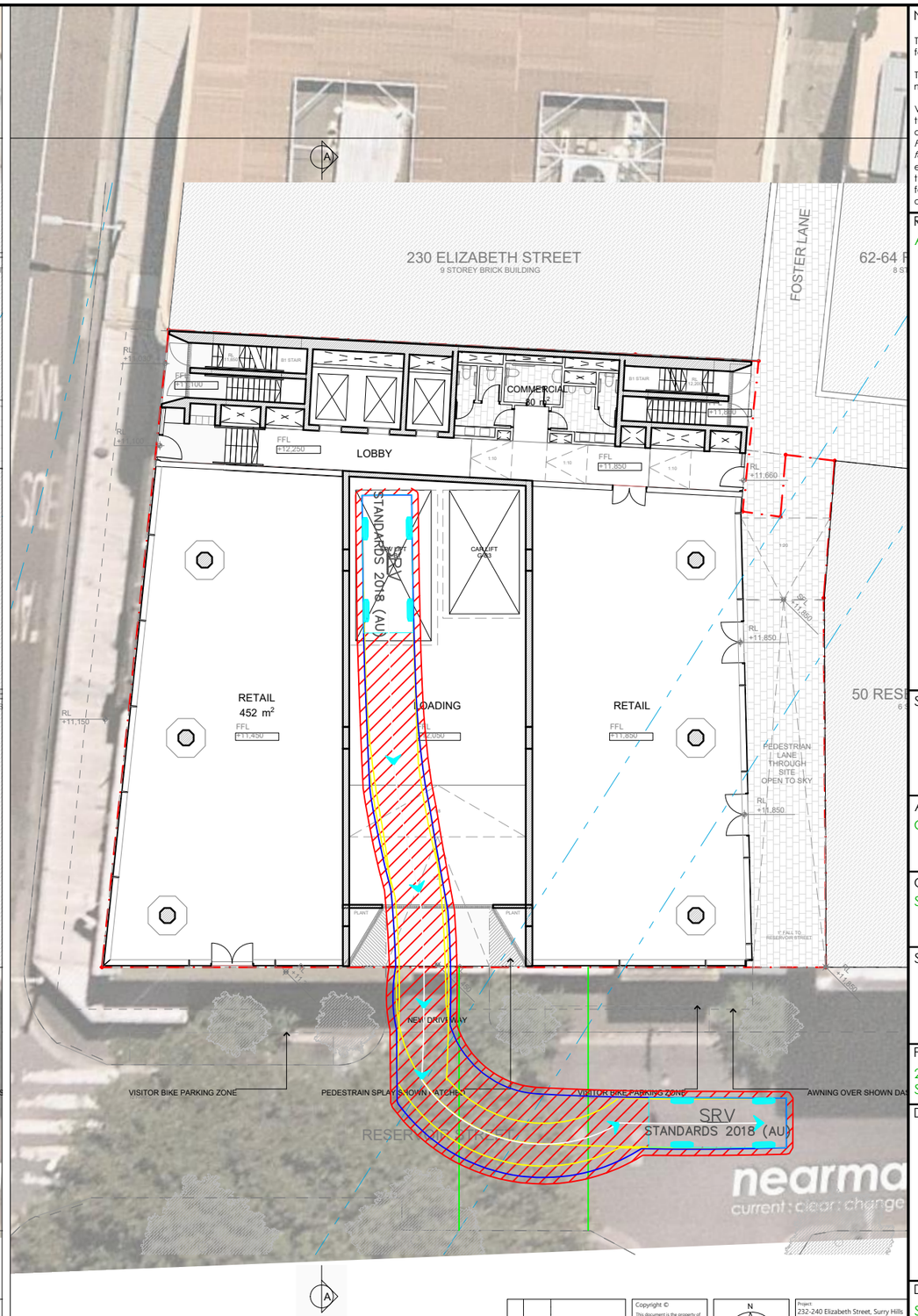
Vehicle Arrivals: TRAFFIX Traffic Impact Assessment (ref: 21.338r01v01) states the total traffic generation of the development will be 10 veh/hr during morning peak period
The critical peak for on-street queuing is in the morning,which is expected to result in the order of 8 vehicle arrivals, when an 80/20 split is adopted.

Results: The results of the queuing analysis demonstrates that with two (2) basement levels of car parking (incl. 18 car spaces and two (2) motorcycle spaces) the development is required to accommodate a total of 2 vehicles in the system (1 in the lift & 1 vehicle queuing) in order to accommodate the 98th percentile queue, as required under Clause 3.5 of AS 2890.1 (2004).
Hence, the development requires a minimum of 1 waiting bay to be provided at the access driveway

APPENDIX C

Swept Path Analysis





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Rev.	Revision Note	By.	Date
A	Swept Path Analysis	HD	09-11-22

Swept Path Legend

- Wheel Path
- Vehicle Body Envelope
- Clearance Envelope (300mm)

Architect
Candalepas Associates

Client
STASIA Pty Ltd

Scale / Plan Orientation

0 2.5 5 7.5 10m

1:250 @ A3

Project Description
232-240 Elizabeth Street
SURRY HILLS NSW 2010

Drawing Prepared By

TRAFFIX
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PO Box 1124
Strawberry Hills, NSW 2012
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f: +61 2 9830 4481
w: www.traffix.com.au

Drawing Title
Swept Path Analysis
6.4m Small Rigid Vehicle
Ground Floor
Left: Entry Movement Right: Exit Movement

Drawn:	Checked:	Date:
HD	-	09-11-22

21.338d05v01 TRAFFIX [230322 Plans] Design Review.dwg

Project No.	Drawing Phase	Drawing No.	Rev.
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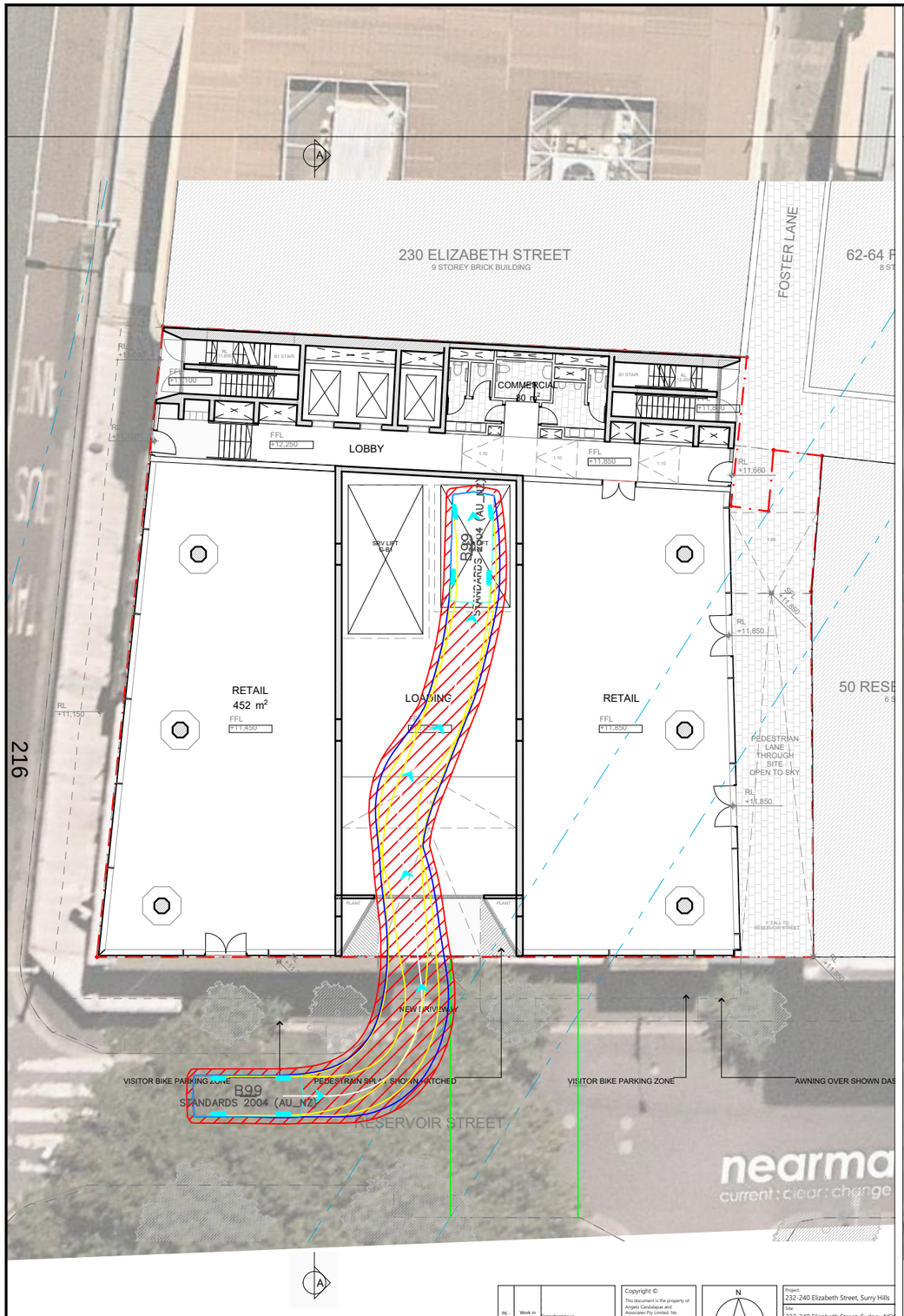

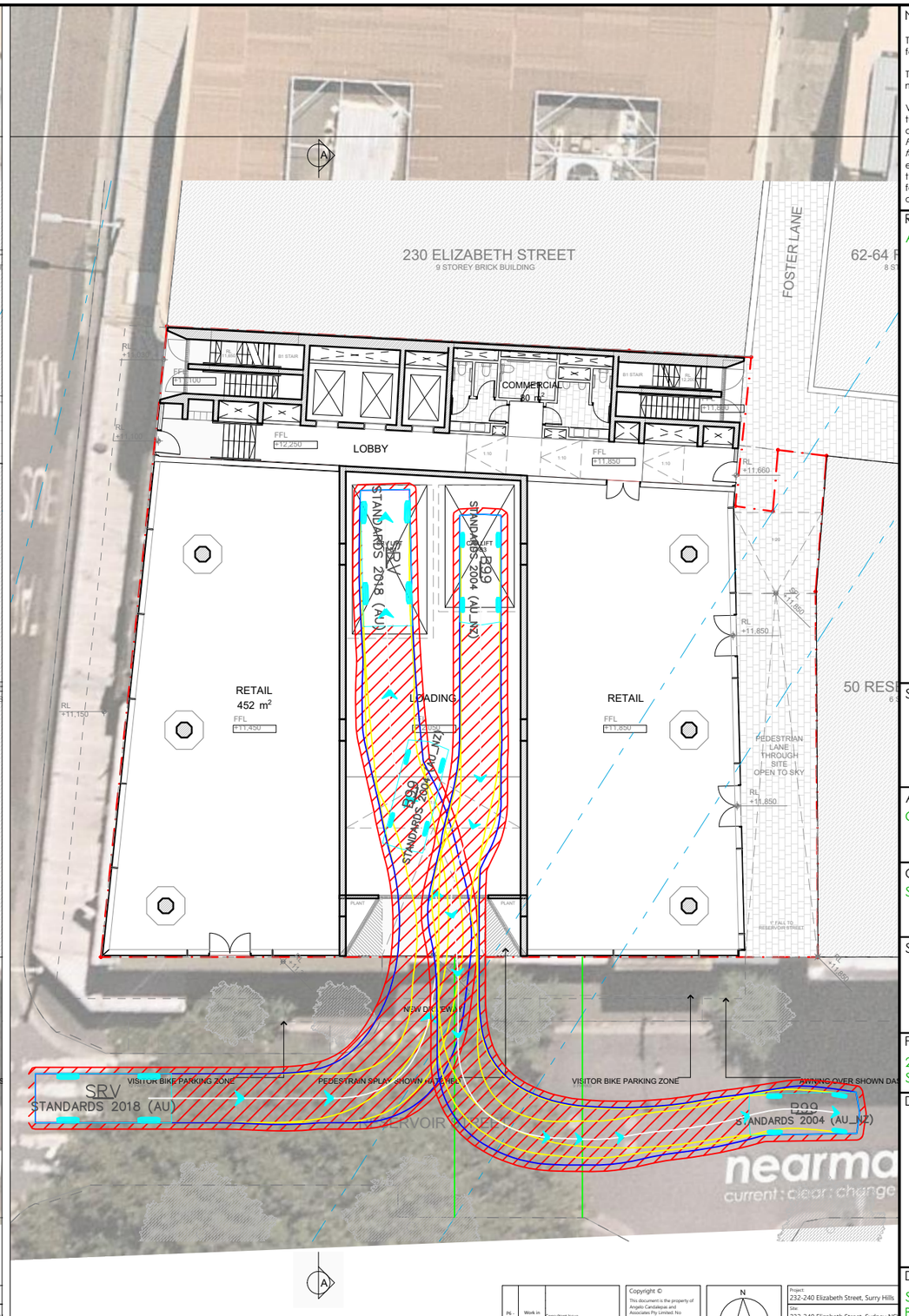

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Rev.	Revision Note	By.	Date
A	Swept Path Analysis	HD	09-11-22

Swept Path Legend

- Wheel Path
- Vehicle Body Envelope
- Clearance Envelope (300mm)

Architect
Candalepas Associates

Client
STASIA Pty Ltd

Scale / Plan Orientation

0 2.5 5 7.5 10m

1:250 @ A3

Project Description
232-240 Elizabeth Street
SURRY HILLS NSW 2010

Drawing Prepared By

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f: +61 2 9830 4481
w: www.traffix.com.au

Drawing Title
Swept Path Analysis
B99 Vehicle
Ground Floor
Left: Entry Movement Right: Exit Movement

Drawn:	Checked:	Date:
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Project No.	Drawing Phase	Drawing No.	Rev.
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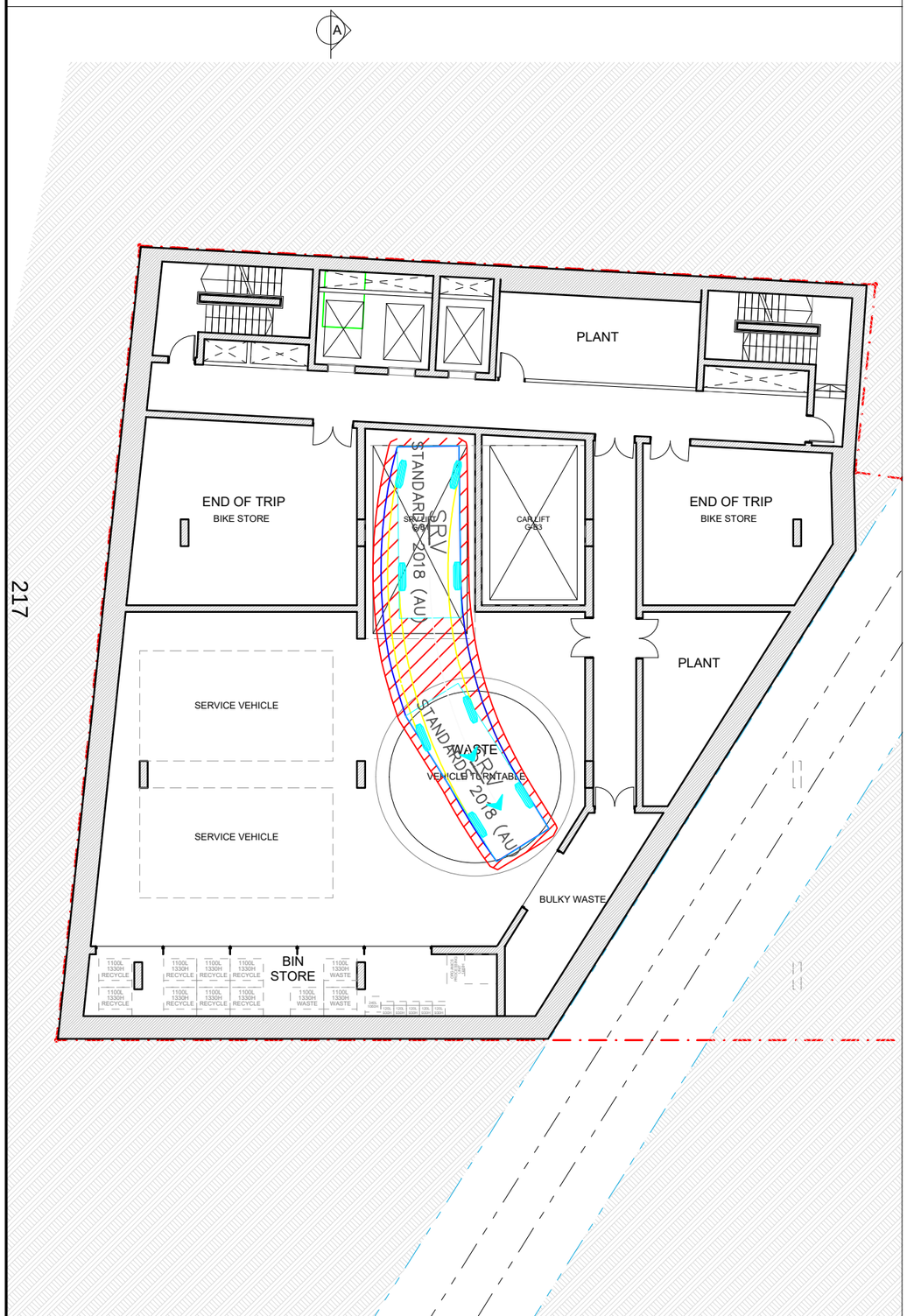
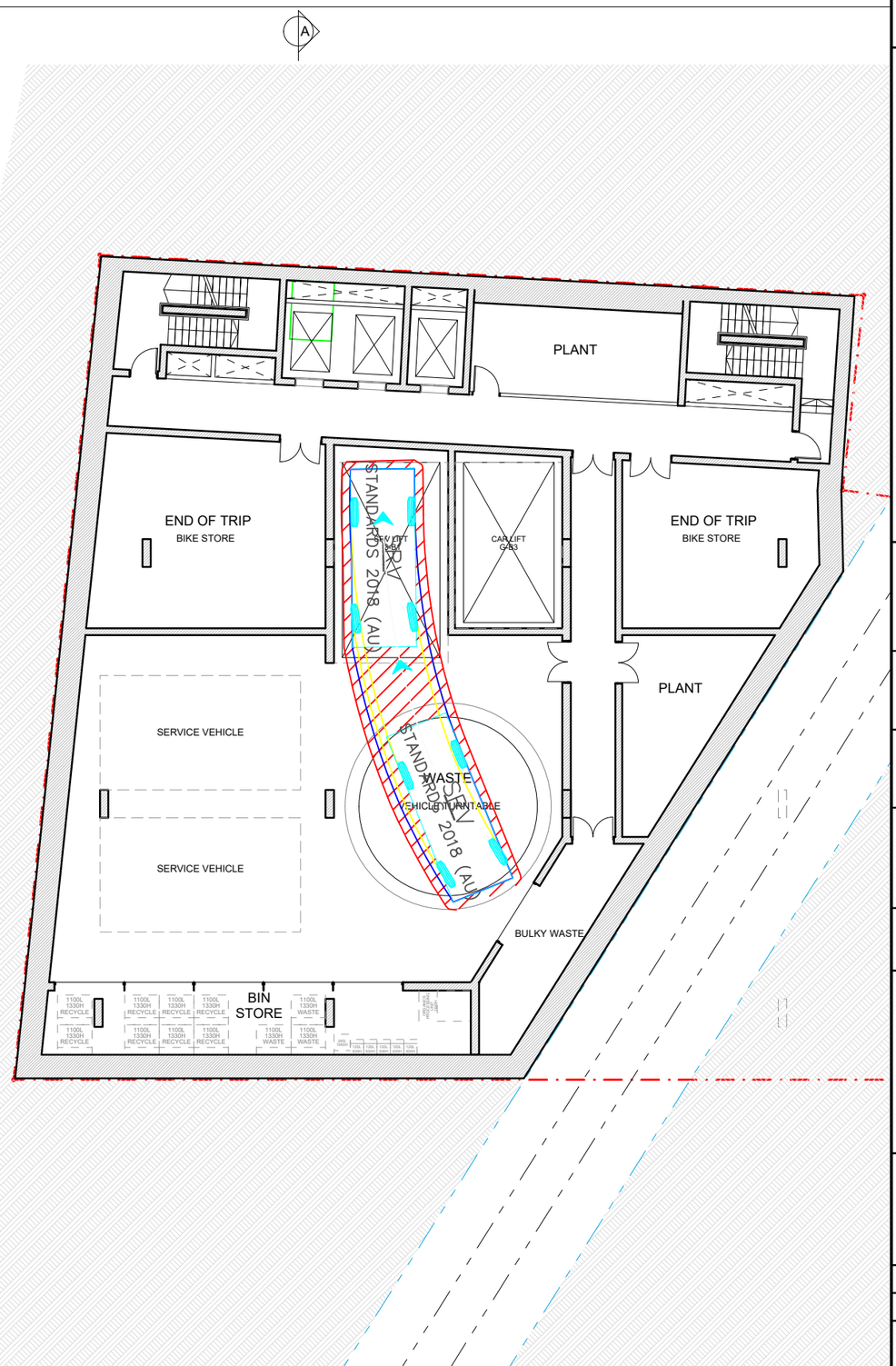
No.	Work in Progress	Consultant Issue
WIP		
P5	2/11/2022	Client Issue
P4	19/10/2022	Consultant Issue
03	17/10/2022	Consultant Issue
02	10/10/2022	Client Review

Issue Date Description

Project: 232-240 Elizabeth Street, Surry Hills
Site: 232-240 Elizabeth Street, Sydney NSW
Client: STASIA PTY LIMITED
Scale: 1:500 @ A3
Drawn By: HL RB
Checked





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Rev.	Revision Note	By.	Date
A	Swept Path Analysis	HD	09-11-22
B	Updated Plans	HD	24-02-23

Swept Path Legend

- Wheel Path
- Vehicle Body Envelope
- Clearance Envelope (300mm)

Architect
Candalepas Associates

Client
STASIA Pty Ltd

Scale / Plan Orientation

0 2 4 6 8m
1:200 @ A3

Project Description
232-240 Elizabeth Street
SURRY HILLS NSW 2010

Drawing Prepared By

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Drawing Title
Swept Path Analysis
6.4m Small Rigid Vehicle
Basement 1
Left: Basement Entry Movement
Right: Basement Exit Movement

Drawn:	Checked:	Date:
HD	-	09-11-22

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Rev.	Revision Note	By.	Date
A	Swept Path Analysis	HD	09-11-22
B	Updated Plans	HD	24-03-23

Swept Path Legend

- Wheel Path
- Vehicle Body Envelope
- Clearance Envelope (300mm)

Architect
Candalepas Associates

Client
STASIA Pty Ltd

Scale / Plan Orientation

Project Description
232-240 Elizabeth Street
SURRY HILLS NSW 2010

Drawing Prepared By

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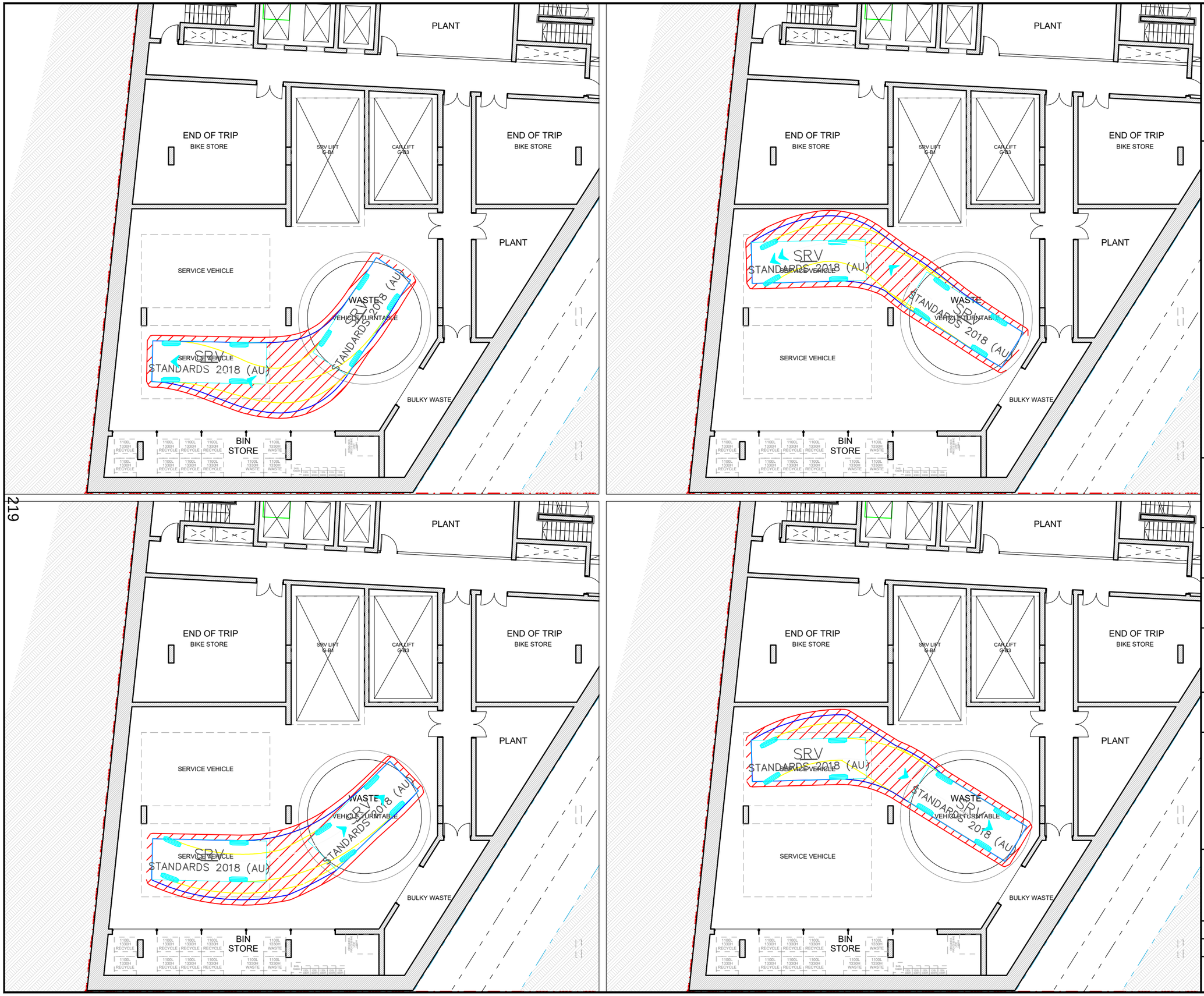
Drawing Title
Swept Path Analysis
Basement 2 - 6.4m long Small Rigid Vehicle
Left: Entry Movement
Middle: Drive on to Turntable
Right: Exit Movement

Drawn:	Checked:	Date:
HD	-	09-11-22

21.338d05v01 TRAFFIX [230322 Plans] Design Review.dwg

Project No.	Drawing Phase	Drawing No.	Rev.
21.338	PP	TX.04	A



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Rev.	Revision Note	By.	Date
A	Swept Path Analysis	HD	24-03-23

Swept Path Legend

- Wheel Path
- Vehicle Body Envelope
- Clearance Envelope (300mm)

Architect
Candalepas Associates

Client
STASIA Pty Ltd

Scale / Plan Orientation

0 2 4 6 8m

1:200 @ A3

Project Description
232-240 Elizabeth Street
SURRY HILLS NSW 2010

Drawing Prepared By

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Strawberry Hills, NSW 2012
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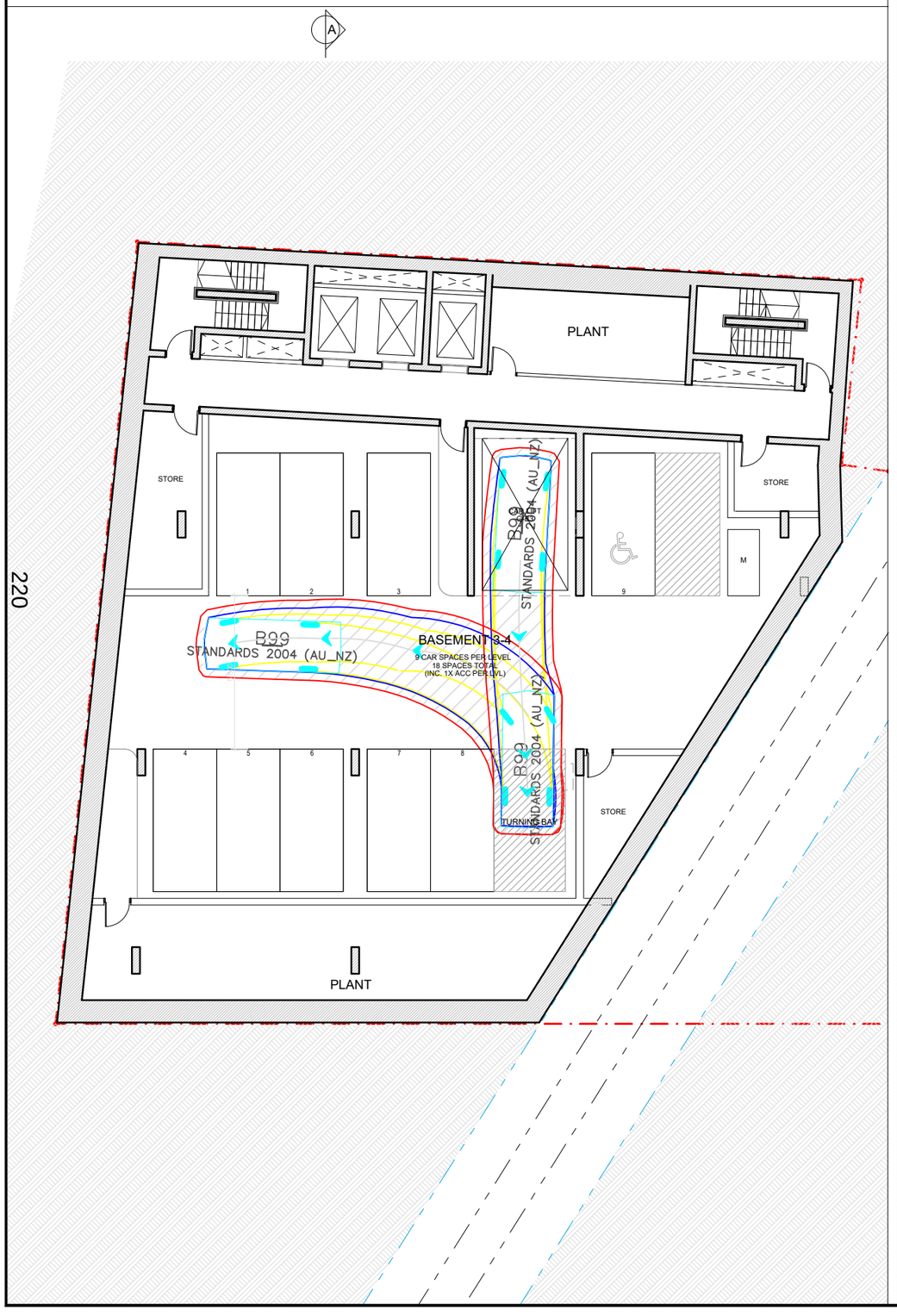
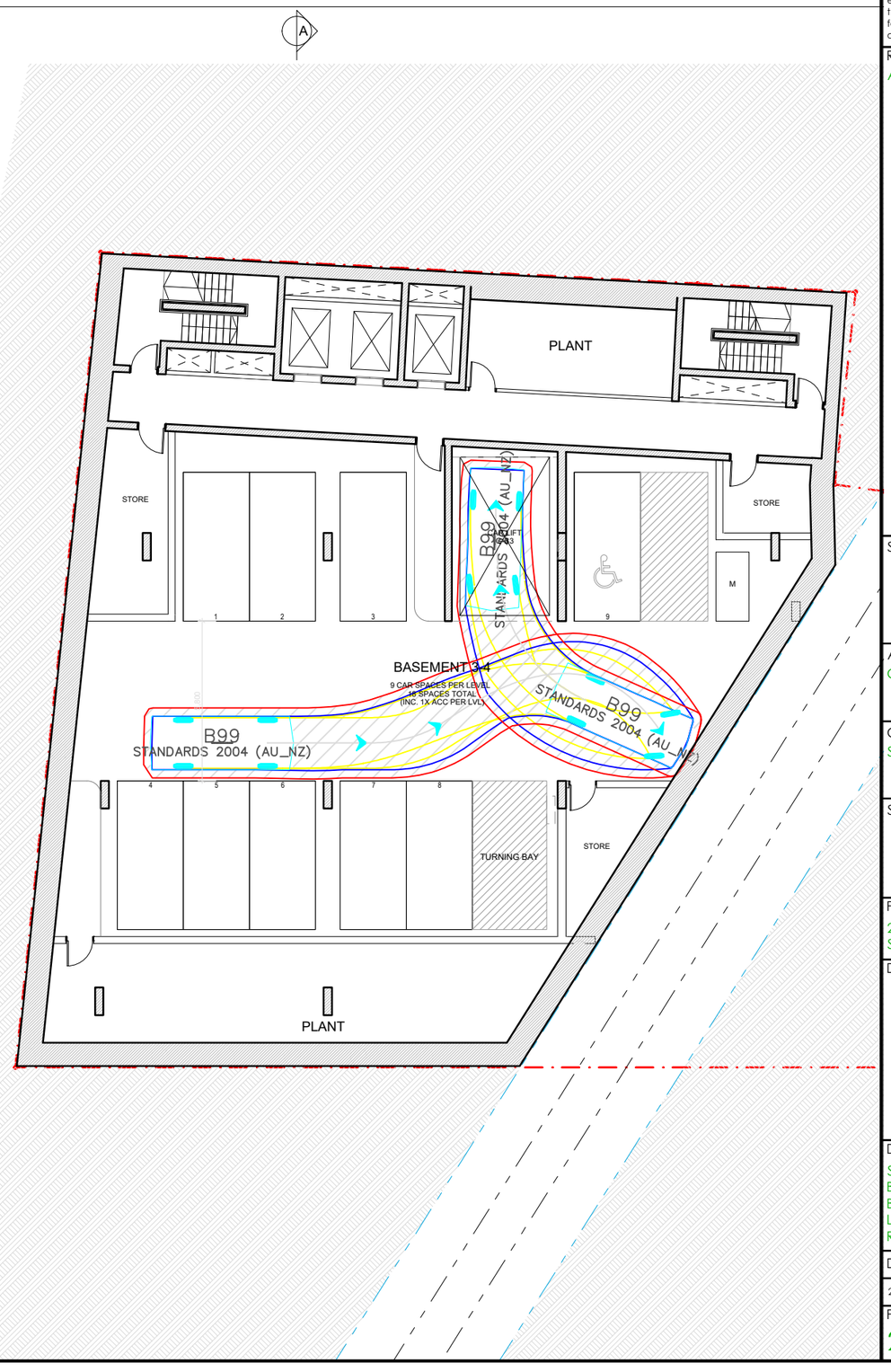
Drawing Title
Basement 1 - 6.4m Small Rigid Vehicle
Left Top: Space 1 Entry Movement
Left Bottom: Space 1 Exit Movement
Right Top: Space 2 Entry Movement
Right Bottom: Space 2 Exit Movement

Drawn:	Checked:	Date:
HD	-	24-03-23

21.338d05v01 TRAFFIX [230322 Plans] Design Review.dwg

Project No.	Drawing Phase	Drawing No.	Rev.
21.338	PP	TX.05	A





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Rev.	Revision Note	By.	Date
A	Swept Path Analysis	HD	24-03-23

Swept Path Legend

- Wheel Path
- Vehicle Body Envelope
- Clearance Envelope (300mm)

Architect
Candalepas Associates

Client
STASIA Pty Ltd

Scale / Plan Orientation

0 2 4 6 8m
1:200 @ A3

Project Description
232-240 Elizabeth Street
SURRY HILLS NSW 2010

Drawing Prepared By

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Drawing Title
Swept Path Analysis
B99 Vehicle
Basement 3 and 4
Left: Basement Entry Movement
Right: Basement Exit Movement

Drawn:	Checked:	Date:
HD	-	24-03-23

21.338d05v01 TRAFFIX [230322 Plans] Design Review.dwg

Project No.	Drawing Phase	Drawing No.	Rev.
21.338	PP	TX.06	A

Attachment A5

Heritage Impact Statement

URBIS

HERITAGE IMPACT STATEMENT

232-240 Elizabeth Street,
Surry Hills

Prepared for
CANDALEPAS ASSOCIATES
20 February 2024

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Associate Director, Heritage	Alexandria Cornish, B Des (Architecture), Grad Cert Herit Cons, M.ICOMOS		
Heritage Consultant	Cecelia Heazlewood, B Arts, M Museum & Heritage Studies		
Project Code	P0043152		
Report Number	01	17/11/2022	Issue 1
	02	15/03/2023	Issue 2
	03	21/03/2023	Issue 3
	04	20/02/2024	Issue 4

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We acknowledge, in each of our offices the Traditional Owners on whose land we stand.

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EXECUTIVE SUMMARY

Urbis has been engaged by Candalepas Associates to prepare the following Heritage Impact Statement (HIS) for 232-240 Elizabeth Street (subject site).

The subject site is not identified as an item of heritage significance or within any identified Heritage Conservation Areas (HCA). However, the subject site is located within the vicinity of several items which are listed on the Sydney Local Environmental Plan (Sydney LEP) 2012 and the State Heritage Register as identified in Section 4.2 of this report.

The site contains three separate legal lots with several buildings dating from the Victorian period. However, significant features of these earlier Victorian buildings such as terraced balconies, openings and façade finishes were removed in the early 20th Century The site is currently used as a hostel with retail tenancies on the ground floor. The Planning Proposal seeks to amend the Sydney LEP 2012 and Sydney DCP 2012 to include site specific controls for 232-240 Elizabeth Street, Sydney.

The proposed amendments to the Sydney LEP 2012 would permit the following where no residential or serviced apartment uses are proposed:

- An increase in the maximum permissible FSR from 5:1 to 7:1.
- An increase in the maximum permissible building height from 35m to 36.02m (at RL 47.05) to accommodate rooftop equipment and lift overruns.

An indicative concept design has been prepared by Candalepas Associates and included within the Urban Design Study that accompanies this Planning Proposal. It demonstrates that a building of high quality could be achieved within the proposed building envelope. This design also shows demolition of the existing buildings for the construction of a multi-storey mixed-used construction. Further details of the proposed works are included in Section 1.5. This HIS has been prepared to assess the significance of the buildings on the subject site and determine the potential impact of the Planning Proposal on the heritage items in the vicinity.

The subject site (comprising several late 19th Century buildings) does not contain any heritage items. It is assessed that the subject site does not meet the threshold for heritage listing. The late Victorian residential structures are a common typology within the area, they are significantly stripped examples of their style and have undergone significant external and internal alterations such that their associations with the Victorian period is no longer clear. While the Federation Free Style façade of 232-236 Elizabeth Street has some components which are characteristic of the style, it is very late example of the style. As demonstrated in the comparative analysis set out in this report it is a modest expression of the style, likely due to its construction during a transitional period. The later building facades are also clear additions to the earlier principal building forms which are still visible to the rear, the buildings are therefore not well resolved or generally good examples of any style. The buildings have no relationship with the scale or character of the buildings in their context, and therefore do not contribute to a significant or consistent streetscape. Accordingly, the demolition of the existing buildings is acceptable from a heritage perspective.

This HIS supports a Planning Proposal, as such no physical works are proposed as part of this application. Notwithstanding, a detailed impact assessment of the proposed works has been undertaken in Section 5 of this report to determine the potential heritage impact of the proposed works as a result of the type of development that would be facilitated by the Planning Proposal. The concept design as provided by Candalepas Associates has been assessed to have no detrimental heritage impact on the significance of the heritage items in the vicinity. Key aspects of the proposal assessment are listed below:

- No physical works are to be undertaken as a result of this Planning Proposal. However, the concept design provided by Candalepas Associates is suggestive of the type of sympathetic development that could result from the Planning Proposal. The indicative multi-storey building is consistent with the existing development pattern within the area (including character and scale). Conversely, the existing buildings are of a notably different scale and character than the existing buildings that define their visual context. The replacement of the existing buildings, as shown in the concept design, would, therefore, not disturb the present streetscape character, which defines the setting of the heritage items.
- The concept scheme shows an increase in building height. It is assessed that this would not detrimentally impact any identified significant views or settings of the heritage items within the vicinity. Several buildings of equal or greater height than the indicative works are adjacent to the site along Elizabeth Street. Additionally, all the surrounding heritage items are at a sufficient distance and/or

concealed from the subject site by existing development, confirming that new works would not engender heritage impact.

- While the indicative building would increase the size of the built footprint, it would not infringe on any of the vicinity heritage items' curtilage. The zero setbacks of the design would be in keeping with the setbacks of contemporary development in the area.
- The allowance of a through-site link between Reservoir Street and Foster Lane would permit a visual distinction between the new works and the early 20th Century building to the rear.
- The concept design offers a building designed by an award-winning architect with demonstrated experience in sympathetically introducing new development in heritage contexts. The building is well-resolved and adopts elegant detailing and materiality.
- The indicative design provides appropriate solutions for materials and finishes such as off-form concrete, glass and stainless steel. These are considered an appropriate response to the surrounding streetscape character. Additionally, the solid-to-void ratio of the concept building, featuring predominately void, would lessen the appearance of bulk.
- The development facilitated by this Planning Proposal would be constructed above a 19th century sewar which, although not listed, connects to the Bondi Ocean Outfall Sewer which is listed on the Sydney Water Section 170 Conservation Register. It is understood that preliminary investigations have been undertaken at this stage to ensure that the future development has the potential to have no impact on the sewer. A minimum clearance requirement has been established which in principal would ensure that there is no physical impact. It is understood that the future development would be subject to approval from Sydney Water to ensure no impacts on their assets and therefore no impact on heritage fabric. A Specialist Engineering Assessment ‘SEA’ has not been completed at this stage. It is a recommendation of this report that, in order to demonstrate that no physical heritage impacts would be generated, the assessment is completed as part of the Detailed DA as a Condition of the Consent.
- The Planning Proposal would allow for development that would improve the presentation of the subject site and will positively impact the character of the area generally and, therefore, the setting of the heritage items.

For the reasons stated above, the Planning Proposal is recommended for approval from a heritage perspective.

1. INTRODUCTION

1.1. BACKGROUND

Urbis has been engaged by Stasia Holdings Pty Ltd to prepare the following Heritage Impact Statement (HIS) for 232-240 Elizabeth Street, Surry Hills (subject site).

The subject site is not identified as an item of heritage significance or within any identified Heritage Conservation Areas (HCA). However, the subject site is located within the vicinity of several items of local (Sydney LEP 2012) and state significance.

The site contains three lots with several buildings dating from the Victorian period. However, significant features of these earlier Victorian buildings, such as terraced balconies, openings and façade finishes, were removed in the early 20th Century. The site is currently used as a hostel with retail tenancies at the ground floor. The Planning Proposal seeks to amend the Sydney LEP 2012 and Sydney DCP 2012 to include site-specific controls for 232-240 Elizabeth Street, Sydney.

The proposed amendments to the Sydney LEP 2012 would permit the following where no residential or serviced apartment uses are proposed:

- An increase in the maximum permissible FSR from 5:1 to 7:1.
- An increase in the maximum permissible building height from 35m to 36.02m (at RL 47.05) to accommodate rooftop equipment and lift overruns.

An indicative concept design has been prepared by Candalepas Associates and included within the Urban Design Study that accompanies this planning proposal. It demonstrates that a building of high quality could be achieved within the proposed building envelope. This design also includes the demolition of the existing buildings for the construction of a multi-storey mixed-use construction. Further details of the proposed works are included in Section 1.5. This HIS has been prepared to determine the potential heritage impact of the Planning Proposal on the significance of the heritage items in the vicinity.

1.2. SITE LOCATION

The subject site is located at 232-240 Elizabeth Street within the local government area (LGA) of the City of Sydney. The site is legally described as Common Property Title, Strata Plan 1379 (232-236 Elizabeth Street) and Lots 1-7 of Deposited Plan 779385 and Lot 1 of Deposited Plan 664653 (238-240 Elizabeth Street).



Figure 1 – Locality map with the subject site outlined in red.

Source: SIX Maps, 2022

1.3. METHODOLOGY

This Heritage Impact Statement has been prepared in accordance with the NSW Heritage Division guidelines 'Assessing Heritage Significance' and 'Statements of Heritage Impact'. The philosophy and process adopted are guided by the Australia ICOMOS Burra Charter 1999 (revised 2013).

Site constraints and opportunities have been considered with reference to relevant controls and provisions contained within the Sydney Local Environmental Plan (LEP) 2012 and the Sydney Development Control Plan (DCP) 2012.

1.4. AUTHOR IDENTIFICATION

The following report has been prepared by Cecelia Heazlewood (Consultant). Alexandria Cornish (Associate Director) has reviewed and endorsed its content.

Unless otherwise stated, all drawings, illustrations and photographs are the work of Urbis.

1.5. THE PROPOSAL

As discussed above, the Planning Proposal seeks to amend the Sydney LEP 2012 and Sydney DCP 2012 to include site-specific controls for 232-240 Elizabeth Street, Sydney.

The proposed amendments to the Sydney LEP 2012 would permit the following where no residential or serviced apartment uses are proposed:

- An increase in the maximum permissible FSR from 5:1 to 7:1.
- An increase in the maximum permissible building height from 35m to 39.12m (at RL 50.330) to accommodate rooftop equipment and lift overruns.

An indicative concept design has been prepared by Candalepas Associates and included within the Urban Design Study that accompanies this planning proposal. It demonstrates that a building of high quality could be achieved within the proposed building envelope. The indicative concept design envisions demolishing the existing buildings for the development of a 10-storey commercial building with ground-floor retail tenancies and a through-site link connecting Foster Lane and Reservoir Street. It includes the excavation of three basement levels with access via a car lift and driveway off Reservoir Street.

Urbis has been provided with drawing documentation prepared by Candalepas Associates. This HIS has relied on these plans for the impact assessment included in Section 5. Extracts of the proposed plans are also provided overleaf. Full-size plans should be referred to for detail.

Table 1 Provided Plans

Author	Drawing Name	Revision	Date
Candalepas Associates	BASEMENT 1 PLAN	C	January 2024
Candalepas Associates	GROUND FLOOR PLAN	C	January 2024
Candalepas Associates	TYPICAL FLOOR PLAN L1, L2, L4, L6	C	January 2024
Candalepas Associates	TYPICAL FLOOR PLAN L3, L5, L7	C	January 2024
Candalepas Associates	FLOOR PLAN - L8	C	January 2024
Candalepas Associates	FLOOR PLAN - L9	C	January 2024
Candalepas Associates	WEST ELEVATION - ELIZABETH STREET & MATERIALS	C	January 2024

Candalepas Associates	SOUTH ELEVATION - RESERVOIR STREET & MATERIALS	C	January 2024
Candalepas Associates	SECTION AA	C	January 2024
Candalepas Associates	SECTION BB	C	January 2024



Figure 2 – Proposed West Elevation – Elizabeth Street

Source: Candalepas Associates, 2024



Figure 3 – Proposed Elevation – Reservoir Street

Source: Candalepas Associates, 2024

2. SITE DESCRIPTION

The following sub-sections have been adapted from the Heritage Impact Statement prepared by Heritage 21 for 232-240 Elizabeth Street, Surry Hills.

2.1. SITE SETTING

The subject site is located at 232-240 Elizabeth Street. The subject site contains two allotments and is legally described as the following:

Table 2 Legal Descriptions of Subject Site

Street Address	Legal Description
232-236 Elizabeth Street	Common Property Title, Strata Plan 1379
238-240 Elizabeth Street	Lots 1-7 of Deposited Plan 779385 and Lot 1 of Deposited Plan 664653

The buildings to the rear of 238-240 Elizabeth Street were once identified as separate allotments, 40-44 Reservoir Street, Surry Hills. However, they are now generally considered to fall under the address 238-240 Elizabeth Street.

Elizabeth Street is a major thoroughfare in Sydney City, providing access between Circular Quay and south Sydney. The subject site is located on the eastern side of Elizabeth Street. The street has a mixed building context comprised of a mixture of residential and commercial buildings. These buildings range from Victorian two-storey structures to contemporary multi-storey structures. A nine-storey building constructed in the 20th Century is located adjacent to the northern boundary of the subject site. The site is a corner block with Reservoir Street denoting the site's southern border and separating it from the multi-storey building to the south. The western side of Elizabeth Street is dominated by a large sandstone wall which forms part of the Central Railway track network, and some landscaping along the road verge, which presumably forms part of the Belmore Park landscaping according to the heritage map.



Figure 4 – Aerial view of the subject site outlined in red.

Source: SIX Maps, 2022.

2.2. VIEWS

The subject site is visible from both Elizabeth and Reservoir Streets and from passing trains on the Central Railway track network.

The subject site currently has views to a number of heritage items located in the vicinity, as outlined in Section 1.3. These items include the following:

- Belmore Park grounds, landscaping and bandstand;
- Central Railway Station group, including buildings, station yard, viaducts and building interiors; and
- Former "Silknit House", including interior.

There are currently no views between the subject site and the Edwards & Co Warehouse (I1571), however, there is the potential that views would be created if the building located on the subject site was of a larger scale.

The current views between the heritage items, which are located within the vicinity of the subject site, are limited with no views currently existing between the two former warehouses (I1571 and I1545). There are some limited views between the Former "Silknit house" (I1572) and heritage items (I825 and I824), however, these are of low significance. Similarly, there are some existing views between the Edwards & Co Warehouse (I1545) and heritage items (I825 and I824), however, these views are primarily along Foster Street and do not encompass the subject site.

2.3. SITE DESCRIPTION

The subject site is made up of a series of allotments. Historical research included in Section 3.2 indicates that five separate Victorian terraces were originally located on-site and used for boarding houses/accommodation. Some of the general structure and rear wings of these earlier buildings remains. However, they have been significantly stripped of their detailing.

The buildings are currently used for a mixture of temporary accommodation and retail tenancies. Both buildings presenting to Elizabeth Street are used as a hostel with various retail spaces at the ground floor. Similarly, the buildings presenting to Reservoir Street have ground-floor retail tenancies, with the upper levels owned and used by the hostels as part of the roof terrace.

The three-storey buildings present to Elizabeth Street as two separate properties due to the two distinctive facades. The northern property (232-236 Elizabeth Street) has a brick façade, detailed in the Federation Free Style. A decorative parapet characterises it, featuring painted pilasters and a consistent fenestration pattern with openings and windows dating to the Federation period. The architectural style of the façade is typical for Federation commercial buildings. A contemporary box awning separates the upper façade from the three contemporary ground-level shopfronts. As indicated above, while the façade of this building dates from the Federation period, the main building structure appears to date from the late Victorian era.

The southern property (238-240 Elizabeth Street) extends around the corner and into Reservoir Street. It consists of a hipped roof with a plain façade, typical of a modest Victorian structure, which appears to have been modified both above and below the box awning. The façade of this building features both contemporary and early window openings with contemporary aluminium framed windows.

Along Reservoir Street, the subject site presents to the street as four separate buildings. The first property is a continuation of the three-storey property which also presents to Elizabeth Street. The second property is a simple single-storey construction that may have been a later infill building. The last two properties are double-storey Victorian commercial buildings. As discussed, this building has a residential level above. The façade maintains some original features. However, modifications to the facade appear to have occurred on both the ground and upper levels.

The rear of the site indicates the service wings and outbuildings of the Victorian buildings, albeit modified and in poor condition. A rear yard (accessible via Foster Lane) is used as a dock for goods storage. The hostels also have a combined outdoor terrace at the rear of the site.

Internally, all the buildings have undergone significant alterations following the various owners and tenants on site, with the most discernible contemporary modifications at the ground floor retail tenancies. Many of the ground floor spaces have little remnant early or original fabric with contemporary openings, doors, windows, and general fitout. The upper-level accommodation spaces have also been substantially modified to facilitate the conversion of the building into a hostel, including contemporary room partitions, openings for

passageways between rooms, removal or infill of fireplaces and removal of most original skirting and cornices. However, some original Victorian details remain such as the central timber stairs and some original skirting, cornices and architraves. While most of the roof cladding is contemporary the building at 238-240 Elizabeth Street retains one original chimney stack.



Figure 5 – View of primary façade on Elizabeth Street



Figure 6 – View of secondary façades on Reservoir Street



Figure 7 – View of ground floor retail facades on Elizabeth Street.



Figure 8 – View of ground floor retail facades on Elizabeth Street



Figure 9 – View of ground floor retail facades on Reservoir Street.



Figure 10 – View of ground floor retail facades on Reservoir Street.



Figure 11 – Internal view of retail store on Elizabeth Street.



Figure 12 – Internal view of retail store on Elizabeth Street.



Figure 13 – Internal view of retail store on Reservoir Street.

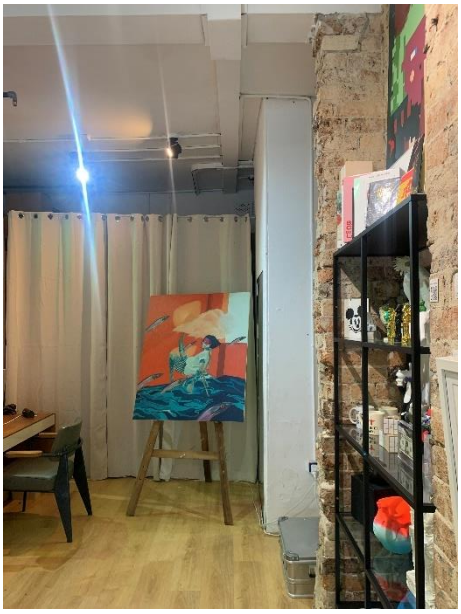

Figure 14 – Internal view of retail store on Reservoir Street.

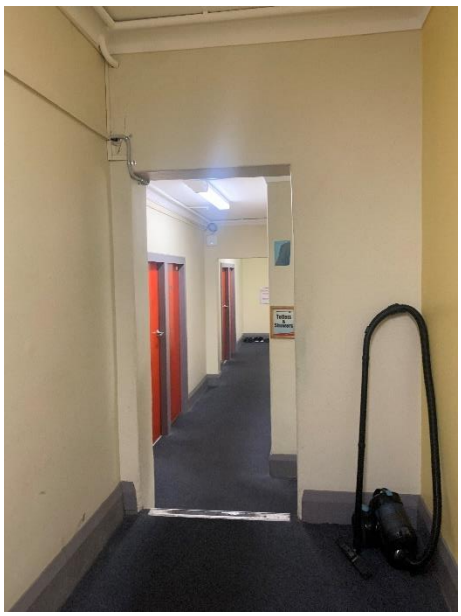

Figure 15 – Internal view of hostel floors showing rooms.

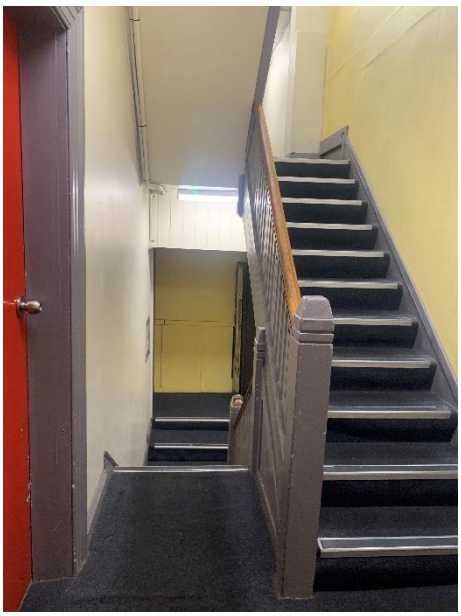

Figure 16 – Internal view of hostel floors showing central stair.

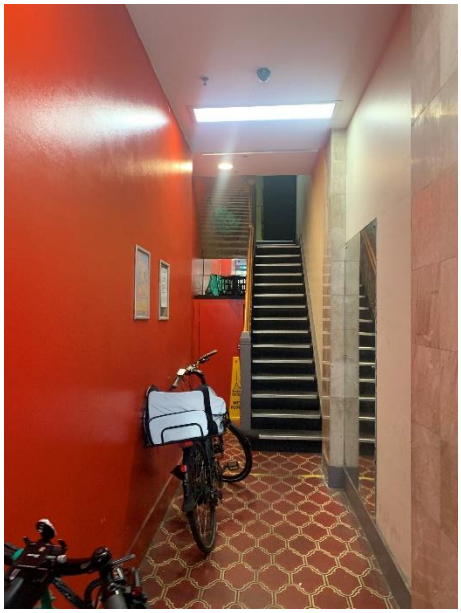

Figure 17 – Internal ground floor of hostel showing access stair to second wing.

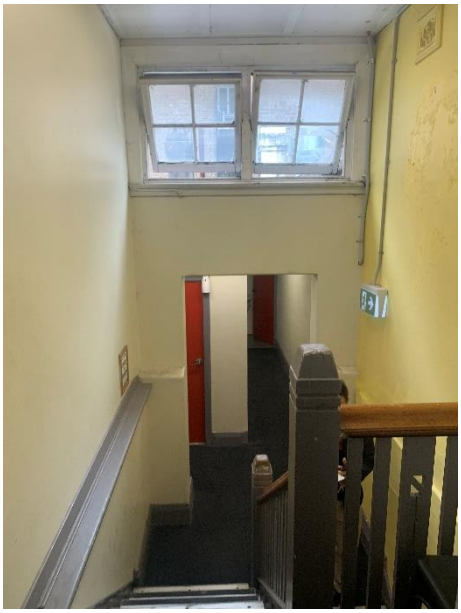

Figure 18 – Detail of hostel from central stair showing rooms and view to roof space.



Figure 19 – View of the hostel roof terrace showing rear of 232-240 Elizabeth Street.



Figure 20 – View of the hostel roof terrace showing views to Reservoir Street.



Figure 21 – Rear dock/service yard accessible via Foster Lane.



Figure 22 – Rear dock/service yard accessible via Foster Lane.

3. HISTORICAL OVERVIEW

3.1. ABORIGINAL OCCUPATION

The following has been extracted from the City of Sydney Council website.

The original Aboriginal inhabitants of the City of Sydney local area are the Gadigal people. The territory of the Gadi (gal) people stretched along the southern side of Port Jackson (Sydney Harbour) from South Head to around what is now known as Petersham. Their southern boundary is the area that now forms the Alexandra canal and Cooks River.

There are about 29 clan groups of the Sydney metropolitan area referred to collectively as the Eora Nation. The 'Eora people' was the name given to the coastal Aboriginal peoples around Sydney. 'Eora' means 'here' or 'from this place'. The Gadigal are a clan of the Eora Nation.

Following the arrival of the First Fleet in 1788, the British encountered Aboriginal people around the coves and bays of Port Jackson. Aboriginal communities here were both generous and combative towards the colonisers. Many places around the harbour remained important hunting, fishing and camping grounds long after Europeans settlement, and continue to be culturally significant today.

Despite the destructive impact of first contact, Gadigal culture survived. As the town of Sydney developed into a city, the Gadigal were joined by other Aboriginal people from around NSW to live, work and forge relationships with the urban Aboriginal community.

Sydney's inner suburbs have long been a magnet for Aboriginal peoples seeking work opportunities, shelter and connections with community and family. The 'big smoke' provided work opportunities shelter and reinforced community connections.

3.2. SITE HISTORY

The subject site is located along Elizabeth Street, named by Governor Macquarie after his wife, Elizabeth Campbell. Elizabeth Street is a major thoroughfare whose character has undergone several changes throughout Sydney's development as a city.

Colonial maps of the subject site indicate that the subject site was once occupied within the vicinity of several early industrial establishments along Elizabeth Street. Notably, a map dated 1843 indicates a designated area for brick kilns to the east of the subject site (Figure 23). Previous archaeological work on adjacent sites has recorded remains of a brick kiln, clay working areas, and lead-glazed pottery assumed to have been locally manufactured.[1] The map also notes the 'Albion Brewery' to the south of the site.[2] The Albion Brewery was a significant building structure in the area, constructed in c.1826.[3]

[1] Casey & Lowe, Archaeological Investigation – 19-41 Reservoir Street, Surry Hills. Accessible via pdf: https://www.caseyandlowe.com.au/pdf/leaflet1.pdf

[2] W Henry Wells, Land Surveyor, City of Sydney Map, c.1843, NSW State Library, via: https://digital.sl.nsw.gov.au/delivery/DeliveryManagerServlet?embedded=true&toolbar=false&dps_pid=FL3709191

[3] Dictionary of Sydney, 'Albion Brewery', via: https://dictionaryofsydney.org/place/albion_brewery



Figure 23 – 1843 map of Surry Hills and surrounds, approximate location of subject site indicated in red.

Source: City of Sydney Archives, Detail Plans, 1855: Sheet 21 (01/01/1855 - 31/12/1855), https://archives.cityofsydney.nsw.gov.au/nodes/view/1709093

The subject site is located on a portion of 105 acres granted to Joseph Foveaux on 2 December 1793 by Major Francis Grose.[4] Foveaux's grant occupied a large area of what is now known as Surry Hills. A neighbouring landowner, John Palmer, purchased Foveaux's Surry Hills grant in 1800 but was later forced to sell the land in 1814 due to financial troubles. Samuel Foster purchased a portion of Palmer's Grant, and this area of Surry Hills was colloquially known as 'Fosterville'.[5] Following his death in 1819, Foster's daughter Mary and husband, John Samuel Smith, subdivided the land for residential sale.[6] Reservoir Street, which bounds the subject site to the south, was initially named Gipps Street and was constructed due to the Fosterville Estate subdivision.

[4] Casey & Lowe, Archaeological Investigation – 19-41 Reservoir Street, Surry Hills. Accessible via pdf: https://www.caseyandlowe.com.au/pdf/leaflet1.pdf

[5] Ibid.

[6] Ibid.

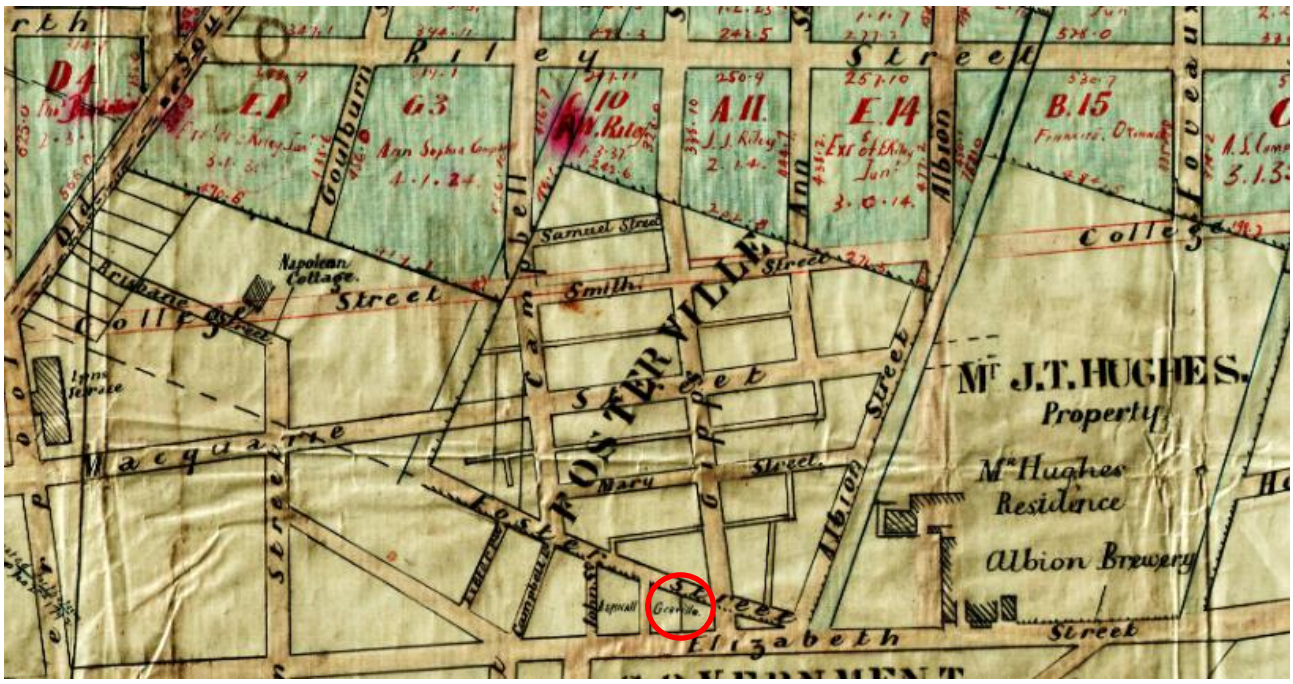

Figure 24 – 1844 map of early Surry Hills subdivisions including the Fosterville Estate. The approximate location of the subject site is indicated in red.

Source: City of Sydney Archives, City Engineer and City Surveyor's Department, Riley Estate - Woolloomooloo, Darlinghurst & Surry Hills, 1844 (01/01/1844),https://archives.cityofsydney.nsw.gov.au/nodes/view/1709110

During the subdivision of Fosterville Estate, the subject site was largely undeveloped compared to the areas located immediately north of the subject site. Maps from the mid-19th Century indicate that there were scarcely built structures on the subject allotments (Figure 25). By 1865, several buildings were constructed on the north side of the corner of Elizabeth and Gipps (now Reservoir) Street (Figure 26). These buildings appear to have a primary frontage to Elizabeth Street with a rear service wing and outbuildings to the rear.

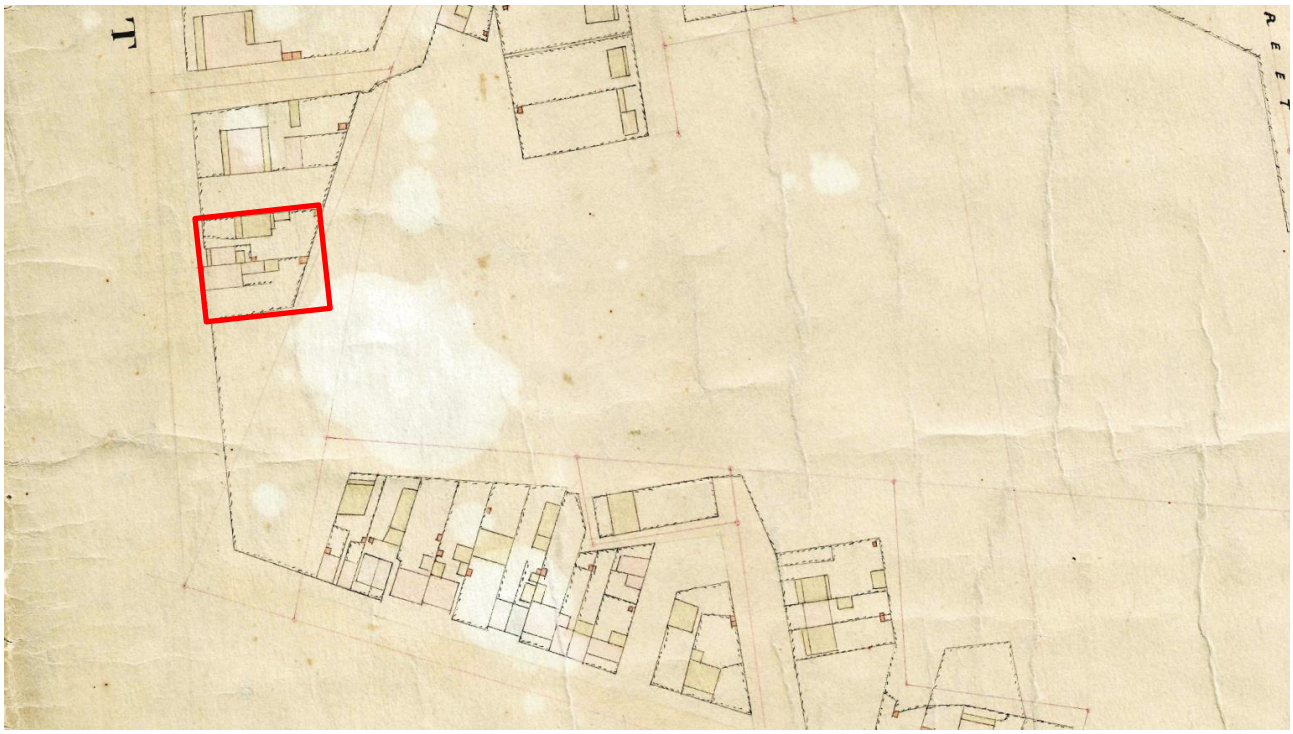

Figure 25 – 1855 survey of the subject area, the approximate location of the subject site is indicated in red.

Source: City of Sydney Archives, Detail Plans, 1855: Sheet 21 (01/01/1855 - 31/12/1855), https://archives.cityofsydney.nsw.gov.au/nodes/view/1709093

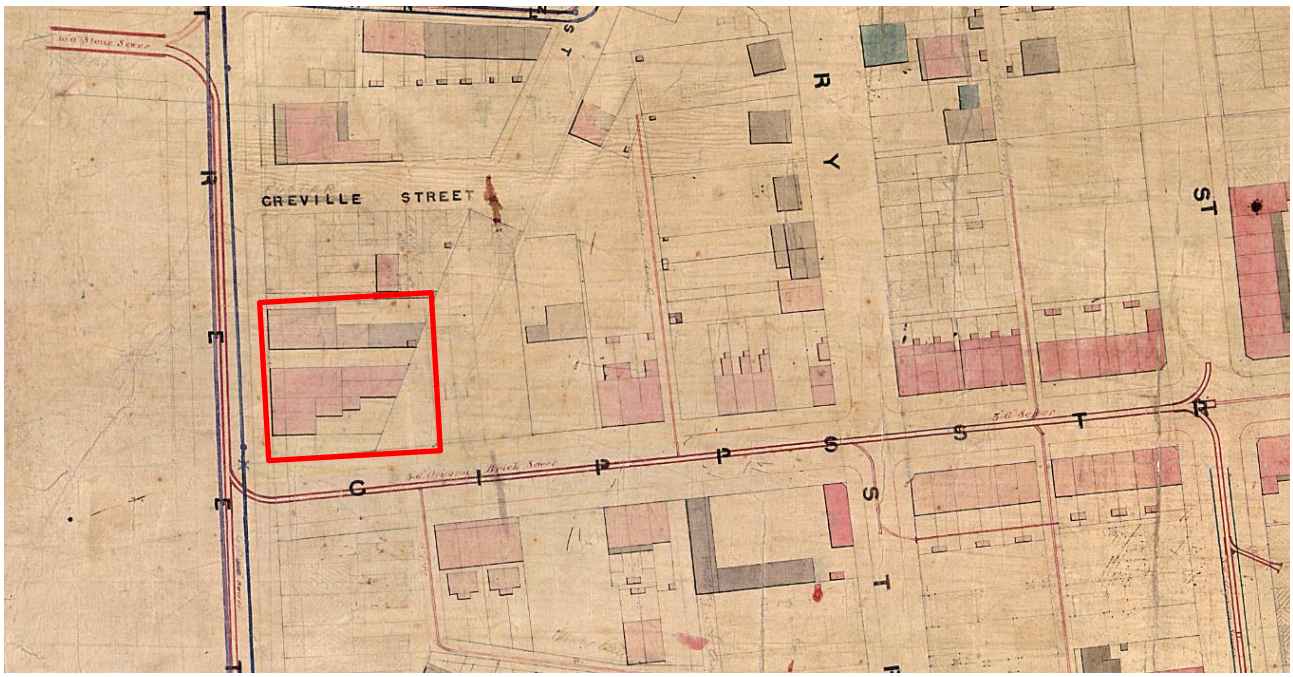

Figure 26 – 1865 survey of the subject area, the approximate location of the subject site is indicated in red.

Source: City of Sydney Archives, Trigonometrical Survey, 1855-1865: Block J1 (01/01/1865 - 31/12/1865), [A-00880390]., https://archives.cityofsydney.nsw.gov.au/nodes/view/1709317

Survey maps from the late 19th Century indicate that the site had been developed with residential structures apparent on each allotment.[7] At this time, 232-240 Elizabeth Street had a frontage to Elizabeth Street, rear service wings, and outbuildings to the rear (east). Similarly, two structures on 40-42 Reservoir Street were much smaller, albeit with a similar footprint and rear service wing. A search of the Sydney Sands Directory reveals that the properties on the subject site had numerous occupants and uses between 1884 and 1900. These searches largely indicated that the site was used as a series of boarding houses with some commercial uses, likely on the ground floor.[8]

Additionally, during the 19th Century and 20th centuries, a large number of Asian migrants arrived in Australia. Many of these migrants in Sydney settled in both Haymarket and Surry Hills and formed 'neighbourhoods'.[9] It has been evidenced that many of the dwellings along Elizabeth and Reservoir Street were tenanted by Chinese migrants during the early 20th Century.[10] The Sydney Sands directory notes that there were Chinese residents living in the dwelling at 232-242 Elizabeth Street in the early 19th Century, some of which operated a laundry at the premises.[11] Archaeological investigations of the heritage item 'Silknit House', adjacent to the subject site, have revealed evidence of this early Chinese occupation of the area.[12]

[7] Heritage 21, 'Heritage Impact Statement', August 2016, pg.9.

[8] John Sands Ltd, Sands Sydney, Suburban and Country Commercial Directory, 1900-1930, Via: https://archives.cityofsydney.nsw.gov.au/

[9] Casey & Lowe, Archaeological Investigation – 19-41 Reservoir Street, Surry Hills. Accessible via pdf: https://www.caseyandlowe.com.au/pdf/leaflet1.pdf

[10] Ibid.

[11] John Sands Ltd, Sands Sydney, Suburban and Country Commercial Directory, 1900-1915, https://archives.cityofsydney.nsw.gov.au/

[12] Casey & Lowe, Archaeological Investigation – 19-41 Reservoir Street, Surry Hills. Accessible via pdf: https://www.caseyandlowe.com.au/pdf/leaflet1.pdf

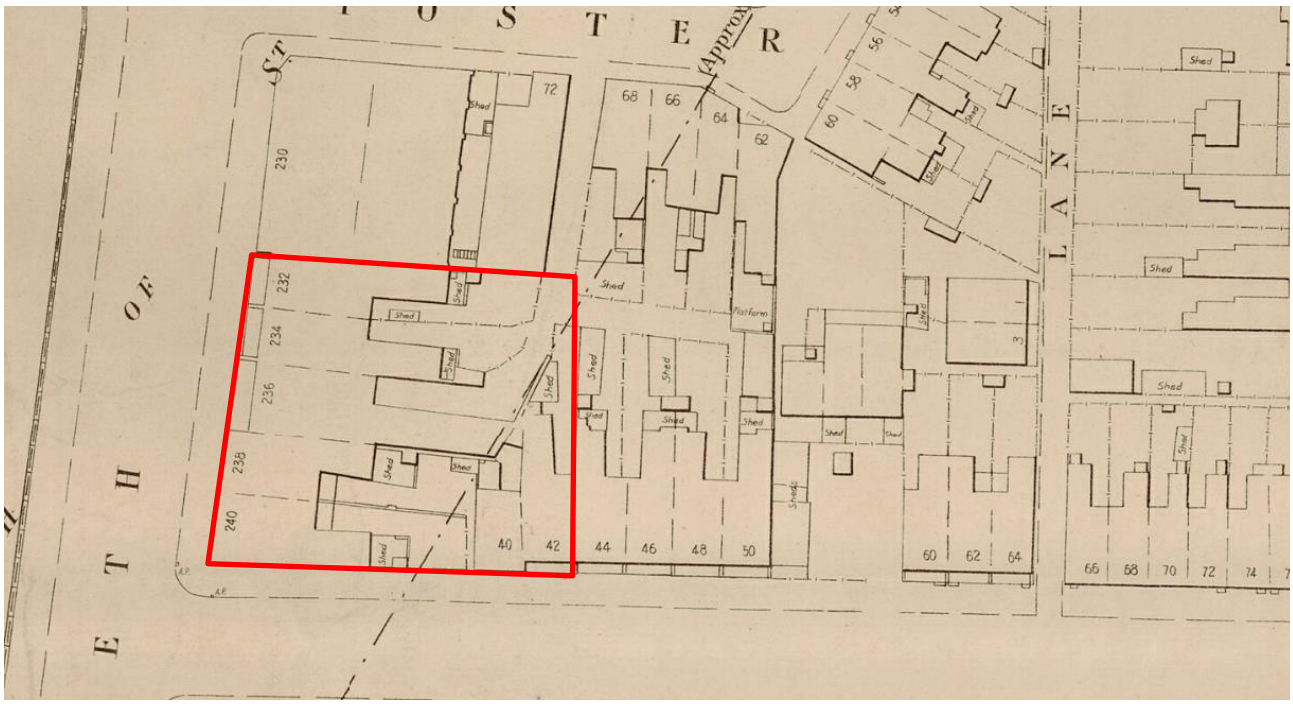

Figure 27 – 1895 survey of the subject site, the approximate location of the subject site is indicated in red.

Source: NSW State Library, https://collection.sl.nsw.gov.au/record/74VKqv5pXe4b/PRRLQRwr6QOBN

By the turn of the Century, commercial development along Elizabeth Street appeared to grow. Similarly, several boarding houses and hotels appeared within the vicinity of the subject site, likely due to the proximity to the newly constructed Central Station (c.1906). Historical images from the early 20th Century show the early Victorian buildings on the subject site (Figure 28 & Figure 29). These photographs show several adjoining buildings of varying heights with terraced balconies.

It is indicated on c.1919 architectural drawings that the hotel at 238-240 Elizabeth Street had decorative ground floor shops.[13] Similarly, architectural drawings c.1920 for updates to the building at 232-236 Elizabeth Street show major alterations to the buildings located on the site (Figure 30). These plans offer a basic layout of rooms on the above floors with access to rear shared bathroom areas. A 1920s aerial of the subject site indicates that both these hotel buildings were three storeys by this time (Figure 31).

In light of the above, it is indicated that the former Victorian buildings on site were significantly altered for use as hotel buildings during the early Federation period. The most discernible changes occurred to the façades which were remodelled to create the appearance of two buildings with one at 232-236 Elizabeth Street and the other at 238-240 Elizabeth Street. Significant features of the earlier Victorian buildings such as terraced balconies, openings and façade finishes were removed during this period.

The key change at this time included the removal of the entire front façade of the terraces at 232-236 Elizabeth Street. The space between the original front façade and the site boundary was infilled with the brick façade which is the remnant façade. The bricks façade appears to have been constructed by 1920 and appears to be a late or transitional example of Federation Free style.

An analysis of the historic photographs and the architectural drawings at Figure 30 reveal that shortly before the later 3 storey façade was constructed, a 2 storey façade was original planned, with the third story of the original terrace remaining partly visible set back from the decorative parapet. It appears that this scheme was abandoned and that a complete removal and replacement of the entire front façade/verandas of the terrace was undertaken.

Building surveys from the 1930s-1940s show that the hotel at 232 Elizabeth Street operated under the 'Windsor Private Hotel' while 238-240 Elizabeth Street was noted as the 'Waratah Private Hotel' (see below). It seems that 40 & 42 Reservoir Street maintained individual small-scale commercial buildings during this

[13] Elizabeth St (238-240) W Schofield alterations (01/01/1919 - 31/12/1919), [A-00571588]. City of Sydney Archives, accessed 07 Nov 2022, https://archives.cityofsydney.nsw.gov.au/nodes/view/1448958

period. Noteworthy owners of the site include well-known Sydney merchants Samuel and Anthony Hordern and former politician Richard Orchard.[14]



Figure 28 – c.1900 image of the subject site.

Source: NSW State Library, Redfern Railway Station and Central Railway Station, Sydney, 1871-1920https://collection.sl.nsw.gov.au/record/1Dr3ZKy9



Figure 29 – c.1917 image of the subject site.

Source: National Library of Australia, Belmore Park, construction of the Sydney underground railway, 19 April 1917 , http://nla.gov.au/nla.obj-145535231

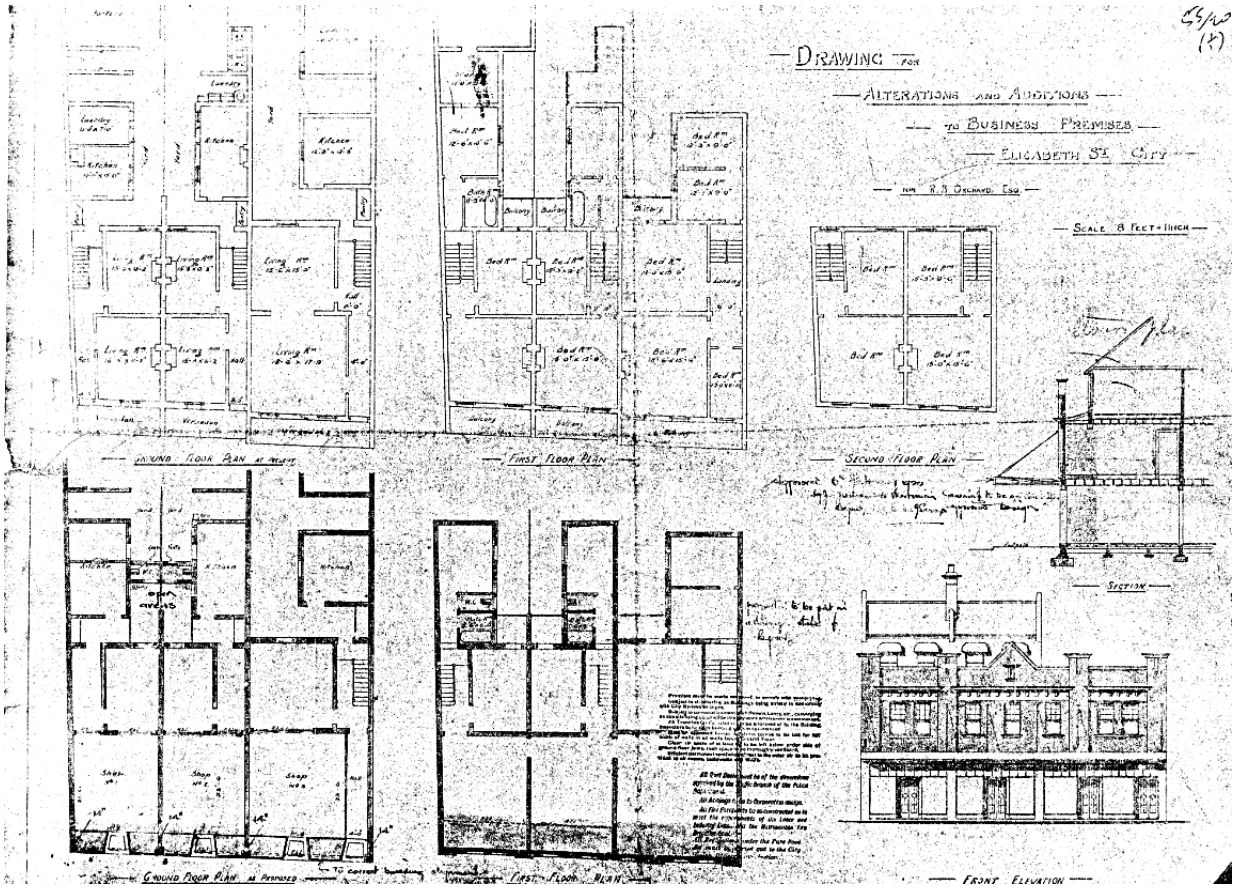

Figure 30 – Architectural drawings for alterations to the existing boarding house at 232-236 Elizabeth Street, c.1920

Source: City of Sydney Archives, Elizabeth St (232-236) W Schofield alterations & additions (01/01/1920 - 31/12/1920). https://archives.cityofsydney.nsw.gov.au/nodes/view/1718170

[14] NSW Land Registry Services, Vol Fol 1330 109

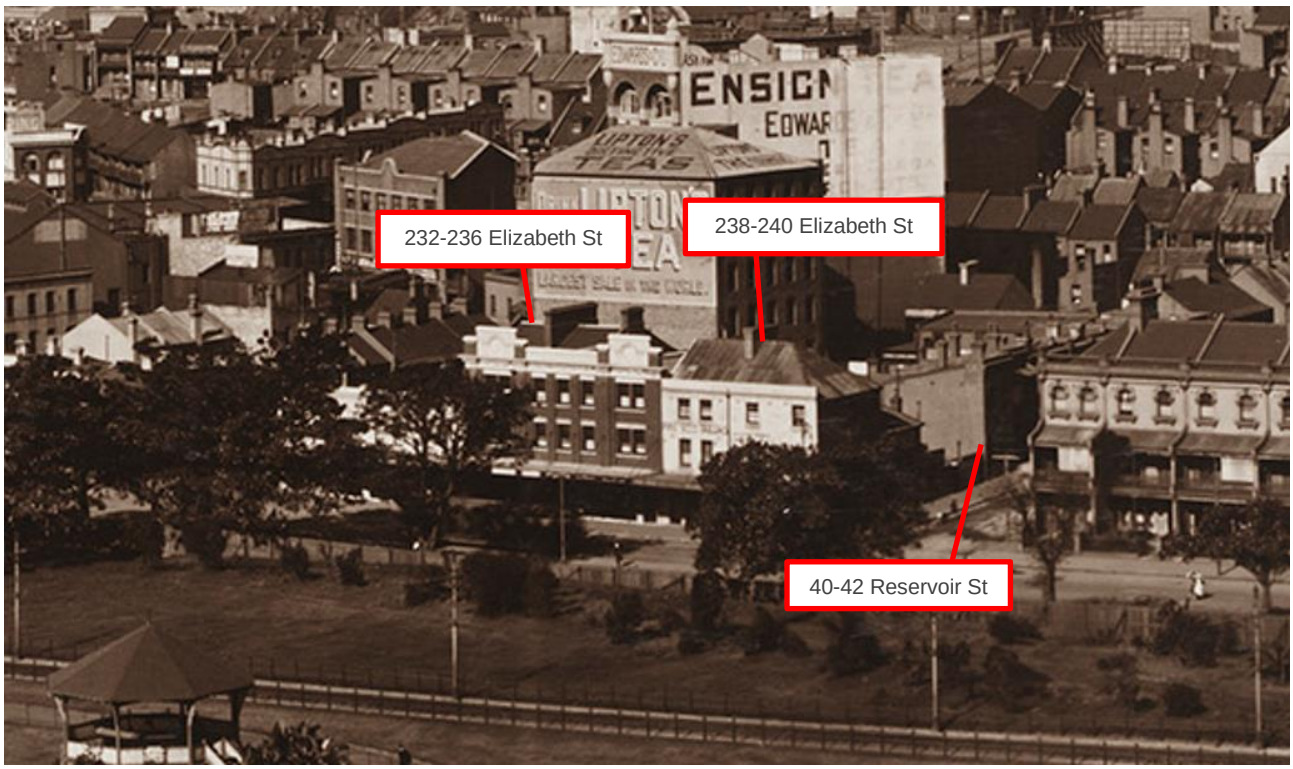

Figure 31 – 1920 image of the subject site, indicated in red.

Source: NSW State Library, Alan Row & Co. Panorama of Sydney from Central Station Tower, 1920.

The subject site is evident in a 1953 photograph of Elizabeth Street, which suggests that alterations to sections of the façade have occurred (Figure 34). It also clearly demonstrates that the context of the subject site has been altered, with numerous multi-storey developments being constructed in the vicinity of the subject site since 1953. By the late 1950s - early 1960s, the hotel at 238-240 Elizabeth Street was adapted for commercial use under the name 'Elliotts'. The subject site is currently used for a number of commercial operations that primarily run from the ground floor of the subject buildings. These uses include a backpackers hostel, a restaurant, a café, a laundromat, a grocery store and a jewellery store.

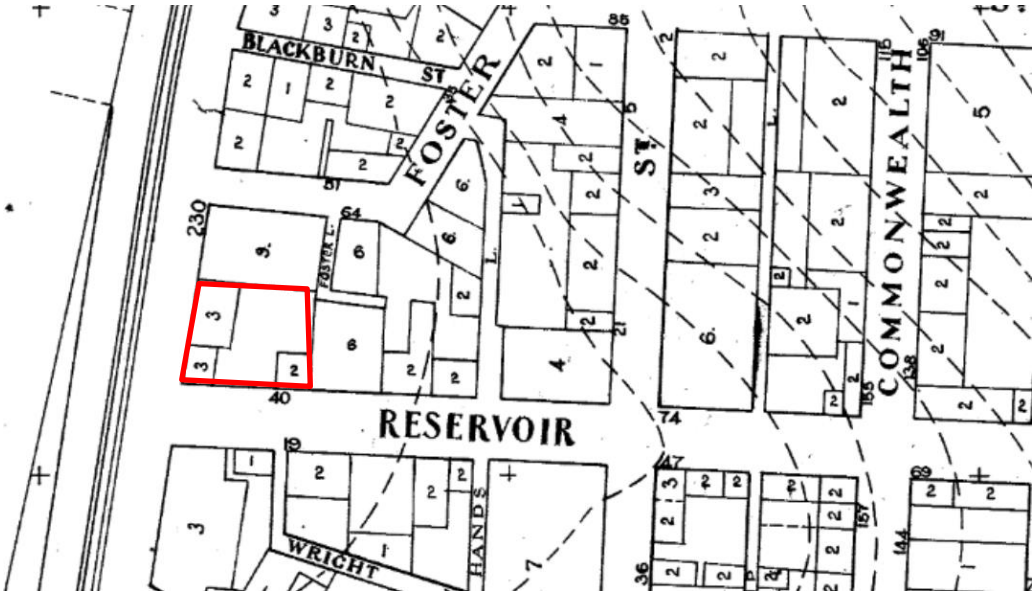

Figure 32 – 1938 survey of the subject site, indicated in red.

Source: City of Sydney Archives - City Engineer's Department, Town Planning Branch, City of Sydney - Civic Survey, 1938-1950: Map 21 - Surry Hills (01/01/1938 - 31/12/1950), https://archives.cityofsydney.nsw.gov.au/nodes/view/1709286

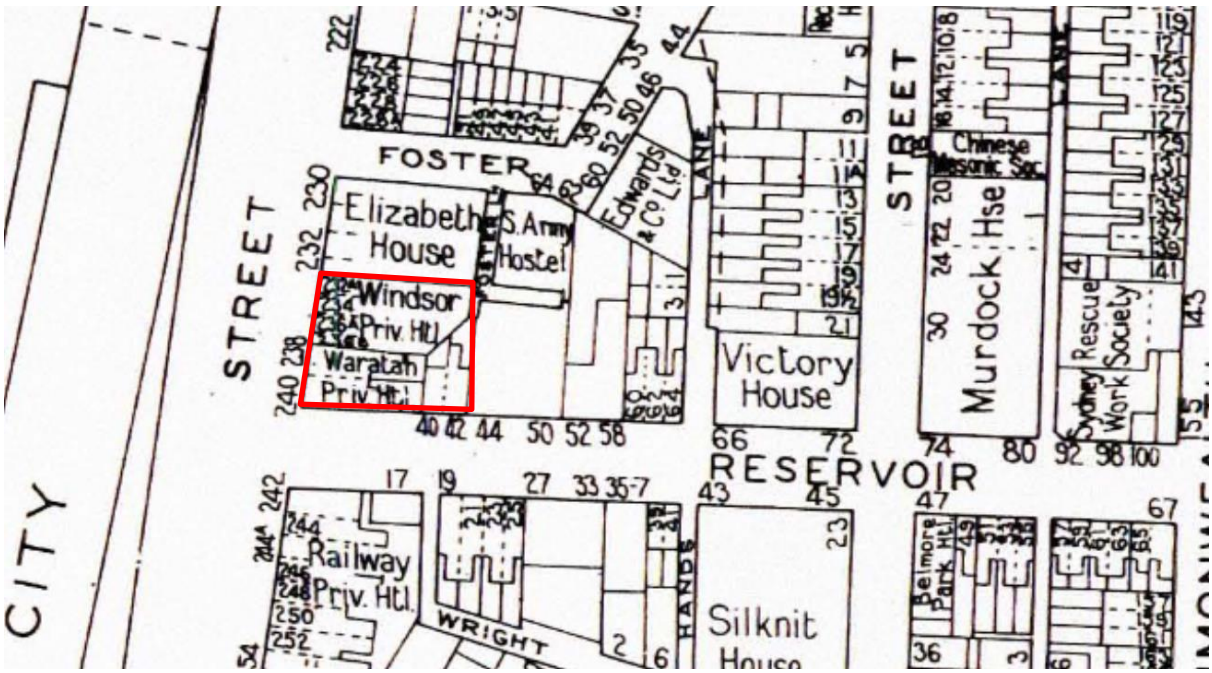

Figure 33 – 1949 survey of the subject site, indicated in red.

Source: City of Sydney Archives - City Building Surveyor's Department, City of Sydney - Building Surveyor's Detail Sheets, 1949-1972: Sheet 10 - Central (01/01/1949 - 31/12/1972), https://archives.cityofsydney.nsw.gov.au/nodes/view/1709112.

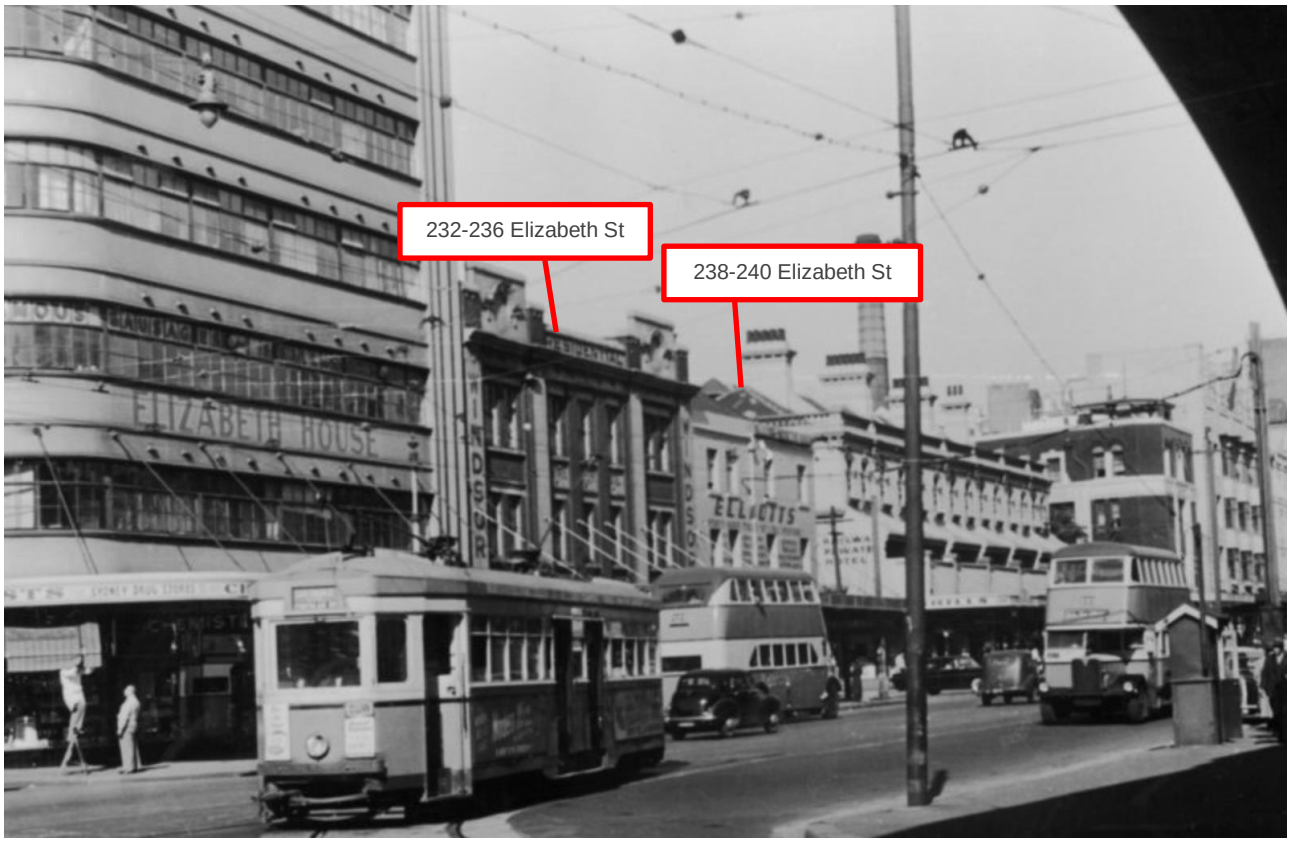

Figure 34 – 1953 image of Elizabeth Street, the subject site is noted in red.

Source: City of Sydney Archives, Tram in Elizabeth Street, Surry Hills, 1953 (01/01/1953 - 31/12/1953), https://archives.cityofsydney.nsw.gov.au/nodes/view/670495

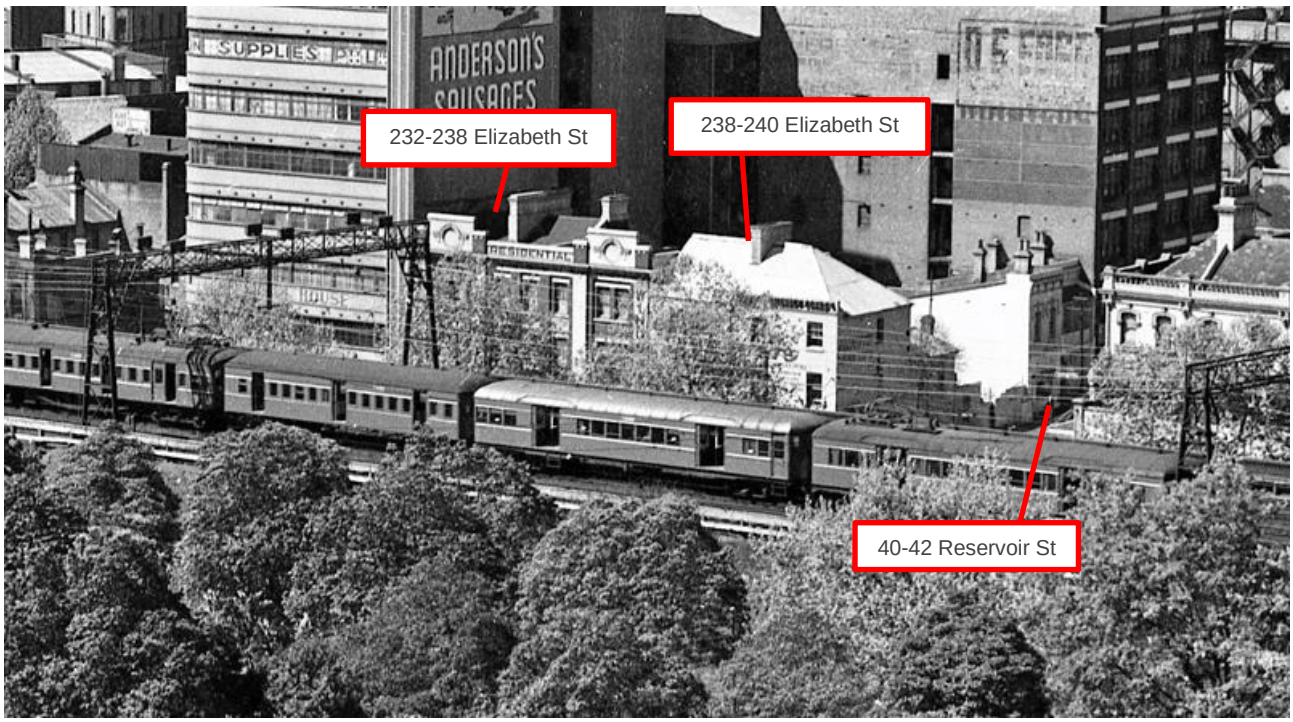

Figure 35 – 1957 image of the subject site, indicated in red.

Source: NSW State Library, Alan Row & Co. Panorama of Sydney from Central Station Tower, 1920



Figure 36 – 1960 image of Elizabeth Street, subject site is indicated in red.

Source: City of Sydney Archives, Buildings in Elizabeth Street (26/08/1960), https://archives.cityofsydney.nsw.gov.au/nodes/view/579901



Figure 37 – 1960 image of Elizabeth Street, subject site is indicated in red.

Source: City of Sydney Archives, Railway Private Hotel, Elizabeth Street Surry Hills, 1960 (26/08/1960), https://archives.cityofsydney.nsw.gov.au/nodes/view/685055



Figure 38 – 1960s image of ground floor stores at 238 Elizabeth Street.

Source: State Library of Victoria, Jordan, A., Windsor Private Hotel entrance.1968.



Figure 39 – 2001 image of Elizabeth Street.

Source: City of Sydney Archives, Mark Stevens, Noah's City Backpackers Elizabeth Street Surry Hills, 2001 (20/04/2001), https://archives.cityofsydney.nsw.gov.au/nodes/view/1892359

4. HERITAGE SIGNIFICANCE

4.1. WHAT IS HERITAGE SIGNIFICANCE?

Before making decisions to change a heritage item, an item within a heritage conservation area, or an item located in proximity to a heritage listed item, it is important to understand its values and the values of its context. This leads to decisions that will retain these values in the future. Statements of heritage significance summarise the heritage values of a place – why it is important and why a statutory listing was made to protect these values.

4.2. HERITAGE LISTING

The subject site is not identified as an item of heritage significance, nor does it lie within any identified Heritage Conservation Areas (HCA). However, the subject site is located within the vicinity of several items of local (Sydney LEP 2012) and state significance. The details of these items are included in the table below.

Table 3 Heritage Items in the Vicinity of the Subject Site

Suburb	Item Name	Address	Property Description	Significance	Number
Haymarket	Belmore Park grounds, landscaping and bandstand		Lot 2, DP 868829	Local	I825
Haymarket	Central Railway Station group including buildings, station yard, viaducts and building interiors		Lots 1–3, DP 5771; Lots 1–63, DP 227840; Lots 1 and 2, DP 267889; Lot 12, DP 868831; Lot 11, DP 868834; Lot 32, DP 877478; Lots 12–15 and 18, DP 1062447; Lots 116–118, DP 1078271	State	I824
Surry Hills	Former "Silknit House" including interior	23-33 Mary Street (and 37 Reservoir Street)	Lots 2 and 4, DP 1097847	Local	I1572
Surry Hills	Warehouse "Edwards & Co" including interior	56-60 Foster Street	Lot 13, DP 870519 (SP 51722, SP 54326)	Local	I1545



Figure 40 – Heritage Map showing the location of the subject site outlined in red surrounding heritage items within the visual catchment of the subject site are shaded in tan.
Source: City of Sydney Local Environmental Plan 2012, heritage map HER_015

4.3. COMPARATIVE ANALYSIS

4.3.1. Federation Free Style Commercial Buildings

The subject site at 232-240 Elizabeth Street, Surry Hills comprises several Victorian buildings with Federation-era alterations and additions. Historical research undertaken by Urbis indicates that significant features of the Victorian buildings were removed in the early Federation period. Notably, the façade of 232-236 Elizabeth Street was then detailed in a Federation Free Style.

The Federation Free Style (also known as the Free Classical Style) was employed in many civic and commercial buildings in Sydney during the early twentieth century, including pubs, hospitals, educational buildings, train stations and former bank buildings. The Federation Free Style was born out of the issues associated with designing commercial premises using the domestic styles of Federation and Federation Arts and Crafts. The Federation Free Style allowed architecture of domestic styles to feature in larger, public buildings as well.[15] In Australia, much of the Federation Free Classical work came out of the NSW Government Architect, Walter Liberty Vernon. Key features of the Federation Free Classical style include the use of asymmetrical planning and massing, while classical elements were frequently distorted, incomplete, or featured in an unusual context.[16]

The City of Sydney LGA contains many examples of late nineteenth/early twentieth century residential/commercial structures, with several comparative examples discussed below with consideration to their architectural characteristics, condition, listings and comparable elements.

[15] *A Pictorial Guide to Identifying Australian Architecture*, Richard Apperly, Robert Irving and Peter Reynolds.
[16] *A Pictorial Guide to Identifying Australian Architecture*, Richard Apperly, Robert Irving and Peter Reynolds.

Table 4 – Comparative analysis – Federation Free Style commercial buildings

Metters Building		
Address	154-158 Elizabeth Street Sydney	
Date constructed	1914	
Architect/s	Robertson and Marks	
Statutory heritage listing/s	**NSW State Heritage Register** SHR 00732	
Physical description		
Metters Building is a six storey plastered brick and render building of Federation Free Style with a corner oriel window and a central two bay facade surmounted by a high triangular pediment. The tower to the oriel window is missing. An unusual use of a projecting cornice occurs to the oriel window and the end bay which balances it in an asymmetrically manner. The central bays are distinguished by arched windows divided by solid spandrels. At the sixth floor smaller flat arched windows form part of an entablature frieze. At the first floor an entablature is supported by projecting brackets. The facade below the awning has been significantly modified.		
Statement of significance		
The Metters' Building is part of a group of early twentieth-century commercial buildings that have retained a high degree of architectural integrity, sufficient to form a distinctive aesthetic precinct representing the period 1910-1914. The retention of Federation Free Style detailing above the ground floor is significant.		
Comparable elements		
Use of symmetrical bays, decorative pediments, modified shopfront at ground level.		
General comments		
This example is contemporary with the Federation Free Style detailing of 232-236 Elizabeth Street and is located on the same street 350 metres away from the subject site. This State significant building shares few comparable elements with 232-236 Elizabeth Street, with distinctive fenestration patterns and a corner tower showing the range of architectural features included in the Federation Free Style. Generally, 232-236 Elizabeth Street is more closely comparable to smaller Federation Free Style commercial buildings in face brick.		
Johnson's Building		
Address	233-235 George Street, Sydney	
Date constructed	1912	
Architect/s	Walter Liberty Vernon	
Statutory heritage listing/s	**NSW State Heritage Register** SHR 01554	
Physical description		

Johnson's Building is a six storey Edwardian brick-clad building in the Federation Free Style, notable for its vertical emphasis provided by the narrow pilasters which divide the façade between high narrow windows. The George Street façade is adorned with two storey bay windows under 5th floor semi-circular windows symmetrically placed about a central bay which has a 3 arch arcade to the 5th floor. On either side of this above the bay windows at roof level is a pediment. The splayed corner carries a curved balcony providing access to a flag pole. The Grosvenor Street façade is less decorative with the exception of the large arched entrance incorporating a board of chequered terracotta and sandstone. Sandstone trimmings frame most openings and the high pitched roof of slate is visible behind the pediments.

Statement of significance

Johnson's Building and site are of State heritage significance for their historical and scientific cultural values. The site and building are also of State heritage significance for their contribution to The Rocks area which is of State Heritage significance in its own right.

This outstanding Edwardian commercial building with its simple detailing to its imposing facades is a most significant element in the George Street townscape and provides a foil to the extravagant Baroque façade of Royal Naval House. The return along Milson Lane has a variety of openings, with a cat-head system for heavy loads. The shopfront with its awning, and its deeply recessed entries, is typical of the period, and one of the few remaining in original form in Sydney. The building is significant for its long and fascinating association with the Johnson organisation. The whole of the ground floor shop is significant, particularly for its openness and considerable ceiling height, and the spacious qualities of the upper floors, with their bay windows and verandahs, are also of note.

Comparable elements

Use of symmetrical bays, vertical pilasters and decorative pediments with consistent and symmetrical fenestration pattern; use of brick clad façade, modified shopfront at ground level.

General comments

Generally, this State significant building is on a grander scale than 232-236 Elizabeth Street and on a prominent corner lot which contributes to its overall design and use. While there are some comparable built elements in this building, in general 232-236 Elizabeth Street is more closely comparable to smaller Federation Free Style commercial buildings in less prominent locations.

Commercial Building

Address	153 Oxford Street, Darlinghurst
Date constructed	1882-1912
Architect/s	Unknown
Statutory heritage listing/s	**Sydney LEP 2012** I406 Local significance



Physical description

153 Oxford Street is a two storey building, the façade of which demonstrates characteristics of the Federation Free Style.

The shopfront has been extensively modified in the past and has retained little or no apparent original fabric. The awning that extends over the foot path has, however, and includes wrought metal trusses, suspension rods and other structural fabric.

The first floor section has also retained a substantial amount of intact original fabric. It is constructed of face brick and is embellished by dressed sandstone detailing. The design of the façade is symmetrical, contained within two slender brick piers and dominated by a large arched opening that contains an aluminium framed window set with fibro or similar sheeting over it. The opening is emphasised by finely detailed stonework, a stone sill and a decoratively detailed keystone. The wall surface above the opening and below the parapet is finished with what appears to be a painted surface over masonry or tiling. The parapet itself consists of a series of arched openings reminiscent of machicolation above which rises a plain panel of brickwork flanked by small battered sections of brickwork. A stone pediment made up of two raked scrolls is mounted on top of the plain brick panel.

Statement of significance

153 Oxford Street is significant because its façade is representative and characteristic of the Federation Free Style, makes an important visual contribution to this section of Oxford Street and because of its strong visual associations with 151-151A and 159 Oxford Street.

Comparable elements

Symmetrical façade, decorative parapet with arched detailing, use of face brick, highly modified shopfront at ground level.

General comments

This example is approximately contemporary with the Federation Free Style detailing of the façade at 232-236 Elizabeth Street. Though smaller than 232-236 Elizabeth Street, this commercial building is generally a finer example of the Federation Free Style due to its usage of face brick and dressed sandstone embellishments, finely detailed stonework and refined design references to machicolation. The façade is also highly intact and in good repair, with an intact awning.

Additionally, the intact commercial buildings in similar style at 151-151A and 159 Oxford Street enhance the overall significance of this commercial building when viewed as in grouping; the building at 232-236 Elizabeth Street no longer has neighbouring properties with intact facades.

Commercial Building (169-171 Broadway)

Address	169-171 Broadway, Ultimo
Date constructed	c.1910
Architect/s	Unknown
Statutory heritage listing/s	**Sydney LEP 2012** I2015 Local significance



Source: Google Maps, 2021

Physical description

169-171 is a two storey Federation Free Style commercial building. It has two reconstructed timber framed shop fronts with side recessed doors, and a contemporary fire egress door near the western end of the building. There is a

suspended awning with decorative bracket supports. The façade above the awning is of face brickwork with cast cement detailing. It is divided into four bays by engaged piers. The first floor features arched openings with timber casement sashes, above which is a high decorative cornice with twin gables flanked by balustrade in fills and piers capped with cast urns.
Statement of significance
The building at 169-171 Broadway is part of the redevelopment of the Broadway frontage of Athlone Place following the slum clearance and sale by the city council, 1906-1909. It is a fine example of Federation Free Style building, with an elaborately detailed façade, which forms an important component of the streetscape along this section of Broadway.
Comparable elements
Use of face brick, division of façade into bays divided by vertical piers, decorative parapet.
General comments
Like the Darlinghurst commercial building, this example is approximately contemporary with the Federation Free Style detailing of the façade at 232-236 Elizabeth Street. This example is also similar in size and overall form to 232-236 Elizabeth Street, though far more decorative. Considered a fine example of the Federation Free Style, this example is ornamental and sophisticated in its use of cast cement detailing and decorative cornice with twin gables and cast urn cappings. The façade is also highly intact and in good repair with an intact awning.

4.3.2. Discussion

The comparative analysis shows that commercial buildings in the Federation Free Classical style are numerous throughout the City of Sydney LGA. The examples discussed show variations in size and scale, though this is largely due to their location within the historical commercial precincts of the Sydney CBD, Darlinghurst, and Ultimo. Elizabeth Street is also a historical commercial precinct, with other listed examples of the Federation Free Classical commercial buildings located within 500 metres of the site.

The buildings are typical modest constructions of the Victorian and Federation periods, with principal street-facing buildings and rear service wings. The examples discussed are largely similar to 232-236 Elizabeth Street in terms of façade treatment including usage of face brick, symmetrical fenestration, symmetrical façades divided into bays and vertical elements such as piers and pilasters. However, these similarities are generally superficial, as these materials and architectural characteristics are common to late nineteenth and early twentieth century commercial buildings of numerous styles in Sydney and wider New South Wales.

The examples discussed tend to be more decorative, utilising additional materials like sandstone and cement and incorporating more sophisticated detailing such as parapets, decorative cornices and cast/moulded ornamentation. Though this is expected in grander scale examples such as the Metters and Johnson's Buildings, which are designed by notable architects, the decorative facades of the smaller buildings are also more ornamental and generally well-designed despite being by unknown architects. It is possible that the subject façade is more stripped in its detailing due to its very late construction relative to the comparable examples of the period/style.

Notwithstanding the contemporary modifications to most ground level shopfronts, all examples discussed above have facades that are more intact than the retrofitted façade at 232-236 Elizabeth Street. Examples of Federation Free Style commercial buildings with similar forms are located in proximity to the subject site, many of which are in better condition with more interesting architectural detail and greater integrity.

Overall, this comparative analysis reaffirms that 232-236 Elizabeth Street, despite having some characteristics of the style, is not a good example of its typology.

4.4. SIGNIFICANCE ASSESSMENT

The Heritage Council of NSW has developed a set of seven criteria for assessing heritage significance, which can be used to make decisions about the heritage value of a place or item. There are two levels of

heritage significance used in NSW: state and local. The following assessment of heritage significance has been prepared in accordance with the 'Assessing Heritage Significance' guides.

Table 5 Assessment of Heritage Significance

Criteria	Significance Assessment
A – Historical Significance *An item is important in the course or pattern of the local area's cultural or natural history.*	The subject site is located on a former early subdivision in Surry Hills called 'Fosterville Estate', named after colonial landholder Samuel Foster. The site contains several buildings typically dating from the Victorian period with Federation Free style alterations (late example) to the façades. The buildings were used for private residences and/or boarding houses. The buildings fronting Elizabeth Street were converted from five Victorian dwellings/boarding houses to two hotels, the *Windsor Private Hotel* and the *Waratah Private Hotel*. Retail tenancies were located on the ground floor of each hotel. Similarly, the buildings presenting to Reservoir Street were primarily used as private accommodation until they were converted into shops in the mid-late 20th Century. Accordingly, the site is correlated with the rise in residential and commercial development along Elizabeth Street in the Victorian and Federation period. Noting the above, the site does not have a strong historical relationship with any important activities or processes. Rather, the abovementioned historical associations are incidental and are common with the surrounding built development. Therefore, the subject site does not reach the threshold of local significance under this criterion.
<u>*Guidelines for Inclusion*</u> ▪ shows evidence of a significant human activity ☐ ▪ is associated with a significant activity or historical phase ☐ ▪ maintains or shows the continuity of a historical process or activity ☐	<u>*Guidelines for Exclusion*</u> ▪ has incidental or unsubstantiated connections with historically important activities or processes ☒ ▪ provides evidence of activities or processes that are of dubious historical importance ☐ ▪ has been so altered that it can no longer provide evidence of a particular association ☐
B – Associative Significance *An item has strong or special associations with the life or works of a person, or group of persons, of importance in the local area's cultural or natural history.*	The site was constructed for residential purposes/commercial purposes in the late Victorian period, with substantial updates in the Federation period. Noteworthy owners of the site include well-known Sydney merchants Samuel and Anthony Hordern and former politician Richard Orchard.

	Additionally, the subject site is indicative of early Chinese migration to Surry Hills and Haymarket as several Chinese tenants occupied the subject site during the 19th Century-Early 20th Century. The site has loose associations with the companies and residents/groups of residents who used the site for retail/commercial purposes; many occupants and tenants used the site temporarily. Furthermore, the buildings are not considered a landmark site in reference to the abovementioned historical figures' life or works. Additionally, there are no noteworthy physical attributes at the subject site that are directly associated with any past owners. Therefore, the subject site does not reach the threshold of local significance under this criterion.
Guidelines for Inclusion ▪ shows evidence of a significant human occupation ☐ ▪ is associated with a significant event, person, or group of persons ☐	*Guidelines for Exclusion* ▪ has incidental or unsubstantiated connections with historically important people or events ☒ ▪ provides evidence of people or events that are of dubious historical importance ☐ ▪ has been so altered that it can no longer provide evidence of a particular association ☐
C – Aesthetic Significance *An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.*	As mentioned above, the subject site comprises several Victorian buildings with late/transitional Federation Free style alterations and additions. Historical imagery of the subject site indicates that significant features of these earlier Victorian buildings, such as terraced balconies, openings and façade finishes, were removed in the early Federation Period. Notably, the façade of 232-236 Elizabeth Street was entirely replaced c1920 with a new brick façade detailed in a Federation Free Style. As demonstrated in the Comparative Analysis above the subject site represents a significantly stripped version of the style. The stripped representation of the style is likely due to its later construction compared to other examples and given it was an adaptation of an earlier building of a different typology. It is therefore not a well resolved example of its type. The original building was not designed by any known architect of note. Additionally, the buildings are typical in materials and construction and have little architectural detailing. Accordingly, the buildings are not a particularly fine example of their typology.

	Therefore, the subject site does not reach the threshold of local significance under this criterion.
Guidelines for Inclusion ▪ shows or is associated with, creative or technical innovation or achievement ☐ ▪ is the inspiration for a creative or technical innovation or achievement ☐ ▪ is aesthetically distinctive ☐ ▪ has landmark qualities ☐ ▪ exemplifies a particular taste, style or technology ☐	*Guidelines for Exclusion* ▪ is not a major work by an important designer or artist ☒ ▪ has lost its design or technical integrity ☐ ▪ its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded ☐ ▪ has only a loose association with a creative or technical achievement ☒
D – Social Significance *An item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons.*	While an assessment of social significance is beyond the scope of this report, the subject site is not anticipated to have a strong association with any particular community group. The subject site does not reach the threshold of local significance under this criterion.
Guidelines for Inclusion ▪ is important for its associations with an identifiable group ☐ ▪ is important to a community's sense of place ☐	*Guidelines for Exclusion* ▪ is only important to the community for amenity reasons ☒ ▪ is retained only in preference to a proposed alternative ☐
E – Research Potential *An item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history.*	An archaeological assessment is beyond the scope of this assessment. Nevertheless, it is unlikely that a detailed fabric analysis of the building would have research potential to provide further unknown information about the construction of Victorian residential and commercial structures. The subject site does not reach the threshold of local significance under this criterion.
Guidelines for Inclusion ▪ has the potential to yield new or further substantial scientific and/or archaeological information ☐ ▪ is an important benchmark or reference site or type ☐ ▪ provides evidence of past human cultures that is unavailable elsewhere ☐	*Guidelines for Exclusion* ▪ the knowledge gained would be irrelevant to research on science, human history or culture ☒ ▪ has little archaeological or research potential ☐ ▪ only contains information that is readily available from other resources or archaeological sites ☐

F – Rarity *An item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history***.**	The Sydney region, particularly in the suburbs of Surry Hills surrounds, is abundant with late 19th - early 20th Century residential/commercial structures. There are several examples of buildings with similar forms in proximity to the subject site, many of which are in better condition, with more interesting architectural detail and greater integrity.
Guidelines for Inclusion ▪ provides evidence of a defunct custom, way of life or process ☐ ▪ demonstrates a process, custom or other human activity that is in danger of being lost ☐ ▪ shows unusually accurate evidence of a significant human activity ☐ ▪ is the only example of its type ☐ ▪ demonstrates designs or techniques of exceptional interest ☐ ▪ shows rare evidence of a significant human activity important to a community ☐	*Guidelines for Exclusion* ▪ is not rare ☒ ▪ is numerous but under threat ☐
G – Representative *An item is important in demonstrating the principal characteristics of a class of NSWs (or the local area's):* ▪ *cultural or natural places; or* ▪ *cultural or natural environments.*	The subject site features several buildings from the Victorian and Federation period. The structure features some characteristics of residential structures of the latter half of the 20th Century. While the building form remains somewhat intact, there are several finer and more intact examples of late 19th - early 20th Century industrial buildings and warehouses within the Sydney LGA and the suburbs surrounding Surry Hills. The subject site does not reach the threshold of local significance under this criterion.
Guidelines for Inclusion ▪ is a fine example of its type ☐ ▪ has the principal characteristics of an important class or group of items ☐ ▪ has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity ☐ ▪ is a significant variation to a class of items ☐	*Guidelines for Exclusion* ▪ is a poor example of its type ☒ ▪ does not include or has lost the range of characteristics of a type ☒ ▪ does not represent well the characteristics that make up a significant variation of a type ☐

▪ is part of a group which collectively illustrates a representative type ☐ ▪ is outstanding because of its setting, condition or size ☐ ▪ is outstanding because of its integrity or the esteem in which it is held ☐	

4.5. STATEMENT OF SIGNIFICANCE

The subject site contains several buildings between 232-240 Elizabeth Street, Surry Hills. The site is located in an early subdivision known as 'Fosterville'. The buildings were converted from Victorian residential/commercial buildings to private hotels in the early 20th Century. Accordingly, the site is historically linked with the rise in residential and commercial development along Elizabeth Street in the Victorian and Federation period.

Noteworthy owners of the site include well-known Sydney merchants Samuel and Anthony Hordern and former politician Richard Orchard. Additionally, the subject site is indicative of early Chinese migration to Surry Hills and Haymarket as several Chinese tenants occupied the subject site during the 19th Century-Early 20th Century. However, the site has loose associations with the companies and residents/groups of residents who used the site for retail/commercial purposes. Additionally, many occupants and tenants used the site temporarily. Nevertheless, it is noted that the site has maintained continual residential/commercial use since the date of construction. Furthermore, much of the early fabric and context has been lost to subsequent modifications.

As established, the subject buildings were likely constructed in the late Victorian era. However, the façade of 232-236 Elizabeth Street is notably detailed in Federation Free style. Furthermore, much of the original/early ground floor area and façades of both buildings have contemporary modifications. Accordingly, the buildings are not considered architecturally significant; the original buildings were not designed by any architect of note. Additionally, the buildings are typical in materials and construction of the period and have little architectural detailing.

Furthermore, the Sydney region, particularly in the suburbs of Surry Hills surrounds, is abundant with late 19th - early 20th Century residential/commercial structures. There are several examples of buildings with similar forms in proximity to the subject site, many of which are in better condition, with more interesting architectural detail and greater integrity.

5. IMPACT ASSESSMENT

Below, the potential impact of the proposal is assessed against the applicable heritage-related statutory and non-statutory planning controls which relate to the site and the proposed development.

5.1. STATUTORY CONTROLS

5.1.1. Sydney Local Environmental Plan 2012

The table below provides an assessment of the proposal against the relevant provision for heritage conservation as found in the Sydney *LEP* 2012.

Table 6 Assessment against the Sydney Local Environmental Plan 2012

Clause	Response
(1) Objectives *The objectives of this clause are as follows:* *(a) to conserve the environmental heritage of the City of Sydney,* *(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,* *(c) to conserve archaeological sites,* *(d) to conserve Aboriginal objects and Aboriginal places of heritage significance*	1) The PP and associated concept design are in line with the objectives set out in the Sydney LEP 2012, as discussed below. There are no physical works undertaken as part of this planning proposal. Further, the indicative design does not involve works on any identified heritage item nor any identified Heritage Conservation Area. Furthermore, the buildings contained within the subject site are assessed as not meeting the requirements for heritage listing (see Section 4.4). The subject site is within the vicinity of several heritage items. However, it is determined that the new development would not have a detrimental impact on the significant setting, context or views of these items. See below sections for a detailed assessment of heritage impact.
(2) Requirement for consent *Development consent is required for any of the following:* *(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):* *(i) a heritage item,* *(ii) an Aboriginal object,* *(iii) a building, work, relic or tree within a heritage conservation area,*	2) Consent is sought from the Sydney Council for the proposal. While no physical works are proposed at this stage, the proposal would facilitate works to buildings within the vicinity of several heritage items. This Heritage Impact Statement has been prepared to accompany a Planning Proposal and to assess the potential impacts of the proposal on the pertinent heritage significance of the site and surrounds. The subject site (containing several buildings) is not a listed heritage item, and the buildings have been assessed and do not meet the threshold for listing. Accordingly, the proposal would not impact any identified heritage items.
(4) Effect of proposed development on heritage significance *The consent authority must, before granting consent under this clause in respect of a heritage item or heritage*	4) and 5) This HIS has been prepared to assess the potential impact of the Planning Proposal and the development that it may facilitate on the heritage significance of the heritage items in the vicinity of the

Clause	Response
conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5), or a heritage conservation management plan is submitted under subclause (6).	subject site. Refer to the sections below for a detailed assessment. The proposal would not impact any identified heritage items. Additionally, the buildings contained within the subject site have been assessed against the relevant NSW criteria are do not meet the threshold for heritage listing. The buildings on site were likely constructed in the late Victorian period as modest residential buildings. Subsequent to their construction, the buildings have undergone substantial internal and external alterations following changes in use and ownership over the years. The Planning Proposal would enable the construction of a 35m high building, a considerable increase on the current building height. However, it is assessed that there is sufficient distance between the subject site and the surrounding heritage items ensuring that the new works would not impact significant views or visual relationships between these items. While the indicative design would involve a slight increase of the built footprint, this would not encroach on any established significant curtilage of the items in the vicinity. It is therefore assessed that the indicative design would not impact on the heritage items in the vicinity.
(5) Heritage assessment *The consent authority may, before granting consent to any development:* *(a) on land on which a heritage item is located, or* *(b) on land that is within a heritage conservation area, or* *(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),* *require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*	

5.2. SYDNEY DEVELOPMENT CONTROL PLAN 2012

The table below assesses the proposal against the relevant objective and provisions for heritage conservation as found in the *Sydney DCP 2012.*

Table 7 Assessment against the Sydney Development Control Plan 2012

Provision	Response
Section 3 General Provisions 3.9 Heritage 3.9.1 Heritage Impact Statements (1) A Heritage Impact Statement is to be submitted as part of the Statement of Environmental Effects for development applications affecting: (a) heritage items identified in the Sydney LEP 2012; (2) The consent authority may not grant consent to a development application that proposes substantial demolition or major alterations to a building older than 50 years until it has considered a heritage impact statement, so as to enable it to fully consider the heritage significance of a building and the impact that the	(1) (2) and (3) This Heritage Impact Statement has been prepared to accompany the PP and assesses the potential impacts of the concept design of a mixed-use building that may be facilitated by the Planning Proposal as outlined in Section 1.5. Additionally, the subject site contains several buildings over 50 years with contemporary modifications. The concept design includes the demolition of these buildings to facilitate the construction of a new mixed-use building. An assessment of the subject site's potential for heritage significance is included within this report in Section 4.5. This HIS satisfies this clause. (4) This report has assessed the heritage significance of the subject site, details included in Section 4.3. It is

Provision	Response
proposed development has on the building and its setting. 3) A Heritage Impact Statement is to be prepared by a suitably qualified person, such as a heritage consultant. Guidelines for the preparation of Statements of Heritage Impact are available on the website of the Heritage Branch, NSW Department of Planning at www.heritage.nsw.gov.au. (4) The Heritage Impact Statement is to address: (c) the impact of the proposed development on the heritage significance of the heritage item, heritage items within the vicinity, or the heritage conservation area; (7) When giving consent to the full or partial demolition of a heritage item, a building in a heritage conservation area, or a building older than 50 years, Council may require photographic recording of the building as a condition of consent.	assessed that the site does not meet sufficient criteria to be considered of heritage significance. Options for development are limited by the available space on site. There are no physical works will be undertaken as part of the Planning Proposal. However, the associated concept scheme includes the demolition of the existing buildings as well as a provision for the construction of a new building. The new building would result in an increase in the building height on site. It is assessed that the 25m building would not impact any significant views or settings of the heritage items within the vicinity of the subject site. Additionally, the proposed allowance for an increase in building height is in keeping with the existing pattern of development within the area. The indicative design provides appropriate solutions for materials and finishes that are considered sympathetic to the character of the area and heritage items in the vicinity, utilising off-form concrete, glass, stainless steel and dark-painted steel. Additionally, the indicative solid-to-void ratio features predominately void to lessen the appearance of the density of the new build. (7) Recommendations have been included in Section 7 of this report.
3.9.5 Heritage items (4) Development in the vicinity of a heritage item is to minimise the impact on the setting of the item by: (a) providing an adequate area around the building to allow interpretation of the heritage item; (b) retaining original or significant landscaping (including plantings with direct links or association with the heritage item); (c) protecting, where possible and allowing the interpretation of archaeological features; and (d) Retaining and respecting significant views to and from the heritage item.	As discussed above, there would be no physical work as a result of this Planning Proposal. However, the concept scheme of a mixed-use structure would include the demolition of the existing buildings on site which are not deemed to meet the threshold of heritage listing (See section 4.5). The subject site is also within the vicinity of several heritage-listed items. However, it is assessed that these items are at an adequate distance or are concealed by existing development to ensure that future development would not detrimentally impact any significant views. Additionally, while the indicative scheme would increase the current built footprint, it would not infringe on any curtilage of the vicinity heritage items. Furthermore, the concept scheme shows an increased building height. However, this building's height and form are consistent with development patterns within the immediate vicinity. Several buildings of equal or greater height than the indicative design are adjacent to the subject site along Elizabeth Street. Accordingly, this

Provision	Response
	scheme would not disturb the existing streetscape character nor pattern of development. Additionally, the allowance of a through-site link between Reservoir Street and Foster Lane would allow for a visual distinction between the new works and the early 20th Century building to the rear. It is beyond the scope of this report to assess the archaeological potential of the subject site. Notwithstanding, the Preliminary Archaeological Assessment, including Aboriginal Due Diligence Report, submitted with this Planning Proposal and prepared by Curio Projects has assessed the archaeological potential of the site. The findings of this report are that there is moderate aboriginal archaeological potential and low-moderate archaeological potential. The report should be referred to for greater details of the archaeological findings of the site.
3.9.13 Excavation in the vicinity of heritage items and in heritage conservation areas (1) Excavation beneath, or adjacent to heritage items and/or buildings in heritage conservation areas will only be permitted if it is supported by both a Geotechnical Engineering report and a Structural Engineering report.	(1) The concept design would include the excavation beneath the subject site, which is located within the vicinity of several heritage items. This aspect of the proposal has been supported by the Geotechnical Report prepared by Douglas Partners. Reference should be made to that document for further details regarding this aspect of the PP.

5.3. HERITAGE NSW GUIDELINES

The proposed works are addressed in relation to relevant questions posed in Heritage NSW's (former Heritage Office/Heritage Division) 'Statement of Heritage Impact' guidelines.

Table 8 Heritage NSW Guidelines

Clause	Discussion
The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons:	▪ No physical works are to be undertaken as a result of this Planning Proposal. However, the concept design provided by Candalepas Associates is suggestive of the type of sympathetic development that could result from the Planning Proposal. The indicative multi-storey building is consistent with the existing development pattern within the area (including character and scale). Conversely, the existing buildings are of a notably different scale and character than the existing buildings that define their visual context. The replacement of the existing buildings, as shown in the concept design, would, therefore, not disturb the present streetscape

Clause	Discussion
	character, which defines the setting of the heritage items. ▪ The concept scheme shows an increase in building height. It is assessed that this would not detrimentally impact any identified significant views or settings of the heritage items within the vicinity. Several buildings of equal or greater height than the indicative works are adjacent to the site along Elizabeth Street. Additionally, all the surrounding heritage items are at a sufficient distance and/or concealed from the subject site by existing development, confirming that new works would not engender heritage impact. ▪ While the indicative building would increase the size of the built footprint, it would not infringe on any of the vicinity heritage items' curtilage. The zero setbacks of the design would be in keeping with the setbacks of contemporary development in the area. ▪ The allowance of a through-site link between Reservoir Street and Foster Lane would permit a visual distinction between the new works and the early 20th Century building to the rear. ▪ The concept design offers a building designed by an award-winning architect with demonstrated experience in sympathetically introducing new development in heritage contexts. The building is well-resolved and adopts elegant detailing and materiality. ▪ The indicative design provides appropriate solutions for materials and finishes such as off-form concrete, glass and stainless steel. These are considered an appropriate response to the surrounding streetscape character. Additionally, the solid-to-void ratio of the concept building, featuring predominately void, would lessen the appearance of bulk. ▪ The Planning Proposal would allow for development that would improve the presentation of the subject site and will positively impact the character of the area generally and, therefore, the setting of the heritage items.
The following aspects of the proposal could detrimentally impact on heritage significance. The reasons are explained as well as the measures to be taken to minimise impacts:	The Planning Proposal includes a concept design requiring the demolition of buildings over 50 years and shows a new building with increased height and density within the vicinity of several heritage items. Refer to the discussion below.

Clause	Discussion
The following sympathetic solutions have been considered and discounted for the following reasons:	Urbis has been engaged to provide heritage services to the design team to ensure the proposal would not engender a significant detrimental heritage impact. It is acknowledged that the Planning Proposal would facilitate a structure with an increase in height and massing at the subject site. However, the provided indicative design is considered consistent with the surrounding development pattern. The potential heritage impact of concept design is adequately mitigated through the use of sympathetic design and materials. With the above considered, the Planning Proposal, which facilitates the demolition of existing buildings and construction of a new multi-storey structure, has been supported.
Demolition of a building or structure Have all options for retention and adaptive re-use been explored? Can all of the significant elements of the heritage item be kept, and any new development be located elsewhere on the site? Is demolition essential at this time, or can it be postponed in case future circumstances make its retention and conservation more feasible? Has the advice of a heritage consultant been sought? Have the consultant's recommendations been implemented? If not, why not?	While no physical works would result from this Planning Proposal, the demolition of the existing buildings on site would facilitate the construction of a new building as indicated in the concept design by Candalepas Associates. It is acknowledged that this design would involve the demolition of buildings over 50 years as the existing buildings are dated from the late Victorian period. The significance of the buildings has been assessed within this report and do not meet the threshold for listing. Victorian residential structures are a common typology within the area and have undergone significant alterations following various changes in occupants. While the Federation Free Style façade of 232-236 Elizabeth Street presents some aesthetic interest, it is a modest expression of the style with little noteworthy architectural detailing. With the above considered, the indicative demolition has been supported.
New development adjacent to a heritage item How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects? How is the impact of the new development on the heritage significance of the item or area to be minimised? Why is the new development required to be adjacent to a heritage item?	The Planning Proposal would facilitate the construction of a multi-storey mixed-use building within the vicinity of several heritage items, as indicated in the concept design. However, it is assessed that these items are at an adequate distance or are concealed by existing development to ensure that the future development facilitated by the PP would not detrimentally impact any significant views. The Planning Proposal allows for an increased building height. However, the building height and form included in the concept design by Candalepas Associates is consistent with development patterns within the

Clause	Discussion
How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance? Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected? Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)? Will the additions visually dominate the heritage item? How has this been minimised? Will the public, and users of the item, still be able to view and appreciate its significance?	immediate vicinity. Several buildings of equal or greater height than the indicative works are adjacent to the subject site along Elizabeth Street. Accordingly, the concept design would not disturb the existing streetscape character nor pattern of development. Additionally, while the indicative design shows an increase in the current built footprint, it would not infringe on any curtilage of the vicinity heritage items. The potential impact of the indicative works on surrounding development has been adequately mitigated through its execution and materiality. The allowance of a through-site link between Reservoir Street and Foster Lane would allow for a visual distinction between the new works and early 20th Century building to the rear. The concept design shows off-form concrete, glass and stainless streel, which are considered a sympathetic response to the surrounding streetscape character. Additionally, the indicated solid-to-void ratio of the building features predominately void as to lessen the appearance of density of the new works. As discussed above, there are currently no physical works that would be undertaken as a result of the PP. It is beyond the scope of this report to assess the archaeological potential of the subject site. However, the Preliminary Archaeological Assessment, including Aboriginal Due Diligence Report submitted with this Planning Proposal and prepared by Curio Projects has assessed the archaeological potential of the site. The findings of this report are that there is moderate aboriginal archaeological potential and low-moderate archaeological potential. The report should be referred to for greater details of the archaeological findings of the site.

6. CONCLUSION AND RECOMMENDATIONS

A detailed impact assessment of the Planning Proposal has been undertaken in Section 5 of this report. The proposal and associated concept design has been assessed to have a minimal and not unreasonable impact on the heritage items within the vicinity. Key aspects of the proposal assessment are listed below:

- No physical works are to be undertaken as a result of this Planning Proposal. However, the concept design provided by Candalepas Associates is suggestive of the type of sympathetic development that could result from the Planning Proposal. The indicative multi-storey building is consistent with the existing development pattern within the area (including character and scale). Conversely, the existing buildings are of a notably different scale and character than the existing buildings that define their visual context. The replacement of the existing buildings, as shown in the concept design, would, therefore, not disturb the present streetscape character, which defines the setting of the heritage items.
- The concept scheme shows an increase in building height. It is assessed that this would not detrimentally impact any identified significant views or settings of the heritage items within the vicinity. Several buildings of equal or greater height than the indicative works are adjacent to the site along Elizabeth Street. Additionally, all the surrounding heritage items are at a sufficient distance and/or concealed from the subject site by existing development, confirming that new works would not engender heritage impact.
- While the indicative building would increase the size of the built footprint, it would not infringe on any of the vicinity heritage items' curtilage. The zero setbacks of the design would be in keeping with the setbacks of contemporary development in the area.
- The allowance of a through-site link between Reservoir Street and Foster Lane would permit a visual distinction between the new works and the early 20th Century building to the rear.
- The concept design offers a building designed by an award-winning architect with demonstrated experience in sympathetically introducing new development in heritage contexts. The building is well-resolved and adopts elegant detailing and materiality.
- The indicative design provides appropriate solutions for materials and finishes such as off-form concrete, glass and stainless steel. These are considered an appropriate response to the surrounding streetscape character. Additionally, the solid-to-void ratio of the concept building, featuring predominately void, would lessen the appearance of bulk.
- The Planning Proposal would allow for development that would improve the presentation of the subject site and will positively impact the character of the area generally and, therefore, the setting of the heritage items.

For the reasons stated above, the proposed works are recommended for approval from a heritage perspective.

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8. DISCLAIMER

This report is dated the 20 February 2024 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd **(Urbis)** opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Candalepas Associates **(Instructing Party)** for the purpose of a Planning Proposal **(Purpose)** and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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Attachment A6

Desktop Contamination Study

Douglas Partners
Geotechnics / Environment / Groundwater

Integrated Practical Solutions

Report on
Desktop Contamination Study

Proposed Commercial Building
232-240 Elizabeth Street, Surry Hills

Prepared for
Stasia Holdings Pty Limited

Project 218701.00
November 2022



Document History

Document details

Project No.	218701.00	Document No.	R.001.Rev0
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The undersigned, on behalf of Douglas Partners Pty Ltd, confirm that this document and all attached drawings, logs and test results have been checked and reviewed for errors, omissions and inaccuracies.

	Signature	Date
Author		4 November 2022
Reviewer		4 November 2022

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Report on Desktop Contamination Study
Proposed Commercial Building
232-240 Elizabeth Street, Surry Hills

1. Introduction

Douglas Partners Pty Ltd (DP) has been engaged by Stasia Holdings Pty Limited (client) to complete this desktop contamination study undertaken for a proposed commercial building at 232-240 Elizabeth Street, Surry Hills (the site). The site is shown on Drawing 1, Appendix A.

The study was undertaken in general accordance with DP's proposal 218198.00.P.001.Rev0 dated 19/09/2022.

The objective of the study is to assess the potential for contamination at the site based on past and present land uses and to comment on the need for further investigation and/or management of contamination with regard to the proposed development.

This report must be read in conjunction with all appendices including the notes provided in Appendix B.

The following key guidelines were consulted in the preparation of this report:

- NEPC *National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013) [NEPM]* (NEPC, 2013); and
- NSW EPA *Guidelines for Consultants Reporting on Contaminated Land* (NSW EPA, 2020).

The study was carried out concurrently with a geotechnical desktop study, which is reported separately (218198.00.R.001.Rev0 dated 1 November 2022).

Additionally, the site was the subject of a Preliminary Site (Contamination) Investigation (PSI) by DP in 2014 (DP Reference: 84366.00, dated 1 October 2014 [DP (2014)]). The PSI included a desktop assessment and a site walkover. Relevant results from DP (2014) are provided in the subsequent sections of this report.

2. Proposed Development

We understand that the project involves demolition of the five existing buildings and construction of a new nine-storey commercial building with ground floor retail space and a minimum of three basement levels.

3. Scope of Works

The scope of works comprised:

- Review previous reports and other relevant documents provided by the client;
- Review of readily available historical aerial photographs to identify previous land uses that may indicate potential contamination;
- Review of available Council Section 10.7 (2&5) Certificates (sourced from DP (2014));
- Search of the NSW EPA Register for notices issued under the Contaminated Land Management Act 1997 and the Protection of the Environment Operations Act 1997;
- Search of the NSW Department of Primary Industries groundwater database for registered groundwater bores in the vicinity of the site;
- Review of published geological, soil landscape and acid sulphate soil maps;
- A site walkover to observe current and recent land use and assess the potential for contaminating activities; and
- Preparation of this desktop contamination study report summarising the results of the findings, providing comment on the suitability of the site for the proposed use and requirement for any future investigations (as required).

4. Site Information

Site Address	232-240 Elizabeth Street, Surry Hills
Legal Description	Lot 1 in Deposited Plan 664653, Lots 1 and 2 in Deposited Plan 779385 and strata plan 1379
Area	~900 m^2
Zoning	Zone B4 Mixed use
Local Council Area	City of Sydney Council
Current Use	Restaurants, a laundromat, retail and a backpackers accommodation
Surrounding Uses	WEST: Elizabeth Street and Suburban Railway NORTH: Commercial (restaurants, tattoo parlour) on ground floor then high density residential EAST: Commercial (retail) on ground floor then residential and offices on upper floors. SOUTH: Commercial (real estate agency, massage parlour, restaurant, retail) on ground floor then apartments (8 storeys)

5. Environmental Setting

Regional Topography	With reference to NSW LIDAR 2 m contours, the broader surrounding topography generally slopes towards the west from an RL of 30 m AHD approximately 300 m east of the site to an RL of approximately 12 m AHD at Belmore Park 120 m west of the site.
Site Topography	The site gently slopes to the southwest with a surface elevation on Elizabeth Street at about RL 10.9 m and RL 11.6 m at the southern end of Foster Lane.
Soil Landscape	The Sydney 1:100,000 Soils Landscape Sheet indicates that the site is underlain by the Alluvial, Deep Creek soil landscape group. The Deep Creek soil landscape group typically forms in level to gently undulating alluvial floodplains draining the Hawkesbury Sandstone. The group is characterised by flooding, extreme soil erosion hazard, sedimentation hazard, localised very low fertility and permanently high water tables.
Geology	Reference to the Sydney 1:100 000 Series Geology Sheet indicates that the site is underlain by Quaternary alluvial and estuarine sediments which typically consists of silty to peaty quartz sand, silt, and clay with ferruginous and humic cementation in places and common shell layers. The site is located close to the boundary between the Hawkesbury Sandstone and Ashfield Shale units, both of Triassic Age but the overlying sediments mask the boundary. The Mittagong Formation, which typically contains interbedded shale, laminite and medium-grained quartz sandstone, is a transitional unit between the Ashfield Shale and the Hawkesbury Sandstone. The Hawkesbury Sandstone comprises flat or gently dipping medium and coarse grained, quartzose sandstone with minor shale and siltstone interbeds, while the Ashfield Shale comprises shale, laminite and carbonaceous shale.
Acid Sulfate Soils	Based on the 1:25,000 Acid Sulfate Soil Risk Map (using 1994-1998 data), the site is not located in a known acid sulfate soil area.
Surface Water	There are no surface water bodies on site. Noting the regional topography, the ultimate receiving water body for groundwater from the site is expected to be Blackwattle Bay located approximately 1.9 km west of the site.
Groundwater	A search of the NSW Office of Water (NOW) groundwater database found two registered bores within a 1 km radius of the site. However, these bores are not within the same mapped geological unit and are therefore unlikely to be representative of the local conditions (geological or hydrogeological).

6. Site History

6.1 Historical Aerial Photography

Several historical aerial photographs were obtained from public databases. Extracts of the aerial photographs are included in Appendix C. A summary of key features observed for the site and surrounding land is presented in Table 1.

Table 1: Summary of Historical Aerial Photographs

Year	Summary
1930	The site appears to be commercial and/or residential in nature. Shadows from the adjacent high-rise obscure the detail at the site which appears to be low rise. The surrounding area appears commercial / residential in nature and the main suburban railway line is apparent to the west of the site.
1947	The site and surrounding area do not appear to have undergone significant change, although again the site is obscured by shadows from the neighbouring high-rise.
1955	The site and surrounding area do not appear to have undergone significant change, although again the site is obscured by shadows from the neighbouring high-rise. There has been an increase in building heights in the region.
1970	The site and surrounding area do not appear to have undergone significant change, although again the site is obscured by shadows from the neighbouring high-rise. There has been an increase in building heights in the region.
1978	The site and surrounding area do not appear to have undergone significant change, although again the site is obscured by shadows from the neighbouring high-rise. There has been an increase in building heights in the region.
1986	The site and surrounding area do not appear to have undergone significant change, although again the site is obscured by shadows from the neighbouring high-rise. There has been an increase in building heights in the region.
1994	The site and surrounding area do not appear to have undergone significant change, although again the site is obscured by shadows from the neighbouring high-rise. There has been an increase in building heights in the region.
2000	The site and surrounding area do not appear to have undergone significant change, although again the site is obscured by shadows from the neighbouring high-rise. The site is generally consistent with the 2014 aerial photograph described below.
2014	The site appears in its current configuration with a courtyard in the north-east corner, a 3 storey commercial / residential building on the western side of the site and a one and two storey buildings on the southern side of the site.
2022	The site layout appears relatively unchanged since the 2014 aerial photograph.

6.2 Title Deeds

A historical title deeds information was sourced from DP (2014). It was used to obtain ownership and occupancy information including company names and the occupations of individuals. The title information can assist in the identification of previous land uses by the company names or the site owners and can, therefore, assist in establishing whether there were potentially contaminating activities occurring at the site. The results of the title deed search are provided in Appendix C2. A summary of the title deeds and possible land uses (with reference to the aerial photographs and other historical searches) is presented in Table 2.

Table 2: Historical Title Deeds and Possible Land Use

Date of Acquisition and Term Held	Registered Proprietor(s) & Occupations Where Available	Possible Land Use
As regards Lot 1, D.P. 664653		
30.01.1873 (1873 to 1901)	Thomas Page (No occupation noted)	Commercial and Residential
04.03.1901 (1901 to 1933)	Susan Douglass (Married Woman) (Transmission Application not investigated)	Commercial and Residential
10.01.1933 (1933 to 1939)	Harold Page Douglass (Gentleman)	Commercial and Residential
05.10.1939 (1939 to 1940)	Philip Lee Summers (Solicitor) George Camden Coburn (Accountant) Lilith Susie Ellen Chadwick (Married Woman) (Transmission Application not investigated)	Commercial and Residential
23.01.1940 (1940 to 1946)	Lilith Susie Ellen Chadwick (Married Woman)	Commercial and Residential
11.10.1946 (1946 to 1958)	Henry Russell Elliott (Second Hand Dealer)	Commercial and Residential
29.01.1958 (1958 to 1958)	Clifton Keith Elliott (Store Keeper) (Section 94 Application not investigated)	Commercial and Residential
29.01.1958 (1958 to 1987)	Jean Elaine Mary Elliott (Widow)	Commercial and Residential
18.11.1987 (1987 to 1988)	Hang Tat Enterprises (Australia) Pty Limited	Commercial and Residential
28.11.1988	Patglen Pty Limited	Commercial and Residential
Easements: - NIL		
As regards Lot 1, D.P. 779385		

Date of Acquisition and Term Held	Registered Proprietor(s) & Occupations Where Available	Possible Land Use
Investigations of various records available for our inspection disclosed that this parcel of land was in use as John Street for the period 1909 to 1944		
29.01.1901 (1901 to 1933)	Susan Douglass (Married Woman) (Transmission Application not investigated)	Commercial and Residential
23.03.1933 (1933 to 1940)	Harold Page Douglass (Gentleman) Lilith Susie Ellen Chadwick (Married Woman)	Commercial and Residential
23.01.1940 (1940 to 1946)	Lilith Susie Ellen Chadwick (Married Woman)	Commercial and Residential
11.10.1946 (1946 to 1957)	Henry Russell Elliott (Second Hand Dealer)	Commercial and Residential
28.10.1957 (1957 to 1987)	Jean Elaine Mary Elliott (Widow)	Commercial and Residential
09.10.1987 (1987 to 1988)	Hang Tat Enterprises (Australia) Pty Limited	Commercial and Residential
28.11.1988	Patglen Pty Limited	Commercial and Residential
Leases: - • Various leases were registered against this title that have since expired or have been surrendered. These leases have not been investigated • 05.11.2009 to Calorie Schmalorie Pty Limited, of Ground Floor – expires 30.09.2012, also 3 year option • 07.04.2014 to Backpack Australia Pty Ltd, of Floors 1 and 2 – Expires 30.12.2016, also 2 year option		
As regards Lot 2, D.P. 779385		
29.01.1901 (1901 to 1933)	Susan Douglass (Married Woman)	Commercial and Residential
23.03.1933 (1933 to 1940)	Harold Page Douglass (Gentleman) Lilith Susie Ellen Chadwick (Married Woman)	Commercial and Residential
23.01.1940 (1940 to 1946)	Lilith Susie Ellen Chadwick (Married Woman)	Commercial and Residential
11.10.1946 (1946 to 1957)	Henry Russell Elliott (Second Hand Dealer)	Commercial and Residential
28.10.1957 (1957 to 1987)	Jean Elaine Mary Elliott (Widow)	Commercial and Residential
09.10.1987 (1987 to 1988)	Hang Tat Enterprises (Australia) Pty Limited	Commercial and Residential
28.11.1988	Patglen Pty Limited	Commercial and Residential

Date of Acquisition and Term Held	Registered Proprietor(s) & Occupations Where Available	Possible Land Use
Easements: - NIL Leases: - • Various leases were registered against this title that have since expired or have been surrendered. These leases have not been investigated • 07.04.2014 to Backpack Australia Pty Ltd, of Floors 1 and 2 – Expires 30.12.2016, also 2 year option		
As regards the common Property for Strata Plan 1379		
26.09.1900 (1900 to 1910)	Samuel Hordern (Merchant)	Commercial and Residential
17.08.1910 (1910 to 1918)	Samuel Hordern (Merchant) John Felix Booth (Real Estate Manager) Anthony Hordern (Esquire) (Transmission Application not investigated)	Commercial and Residential
20.05.1918 (1918 to 1921)	Marian Orchard (Married Woman)	Commercial and Residential
01.07.1921 (1921 to 1921)	Frederick Hjorring (Insurance Inspector)	Commercial and Residential
01.07.1921 (1921 to 1922)	Frank Howard Russell (Accountant)	Commercial and Residential
19.12.1922 (1922 to 1927)	Bryan William Palmes (Grazier)	Commercial and Residential
19.10.1927 (1927 to 1937)	Alex Dimdore (Investor) Harold Leventhal (Real Estate Agent) Vera Leventhal (Married Woman)	Commercial and Residential
13.05.1937 (1937 to 1946)	Harold Leventhal (Real Estate Agent) Vera Leventhal (Married Woman)	Commercial and Residential
01.07.1946 (1946 to 1965)	Liova Spivak (Clothing Manufacturer) Gedalia Spivak (Clothing Manufacturer)	Commercial and Residential
21.06.1965 (1965 to date)	# The Owners – Strata Plan 1379	Commercial and Residential
Leases: - During the course of our investigation, numerous leases were found that have since expired or have been surrendered. These leases have not been investigated		

# Denotes Current Registered Proprietor

6.3 Public Registers and Planning Records

EPA Notices available under Section 58 of the Contaminated Lands Management Act (CLM Act) Database searched on 25 October 2022	There were no records of notices for the site or adjacent properties.
Sites notified to EPA under Section 60 of the CLM Act Database searched on 25 October 2022	The site and adjacent properties were not listed as a notified contaminated site.
Licences listed under Section 308 of the Protection of the Environment Operations Act 1997 (POEO Act) Database searched on 25 October 2022	There were no records issued to the site or adjacent properties.
Planning Certificate(s)	DP (2014) noted that the certificates state (under Section 149(2)) that, as prescribed by section 59 (2) of the *Contaminated Land Management Act*, 1997, Council has not identified that a site audit statement has been received in respect of the site and the land to which the certificates relate is not: • Declared to be significantly contaminated land; • Subject to a management order; • Subject of an approved voluntary management proposal; • Subject of an ongoing maintenance order; and • Subject of a site audit statement. As the land use has not changed since DP (2014), it is highly likely that the above are still applicable to the site.

Council Records	DP (2014) noted that the council records provided indicates that there has been a number of development applications for re-fits and minor renovations of the existing buildings and changes in businesses operating at the site. However, the types of businesses operating at the site were similar in character to the existing businesses operating at the site (i.e., restaurants and commercial operations). The records did not indicate the presence of any significant contamination risk. A search of the council records on 28 October 2022 showed that in 2017 consent was granted to demolish the existing buildings and construct a 10-storey building with three basement levels. However, the proposed development did not proceed.

6.4 Site History Integrity Assessment

The information used to establish the history of the site was sourced from reputable and reliable reference documents, many of which were official records held by Government departments/agencies. The databases maintained by various Government agencies potentially can contain high quality information, but some of these do not contain any data at all.

In particular, aerial photographs can provide high quality information that is generally independent of memory or documentation. They are only available at intervals of several years, so some gaps exist in the information from this source. The observed site features are open to different interpretations and can be affected by the time of day and / or year at which they were taken, as well as specific events, such as flooding. Care has been taken to consider different possible interpretations of aerial photographs and to consider them in conjunction with other lines of evidence.

6.5 Summary of Site History

Information from historical aerial photographs and historical leases suggest the site has been used for commercial and residential purposes since around 1950. The Council records indicate that there have been a number of development applications for re-fits and minor renovations of the existing buildings and changes in businesses operating at the site. However, the types of businesses operating at the site were similar in character to the existing businesses operating at the site (i.e., restaurants and commercial operations).

7. Previous DP Investigation in the Vicinity of the Site

DP has undertaken a number of previous investigations in the general vicinity of the site. The previous reports undertaken by DP in the vicinity and the relevant findings are listed in Table 3 below. Note that contamination findings of nearby sites are likely to have no bearing on the contamination status of the site. However, the presence of fill in nearby sites may suggest historical filling of the region prior to significant development in the past.

Table 3: Previous DP Reports

DP Project	Scope of Works	Key Findings
24429 *Report on Geotechnical Investigation, Skitnit House, 22-33 Mary Street Surry Hills,* July 1997	Two test bores, 3 test pits	Up to 1.9 m of fill soil over stiff and hard clays then laminite and sandstone. No groundwater observed.
24429A *Report on Preliminary Contamination Assessment, Skitnit House, 22-33 Mary Street Surry Hills,* July 1997	Environmental sampling from above for heavy metals, TRH, PAH and BTEX	Low levels of contaminants detected below residential screening values but some elevated lead (up 410 mg/kg)
24890 Report on Geotechnical Investigation, Proposed Three Storey Development, December 1997	Five test bores using	Filling up to 1.5 m then stiff clays and interbedded siltstone and sandstone. No groundwater observed.
27439 *Report on Contamination Assessment, 37 Foster Street, Surrey Hills*, July 1998	Four hand augured test bores to 1.5 m. Chemical testing of soil for heavy metals and PAH	Low levels of contaminants detected within the residential screening levels with the exception of lead which was up to 1500 mg/kg.

It is noted that the site is located in an area mapped as Quaternary alluvial and estuarine sediments and the previous DP reports were in areas mapped as Hawkesbury sandstone (or at the boundary of the two). Therefore, it is likely that the conditions at the site will vary from those identified in the previous reports. Based on the mapped geological unit below the site it is possible that the extent of fill soils present exceeds the depth of fill observed in the nearby site (i.e., it may be greater than 2 m). It is also possible that the depth to bedrock is greater and that the groundwater conditions may be different (i.e., it is possible that a higher groundwater table is present).

8. Site Walkover

8.1 Observations

A site walkover was undertaken by an environmental scientist on 2 November 2022. The general site topography was consistent with that described in Section 5. The site layout appears to have remained unchanged from the 2014 aerial photograph. The following key site features pertinent to this desktop study were observed:

- The ground floor on Elizabeth Street was occupied by restaurants, a laundromat, and retail outlets. The first and second floors were occupied by residential apartments and the backpackers accommodation; and

- The buildings appeared to all be primarily of brick construction.

It is noted that the extent of the inspection was limited to a street walkover as the lessees had not been informed by the client of the proposed investigations and therefore access within the properties could not be arranged.

No significant chemical staining was observed during the site walkover. No asbestos was observed at the ground surface during the site walkover, although the entire site was paved. A hazardous building materials (including asbestos) inspection of the existing buildings was beyond the scope of this desktop study.

There was no evidence of the use of underground storage tanks (USTs) at the site (such as vent pipes of fill points) although an inspection of the whole site was not possible.

9. Preliminary Conceptual Site Model

A Conceptual Site Model (CSM) is a representation of site-related information regarding contamination sources, receptors and exposure pathways between those sources and receptors. The CSM provides the framework for identifying how the site became contaminated and how potential receptors may be exposed to contamination either in the present or the future i.e., it enables an assessment of the potential source – pathway – receptor linkages (complete pathways).

Potential Sources

Based on the current investigation, the following potential sources of contamination and associated contaminants of potential concern (COPC) have been identified.

- S1: Grease traps associated with the restaurants may have been used for disposal of wastes other than food wastes, such as cleaning products.
  - COPC include metals, total recoverable hydrocarbons (TRH), benzene, toluene, ethylbenzene, xylene (BTEX), polycyclic aromatic hydrocarbons (PAH) and phenols.
- S2: Laundromat: While it is noted that the laundromat currently only operates a self-service washing and drying service and all dry cleaning is sent off-site it is unclear if this was always the case. It is therefore a possibility that dry cleaning services were at one point carried out on the site and therefore there is a possibility that dry cleaning solvents may have been used at the site.
  - COPC include Volatile organic compounds VOC (perchloroethene and trichloroethene PCE and TCE), Petroleum hydrocarbons.
- S3: Fill from unknown sources may have been imported as part of previous site levelling activities.
  - COPC include metals, total recoverable hydrocarbons (TRH), benzene, toluene, ethylbenzene, xylene (BTEX), polycyclic aromatic hydrocarbons (PAH) and phenols, organochlorine pesticides (OCPs), organophosphorus pesticides (OPPs) and asbestos.

- S4: Despite the apparent age of the buildings, it is possible that previous structures have been present and demolished at the site based on its location within the CBD and the long history of occupation in the area. Therefore, it is possible that demolition waste from previous constructions (including asbestos) may be present below the existing buildings.
  - o COPC include asbestos, synthetic mineral fibres (SMF), lead and PCB.
- S5: Although unlikely based on reviewed historical records and the limited site inspection, it is possible that underground storage tanks (UST) or other forms of dangerous goods storage are or were present at the site.
  - o COPCs include metals, TRH, BTEX, PAHs, volatile organic compounds (VOCs) and phenols.

Summary of Potentially Complete Exposure Pathways

A 'source–pathway–receptor' approach has been used to assess the potential risks of harm being caused to human or environmental receptors from contamination sources on or in the vicinity of the site, via exposure pathways (potential complete pathways). A summary of the CSM is provided in below Table 4.

Table 4: Summary of Potentially Complete Exposure Pathways

Source	Potential Contaminants	Transport Pathway	Receptor	Risk
(S1) Grease Traps for Restaurants	Heavy metals, polycyclic aromatic hydrocarbons (PAH), total recoverable hydrocarbons (TRH)	(P1) Direct contact with soil (P3) Inhalation of vapours from groundwater and soil	(R1) Residents (R2) Commercial workers (R3) Construction workers (R4) Downgradient land users	Low
(S2) Laundromat	Volatile organic compounds VOC (perchloroethene and trichloroethene PCE and TCE), Petroleum hydrocarbons	(P1) Direct contact with soil (P3) Inhalation of vapours from groundwater and soil (P4) Contamination with groundwater	(R1) Residents (R2) Commercial Workers (R3) Construction workers (R4) Downgradient land users	Moderate
(S3) Fill Soils	Heavy metals, (PAH), hydrocarbons (TRH), BTEX, PAH, OCP, OPPs, phenols, asbestos	(P1) Direct contact with soil (P2) Inhalation of dust	(R1) Residents (R2) Commercial Workers (R3) Construction workers	Moderate

Source	Potential Contaminants	Transport Pathway	Receptor	Risk
(S4) Possible demolished structures	Asbestos and Lead Paint	(P1) Direct contact with soil (P2) Inhalation of dust	(R1) Residents (R2) Commercial Workers (R3) Construction workers	Low to Medium
(S5) Dangerous goods storage, including UST	Heavy metals, PAH, TRH, VOC	(P1) Direct contact with soil (P3) Inhalation of vapours from groundwater and soil	(R1) Residents (R2) Commercial workers (R3) Construction workers (R4) Downgradient land users	Low

10. Conclusions and Recommendations

Based on a review of site history information and a limited site walkover inspection, the potential for widespread site contamination is considered to be low to moderate and it is unlikely that significant contamination is present at the site which would render the site unsuitable for the proposed development.

However, given the absence of quantitative data pertinent to the actual contamination status of the site, it is recommended that once the site becomes fully accessible for intrusive sampling that a detailed contamination assessment be undertaken in accordance with the NSW *Sampling Design Guidelines* 2022 and the National Environment Protection Council (NEPC) *National Environment Protection (Assessment of Site Contamination) Measure 1999 as* amended 2013 (NEPC, 2013). The assessment should target the chemicals of potential concern in soil and groundwater identified in the preliminary CSM.

11. References

NEPC. (2013). *National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013) [NEPM].* Australian Government Publishing Services Canberra: National Environment Protection Council.

NSW EPA. (2020). *Guidelines for Consultants Reporting on Contaminated Land.* Contaminated Land Guidelines: NSW Environment Protection Authority.

12. Limitations

Douglas Partners (DP) has prepared this report for this project at 232-240 Elizabeth Street, Surry Hills in accordance with DP's proposal dated 19/09/2022 and acceptance received from Peter Kouvelas. The work was carried out under DP's Conditions of Engagement. This report is provided for the exclusive use of Stasia Holdings Pty. Limited for this project only and for the purposes as described in the report. It should not be used by or relied upon for other projects or purposes on the same or other site or by a third party. Any party so relying upon this report beyond its exclusive use and purpose as stated above, and without the express written consent of DP, does so entirely at its own risk and without recourse to DP for any loss or damage. In preparing this report DP has necessarily relied upon information provided by the client and/or their agents.

DP's advice is based upon the conditions encountered during this investigation. The accuracy of the advice provided by DP in this report may be affected by undetected variations in ground conditions across the site between and beyond the sampling and/or testing locations. The advice may also be limited by budget constraints imposed by others or by site accessibility.

The assessment of atypical safety hazards arising from this advice is restricted to the environmental components set out in this report and based on known project conditions and stated design advice and assumptions. While some recommendations for safe controls may be provided, detailed 'safety in design' assessment is outside the current scope of this report and requires additional project data and assessment.

This report must be read in conjunction with all of the attached and should be kept in its entirety without separation of individual pages or sections. DP cannot be held responsible for interpretations or conclusions made by others unless they are supported by an expressed statement, interpretation, outcome or conclusion stated in this report.

This report, or sections from this report, should not be used as part of a specification for a project, without review and agreement by DP. This is because this report has been written as advice and opinion rather than instructions for construction.

Douglas Partners Pty Ltd

Appendix A

Drawings



Douglas Partners
Geotechnics / Environment / Groundwater

CLIENT:	Stasia Holdings Pty Limited		
OFFICE:	Sydney	DRAWN BY:	KDP
SCALE:	as shown	DATE:	2 Nov 2022

TITLE: **Site Location Plan**
Desktop Conamination Study
232-240 Elizabeth Street Surry Hills

PROJECT No:	218701.00
DRAWING No:	1
REVISION:	A

Appendix B

About this Report

About this Report

Douglas Partners

Introduction

These notes have been provided to amplify DP's report in regard to classification methods, field procedures and the comments section. Not all are necessarily relevant to all reports.

DP's reports are based on information gained from limited subsurface excavations and sampling, supplemented by knowledge of local geology and experience. For this reason, they must be regarded as interpretive rather than factual documents, limited to some extent by the scope of information on which they rely.

Copyright

This report is the property of Douglas Partners Pty Ltd. The report may only be used for the purpose for which it was commissioned and in accordance with the Conditions of Engagement for the commission supplied at the time of proposal. Unauthorised use of this report in any form whatsoever is prohibited.

Borehole and Test Pit Logs

The borehole and test pit logs presented in this report are an engineering and/or geological interpretation of the subsurface conditions, and their reliability will depend to some extent on frequency of sampling and the method of drilling or excavation. Ideally, continuous undisturbed sampling or core drilling will provide the most reliable assessment, but this is not always practicable or possible to justify on economic grounds. In any case the boreholes and test pits represent only a very small sample of the total subsurface profile.

Interpretation of the information and its application to design and construction should therefore take into account the spacing of boreholes or pits, the frequency of sampling, and the possibility of other than 'straight line' variations between the test locations.

Groundwater

Where groundwater levels are measured in boreholes there are several potential problems, namely:

- In low permeability soils groundwater may enter the hole very slowly or perhaps not at all during the time the hole is left open;
- A localised, perched water table may lead to an erroneous indication of the true water table;
- Water table levels will vary from time to time with seasons or recent weather changes. They may not be the same at the time of construction as are indicated in the report; and
- The use of water or mud as a drilling fluid will mask any groundwater inflow. Water has to be blown out of the hole and drilling mud must first be washed out of the hole if water measurements are to be made.

More reliable measurements can be made by installing standpipes which are read at intervals over several days, or perhaps weeks for low permeability soils. Piezometers, sealed in a particular stratum, may be advisable in low permeability soils or where there may be interference from a perched water table.

Reports

The report has been prepared by qualified personnel, is based on the information obtained from field and laboratory testing, and has been undertaken to current engineering standards of interpretation and analysis. Where the report has been prepared for a specific design proposal, the information and interpretation may not be relevant if the design proposal is changed. If this happens, DP will be pleased to review the report and the sufficiency of the investigation work.

Every care is taken with the report as it relates to interpretation of subsurface conditions, discussion of geotechnical and environmental aspects, and recommendations or suggestions for design and construction. However, DP cannot always anticipate or assume responsibility for:

- Unexpected variations in ground conditions. The potential for this will depend partly on borehole or pit spacing and sampling frequency;
- Changes in policy or interpretations of policy by statutory authorities; or
- The actions of contractors responding to commercial pressures.

If these occur, DP will be pleased to assist with investigations or advice to resolve the matter.

About this Report

Site Anomalies

In the event that conditions encountered on site during construction appear to vary from those which were expected from the information contained in the report, DP requests that it be immediately notified. Most problems are much more readily resolved when conditions are exposed rather than at some later stage, well after the event.

Information for Contractual Purposes

Where information obtained from this report is provided for tendering purposes, it is recommended that all information, including the written report and discussion, be made available. In circumstances where the discussion or comments section is not relevant to the contractual situation, it may be appropriate to prepare a specially edited document. DP would be pleased to assist in this regard and/or to make additional report copies available for contract purposes at a nominal charge.

Site Inspection

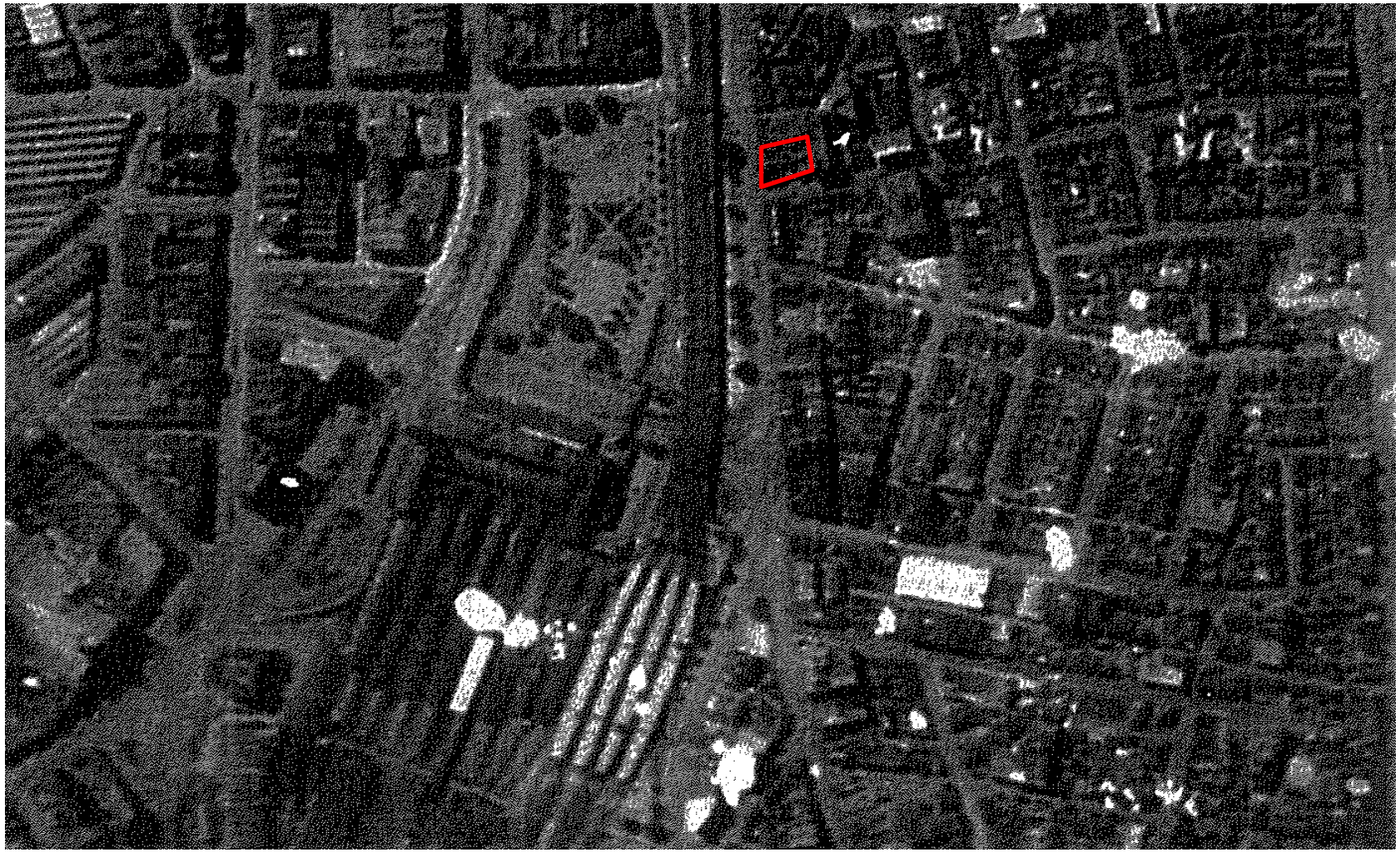
The company will always be pleased to provide engineering inspection services for geotechnical and environmental aspects of work to which this report is related. This could range from a site visit to confirm that conditions exposed are as expected, to full time engineering presence on site.

Appendix C

Historical Aerial Photographs

Title Deeds

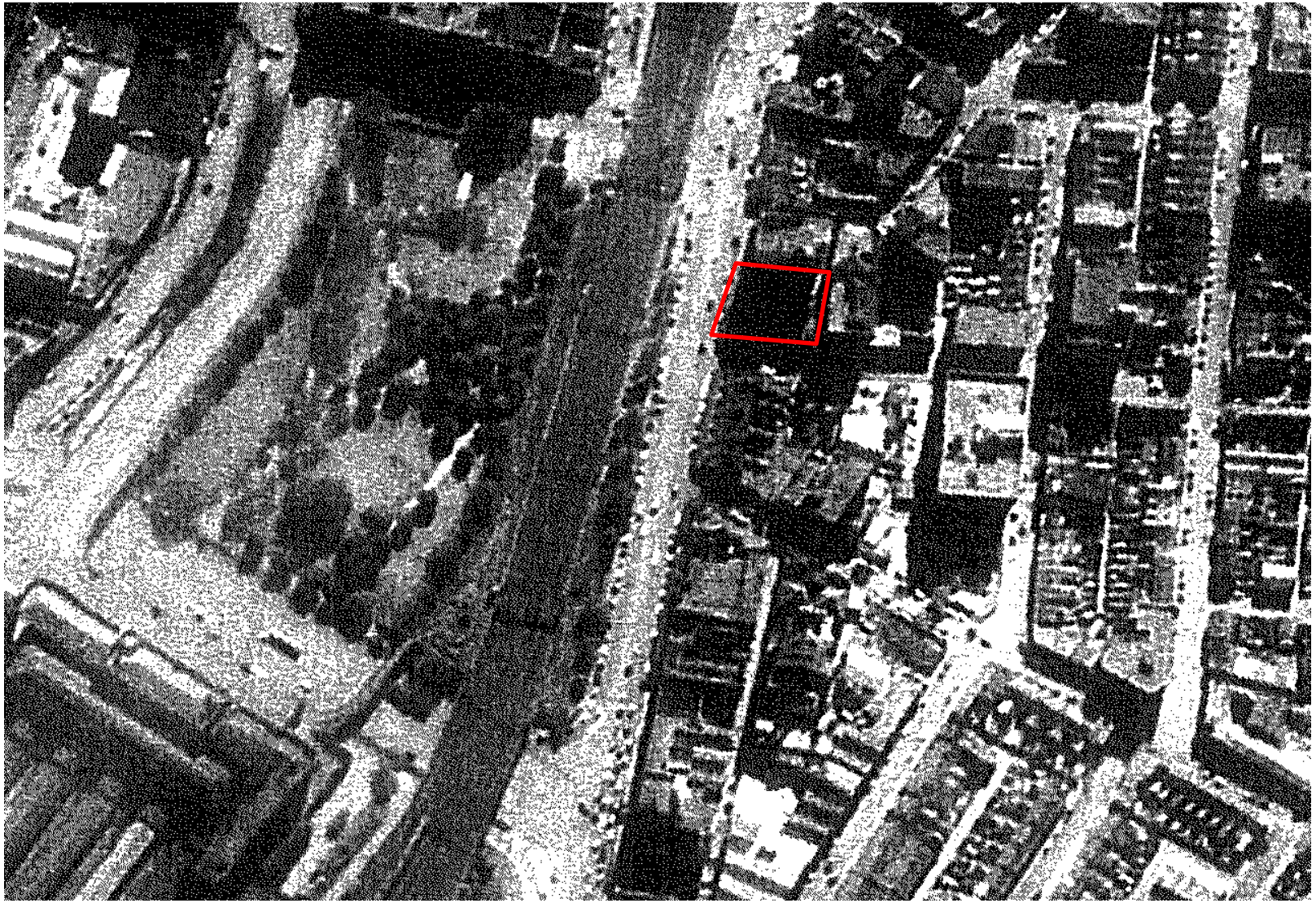
Planning Certificate from DP (2014)



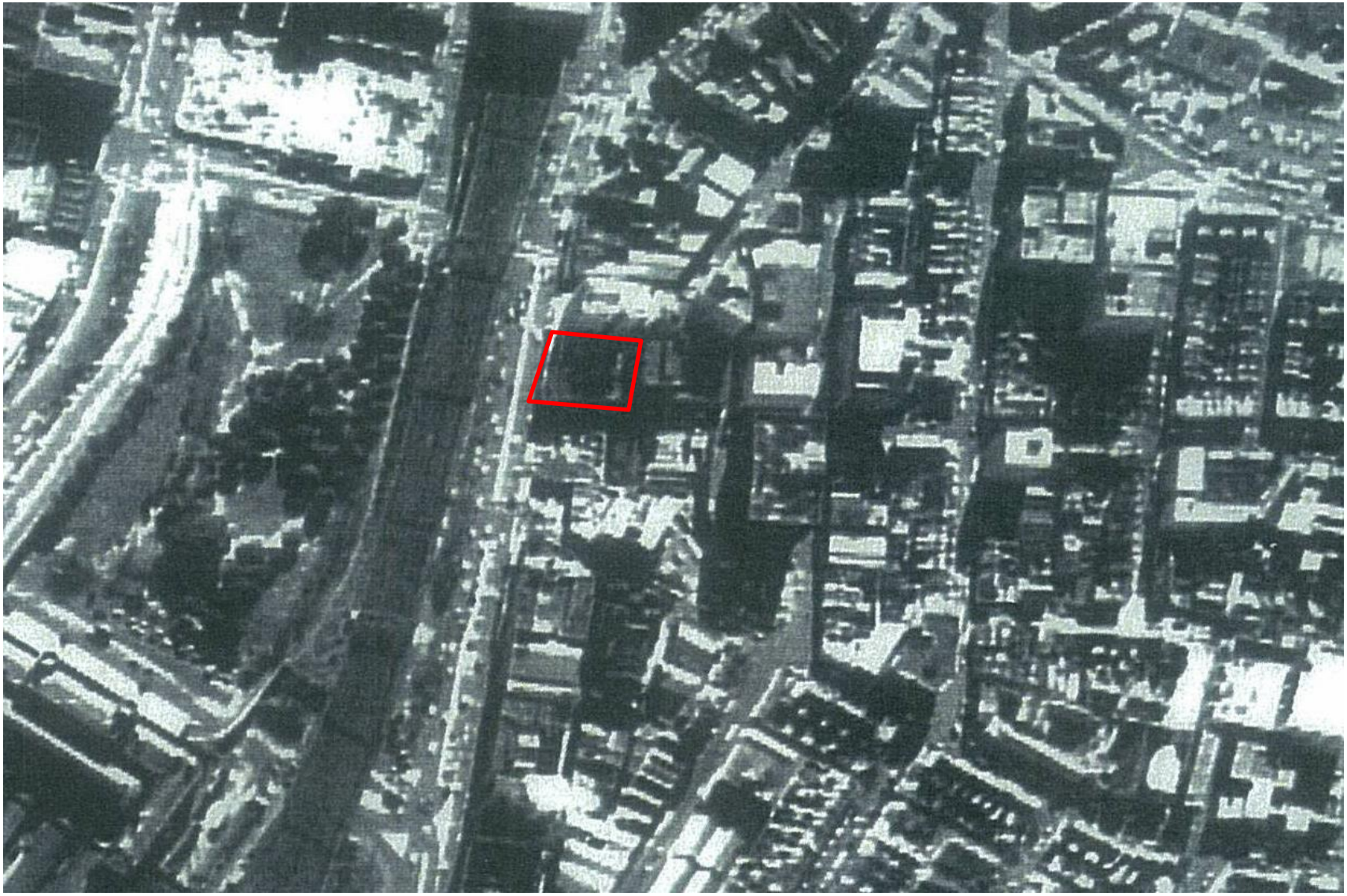
Douglas Partners Geotechnics / Environment / Groundwater	CLIENT: Stasia Holdings Pty Limited	**1930 Aerial Photo**	PROJECT No: 218701.00
	OFFICE: Sydney	**Desktop Contamination Study**	PLATE No: D1
	DATE: 1 Nov 2022	**232-240 Elizabeth Street, Surry Hills**	REVISION: A



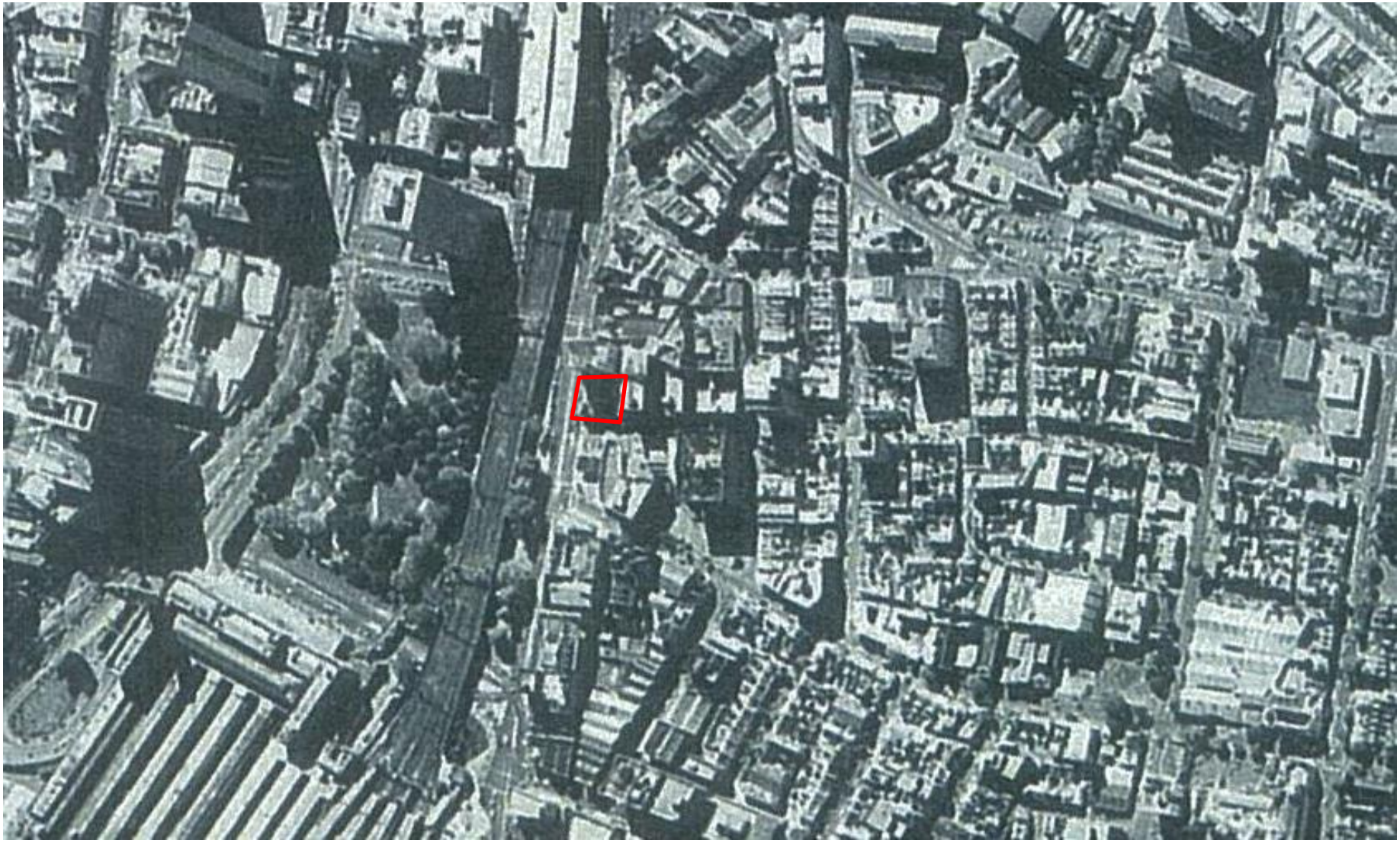
Douglas Partners Geotechnics / Environment / Groundwater	CLIENT: Stasia Holdings Pty Limited	**1947 Aerial Photograph**	PROJECT No: 218701.00
	OFFICE: Sydney	**Desktop Conamination Study**	PLATE No: D2
	DATE: 1 Nov 2022	**232-240 Elizabeth Street, Surry Hills**	REVISION: A



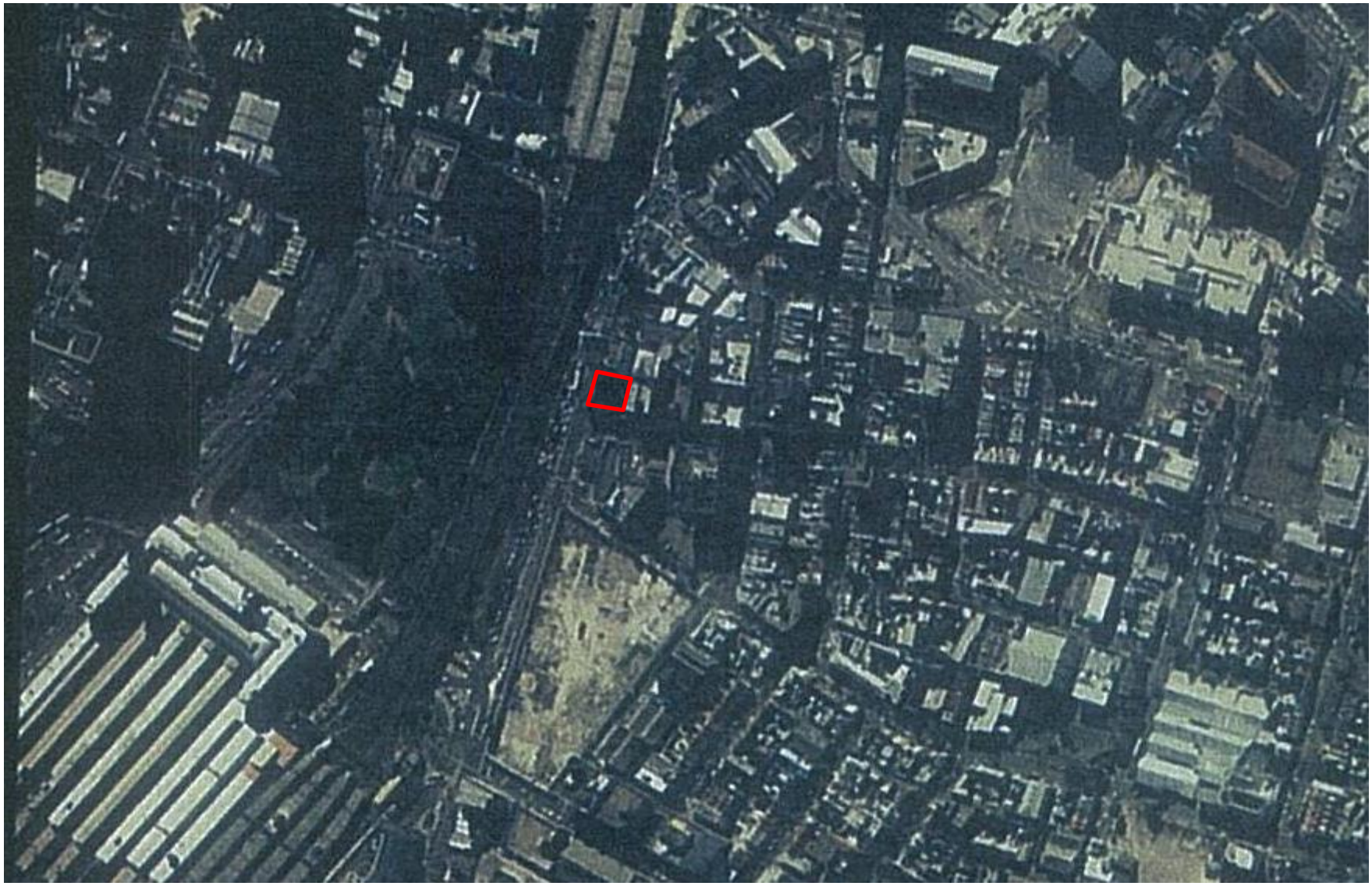
Douglas Partners Geotechnics / Environment / Groundwater	CLIENT: Stasia Holdings Pty Limited	**1955 Aerial Photo**	PROJECT No: 218701.00
	OFFICE: Sydney	**Desktop Conamination Study**	PLATE No: D3
	DATE: 1 Nov 2022	**232-240 Elizabeth Street, Surry Hills**	REVISION: A



Douglas Partners Geotechnics / Environment / Groundwater	CLIENT: Stasia Holdings Pty Limited	**1970 Aerial Photo**	PROJECT No: 218701.00
	OFFICE: Sydney	**Desktop Contamination Study**	PLATE No: D4
	DATE: 1 Nov 2022	**232-240 Elizabeth Street, Surry Hills**	REVISION: A



Douglas Partners Geotechnics / Environment / Groundwater	CLIENT: Stasia Holdings Pty Limited	**1978 Aerial Photo**	PROJECT No: 218701.00
	OFFICE: Sydney	**Desktop Contamination Study**	PLATE No: D5
	DATE: 1 Nov 2022	**232-240 Elizabeth Street, Surry Hills**	REVISION: A



Douglas Partners Geotechnics / Environment / Groundwater	CLIENT: Stasia Holdings Pty Limited	**1986 Aerial Photo**	PROJECT No: 218701.00
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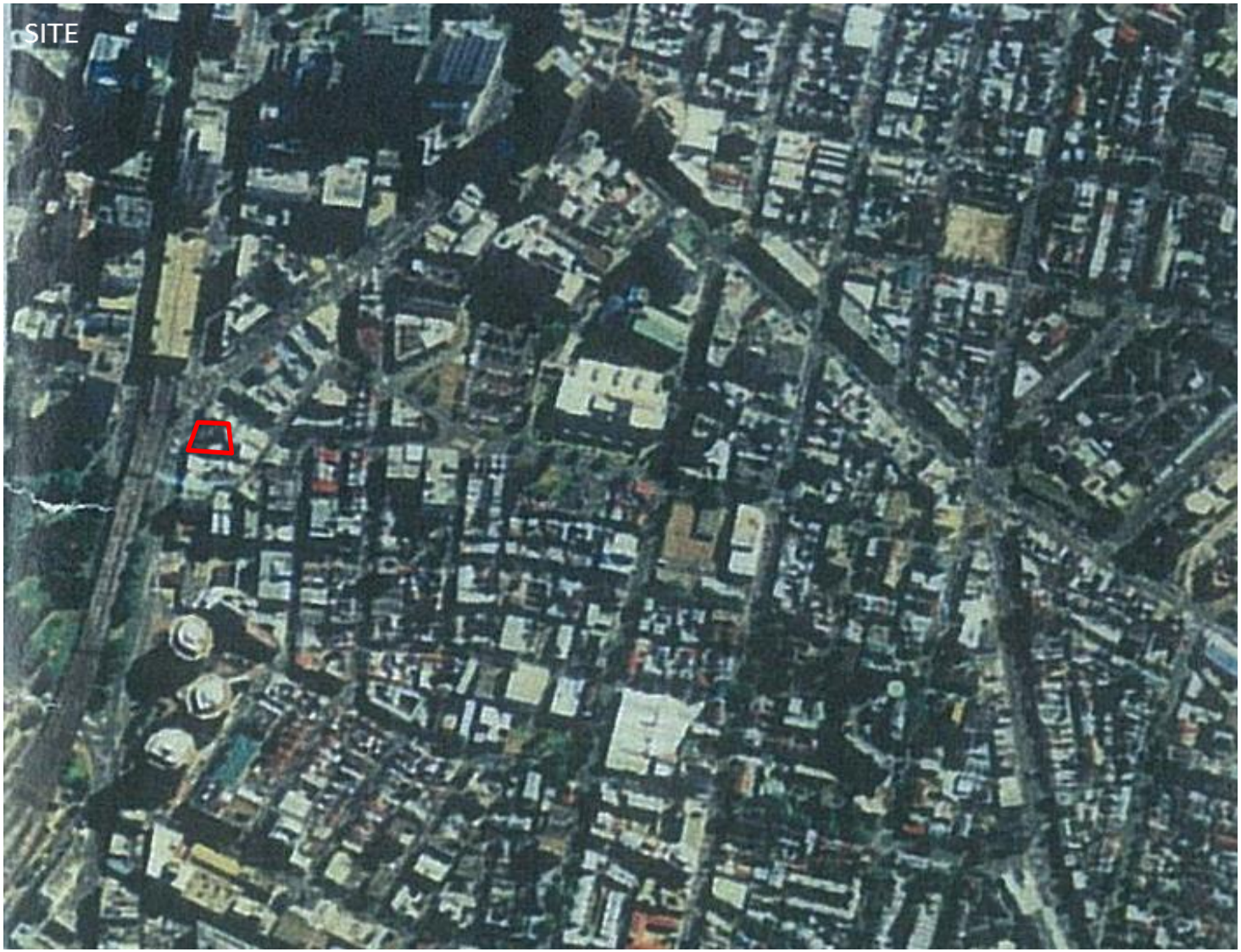
	DATE: 1 Nov 2022	**232-240 Elizabeth Street, Surry Hills**	REVISION: A



Douglas Partners Geotechnics / Environment / Groundwater	CLIENT: Stasia Holdings Pty Limited	**1994 Aerial Photo**	PROJECT No: 218701.00
	OFFICE: Sydney	**Desktop Contamination Study**	PLATE No: D7
	DATE: 1 Nov 2022	**232-240 Elizabeth Street, Surry Hills**	REVISION: A



Douglas Partners Geotechnics / Environment / Groundwater	CLIENT: Stasia Holdings Pty Limited	**2004 Aerial Photo**	PROJECT No: 218701.00
	OFFICE: Sydney	**Desktop Contamination Study**	PLATE No: D8
	DATE: 1 Nov 2022	**232-240 Elizabeth Street, Surry Hills**	REVISION: A



Douglas Partners Geotechnics / Environment / Groundwater	CLIENT: Stasia Holdings Pty Limited	**2014 Aerial Photo**	PROJECT No: 218701.00
	OFFICE: Sydney	**Desktop Contamination Study**	PLATE No: D9
	DATE: 1 Nov 2022	**232-240 Elizabeth Street, Surry Hills**	REVISION: A



Douglas Partners Geotechnics / Environment / Groundwater	CLIENT: Stasia Holdings Pty Limited	**2022 Aerial Photo**	PROJECT No: 218701.00
	OFFICE: Sydney	**Desktop Contamination Study**	PLATE No: D10
	DATE: 1 Nov 2022	**232-240 Elizabeth Street, Surry Hills**	REVISION: A

Service First Registration Pty Ltd

ACN: 108 037 029
Ph: 02 9299 9969
Fax: 9279 2185

Suite 804, Level 8, 46 Market Street, Sydney
Sydney 2000
PO Box 784 QVB Post Shop, NSW 1230
DX 189 Sydney

Summary of Owners Report

LPI **Sydney**

Address: - 232 to 240 Elizabeth Street, Sydney

Description: - Lot 1 D.P 664653, Lot 1 D.P. 779385 and Common Property for Strata Plan 1379

As regards Lot 1 D.P. 664653

Date of Acquisition and term held	Registered Proprietor(s) & Occupations where available	Reference to Title at Acquisition and sale
30.01.1873 (1873 to 1901)	Thomas Page (No occupation noted)	Vol 154 Fol 222
04.03.1901 (1901 to 1933)	Susan Douglass (Married Woman) (Transmission Application not investigated)	Vol 154 Fol 222
10.01.1933 (1933 to 1939)	Harold Page Douglass (Gentleman)	Vol 154 Fol 222
05.10.1939 (1939 to 1940)	Philip Lee Summers (Solicitor) George Camden Coburn (Accountant) Lilith Susie Ellen Chadwick (Married Woman) (Transmission Application not investigated)	Vol 154 Fol 222
23.01.1940 (1940 to 1946)	Lilith Susie Ellen Chadwick (Married Woman)	Vol 154 Fol 222
11.10.1946 (1946 to 1958)	Henry Russell Elliott (Second Hand Dealer)	Vol 154 Fol 222 Now Vol 5650 Fol 14
29.01.1958 (1958 to 1958)	Clifton Keith Elliott (Store Keeper) (Section 94 Application not investigated)	Vol 5650 Fol 14
29.01.1958 (1958 to 1987)	Jean Elaine Mary Elliott (Widow)	Vol 5650 Fol 14
18.11.1987 (1987 to 1988)	Hang Tat Enterprises (Australia) Pty Limited	Vol 5650 Fol 14 Now
28.11.1988 (1988 to date)	# Patglen Pty Limited	Vol 5650 Fol 14 Now 1/664653

# Denotes Current Registered Proprietor

Easements: - NIL

Leases: -

- 18.12.2008 to Sabai Sabai (NSW) Pty Ltd, expires 31.05.2013, also 5 year option

Service First Registration Pty Ltd

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Ph: 02 9299 9969
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Sydney 2000
PO Box 784 QVB Post Shop, NSW 1230
DX 189 Sydney

As regards Lot 1 D.P. 779385

Date of Acquisition and term held	Registered Proprietor(s) & Occupations where available	Reference to Title at Acquisition and sale
10.10.1868 (1868 to 1933)	Elizabeth Page (Married Woman)	Book 110 No. 599
23.03.1933 (1933 to 1940)	Harold Page Douglass (Gentleman) Lilith Susie Ellen Chadwick (Married Woman)	Book 1658 No. 610
23.01.1940 (1940 to 1946)	Lilith Susie Ellen Chadwick (Married Woman)	Book 1863 No. 872
11.10.1946 (1946 to 1957)	Henry Russell Elliott (Second Hand Dealer)	Book 2000 No. 459
28.10.1957 (1957 to 1987)	Jean Elaine Mary Elliott (Widow)	Book 2429 No. 148
09.10.1987 (1987 to 1988)	Hang Tat Enterprises (Australia) Pty Limited	Book 3716 No. 177 Now 1/779385
28.11.1988 (1988 to date)	# Patglen Pty Limited	1/779385

# Denotes Current Registered Proprietor

Easements: - NIL

Leases: -

- Various leases were registered against this title that have since expired or have been surrendered. These leases have not been investigated
- 05.11.2009 to Calorie Schmalorie Pty Limited, of Ground Floor – expires 30.09.2012, also 3 year option
- 07.04.2014 to Backpack Australia Pty Ltd, of Floors 1 and 2 – Expires 30.12.2016, also 2 year option

---

As regards the common Property for Strata Plan 1379

Searches have not been extended against Lots 1 and 2 Strata Plan 1379 since the Strata Plan was registered on 21.06.1965

Date of Acquisition and term held	Registered Proprietor(s) & Occupations where available	Reference to Title at Acquisition and sale
26.09.1900 (1900 to 1910)	Samuel Hordern (Merchant)	Vol 1330 Fol 109
17.08.1910 (1910 to 1918)	Samuel Hordern (Merchant) John Felix Booth (Real Estate Manager) Anthony Hordern (Esquire) (Transmission Application not investigated)	Vol 1330 Fol 109
20.05.1918 (1918 to 1921)	Marian Orchard (Married Woman)	Vol 1330 Fol 109
01.07.1921 (1921 to 1921)	Frederick Hjorring (Insurance Inspector)	Vol 1330 Fol 109
01.07.1921 (1921 to 1922)	Frank Howard Russell (Accountant)	Vol 1330 Fol 109 Now Vol 3333 Fol 83

Service First Registration Pty Ltd

ACN: 108 037 029
Ph: 02 9299 9969
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Suite 804, Level 8, 46 Market Street, Sydney
Sydney 2000
PO Box 784 QVB Post Shop, NSW 1230
DX 189 Sydney

Search continued as regards the common Property for Strata Plan 1379

Date of Acquisition and term held	**Registered Proprietor(s) & Occupations where available**	**Reference to Title at Acquisition and sale**
19.12.1922 (1922 to 1927)	Bryan William Palmes (Grazier)	Vol 3333 Fol 83
19.10.1927 (1927 to 1937)	Alex Dimdore (Investor) Harold Leventhal (Real Estate Agent) Vera Leventhal (Married Woman)	Vol 3333 Fol 83 Now Vol 4075 Fol's 210, 211 & 212
13.05.1937 (1937 to 1946)	Harold Leventhal (Real Estate Agent) Vera Leventhal (Married Woman)	Vol 4075 Fol's 210, 211 & 212 Now Vol 4876 Fol's 100 & 101
01.07.1946 (1946 to 1965)	Liova Spivak (Clothing Manufacturer) Gedalia Spivak (Clothing Manufacturer)	Vol 4876 Fol's 100 & 101 Now Vol 5655 Fol's 36 & 37
21.06.1965 (1965 to date)	# The Owners – Strata Plan 1379	Vol 8503 Fol 129 Now CP/SP 1379

# Denotes Current Registered Proprietor

Easements: - NIL

Leases: -

- During the course of our investigation, numerous leases were found that have since expired or have been surrendered. These leases have not been investigated

---

Yours Sincerely
Mark Groll
23 June 2014
(Ph: 0412 199 304)

Cadastral Records Enquiry Report

Land & Property Information
A division of the Department of Finance & Services

Ref : surv:scim-grollm

Requested Parcel : Lot 1 DP 779385

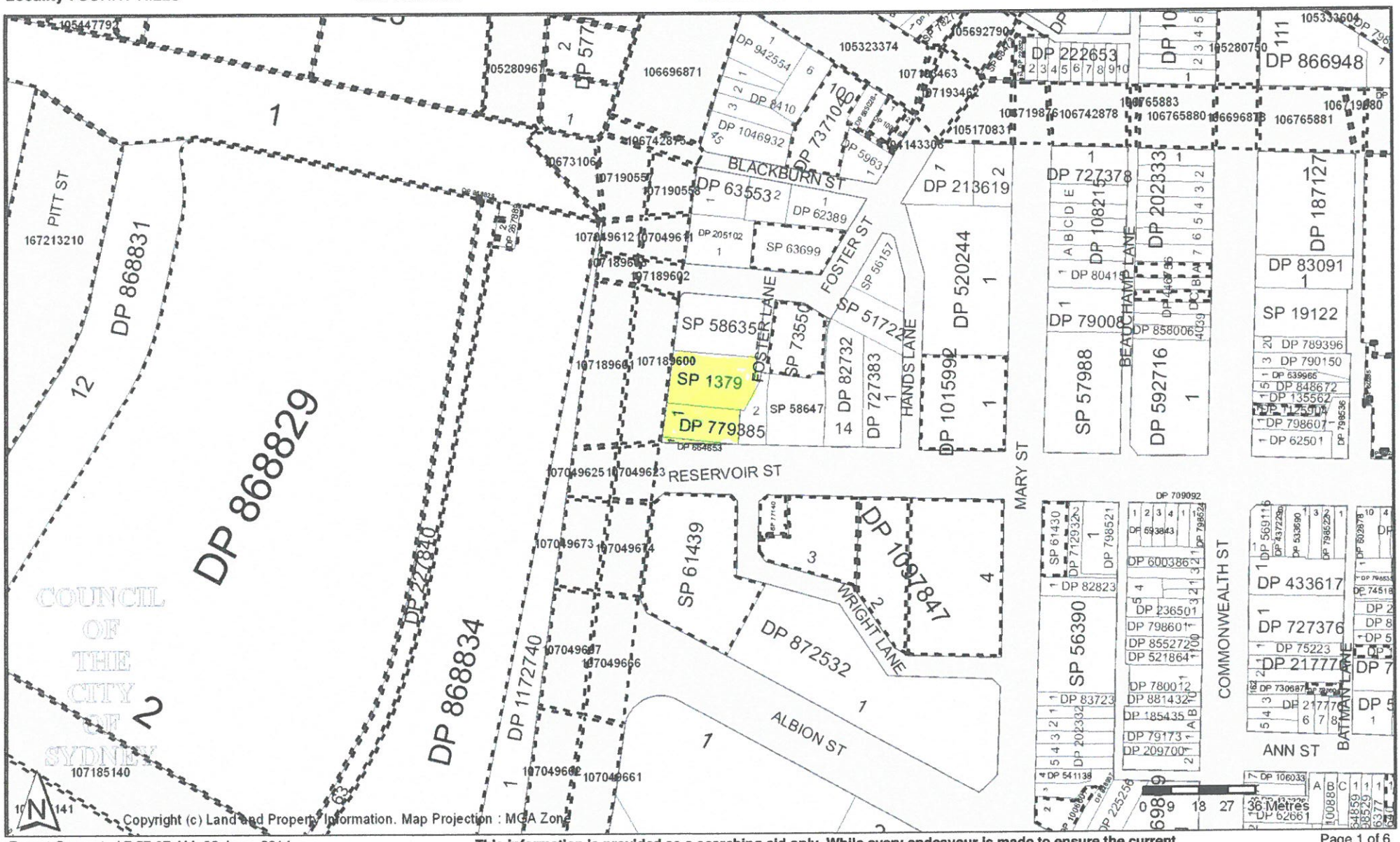
Identified Parcel : Lot 1 DP 779385

Locality : SURRY HILLS

LGA : SYDNEY

Parish : ALEXANDRIA

County : CUMBERLAND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DP 779385
DP 868829
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SP 63699
SP 58647
SP 73550
DP 82732
DP 727383
DP 520244
DP 1015992
DP 213619
DP 727378
DP 108215
DP 202333
DP 187127
DP 866948
DP 222653
DP 942554
DP 8410
DP 1046932
DP 737104
DP 5963
DP 63553
DP 62389
DP 205102
DP 79008
DP 858006
SP 57988
DP 592716
DP 83091
SP 19122
DP 789396
DP 790150
DP 639965
DP 848672
DP 135562
DP 125904
DP 798607
DP 62501
SP 56390
DP 82823
DP 236501
DP 798601
DP 8552720
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DP 881432
DP 185435
DP 79173
DP 209700
DP 83723
DP 202332
DP 541138
DP 433617
DP 727376
DP 75223
DP 217777
DP 62661
DP 709092
DP 600386
DP 593843
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DP 712932
SP 61430
DP 798524
DP 798525
DP 798536
DP 798653
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DP 1008907
DP

Req:R720337 /Doc:DP 0664653 P /Rev:12-Feb-1997 /Sts:OK.OK /Prt:22-Jun-2014 08:01 /Pgs:ALL /Seq:1 of 1
Ref:mg /Src:M

DP 664653

Registered: 7.2.1997

Title System: TORRENS

Purpose: DEPARTMENTAL

Ref. Map: U1845-4124#

Last Plan: ---------

THIS PLAN HAS BEEN CREATED TO PROVIDE A UNIQUE IDENTIFIER TO ENABLE THE ISSUE OF AN AUTOMATED TORRENS TITLE FOR THE LAND COMPRISED IN FOLIO OF THE REGISTER VOLUME 5650 FOLIO 14 FORMERLY KNOWN AS 19 m² GRANT

Lengths are in metres.
Reduction Ratio : NOT TO SCALE

L.G.A.: SYDNEY

LOCALITY: .

PARISH: ST LAWRENCE

COUNTY: CUMBERLAND

N O 1 D 1 B

G.D.B. ----

LT 2/55

PLAN OF THE LAND COMPRISED IN DEED

BK. 3716 NO. 177

~~Mun / Shire~~: SYDNEY City — Locality: SURRY HILLS

Parish: ALEXANDRIA AND ST LAWRENCE — County: CUMBERLAND

Reduction Ratio 1: 200 — Lengths are in metres.

D.P. 779385

~~Registered~~ 26·4·1988

Title System: OLD SYSTEM

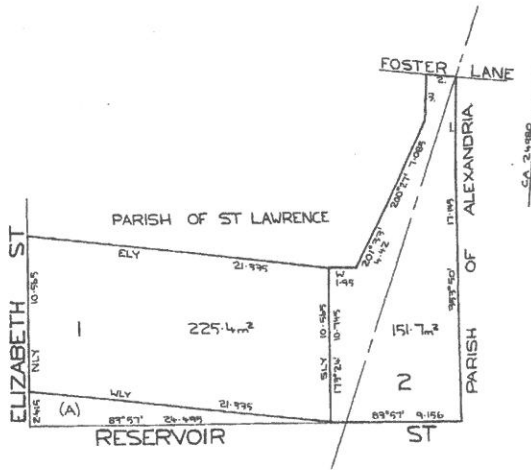
Purpose: LIMITED FOLIO CREATION

Ref Map: PH. ALEXANDRIA SH 4 / PH. ST LAWRENCE

Last Plan: CITY SEC. 5 (D.P. 982294) / ROLL PLAN 309 (D.P. 111185)

NO02D11D

THIS PLAN WAS PREPARED SOLELY TO IDENTIFY THE LAND IN THE ABOVE DEED.
THE BOUNDARIES HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL AND
IT IS NOT A CURRENT PLAN IN TERMS OF SEC. 327AA LOCAL GOVERNMENT ACT, 1919.



No	Bearing	Distance
1.	358°05'	6·755
2.	270°19'	8·14
3.	178°47'	8·945

(A)-LAND NOT INCLUDED IN PLAN

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

Plan Drawing only to appear in this space

10 | 50 | 100 Table of mm 140 | 180 | 220

Plan Drawing only to appear in this space

This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day. 28th April, 1988

10 20 30 40 50 60 70 Table of mm 110 120 130 140

Req:R720338 /Doc:DP 0779385 P /Rev:08-Aug-1992 /Sts:OK.OK /Prt:22-Jun-2014 08:01 /Pgs:ALL /Seq:1 of 1
Ref:mg /Src:M

Req:R720339 /Doc:SP 0001379 P /Rev:12-Jul-2007 /Sts:SC.OK /Prt:22-Jun-2014 08:01 /Pgs:ALL /Seq:1 of 3
Ref:mg /Src:M

(a) State if whole or part.

(b) Refer to number of Lot, Allotment, or Portion and to the Deposited Plan, Town, or as the case may be.

Parcel comprises(a) whole of(b) R.P.A. 11245

Reference to Title Vol. 5655 Fol.s 36 & 37

~~Mun./Shire~~/City Sydney

Locality Sydney

Parish St. Lawrence County Cumberland

Scale : 20 feet to an inch.

STRATA PLAN 1379 (E)

Registered: 21·6·1965

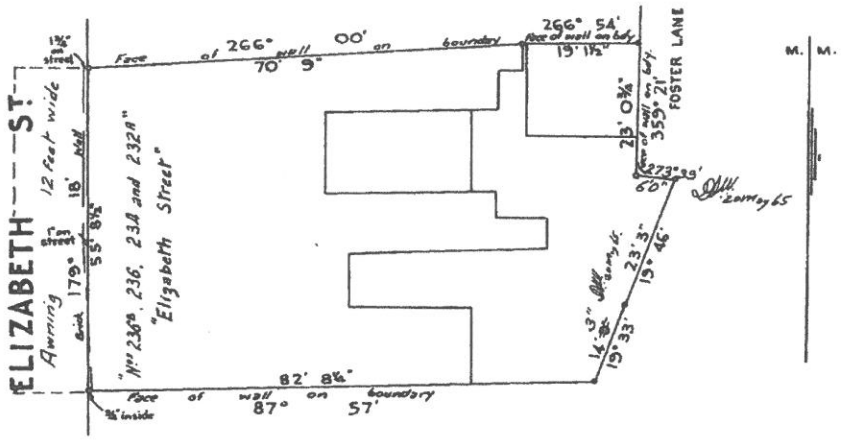
C.A.: 22/1965 of 15·3·65

Ref Map: City Section 5

Last Plan: P. A. 11245

Appn 11245 Pt. Allot. 2 Sec. 5 gtd. to John Tarrell on 19th Oct. 1831 &
do. Pt. Allot. 3 do. William Charles Greville on 13th Oct. 1831 &
Vol. 5655 Fols. 36 & 37

External surface boundaries of the parcel and location of the building in relation thereto to be delineated in space opposite.



(c) Additional lots should be shown in an annexure.

(d) Delete if inappropriate.

Schedule of Unit Entitlement(c)		OFFICE USE ONLY Current C's of T.	
Lot No.	Unit Entitlement	Vol.	Fol.
1	1	10043-153	
2	1	10043-154	
AGGREGATE	2		

I, David Ashley Williams
of 198 Mona Vale Rd, St.Ives.
a surveyor registered under the Surveyors Act, 1929, as amended, hereby certify that:

(1) the building erected on the parcel described above is within the external boundaries of the parcel(d) ~~subject to clause (3) of this certificate;~~

~~(2) eaves or guttering of the building project beyond such external boundaries and an appropriate easement has been granted or an appurtenance of the parcel by registered Transfer No.~~

Dated 10th. June, 1964.

Signature D.A.Williams

Approved by the Council for the purposes of the Conveyancing (Strata Titles) Act, 1961.

Date 15th March, 1965.

Subdivision No. 22/1965.

Town Council Clerk

The address for service of notices on the body corporate is:— The Proprietors. Strata Plan No. 1379 236 Elizabeth Street, Sydney.

46737 12.63 K 1212 V. C. N. Blight, Government Printer

Surveyor's Reference: 1001

Sheet 2 of 3 sheets

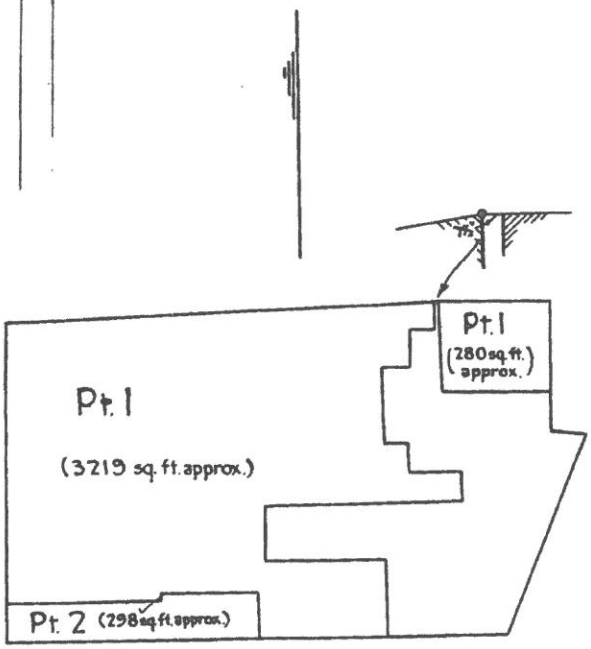
STRATA PLAN Nº 1379
GROUND FLOOR

CONVERSION TABLE ADDED IN REGISTRAR GENERAL'S DEPARTMENT

STRATA PLAN 1379

FEET	INCHES	METRES
-	0 3/4	0.02
-	1	0.025
-	1 3/4	0.045
6	-	1.83
12	-	3.66
14	3	4.345
19	1 1/2	5.83
23	0 3/4	7.03
23	3	7.085
55	8 1/2	16.98
70	9	21.565
82	8 1/4	25.205
119	1 1/2	36.31

SQ FT	SQ M
230	21.4
247	22.9
280	26
283	26.3
298	27.7
2203	204.7
3219	299.1

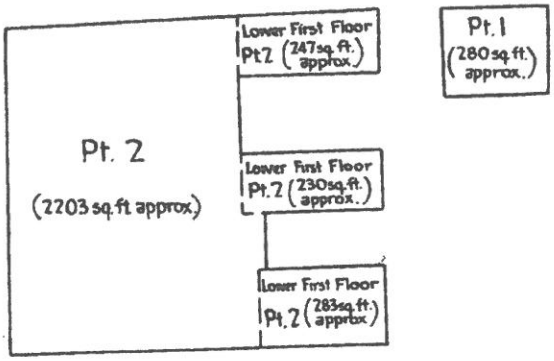


Total area of lot 1 . 3779 sq. ft. approx.

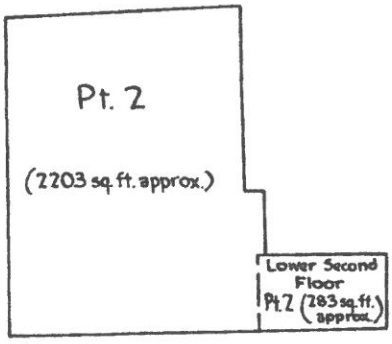
Town Clerk.

Req:R720339 /Doc:SP 0001379 P /Rev:12-Jul-2007 /Sts:SC.OK /Prt:22-Jun-2014 08:01 /Pgs:ALL /Seq:3 of 3
Ref:mg /Src:M

STRATA PLAN Nº 1379



FIRST FLOOR



SECOND FLOOR

Total area of lot 2 , 5747 sq.ft. approx.

Town Clerk.

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE
22/6/2014 8:03AM

FOLIO: 1/664653

First Title(s): VOL 154 FOL 222
Prior Title(s): VOL 5650 FOL 14

Recorded	Number	Type of Instrument	C.T. Issue
7/2/1997		CONVERTED TO COMPUTER FOLIO	FOLIO CREATED CT NOT ISSUED
31/10/2002	9087304	APPLICATION FOR REPLACEMENT CERTIFICATE OF TITLE	EDITION 1
22/11/2002	9150764	DISCHARGE OF MORTGAGE	
22/11/2002	9150765	MORTGAGE	EDITION 2
7/1/2004	AA303083	VARIATION OF MORTGAGE	EDITION 3
21/3/2004	AA501351	DEPARTMENTAL DEALING	
18/12/2008	AE393354	LEASE	EDITION 4
8/9/2009	AE961975	DISCHARGE OF MORTGAGE	
8/9/2009	AE961976	MORTGAGE	EDITION 5

*** END OF SEARCH ***

mg

PRINTED ON 22/6/2014

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/664653

SEARCH DATE	TIME	EDITION NO	DATE
22/6/2014	8:02 AM	5	8/9/2009

LAND

LOT 1 IN DEPOSITED PLAN 664653
LOCAL GOVERNMENT AREA SYDNEY
PARISH OF ST LAWRENCE COUNTY OF CUMBERLAND
TITLE DIAGRAM DP664653

FIRST SCHEDULE

PATGLEN PTY LIMITED

SECOND SCHEDULE (4 NOTIFICATIONS)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
2 X148315 COVENANT
3 AE393354 LEASE TO SABAI SABAI (NSW) PTY LTD OF 40A RESERVOIR STREET, SURRY HILLS. EXPIRES: 31/5/2013. OPTION OF RENEWAL: 5 YEARS.
4 AE961976 MORTGAGE TO ST. GEORGE BANK LIMITED

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

mg PRINTED ON 22/6/2014

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE
22/6/2014 8:04AM

FOLIO: 1/779385

First Title(s): OLD SYSTEM
Prior Title(s): CA24980

Recorded	Number	Type of Instrument	C.T. Issue
2/5/1988	CA24980	CONVERSION ACTION	FOLIO CREATED EDITION 1
6/12/1988	Y14174	TRANSFER	
6/12/1988	Y14175	MORTGAGE	EDITION 2
27/4/1989	Y313084	LEASE	EDITION 3
11/8/1989	Y523448	LEASE	EDITION 4
25/1/1991	Z456685	LEASE	EDITION 5
12/2/1992	E253612	REQUEST	
12/2/1992	E253613	LEASE	EDITION 6
3/11/1993	I766793	LEASE	EDITION 7
27/9/1994	U654891	LEASE	EDITION 8
15/11/1996	2349179	LEASE	EDITION 9
20/1/1997	2773637	LEASE	EDITION 10
22/4/2002	8531775	APPLICATION FOR REPLACEMENT CERTIFICATE OF TITLE	EDITION 11
22/11/2002	9150764	DISCHARGE OF MORTGAGE	
22/11/2002	9150765	MORTGAGE	EDITION 12
7/1/2004	AA303083	VARIATION OF MORTGAGE	EDITION 13
21/3/2004	AA501351	DEPARTMENTAL DEALING	
8/9/2009	AE961975	DISCHARGE OF MORTGAGE	
8/9/2009	AE961976	MORTGAGE	EDITION 14
5/11/2009	AF94760	LEASE	EDITION 15
7/4/2014	AI356016	LEASE	EDITION 16

*** END OF SEARCH ***

mg

PRINTED ON 22/6/2014

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/779385

SEARCH DATE	TIME	EDITION NO	DATE
22/6/2014	8:02 AM	16	7/4/2014

LAND

LOT 1 IN DEPOSITED PLAN 779385
AT SURRY HILLS
LOCAL GOVERNMENT AREA SYDNEY
PARISH OF ST LAWRENCE COUNTY OF CUMBERLAND
TITLE DIAGRAM DP779385

FIRST SCHEDULE

PATGLEN PTY. LIMITED (T Y14174)

SECOND SCHEDULE (6 NOTIFICATIONS)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
3 BK 3716 NO 177 COVENANT
4 AE961976 MORTGAGE TO ST. GEORGE BANK LIMITED
5 AF94760 LEASE TO CALORIE SCHMALORIE PTY LIMITED OF GROUND FLOOR 240 ELIZABETH STREET SURRY HILLS. EXPIRES: 30/9/2012. OPTION OF RENEWAL: 3 YEARS.
6 AI356016 LEASE TO BACKPACK AUSTRALIA PTY LTD OF FLOORS 1 AND 2, 240 ELIZABETH STREET, SURRY HILLS. EXPIRES: 31/12/2016. OPTION OF RENEWAL: 2 YEARS.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

mg PRINTED ON 22/6/2014

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NEW SOUTH WALES

CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1900

TORRENS TITLE
Register

Vol. 8503 Fol. 129

CANCELLED
Issued 1-7-1974
See new edition

Fol. 129

(Page 1) Vol. 8503

I certify that The Proprietors—Strata Plan No. 1379 is the registered proprietor of an Estate in Fee Simple in the common property in the Strata Plan so numbered subject nevertheless to the exceptions, encumbrances and interests recorded hereon.

Registrar General.

ADDRESS FOR SERVICE OF NOTICES: See Strata Plan above referred to.

EXCEPTIONS ENCUMBRANCES AND INTERESTS REFERRED TO

1. Reservations and conditions, if any, contained in the Crown grant of the land comprised in the Strata Plan above referred to.
2. Easements, if any, benefiting or burdening the parcel and restrictions as to user, if any, burdening the parcel and other interests notified on the Strata Plan above referred to by virtue of the provisions of the Conveyancing (Strata Titles) Act, 1961.

SCHEDULE OF UNIT ENTITLEMENT: See Strata Plan above referred to.

Registrar General.

CANCELLED
See new edition issued - 18-3-1975
Vol 8503 Fol 129.

REGISTRAR GENERAL

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

WARNING: THIS DOCUMENT MUST NOT BE REMOVED FROM THE LAND TITLES OFFICE.

Req:R720342 /Doc:CT 08503-129 CT /Rev:04-Mar-2011 /Sts:OK.SC /Prt:22-Jun-2014 08:08 /Pgs:ALL /Seq:1 of 4
Ref:mg /Src:M

CERTIFICATE OF TITLE

NEW SOUTH WALES

REAL PROPERTY ACT, 1900

TORRENS TITLE

Register CANCELLED

Vol. 8503 Fol. 129

Edition Issued 18-3-1975 SEE AUTO FOLIO

Appln. No.11245 OS

Prior Titles Vol.5655 Fols.36 and 37

8503 Fol. 129

(Page 1) Vol.

I certify that The Proprietors - Strata Plan No.1379 is the registered proprietor of an Estate in Fee Simple in the common property in the strata scheme relating to the Strata Plan so numbered, within the land herein described, subject nevertheless to the exceptions encumbrances and interests recorded hereon and to the reservations and conditions, if any, contained in the Crown grant.

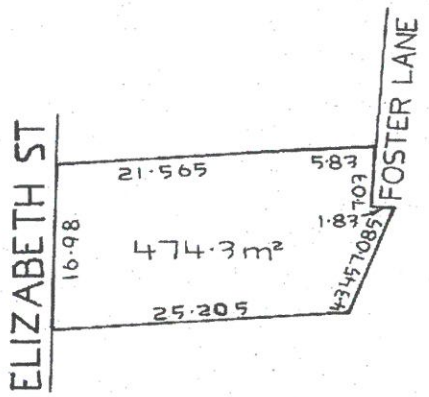
S

Registrar General.

PLAN SHOWING LOCATION OF LAND

LENGTHS ARE IN METRES

REDUCTION RATIO 1:500



ADDRESS FOR SERVICE OF NOTICES 236B ELIZABETH STREET, SYDNEY. 2000

LAND REFERRED TO the land in Deposited Plan 61245 at Sydney in the City of Sydney Parish of St. Lawrence and County of Cumberland being part of Allotment 2 of Section 5 granted to John Towell on 19-10-1831 and part of Allotment 3 of Section 5 granted to William Charles Greville on 19-10-1831.

GRY EXCEPTIONS ENCUMBRANCES AND INTERESTS REFERRED TO NIL

SCHEDULE OF UNIT ENTITLEMENT

Aggregate unit entitlement: 2

Lot No.	Strata Plan No.	Unit Entitlement
1	1379	1
2	"	1

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

WARNING: THIS DOCUMENT MUST NOT BE REMOVED FROM THE LAND TITLES OFFICE.

Req:R720342 /Doc:CT 08503-129 CT /Rev:04-Mar-2011 /Sts:OK.SC /Prt:22-Jun-2014 08:08 /Pgs:ALL /Seq:3 of 4
Ref:mg /Src:M

Req:R720342 /Doc:CT 08503-129 CT /Rev:04-Mar-2011 /Sts:OK.SC /Prt:22-Jun-2014 08:08 /Pgs:ALL /Seq:4 of 4
Ref:mg /Src:M
(Page 2 of 2 pages)
Vol. 0000 Fol. 127

320

RECORDINGS (continued)

INSTRUMENT			PARTICULARS	ENTERED	Signature of Registrar General	CANCELLATION		
NATURE	NUMBER	DATE						

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: CP/SP1379

SEARCH DATE	TIME	EDITION NO	DATE
22/6/2014	8:02 AM	1	15/2/2002

LAND

THE COMMON PROPERTY IN THE STRATA SCHEME BASED ON STRATA PLAN 1379 WITHIN THE PARCEL SHOWN IN THE TITLE DIAGRAM

AT SYDNEY
LOCAL GOVERNMENT AREA SYDNEY
PARISH OF ST LAWRENCE COUNTY OF CUMBERLAND
TITLE DIAGRAM SHEET 1 SP1379

FIRST SCHEDULE

THE OWNERS - STRATA PLAN NO. 1379
ADDRESS FOR SERVICE OF NOTICES:
236B ELIZABETH STREET
SYDNEY 2000

SECOND SCHEDULE (4 NOTIFICATIONS)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
* 2 ATTENTION IS DIRECTED TO BY-LAWS SET OUT IN SCHEDULE 1 STRATA SCHEMES MANAGEMENT ACT 1996
3 8361859 THIS EDITION ISSUED PURSUANT TO S.111 REAL PROPERTY ACT, 1900
* 4 ATTENTION IS DIRECTED TO CLAUSE 3 SCHEDULE 4 STRATA SCHEMES (FREEHOLD DEVELOPMENT) ACT 1973 REGARDING BOUNDARIES BETWEEN LOTS AND COMMON PROPERTY IN STRATA SCHEMES REGISTERED BEFORE 1-7-1974

SCHEDULE OF UNIT ENTITLEMENT (AGGREGATE: 2)

STRATA PLAN 1379

LOT	ENT	LOT	ENT
1	1	2	1

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS FOLIO.

END OF PAGE 1 - CONTINUED OVER

mg

PRINTED ON 22/6/2014

FOLIO: CP/SP1379 PAGE 2

NOTATIONS (CONTINUED)

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

mg PRINTED ON 22/6/2014

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.

Legal Liaison Searching Services

ABN: 52832569710
Ph: 02 9233 5800
Fax: 02 9221 2827

Level 4, 70 Castlereagh Street,
Sydney 2000
PO Box 2513 Sydney NSW 2000
DX 1019 Sydney

Summary of Owners Report

LPI **Sydney**

Address: - 238 to 240 Elizabeth Street, Sydney

Description: - Lot 2 D.P. 779385

As regards Lot 2 D.P. 779385

Date of Acquisition and term held	Registered Proprietor(s) & Occupations where available	Reference to Title at Acquisition and sale
29.01.1901 (1901 to 1933)	Susan Douglass (Married Woman)	Book 681 No. 92
23.03.1933 (1933 to 1940)	Harold Page Douglass (Gentleman) Lilith Susie Ellen Chadwick (Married Woman)	Book 1658 No. 609
23.01.1940 (1940 to 1946)	Lilith Susie Ellen Chadwick (Married Woman)	Book 1863 No. 871
11.10.1946 (1946 to 1957)	Henry Russell Elliott (Second Hand Dealer)	Book 2000 No. 459
28.10.1957 (1957 to 1987)	Jean Elaine Mary Elliott (Widow)	Book 2429 No. 148
09.10.1987 (1987 to 1988)	Hang Tat Enterprises (Australia) Pty Limited	Book 3716 No. 177 Now 2/779385
28.11.1988 (1988 to date)	# Patglen Pty Limited	2/779385

# Denotes Current Registered Proprietor

Easements: - NIL

Leases: -

- Various leases were registered against this title that have since expired or have been surrendered. These leases have not been investigated
- 07.04.2014 to Backpack Australia Pty Ltd, of Floors 1 and 2 – Expires 30.12.2016, also 2 year option

---

Yours Sincerely
Mark Groll
7 July 2014
(Ph: 0412 199 304)

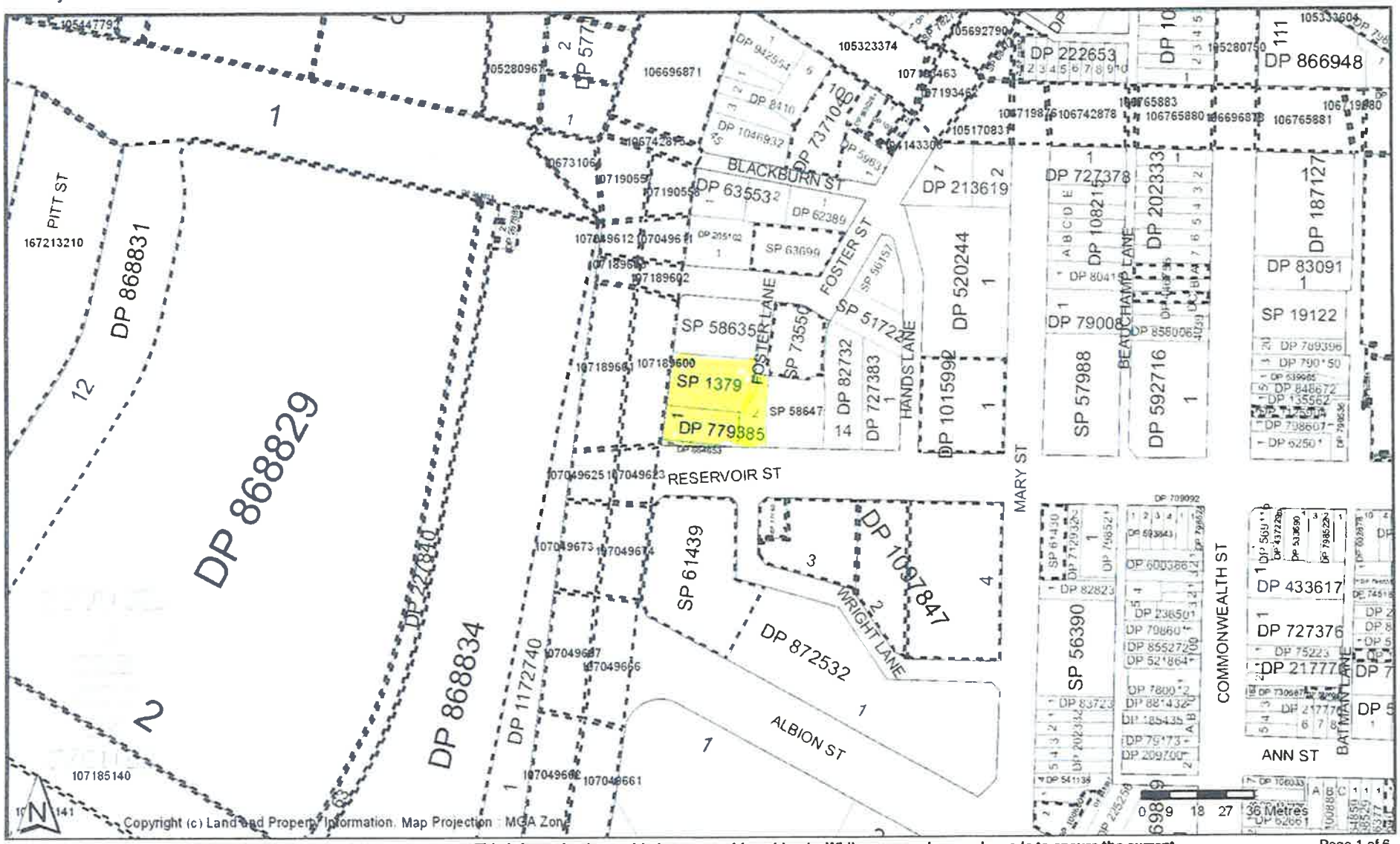
Land & Property Information

Cadastral Records Enquiry Report

Ref : surv:scim-grolim

Requested Parcel : Lot 1 DP 779385 **Identified Parcel** : Lot 1 DP 779385

Locality : SURRY HILLS **LGA** : SYDNEY **Parish** : ALEXANDRIA **County** : CUMBERLAND



Report Generated 7:57:37 AM, 22 June, 2014

Copyright © Land and Property Information ABN: 84 104 377 806

This information is provided as a searching aid only. While every endeavour is made to ensure the current cadastral pattern is accurately reflected, the Registrar General cannot guarantee the information provided. For all ACTIVITY PRIOR to SEPT 2002 you must refer to the RGs Charting and Reference Maps.

LT 2/55

PLAN OF THE LAND COMPRISED IN DEED

BK. 3716 NO. 177

Mun./Shire: City SYDNEY — Locality: SURRY HILLS

Parish ALEXANDRIA AND ST LAWRENCE — County: CUMBERLAND

Reduction Ratio 1: 200 — Lengths are in metres.

D.P. 779385

Registered: 26-4-1988

Title System: OLD SYSTEM

Purpose: LIMITED FOLIO CREATION

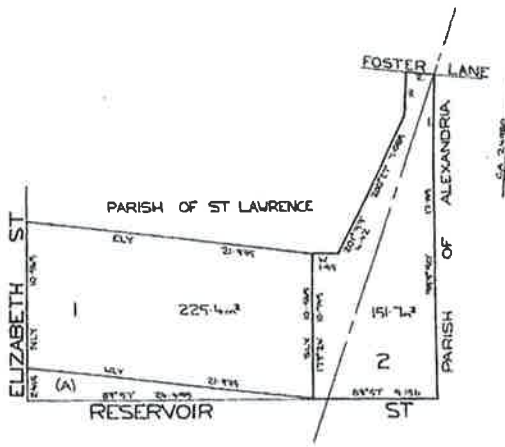
Ref Map: PH. ALEXANDRIA SH4 / PH. ST LAWRENCE

Last Plan: CITY SEC 5 (D.P. 982294) / ROLL PLAN 3099 (D.P. 111185)

N002D11D

THIS PLAN WAS PREPARED SOLELY TO IDENTIFY THE LAND IN THE ABOVE DEED.
THE BOUNDARIES HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL AND
IT IS NOT A CURRENT PLAN IN TERMS OF SEC. 327AA LOCAL GOVERNMENT ACT, 1919.

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION



No.	Bearing	Dimensions
1	[illegible]	[illegible]
2	[illegible]	[illegible]
3	[illegible]	[illegible]

(A)-LAND NOT INCLUDED IN PLAN

Plan Drawing only to appear in this space

10 | 50 | 100 Table of mm 140 | 180 | 220

Plan Drawing only to appear in this space

10 20 30 40 50 60 70 Table of mm 110 120 130 140

This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day.

28th April, 1988

Req:R720338 /Doc:DP 0779385 P /Rev:08-Aug-1992 /Sta:OK.OK /Prt:22-Jun-2014 08:01 /Pgs:ALL /Seq:1 of 1
Ref:mg /Src:M





Legal Liaison Services

LPI On-Line

Legal Liaison Services hereby certifies that the information contained in this document has been provided electronically by the Registrar General.

Information provided through Tri-Search an approved LPI*NSW* Information Broker

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE
3/7/2014 3:17PM

FOLIO: 2/779385

First Title(s): OLD SYSTEM
Prior Title(s): CA24980

Recorded	Number	Type of Instrument	C.T. Issue
2/5/1988	CA24980	CONVERSION ACTION	FOLIO CREATED EDITION 1
6/12/1988	Y14174	TRANSFER	
6/12/1988	Y14175	MORTGAGE	EDITION 2
22/4/2002	8531775	APPLICATION FOR REPLACEMENT CERTIFICATE OF TITLE	EDITION 3
22/11/2002	9150764	DISCHARGE OF MORTGAGE	
22/11/2002	9150765	MORTGAGE	EDITION 4
7/1/2004	AA303083	VARIATION OF MORTGAGE	EDITION 5
21/3/2004	AA501351	DEPARTMENTAL DEALING	
8/9/2009	AE961975	DISCHARGE OF MORTGAGE	
8/9/2009	AE961976	MORTGAGE	EDITION 6
7/4/2014	AI356016	LEASE	EDITION 7

*** END OF SEARCH ***

mg PRINTED ON 3/7/2014

**ANY ENTRIES PRECEDED BY AN ASTERISK DO NOT APPEAR ON THE CURRENT EDITION OF THE CERTIFICATE OF TITLE. WARNING: THE INFORMATION APPEARING UNDER NOTATIONS HAS NOT BEEN FORMALLY RECORDED IN THE REGISTER.*

Legal Liaison Services

LPI On-Line

Legal Liaison Services hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act.

Information provided through Tri-Search an approved LPI*NSW* Information Broker

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 2/779385

SEARCH DATE	TIME	EDITION NO	DATE
3/7/2014	3:16 PM	7	7/4/2014

LAND

LOT 2 IN DEPOSITED PLAN 779385
AT SURRY HILLS
LOCAL GOVERNMENT AREA SYDNEY
PARISH OF ALEXANDRIA COUNTY OF CUMBERLAND
TITLE DIAGRAM DP779385

FIRST SCHEDULE

PATGLEN PTY. LIMITED (T Y14174)

SECOND SCHEDULE (5 NOTIFICATIONS)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
3 BK 3716 NO 177 COVENANT
4 AE961976 MORTGAGE TO ST. GEORGE BANK LIMITED
5 AI356016 LEASE TO BACKPACK AUSTRALIA PTY LTD OF FLOOR 1, TOGETHER WITH ONE CARPARK SPACE NUMBERED 1, 42-44 RESERVOIR STREET, SURRY HILLS. EXPIRES: 31/12/2016. OPTION OF RENEWAL: 2 YEARS.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

mg PRINTED ON 3/7/2014

**ANY ENTRIES PRECEDED BY AN ASTERISK DO NOT APPEAR ON THE CURRENT EDITION OF THE CERTIFICATE OF TITLE. WARNING: THE INFORMATION APPEARING UNDER NOTATIONS HAS NOT BEEN FORMALLY RECORDED IN THE REGISTER.*

SFR **Historical Title**

InfoTrack
An Approved LPI NSW
Information Broker

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE
22/6/2014 8:04AM

FOLIO: 1/779385

First Title(s): OLD SYSTEM
Prior Title(s): CA24980

Recorded	Number	Type of Instrument	C.T. Issue
2/5/1988	CA24980	CONVERSION ACTION	FOLIO CREATED EDITION 1
6/12/1988	Y14174	TRANSFER	
6/12/1988	Y14175	MORTGAGE	EDITION 2
27/4/1989	Y313084	LEASE	EDITION 3
11/8/1989	Y523448	LEASE	EDITION 4
25/1/1991	Z456685	LEASE	EDITION 5
12/2/1992	E253612	REQUEST	
12/2/1992	E253613	LEASE	EDITION 6
3/11/1993	I766793	LEASE	EDITION 7
27/9/1994	U654891	LEASE	EDITION 8
15/11/1996	2349179	LEASE	EDITION 9
20/1/1997	2773637	LEASE	EDITION 10
22/4/2002	8531775	APPLICATION FOR REPLACEMENT CERTIFICATE OF TITLE	EDITION 11
22/11/2002	9150764	DISCHARGE OF MORTGAGE	
22/11/2002	9150765	MORTGAGE	EDITION 12
7/1/2004	AA303083	VARIATION OF MORTGAGE	EDITION 13
21/3/2004	AA501351	DEPARTMENTAL DEALING	
8/9/2009	AE961975	DISCHARGE OF MORTGAGE	
8/9/2009	AE961976	MORTGAGE	EDITION 14
5/11/2009	AF94760	LEASE	EDITION 15
7/4/2014	AI356016	LEASE	EDITION 16

*** END OF SEARCH ***

mg

PRINTED ON 22/6/2014

InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/779385

SEARCH DATE	TIME	EDITION NO	DATE
22/6/2014	8:02 AM	16	7/4/2014

LAND

LOT 1 IN DEPOSITED PLAN 779385
AT SURRY HILLS
LOCAL GOVERNMENT AREA SYDNEY
PARISH OF ST LAWRENCE COUNTY OF CUMBERLAND
TITLE DIAGRAM DP779385

FIRST SCHEDULE

PATGLEN PTY. LIMITED (T Y14174)

SECOND SCHEDULE (6 NOTIFICATIONS)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
3 BK 3716 NO 177 COVENANT
4 AE961976 MORTGAGE TO ST. GEORGE BANK LIMITED
5 AF94760 LEASE TO CALORIE SCHMALORIE PTY LIMITED OF GROUND FLOOR 240 ELIZABETH STREET SURRY HILLS. EXPIRES: 30/9/2012. OPTION OF RENEWAL: 3 YEARS.
6 AI356016 LEASE TO BACKPACK AUSTRALIA PTY LTD OF FLOORS 1 AND 2, 240 ELIZABETH STREET, SURRY HILLS. EXPIRES: 31/12/2016. OPTION OF RENEWAL: 2 YEARS.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

mg PRINTED ON 22/6/2014

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.

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GPO Box 1591 Sydney NSW 2001
cityofsydney.nsw.gov.au

KURT PLAMBECK
DOUGLAS PARTNERS PTY LTD
PO BOX 472
WEST RYDE NSW 1685

PLANNING CERTIFICATE

Under Section 149 of the Environmental Planning and Assessment Act, 1979

Applicant:	DOUGLAS PARTNERS PTY LTD
Applicant's reference:	DOUGLAS PARTNERS
Address of property:	240C Elizabeth Street , SURRY HILLS NSW 2010
Owner:	PATGLEN PTY LTD
Description of land:	Lot 1 DP 664653
Certificate No.:	2014304170
Certificate Date:	23/06/14
Receipt No:	5174562
Fee:	$80.00
Paid:	23/06/14

Title information, description, dimensions and area of land are provided from data supplied by the Valuer General and shown where available.

Issuing Officer
per **Monica Barone**
Chief Executive Officer

CERTIFICATE ENQUIRIES:
Ph: 9265 9333
Fax: 9265 9415

Sydney2030/Green/Global/Connected

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PLANNING CERTIFICATE UNDER SECTION 149 (2) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

MATTERS AFFECTING THE LAND AS PRESCRIBED BY SCHEDULE 4 - ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION, 2000, CLAUSES (1) - (2).

DEVELOPMENT CONTROLS

The following information must be read in conjunction with and subject to all other provisions of the environmental planning instruments specified in this certificate.

ZONING

Zone B4 Mixed Use (Sydney Local Environmental Plan 2012)

1 Objectives of zone
• To provide a mixture of compatible land uses.
• To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
• To ensure uses support the viability of centres.

2 Permitted without consent
Home occupations

3 Permitted with consent
Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited
Extractive industries; Heavy industrial storage establishments; Heavy industries

PROPOSED ZONING

This property is not affected by a draft zone.

LOCAL PLANNING CONTROLS

Sydney Local Environmental Plan 2012 (as amended) – Published 14 December 2012 NSW Legislation Website.

Sydney Development Control Plan 2012 (as amended) - (commenced 14.12.2012)

HERITAGE

State Heritage Register (Amendment To Heritage Act, 1977 Gazetted 2/4/99)
This property may be identified as being of state heritage significance, and entered on the State Heritage Register.

To confirm whether the site is listed under the Heritage Act 1977 a Section 167 Certificate should be obtained from the NSW Heritage Office by contacting the NSW Heritage office on (02) 9873 8500 for an application from or by downloading the application form from www.heritage.nsw.gov.au

STATE PLANNING INSTRUMENTS

Full copies of State Environmental Planning Policies are available online at www.planning.nsw.gov.au.

State Environmental Planning Policy No. 4 – Development without Consent and Miscellaneous Complying Development
This policy allows relatively simple or minor changes of land or building use and certain types of development by public authorities without the need for formal development applications. The types of development covered are outlined in the policy.

State Environmental Planning Policy No. 6 – Number of Storeys in a Building
This policy sets out a method for determining the number of storeys in a building, to prevent possible confusion arising from the interpretation of various environmental planning instruments.

State Environmental Planning Policy No. 10 – Retention of Low-Cost Accommodation
This policy aims to provide a mechanism for the retention of low-cost rental accommodation. The policy establishes criteria for determining a low-cost rental residential building (including boarding houses, hostels and low rental residential flat buildings), matters for Council consideration and requirements for development proposed under the policy.

State Environmental Planning Policy No. 19 – Bushland in Urban Areas
This is a policy to protect and preserve bushland within certain urban areas, as part of the natural heritage or for recreational, educational and scientific purposes. This policy is designed to protect bushland in public open space zones and reservations, and to ensure that bush preservation is given a high priority when local environmental plans for urban development are prepared.

State Environmental Planning Policy No. 22 – Shops and Commercial Premises
This policy allows, with the consent of Council, a change of use from a shop to another kind of shop or commercial premises, where the new use is prohibited under an environmental planning instrument.

State Environmental Planning Policy No. 32 – Urban Consolidation
This policy implements the principles of urban consolidation, including the orderly, economic use and development of land. The policy enables urban land which is no longer required for the purpose for which it is currently zoned or used to be redeveloped for multi-unit housing and related development.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
This policy aims to amend the definitions of hazardous and offensive industries; to render ineffective any environmental planning instruments not defining hazardous or offensive as per this policy; to control development of hazardous and offensive industries.

State Environmental Planning Policy No. 55 – Remediation of Land
This policy provides planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared Managing Land Contamination: Planning Guidelines.

State Environmental Planning Policy No. 64 – Advertising and Signage
This policy aims to ensure that signage (including advertising):
Is compatible with the desired amenity and visual character of an area, and
- Provides effective communications in suitable locations, and
- Is of a high quality design and finish.

To this end the policy regulates signage (but not content) under Part 4 of the Act and provides limited time consents for the display of certain advertisements. The policy does not apply to signage that is exempt development under an environmental planning instrument. It does apply to all signage that can be displayed with or without consent and is visible from any public place or reserve, except as provided by the policy.

This policy should be read in conjunction with the Sydney Local Environmental Plan 2005, the City of Sydney Signage and Advertising Structures Development Control Plan 2005 and State Environmental Planning Policy No. 60 where these apply.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings
This policy aims to improve the design quality of flats of three or more storeys with four or more self contained dwellings. The policy sets out a series of design principles for local councils to consider when assessing development proposals for residential flat development. The policy also creates a role for an independent design review panel and requires the involvement of a qualified designer in the design and approval process.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
This Policy does not apply to land described in Schedule 1 (Environmentally sensitive land), or land that is zoned for industrial purposes, or land to which an interim heritage order made under the *Heritage Act 1997* by the Minister administering that Act applies, or land to which a listing on the State Heritage Register kept under the *Heritage Act 1997* applies.

The Policy aims to encourage the provision of housing (including residential care facilities) that will increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and make efficient use of existing infrastructure and services, and be of good design.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
Aims to ensure consistency in the implementation of the BASIX scheme throughout the State. This Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.

State Environmental Planning Policy (Major Development) 2005
This Policy aims to identify development of economic, social or environmental significance to the State or regions of the State so as to provide a consistent and comprehensive assessment and decision making process for that development.
NB: This SEPP also contains exempt & complying provisions

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State.

State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007
This Policy aims to ensure that suitable provision is made for ensuring the safety of persons using temporary structures or places of public entertainment.

State Environmental Planning Policy (Infrastructure) 2007
This Policy aims to facilitate the effective delivery of infrastructure across the state.
NB: This SEPP also contains exempt & complying provisions

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008
This Policy is an 'amending instrument' that removes or modifies referral and concurrence clauses within local environmental plans (LEPs), regional environmental plans (REPs) and State environmental planning policies (SEPPs).

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
This Policy Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Environmental Planning and Assessment Act 1979.

State Environmental Planning Policy (Affordable Rental Housing) 2009
Establishes a consistent planning regime for the provision of affordable rental housing. The policy provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people. NOTE: Does not apply to land at Green Square or at Ultimo Pyrmont

State Environmental Planning Policy (Urban Renewal) 2010
The aims of this Policy are as follows:
(a) to establish the process for assessing and identifying sites as urban renewal precincts,
(b) to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts,
(c) to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.

State Environmental Planning Policy (State and Regional Development) 2011
The aims of this Policy are as follows:
(a) to identify development that is State significant development,
(b) to identify development that is State significant infrastructure and critical State significant infrastructure,
(c) to confer functions on joint regional planning panels to determine development applications.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
This plan applies to land within the Sydney Harbour Catchment, as shown edged heavy black on the Sydney Harbour Catchment Map, being part of the Sydney Region declared by order published in Gazette No 38 of 7 April 1989 at page 1841.

This plan has the following aims with respect to the Sydney Harbour Catchment:
to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected and maintained: as outstanding natural asset, and as a public asset of national and heritage significance, for existing and future generations; to ensure a healthy, sustainable environment on land and water; to achieve a high quality urban environment; to ensure a prosperous working waterfront and an effective transport corridor, to encourage a culturally rich and vibrant place for people; to ensure accessibility to and along Sydney Harbour and its foreshores; to ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity, to provide a consolidated, simplified and updated legislative framework for future planning.

OTHER MATTERS AFFECTING THE LAND AS PRESCRIBED BY SCHEDULE 4 - E. P. & A. REGULATION, 2000. CLAUSES (3) - (10)

(3) Complying Development

(1) The extent to which the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4),1.18(1)(c3) and 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

(2) The extent to which complying development may not be carried out on that land because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4),1.18(1)(c3) and 1.19 of that Policy and the reasons why it may not be carried out under those clauses.

(3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

Note: All Exempt and Complying Development Codes: Council does not have sufficient information to ascertain the extent of a land based exclusion on a property. Despite any statement preventing the carrying out of complying development in the Codes listed below, complying development may still be carried out providing the development is not on the land affected by the exclusion and meets the requirements and standards of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

General Housing Code & Commercial and Industrial (New Buildings and Additions) Code

Complying development **may not** be carried out on the land under the General Housing Code & the Commercial and Industrial (New Buildings and Additions) Code if because of the provisions of clause 1.17A,1.18(1)(c3) & 1.19 (Land-based requirements for exempt and complying development) any of the following statements are **YES**

▪ Clause 1.19(5)d. Land that is significantly contaminated land within the meaning of the Contaminated Land Management Act 1997. (Applies only to the Commercial and Industrial (New Buildings and Additions) Code.	NO
▪ Clause 1.17A(d). Has been identified as a property that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.	NO
▪ Clause 1.17A(d) & 1.18(1)(c3). Has been identified as a property that comprises, or on which there is, a heritage item or draft heritage item.	NO
▪ Clause 1.17A(c). Has been identified as being within a wilderness area (identified under the *Wilderness Act 1987*.	NO
▪ Clause 1.17A(e) & 1.19(1)e or 1.19(5)f. Has been identified as land that is within an environmentally sensitive area or by an environmental planning instrument as being within a buffer area, a river front area, an ecologically sensitive area, environmentally sensitive land or a protected area	NO
▪ Clause 1.19(1)a.or 1.19(5)a Has been identified as being within a heritage conservation area or a draft heritage conservation area.	NO
▪ Clause 1.19(1)b or 1.19(5)b. Has been identified as being land that is reserved for a public purpose in an environmental planning instrument.	NO
▪ Clause 1.19(1)c or 1.19(5)c. Has been identified as being on an Acid Sulfate Soils Map as being Class 1 or Class 2.	NO
▪ Clause 1.19(1)d or 1.19(5)e. Has been identified as land that is subject to a biobanking agreement under part 7A of the threatened Species Conservation Act 1995 or a property vegetation plan under the Native Vegetation Act 2003.	NO
▪ Clause 1.19(1)f or 1.19(5)g. Has been identified by an environmental planning instrument, a development control plan or a policy adopted by the Council as being or affected by a coastline hazard, a coastal hazard or a coastal erosion hazard.	NO
▪ Clause 1.19(1)g or 1.19(5)h. Has been identified as being land in a foreshore area.	NO
▪ Clause 1.19(1)h. Has been identified as land that is in the 25 ANEF contour or a higher ANEF contour. (Applies only to the General Housing Code)	NO
▪ Clause 1.19(1)j or 1.19(5)i. Has been identified as unsewered land within a drinking water catchment.	NO
▪ Clause 1.19(1)i. Has been identified as land that is declared to be a special area under the Sydney Water Catchment Management Act 1998.	NO

Housing Alterations Code
Complying development under the Housing Alterations Code **may** be carried out on the land.

Commercial and Industrial Alterations Code
Complying development under the Commercial and Industrial Alterations Code **may** be carried out on the land.

Subdivisions Code

Complying development under the Subdivisions Code **may** be carried out on the land.

Rural Housing Code
The Rural Housing Code does not apply to this Local Government Area.

General Development Code
Complying development under the General Development Code **may** be carried out on the land.

Demolition Code
Complying development under the Demolition Code **may** be carried out on the land.

(4) Coastal Protection Act, 1979

The council has not been notified by the department of public works that the land is affected by the operation of section 38 or 39 of the coastal protection act, 1979.

(4A) Certain information relating to beaches and coasts

(1) In relation to a coastal council an order has **not** been made under Part 4D of the coastal Protection Act 1979 in relation to temporary coastal protection works (within the meaning of that Act) on the land (or on public land adjacent to that land).

(2) In relation to a coastal council : Council has **not** been notified under section 55X of the Coastal Protection Act 1979 that temporary coastal protection works (within the meaning of that Act) have been placed on the land (or on public land adjacent to that land)

(4B) Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works

In relation to a coastal council : The owner (or any previous owner) of the land has not consented in writing to the land being subject to annual charges under section 496B of the Local Government Act 1993 for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).

Note. "Existing coastal protection works" are works to reduce the impact of coastal hazards on land (such as seawalls, revetments, groynes and beach nourishment) that existed before the commencement of section 553B of the Local Government Act 1993.

(5) Mine Subsidence District

This land has not been proclaimed to be a mine subsidence district within the meaning of section 15 of the mine subsidence compensation act, 1961.

(6) Road Widening and/or Road Realignment affected by (a) Division 2 of Part 3 of the Roads act 1993 or (c) any resolution of council or other authority.

This land **is not** affected by road widening and/or road realignment under section 25 of the Roads Act, 1993 and/or resolution of Council or any other authority.

(6) Road Widening and/or Road Realignment Affected by (b) any environmental planning instrument.

This land **is not** affected by any road widening or road realignment under any planning instrument.

(7) Council and other public authorities policies on hazard risk restrictions:

(a) The land **is not** affected by a policy adopted by the Council that that restricts the development of the land because of the likelihood of land slip, bushfire, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk; and

(b) The land **is not** affected by a policy adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to on planning certificate issued by Council, that restricts the development of the land because of the likelihood of land slip, bushfire, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

(7A) Flood related development controls information.

The development on this land or part of this land is subject to flood related development controls refer to Clause 7.15 of Sydney Local Environment Plan 2012 and Section 3.7 of Sydney Development Control Plan 2012.

(8) Land reserved for acquisition

No environmental planning instrument, or proposed environmental planning instrument applying to the land, provides for the acquisition of the land by a public authority, as referred to in section 27 of the Act.

(9) Contribution plans

The following Contributions Plans apply to properties within the City of Sydney local government area. Contributions plans marked **YES** may apply to this property:

▪ Central Sydney Contributions (Amendment) Plan 2002 – in operation 16th June 2003	**YES**
▪ Ultimo Pyrmont Section 94 Contributions Plan (approved C.S.P.C 15th December 1994 and Council 19th December 1994)	**NO**
▪ City of Sydney Development Contributions Plan 2006 – in operation 7th April 2007	**NO**
▪ Redfern Waterloo Authority Contributions Plan 2006 – in operation 16th May 2007 ▪ Redfern Waterloo Authority Affordable Housing Contributions Plan – in operation 16th May 2007	**NO**

(9A) Biodiversity certified land

The land has not been certified as biodiversity certified land.

(10) Biobanking Agreement

Council has not been notified of a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995.

(11) Bush fire prone land

The land has not been identified as Bush fire prone land.

(12) Property vegetation plans

Not Applicable.

(13) Orders under Trees (Disputes Between Neighbours) Act 2006

Council has not been notified of an order which as been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land.

(14) Directions under Part 3A

Not Applicable.

(15) Site compatibility certificates and conditions for seniors housing

(a)The land to which the certificate relates is not subject to a current site compatibility certificate (seniors housing), of which Council is aware, in respect of proposed development on the land.

(b) The land to which the certificate relates is not subject to any condition of consent to a development application granted after 11 October 2007 required by State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

(16) Site compatibility certificates for infrastructure

The land to which the certificate relates is not subject to a valid site compatibility certificate (infrastructure), of which Council is aware, in respect of proposed development on the land.

(17) Site compatibility certificates and conditions for affordable rental housing

(a)The land to which the certificate relates is not subject to a current site compatibility certificate (affordable rental housing), of which Council is aware, in respect of proposed development on the land.

(b) The land to which the certificate relates is not subject to any terms of a kind referred to in clause 17(1) or 37(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 that have been imposed as a condition of consent to a development application in respect of the land.

(18) Paper subdivision information

Not Applicable.

(19) Site verification certificates

The land to which the certificate relates is not subject to a valid site verification certificate of which Council is aware.

Note. The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate:

(a) The land to which the certificate relates **is not** declared to be **significantly contaminated land** within the meaning of that act as at the date when the certificate is issued.

(b) The land to which the certificate relates **is not** subject to a **management order** within the meaning of that act as at the date when the certificate is issued.

(c) The land to which the certificate relates **is not** the subject of an **approved voluntary management proposal** within the meaning of that act at the date the certificate is issued.

(d) The land to which the certificate relates **is not** the subject of an **ongoing maintenance order** within the meaning of that act as at the date when the certificate is issued.

(e) As at the date when the certificate is issued, Council **has not** identified that a **site audit statement** within the meaning of that act has been received in respect of the land the subject of the certificate.

PLANNING CERTIFICATE SECTION 149(2) INFORMATION:
Information provided in accordance with planning certificate section 149 (2) has been taken from council's records and advice from other authorities but council disclaims all liability for any omission or inaccuracy in the information. Specific inquiry should be made where doubt exists.

PLANNING CERTIFICATE UNDER SECTION 149 (5) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

PLANNING CERTIFICATE SECTION 149 (5) ADVICE is current as at 12:00 noon two working days prior to the date of issue of this certificate. The following matters have been considered & details provided where information exists: easements in favour of council; parking permit scheme; heritage floor space restrictions; low-rental residential building; foreshore building line; tree preservation order.

Contaminated Land Potential:
Council records do not have sufficient information about the uses (including previous uses) of the land which is the subject of this section 149 certificate to confirm that the land has not been used for a purpose which would be likely to have contaminated the land. Parties should make their own enquiries as to whether the land may be contaminated.

Hazard Risk Restriction:
The City of Sydney Local Environmental Plan 2012 incorporates Acid Sulfate soil maps. Development on the land identified in those maps should have regard to Division 4 clause 7.16 of the LEP.

Construction Noise and View Loss Advice:
Intending purchasers are advised that the subject property may be affected by construction noise and loss or diminution of views as a result of surrounding development.

City of Sydney Tree Preservation Order 2004 (TPO)
This order applies to all land where South Sydney Local Environmental Plan 1998 applies and the City of Sydney Council or the Central Sydney Planning Committee is the relevant consent authority under the *Environmental Planning & Assessment* Act 1979. Contact Council's Contract and Asset Management section for more information.

Outstanding Notice & Order information
In relation to this property, there **is not** an outstanding Order or Notice of Intention to issue an Order relating to Fire Safety (being an Order or Notice of Intention to issue an Order of type 6, 10, 11 under Section 121B of the Environmental Planning and Assessment Act, 1979). Further information about the Order or Notice of Intention to issue an Order may be obtained by applying for a certificate under Section 121ZP of the Environmental Planning and Assessment Act and Section 735A of the Local Government Act.

In relation to this property, there **is** an outstanding Order or Notice of Intention to issue an Order (being an Order or Notice of Intention to issue an Order of a type other than relating to fire safety). Further information about the Order or Notice of Intention to issue an Order may be obtained by applying for a certificate under Section 121ZP of the Environmental Planning and Assessment Act and Section 735A of the Local Government Act.

Residential & Visitor Parking Permit Schemes
The City of Sydney co-ordinates a Resident Permit Parking Scheme and a Visitor Permit Parking scheme. This property may be restricted from participating in either scheme.

Eligibility may change after the date of this certificate, as parking supply and other traffic demands change. For more information contact Council's call centre on 9265 9333.

ADVICE FROM OTHER BODIES

Sydney Ports Corporation Advice
Some land in the City of Sydney located in the vicinity of the White Bay, Glebe Island and Darling Harbour ports may be affected by noise from port operations.

Advice provided in accordance with planning certificate section 149 (5) is supplied in good faith. Council accepts no liability for the validity of the advice given. (see section 149 (6) of the Environmental Planning and Assessment Act, 1979).

For information regarding outstanding notices and orders a CERTIFICATE FOR OUTSTANDING NOTICES OF INTENTION AND/OR AN ORDER UNDER SECTION 735A OF THE LOCAL GOVERNMENT ACT, 1993 AND SECTION 121ZP OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 may be applied for at Sydney City Council.

Planning certificate section 149 (2), local planning controls are available for inspection at the following locations:

General Enquiries :
Telephone: 02 9265 9333
Facsimile: 02 9265 9415

Town Hall House
Level 2,
Town Hall House,
456 Kent Street,
Sydney.
8am – 6pm, Monday - Friday

Glebe Customer Service Centre
Glebe Library,
186 Glebe Point Road,
Glebe
9am – 5pm, Monday – Friday

Neighbourhood Service Centre Kings Cross
50 Darlinghurst Road,
Potts Point
9am – 5pm, Monday – Friday
9am – 12pm, Saturday

Neighbourhood Service Centre Redfern
158 Redfern Street
Redfern
9am-5pm Monday – Friday
9am – 12 Noon Saturday

Green Square Customer Service Centre
The Tote,
100 Joynton Avenue,
Zetland
10am-6pm Monday – Friday

State planning controls are available for inspection at the following locations:

Sydney Harbour Foreshore Authority (former Sydney Cove Authority and Darling Harbour Authority),
Level 6,
66 Harrington Street,
The Rocks.

Department of Planning & Infrastructure Information Centre
23-33 Bridge Street,
Sydney NSW 2000

Where planning certificate section 149 (5) matters are supplied, complete details are available by writing to:
Chief Executive Officer,
City of Sydney,
G.P.O. Box 1591,
Sydney, NSW 2000

End of Document

City of Sydney
Town Hall House
456 Kent Street
Sydney NSW 2000

Telephone +61 2 9265 9333
Fax +61 2 9265 9222
council@cityofsydney.nsw.gov.au

GPO Box 1591 Sydney NSW 2001
cityofsydney.nsw.gov.au

24 JUN 2014

KURT PLAMBECK
DOUGLAS PARTNERS PTY LTD
PO BOX 472
WEST RYDE NSW 1685

PLANNING CERTIFICATE

Under Section 149 of the Environmental Planning and Assessment Act, 1979

Applicant:	DOUGLAS PARTNERS PTY LTD
Applicant's reference:	DOUGLAS PARTNERS
Address of property:	232-236A Elizabeth Street , SURRY HILLS NSW 2010
Owner:	THE OWNERS - STRATA PLAN NO 01379
Description of land:	Lot 1 DP 61245, Lots 1-2 SP 1379
Certificate No.:	2014304168
Certificate Date:	23/06/14
Receipt No:	5174562
Fee:	$80.00
Paid:	23/06/14

Title information, description, dimensions and area of land are provided from data supplied by the Valuer General and shown where available.

Issuing Officer VM
per **Monica Barone**
Chief Executive Officer

CERTIFICATE ENQUIRIES:
Ph: 9265 9333
Fax: 9265 9415

Sydney2030/Green/Global/Connected

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PLANNING CERTIFICATE UNDER SECTION 149 (2) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

MATTERS AFFECTING THE LAND AS PRESCRIBED BY SCHEDULE 4 - ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION, 2000, CLAUSES (1) - (2).

DEVELOPMENT CONTROLS

The following information must be read in conjunction with and subject to all other provisions of the environmental planning instruments specified in this certificate.

ZONING

Zone B4 Mixed Use (Sydney Local Environmental Plan 2012)

1 Objectives of zone
• To provide a mixture of compatible land uses.
• To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
• To ensure uses support the viability of centres.

2 Permitted without consent
Home occupations

3 Permitted with consent
Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited
Extractive industries; Heavy industrial storage establishments; Heavy industries

PROPOSED ZONING

This property is not affected by a draft zone.

LOCAL PLANNING CONTROLS

Sydney Local Environmental Plan 2012 (as amended) – Published 14 December 2012 NSW Legislation Website.

Sydney Development Control Plan 2012 (as amended) - (commenced 14.12.2012)

HERITAGE

State Heritage Register (Amendment To Heritage Act, 1977 Gazetted 2/4/99)
This property may be identified as being of state heritage significance, and entered on the State Heritage Register.

To confirm whether the site is listed under the Heritage Act 1977 a Section 167 Certificate should be obtained from the NSW Heritage Office by contacting the NSW Heritage office on (02) 9873 8500 for an application from or by downloading the application form from www.heritage.nsw.gov.au

STATE PLANNING INSTRUMENTS

Full copies of State Environmental Planning Policies are available online at www.planning.nsw.gov.au.

State Environmental Planning Policy No. 4 – Development without Consent and Miscellaneous Complying Development
This policy allows relatively simple or minor changes of land or building use and certain types of development by public authorities without the need for formal development applications. The types of development covered are outlined in the policy.

State Environmental Planning Policy No. 6 – Number of Storeys in a Building
This policy sets out a method for determining the number of storeys in a building, to prevent possible confusion arising from the interpretation of various environmental planning instruments.

State Environmental Planning Policy No. 10 – Retention of Low-Cost Accommodation
This policy aims to provide a mechanism for the retention of low-cost rental accommodation. The policy establishes criteria for determining a low-cost rental residential building (including boarding houses, hostels and low rental residential flat buildings), matters for Council consideration and requirements for development proposed under the policy.

State Environmental Planning Policy No. 19 – Bushland in Urban Areas
This is a policy to protect and preserve bushland within certain urban areas, as part of the natural heritage or for recreational, educational and scientific purposes. This policy is designed to protect bushland in public open space zones and reservations, and to ensure that bush preservation is given a high priority when local environmental plans for urban development are prepared.

State Environmental Planning Policy No. 22 – Shops and Commercial Premises
This policy allows, with the consent of Council, a change of use from a shop to another kind of shop or commercial premises, where the new use is prohibited under an environmental planning instrument.

State Environmental Planning Policy No. 32 – Urban Consolidation
This policy implements the principles of urban consolidation, including the orderly, economic use and development of land. The policy enables urban land which is no longer required for the purpose for which it is currently zoned or used to be redeveloped for multi-unit housing and related development.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
This policy aims to amend the definitions of hazardous and offensive industries; to render ineffective any environmental planning instruments not defining hazardous or offensive as per this policy; to control development of hazardous and offensive industries.

State Environmental Planning Policy No. 55 – Remediation of Land
This policy provides planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared Managing Land Contamination: Planning Guidelines.

State Environmental Planning Policy No. 64 – Advertising and Signage
This policy aims to ensure that signage (including advertising):
Is compatible with the desired amenity and visual character of an area, and
- Provides effective communications in suitable locations, and
- Is of a high quality design and finish.

To this end the policy regulates signage (but not content) under Part 4 of the Act and provides limited time consents for the display of certain advertisements. The policy does not apply to signage that is exempt development under an environmental planning instrument. It does apply to all signage that can be displayed with or without consent and is visible from any public place or reserve, except as provided by the policy.

This policy should be read in conjunction with the Sydney Local Environmental Plan 2005, the City of Sydney Signage and Advertising Structures Development Control Plan 2005 and State Environmental Planning Policy No. 60 where these apply.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings
This policy aims to improve the design quality of flats of three or more storeys with four or more self contained dwellings. The policy sets out a series of design principles for local councils to consider when assessing development proposals for residential flat development. The policy also creates a role for an independent design review panel and requires the involvement of a qualified designer in the design and approval process.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
This Policy does not apply to land described in Schedule 1 (Environmentally sensitive land), or land that is zoned for industrial purposes, or land to which an interim heritage order made under the *Heritage Act 1997* by the Minister administering that Act applies, or land to which a listing on the State Heritage Register kept under the *Heritage Act 1997* applies.

The Policy aims to encourage the provision of housing (including residential care facilities) that will increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and make efficient use of existing infrastructure and services, and be of good design.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
Aims to ensure consistency in the implementation of the BASIX scheme throughout the State. This Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.

State Environmental Planning Policy (Major Development) 2005
This Policy aims to identify development of economic, social or environmental significance to the State or regions of the State so as to provide a consistent and comprehensive assessment and decision making process for that development.
NB: This SEPP also contains exempt & complying provisions

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State.

State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007
This Policy aims to ensure that suitable provision is made for ensuring the safety of persons using temporary structures or places of public entertainment.

State Environmental Planning Policy (Infrastructure) 2007
This Policy aims to facilitate the effective delivery of infrastructure across the state.
NB: This SEPP also contains exempt & complying provisions

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008
This Policy is an 'amending instrument' that removes or modifies referral and concurrence clauses within local environmental plans (LEPs), regional environmental plans (REPs) and State environmental planning policies (SEPPs).

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
This Policy Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Environmental Planning and Assessment Act 1979.

State Environmental Planning Policy (Affordable Rental Housing) 2009
Establishes a consistent planning regime for the provision of affordable rental housing. The policy provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people. NOTE: Does not apply to land at Green Square or at Ultimo Pyrmont

State Environmental Planning Policy (Urban Renewal) 2010
The aims of this Policy are as follows:
(a) to establish the process for assessing and identifying sites as urban renewal precincts,
(b) to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts,
(c) to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.

State Environmental Planning Policy (State and Regional Development) 2011
The aims of this Policy are as follows:
(a) to identify development that is State significant development,
(b) to identify development that is State significant infrastructure and critical State significant infrastructure,
(c) to confer functions on joint regional planning panels to determine development applications.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
This plan applies to land within the Sydney Harbour Catchment, as shown edged heavy black on the Sydney Harbour Catchment Map, being part of the Sydney Region declared by order published in Gazette No 38 of 7 April 1989 at page 1841.

This plan has the following aims with respect to the Sydney Harbour Catchment:
to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected and maintained: as outstanding natural asset, and as a public asset of national and heritage significance, for existing and future generations; to ensure a healthy, sustainable environment on land and water; to achieve a high quality urban environment; to ensure a prosperous working waterfront and an effective transport corridor, to encourage a culturally rich and vibrant place for people; to ensure accessibility to and along Sydney Harbour and its foreshores; to ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity, to provide a consolidated, simplified and updated legislative framework for future planning.

OTHER MATTERS AFFECTING THE LAND AS PRESCRIBED BY SCHEDULE 4 - E. P. & A. REGULATION, 2000. CLAUSES (3) - (10)

(3) Complying Development

(1) The extent to which the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4),1.18(1)(c3) and 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

(2) The extent to which complying development may not be carried out on that land because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4),1.18(1)(c3) and 1.19 of that Policy and the reasons why it may not be carried out under those clauses.

(3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

Note: All Exempt and Complying Development Codes: Council does not have sufficient information to ascertain the extent of a land based exclusion on a property. Despite any statement preventing the carrying out of complying development in the Codes listed below, complying development may still be carried out providing the development is not on the land affected by the exclusion and meets the requirements and standards of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

General Housing Code & Commercial and Industrial (New Buildings and Additions) Code

Complying development **may not** be carried out on the land under the General Housing Code & the Commercial and Industrial (New Buildings and Additions) Code if because of the provisions of clause 1.17A,1.18(1)(c3) & 1.19 (Land-based requirements for exempt and complying development) any of the following statements are **YES**

▪ Clause 1.19(5)d. Land that is significantly contaminated land within the meaning of the Contaminated Land Management Act 1997. (Applies only to the Commercial and Industrial (New Buildings and Additions) Code.	NO
▪ Clause 1.17A(d). Has been identified as a property that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.	**NO**
▪ Clause 1.17A(d) & 1.18(1)(c3). Has been identified as a property that comprises, or on which there is, a heritage item or draft heritage item.	**NO**
▪ Clause 1.17A(c). Has been identified as being within a wilderness area (identified under the *Wilderness Act 1987*.	**NO**
▪ Clause 1.17A(e) & 1.19(1)e or 1.19(5)f. Has been identified as land that is within an environmentally sensitive area or by an environmental planning instrument as being within a buffer area, a river front area, an ecologically sensitive area, environmentally sensitive land or a protected area	**NO**
▪ Clause 1.19(1)a.or 1.19(5)a Has been identified as being within a heritage conservation area or a draft heritage conservation area.	**NO**
▪ Clause 1.19(1)b or 1.19(5)b. Has been identified as being land that is reserved for a public purpose in an environmental planning instrument.	**NO**
▪ Clause 1.19(1)c or 1.19(5)c. Has been identified as being on an Acid Sulfate Soils Map as being Class 1 or Class 2.	**NO**
▪ Clause 1.19(1)d or 1.19(5)e. Has been identified as land that is subject to a biobanking agreement under part 7A of the threatened Species Conservation Act 1995 or a property vegetation plan under the Native Vegetation Act 2003.	**NO**
▪ Clause 1.19(1)f or 1.19(5)g. Has been identified by an environmental planning instrument, a development control plan or a policy adopted by the Council as being or affected by a coastline hazard, a coastal hazard or a coastal erosion hazard.	**NO**
▪ Clause 1.19(1)g or 1.19(5)h. Has been identified as being land in a foreshore area.	**NO**
▪ Clause 1.19(1)h. Has been identified as land that is in the 25 ANEF contour or a higher ANEF contour. (Applies only to the General Housing Code)	**NO**
▪ Clause 1.19(1)j or 1.19(5)i. Has been identified as unsewered land within a drinking water catchment.	**NO**
▪ Clause 1.19(1)i. Has been identified as land that is declared to be a special area under the Sydney Water Catchment Management Act 1998.	**NO**

Housing Alterations Code
Complying development under the Housing Alterations Code **may** be carried out on the land.

Commercial and Industrial Alterations Code
Complying development under the Commercial and Industrial Alterations Code **may** be carried out on the land.

Subdivisions Code

Complying development under the Subdivisions Code **may** be carried out on the land.

Rural Housing Code
The Rural Housing Code does not apply to this Local Government Area.

General Development Code
Complying development under the General Development Code **may** be carried out on the land.

Demolition Code
Complying development under the Demolition Code **may** be carried out on the land.

(4) Coastal Protection Act, 1979

The council has not been notified by the department of public works that the land is affected by the operation of section 38 or 39 of the coastal protection act, 1979.

(4A) Certain information relating to beaches and coasts

(1) In relation to a coastal council an order has **not** been made under Part 4D of the coastal Protection Act 1979 in relation to temporary coastal protection works (within the meaning of that Act) on the land (or on public land adjacent to that land).

(2) In relation to a coastal council : Council has **not** been notified under section 55X of the Coastal Protection Act 1979 that temporary coastal protection works (within the meaning of that Act) have been placed on the land (or on public land adjacent to that land)

(4B) Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works

In relation to a coastal council : The owner (or any previous owner) of the land has not consented in writing to the land being subject to annual charges under section 496B of the Local Government Act 1993 for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).

Note. "Existing coastal protection works" are works to reduce the impact of coastal hazards on land (such as seawalls, revetments, groynes and beach nourishment) that existed before the commencement of section 553B of the Local Government Act 1993.

(5) Mine Subsidence District

This land has not been proclaimed to be a mine subsidence district within the meaning of section 15 of the mine subsidence compensation act, 1961.

(6) Road Widening and/or Road Realignment affected by (a) Division 2 of Part 3 of the Roads act 1993 or (c) any resolution of council or other authority.

This land **is not** affected by road widening and/or road realignment under section 25 of the Roads Act, 1993 and/or resolution of Council or any other authority.

(6) Road Widening and/or Road Realignment Affected by (b) any environmental planning instrument.

This land **is not** affected by any road widening or road realignment under any planning instrument.

(7) Council and other public authorities policies on hazard risk restrictions:

(a) The land **is not** affected by a policy adopted by the Council that that restricts the development of the land because of the likelihood of land slip, bushfire, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk; and

(b) The land **is not** affected by a policy adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to on planning certificate issued by Council, that restricts the development of the land because of the likelihood of land slip, bushfire, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

(7A) Flood related development controls information.

The development on this land or part of this land is subject to flood related development controls refer to Clause 7.15 of Sydney Local Environment Plan 2012 and Section 3.7 of Sydney Development Control Plan 2012.

(8) Land reserved for acquisition

No environmental planning instrument, or proposed environmental planning instrument applying to the land, provides for the acquisition of the land by a public authority, as referred to in section 27 of the Act.

(9) Contribution plans

The following Contributions Plans apply to properties within the City of Sydney local government area. Contributions plans marked **YES** may apply to this property:

▪ Central Sydney Contributions (Amendment) Plan 2002 – in operation 16th June 2003	**YES**
▪ Ultimo Pyrmont Section 94 Contributions Plan (approved C.S.P.C 15th December 1994 and Council 19th December 1994)	**NO**
▪ City of Sydney Development Contributions Plan 2006 – in operation 7th April 2007	**NO**
▪ Redfern Waterloo Authority Contributions Plan 2006 – in operation 16th May 2007 ▪ Redfern Waterloo Authority Affordable Housing Contributions Plan – in operation 16th May 2007	**NO**

(9A) Biodiversity certified land

The land has not been certified as biodiversity certified land.

(10) Biobanking Agreement

Council has not been notified of a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995.

(11) Bush fire prone land

The land has not been identified as Bush fire prone land.

(12) Property vegetation plans

Not Applicable.

(13) Orders under Trees (Disputes Between Neighbours) Act 2006

Council has not been notified of an order which as been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land.

(14) Directions under Part 3A

Not Applicable.

(15) Site compatibility certificates and conditions for seniors housing

(a)The land to which the certificate relates is not subject to a current site compatibility certificate (seniors housing), of which Council is aware, in respect of proposed development on the land.

(b) The land to which the certificate relates is not subject to any condition of consent to a development application granted after 11 October 2007 required by State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

(16) Site compatibility certificates for infrastructure

The land to which the certificate relates is not subject to a valid site compatibility certificate (infrastructure), of which Council is aware, in respect of proposed development on the land.

(17) Site compatibility certificates and conditions for affordable rental housing

(a)The land to which the certificate relates is not subject to a current site compatibility certificate (affordable rental housing), of which Council is aware, in respect of proposed development on the land.

(b) The land to which the certificate relates is not subject to any terms of a kind referred to in clause 17(1) or 37(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 that have been imposed as a condition of consent to a development application in respect of the land.

(18) Paper subdivision information

Not Applicable.

(19) Site verification certificates

The land to which the certificate relates is not subject to a valid site verification certificate of which Council is aware.

Note. The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate:

(a) The land to which the certificate relates **is not** declared to be **significantly contaminated land** within the meaning of that act as at the date when the certificate is issued.

(b) The land to which the certificate relates **is not** subject to a **management order** within the meaning of that act as at the date when the certificate is issued.

(c) The land to which the certificate relates **is not** the subject of an **approved voluntary management proposal** within the meaning of that act at the date the certificate is issued.

(d) The land to which the certificate relates **is not** the subject of an **ongoing maintenance order** within the meaning of that act as at the date when the certificate is issued.

(e) As at the date when the certificate is issued, Council **has not** identified that a **site audit statement** within the meaning of that act has been received in respect of the land the subject of the certificate.

PLANNING CERTIFICATE SECTION 149(2) INFORMATION:
Information provided in accordance with planning certificate section 149 (2) has been taken from council's records and advice from other authorities but council disclaims all liability for any omission or inaccuracy in the information. Specific inquiry should be made where doubt exists.

PLANNING CERTIFICATE UNDER SECTION 149 (5) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

PLANNING CERTIFICATE SECTION 149 (5) ADVICE is current as at 12:00 noon two working days prior to the date of issue of this certificate. The following matters have been considered & details provided where information exists: easements in favour of council; parking permit scheme; heritage floor space restrictions; low-rental residential building; foreshore building line; tree preservation order.

Contaminated Land Potential:
Council records do not have sufficient information about the uses (including previous uses) of the land which is the subject of this section 149 certificate to confirm that the land has not been used for a purpose which would be likely to have contaminated the land. Parties should make their own enquiries as to whether the land may be contaminated.

Hazard Risk Restriction:
The City of Sydney Local Environmental Plan 2012 incorporates Acid Sulfate soil maps. Development on the land identified in those maps should have regard to Division 4 clause 7.16 of the LEP.

Construction Noise and View Loss Advice:
Intending purchasers are advised that the subject property may be affected by construction noise and loss or diminution of views as a result of surrounding development.

City of Sydney Tree Preservation Order 2004 (TPO)
This order applies to all land where South Sydney Local Environmental Plan 1998 applies and the City of Sydney Council or the Central Sydney Planning Committee is the relevant consent authority under the *Environmental Planning & Assessment* Act 1979. Contact Council's Contract and Asset Management section for more information.

Outstanding Notice & Order information
In relation to this property, there **is not** an outstanding Order or Notice of Intention to issue an Order relating to Fire Safety (being an Order or Notice of Intention to issue an Order of type 6, 10, 11 under Section 121B of the Environmental Planning and Assessment Act, 1979). Further information about the Order or Notice of Intention to issue an Order may be obtained by applying for a certificate under Section 121ZP of the Environmental Planning and Assessment Act and Section 735A of the Local Government Act.

In relation to this property, there **is not** an outstanding Order or Notice of Intention to issue an Order (being an Order or Notice of Intention to issue an Order of a type other than relating to fire safety). Further information about the Order or Notice of Intention to issue an Order may be obtained by applying for a certificate under Section 121ZP of the Environmental Planning and Assessment Act and Section 735A of the Local Government Act.

Residential & Visitor Parking Permit Schemes
The City of Sydney co-ordinates a Resident Permit Parking Scheme and a Visitor Permit Parking scheme. This property may be restricted from participating in either scheme.

Eligibility may change after the date of this certificate, as parking supply and other traffic demands change. For more information contact Council's call centre on 9265 9333.

ADVICE FROM OTHER BODIES

Sydney Ports Corporation Advice
Some land in the City of Sydney located in the vicinity of the White Bay, Glebe Island and Darling Harbour ports may be affected by noise from port operations.

Advice provided in accordance with planning certificate section 149 (5) is supplied in good faith. Council accepts no liability for the validity of the advice given. (see section 149 (6) of the Environmental Planning and Assessment Act, 1979).

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9am – 5pm, Monday – Friday
9am – 12pm, Saturday

Neighbourhood Service Centre Redfern
158 Redfern Street
Redfern
9am-5pm Monday – Friday
9am – 12 Noon Saturday

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Department of Planning & Infrastructure Information Centre
23-33 Bridge Street,
Sydney NSW 2000

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Chief Executive Officer,
City of Sydney,
G.P.O. Box 1591,
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End of Document

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Telephone +61 2 9265 9333
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GPO Box 1591 Sydney NSW 2001
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KURT PLAMBECK
DOUGLAS PARTNERS PTY LTD
PO BOX 472
WEST RYDE NSW 1685

PLANNING CERTIFICATE

Under Section 149 of the Environmental Planning and Assessment Act, 1979

Applicant:	DOUGLAS PARTNERS PTY LTD
Applicant's reference:	DOUGLAS PARTNERS
Address of property:	238-240 Elizabeth Street , SURRY HILLS NSW 2010
Owner:	PATGLEN PTY LTD
Description of land:	Lot 1 DP 779385, Lot 2 DP 779385
Certificate No.:	2014304169
Certificate Date:	23/06/14
Receipt No:	5174562
Fee:	$80.00
Paid:	23/06/14

Title information, description, dimensions and area of land are provided from data supplied by the Valuer General and shown where available.

Issuing Officer
per **Monica Barone**
Chief Executive Officer

CERTIFICATE ENQUIRIES:
Ph: 9265 9333
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Sydney2030/Green/Global/Connected

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PLANNING CERTIFICATE UNDER SECTION 149 (2) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

MATTERS AFFECTING THE LAND AS PRESCRIBED BY SCHEDULE 4 - ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION, 2000, CLAUSES (1) - (2).

DEVELOPMENT CONTROLS

The following information must be read in conjunction with and subject to all other provisions of the environmental planning instruments specified in this certificate.

ZONING

Zone B4 Mixed Use (Sydney Local Environmental Plan 2012)

1 Objectives of zone
• To provide a mixture of compatible land uses.
• To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
• To ensure uses support the viability of centres.

2 Permitted without consent
Home occupations

3 Permitted with consent
Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited
Extractive industries; Heavy industrial storage establishments; Heavy industries

PROPOSED ZONING

This property is not affected by a draft zone.

LOCAL PLANNING CONTROLS

Sydney Local Environmental Plan 2012 (as amended) – Published 14 December 2012 NSW Legislation Website.

Sydney Development Control Plan 2012 (as amended) - (commenced 14.12.2012)

HERITAGE

State Heritage Register (Amendment To Heritage Act, 1977 Gazetted 2/4/99)
This property may be identified as being of state heritage significance, and entered on the State Heritage Register.

To confirm whether the site is listed under the Heritage Act 1977 a Section 167 Certificate should be obtained from the NSW Heritage Office by contacting the NSW Heritage office on (02) 9873 8500 for an application from or by downloading the application form from www.heritage.nsw.gov.au

STATE PLANNING INSTRUMENTS

Full copies of State Environmental Planning Policies are available online at www.planning.nsw.gov.au.

State Environmental Planning Policy No. 4 – Development without Consent and Miscellaneous Complying Development
This policy allows relatively simple or minor changes of land or building use and certain types of development by public authorities without the need for formal development applications. The types of development covered are outlined in the policy.

State Environmental Planning Policy No. 6 – Number of Storeys in a Building
This policy sets out a method for determining the number of storeys in a building, to prevent possible confusion arising from the interpretation of various environmental planning instruments.

State Environmental Planning Policy No. 10 – Retention of Low-Cost Accommodation
This policy aims to provide a mechanism for the retention of low-cost rental accommodation. The policy establishes criteria for determining a low-cost rental residential building (including boarding houses, hostels and low rental residential flat buildings), matters for Council consideration and requirements for development proposed under the policy.

State Environmental Planning Policy No. 19 – Bushland in Urban Areas
This is a policy to protect and preserve bushland within certain urban areas, as part of the natural heritage or for recreational, educational and scientific purposes. This policy is designed to protect bushland in public open space zones and reservations, and to ensure that bush preservation is given a high priority when local environmental plans for urban development are prepared.

State Environmental Planning Policy No. 22 – Shops and Commercial Premises
This policy allows, with the consent of Council, a change of use from a shop to another kind of shop or commercial premises, where the new use is prohibited under an environmental planning instrument.

State Environmental Planning Policy No. 32 – Urban Consolidation
This policy implements the principles of urban consolidation, including the orderly, economic use and development of land. The policy enables urban land which is no longer required for the purpose for which it is currently zoned or used to be redeveloped for multi-unit housing and related development.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
This policy aims to amend the definitions of hazardous and offensive industries; to render ineffective any environmental planning instruments not defining hazardous or offensive as per this policy; to control development of hazardous and offensive industries.

State Environmental Planning Policy No. 55 – Remediation of Land
This policy provides planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared Managing Land Contamination: Planning Guidelines.

State Environmental Planning Policy No. 64 – Advertising and Signage
This policy aims to ensure that signage (including advertising):
Is compatible with the desired amenity and visual character of an area, and
- Provides effective communications in suitable locations, and
- Is of a high quality design and finish.

To this end the policy regulates signage (but not content) under Part 4 of the Act and provides limited time consents for the display of certain advertisements. The policy does not apply to signage that is exempt development under an environmental planning instrument. It does apply to all signage that can be displayed with or without consent and is visible from any public place or reserve, except as provided by the policy.

This policy should be read in conjunction with the Sydney Local Environmental Plan 2005, the City of Sydney Signage and Advertising Structures Development Control Plan 2005 and State Environmental Planning Policy No. 60 where these apply.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings
This policy aims to improve the design quality of flats of three or more storeys with four or more self contained dwellings. The policy sets out a series of design principles for local councils to consider when assessing development proposals for residential flat development. The policy also creates a role for an independent design review panel and requires the involvement of a qualified designer in the design and approval process.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
This Policy does not apply to land described in Schedule 1 (Environmentally sensitive land), or land that is zoned for industrial purposes, or land to which an interim heritage order made under the *Heritage Act 1997* by the Minister administering that Act applies, or land to which a listing on the State Heritage Register kept under the *Heritage Act 1997* applies.

The Policy aims to encourage the provision of housing (including residential care facilities) that will increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and make efficient use of existing infrastructure and services, and be of good design.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
Aims to ensure consistency in the implementation of the BASIX scheme throughout the State. This Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.

State Environmental Planning Policy (Major Development) 2005
This Policy aims to identify development of economic, social or environmental significance to the State or regions of the State so as to provide a consistent and comprehensive assessment and decision making process for that development.
NB: This SEPP also contains exempt & complying provisions

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State.

State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007
This Policy aims to ensure that suitable provision is made for ensuring the safety of persons using temporary structures or places of public entertainment.

State Environmental Planning Policy (Infrastructure) 2007
This Policy aims to facilitate the effective delivery of infrastructure across the state.
NB: This SEPP also contains exempt & complying provisions

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008
This Policy is an 'amending instrument' that removes or modifies referral and concurrence clauses within local environmental plans (LEPs), regional environmental plans (REPs) and State environmental planning policies (SEPPs).

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
This Policy Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Environmental Planning and Assessment Act 1979.

State Environmental Planning Policy (Affordable Rental Housing) 2009
Establishes a consistent planning regime for the provision of affordable rental housing. The policy provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people. NOTE: Does not apply to land at Green Square or at Ultimo Pyrmont

State Environmental Planning Policy (Urban Renewal) 2010
The aims of this Policy are as follows:
(a) to establish the process for assessing and identifying sites as urban renewal precincts,
(b) to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts,
(c) to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.

State Environmental Planning Policy (State and Regional Development) 2011
The aims of this Policy are as follows:
(a) to identify development that is State significant development,
(b) to identify development that is State significant infrastructure and critical State significant infrastructure,
(c) to confer functions on joint regional planning panels to determine development applications.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
This plan applies to land within the Sydney Harbour Catchment, as shown edged heavy black on the Sydney Harbour Catchment Map, being part of the Sydney Region declared by order published in Gazette No 38 of 7 April 1989 at page 1841.

This plan has the following aims with respect to the Sydney Harbour Catchment:
to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected and maintained: as outstanding natural asset, and as a public asset of national and heritage significance, for existing and future generations; to ensure a healthy, sustainable environment on land and water; to achieve a high quality urban environment; to ensure a prosperous working waterfront and an effective transport corridor, to encourage a culturally rich and vibrant place for people; to ensure accessibility to and along Sydney Harbour and its foreshores; to ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity, to provide a consolidated, simplified and updated legislative framework for future planning.

OTHER MATTERS AFFECTING THE LAND AS PRESCRIBED BY SCHEDULE 4 - E. P. & A. REGULATION, 2000. CLAUSES (3) - (10)

(3) Complying Development

(1) The extent to which the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4),1.18(1)(c3) and 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

(2) The extent to which complying development may not be carried out on that land because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4),1.18(1)(c3) and 1.19 of that Policy and the reasons why it may not be carried out under those clauses.

(3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

Note: All Exempt and Complying Development Codes: Council does not have sufficient information to ascertain the extent of a land based exclusion on a property. Despite any statement preventing the carrying out of complying development in the Codes listed below, complying development may still be carried out providing the development is not on the land affected by the exclusion and meets the requirements and standards of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

General Housing Code & Commercial and Industrial (New Buildings and Additions) Code

Complying development **may not** be carried out on the land under the General Housing Code & the Commercial and Industrial (New Buildings and Additions) Code if because of the provisions of clause 1.17A,1.18(1)(c3) & 1.19 (Land-based requirements for exempt and complying development) any of the following statements are **YES**

▪ Clause 1.19(5)d. Land that is significantly contaminated land within the meaning of the Contaminated Land Management Act 1997. (Applies only to the Commercial and Industrial (New Buildings and Additions) Code.	NO
▪ Clause 1.17A(d). Has been identified as a property that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.	**NO**
▪ Clause 1.17A(d) & 1.18(1)(c3). Has been identified as a property that comprises, or on which there is, a heritage item or draft heritage item.	**NO**
▪ Clause 1.17A(c). Has been identified as being within a wilderness area (identified under the *Wilderness Act 1987*.	**NO**
▪ Clause 1.17A(e) & 1.19(1)e or 1.19(5)f. Has been identified as land that is within an environmentally sensitive area or by an environmental planning instrument as being within a buffer area, a river front area, an ecologically sensitive area, environmentally sensitive land or a protected area	**NO**
▪ Clause 1.19(1)a.or 1.19(5)a Has been identified as being within a heritage conservation area or a draft heritage conservation area.	**NO**
▪ Clause 1.19(1)b or 1.19(5)b. Has been identified as being land that is reserved for a public purpose in an environmental planning instrument.	**NO**
▪ Clause 1.19(1)c or 1.19(5)c. Has been identified as being on an Acid Sulfate Soils Map as being Class 1 or Class 2.	**NO**
▪ Clause 1.19(1)d or 1.19(5)e. Has been identified as land that is subject to a biobanking agreement under part 7A of the threatened Species Conservation Act 1995 or a property vegetation plan under the Native Vegetation Act 2003.	**NO**
▪ Clause 1.19(1)f or 1.19(5)g. Has been identified by an environmental planning instrument, a development control plan or a policy adopted by the Council as being or affected by a coastline hazard, a coastal hazard or a coastal erosion hazard.	**NO**
▪ Clause 1.19(1)g or 1.19(5)h. Has been identified as being land in a foreshore area.	**NO**
▪ Clause 1.19(1)h. Has been identified as land that is in the 25 ANEF contour or a higher ANEF contour. (Applies only to the General Housing Code)	**NO**
▪ Clause 1.19(1)j or 1.19(5)i. Has been identified as unsewered land within a drinking water catchment.	**NO**
▪ Clause 1.19(1)i. Has been identified as land that is declared to be a special area under the Sydney Water Catchment Management Act 1998.	**NO**

Housing Alterations Code
Complying development under the Housing Alterations Code **may** be carried out on the land.

Commercial and Industrial Alterations Code
Complying development under the Commercial and Industrial Alterations Code **may** be carried out on the land.

Subdivisions Code

Complying development under the Subdivisions Code **may** be carried out on the land.

Rural Housing Code
The Rural Housing Code does not apply to this Local Government Area.

General Development Code
Complying development under the General Development Code **may** be carried out on the land.

Demolition Code
Complying development under the Demolition Code **may** be carried out on the land.

(4) Coastal Protection Act, 1979

The council has not been notified by the department of public works that the land is affected by the operation of section 38 or 39 of the coastal protection act, 1979.

(4A) Certain information relating to beaches and coasts

(1) In relation to a coastal council an order has **not** been made under Part 4D of the coastal Protection Act 1979 in relation to temporary coastal protection works (within the meaning of that Act) on the land (or on public land adjacent to that land).

(2) In relation to a coastal council : Council has **not** been notified under section 55X of the Coastal Protection Act 1979 that temporary coastal protection works (within the meaning of that Act) have been placed on the land (or on public land adjacent to that land)

(4B) Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works

In relation to a coastal council : The owner (or any previous owner) of the land has not consented in writing to the land being subject to annual charges under section 496B of the Local Government Act 1993 for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).

Note. "Existing coastal protection works" are works to reduce the impact of coastal hazards on land (such as seawalls, revetments, groynes and beach nourishment) that existed before the commencement of section 553B of the Local Government Act 1993.

(5) Mine Subsidence District

This land has not been proclaimed to be a mine subsidence district within the meaning of section 15 of the mine subsidence compensation act, 1961.

(6) Road Widening and/or Road Realignment affected by (a) Division 2 of Part 3 of the Roads act 1993 or (c) any resolution of council or other authority.

This land **is not** affected by road widening and/or road realignment under section 25 of the Roads Act, 1993 and/or resolution of Council or any other authority.

(6) Road Widening and/or Road Realignment Affected by (b) any environmental planning instrument.

This land **is not** affected by any road widening or road realignment under any planning instrument.

(7) Council and other public authorities policies on hazard risk restrictions:

(a) The land **is not** affected by a policy adopted by the Council that that restricts the development of the land because of the likelihood of land slip, bushfire, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk; and

(b) The land **is not** affected by a policy adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to on planning certificate issued by Council, that restricts the development of the land because of the likelihood of land slip, bushfire, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

(7A) Flood related development controls information.

The development on this land or part of this land is subject to flood related development controls refer to Clause 7.15 of Sydney Local Environment Plan 2012 and Section 3.7 of Sydney Development Control Plan 2012.

(8) Land reserved for acquisition

No environmental planning instrument, or proposed environmental planning instrument applying to the land, provides for the acquisition of the land by a public authority, as referred to in section 27 of the Act.

(9) Contribution plans

The following Contributions Plans apply to properties within the City of Sydney local government area. Contributions plans marked **YES** may apply to this property:

▪ Central Sydney Contributions (Amendment) Plan 2002 – in operation 16th June 2003	**YES**
▪ Ultimo Pyrmont Section 94 Contributions Plan (approved C.S.P.C 15th December 1994 and Council 19th December 1994)	**NO**
▪ City of Sydney Development Contributions Plan 2006 – in operation 7th April 2007	**NO**
▪ Redfern Waterloo Authority Contributions Plan 2006 – in operation 16th May 2007 ▪ Redfern Waterloo Authority Affordable Housing Contributions Plan – in operation 16th May 2007	**NO**

(9A) Biodiversity certified land

The land has not been certified as biodiversity certified land.

(10) Biobanking Agreement

Council has not been notified of a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995.

(11) Bush fire prone land

The land has not been identified as Bush fire prone land.

(12) Property vegetation plans

Not Applicable.

(13) Orders under Trees (Disputes Between Neighbours) Act 2006

Council has not been notified of an order which as been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land.

(14) Directions under Part 3A

Not Applicable.

(15) Site compatibility certificates and conditions for seniors housing

(a)The land to which the certificate relates is not subject to a current site compatibility certificate (seniors housing), of which Council is aware, in respect of proposed development on the land.

(b) The land to which the certificate relates is not subject to any condition of consent to a development application granted after 11 October 2007 required by State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

(16) Site compatibility certificates for infrastructure

The land to which the certificate relates is not subject to a valid site compatibility certificate (infrastructure), of which Council is aware, in respect of proposed development on the land.

(17) Site compatibility certificates and conditions for affordable rental housing

(a)The land to which the certificate relates is not subject to a current site compatibility certificate (affordable rental housing), of which Council is aware, in respect of proposed development on the land.

(b) The land to which the certificate relates is not subject to any terms of a kind referred to in clause 17(1) or 37(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 that have been imposed as a condition of consent to a development application in respect of the land.

(18) Paper subdivision information

Not Applicable.

(19) Site verification certificates

The land to which the certificate relates is not subject to a valid site verification certificate of which Council is aware.

Note. The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate:

(a) The land to which the certificate relates **is not** declared to be **significantly contaminated land** within the meaning of that act as at the date when the certificate is issued.

(b) The land to which the certificate relates **is not** subject to a **management order** within the meaning of that act as at the date when the certificate is issued.

(c) The land to which the certificate relates **is not** the subject of an **approved voluntary management proposal** within the meaning of that act at the date the certificate is issued.

(d) The land to which the certificate relates **is not** the subject of an **ongoing maintenance order** within the meaning of that act as at the date when the certificate is issued.

(e) As at the date when the certificate is issued, Council **has not** identified that a **site audit statement** within the meaning of that act has been received in respect of the land the subject of the certificate.

PLANNING CERTIFICATE SECTION 149(2) INFORMATION:
Information provided in accordance with planning certificate section 149 (2) has been taken from council's records and advice from other authorities but council disclaims all liability for any omission or inaccuracy in the information. Specific inquiry should be made where doubt exists.

PLANNING CERTIFICATE UNDER SECTION 149 (5) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

PLANNING CERTIFICATE SECTION 149 (5) ADVICE is current as at 12:00 noon two working days prior to the date of issue of this certificate. The following matters have been considered & details provided where information exists: easements in favour of council; parking permit scheme; heritage floor space restrictions; low-rental residential building; foreshore building line; tree preservation order.

Contaminated Land Potential:
Council records do not have sufficient information about the uses (including previous uses) of the land which is the subject of this section 149 certificate to confirm that the land has not been used for a purpose which would be likely to have contaminated the land. Parties should make their own enquiries as to whether the land may be contaminated.

Hazard Risk Restriction:
The City of Sydney Local Environmental Plan 2012 incorporates Acid Sulfate soil maps. Development on the land identified in those maps should have regard to Division 4 clause 7.16 of the LEP.

Construction Noise and View Loss Advice:
Intending purchasers are advised that the subject property may be affected by construction noise and loss or diminution of views as a result of surrounding development.

City of Sydney Tree Preservation Order 2004 (TPO)
This order applies to all land where South Sydney Local Environmental Plan 1998 applies and the City of Sydney Council or the Central Sydney Planning Committee is the relevant consent authority under the *Environmental Planning & Assessment* Act 1979. Contact Council's Contract and Asset Management section for more information.

Outstanding Notice & Order information
In relation to this property, there **is not** an outstanding Order or Notice of Intention to issue an Order relating to Fire Safety (being an Order or Notice of Intention to issue an Order of type 6, 10, 11 under Section 121B of the Environmental Planning and Assessment Act, 1979). Further information about the Order or Notice of Intention to issue an Order may be obtained by applying for a certificate under Section 121ZP of the Environmental Planning and Assessment Act and Section 735A of the Local Government Act.

In relation to this property, there **is not** an outstanding Order or Notice of Intention to issue an Order (being an Order or Notice of Intention to issue an Order of a type other than relating to fire safety). Further information about the Order or Notice of Intention to issue an Order may be obtained by applying for a certificate under Section 121ZP of the Environmental Planning and Assessment Act and Section 735A of the Local Government Act.

Residential & Visitor Parking Permit Schemes
The City of Sydney co-ordinates a Resident Permit Parking Scheme and a Visitor Permit Parking scheme. This property may be restricted from participating in either scheme.

Eligibility may change after the date of this certificate, as parking supply and other traffic demands change. For more information contact Council's call centre on 9265 9333.

ADVICE FROM OTHER BODIES

Sydney Ports Corporation Advice
Some land in the City of Sydney located in the vicinity of the White Bay, Glebe Island and Darling Harbour ports may be affected by noise from port operations.

Advice provided in accordance with planning certificate section 149 (5) is supplied in good faith. Council accepts no liability for the validity of the advice given. (see section 149 (6) of the Environmental Planning and Assessment Act, 1979).

For information regarding outstanding notices and orders a CERTIFICATE FOR OUTSTANDING NOTICES OF INTENTION AND/OR AN ORDER UNDER SECTION 735A OF THE LOCAL GOVERNMENT ACT, 1993 AND SECTION 121ZP OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 may be applied for at Sydney City Council.

Planning certificate section 149 (2), local planning controls are available for inspection at the following locations:

General Enquiries :
Telephone: 02 9265 9333
Facsimile: 02 9265 9415

Town Hall House
Level 2,
Town Hall House,
456 Kent Street,
Sydney.
8am – 6pm, Monday - Friday

Glebe Customer Service Centre
Glebe Library,
186 Glebe Point Road,
Glebe
9am – 5pm, Monday – Friday

Neighbourhood Service Centre Kings Cross
50 Darlinghurst Road,
Potts Point
9am – 5pm, Monday – Friday
9am – 12pm, Saturday

Neighbourhood Service Centre Redfern
158 Redfern Street
Redfern
9am-5pm Monday – Friday
9am – 12 Noon Saturday

Green Square Customer Service Centre
The Tote,
100 Joynton Avenue,
Zetland
10am-6pm Monday – Friday

State planning controls are available for inspection at the following locations:

Sydney Harbour Foreshore Authority (former Sydney Cove Authority and Darling Harbour Authority),
Level 6,
66 Harrington Street,
The Rocks.

Department of Planning & Infrastructure Information Centre
23-33 Bridge Street,
Sydney NSW 2000

Where planning certificate section 149 (5) matters are supplied, complete details are available by writing to:
Chief Executive Officer,
City of Sydney,
G.P.O. Box 1591,
Sydney, NSW 2000

End of Document

Attachment A7

Flood Advice Report

IGS INTEGRATED GROUP SERVICES

Value | Innovation | Trust

232 – 240 Elizabeth Street, Surry Hills

Flood Advice Report

18 January 2024 **Project No. 22_261**

200 Euston Road
Alexandria
NSW 2044
ABN: 68 163 019 029
(02) 8488 4600
admin@igs.com.au

Approvals

STASIA PTY LIMITED	Sign: ..... Date: ..... Name: .....
CANDALEPAS ASSOCIATES	Sign: ..... Date: ..... Name: .....
INTEGRATED GROUP SERVICES (IGS)	Sign: ..... Date: ..... Name: .....

Document Control

Version	Date	Issue	Author		Reviewer	
01	25 October 2022	Preliminary	Prabeg Sharma	PS	Bill Masri	BM
02	08 November 2022	For Approval	Prabeg Sharma	PS	Bill Masri	BM
03	18 January 2024	For Approval	Prabeg Sharma	PS	Prabeg Sharma	PS

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Revision 03:
Flood Impact and Risk Management Report updated to reflect revised Architectural Plans by Candalepas Associates, Job No. 5968, Issue P10.

232 – 240 Elizabeth Street, Surry Hills FLOOD LEVEL ADVICE.

IGS has been engaged to provide flood advice for the proposed development at 232 – 240 Elizabeth Street, Surry Hills. The purpose of this assessment is to identify the predicted flood levels around the study site and provide advice on Flood Planning Levels (FPL) based on the requirements of the City of Sydney. The report also assesses the compliance or otherwise of the proposed finish floor levels for future development at the study site.

Design flood information has been taken from the TUFLOW model established in the Darling Harbour Catchment FRMP report.

1 Development Site

The proposed development at 232 – 240 Elizabeth Street, Surry Hills, is a mixed-use commercial development. This site has access from Elizabeth Street along the western wall, Reservoir Street along the southern side, and Foster Lane along the eastern side (Refer to the locality map below).

The development consists of commercial and retail spaces with three below-ground levels. **Figure 1-1** shows the location of the study site.

The assessment is based on the following drawings and flood models:

- Ground Floor Architectural plans by Candalepas Associates, Job no. 5968, Issue P10 - Attached.
- Survey Plan by ERIC SCERRI & ASSOCIATES PTY LTD, reference no. 2332/14 Rev A dated 13 January 2014.
- Flood Map During 1% AEP and PMF by IGS.
- City of Sydney Interim Floodplain Management Policy, May 2014.

  (Refer to the Attachment for more details)

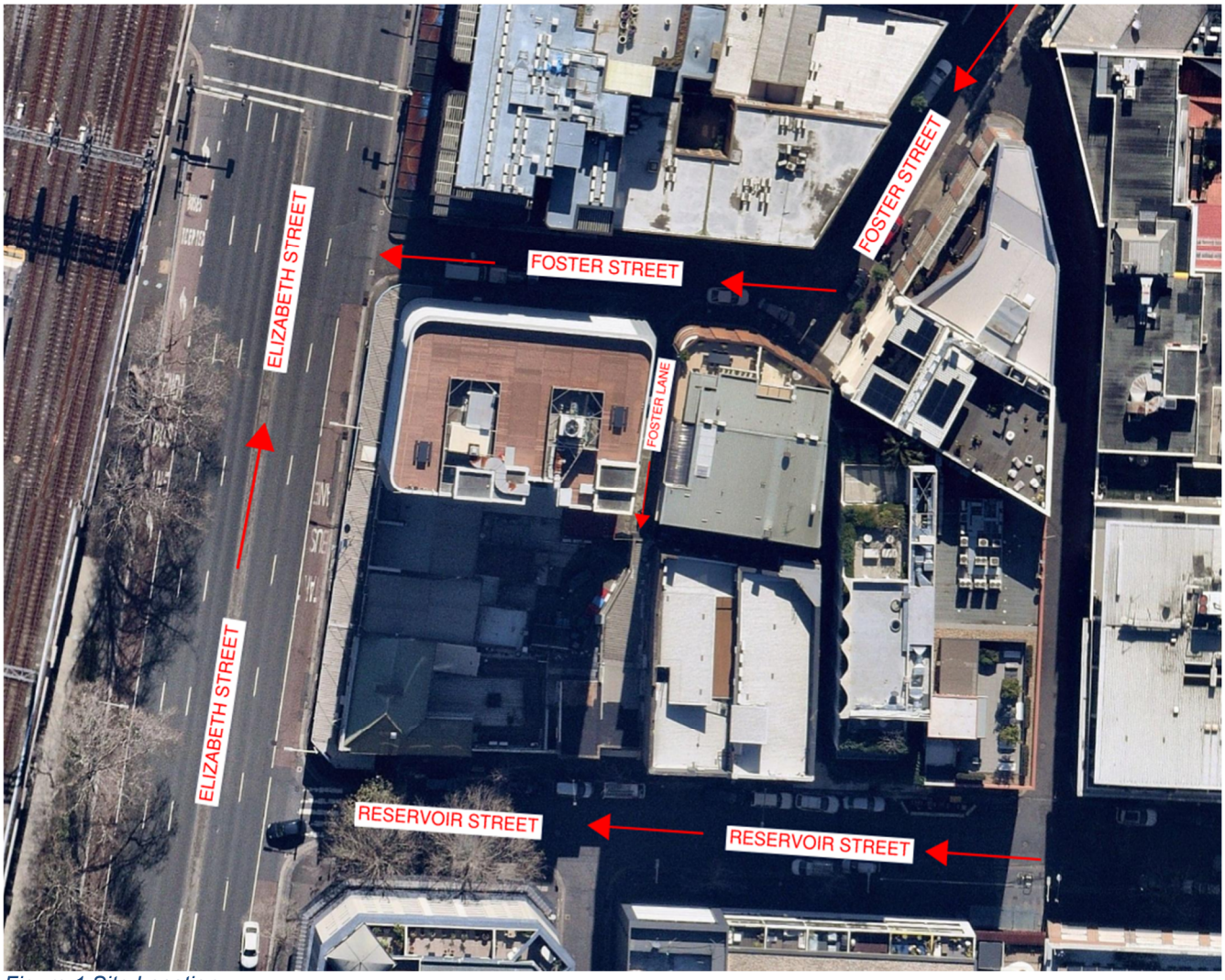

Figure 1 Site Location.

2 Existing Flood Behaviour

This site is bounded by Elizabeth Street on the West, Reservoir Street on the South, and Foster Lane on the Eastern side. The existing flood levels during 1% Annual Exceedance Probability (AEP) and Probable Maximum Flood (PMF) around the study site are adopted from the Darling Harbour Catchment TUFLOW model results from the City of Sydney Council.

As per the council's flood model, this site is affected by overland flows flowing from the eastern side along Foster Lane and Reservoir Street and towards Elizabeth Street before leaving through the railway corridor along the western side of Elizabeth Street. Elizabeth Street along the west side of the site is very flat, and an approximate flood depth of approximately 350mm can be seen along Elizabeth Street during 1% AEP storm events. (Refer to Attachments for more details).

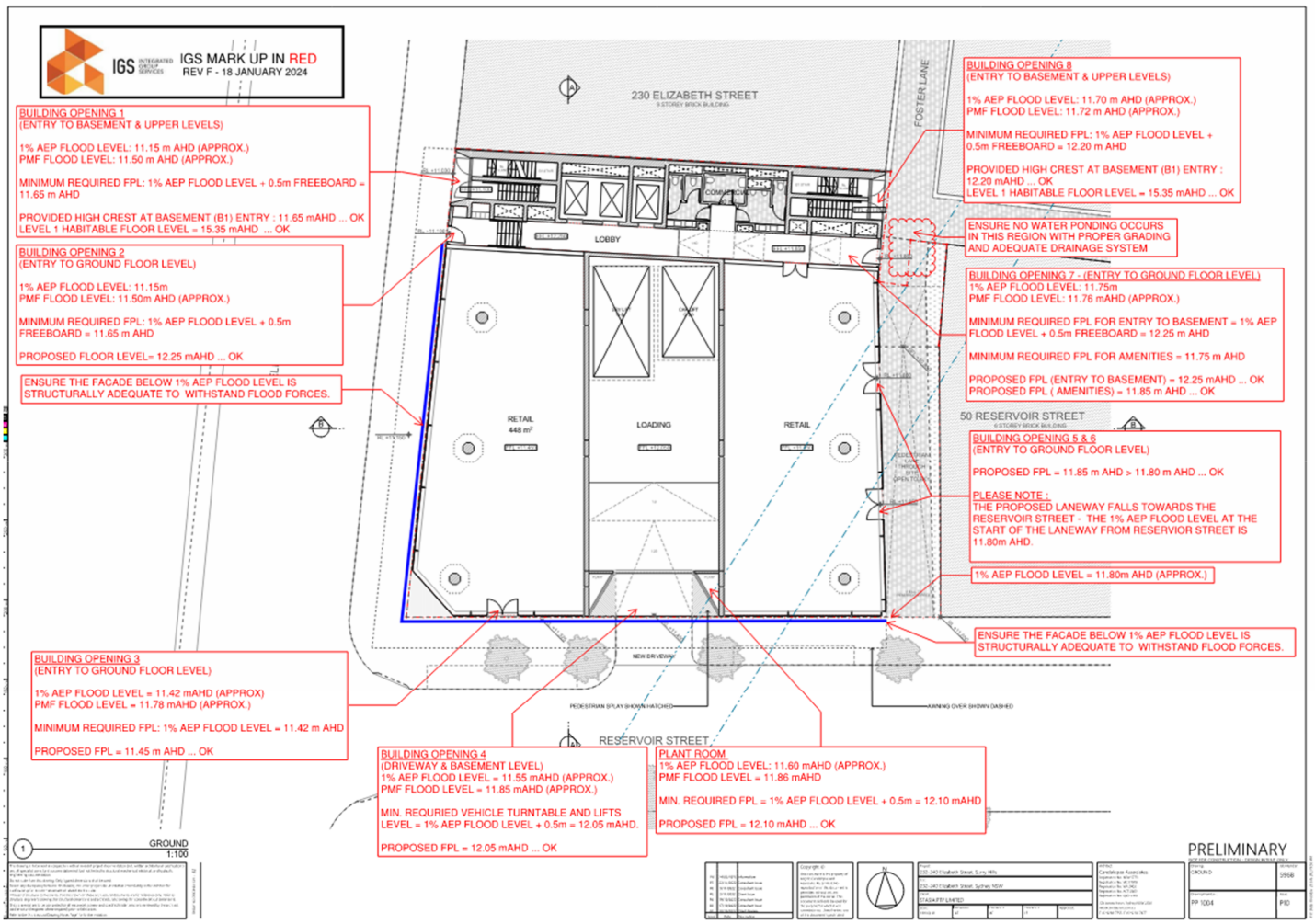

Figure 2. Key Locations & FPL Markup. (Refer to Attachment 1 for details.)

The 1% AEP and PMF flood levels at these locations are presented in **Table 1**. Flood levels have been rounded up to the nearest 0.01m.

Description	1% AEP Flood Level (m AHD)	PMF Flood Level (m AHD)
Building Opening 1 (Entry to Basement & Upper Levels)	**11.15**	**11.50**
Building Opening 2 (Entry to Ground Floor Level)	**11.15**	**11.50**
Building Opening 3 (Entry to Ground Floor Level)	**11.42**	**11.78**
Building Opening 4 (Driveway & Basement Level)	**11.55**	**11.85**
Building Opening to Plant Room	**11.60**	**11.86**
Building Opening 5 & 6 (Entry to Ground Floor Level)	**11.80**	**N/A**
Building Opening 7 (Entry to Ground Floor Level)	**11.75**	**11.76**
Building Opening 8 (Entry to Basement and Upper Levels)	**11.70**	**11.70**

Table 1: 1% AEP and PMF Water Levels at Key Locations

3 Flooding and the Proposed Development

In accordance with the Sydney Development Control Plan 2012 (City of Sydney, 2012) and the Interim Floodplain Management Policy (City of Sydney, 2014), the development will need to comply with a series of controls as outlined in the following sections.

3.1 Flood Planning Requirements

The requirements for Flood Planning Levels are given in **Table 2**, as per the City of Sydney's Interim Floodplain Management Policy (2014).

Development	Flood Planning Level (FPL)
Residential – Habitable Rooms	**Local drainage flooding: 1% AEP flood level + 0.5 m or Two times the depth of flow with a minimum of 0.3 m above the surrounding surface if the depth of flow in the 1% AEP flood is less than 0.25 m.**
Industrial or Commercial - Business	**Merits approach with a minimum of 1% AEP flood level**
Industrial or Commercial – Retail Floor Levels	**Merits approach with a minimum of 1% AEP flood level. Must demonstrate a reasonable balance between flood protection and urban design outcomes for street-level activation.**
Below-ground car park / Basement	**1% AEP flood level + 0.5m or the PMF (Whichever is higher)**

Table 2, Flood Planning Level Requirements per the Interim Floodplain Management Policy

Notes (as per City of Sydney Interim Floodplain Management Policy):

1. *Local drainage flooding occurs where:*
    a. *The maximum cross-sectional depth of flooding in the local overland flow path through and upstream of the site is less than 0.25m for the 1% AEP flood; and*
    b. *The development is at least 0.5m above the 1% AEP flood level at the nearest downstream trapped low point; and*
    c. *The development does not adjoin the nearest upstream trapped low point; and*
    d. *Blockage of an upstream trapped low point is unlikely to increase the depth of flow past the property to greater than 0.25m in the 1% AEP flood.*
2. *Mainstream flooding occurs where the local drainage flooding criteria cannot be satisfied.*
3. *A property is considered to be outside the floodplain where it is above the mainstream and local drainage flood planning levels including freeboard.*

The predicted flooding depths around the site vary from 50 – 20mm during 1% AEP storm events, and there is no downstream trapped low point. As flood depths are low, even during PMF events, expecting the finished floor levels to be set 500 mm above the 1% AEP level is unreasonable. Adopting the FPL standard for commercial premises outside the floodplain, a flood planning level at or above the 1% AEP would protect the ground floor ingress points and allows more reasonable finished floor levels to be adopted.

3.2 Flood Planning Levels

A comparison of floor levels at key entrances and required FPLs is provided below in **Table 3**.

Description	1% AEP Flood Level (m AHD)	Proposed Finished Floor Level (m AHD)	Freeboard Provided (mm)	Compliance with Council Requirements?
Building Opening 1 (Entry to Basement & Upper Levels)	11.15 11.15	**To Basement = 11.65** **Level 1 = 15.35**	500 4200	YES
Building Opening 2 (Entry to Ground Floor Level)	11.15	**12.25**	1100	YES
Building Opening 3 (Entry to Ground Floor Level)	11.42	**11.45**	N/A	YES
Building Opening 4 (Driveway & Basement Level)	11.55	**12.05**	500	YES
Building Opening to Plant Room	11.60	**12.10**	500	YES
Building Opening 5 & 6 (Entry to Ground Floor Level)	11.80	**11.85**	50	YES
Building Opening 7 **(Entry to Amenities)** **(Entry to Basement)**	 11.75 171.75	 **11.85** **12.25**	 100 500	 YES YES
Building Opening 8 (Entry to Basement and Upper Levels)	11.70	**12.20**	500	YES

Table 3, Proposed Finished Floor Levels and Minimum FPLs

The proposed finished floor level (m AHD) was taken from the Architectural plans by Candalepas Associates, Job no. 5968, Issue P10. The minimum FPL required was based on the Darling Harbour Catchment Model obtained from the City of Sydney Council.

3.3 Proposed Flood Mitigation Measures

The following flood mitigation is recommended to ensure the proposed development is well protected from overland flows:

- No water pondage should occur along the site's northeast corner – ensure that the section falls towards Foster Lane with proper grading and an adequate drainage system.
- Ensure the proposed laneway falls towards Reservoir Street per the proposed architectural plans.
- Ensure the façade below 1% AEP Flood Level is structurally adequate to withstand flood forces. Refer to the flood-compatible materials table from the City of Sydney attached – Materials not listed may be accepted by the council subject to certification- of the suitability of the material of the manufacturer.
- All flood levels proposed on the architectural plans must be maintained to protect from the overland flows.

We believe the revised architectural plans, Job No. 5968, Issue P10, have incorporated all recommended flood mitigation measures and flood planning requirements per the City of Sydney Council's requirements. For more details, refer to the attached architectural plans (Attachment 5) and Flood Planning level Markups (Attachment 1).

3.4 Possible Changes in Flood Extent

The overland flows flowing towards the site have a shallow depth varying from 20 – 50mm during 1% AEP storm events. The Council's Drainage system will cater to the shallow sheet flows within the vicinity. However, flood mitigation measures are recommended to protect the proposed development from overland flows. There is no significant change in the building footprint; hence, the flood extent will not change.

4 Summary

IGS has completed a Site-Specific Flood Assessment for the proposed development of 232 – 240 Elizabeth Street, Surry Hills.

Predicted flood levels were extracted from the Darling Harbour Catchment Flood Model obtained from the City of Sydney Council and used to determine Flood Planning Levels for the proposed development as per the City of Sydney Interim Floodplain Management Policy. The finished ground floor of the proposed development was compared to the Flood Planning Levels to determine compliance with the policy.

The review demonstrates that the proposed development floor levels meet the minimum required Flood planning levels per the City of Sydney's Interim Flood plain management policy.

5 Attachments:

- Attachment 1 - Flood Markups with proposed Flood Planning Levels.
- Attachment 2 - Water surface elevation map during 1% AEP storm events.
- Attachment 3 - Water Surface elevation map during PMF Storm events.
- Attachment 4 - List of Flood-Compatible Materials from the City of Sydney – Interim Floodplain Management Policy.
- Attachment 5 - Ground Floor Architectural plans by Candalepas Associates, Job no. 5968, Issue P10.
- Attachment 6 - Survey Plan by ERIC SCERRI & ASSOCIATES PTY LTD, reference no. 2332/14 Rev A dated 13 January 2014.

IGS INTEGRATED GROUP SERVICES

IGS MARK UP IN RED
REV F - 18 JANUARY 2024

BUILDING OPENING 1
(ENTRY TO BASEMENT & UPPER LEVELS)

1% AEP FLOOD LEVEL: 11.15 m AHD (APPROX.)
PMF FLOOD LEVEL: 11.50 m AHD (APPROX.)

MINIMUM REQUIRED FPL: 1% AEP FLOOD LEVEL + 0.5m FREEBOARD = 11.65 m AHD

PROVIDED HIGH CREST AT BASEMENT (B1) ENTRY : 11.65 mAHD ... OK
LEVEL 1 HABITABLE FLOOR LEVEL = 15.35 mAHD ... OK

BUILDING OPENING 2
(ENTRY TO GROUND FLOOR LEVEL)

1% AEP FLOOD LEVEL: 11.15m
PMF FLOOD LEVEL: 11.50m AHD (APPROX.)

MINIMUM REQUIRED FPL: 1% AEP FLOOD LEVEL + 0.5m FREEBOARD = 11.65 m AHD

PROPOSED FLOOR LEVEL= 12.25 mAHD ... OK

ENSURE THE FACADE BELOW 1% AEP FLOOD LEVEL IS STRUCTURALLY ADEQUATE TO WITHSTAND FLOOD FORCES.

BUILDING OPENING 3
(ENTRY TO GROUND FLOOR LEVEL)

1% AEP FLOOD LEVEL = 11.42 mAHD (APPROX)
PMF FLOOD LEVEL = 11.78 mAHD (APPROX.)

MINIMUM REQUIRED FPL: 1% AEP FLOOD LEVEL = 11.42 m AHD

PROPOSED FPL = 11.45 m AHD ... OK

BUILDING OPENING 4
(DRIVEWAY & BASEMENT LEVEL)
1% AEP FLOOD LEVEL = 11.55 mAHD (APPROX.)
PMF FLOOD LEVEL = 11.85 mAHD (APPROX.)

MIN. REQURIED VEHICLE TURNTABLE AND LIFTS LEVEL = 1% AEP FLOOD LEVEL + 0.5m = 12.05 mAHD.

PROPOSED FPL = 12.05 mAHD ... OK

PLANT ROOM
1% AEP FLOOD LEVEL: 11.60 mAHD (APPROX.)
PMF FLOOD LEVEL = 11.86 mAHD

MIN. REQUIRED FPL = 1% AEP FLOOD LEVEL + 0.5m = 12.10 mAHD

PROPOSED FPL = 12.10 mAHD ... OK

BUILDING OPENING 8
(ENTRY TO BASEMENT & UPPER LEVELS)

1% AEP FLOOD LEVEL: 11.70 m AHD (APPROX.)
PMF FLOOD LEVEL: 11.72 m AHD (APPROX.)

MINIMUM REQUIRED FPL: 1% AEP FLOOD LEVEL + 0.5m FREEBOARD = 12.20 m AHD

PROVIDED HIGH CREST AT BASEMENT (B1) ENTRY : 12.20 mAHD ... OK
LEVEL 1 HABITABLE FLOOR LEVEL = 15.35 mAHD ... OK

ENSURE NO WATER PONDING OCCURS IN THIS REGION WITH PROPER GRADING AND ADEQUATE DRAINAGE SYSTEM

BUILDING OPENING 7 - (ENTRY TO GROUND FLOOR LEVEL)
1% AEP FLOOD LEVEL: 11.75m
PMF FLOOD LEVEL: 11.76 mAHD (APPROX.)

MINIMUM REQUIRED FPL FOR ENTRY TO BASEMENT = 1% AEP FLOOD LEVEL + 0.5m FREEBOARD = 12.25 m AHD

MINIMUM REQUIRED FPL FOR AMENITIES = 11.75 m AHD

PROPOSED FPL (ENTRY TO BASEMENT) = 12.25 mAHD ... OK
PROPOSED FPL (AMENITIES) = 11.85 m AHD ... OK

BUILDING OPENING 5 & 6
(ENTRY TO GROUND FLOOR LEVEL)

PROPOSED FPL = 11.85 m AHD > 11.80 m AHD ... OK

PLEASE NOTE :
THE PROPOSED LANEWAY FALLS TOWARDS THE RESERVOIR STREET - THE 1% AEP FLOOD LEVEL AT THE START OF THE LANEWAY FROM RESERVIOR STREET IS 11.80m AHD.

1% AEP FLOOD LEVEL = 11.80m AHD (APPROX.)

ENSURE THE FACADE BELOW 1% AEP FLOOD LEVEL IS STRUCTURALLY ADEQUATE TO WITHSTAND FLOOD FORCES.

230 ELIZABETH STREET
9 STOREY BRICK BUILDING

50 RESERVOIR STREET
6 STOREY BRICK BUILDING

RESERVOIR STREET

FOSTER LANE

NEW DRIVEWAY

PEDESTRIAN SPLAY SHOWN HATCHED

AWNING OVER SHOWN DASHED

COMMERCIAL 80 m²

LOBBY

RETAIL 448 m²

LOADING

RETAIL

SRV LIFT G-B1

CAR LIFT G-B3

PLANT

PEDESTRIAN LANE THROUGH SITE OPEN TO SKY

1 GROUND 1:100

Issue	Date	Description
P8	24/03/2023	Information
P7	22/11/2022	Consultant Issue
P6	9/11/2022	Consultant Issue
P5	2/11/2022	Client Issue
P4	19/10/2022	Consultant Issue
03	17/10/2022	Consultant Issue
02	10/10/2022	Client Review

This drawing is to be read in conjunction with all relevant project documentation (incl. written architectural specifications) and all specialist consultant documentation incl. but not limited to structural, mechanical, electrical, and hydraulic engineering documentation.
Do not scale from this drawing. Only figured dimensions shall be used.
Report any discrepancy between this drawing and other project documentation immediately to the architect for clarification prior to commencement of related work on site.
All sizes of structural components that are shown on these architectural documents are for reference only. Refer to structural engineer's drawings for structural dimensions and architectural drawings for concrete set out dimensions.
Shop drawings are to be completed for all metalwork, joinery and specified trade items and reviewed by the architect (and structural engineer where required) prior to fabrication.
Refer to the 'Architectural Drawing Notes Page' for further notation.

DRAWING ORIGINAL SIZE: A1

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Project: 232-240 Elizabeth Street, Surry Hills
Site: 232-240 Elizabeth Street, Sydney NSW
Client: STASIA PTY LIMITED
Scale: 1:100 @ A1 | Drawn By: AF | Checked 1: AF | Checked 2: LE | Approved:

Architect:
Candalepas Associates
Registration No. NSW 5773
Registration No. VIC 17978
Registration No. WA 2405
Registration No. ACT 2603
Registration No. QLD 5463
309 Sussex Street, Sydney NSW 2000
info@candalepas.com.au
T: 02 9283 7755 F: 02 9283 7477

PRELIMINARY
NOT FOR CONSTRUCTION - DESIGN INTENT ONLY

Drawing: GROUND | Job Number: 5968
Drawing Number: PP 1004 | Issue: P10

Print Date: Thursday, 20 July 2023 9:56 AM

232 - 240 ELIZABETH STREET, SURRY HILLS

FLOOD MAP DURING 1% AEP STORM EVENTS

DATE: 18 JANUARY 2024

LEGEND

- 20mm INTERVAL CONTOUR DURING 1% AEP STORM EVENT
- 11.00 WATER SURFACE LEVEL DURING 1% AEP STORM EVENTS
- PROPERTY BOUNDARY

SCALE: 1:200 @ A3

IGS INTEGRATED GROUP SERVICES

232 - 240 ELIZABETH STREET, SURRY HILLS

FLOOD MAP DURING PMF STORM EVENTS

DATE: 18 JANUARY 2024

LEGEND

- 20mm INTERVAL CONTOUR DURING 1% AEP STORM EVENT
- 11.00 WATER SURFACE LEVEL DURING 1% AEP STORM EVENTS
- PROPERTY BOUNDARY

SCALE: 1:200 @ A3

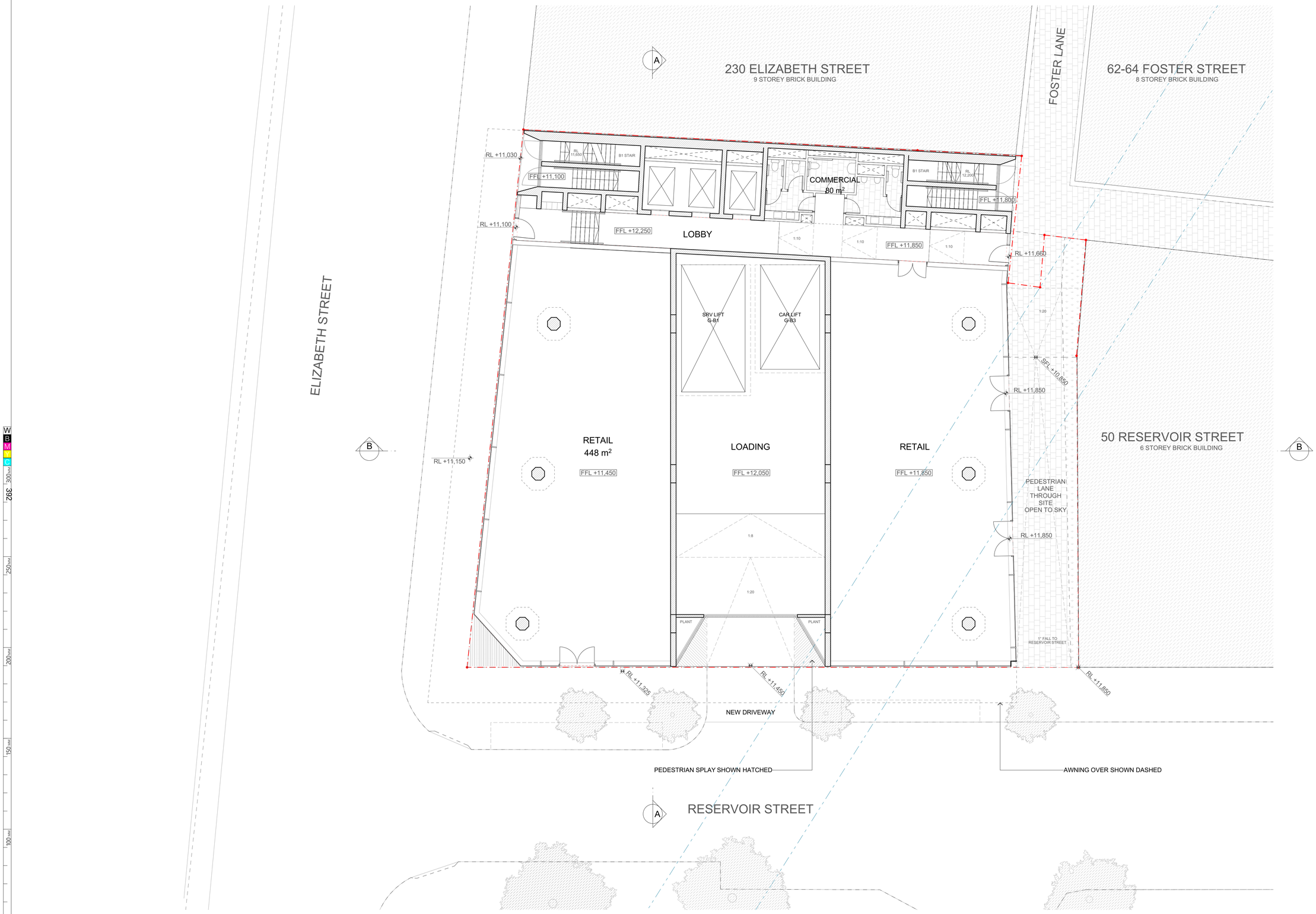
IGS INTEGRATED GROUP SERVICES

6 Flood Compatible Materials

Where required for development, the following materials are to be applied. Materials not listed may be accepted by Council subject to certification of the suitability of the material of the manufacturer.

Component	Flood Compatible Material
Flooring and Sub-floor	▪ Concrete slab-on-ground monolith construction ▪ Suspended reinforced concrete slab
Wall Structure	▪ Solid brickwork, blockwork, reinforced concrete or mass concrete
Wall and Ceiling Linings	▪ Fibro-cement board ▪ Brick, face or glazed ▪ Clay tile glazed in waterproof mortar ▪ Concrete ▪ Concrete block ▪ Steel with waterproof applications ▪ Stone, natural solid or veneer, waterproof grout ▪ Glass blocks ▪ Glass ▪ Plastic sheeting or wall with waterproof adhesive
Roof Structure	▪ Reinforced concrete construction ▪ Galvanised metal construction
Doors	▪ Solid panel with water proof adhesives ▪ Flush door with marine ply filled with closed cell foam ▪ Painted metal construction ▪ Aluminium or galvanised steel frame
Insulation	▪ Closed cell solid insulation ▪ Plastic/polystyrene boards
Windows	▪ Aluminium frame with stainless steel rollers or similar corrosion and water resistant material.
Nails, Bolts, Hinges and Fittings	▪ Brass, nylon or stainless steel ▪ Removable pin hinges ▪ Hot dipped galvanised steel wire nails or similar
Main Power Supply	▪ Subject to the approval of the relevant authority the incoming main commercial power service equipment, including all metering equipment, shall be located above the designated flood planning level. Means shall be available to easily disconnect the dwelling from the main power supply.
Wiring	▪ All wiring, power outlets, switches, etc., should be located above the designated flood planning level. All electrical wiring installed below this level should be suitable for continuous underwater immersion and should contain no fibrous components. This will not be applicable for below-ground car parks where the car park complies with flood planning level requirements. ▪ Earth leakage circuit-breakers (core balance relays) or Residual Current Devices (RCD) must be installed. ▪ Only submersible type splices should be used below maximum flood level. ▪ All conduits located below the relevant designated flood level should be so installed that they will be self-draining if subjected to flooding.
Electrical Equipment	▪ All equipment installed below or partially below the designated flood planning level should be capable of disconnection by a single plug and socket assembly.

Component	Flood Compatible Material
Heating and Air Conditioning Systems	▪ Heating and air conditioning systems should be installed in areas and spaces of the house above the designated flood planning level.
Fuel storage for heating purposes	▪ Heating systems using gas or oil as a fuel should have a manually operated valve located in the fuel supply line to enable fuel cut-off. ▪ The heating equipment and related fuel storage tanks should be mounted on and securely anchored to a foundation pad of sufficient mass to overcome buoyancy and prevent movement that could damage the fuel supply line. The tanks should be vented above the flood planning level.
Ducting for heating/cooling purposes	▪ All ductwork located below the relevant flood level should be provided with openings for drainage and cleaning. Self-draining may be achieved by constructing the ductwork on a suitable grade. Where ductwork must pass through a water-tight wall or floor below the relevant flood level, a closure assembly operated from above relevant flood level should protect the ductwork.



1 GROUND 1:100

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DRAWING ORIGINAL SIZE: A1

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N

Project: 232-240 Elizabeth Street, Surry Hills
Site: 232-240 Elizabeth Street, Sydney NSW
Client: STASIA PTY LIMITED

Scale:	Drawn By:	Checked 1:	Checked 2:	Approved:
1:100 @ A1	AF	AF	LE	

Architect:
Candalepas Associates
Registration No. NSW 5773
Registration No. VIC 17978
Registration No. WA 2405
Registration No. ACT 2603
Registration No. QLD 5463
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PRELIMINARY
NOT FOR CONSTRUCTION - DESIGN INTENT ONLY

Drawing:	Job Number:
GROUND	5968
Drawing Number:	Issue:
PP 1004	P10

Print Date: Thursday, 20 July 2023 9:56 AM

MGA

EIGHT STOREYED
BRICK BUILDING
WITH GROUND LEVEL CARPARKING
No.82-84

SP 73550

SIX STOREYED
BRICK BUILDING
METAL ROOF
No. 62 - 68

SP 58647

NINE STOREYED
BRICK BUILDING
GROUND FLOOR RETAIL
UPPER FLOORS RESIDENTIAL
No. 230

SP 58635

SP 1379
TOTAL SITE AREA: 905.6m²

LOT 1 & 2
DP 779385

DP 779385

DP 1094653

FOSTER LANE

WRIGHT LANE

RESERVOIR STREET

FOSTER STREET

ELIZABETH STREET

393

177°56'05" 6.390

90°11'10" 2.295

358°05'40" 2.89

91°12'35" 1.78

179°26'20" 7.030

86°21'20" 5.740

172°58'45" 17.145

86°20'10" 21.715

359°18'00" 29.755

263°19'10" 33.64

E 334387.895
N 6249574.988

E 334354.269
N 6249575.898

1420
11.045
PM 58386

10.89
PM 150305

LEGEND

- D-DIAMETER
- S-SPREAD
- H-HEIGHT
- (IO) INSPECTION OPENING
- LIGHT POLE
- SIGN
- STORMWATER PIT
- SEWER MANHOLE
- POWER POLE
- (TG) TOP GUTTER
- SPOT HEIGHT
- (FL) FLOOR LEVEL
- (TW/TF) TOP WALL/TOP FENCE
- (THR) TOP HAND RAIL
- VALVE

PATH
TOP OF KERB
WINDOW
BUILDING
FENCE
BOUNDARY
WALL/FENCE
POWERLINE

0 SCALE (m) 5

AMENDMENTS:

MGA COORDINATES ADDED TO 2 CORNERS ALONG RESERVOIR ST FRONTAGE 26 MAR 2014

POSITION OF IMPROVEMENTS RELATIVE TO BOUNDARIES ARE SHOWN DIAGRAMMATICALLY AND HAVE BEEN SURVEYED FOR DA PURPOSES ONLY.
ALL BOUNDARY DIMENSIONS & AREA HAVE BEEN COMPILED FROM TITLE INFORMATION ONLY AND ARE SUBJECT TO FINAL SURVEY.
THE POSITION AND LEVELS OF ADJOINING BUILDINGS, WINDOWS, RIDGE, GUTTERS AND TREES HAVE BEEN SURVEYED REMOTELY.
NO INVESTIGATION OF UNDERGROUND SERVICES HAS BEEN MADE. RELEVANT AUTHORITIES ARE TO BE NOTIFIED PRIOR TO ANY DEVELOPMENT.
SERVICES SHOWN HEREON HAVE BEEN DETERMINED FROM VISUAL EVIDENCE ONLY.
AUSTRALIAN HEIGHT DATUM WAS ESTABLISHED FROM PM 150305 (RL 10.888) AHD.
IT IS ADVISED, FOR CONSTRUCTION WORKS NEAR BOUNDARIES, THAT BOUNDARIES BE MARKED ON THE GROUND PRIOR TO CONSTRUCTION.
THE BOUNDARY DIMENSIONS ON THIS PLAN HAVE BEEN COMPILED FROM LAND TITLES OFFICE PLAN SP1379 AND DP779385.

ERIC SCERRI & ASSOCIATES PTY LTD
LAND SURVEY CONSULTANTS
P.O. BOX 3018 TAMARAMA 2026
Ph (02) 9386 4161 Mob: 0417 452 852 Fax: (02) 9386 4171
email: scerri56@tpg.com.au

CLIENT:	ROLAND BLOCH C/- TRIBE STUDIO	SURVEYED: SH/MB	SCALE: A1@1:100
PLAN SHOWING:	DETAIL & LEVEL SURVEY	DRAWN: MB	PLAN REFERENCE: 2332/14
PROPERTY:	232 - 240 ELIZABETH STREET SURRY HILLS	DATUM: AHD	DATE OF SURVEY: 13/01/14
LGA:	SYDNEY	TOTAL SITE AREA: 905.6m²	SHEET 1 OF 1

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Attachment A8

Oviform Sewer Investigation

24 March 2023
5968

Ms Sally Peters
Manager,
Central Sydney Planning, Strategic Planning & Urban Design
City of Sydney
Town Hall House
Level 2, 456 Kent Street
Sydney 2000

Dear Ms Peters,

Re: 232-240 Elizabeth Street ("the Property")
Planning Proposal – Oviform Sewer Investigations

We write on behalf of *Stasia,* owners of the property at 232-240 Elizabeth Street to detail investigations into the Oviform Sewer as part of the Planning Proposal for the site.

Refer to the enclosed "**Appendix A - Sydney Water Assets – Approvals Programme"**. This document has been prepared by Candalepas Associates to discuss with the City of Sydney the most appropriate Sewer investigation milestones to be completed for each stage of the project. The attached document details the investigations to date that have been included in the planning proposal documents. These investigations into the sewer include:

/ Review of previously Approval Stage 1 DA (with special regard to sewer interaction and Sydney Water Comments).
/ Review of Detailed Survey, with centre line of Sewer mapped and included on plans.
/ Review of Heritage Maps and GIS Maps of the Site and Sewer.
/ Review of Sydney Water Specialist Engineering Assessment Guidelines dated 19/02/2021 Doc No.D0001870.
/ Sydney Water Tap In Search.
/ Incorporation of Sydney Water 'Minimum Clearance to Building Works' into reference scheme plans (Guidelines dated 19/02/2021 Doc No.D0001870)
/ Preliminary Engagement with a Sydney Water Services Coordinator for next steps and SEA requirements.

Noting that the site is required to undergo a design excellence process we propose that the most appropriate stage to complete the Specialist Engineering Assessment 'SEA' would be following the design excellence competition at the Detailed DA stage as Conditions of the Consent. During the detailed DA stage, specialist reporting and design would be able to be undertaken to reflect the competition winning scheme. These documents would include items to be included in the SEA submission and would include:

/ Detailed Geotechnical Investigations and Report including Finite Modelling Assessment
/ Detailed Structural Engineering including Footing Design and Shoring Details
/ Detailed Survey of the Asset
/ Dilapidation Investigations
/ Detailed Architectural Drawings including coordination with the consultant team and findings of specialist SEA reporting.

Please telephone the undersigned without hesitation if anything requires further clarification.

Yours faithfully,
CANDALEPAS ASSOCIATES

Lewis Evans
Associate

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Angelo Candalepas &
Associates NGVC Team
Pty Limited
ABN 97 657 663 593

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Nominated Architect
Angelo Candalepas
NSW 5773
VIC 17978
WA 2405
ACT 2603
QLD 5463

	Oviform Sewer - Specialist Engineering Assessment 'SEA'	PROJECT COMMENCEMENT
	& 'Out of Scope' Building Plan Approval	
CLIENT	**Stasia**	
PROJECT	**232-240 Elizabeth Street**	
JOB NO	**5968**	
DATE	**Friday, 24 March 2023**	
ISSUE P1	**FOR REVIEW / COMMENT**	

Sydney Water Assets - Approvals Programme

1	**Stage 1**	
1.1	Review of Approved Stage 1 DA + Proposed Sewer Interaction	Sketch Design
1.2	Review of Detailed Survey, with Centre line of Sewer Mapped	Sketch Design
1.3	Obtain Hertiage Maps and GIS Maps of the Site and Sewer	Sketch Design
1.4	Review Sydney Water Speciliast Engineering Assessment Guidelines dated 19/02/2021 Doc No. D0001870	Planning Proposal
1.5	Sydney Water Tap In Search	Planning Proposal
1.6	Incorporate Sydney Water 'Minimum Clearance to Building Works' into reference scheme plans	Design Excellence Competition
1.7	Engagement With Sydney Water Services Coordinator	Planning Proposal
2	**Stage 2**	
2.1	Sydney Water Tap In Online Assessment	Detailed Development Application
3	**Stage 3**	
3.1	Water Services Coordinator to provide Service Protection Report.	Detailed Development Application
3.2	Water Services Coordinator to write detailed brief for : Surveyour, Structural Engineer, Geotechnical Engineer	Detailed Development Application
3.3	Detailed Geotechnical Report including finite modelling assessment	Detailed Development Application
3.4	Detailed Structural Engineering report including footing and shoring design details	Detailed Development Application
3.5	Surveyour to conduct physical survey on site - test excavation will need to be undertaken.	Development Application Conditions
3.6	Instrumentation and Monitoring Plans	Detailed Development Application
3.7	Work Method Statement (WMS) Describing Construction activites	Detailed Development Application
3.8	Contingency Plans describing the acitivites required in the event of an incident to mitigate damage to Sydney Water Assests.	Detailed Development Application
	Stage 4	
4.1	Sydney Water SEA submission	Development Application Conditions
4.2	Sydney Water Assessment charge for 'Out of Scope'	Development Application Conditions
4.3	Sydney Water Referral and Processing to Water Services Coordinator. Allow 2 months for Sydney Water review and requirement response.	Development Application Conditions
4.4	Response to conditions or requirements as required.	Development Application Conditions
5	**Stage 5**	
5.1	Sydney Water 'Out of Scope' Building Plan Application and Approval	Construction Certificate; Construction Documentation
6	**Stage 6**	
6.1	Pre Construction Condition Assessment	Construction Stage
6.2	Concrete Encasement Inspection and Issue of Certificate	Construction Stage
6.3	Pier validation inspection and Issue Certificate	Construction Stage
6.4	Submission of final package to Sydney Water Upon completion of all conditions	Occupation Certificate

Attachment A9

Archaeological Assessment

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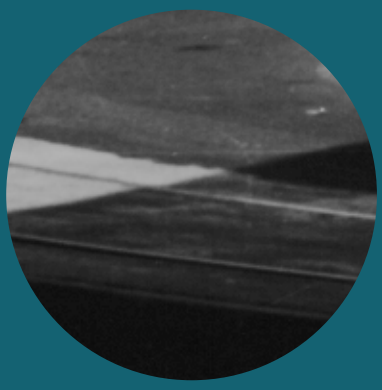

232-240 Elizabeth Street, Surry Hills

Preliminary Archaeological Assessment including Aboriginal Due Diligence

Document Information

Citation

Curio Projects 2022, *232-240 Elizabeth Street, Surry Hills Preliminary Archaeological Assessment including Aboriginal Due Diligence Assessment*, report prepared for Candalepas Associates on behalf of Stasia Holdings Pty Limited.

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Local Government Area

City of Sydney Council

Issue	Issue date	Version	Notes/Comments	Author	Review
1	31 October, 2022	Draft Report	Client Review	Alex Thorn Marika Low	Sarah McGuinness James Rongen-Hall
2	10 November, 2022	Final Report		Alex Thorn Marika Low	Sarah McGuinness James Rongen-Hall

This report has been prepared based on research by Curio Projects specialists. Historical sources and reference material used in the preparation of this report are acknowledged and referenced at the end of each section and in figure captions.

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5 Blackfriars Street
Chippendale NSW 2008

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Executive Summary

Curio Projects Pty Ltd have been commissioned by Candalepas Associates on behalf of Stasia Holdings Pty Limited to prepare a Preliminary Archaeological Assessment (AA) report including Aboriginal Objects Due Diligence Assessment (DD) to inform a Planning Proposal for 232-240 Elizabeth Street, Surry Hills, NSW (the 'study area').

This planning proposal seeks consent to increase the Floor Space Ratio (FSR) for future construction in the study area. No physical works will be undertaken as part of this planning proposal. The indicative design included in the proposal is concerned with the intended future development of the study area involving a 3 storey basement which includes potentially impacting potential archaeological resources.

The purpose of this combined AA and DD is to to identify whether or not Aboriginal cultural heritage site(s) or objects and/or significant non-Aboriginal archaeological resources are likely to be present within the study area, and whether or not the proposed works would be likely to harm these archaeological resources (if present).

Conclusions and Recommendations

Aboriginal Heritage and Archaeology

- There are no registered Aboriginal objects and/or sites located within or directly adjacent to the study area.
- The study area is recognised to be situated within an area which formerly had a creek adjacent and would have had access to swamplands and their associated resources. Furthermore, the study area is understood to be located within an area that was known to have been utilised by past Aboriginal groups.
- Past land-use practices within the study area have likely resulted in the removal of the upper portion of natural soils. However, deeper, less disturbed soil deposits associated with the Deep Creek and Lucas Heights residual soil landscape units retain the potential to preserve Aboriginal archaeological resources. If present, archaeological deposits within the study area would have the potential to contribute important information on the pre-contact and post-contact Aboriginal occupation of the study area and Sydney region more broadly.
- The deeper, undisturbed soils under existing structures and below existing disturbance associated with historical land use is assessed as being of moderate Aboriginal archaeological potential.
- The potential future works as outlined in the indicative design, particularly in relation to the construction of the basement car park, have the potential to impact natural soil profiles, and thus Aboriginal archaeological deposits in this area if present. The nature and extent of sub-surface archaeological deposits, however, remains unknown.

The following recommendations have been made in accordance with the above conclusions and are to guide the future intended development of the study area, which will be subject to a subsequent Development Application.

Recommendation 1: Further Aboriginal heritage assessment and investigation:

Due to the moderate potential for Aboriginal objects to be preserved within soil profiles below existing land disturbance it is recommended that an ACHA including consultation with relevant Aboriginal stakeholders be completed to investigate, assess and manage both tangible and intangible Aboriginal cultural heritage resources within the study area prior to any future development of the study area. This further assessment must be completed in accordance with relevant Heritage NSW statutory guidelines.

Consultation with relevant Aboriginal stakeholders must be undertaken in accordance with *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

As part of this further assessment, a program of Aboriginal archaeological testing in association with the Registered Aboriginal Parties (RAPs) should be undertaken prior to bulk excavation and construction of the underground car park and in all areas where the natural ground surface will be disturbed. Due to the nature of the study area as a developed urban site with potential for historical archaeology test excavation under the Code of Practice, will not be possible. In this instance, any future Aboriginal archaeological test excavation at the study area would require approval under a s90 Aboriginal Heritage Impact Permit (AHIP).

Recommendation 2: Aboriginal cultural heritage induction:

At the time of any future redevelopment of the site, a site induction should be provided to all employees/contractors engaged on the redevelopment of the study area. The induction material should include an overview of the types of sites to be aware of (i.e., artefact scatters or concentrations of shells that could be middens), obligations under the NPW Act, and the requirements of an archaeological finds' procedure.

Non-Aboriginal Archaeology

The study area is not listed on the SHR, located within a SHR curtilage, an individually listed item or within a Heritage Conservation Area on the City of Sydney LEP 2012 or any other statutory heritage registers.

All properties within the study area were listed as areas of Archaeological Potential (AAP) on the Sydney Archaeological Zoning Plan for Central Sydney 1992 (AZP).

- The study area has been subject to five post-1788 land use and development phases:
    - Phase 1: 1788-c.1807 Brickfields and farming
    - Phase 2: c.1807-c.1843 Subdivisions and potential usage
    - Phase 3: c.1844-c.1879 Domestic residences
    - Phase 4: c.1879-c.1920 Commercial and residential occupation
    - Phase 5: 1920s to present Commercial and residential occupation and extensive internal and external modifications and extensions

- This Assessment has found that the study area has the following non-Aboriginal archaeological potential and significance:
    - Phase 1: nil to low potential to contain archaeological resources associated with Phase 1 occupation such as farming, land clearing and brickmaking activities. If encountered, archaeological remains associated with brickmaking would have historic and research significance at a local level
    - Phase 2: nil to low potential to contain archaeological resources associated with Phase 2 occupation such as informal structures. If encountered, these remains may meet the threshold for historical and research significance at a local level.
    - Phase 3: low potential for underfloor deposits associated with the early building structures and low to moderate potential for former yard surfaces, outbuildings, water closets and potentially cesspits associated with Phase 3 occupation.
        - Artefact bearing assemblages in the form of Phase 3 refuse pits or cesspit deposits (associated with Water Closets) may have historical significance and research value at a local level for their ability to inform our understanding of living conditions and consumer habits of the mid to late 19th century residents and commercial tenants in the study area. If found, they would be considered 'relics' under the Heritage Act.
        - Structural remains of Phase 3 buildings and ancillary structures not associated with *in situ* artefact bearing deposits may reach the threshold of local or State significance dependent on rarity, condition and level of intactness.
    - Phase 4: low to moderate potential for former yard surfaces, outbuildings, water closets and potentially cesspits associated with Phase 4 occupation.
        - Artefact bearing assemblages in the form of Phase 4 refuse pits of cesspit deposits (associated with Water Closets) may have historical significance and research value at a local level for their ability to inform our understanding of living conditions and consumer habits of the late 19th and early 20th century residents and commercial tenants in the study area. If found, they would be considered 'relics' under the Heritage Act.
        - Structural evidence of Phase 4 occupation not associated with artefact bearing deposits would not likely reach the threshold of local or State significance

The following recommendations refer to non-Aboriginal archaeology only. They have been made in accordance with the above conclusions and are to guide the future intended development of the study area, which will be subject to a subsequent Development Application.

- As subsurface excavations are proposed in areas that have low-moderate potential to contain archaeological resources that may contain historical and research significance at a local level, it is recommended that archaeological management in the form of monitoring, test or salvage excavations be carried out under a *s139(4) excavation permit exception* or an approved *s140 excavation permit*.

- ***s139(4) excavation permit exception***: A *s139(4) excavation permit exception* allows for archaeological test excavations under Exception 2(d) or monitoring under Exception 2(e) to confirm the presence of significant archaeological resources. However, it does not permit the removal of, or impact to, archaeological 'relics' of local or State significance as defined by the Heritage Act. Impacts to 'relics' are only permitted under a *s140 excavation permit* (see below). While no application is required for a *s139(4) excavation exception;* an Archaeological Research Design (ARD) and Archaeological Work Method Statement must be prepared prior to works commencing and used to guide the archaeological program. Investigations must be carried out by a qualified archaeologist.
- ***s140 excavation permit***: A *s140 excavation permit application* can be submitted to Heritage NSW for archaeological testing, monitoring and salvage, and if approved, allows for the removal of 'relics' or local or State significance as defined by the Heritage Act. The application must be accompanied by an ARD and Excavation Methodology and investigations must be supervised by a Heritage NSW approved Excavation Director.

- Where excavations are proposed outside of areas assessed as having archaeological potential works may proceed under an Unexpected Finds Procedure.
- If unexpected archaeological finds not addressed in this report or any future ARD for the project are encountered during the construction program, all excavation activities must cease in the area and a qualified archaeologist engaged to assess the nature and significance of the remains. If assessed as a 'relic' a *s146 Notification of discovery of relic* would be prepared and submitted to Heritage NSW and appropriate management of the remains developed in consultation with Podia and Heritage NSW.
- Depending on findings from the recommended ACHAR, non-Aboriginal archaeological management should be designed in association with any proposed Aboriginal heritage management for the project.
- A digital copy of this report and any future archaeological reports associated with the project should be submitted to the Heritage NSW Library and City of Sydney Council for their records.

1. Introduction

1. 1. Introduction

1.1. Background and purpose of this Report

Curio Projects Pty Ltd (Curio) have been commissioned by Candalepas and Associates on behalf of Stasia Holdings Pty Limited to prepare a Preliminary Archaeological Assessment including an Aboriginal Objects Due Diligence Assessment (DD) to inform a planning proposal for 232-240 Elizabeth Street, Surry Hills ('the study area').

The proposed development of the study area as outlined in the indicative design accompanying the Planning Proposal will include the demolition of the existing Elizabeth Street and Reservoir Street buildings and the construction of a new building element fronting Elizabeth Street and Reservoir Street with rear access via Foster Lane, and the construction of a basement car park.

The planning proposal seeks to amend the Sydney LEP 2012 to increase the maximum floor space ratio control for this development from 5.1 up to 7.27.1.[1]

The purpose of this combined AA and DD is to to identify whether or not Aboriginal cultural heritage site(s) or objects and/or significant non-Aboriginal archaeological resources are likely to be present within the study area, and whether or not the proposed works would be likely to harm these archaeological resources (if present).

The results of this combined assessment will determine whether the proposed activities would require consent in the form of an Aboriginal Heritage Impact Permit (AHIP) or not in accordance with Section 90 of the *NSW National Parks and Wildlife Act 1974* (NPW Act) and/or a Section (s) 139 excavation exception or s140 excavation permit or not in accordance with the *NSW Heritage Act 1977* (Heritage Act).

This report has been prepared with reference to the following documents:

- *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (the Due Diligence Code of Practice). Department of Environment, Climate Change and Water (DECCW), 2010.
- *Australia ICOMOS Charter for Places of Cultural Significance, The Burra Charter*, (Burra Charter) Australia ICOMOS, 2013.
- *City of Sydney Local Environmental Plan* (LEP) 2012.
- *City of Sydney Development Control Plan* (DCP) 2012.
- *Historical Archaeology Code of Practice.* NSW Heritage Office, 2006.
- *Assessing Significance for Historical Archaeological Sites and Relics.* NSW Heritage Branch, Dept. of Planning, 2009.
- Heritage 21 2016, *Statement of Heritage Impact: Proposed Development at 232-240 Elizabeth Street, Surry Hills*, August 2016.
- Candalepas Associates 2022, *Design Proposition Report for Consideration by City of Sydney Council*, July 2022
- Candalepas Associates 2022, *Urban Design Report (Draft)*, prepared on behalf of Stasia Pty Ltd, Nov 2022.
- Candalepas Associates 2022, *Architectural Drawings Extract from Urban Design Report (Draft)*, prepared on behalf of Stasia Pty Ltd, Nov 2022.

[1] City of Sydney, 2022, Correspondence to Candalepas Associates, 26 May 2022.

- Austral Archaeology, 1999, *Baseline Archaeological Assessment of 238-240 Elizabeth Street, Surry Hills*, report prepared for Joshua Farkash and Associates Pty Ltd Architects, Jan 1999.

1.2. The Study Area

The study area is located at 232-240 Elizabeth Street Surry Hills, 2010 and is comprised of:

- 232-236A Elizabeth Street (SP1379) and
- 238-240 Elizabeth Street (Lots 1 & 2 DP779385 and Lot 1, DP664653)

The study area is positioned on the corner of Elizabeth Street and Reservoir Street and bound by 230 Elizabeth Street to the north and accessible from Foster Lane to the north east (Figure 1-1). The combined site area is approximately 905m2. The study area is situated within City of Sydney Local Government Area (LGA) in the Parish of Alexandria, County of Cumberland and within the boundaries of the Metropolitan Local Aboriginal Land Council (LALC).

At present the study area consists of several 1-3 storey buildings and is occupied by multiple tenancies including a laundromat, convenience store, backpackers accommodation, several restaurants and an art gallery (Figure 1-2 to Figure 1-4).

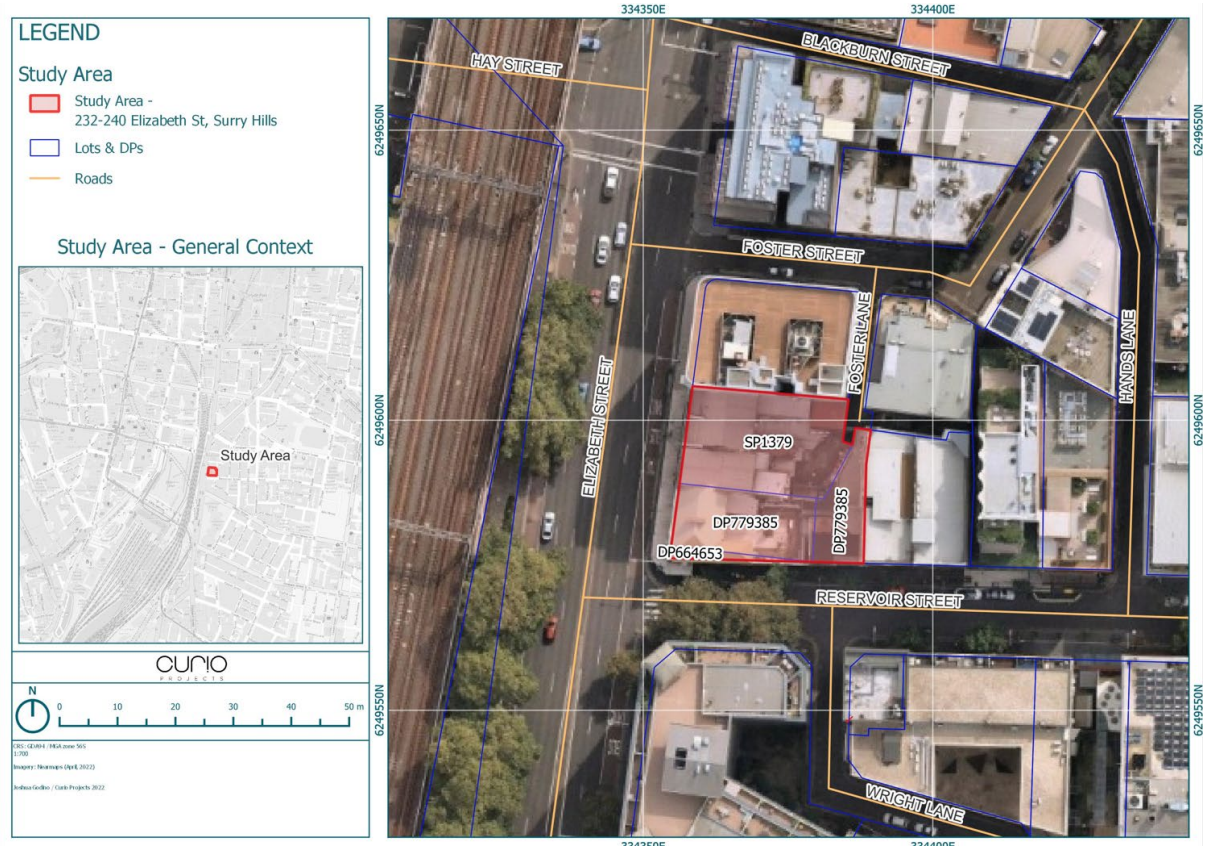

Figure 1-1: Location of the study area outlined in red (Source: Curio 2022)



Figure 1-2: Elizabeth Street frontage (Source: Curio Projects Oct 2022)



Figure 1-3: Reservoir Street frontage (Source: Curio Projects Oct 2022)



Figure 1-4: Foster Lane (Source: Curio Projects Oct 2022)

1.3. Overview of the Proposed Development

The proposed development of the study area as described in the indicative design accompanying the planning proposal includes the demolition of existing buildings within the study area and the construction of a new building fronting Elizabeth Street, Reservoir Street and Foster Lane, and the construction of a basement car park and associated works. The following will be undertaken as part of the development:

- Demolition of existing fabric
- Construction of a nine (9) storey building in the study area
- End of trip facilities across one (1) basement level
- Car parking across two (2) basement levels accessed via Reservoir Street
- A through-site link from Reservoir Street to Foster Lane
- Roof top terrace

Previous Development Applications

A Stage 1 Concept Development Application (DA) (D/2016/1451) (Figure 1-5) was approved by the NSW Land and Environment Court on 21 July 2017 for the demolition of the existing buildings in the study area and the construction of a mixed-use building containing retail, residential and hotel uses with a 2-level basement carpark.

The application was modified removing 1 level of the basement carpark and adding ground level bike parking. This application (D/2016/1451/A) was approved on 25 November 2020.

A 1999 development proposal for 238-240 Elizabeth Street consisted of a six-storey residential building.[2] (Figure 1-6).



Figure 1-5: D/2016/1451 Design (MHN Design Union)

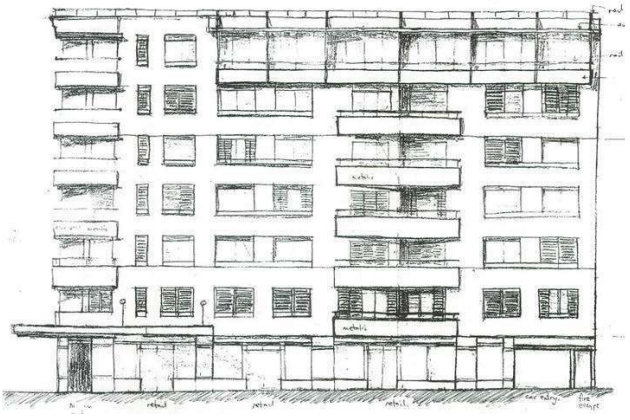

Figure 1-6: 1999 development proposal (Joshua Farkash & Associates)

[2] Austral Archaeology, 1999. *Baseline Archaeological Assessment of 238-240 Elizabeth Street, Surry Hills*, report prepared for Joshua Farkash & Associates Pty Ltd, p. 1.

1.4. Previous Reports

Previous heritage reports on the study area include:

- Heritage 21, 2016. *Statement of Heritage Impact: Proposed Development at 232-240 Elizabeth Street, Surry Hills*, prepared on behalf of Patglen Pty Ltd to accompany a Stage 1 DA, August 2016.
- Austral Archaeology, 1999. *Baseline Archaeological Assessment of 238-240 Elizabeth Street, Surry Hills*, report prepared for Joshua Farkash & Associates Pty Ltd.

These heritage assessments were considered in the development of the current report.

1.5. Limitations & Constraints

This report is a preliminary desktop assessment of environmental, Aboriginal archaeological and non-Aboriginal archaeological potential only. A site inspection took place on 27 October 2022, although sections of the study area were not accessible at the time due to resident occupation and business opening hours. The study area is completely covered with structures and concrete. No consultation with the local Aboriginal community has been undertaken as part of this assessment, and therefore no social or cultural assessment of Aboriginal heritage values has been undertaken at this time.

1.6. Authorship

This report has been prepared by Alex Thorn (Archaeologist and Heritage Specialist) and Marika Low (Archaeologist), reviewed by Sarah McGuiness, Senior Archaeologist and James Rongen-Hall, Director, Projects and Engagement, of Curio Projects. Mapping was prepared by Joshua Godino, GIS Specialist, of Curio Projects.

2. Statutory Context

2. Statutory Context

In NSW, heritage items and known or potential archaeological resources are afforded statutory protection under the:

- National Parks and Wildlife Act 1974 (NSW) (NPW Act);
- Environmental Planning and Assessment Act 1979 (NSW) (EPA Act); and
- Heritage Act 1977 (NSW) (Heritage Act);

In NSW Aboriginal cultural heritage is governed by the National Parks and Wildlife Act 1974 (NSW) (NPW Act); and the Environmental Planning and Assessment Act 1979 (NSW) (EPA Act) whilst Historical archaeology is governed by the Heritage Act 1977 and the Environmental Planning and Assessment Act 1979 (NSW) (EPA Act).

There are further planning policies and controls that provide a non-statutory role in the protection of environmental heritage. These include Development Control Plans for each local Council area.

2.1. National Parks and Wildlife Act (NSW) 1974[3]

The NPW Act, administered by the Aboriginal Heritage Regulation Section, Heritage NSW, of the NSW Department of Premier and Cabinet (DPC) (formerly known as the Office of Environment and Heritage – OEH), is the primary legislation that provides statutory protection for all 'Aboriginal objects' (Part 6, Section 90) and 'Aboriginal Places' (Part 6, Section 84) within NSW.

An Aboriginal object is defined through the NPW Act as:

> *"any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains."*

The NPW Act provides the definition of 'harm' to Aboriginal objects and places as:

> *"...any act or omission that:*
>
> *(a) Destroys, defaces or damages the object or place, or*
>
> *(b) In relation to an object – moves object from the land on which it had been situated, or*
>
> *(c) Is specified by the regulations, or*
>
> *(d) Causes or permits the object or place to be harmed in a manner referred to in paragraph (a), (b), or (c)*

The NPW Act also establishes penalties for 'harm' to Aboriginal objects and declared Aboriginal places, as well as defences and exemptions for harm. One of the main defences against the harming of Aboriginal objects and cultural material is to seek an Aboriginal Heritage Impact Permit (AHIP)

[3] National Parks and Wildlife Act 1974 No 80, accessed Oct 2022, <https://legislation.nsw.gov.au/view/html/inforce/current/act-1974-080 >

under Section 90 of the NPW Act, under which disturbance to Aboriginal objects could be undertaken, in accordance with the requirements of an approved AHIP.

There are no gazetted Aboriginal Places in the study area.

All Aboriginal Objects and Places are protected under the NPW Act, whether they are recorded or not.

2.2. Native Title Act 1993

The Native Title Act 1993 provides the legislative framework to recognize and protect native title, which recognises the traditional rights and interests to land and waters of Aboriginal and Torres Strait Islander people. Under the Native Title Act, native title claimants can make an application to the Federal Court to have their native title recognised by Australian Law.

A search of the National Native Title Tribunal[4] was conducted on 26 October 2022 and there were no native title claims or determinations in place for the study area.

2.3. Heritage NSW (former OEH) Guidelines

In order to best implement and administer the protection afforded to Aboriginal objects and places as through the NPW and EP&A Acts, the (former) NSW Office of Environment and Heritage (now part of Heritage NSW) have prepared a series of guidelines with regards to Aboriginal heritage. These guidelines are designed to assist developers, landowners and archaeologists to better understand their statutory obligations with regard to Aboriginal heritage in NSW and implements best practice policies into their investigation of Aboriginal heritage values and archaeology in relation to their land and/or development. These guidelines include:

- DECCW 2010a, *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (the Due Diligence Code of Practice)
- OEH 2011a, *Guide to Investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW* (the Guide to Investigating)
- DECCW 2010b, *Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales* (the Code of Practice)
- DECCW 2010c, *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (the Consultation Guidelines)
- OEH 2011b, *Applying for an Aboriginal Heritage Impact Permit, Guide for Applicants.*[5]

The purpose of the Due Diligence Code of Practice is to 'assist individuals and organisations to exercise due diligence when carrying out activities that may harm Aboriginal objects and to determine whether they should apply for consent in the form of an AHIP'. This current report has been prepared in accordance with the Due Diligence Code of Practice.

---

[4] National Native Title Tribunal, *NNTT Registers and Databases*, http://www.nntt.gov.au/searchRegApps/Pages/default.aspx

[5] All available from Heritage NSW, *Aboriginal cultural heritage publications,* < https://www.heritage.nsw.gov.au/search-for-heritage/publications-and-resources/aboriginal-cultural-heritage-publications/>

Due Diligence Assessment Process

The Due Diligence Assessment process (in accordance with the Due Diligence Code of Practice guidelines) (Figure 2-1) is a step by step process that provides proponents with a reasonable method to follow to determine whether their proposed activity has the potential to harm Aboriginal objects, and to identify reasonable constraints and opportunities of the activity, relating to Aboriginal heritage in the activity location. The primary steps of the Due Diligence process are:

- Step 1 – Determine whether the activity will disturb the ground surface or any cultural modified trees.
- Step 2a – Database Search of the OEH Aboriginal Heritage Information Management Services (AHIMS), and other known sources to determine whether any registered sites are located within/near the study area.
- Step 2b – Environmental and Landscape Assessment.
- Step 3 – Impact Avoidance Assessment.
- Step 4 – Desktop Assessment and Visual Inspection.

Following this process, should the assessment determine that Aboriginal objects are likely to be present and have potential to be impacted, the Due Diligence Code of Practice advises further investigation and impact assessment (Step 5). Should the assessment determine that Aboriginal objects are unlikely to be present/unlikely to be harmed through the proposed activity, then the activity may proceed with caution.

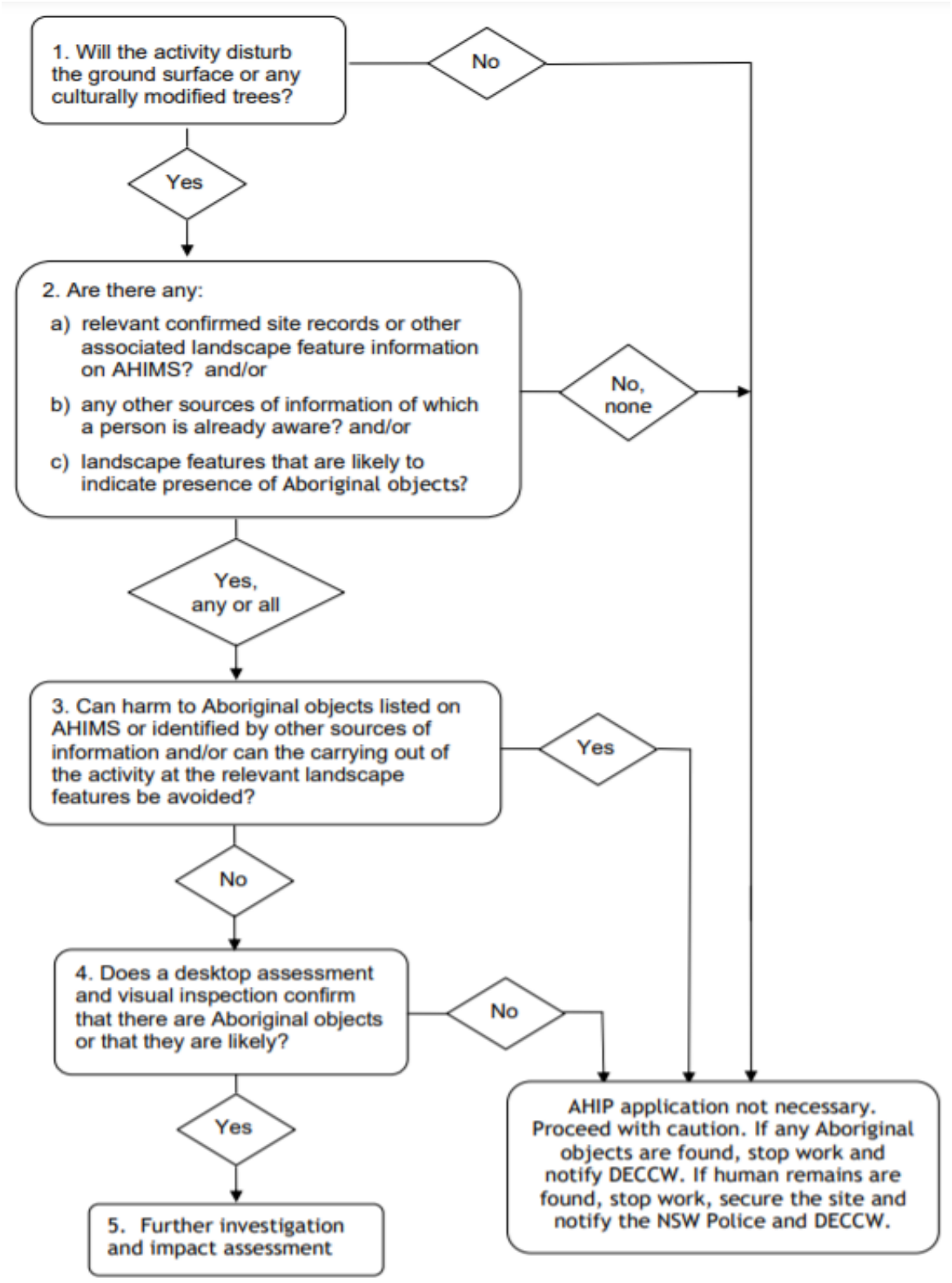

Figure 2-1: Outline of the Due Diligence process (Source: OEH 2010).

2.4. Heritage Act (NSW) 1977

In NSW, heritage items are afforded statutory protection under the Heritage Act. Heritage places and items of importance to the people of NSW are listed on the NSW State Heritage Register (SHR) and may include Aboriginal and Non-Aboriginal listings.

The Heritage Act defines a heritage item as a 'place, building, work, relic, moveable object or precinct'. The Heritage Act is responsible for the conservation and regulation of impacts to items of State heritage significance, with 'State Heritage Significance' defined as being of 'significance to the state in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item'.

Excavation permits are issued by the Heritage Council of NSW, or its Delegate, under s140 of the Heritage Act for relics not listed on the SHR or under Section 60 for relics listed on the SHR. An application for an excavation permit must be supported by an Archaeological Research Design and Archaeological Assessment prepared in accordance with the Heritage NSW archaeological guidelines. Minor works that will have a minimal impact on archaeological relics may be granted an exception under s139 (4) (items not on the SHR) or an exemption under s57 (2) (items on the SHR) of the Heritage Act.

State Heritage Register

The SHR was established under Section 22 of the Heritage Act in 1977 and is encompassed by a list of places, objects, and archaeological sites of particular importance to the people of NSW. It is administered by the NSW Heritage, DPC and includes a diverse range of over 1,500 items, in both private and public ownership.

No items listed on the SHR are within the study area.

Two Items are located proximal to the study area, The first is the *Sydney Terminal and Central Railways Group* (Listing 01255, gazetted 2 April 1999) [6] which is located directly west of the study area. The SHR curtilage for the listing does not extend to the study area (Figure 2-3). The second is *Sharpies Golf House Sign* (Listing #01655, gazetted 1 Nov 2002) [7] which was located north of the study area on the corner of Elizabeth and Blackburn Streets (Figure 2-2) prior to its removal and donation to the Museum of Applied Arts and Sciences. These items are listed in Table 2-1 with details of these items including their statements of significance included as Appendix C

Table 2-1: SHR items proximal to the study area

Item	Significance	Listing No.
Sydney Terminal and Central Railway Stations Group	State	01255
Sharpies Golf House Sign	State	01655

[6] NSW State Heritage Inventory, *Sydney Terminal and Central Railway Stations Group*, State Listing, accessed Oct 2022.
[7] NSW State Heritage Inventory, *Sharpies Golf House Sign (The Golf House)*, State Listing, accessed Oct 2022.



Figure 2-2: Study area and surrounds, SHR items in blue, study area outlined in turquoise (Source: SHI Map with Curio additions)

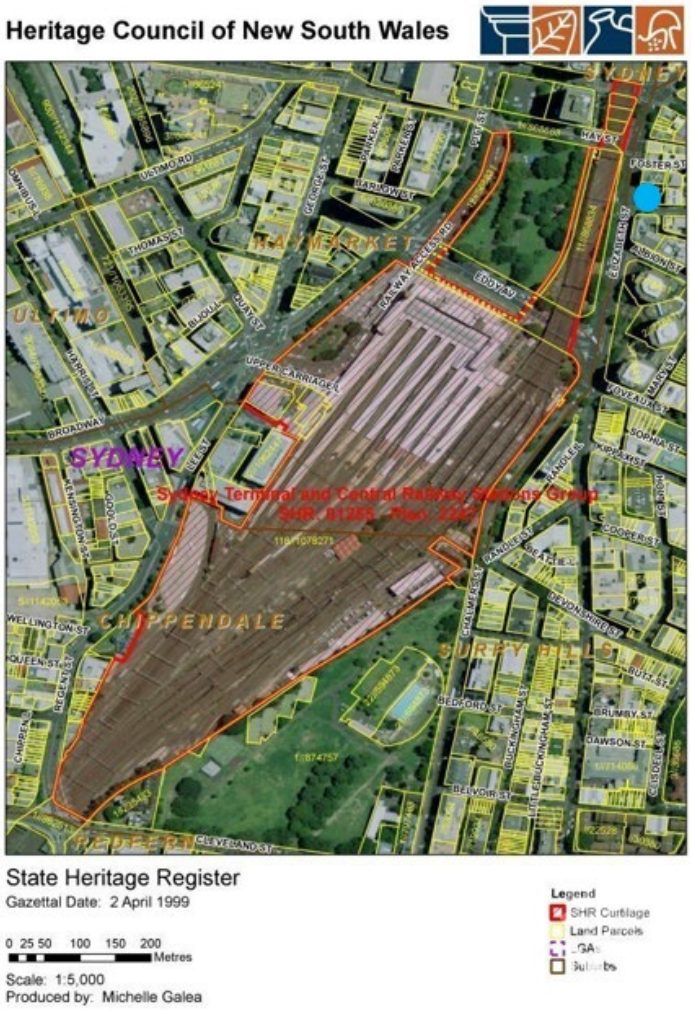

Figure 2-3: SHR Curtilage for *Sydney Terminal and Central Railway Stations Group* , location of study area indicated by blue dot (Source: SHI Website with Curio additions)

Section 170 Heritage and Conservation Register

Government Agencies are required to keep a register of heritage items that they own, occupy, and manage in accordance with Section 170 of the Heritage Act. This is known as a Heritage and Conservation Register, commonly referred to as a Section 170 (s170) Register. The agencies are required to identify, conserve, and manage the heritage assets included on this register.

No items listed on the s170 Heritage Conservation Register are within the study area.

2.5. Environmental Planning and Assessment Act (NSW) 1979

The NSW Department of Planning and Environment (DPE) administers the EP&A Act, which provides the legislative context for environmental planning instruments to be made to legislate and guide and the process of development and land use. The EP&A Act is an 'Act to institute a system of environmental planning and assessment for the state of NSW'. The EP&A Act establishes the framework for assessing cultural heritage values in the context of land use planning and development consent processes and requires that impacts, including impacts on heritage items, be considered prior to land development.

Local governments are also required under the EP&A Act to prepare planning instruments such as LEPs in accordance with the principles of the legislation to provide guidance on the level of environmental assessment required. Local heritage items, including known archaeological items, identified Aboriginal Places and heritage conservation areas are protected through listings on LEPs or Regional Environmental Plans (REPs). The EP&A Act also requires that potential Aboriginal and historical archaeological resources be adequately assessed and considered as part of the development process, in accordance with the requirements of the Heritage Act.

2.6. Sydney Local Environmental Plan (LEP) 2012

The Sydney LEP 2012 provides local environmental planning provisions for land within the City of Sydney LGA. Clause 5.10 of the Sydney LEP (2012) outlines the controls for heritage conservation including the conservation of Aboriginal objects, Aboriginal places of heritage significance, built heritage and archaeological sites.

No items listed on the Sydney LEP are within the study area.

The study area is not located within a Heritage Conservation Area (HCA).

Items of local significance and heritage conservation areas located in the proximity of the study area are listed below in Table 2-2. The closest items being Belmore Park[8] and the Central Station Railway Group[9] located directly west of the study area. The closest HCAs are *Reservoir Street and Forestville* (C66) located to the east of the study area and *Albion Estate* (C58) located south of the study area (see Figure 2-4 and Figure 2-5). Details of these heritage items including their statements of significance have been included as Appendix C

[8] NSW State Heritage Inventory, *Belmore Park Grounds, Landscaping and Bandstand*, Local listing, accessed Oct 2022.

[9] NSW State Heritage Inventory, *Central Railway Station Group including Buildings, Station Yard, Viaducts and Bu*, Local listing, accessed Oct 2022.

Table 2-2: Locally listed items proximal to the study area

Item	Significance	Listing No.
Central Station Railway Group	Local	I824
Belmore Park Grounds, Landscaping and Bandstand	Local	I825
Commercial Building Element 'Sharpies Golf House' sign	Local	I1532
Industrial Building 'Prospect House'	Local	I1424
Warehouse 'Edwards & Co'	Local	I1545
Community Building 'Norman Gibson & Co'	Local	I1466
Former Commercial Building 'Silknit House'	Local	I1572
Former City Sydney Mission Headquarters	Local	I1569
Terrace Group	Local	I1570
Chinese Masonic Hall	Local	I1571
Warehouse	Local	I1585
Reservoir Street & Forestville	Local	C66
Albion Estate	Local	C58



Figure 2-4: Section from Sydney LEP 2012 Map 1, study Area in turquoise (Source: Sydney LEP 2012 with Curio overlay).



Figure 2-5: Section from Sydney LEP 2012 Map 16 showing the location of the Albion Estate HCA (C58) (Source: Sydney LEP 2012)

2.7. Sydney Development Control Plan (DCP) 2012

The Sydney DCP 2012 is a non-statutory development control plan that provides the detailed design guidelines to support the LEP 2012. The DCP provides guidance on how development may occur and includes primary objectives to ensure that items of environmental heritage are conserved, respected, and protected.

The Sydney DCP 2012 does not have a specific Aboriginal cultural heritage section. Controls relating to Aboriginal cultural heritage are mentioned in General Provisions – Section 3.9 Heritage. This section identifies the following objective: "*Ensure that heritage significance is considered for heritage items, development within heritage conservation areas, and development affecting archaeological sites and places of Aboriginal heritage significance.*"[10]

Table 2-3 below provides a summary of the current land zoning associated with land contained within the study area.

Table 2-3: Current Zoning of land contained within the study area

Address	Lot / DP	Current Zoning
232-236A Elizabeth Street	SP71379	B4 – Mixed Use
238-240 Elizabeth Street	Lots 1 & 2 DP779385 Lot 1 DP664653	B4 – Mixed Use

[10] Sydney DCP 2012, Section 3.9 Objective (a)

Aboriginal Heritage and non-Aboriginal Archaeology

Controls relating to Aboriginal cultural heritage and non-Aboriginal archaeological resources from the City of Sydney DCP 2012 and the correlating section of this report are outlined in Table 2-4 below.

Table 2-4: Aboriginal cultural heritage controls in the City of Sydney DCP 2012

DCP Section	Text	Response
General Provisions, Section 3.9.3 – Archaeological Assessments	*(3) An archaeological assessment is to be submitted as part of the Statement of Environmental Effects for development applications affecting an archaeological site or a place of Aboriginal heritage significance, or potential archaeological site that is likely to have heritage significance.*	This report has been prepared to investigate any non-Aboriginal archaeological resources, Aboriginal cultural objects and/or areas of significance for the study area.
General Provisions, Section 3.9.3 – Archaeological Assessments	*(4) An archaeological assessment is to include:* *(a) an assessment of the archaeological potential of the archaeological site or place of Aboriginal heritage significance.*	This report has been prepared to investigate any non-Aboriginal archaeological resources, Aboriginal cultural objects and/or areas of significance for the study area.
General Provisions, Section 3.9.3 – Archaeological Assessments	*(c) the probable impact of the proposed development on the heritage significance of the archaeological site or place of Aboriginal heritage significance.*	This report has been prepared to investigate the probable impact the proposed development may have on archaeological heritage resources within the study area.
General Provisions, Section 3.9.3 – Archaeological Assessments	*(e) a management strategy to conserve the heritage significance of the archaeological site or place of Aboriginal heritage significance.*	A preliminary consideration of management measures has been undertaken as part of this report and is considered in the development of the recommendations section.

3. Historical Development of the Study Area

3. Historical Summary

3.1. Aboriginal Sydney

The timing and nature of initial Aboriginal occupation in the Sydney region remains poorly understood.[11] Past Aboriginal occupation within the Sydney region was likely shaped by changes in sea levels and associated environmental conditions throughout the last glacial cycle. The most recent period of maximum glaciation in Sydney was 15,000-18,000 BP, at which time sea levels would have been up to 130m below current, pushing the coastline further to the east. Around 10,000 years ago at the end of the Pleistocene epoch, the polar ice caps melted, and sea levels began to rise, which would have forced Aboriginal people to abandon coastal sites and move inland, significantly influencing both physical occupation patterns, as well as economic and social habits. By around 6,000 years ago, rising sea levels had flooded what was once a coastal plain along Sydney's east coast, forming the landscape of Sydney harbour and its river valleys roughly as they occur today.[12] It is currently unknown whether the earliest Aboriginal groups were "interior forest dwellers" or coastal groups "tethered to large river systems draining the coastal plain".[13]

Although occupation of Australia is now understood to date back to at least 65,000 years,[14] archaeological deposits dating to the Pleistocene are rare in the Sydney region with few archaeological sites having been dated to before 10,000 BP. Currently, the earliest date for Aboriginal occupation in the Sydney Basin region derives from an open context site 'RTA-G1' located in Parramatta approximately 18km to the north west of the current study area, which indicates that the Sydney region was occupied by at least 30,735 ± 3000/-2000 (ANU-4016).[15] The oldest inhabited rock shelter in the Sydney region, Shaws Creek K2, located on the western side of the Nepean River, has been dated to approximately 17,800 years.[16] In contrast, the majority of archaeological sites in Sydney that have been scientifically dated, provide evidence of occupation dating to 5,000 BP and later following the stabilisation of sea levels.

Prior to the arrival of Europeans in Sydney Cove, the current study area would have formed part of the hunting and gathering grounds of the Eora. The term 'Eora' has frequently been used to refer collectively to the Aboriginal groups occupying the central and eastern Sydney regions, however, the true meaning and history of the term is unclear. It has been suggested, for instance, that the term 'Eora' was used by colonists as a word for 'people' and that there is no evidence in ethnographic accounts for the word ever having been used in the context of describing particular tribes, groups or places.[17]

The Sydney region has two main language groups: Darug – with two main dialects, one spoken along the coast and another in the hinterland/Cumberland Plain region of western Sydney; and Tharawal –

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[11] Williams, et al 2021, 'Was Aboriginal population recovery delayed after the Last Glacial Maximum? A synthesis of a terminal Pleistocene deposit from the Sydney Basin, New South Wales, Australia.' *Journal of Archaeological Science Reports,* 40: 103225.
[12] Attenbrow, V., 2010*, Sydney's Aboriginal Past. Investigating the archaeological and historical records*. UNSW Press, Sydney, pp. 38-39.
[13] Williams et al. 2021, p. 10.
[14] Clarkson, C et al., 2017, 'Human occupation of northern Australia by 65,000 years ago'. *Nature* (547), pp. 306-310.
[15] Jo McDonald 2005 pp.107-125.
[16] Nanson et al. 1987, p. 76.
[17] Attenbrow 2010, p. 27.

spoken to the south of Botany Bay.[18] Within the Darug language group, people belonged to smaller family/territorial groups or clans, through which they were connected to, and occupied, different areas of land across Sydney. The Surry Hills area is understood to have formed part of the boundary between the Wangal (or Won-gal) and Gadigal (or Cadi-gal) clans of the coastal Darug. According to early records of Governor Philip, the Gadigal lands stretched from "the entrance of the harbour, along the south shore, to the cove adjoining the settlement".[19] The traditional territory of the Gadigal is therefore recognised to extend along the southern side of the Sydney Harbour from South Head, west to approximately Darling Harbour (previously known as Cockle Bay), and south towards Botany Bay.

The Gadigal people are understood to have spoken the Darug (or Dharruk) language which was shared by groups across the greater Sydney region along the Sydney coast between Port Jackson and Botany Bay, as far south as Appin, north to the Hawkesbury River, west to the Georges River, Parramatta and Blue Mountains.[20]

Despite differences in language, material culture and customs, the various Darug clans would likely have interacted at various times of the year for ceremonies, dispute resolution trade and marriage arrangement. It has been recorded, for instance, that the Gadigal clans engaged in a variety of important ceremonial rituals. Two such recorded rituals included tooth avulsion involving the removal of a tooth. This practice was associated with the initiation of young men when they came of age and was also practiced during significant ceremonial activities at ceremonial grounds located near Farm Cove called Yoo-lahng. Ceremonial rituals for young women involved the removal of the first two joints of the little finger on the left hand.[21]

At the time of the arrival of the First Fleet in January 1788, it is estimated that at least 1,500 Aboriginal people may have lived along the coastal region between Broken Bay and Botany Bay. The arrival of the First Fleet devastated the lives and activities of Aboriginal people in the Sydney Harbour area, restricting access to areas traditionally used for hunting and gathering, shelter, and for ceremonial purposes, while also introducing devastating diseases such as smallpox. It is estimated that almost half of Sydney's Aboriginal population died in the first smallpox epidemic recorded in the colony in 1789.[22] An 1819 watercolour painting by Joseph Lycett looking towards Sydney from Surry Hills in 1819 shows a small group of Aboriginal people camping on the margins of the colony demonstrating the continued use of the area by Aboriginal groups in the early 19th century (Figure 3-1).

[18] Attenbrow 2010.
[19] Philip 1790 [1892:309].
[20] Attenbrow 2010, p. 34.
[21] Unearthed Archaeology & Heritage 2019.
[22] Hinkson 2010.



Figure 3-1: Joseph Lycett, *Sydney From Surry Hills*, 1819 (Source: State Library NSW < https://archival.sl.nsw.gov.au/Details/archive/110327850>)

The area around Central Train Station and Belmore Park remained an important meeting place for Aboriginal people through the 1790s[23] as Collins describes Aboriginal people *'choosing a clear spot between the town and the brickfield for the performance of any of their rites and ceremonies ...'* [24]

Early settlers noted a road linking Cockle Bay to Botany Bay that acted as an important corridor for trade and movement for Aboriginal people in early Sydney. The area along this corridor between Cockle Bay and Botany Bay is described in 1788 by Governor Arthur Phillip as being occupied by wood and beyond that, a kind of heath- sandy and full of swamps. The same area is later described in 1792 by Atkins on a walk to the brick fields:

> *A very good road is made the whole way to it through the wood, where trees of an immense size border it on both sides, their lofty and wide spreading Branches look beautiful ... The underwood is mostly flowering shrubs, some of whom are now in blossom of the most vivid and beautiful colours imaginable, and many of them most delicately formed.*[25]

[23] AHMS 2015, *Central to Eveleigh Corridor: Aboriginal and Historic Heritage Review*, Sep 2015, p. 12.
[24] Collins 1798, Dec 1793 cited in AHMS 2015, p. 12.
[25] Atkins 1792 cited in AHMS 2015, p. 13.

The study area is located within this corridor, located on low ground near a creek that ran through the present Reservoir Street.[26] This creek joined an addition creek that ran along present Hay Street, emptying into the foreshore of Tumbalong (Darling Harbour).[27]

Much of the evidence of traditional Aboriginal lifestyle and economy was disrupted in the early years of European settlement and understandings of the local Aboriginal groups in the Sydney region are based on ethnohistorical sources and/or information obtained from the archaeological record. The pre-contact environment of the study area would have been an incredibly valuable location for Aboriginal people, with access to a plethora of important resources associated with the swamplands and associated creeks.

As hunter-gatherers, the local Aboriginal communities living in the area would have pursued a mixed food economy, utilising and relying upon readily available and abundant natural resources. The Sydney coastline, situated approximately 1 km from the study area, would have provided coastal resources including fish, shellfish and crustacea which could be gathered from the sea though availability and abundance of resources likely changed seasonally[28]. Nearby, Rose Bay would have been an ideal location for fishing expeditions along the harbour via bark canoe, as well as the surrounding landscape of Hawkesbury sandstone cliffs eroding into overhangs and rock shelters which would have been suitable for habitation. In contrast, the environment associated with locations further inland from the coast resulted in a reliance on the exploitation of possums, kangaroos, plant resources including vegetable roots, berries and seed and freshwater resources such as eels and mullet.[29]

Locations for camping were selected based on their ability to provide shelter from the weather in addition to being in locations with access to plant and animal foods and raw material resources. Based on the distribution of Aboriginal sites in the Sydney region, occupation appears to have been focused along valley bottoms and shoreline contexts and the density and complexity of sites has been suggested to vary in accordance with distance from permanent potable water sources and proximity to food, stone and other resources required for the manufacture and maintenance of tools, equipment and other cultural items.[30]

[26] Casey and Lowe, *Archaeological Investigation 19-41 Reservoir Street* (leaflet)
[27] Casey and Lowe, *Archaeological Investigation 19-41 Reservoir Street* (leaflet)
[28] Attenbrow, 2010, p. 62.
[29] Murray and White, 1988.
[30] DSCA 2003, p. 23.

3.2. Post-European Arrival

Since the colonisation, the Sydney landscape has been heavily modified. A summary of the modern development history of the subject area and its surrounds, including land reclamation, disturbance and historical development, is provided here in order to understand the effect that previous land use may have had on the preservation or destruction of potential Aboriginal archaeological remains and non-Aboriginal archaeological resources at this location. The following section presents an overview of the historical development of the study area post-European arrival.

3.2.1. Early Land Grants and Brickfields (Includes Phase 1 1788-c.1807)

A sandstone plateau, overlaid by a shale cap, formed the north-south corridor of Surry Hills with Crown Street as the western rim and the land sloping steeply after Riley down to Elizabeth Street.[31] The shale cap had weathered, becoming a hard blue clay that was ideal for brickmaking yet later caused problems for residents.

> *When dry and hard it did not absorb water easily. The low absorbency of the clayey soil, denuded of its protective vegetation, combined with the rapid fall in slope in many parts of Surry Hills meant water-torn gullies along the side of the plateau, to be followed, when building commenced in the area by gullied streets and flooded houses. Conversely, once the clay had absorbed water, it became a sticky mass difficult for pedestrians to traverse.*[32]

Foveaux's Grant

The first and grants in the area were made in the 1790s. In October 1793 Captain Joseph Foveaux was granted 80 acres[33], but by December this was extended to 105 acres "on the east side of the line laid down for the common ground appropriated for the town of Sydney'[34] that formed Surrey Hills Farm. Rent was 1 shilling for every 50 acres to commence after 5 years.[35] Foveaux did not reside on the farm but partially cleared the area through the use of convict labour, and farmed cattle.[36]

The study area appears on both the western border of Captain Joseph Foveaux's 1793 land grant of 105 acres (later Palmer's) (Figure 3-2) and 'The Brick-fields'. The Brickfields were a brick making and pottery precinct which had been established in the early days of the colony on an extensive clay resource. Originally situated near Parramatta Road near the crossing of Cockle Creek, they spread further north and by 1807 were within the town boundary of 1792.[37]

In 1800 John Palmer purchased Foveaux's Surry Hills Farm yet he was forced to sell his land in 1814 after suffering great financial losses supporting Bligh during the Rum Rebellion.[38] Meehan's 1813

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[31] Kass', T 'The Builders and Landlords of Surry Hills 1830-82' unpublished MA Thesis in Keating 2007, p. 12.
[32] Kass', T 'The Builders and Landlords of Surry Hills 1830-82' unpublished MA Thesis cited in Keating 2007, p. 12.
[33] Ryan, R. J. 1981. *Land Grants 1788-1809*, Australian Documents Library, pp. 16-17)
[34] No 122, Dec 2, 1793 Book 1A. (Ryan, R. J. 1981. *Land Grants 1788-1809*, Australian Documents Library, pp. 16-17)
[35] No 122, Dec 2, 1793 Book 1A (Ryan, R. J. 1981. *Land Grants 1788-1809*, Australian Documents Library, p. 17)
[36] Keating, C. 2007, *Surry Hills: The City's Backyard*, Hale & Iremonger, p. 16.
[37] Austral Archaeology, 1999, *Baseline Archaeological Assessment of 238-240 Elizabeth Street, Surry Hills*, report prepared for Joshua Farkash and Associates Pty Ltd Architects, Jan 1999, p. 9.
[38] Steven, M. 'Palmer, John 1760-1833' *Australian Dictionary of Biography* (website) accessed Oct 2022.

and 1814 plans of Surry Hills show the study area, including 40-42 Reservoir Street, partially within John Foster's grant of this subdivision, and partially within the 'Brickfields' (Figure 3-9) . The Foster family retained the land until 1843 when it was subdivided.[39] (Figure 3-11, Figure 3-12). There was minimal development surrounding the study area as sale of the allotments was impacted by the depression of the 1840s.[40] A section of the study area including the properties at 40-42 Reservoir Street were within the boundary of Foveaux's grant.

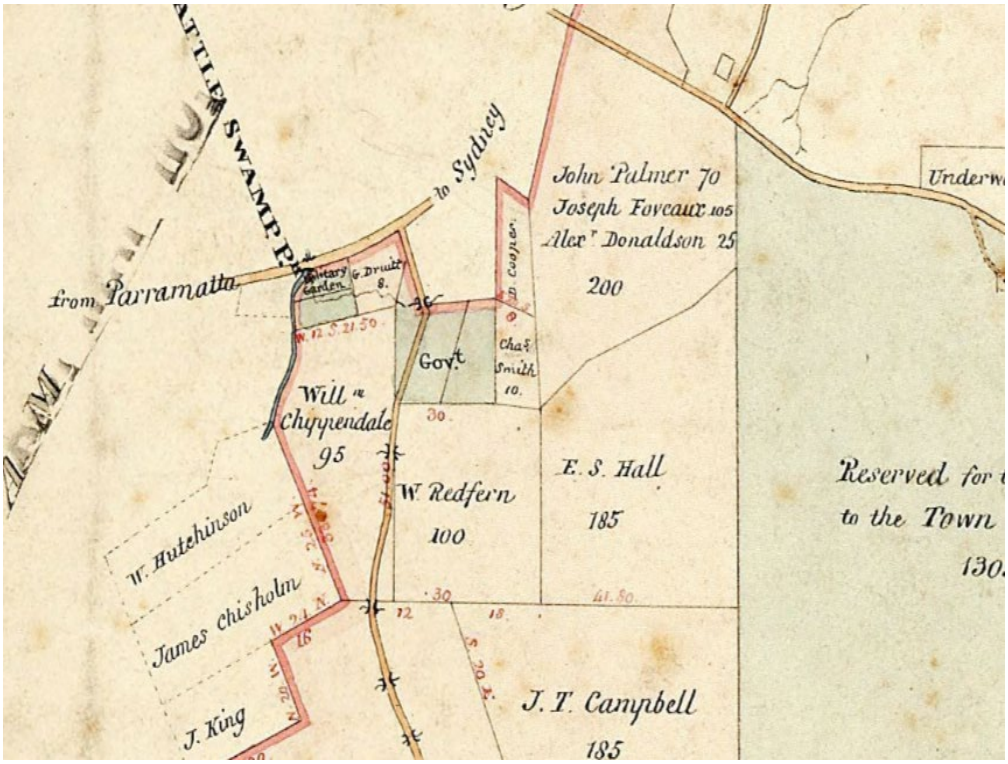

Figure 3-2: Section from AO Map No 185 showing the Parish of Alexandria, Country of Cumberland, no date (Source HLRV, Land & Water Conservation Map No 140663)

Tawell's Grant

A section of the study area (approximate location of 236 and 238-240 Elizabeth Street) are within a portion of John Tawell's original 1831 grant (Section 5, allotment 2). The grant was bound by the Fosterville Estate to the east, Wiliam Greville to the north, Elizabeth Street to the west and a Watch House reserve to the south.[41] Tawell sold the grant in 1834[42] to William Dalton who sold the northern section to William Webb in 1836[43] and the southern portion to J T Barrett in 1837.[44]

> *Barrett briefly retained the property before selling to Ward and Eliza Stephen in 1840. The title passed to William Russell in 1841, but reverted to Adolphus William Young through mortgage. Young sold the property to Thomas Brown in 1846. Brown retained the property for several years before selling it to Thomas Page, a licensed*

[39] Austral Archaeology, 1999, p. 10.
[40] Austral Archaeology, 1999, p. 10.
[41] Austral Archaeology, 1999, p. 9. also citing LTPO Grants Index 1827-1831
[42] Austral Archaeology, 1999, pp. 9.-10 also citing LTPO Grants Index 1827-1831
[43] HLRV LTO Book K-508, 1836
[44] Austral Archaeology, 1999, p. 10

victualler, in 1855. Page added to the property by the grant of a sliver of land formerly set aside for the Watch House in 1873 Page and his family through inheritance and trustees retained the property until 1946. The Pages lived at the study site (today number 240) from at least 1873 to 1897. The property was transferred to Henry Russell Elliott a second-hand dealer of Annandale for 6500 pounds in 1946. Hang Tat Enterprises purchased the property in 1987.[45]

Webb sold his northern portion of Tawell's grant to Jason Brown (Bk 6-506) on 11 April 1844, who is recorded in the 1845 Assessment books as owning/occupying a one storey wooden dwelling with a shingle roof.[46] The land was owned by several Brown's and trustees for John Brown until 1860 when it passed from Elizabeth Brown to Elizabeth and James Chapman.[47] Elizabeth Chapman consolidated the property with a lot from Greville's Section 5 allotment 3 grant and following Elizabeth Chapman's death in 1882 the combined lot passed to Catherine McDonald.[48] Following McDonald's death it was sold to Samuel Hordern[49] who at the time occupied 230 Elizabeth Street on the corner of Foster Street.



Figure 3-3: Corrected Survey of the vacant land at Fosterville - Campbell St, Foster St, Elizabeth St, Albion St, Ann St, Gipps St, Mary St, Macquarie St, Smith St, Samuel St, Riley St , no date but 'Young' suggests 1840s (State Library NSW Image 440 of <https://collection.sl.nsw.gov.au/record/74VvqdwMJ3Zl/ZMe3NJDMz3007>)

[45] Austral Archaeology, 1999, p. 10
[46] Assessment Books 1845, Cook Ward.
[47] HLRV PA11245
[48] HLRV PA11245
[49] HLRV PA11245

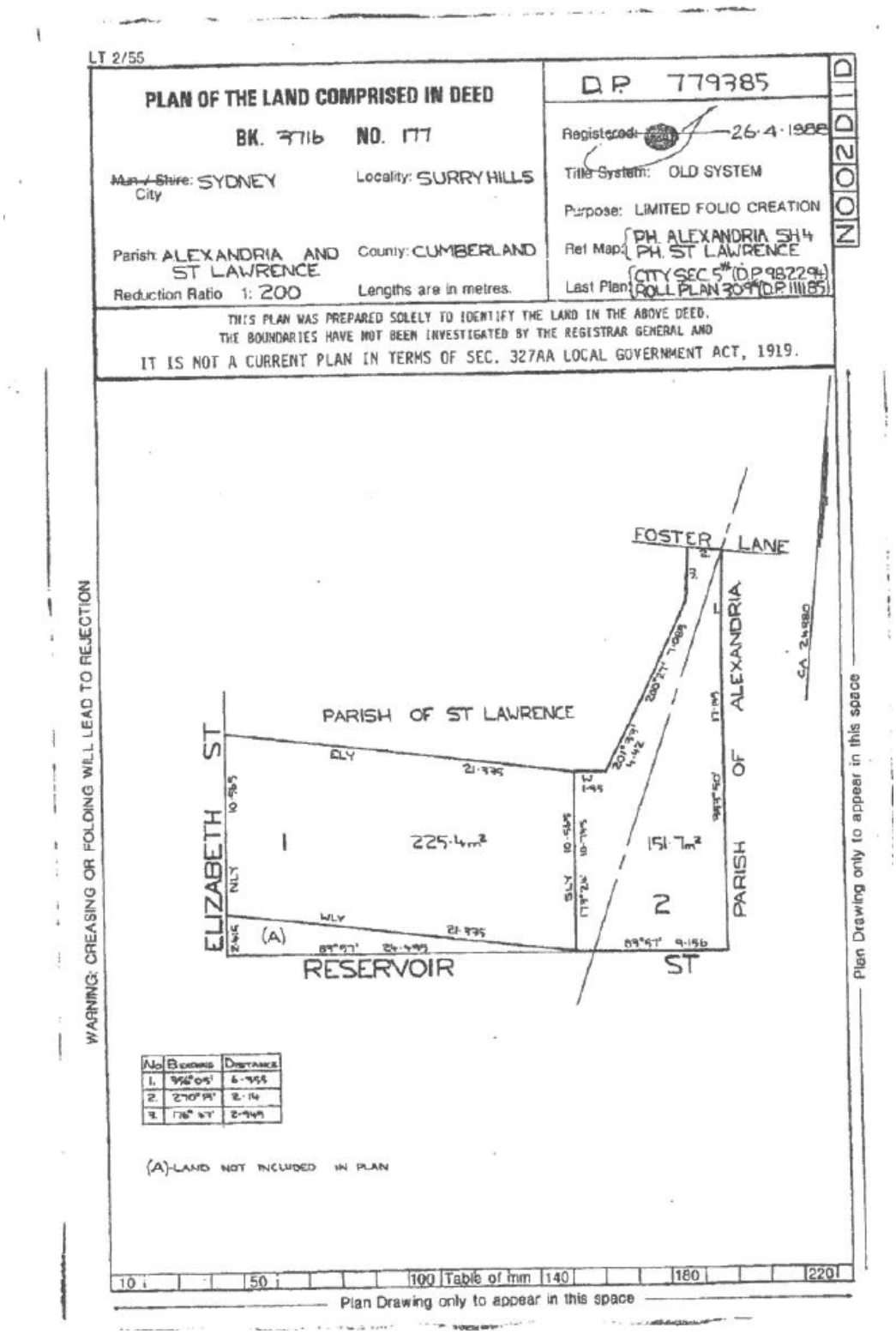

Figure 3-4: DP779785 formed from both Foveaux's 1790 and Tawell's 1830 grants

Greville's Grant

In 1831 Willliam Charles Greville was granted 33 perches on Elizabeth Street (Section 5, allotment 3), bound to the north by a lane that led to the Surry Hills Estate.[50] This lane took his name becoming Greville Street (present Foster Street). Historical maps and plans (including Figure 3-11 and Figure 3-12) indicate that the northern portion of the study area (approximate location of 232-234 Elizabeth Street) is within Greville's grant, whilst the southern portion is within the 1831 grant to John Tawell.

Greville was not recorded as living on his lot from c.1858[51] and from 1862 was recorded as living at Thomas Page's property on the corner of Elizabeth and Gipps (now Reservoir) Streets, then known as [426] Elizabeth, now 238-40. Greville subdivided his land around 1874 (partially evident in Figure 3-3) and sold lot 4 to Thomas Page on 30 Nov 1874. Within several days, Page sold the property to Elizabeth Chapman, who lived at then [422-424] Elizabeth Street, between the two properties.

Elizabeth Chapman retained the property until 1882 when she passed away and Catherine Ann McDonald took ownership of her combined property that constituted part of Greville's and part of Tawell's 1831 grants as discussed above.

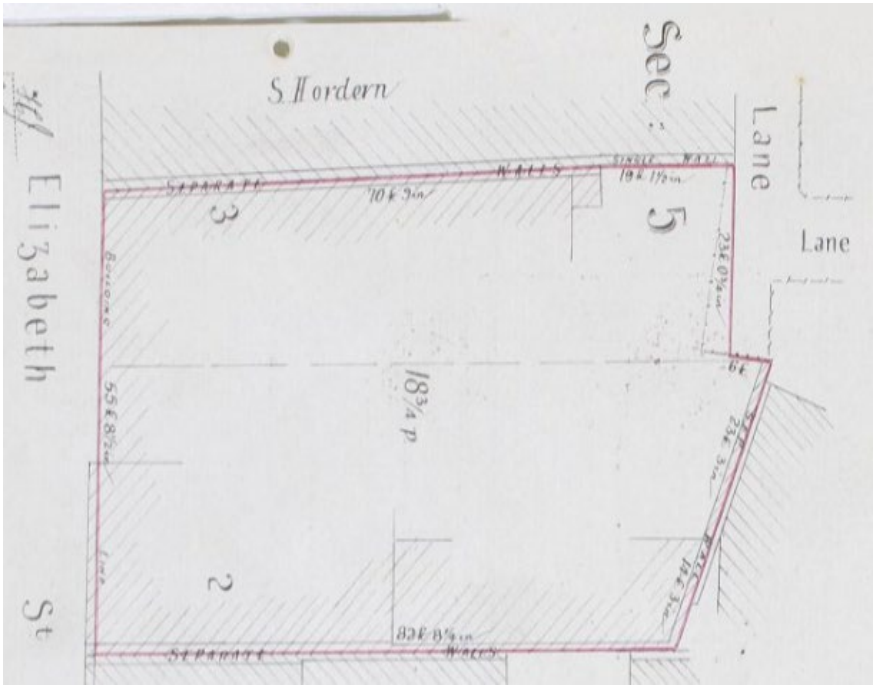

Figure 3-5: PA 11245, Vol 1330, fol 109 showing the property (now SP1379) formed from both Greville's and Tawell's grants

[50] 'Government Notice: Town Allotments' *The Sydney Morning Herald*, 23 May 1831, p. 1.
[51] Assessment Books, Cook Ward 1858, 1860, 1861

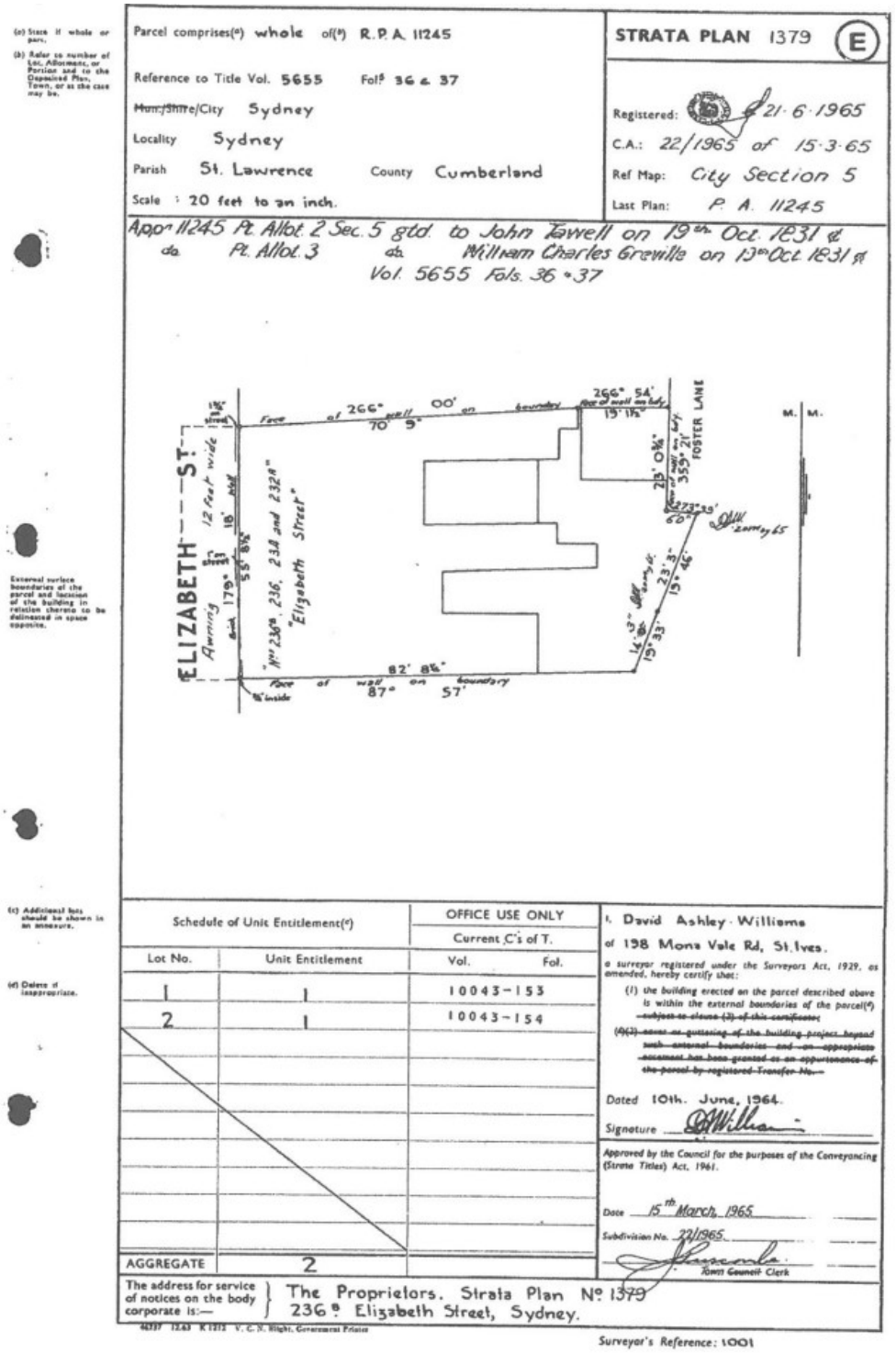

Figure 3-6: SP1379 formed from Greville's and Tawell's 1831 land grants.

Page's Grant

Thomas Page acquired a small portion of the study area in 1873.[52] A section of land reserved for a watch house was dissected when Gipps Street (now Reservoir Street) was joined to Elizabeth Street forming a ¾ perch sliver of land (DP664653, see Figure 3-7).[53]

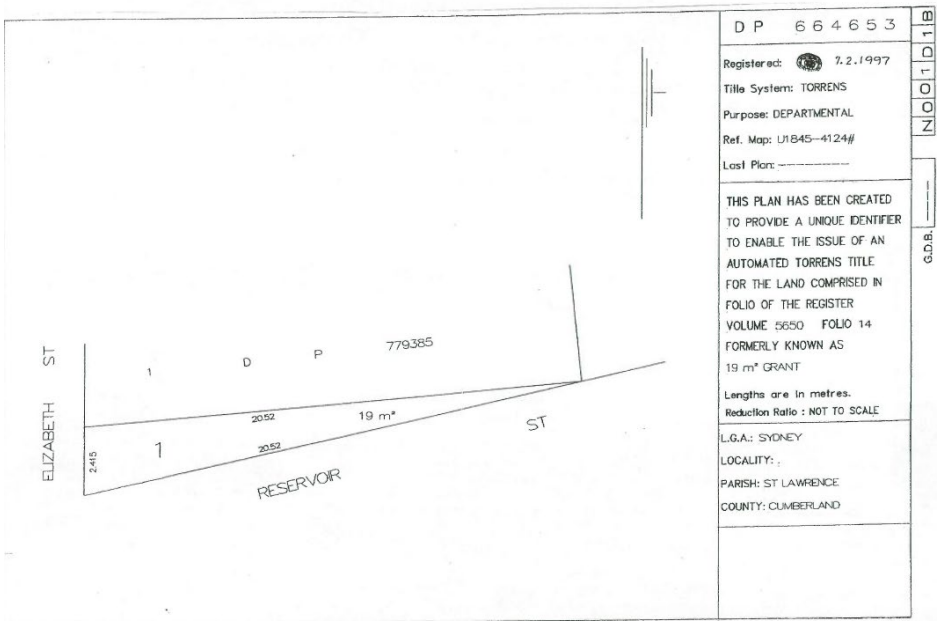

Figure 3-7: Page's 1873 Grant : DP664653 (Source LTO reproduced in Austral 1999 p. 31).

3.2.2. Phase 2: Subdivisions and potential usage c.1807-c.1843

Meehan's 1807 plan of Sydney shows a number of" irregularly built" huts scattered amongst the brick fields and across the ditch that formed the western boundary of Palmer's farm, one of which appears to be within the approximate location of the study area (Figure 3-8) , although there can be issues with accuracy with early maps. No documentary evidence for brickmaking within the study area has been recovered, yet this does not rule out the potential for brick making to have occurred within the study area. Many potters operated without leases or land titles[54] and an undocumented kiln was uncovered during archaeological excavations near the study area in Albion Street[55] (discussed in Section 6.1.2) . Wells' 1843 plan shows brick kilns located just east of the study area (Figure 3-10) and Keating[56] describes '*brick kilns on Samuel Foster's lots north of Albion Street*' during this period.

Around 1843 a couple of structures are evident near and within the study area as evidenced by Wells' map (Figure 3-10) and one of the Fosterville Estate (Figure 3-11). The 1843 maps of the Fosterville Estate subdivision (Figure 3-12) show a proposed extension of Foster Street through to Gipps (now Reservoir) Street (Figure 3-11) where a small square structure is evident, the extension did not eventuate and the land was subdivided (Figure 3-12). The structure would have been in the

[52] DP 1/664653, HLRV
[53] Austral Archaeology, 1999, p. 10
[54] Austral Archaeology, 1999, p. 11.
[55] Casey & Lowe cited in Austral Archaeology 1999, p. 34.
[56] Keating, C. 2007, *Surry Hills: The City's Backyard*, Hale & Iremonger, p. 21.

approximate location of today's 40 Reservoir Steet.[57] The purpose of the structure is not known, although Austral noted that a watch house had been planned nearby[58] which is referenced in land descriptions of the study area.[59]

An additional property located on Elizabeth Street, appears in Wells' 1843 map (Figure 3-10), yet the location of this property appears to be north of the study area and appears to be the earlier residence of W C Greville.[60] Prior to the division of the Fosterville estate, access to the estate from Elizabeth Street was closed off.[61]

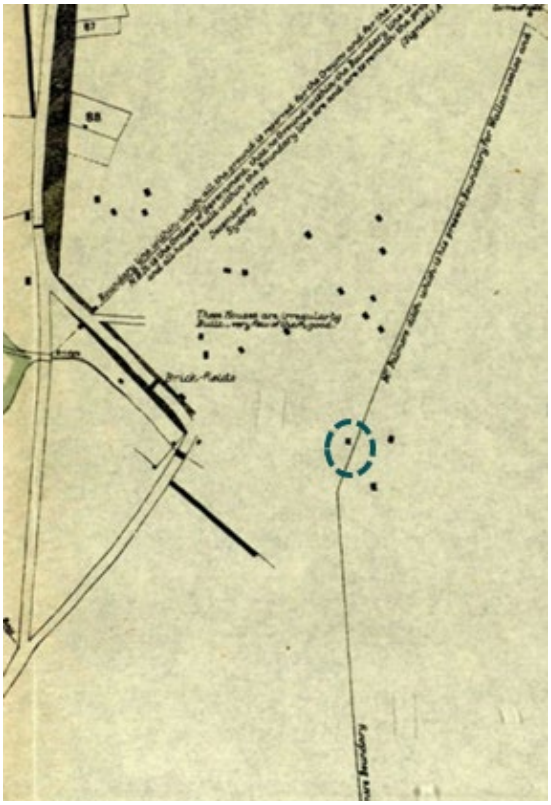

Figure 3-8: Meehan's Plan of the Town of Sydney in 1807 (Source: State Library NSW FL3738457). Approximate location of the study area circled.

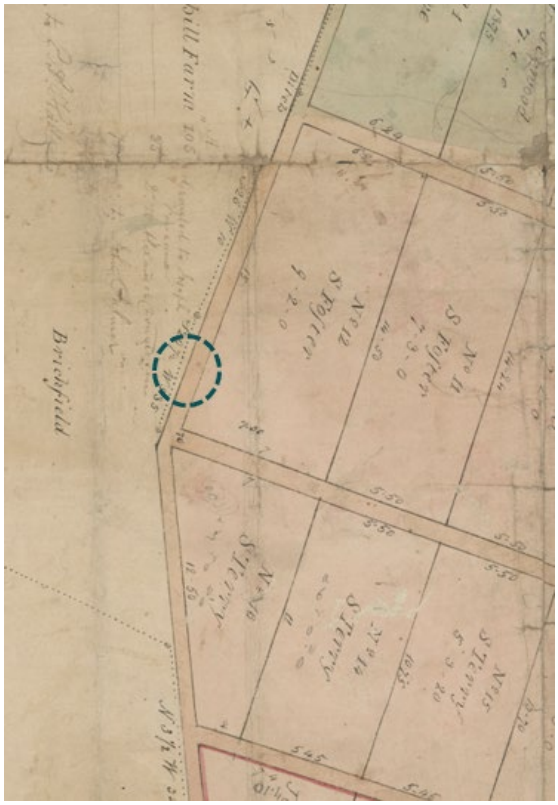

Figure 3-9: Study Area c.1814, Meehan (Meehan 1814-17), approximate study area circled. (Source: State Library NSW FL3787361 with Curio overlay)

[57] Austral Archaeology, 1999, p. 10
[58] Austral Archaeology, 1999, p. 10
[59] HLRV, LTO Book 3 fol. 896.
[60] Assessment Books, Cook Ward 1845.
[61] Keating, C. 2007, p. 29.



Figure 3-10: Section from Wells' 1843 Map of Sydney with approximate location of the study area circled (Source: State Library NSW FL3709191 <https://digital.sl.nsw.gov.au/delivery/DeliveryManagerServlet?embedded=true&toolbar=false&dps_pid=IE3709175>)



Figure 3-11: 1843 Fosterville Estate, the property of John Smith to be leased showing the approximate location of the study area and a small, square structure within the approximate location of 40 Reservoir Street (Source: State Library NSWFL3672959)



Figure 3-12: 1843 Fosterville Subdivision showing the land to be within Greville's Grant on the border of the Forestville Estate. (State Library NSW https://collection.sl.nsw.gov.au/record/74Vv3O546JQy/WrNAWdzmjop2p)

3.2.3. Phase 3: Domestic residences c.1844 -c.1879

Compared with areas to the north, the study area was relatively undeveloped by the late 1840s and 1850s. The 1855 City of Sydney detail plan (see Figure 3-14 and Figure 3-15) shows three dwellings fronting Elizabeth Street on two blocks of land within the study area in the approximate location of 234-238 Elizabeth Street. W. C. Greville's property around the time appears just north of the study area and the dwelling was listed as being in bad repair.[62] In the approximate location of 234-236 Elizabeth Street, to the north there is a one storey wooden house with a shingled roof [266], occupied by Thomas Eustace in close proximity to a two storey brick house with a shingled roof [268] owned by John Brown and occupied by George Sweeting.[63] Water closets are evident at the rear of [268] and at the rear of [266] abutting the proposed extension of Foster Street (Figure 3-15). The assessment books beginning in 1845[64] record Jason Brown in a wooden house on the street at the time and the 1845 Shield's map, although not highly detailed, identify a structure in the study area (Figure 3-13). The brick building adjacent appears to have been constructed around 1853-55 as it does not appear on the 1852 Assessment books.

The house in the vicinity of 238 Elizabeth Street [270] is a two-storey brick dwelling with a shingled roof. The property is listed as owned by Thomas Page and occupied by James Topham.[65] This also appears to have been constructed around 1853-1855.

By 1865 demolitions and alterations to the properties have occurred (Figure 3-16). The wooden house [266] at 234-236 Elizabeth St appears to have been demolished and a brick structure built in the previously vacant lot to its north. The wooden house appears to have been demolished in c.1861-1862 as the Assessment books for 1861 record George Sweeting as the owner/occupier, but the building is noted as being in a very dilapidated condition.[66] By 1862 James Chapman is listed as the owner/occupier of the two-storey brick house with a slated roof and a coach house, stables and hay loft at the rear.[67]

The second property in the study area at the time (Page's) appears to be an extension of the previous [270] structure. The 1865 map shows a long brick structure extending from Elizabeth Street through to the eastern border of the property. At this time, the property is owned by Thomas Page but occupied by W. C. Greville. The Assessment books describe it as a 2 storey, 7 room brick house with a shingled roof.[68]

In 1873 Page added the sliver of land on the corner of Elizabeth and Gipps (Reservoir) Streets to his residence at 238-40 Elizabeth Street. It appears that Page extended his house to the corner of Gipps and Elizabeth Street at this time, its façade reaching its current form.[69]

As mentioned above, Greville subdivided his land on the corner of Elizabeth and Greville (Foster) Streets in 1874, and Thomas Page purchased lot 4, to the south of Greville's property on 30 November 1874, selling it several days later to Elizabeth Chapman, now a widow, who lived next door.

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[62] Assessment Books, Cook Ward 1858.
[63] Assessment Books, Cook Ward 1858.
[64] Assessment Books, Cook Ward 1845.
[65] Assessment Books, Cook Ward 1858.
[66] Assessment books, Cook Ward 1861
[67] Assessment books, Cook Ward 1862
[68] Assessment books, Cook Ward 1862
[69] Austral 1999, p. 11.

During this stage the properties appear to have been used predominantly as domestic residences.



Figure 3-13: 1845 Shield's Map showing approximate location of the study area (Source: City of Sydney Archives)



Figure 3-14: 1855 structures within the study area (Source: Curio Projects 2022)



Figure 3-15: Section from 1855 City of Sydney Detail Plan

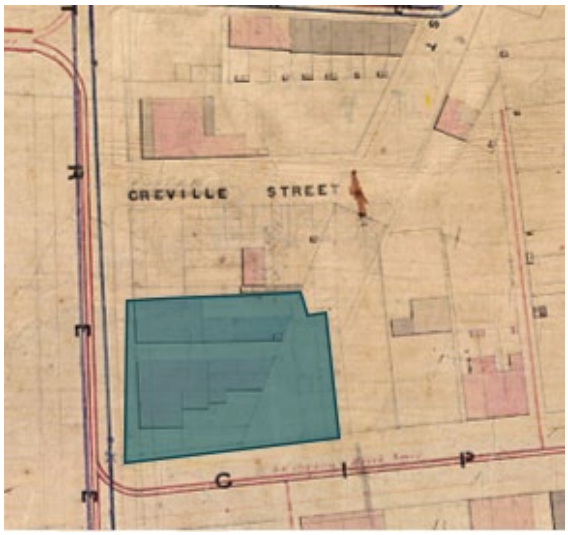

Figure 3-16: 1865 Trigonometrical Plan of Sydney (Source: City of Sydney Archives)

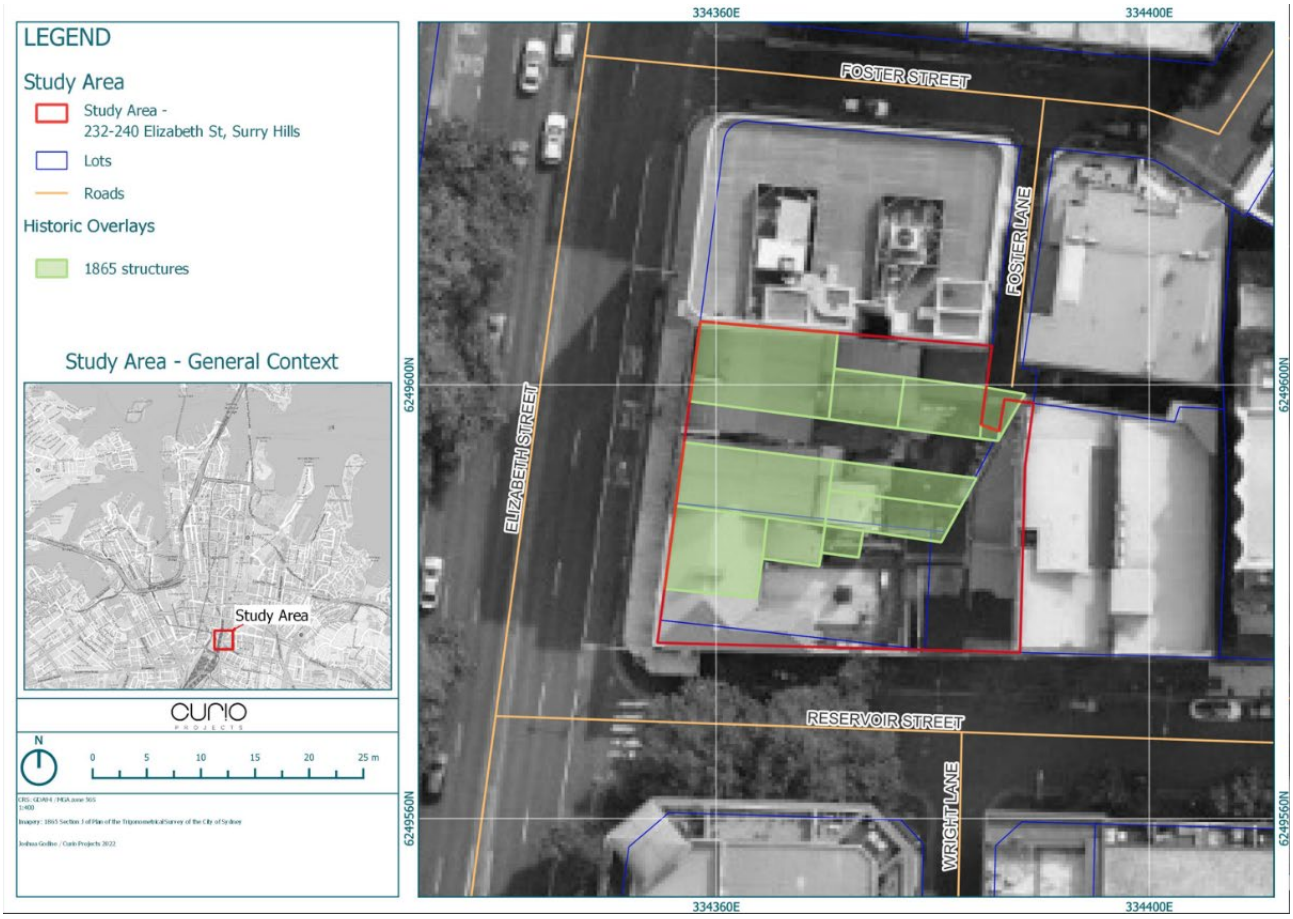

Figure 3-17: 1865 structures within the study area (Source: Curio Projects 2022)

3.2.4. Phase 4: Commercial and residential occupation c.1879-c.1920

232-236 Elizabeth Street

When Elizabeth Chapman died in 1882 and her death notice lists her address at 'Cleugh Terrace'[70], Elizabeth Street suggesting the present terraced building structure replaced the previous structures during her ownership, a search for advertisements under this name revealed its use from 1879-1885[71]. From 1879 the Sands Directory, and Assessment Books from 1880[72] shows a distinct change in both street numbering and occupancy for the property, extending to three street numbers ([420, 422, 424], by 1880 known as the present numbering 232, 234, 236) and three occupants.

In 1879 there appears to be a shift in the usage of the 232 to 236 Eizabeth Street properties [then 420-424] with the Sands recording three addresses and a combination of residential and commercial occupation.[73] From 1879 (and until 1885) the building was referenced as "Cleaugh Terrace" suggesting that the terrace building across 232-236 was constructed around this time. Within the year they have the current numbering system of 232-236.[74] Elizabeth Chapman appears to have continued to live at the premises, renting out rooms until her 1882 death, after which time Catherine McDonald took ownership of 232-236 Elizabeth Street.

The building footprint that appears on the 1888 Rygate and West Map, and the later 1895 Metropolitan water detail map, suggest that the building constructed at this time (c.1879) is likely the current building at 232-236 Elizabeth Street as the dwellings are in a similar alignment to those present today. The 1888 map (Figure 3-18) shows McDonald remaining as the owner of 232-236 Elizabeth Street. They appear as brick/stone terraces between 2 [236] and 3 [232 and 234] floors with brick outhouses and yards.

The terraces at 232-236 Surry Hills appear to have operated in both a commercial capacity and boarding/ lodging houses during this phase. From 1892, 232 and 234 Elizabeth Street were listed as boarding-houses and lodging houses. No. 232 was advertised as a Jewish Boarding House operated by Mrs Jen Davis from 1898[75] until her death in 1899.[76] Dr Richard Grindrod, a "Medical Practitioner" "Specialist" and "Hydropathist" occupied 236 Elizabeth Street from c. 1888 to 1911 when a series of other hydropathists occupied the property until 1920.[77]

On 3 March 1898 John McDonald, as executor of the will of the widow Catherine Ann McDonald[78] sold the property comprised of Sections of Greville's and Tawell's grants, to Samuel Hordern, who had owned the northern section of Greville's grant since 1891.[79] From the south east corner the land followed "on the East by lines along the east side of a very old stone wall along part of the western boundary of the Surry Hills Estate".[80]

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[70] 1882: 'Family Notices' *The Sydney Morning Herald*, 14 Jun 1882, p. 1.
[71] A Trove search for "Cleugh Terrace" show advertisements and notices from 1879-1885.
[72] There are no assessment books available for 1878 and 1879
[73] Sands 1879.
[74] Assessment Books, Cook Ward, 1880
[75] The Hebrew Standard of Australasia 20 May 1898, p. 7
[76] The Sydney Morning Herald, 22 Aug 1899, p. 10
[77] Sands, various from 1888 to 1920
[78] see Book 618-700
[79] PA 1952, Vol 998 fol 515
[80] HLRV LTO Book 618 No 700

From c.1905-1910, Chow Kum, who operated the furniture business north of the study area on Anthony (and later Samuel) Horden's block on the corner with Foster Street is registered as the occupant of no. 232, after which time a laundry operated by Goon War is recorded from 1911 to 1920.[81] A brick building in the north-east corner of the property, fronting Foster Lane does not appear on the 1888 or 1905 maps.

238-240 Elizabeth Street

The 1888 Rygate and West map (Figure 3-18) show Sparke as the owner of the three storey brick buildings at 238 and 240 Elizabeth Street, though Thomas Page owned the properties at this time.[82] which have open yard spaces and wooden outhouses, a passageway is evident from Gipps (now Reservoir) Street, just before 40 Reservoir Street. The Page family occupied 238-240 Elizabeth Street for around 25 years and it was used predominantly as a domestic residence until c. 1897.[83]

From c.1895-1898 nos. 238 and 240 Elizabeth Street were predominantly used as boarding/lodging houses. In 1919 there were proposed alterations to 238 and 240 Elizabeth and Reservoir Street.[84]

40-42 Gipps (Reservoir Street)

The properties at 40-42 Gipps (Reservoir) Street appear to have been constructed around 1882[85] and are evident in the 1888 Rygate and West map as two storey brick terraces owned by Sharpe, no 42 is recorded as having a balcony (Figure 3-18). By 1891 the assessment books record Thomas Page as the owner of both 40 and 42 Gipps (now Reservoir) Street. They are recorded as 2 storey brick and stone dwellings with slate rooves. [86]

According to the *History of the Sydney Streets*, the street was named Gipps St until 1896. An original street of the Fosterville Subdivision in 1843 it got its name from the Crown St Reservoir on the corner but was renamed to combat the 'ill repute' attached to Gipps St.' [87]

The original structures of 40-42 Reservoir Street were believed to have been removed c.1889 and 1893 before the construction of a 5 foot 10 inch brick oviform drain (Figure 3-20 and Figure 3-21) that runs through the site, believed to be part of the Bondi Ocean Outfall sewerage system.[88] The current premises would have then been built c.1893-1895 as domestic residences.[89] The Pages are listed as the owners of the properties in the 1896 assessment books.[90] From 1898 until c.1923 Thomas White, a chimney sweep, and his wife, lived at 40 Reservoir Street, operating it as a boarding house.[91]

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[81] Sands Directory and Assessment Book searches 1905-1920.
[82] Assessment Books and Sands Directory searches
[83] Austral 1998, p. 11.
[84] City of Sydney Archives, 269/19
[85] Assessment Books 1882, Sands 1883
[86] Assessment Books 1891, Cook Ward
[87] City of Sydney, *History of Sydney Streets*
[88] Austral Archaeology, 1999, p. 11.
[89] Austral Archaeology, 1999, p. 11.
[90] Assessment Books 1896, Cook Ward
[91] Austral Archaeology, 1999, p. 11.

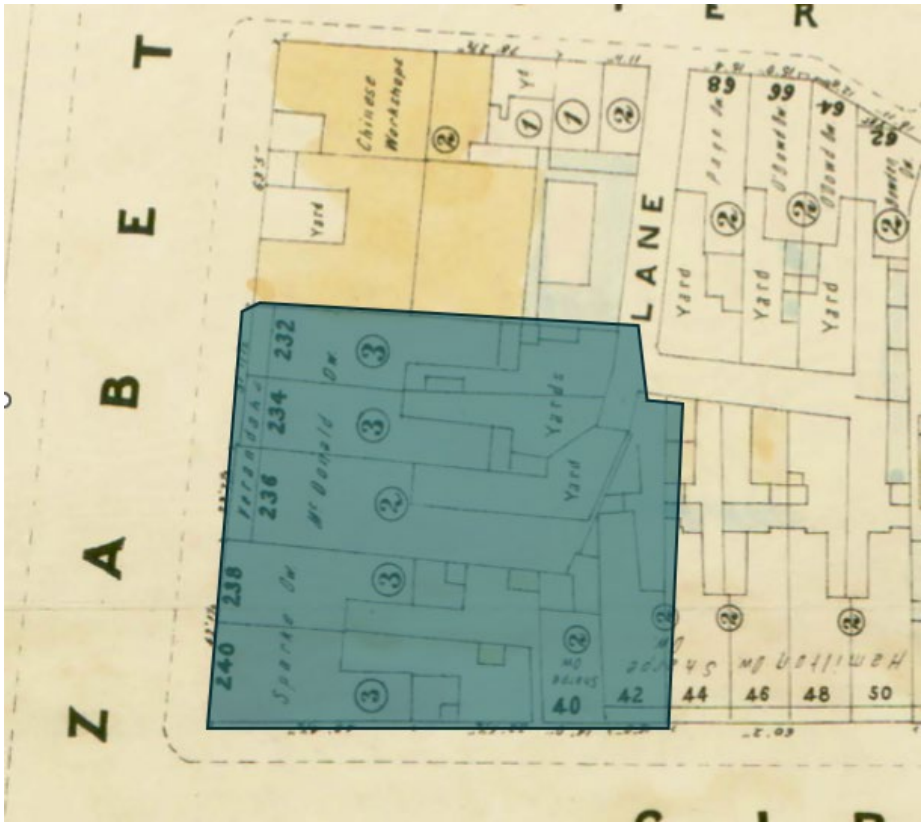

Figure 3-18: 1888 Rygate & West map (Source: City of Sydney Archives)



Figure 3-19: 1895 Metropolitan Detail Map (From Austral 1999)

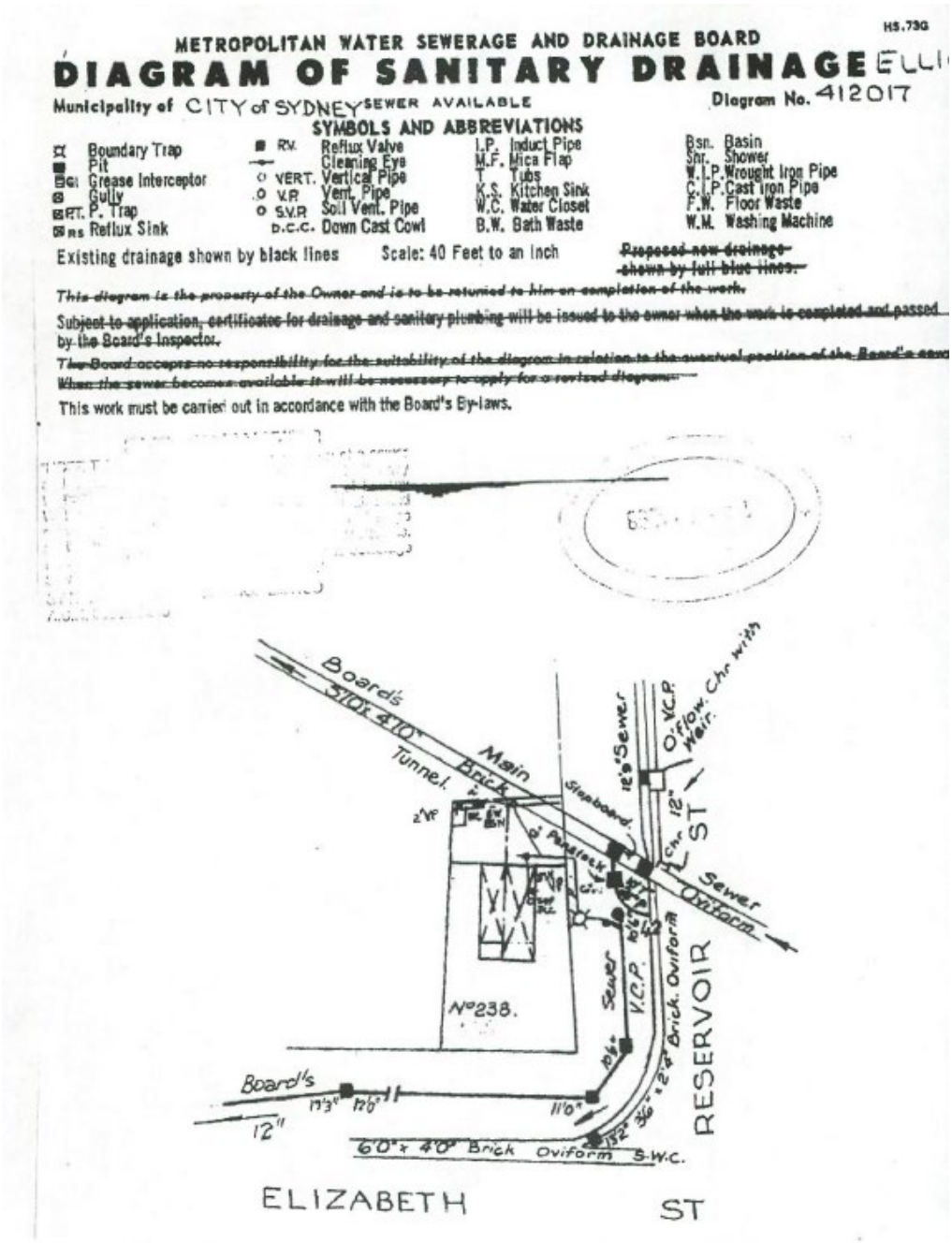

Figure 3-20: MWS & DB drainage diagram showing an oviform drain in the eastern portion of the study area (Source" MWS & DB, no date in Austral 1999 p. 32).



Figure 3-21: Current location of the brick oviform sewer (red) in relation to the study area (turquoise) (Source: Sydney Water with Curio additions)

3.2.5. Phase 5: 1920s-present – Commercial and residential occupation and extensive internal and external modifications and extensions

232-236 Elizabeth Street

From the 1920s the properties along Elizabeth Street were predominantly used as commercial premises, often with the upper levels let as private residences. Mason Jeremiah had a restaurant at 232-234 Elizabeth Street from 1923 to at least 1933[92] which included a billiard saloon from 1930.[93] From 1922 to 1927 the Belmore Chambers operated at 236B Elizabeth street[94], presumably on the upper levels of the building.

Surry Hills had a reputation for crime in the 1920s and 30s.[95] 236-236A Elizabeth Street was a wine saloon from c.1924 to 1933 when the saloon was shut down. Ernest Good, who operated the saloon from 1926, shot criminal Lancelot MacGregor Saidler in his saloon in September 1930 when he was attacked.[96] The wine saloon had a reputation as a gangland haunt with crimes reportedly committed around the area.[97] Soon after the attack a girl carved a threat 'I am going to get you. I kill!' on the door.[98] Goode sold his business in 1932.

[92] 1933 is the last Sands available. Listed as 234 only from 1923-4.
[93] Sands 1930, 1931, 1932-3
[94] Sands 1922, 1923, 1924, 1925, 1926, 1927.
[95] Keating, 2007, p. 74.
[96] 'Shot Dead' The Sydney Morning Herald, 15 Sep 1930, p. 9.; 'Shot dead in Wine Saloon' Singleton Argus, , 15 Sep 1930, p. 1.
[97] 'Good bye those Good Old Days: Hoodoo Wine Shop Closed for all Time' The Arrow, 29 Jan 1932, p. 1
[98] 'Shot dead in Wine Saloon' Singleton Argus, , 15 Sep 1930, p. 1.

In the 1949 to 1972 Building Surveyor Sheets (Figure 3-28) The Windsor Private Hospital is listed at 232A, 234, 236A and 236B Elizabeth Street, whilst the adjacent building at 238-240 Elizabeth Street, on the corner of Reservoir Street is listed as the Waratah Private Hotel.

The Windsor Private Hotel occupied 232-236A Elizabeth Street from the 1930s until the 1950s[99], in 1948 women staying in the hotel fought off a burglar.[100], in 1950 a truck driver staying at the hotel fell from one of the balconies.[101] A fire occurred at the hotel in 1951, but the building was not severely damaged.[102]

Excluding the development applications outlined in Section 1, in recent years, development applications for 232-236A Elizabeth Street include changes to shop usage in 2006 (D/2006/2103 and D/2006/2106) and 2011 (D/2011/794), the use of the back courtyard as restaurant seating in 2008 (D/2008/41/B) and changes to a shopfront in 2009 (D/2009/1535).

238-240 Elizabeth Street

In 1919 W. Schofield made a building application for alterations to 238-240 Elizabeth Street which were prepared by architect John Barlow.[103] These alterations included the removal of a balcony, removal of walls and a window formed into a doorway. At the time the ground floor was used as a shop.

The Waratah Private Hotel operated at 238-240 Elizabeth Street from the c.1930s to 1950s and Mrs Elliott ran an antique business at 238-40 in the 1950s and 60s (Figure 3-30).

The concrete infill building between 240 Elizabeth and 40 Reservoir Street appears to have been built after 1949.[104] (see Figure 3-38) Alterations to 238-240 were approved in 1967[105] which included demolition to the rear section and brickwork taken up 9 feet to the rear, hard floor joist to the first floor and brickwork above the first floor and across the first floor level and kliplock roofing. The description matches the first floor extension of the rear of 238 Elizabeth along Reservoir Street, and potentially the inclusion of the infill building (Figure 3-23).

From 2004 to 2016 there were a number of development applications were made for 238-240 Elizabeth Street (including 40-42 Reservoir Street) concerning changes to shop fit outs / signage and the use of the shops and land.[106] Various applications were made for shop fit outs. In addition, in 1995 an application was approved for an extension of the rear of the second floor of 238-240 in the southeast corner[107] and the use of the public footpath as food and drink seating in 2016 (FA/2016/132).

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[99] Newspaper advertisements recording the hotel appear during these decades.
[100] 'Women Fight Burglar in Hotel Room' Newcastle Morning Herald and Miner's Advocate, 13 Jan 1948, p. 1.
[101] 'Man hurt in 35ft city fall' The Daily Telegraph, 10 Dec 1950, p. 18.
[102] 'Guests flee from Hotel Fire' Sunday herald, 4 Nov 1951, p. 4.
[103] City of Sydney Archives, A-00571588, https://archives.cityofsydney.nsw.gov.au/nodes/view/1448958
[104] Austral Archaeology, 1999, p. 12.
[105] City of Sydney Archives, Building Inspectors Card 1967-68 A-0388042 https://archives.cityofsydney.nsw.gov.au/nodes/view/1594313
[106] City of Sydney, Development Application Search 238 Elizabeth Street
[107] City of Sydney Archives B/1995/994

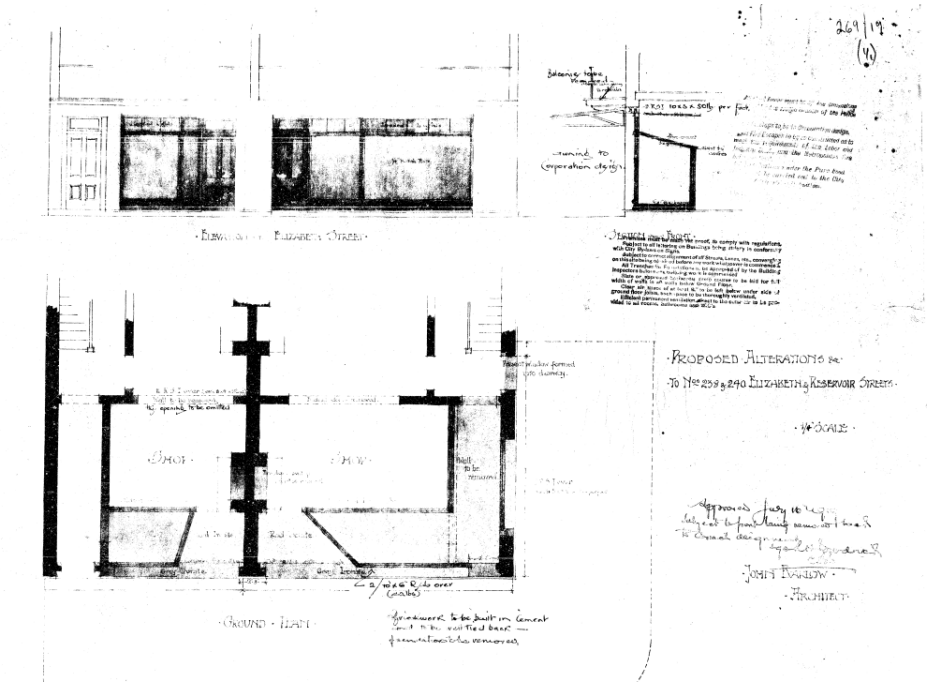

Figure 3-22: 1919 alterations to 238-240 Elizabeth Street (Source: City of Sydney archives A-00571588)



Figure 3-23: 1991 Reservoir Street near Elizabeth, dotted line indicating extension (City of Sydney Archives A-01129791 with Curio overlay).

40-42 Reservoir Street

In 1950-51 there was an application to use the ground floor of 40 Reservoir Street as a sandwich shop.[108] In 1959 Mrs J E Elliott applied to use 40 and 42 Reservoir Street to store articles associated with her second-hand business as 238-240 Elizabeth Street[109] and in 1968 she applied to open a shopfront and wall opening at 40 Reservoir Street[110]

A pictorial history of the study area from the 1920s to present follows (Figure 3-24 - Figure 3-40). The buildings continue to be used as commercial premises today.



Figure 3-24: Study area in 1920 (Source: *Panorama of Sydney from Central Station Tower*, 1920, Alan Row & Co (Source: State Library NSW FL8952086, < https://search.sl.nsw.gov.au/primo-explore/fulldisplay/ADLIB110361937/SLNSW>)

[108] City of Sydney Archives 0779/50
[109] City of Sydney Archives 5796/59
[110] City of Sydney Archives A-00389956



Figure 3-25: Study area in 1920 showing the overhead tramway and construction of the train line (Source: City of Sydney Archives < https://archives.cityofsydney.nsw.gov.au/nodes/view/669530>)



Figure 3-26: 1925 During the construction of Central Station (Source: City of Sydney Archives A-00006195< https://archives.cityofsydney.nsw.gov.au/nodes/view/566840>)

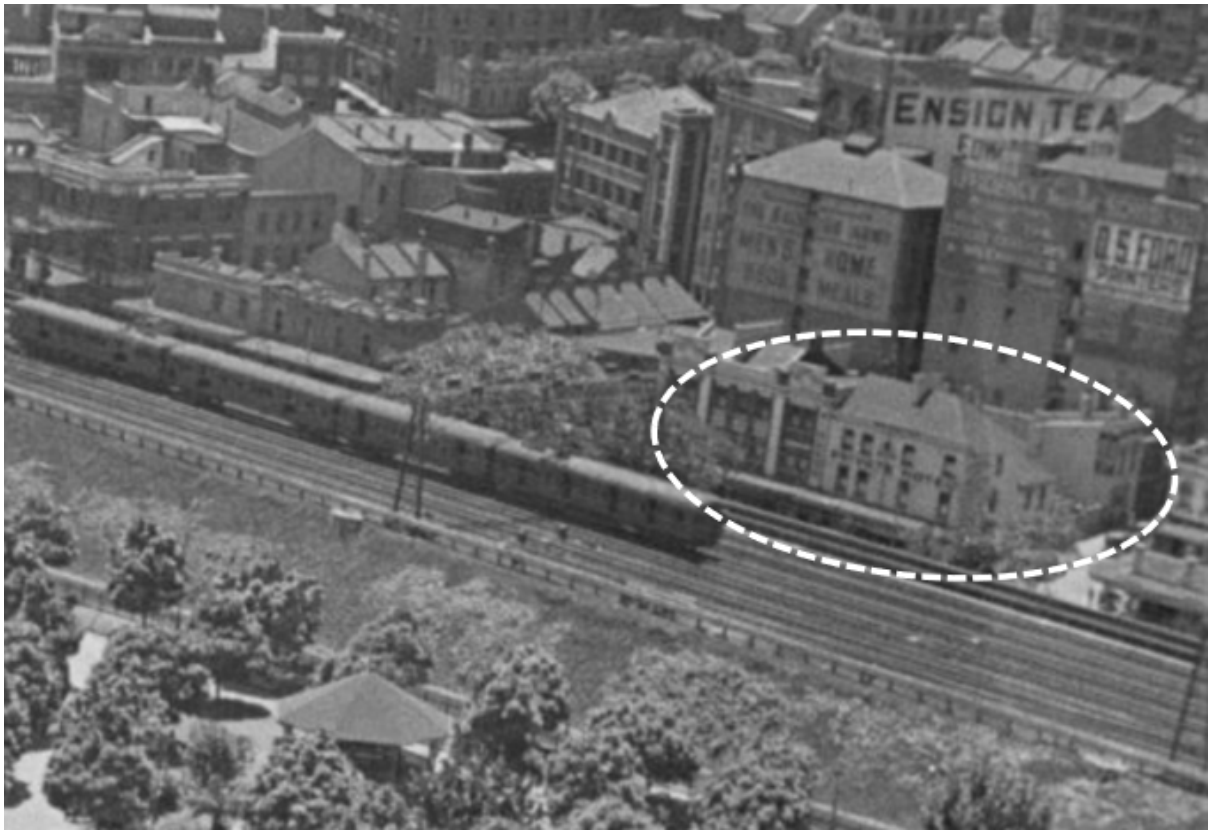

Figure 3-27: View from Central 1937 (Source: City of Sydney Archives A-01141980 https://archives.cityofsydney.nsw.gov.au/nodes/view/1905042)

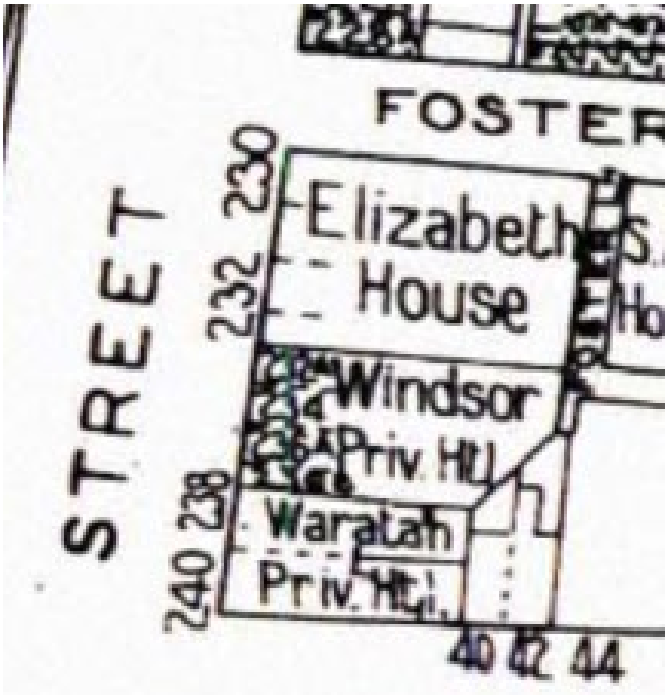

Figure 3-28: 1949-1972 map (City of Sydney Archives)



Figure 3-29: 1949 Aerial (Source: City of Sydney Archives)



Figure 3-30: Elizabeth Street 1953 (Source: City of Sydney Archives < https://archives.cityofsydney.nsw.gov.au/nodes/view/670495>)



Figure 3-31: Study area visible next to Elizabeth House 1954 (Source: City of Sydney Archives A-00058033 < https://archives.cityofsydney.nsw.gov.au/nodes/view/670493>)



Figure 3-32: Section from Elizabeth St Streetscape 1954 (Source: City of Sydney Archives A-00044336, < https://archives.cityofsydney.nsw.gov.au/nodes/view/685534>) Windsor Private Hotel



Figure 3-33: Elizabeth Street 1955 (Source; City of Sydney Archives A-00058035, < https://archives.cityofsydney.nsw.gov.au/nodes/view/670500>)



Figure 3-34: Study area in relation to Belmore Park, 1957 (Source: City of Sydney Archives A-01168247, < https://archives.cityofsydney.nsw.gov.au/nodes/view/1932242>)

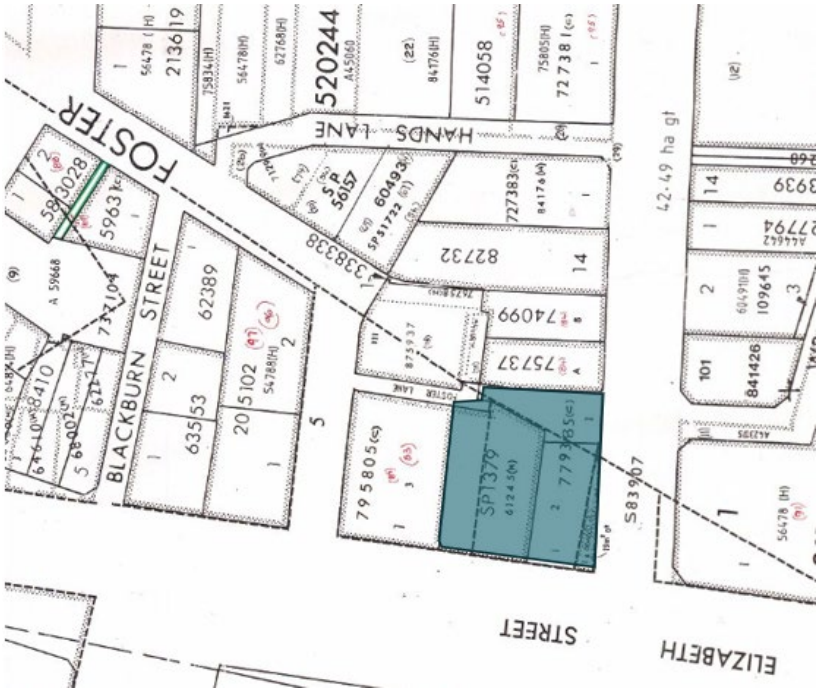

Figure 3-35: Sydney U1845-4124 Cadastral, 1981 (Source: HLRV)



Figure 3-36: Study Area visible next to Elizabeth House 1989 (Source: City of Sydney Archives A-00024132 < https://archives.cityofsydney.nsw.gov.au/nodes/view/584777>)



Figure 3-37: 1991 (City of Sydney Archives A-01129790, https://archives.cityofsydney.nsw.gov.au/nodes/view/1892358?keywords=reservoir%20%20elizabeth%20&highlights=WyJlbGl6YWJldGgiLCJyZXNlcnZvaXIiXQ==&lsk=4b83255cfad83e86cf2752277e549351)



Figure 3-38: 1991 Reservoir Street near Elizabeth (City of Sydney Archives A-01129791, https://archives.cityofsydney.nsw.gov.au/nodes/view/1892359?keywords=reservoir%20%20elizabeth%20&type=all&highlights=WyJyZXNlcnZvaXIiLCJlbGl6YWJldGgiXQ==&lsk=4b83255cfad83e86cf2752277e549351)



Figure 3-39: 2001, City of Sydney Archives A-01129796 : https://archives.cityofsydney.nsw.gov.au/nodes/view/1892364



Figure 3-40: Elizabeth St during 2021 Covid Lockdown (Source: City of Sydney Archives A-0117311, < https://archives.cityofsydney.nsw.gov.au/nodes/view/1937133>)

3.3. Summary of historical disturbance and potential archaeology

Over time there has been a variety of land disturbances to the study area which have potentially impacted the survivability of archaeological deposits. The study area's location borders the early farming estate and the brick fields. Early land clearing for farming and movement of cattle across the cleared land would have led to widespread erosion of the landscape and the potential loss of surface artefacts and occupation deposits.

The sections of the study area within the brickfields could have resulted in clay deposits removed for brickmaking. There is also the potential of the remains of a temporary hut, in addition to the potential of evidence of brick making activities such as the remains of pits, kilns, or terraced areas from clay removal.[111]

The building at 238 Elizabeth Street is believed to have been the one constructed between 1855-1865, modified to reach its present shape by c.1875.[112] The initial construction would likely have used abutting floorboards which provide a greater potential of archaeological deposits within the building footprint.[113] In later years, with the introduction of tongue- and-groove floorboards, there tends to be a reduction in archaeological deposits below floors.

In the location of 234-236 Elizabeth Street there was a wooden structure, built c.1845 and demolished c.1861. A brick building in the location of 236 Elizabeth was built c. 1853-55 and demolished prior to the construction of the terrace houses.

The terrace houses at 232-236 Elizabeth Street were likely built c. 1879 at the transition stage between abutting and tongue and groove floorboards.[114] Tongue and groove floorboards still have the potential of having underfloor archaeological deposits as gaps can occur in tongue and groove floorboards over time.[115]

Former rear yards have the potential to produce archaeological deposits of domestic refuse that have since been covered and/or built upon.[116]

Cess pits, associated with water closets, have the potential to have been filled in with household refuse when plumbing was introduced into the study area.

The urban nature of the study area does not preclude the possibility of Aboriginal archaeological remains,[117] as excavations in similar urban environments have produced artefacts (e.g. Conservatorium of Music[118] and Angel Place[119]).

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[111] Austral 1999 p. 34.
[112] Austral 1999 p. 34.
[113] Austral 1999 p. 35.
[114] Casey 2004,'Falling through the Cracks: Method and Practice at the CSR Site, Pyrmont' *Australasian Historical Archaeology*, 22, 2004, p. 34.
[115] Winter, Green et al 2020, 'Investigating underfloor and Between Floor Deposits in Standing Buildings in Colonial Australia' *International Journal of Historical Archaeology* ,Aug 2020, Springer
[116] Austral 1999 p. 35.
[117] Austral 1999 p. 34.
[118] Excavated by Casey & Lowe in 1998-2001
[119] Excavated by Godden Mackay in 1997

4. Site Area Description

4. Site Area Description

A pedestrian survey of the study area took place on 27 October 2022 by archaeologist Alex Thorn.

The study area is located on the eastern side of Elizabeth Street on the corner with Reservoir Street. It is bound by 230 Elizabeth Street "Elizabeth House" to the north, and 250 Reservoir Street to the east, accessible via Foster Lane to the north-east.

It was observed that the study area is highly urbanised and covered by existing structures, asphalt and concrete with no original surfaces evident. The floor level of the buildings is noticeable higher than the street level across the study area, ranging from approximately 10-30cm. Ramps have been formed in a number of shops to connect the street level to the internal shop floor.

232-236 Elizabeth Street is located to the north of the study area, to Elizabeth Street it presents as a three-storey red brick terrace. The ground level is currently occupied by a laundromat, a vacated fast food restaurant and a clothing shop.

238-240 Elizabeth Street is located to the South of the study area on the corner of Elizabeth and Reservoir Streets. To Elizabeth Street is presents as a three-storey building with an uneven hipped iron roof. The ground floor is occupied by Surry Hills Dumplings and a cake shop.

The infill building between 240 Elizabeth and 42 Reservoir Street is currently occupied by a Mexican restaurant, a street level doorway to the east of the building, before 40 Reservoir Street leads to a set of stairs that access the second storey of 42 Reservoir Street, presently utilised as a laundry for the backpacker hostel, connected to 238-240 Elizabeth Street via a wooden balcony-like platform.

The ground floor of 42 Reservoir Street (formerly 40) is occupied by art gallery 'Gallery Oz' and the ground floor of 44 Reservoir Street (formerly 42) is soon to open as a restaurant.

The rear yard is completely covered in concrete. The majority of internal floors were covered with tiles, artificial floorboards and carpet. There is no evidence to suggest that there have ever been basements within the study area and the current buildings do not have basements.

Images from the pedestrian survey are included below (Figure 4-1 to Figure 4-8).



Figure 4-1: Elizabeth Street frontage (Source: Curio 2022)



Figure 4-2: Reservoir Street frontage (Source: Curio 2022)



Figure 4-3: Foster Lane access (Source: Curio 2022)



Figure 4-4: South east corner facing west on level one platform (Source: Curio 2022)



Figure 4-5: Rear of buildings 238-40 , infill and rear yard from ground level (Source: Curio 2022)



Figure 4-6: Rear of Buildings part 238-40, 232-236 Elizabeth and rear yard from first floor (Source: Curio 2022)



Figure 4-7: Street level and internal floor level at 242 Reservoir Street (former 240) (Source: Curio 2022)



Figure 4-8: Street level and internal floor level at 244 Reservoir Street (former 242) (Source: Curio 2022)

5. Proposed Works

5. Proposed Works

5.1. Proposed Development

This planning proposal seeks consent to increase the Floor Space Ratio (FSR) for future construction in the study area.

No physical works will be undertaken as part of this planning proposal. Any future works will be subject to a subsequent Development Application.

5.2. Indicative Future Design

The indicative design as part of the proposal includes the demolition of existing buildings within the study area and the construction of a new building fronting Elizabeth Street, Reservoir Street and Foster Lane, and the construction of a basement car park and associated works (Figure 5-1- Figure 5-4). The following may be undertaken as part of future development:

- Demolition of existing fabric
- Construction of a nine (9) storey building in the study area
- End of trip facilities across one (1) basement level
- Car parking across two (2) basement levels accessed via Reservoir Street
- A through-site link from Reservoir Street to Foster Lane
- Roof top terrace

A copy of the indicative development plans is provided as Appendix B.



Figure 5-1: West Elevation – Elizabeth Street (Source: Candalepas Associates, Nov 2022)

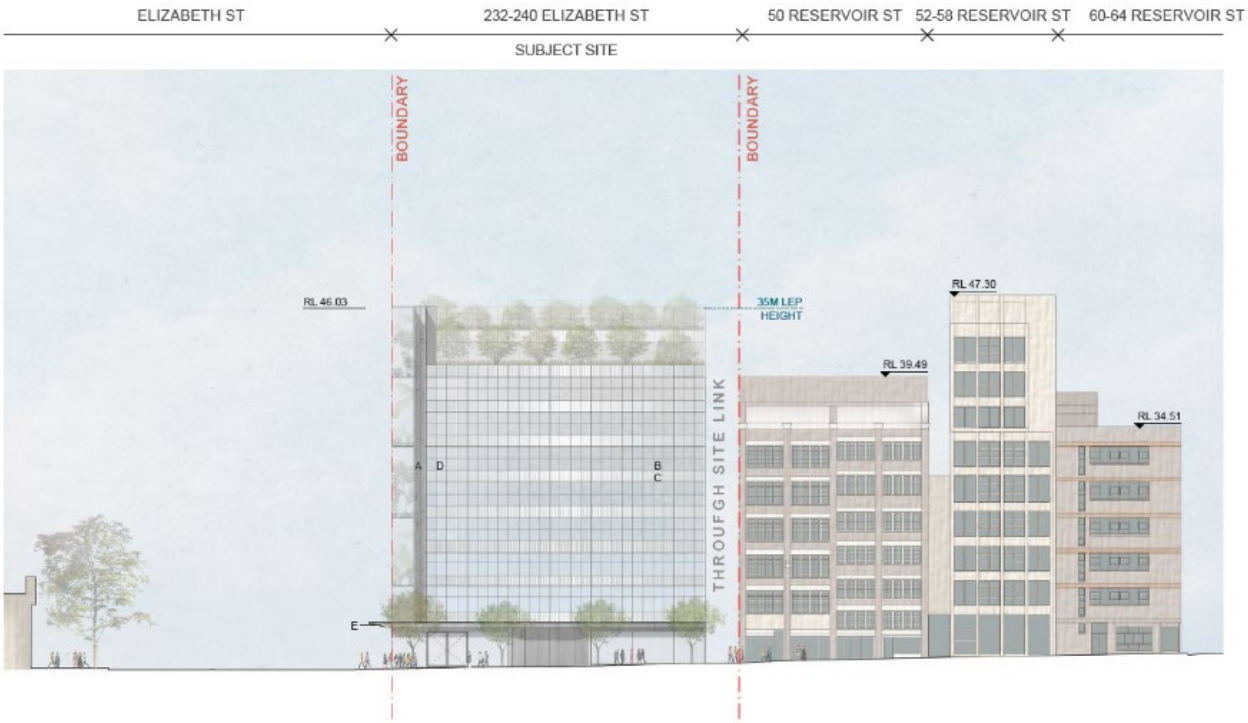

Figure 5-2: South Elevation- Reservoir Street (Source: Candalepas Associates, Nov 2022)

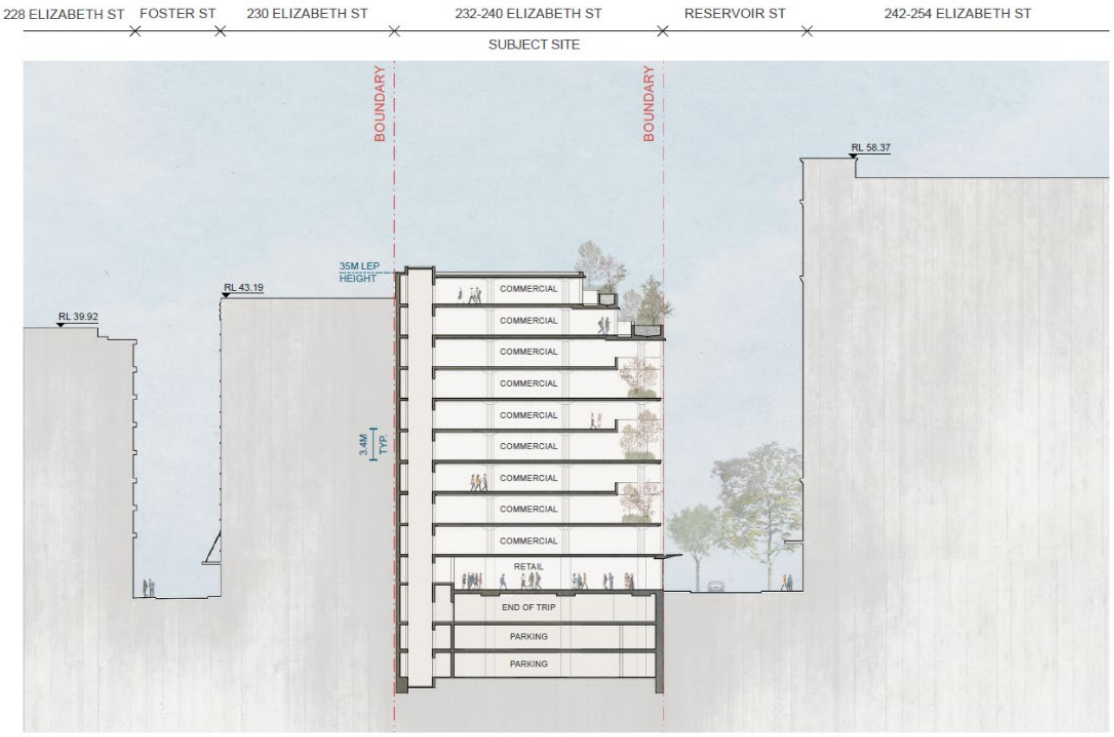

Figure 5-3: Section AA of the proposed development (Source: Candalepas and Associates, Nov 2022)

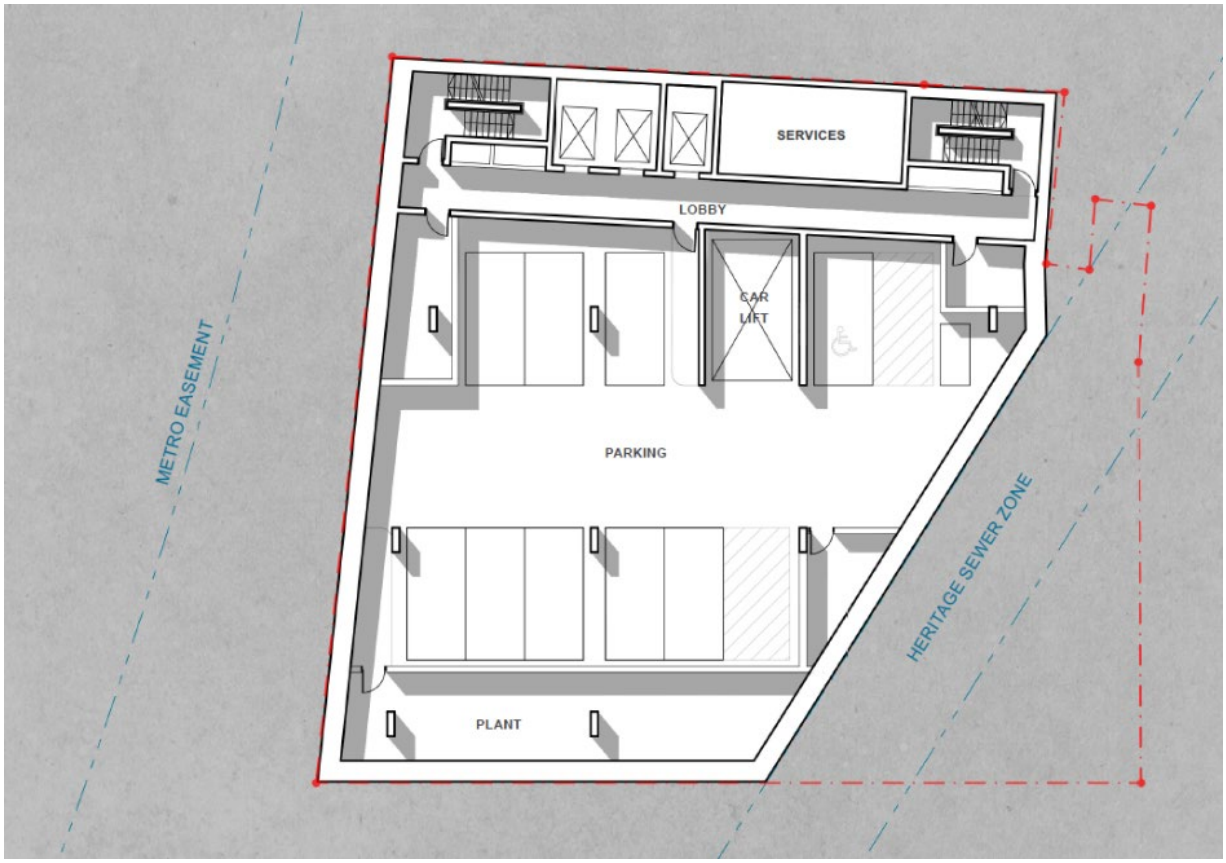

Figure 5-4: Basement Level 2-3 plan showing the location of the Heritage Sewer (Source: Candalepas and Associates Nov 2022)

6. Aboriginal Objects Due Diligence Assessment

6. Aboriginal Objects Due Diligence Assessment

Is the proposed activity a low impact activity as defined by the Regulation?

No.

A planning proposal is being prepared for the proposed development of the study area which will include the demolition of the existing buildings and the construction of a new building element fronting Elizabeth Street and Reservoir Street with access from Foster Lane, and the construction of a basement car park. For the purposes of the assessment, it has been assumed that the proposed activity will involve earthworks and ground disturbance associated with landscaping, the construction of new structures and the underground car park and the installation/modification of associated infrastructure and services relating to the development.

The proposed activity is not a low impact activity as defined under Part 5 Division 2 Section 58 of the National Parks and Wildlife Regulation 2019 ('the Regulation') because:

- It involves earthworks associated with demolition, excavation, construction, and landscaping.

Step 1: Will the proposed activity disturb the ground surface or any culturally modified trees?

Yes and No.

The proposed activity as previously outlined in Section 1.3 involves earthworks and therefore has the potential to disturb Aboriginal objects if present.

The study area has been cleared of vegetation and has been subject to intensive use and urban development. No culturally modified trees will be impacted by the proposed works.

Step 2a: Are there any relevant confirmed site records on AHIMS (or other heritage registers) or other sources of information of which you are already aware?

AHIMS Search

An extensive search of the Aboriginal Heritage Information Management System (AHIMS) database was undertaken on 26 October 2022 for the following area centred on the study area (using address 238 Elizabeth Street Surry Hills). A total of 8 registered Aboriginal heritage sites are listed as being located within the 1km search area, though none are located directly within or adjacent to the current study area (Figure 6-1). The extensive AHIMS search is attached as Appendix A.

AHIMS search results always require a certain amount of scrutiny in order to acknowledge and accommodate for things such as inconsistences in the coordinates (differing datums between years of recording), the existence of, and impact to, registered sites (impact to a registered site technically requires the submission of a Heritage Impact Recording form to be submitted to Heritage NSW, however these forms are not always submitted), and other database related difficulties. It should also be noted that the AHIMS database is a record of archaeological work that has been undertaken and registered with Heritage NSW in the region. The AHIMS database is therefore a reflection of recorded archaeological work, the need for which has likely been predominately triggered by development, and not a representation of the actual archaeological potential of the search area. AHIMS searches should be used as a starting point for further research and not as a definitive, final set of data.

Summary descriptions of Aboriginal site features registered on AHIMS, as relevant to the study area and surrounding local region, are presented in Table 6-1. The 8 registered sites from the AHIMS are summarised in Table 6-2. The general distribution of each of these registered sites in relation to the study area is depicted in Figure 6-1. The most common AHIMS site types from this search are Artefact sites (n=4) and Potential Archaeological Deposits (PADs) (n=2).

The closest registered site to the study is CRS AS 01 (Central Railway Artefact scatter 01) (AHIMS ID # 45-6-3654) situated approximately 500m south-west of the study area. The site is partially destroyed. The lack of recorded sites in the area suggests that assessment and investigations of Aboriginal cultural heritage has been limited, this however does not remove the potential for Aboriginal archaeological deposits to be present.

Table 6-1: Aboriginal Site Features

Site Feature	Description
Artefact Site (Open Camp Sites/Artefact Scatters/Isolated Finds)	Artefact sites consist of objects such as stone tools, and associated flaked material, spears, manuports, grindstones, discarded stone flakes, modified glass or shell demonstrating physical evidence of use of the area by Aboriginal people/ registered artefact sites can range from isolated finds to large extensive open camp sites and artefact scatters. Artefacts can be located either on the ground surface or in a subsurface archaeological context.
Aboriginal Ceremony and Dreaming	Aboriginal Ceremony and Dreaming sites were previously referred to as mythological sites. These sites are spiritual/story places and might not provide physical evidence of previous use such as spiritual or ceremonial areas, natural unmodified landscape features, men's/women's sites, marriage places, dreaming (creation) tracks, etc
Potential Archaeological Deposit (PAD)	An area where Aboriginal cultural material such as stone artefacts, hearths, middens etc. may be present in a subsurface capacity.
Shell Midden	A shell midden site is an accumulation or deposit of shellfish resulting from Aboriginal gathering and consumption of shellfish from marine, estuarine or freshwater environments. A shell midden site may be found in association with other objects like stone tools, faunal remains such as fish or mammal bones, charcoal, fireplaces/hearths, and occasionally, burials. Shell midden sites are often located on elevated, dry ground close to the environment from which the shellfish were foraged, and where freshwater resources are available. Shell middens may vary greatly in size and components.

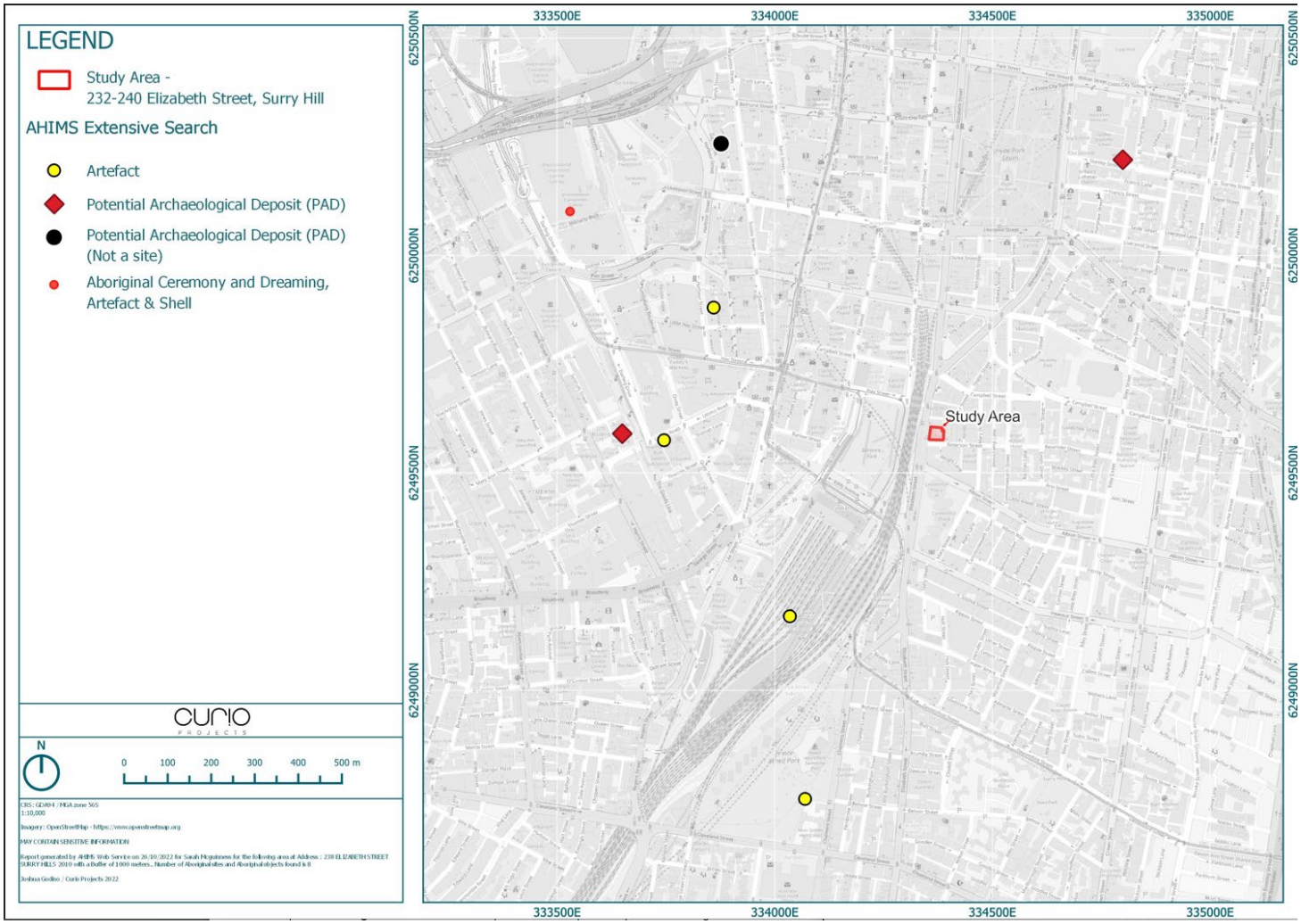

Figure 6-1: AHIMS Sites with proximity to the study area (indicated in red) (Source: Curio 2022),

Table 6-2: AHIMS Sites within 1km of the study area

Site Type	Number of Sites	Percentage of Sites (%)
Artefact	4	50%
Potential Archaeological Deposit (PAD)	2	25%
Potential Archaeological Deposit (PAD) (not a site)	1	12.5%
Aboriginal Ceremony and Dreaming, Artefact, Shell	1	12.5%
Total	8	100%

6.1.1. Other Heritage Registers

On 28 October 2022, searches took place of the Australian World Heritage Database, the Commonwealth Heritage List, State Heritage Register, State Heritage Inventory, the Sydney LEP (2012), and the Sydney DCP (2012). Clause 5.10 of the Sydney LEP (2012) outlines the controls for Heritage conservation including the conservation of Aboriginal objects and Aboriginal Places of heritage significance.

The searches concluded that there are no Aboriginal heritage items within, or directly adjacent to, the study area.

6.1.2. Other source of information: review of previous assessments

The Review of relevant previous archaeological work is a highly informative and necessary step in identifying the likely nature of the potential archaeology within an area. The investigation of previous work undertaken in the region, on similar locations, and on similar landscape or landforms, can inform our understanding of an area by providing a proxy against which a newly investigated area can be measured (albeit with caution). That is to say, understanding the archaeological record at a general location can provide us with an indication of the nature and level of potential of archaeology that may be present within an area, prior to any subsurface investigation. As archaeology is by its very nature, a destructive discipline, it is important to acquire as much information and understanding of an area as possible prior to undertaking fieldwork (as once evidence has been excavated, its context is effectively destroyed), and also to avoid any unnecessary fieldwork at a site.

Research into archaeological investigations undertaken in proximity to the current study area indicate the types of archaeology that may survive in the area, and the environment that has allowed it to survive. No known Aboriginal archaeological excavations have been undertaken previously within the study area. The following provides a brief review of assessments undertaken in proximity to the study area.

Site Examples

432-436, 440-442 & 444 Elizabeth Street, Surry Hills – RPS Group 2019

In 2017, RPS Group was commissioned by Cadbuilt Aust Pty Ltd to prepare a Historical Archaeological Assessment in support of a Section 140 Permit for the proposed development of 432-436, 440-442 & 444 Elizabeth Street, Surry Hills situated approximately 680m south of the current study area. While the report is focussed upon the non-Aboriginal heritage of the assessment

area, it was noted that no unexpected Aboriginal heritage was identified throughout the duration of the monitoring and excavation.[120]

This report is of relevance to the current study as it contributes to the predictive model for the region as it is a similar Urban environment located in proximity to the study area

216-228A Elizabeth Street and former 1-5 Blackburn Street, Surry Hills AMAC Group 2019

This report presents the results of archaeological excavations by AMAC, the site is situated approximately 70m north of the study area. The site is of a similar urban environment to the study area. While the report is focussed upon the non-Aboriginal heritage of the assessment area it was noted that no aboriginal objects or evidence of aboriginal occupation was found during the archaeological excavations of the site and no natural topsoil was recovered from the site, the topsoil had been stripped to the B horizon and underlying shale.[121]

This report is of relevance to the current study as it contributes to the predictive model for the region as it is a similar Urban environment located in proximity to the study area

The Quay Project, Haymarket – Biosis Research Pty Ltd 2012

This report presents the results of archaeological investigations by Biosis for the redevelopment of land located at the corner of Quay Street and Ultimo Road in Haymarket situated approximately 600m west of the current study area. Based on the results of an earlier due diligence assessment completed for the project, it was suggested that the area would likely have been favoured by Aboriginal people prior to European settlement due to its proximity to resources and its topography. The extensive disturbance of the natural landscape since the late 18th Century, however, meant that it was unlikely that traces of Aboriginal occupation had survived in the assessment area. During subsequent historical excavations within the assessment area, potential remnant deposits of natural topsoil were identified resulting in further Aboriginal assessment including consultation and test excavation within the area. A total of five (5) 50cm by 50cm test pits were excavated. No Aboriginal objects were recovered confirming the results of the earlier Due Diligence Assessment. A single lithic artefact, however, was later identified in spoil from the fill of a European post hole. The isolated artefact was recorded as site Poultry Market 1 (AHIMS ID# 45-6-2987) and consists of a retouched flake manufactured from a dark fine-grained material preliminarily identified as being petrified wood. The highly disturbed context from which the artefact derived resulted in the conclusion that further artefacts were unlikely.

This assessment is of relevance to the current study as it contributes to the predictive model for the region as it is a similar Urban environment located in proximity to the study area.

Former Inwards Parcel Office – Urbis 2020

This report presents the results of an ACHAR completed by Urbis for a commercial and hotel development above the Former Inwards Parcel Shed at 8-10 Lee Street, Haymarket located approximately 550m to the southwest of the current study area. The assessment involved desktop background research and a visual inspection of the assessment area. It was determined that, despite the high level of disturbance within the assessment area resulting from modern development, there remains the potential for sand deposits associated with the Tuggerah Soil Landscape as well as a potential paleo channel to be located within the assessment area. These environmental features were hypothesised to increase the potential for archaeological deposits (artefacts, middens, burials) to remain within the assessment area below the current structures. The results from a geotechnical

[120] RPS 2019, p.2
[121] AMAC 2019, *Elizabeth & Blackburn Streets Surry Hills*, Final Archaeological Report (Vol 2), p. 347.

assessment provided support for this prediction indicating that a 2m thick lens of very loose sand alluvium exists beneath the present 2-8m of fill material.[122] It was concluded an archaeological test excavation program would be required to test the nature of sub-surface archaeological resources within the assessment area.

This report is of relevance to the current study as it contributes to the predictive model for the region as it is a similar Urban environment located in proximity to the study area.

Key finding previous assessments

Based on the AHIMS search results and a consideration of the results of several previous archaeological assessments competed within the wider region surrounding the study area, the following key findings are made:

- Artefact sites represent the most common site type present in the local region followed by PADs.
- High levels of disturbance because of European land use practices have resulted in the removal of soil deposits, and thus the removal of archaeological potential.
- Based on the extensive disturbance that has occurred within the local region, predictions of the potential for archaeological deposits must me made based on a desktop review of the pre-European environmental context of an area.
- Most registered Aboriginal sites have been uncovered during historical archaeological excavations in relation to development proposals.
- Despite the intensive urban development that has occurred within the local region, the potential exists for intact natural soil profiles, and thus archaeological deposits, to be preserved below historically disturbed layers. The nature and extent of natural soil profiles, however, varies considerably and is dependent upon the nature of past land use practices in an area.

Step 2b: Are there any landscape features that are likely to indicate the presence of Aboriginal objects?

Yes.

The Due Diligence Code identifies certain landscape features that have the high potential for Aboriginal archaeological resources and cultural heritage. The following landscape features are identified as having high potential for Aboriginal objects:

- within 200m of waters, or
- located within a sand dune system, or
- located on a ridge top, ridge line or headland, or
- located within 200m below or above a cliff face, or

[122] Urbis Pty Ltd 2020

- within 20m of or in a cave, rock shelter, or a cave mouth.

The study area meets these criteria as it was located within 200m of waters.

The physical setting of the study area, its natural resources, landforms, and wider landscape setting has a significant influence over the nature, location, and form of Aboriginal occupation and use patterns through their interactions with the land (tangible values and site), while also providing meaningful landscape context for intangible heritage and connection to Country. Due to the highly modified nature of the current study area, however, an assessment of archaeological potential must be made based on the environment as it would have been prior to European land-use practices.

Surry Hills is characterised by gently undulating hills, crests, and ridges with gently inclined slopes. Prior to settlement, the study area was located on low ground near a creek that ran down Reservoir Street. The hydrology and topography of the study area and surrounds is presented in Figure 6-3.

Cockle Bay (now Darling Harbour) is located to the west and would have provided an additional source of coastal resources. Similarly, the fauna of Sydney region at and prior to 1788 would have offered an abundant natural resource for the local Aboriginal people. Typical species within the region would have consisted of possums, various wallabies and other small marsupials, as well as birds and lizards.

The archaeological characteristics and potential of an area are additionally influenced by stability of the soil matrix and land use history. The study area is situated within the Deep Creek Alluvial Soil Landscape with the Lucas Heights residual soil landscape unit to the north, south and east (Figure 6-2).

Deep Creek soils are associated with level to gently undulating alluvial floodplains on lower, non-tidal reaches of watercourses that drain the Hawkesbury Sandstone.[123] The deep creek soils in this area follow the course of a small creek that ran through the present Reservoir Street before linking with another creek that followed Hay Street, before emptying into Tumbalong (Darling Harbour).[124]

The Deep Creek Soil profile is characterised by deep (>200cm) podzols on well well-drained terraces with silicious sands on current floodplains and humus podzols in low lying areas.[125] The soil landscape's original vegetation was partially cleared open woodland, closed forest (rainforest) and tall open forest (wet sclerophyll forest) infested with weeds.[126]

The Lucas Heights residual soil profile is characterised by moderately deep (50-150cm hardsetting yellow soloths and yellow podzolic soils with yellow earths on the outer edges.[127] The landscape's original vegetation was extensively to completely cleared low, eucalypt open-forest and a low eucalypt woodland, with an understorey of sclerophyll shrub.[128]

The potential for in-situ Aboriginal objects is lower on land that has been disturbed by more recent European land use. For Aboriginal archaeological deposits to be present in situ, they require the retention of natural soil profiles in the area that would be extant from 1788. Areas of the study area that may have the highest potential for natural soils to be present (and corresponding potential for intact Aboriginal archaeological deposits), are areas where the lowest level of historical development

[123] Deep Creek 9130dc
[124] Casey and Lowe, [n.d] *Archaeological Investigation 19-41 Reservoir Street* (leaflet)
[125] Deep Creek 9130dc
[126] Deep Creek 9130dc
[127] Lucas Heights 9130lh
[128] Lucas Heights 9130lh

and excavation have been undertaken. As outlined in the historical development of the study area section of this report, the study area has been subject to historical ground disturbance through initial clearing of vegetation, potential grazing and/ or brick making activities within the study area and subsequent development of the existing buildings and structures on site. These factors would have resulted in impact to the upper layers of the natural soil profile. The absence of basement developments associated with these building, however, means that it is likely that intact soil profiles may be preserved at depth.

Based on an assessment of the pre-European environmental context of the study area, the following conclusions are made:

- The study area is located within the Deep Creek soil landscape unit while the Lucas Heights soil landscape unit is situated to the north, south and east.
- The study area was historically located adjacent to a creek and near swamplands. Such an environment would have provided an abundance of resource diversity and water availability for Aboriginal communities in the past.
- The study area is situated within an area known to be utilised by past Aboriginal groups.
- Based on the favourable environmental context of the study area and surrounds, it is likely that the area was used by Aboriginal people for either short- or long-term occupation or use.
- The study area has undergone various periods of disturbance and development, which have affected the natural form and integrity of the original landscape though intact soil profiles may be retained below the historical levels of disturbance.

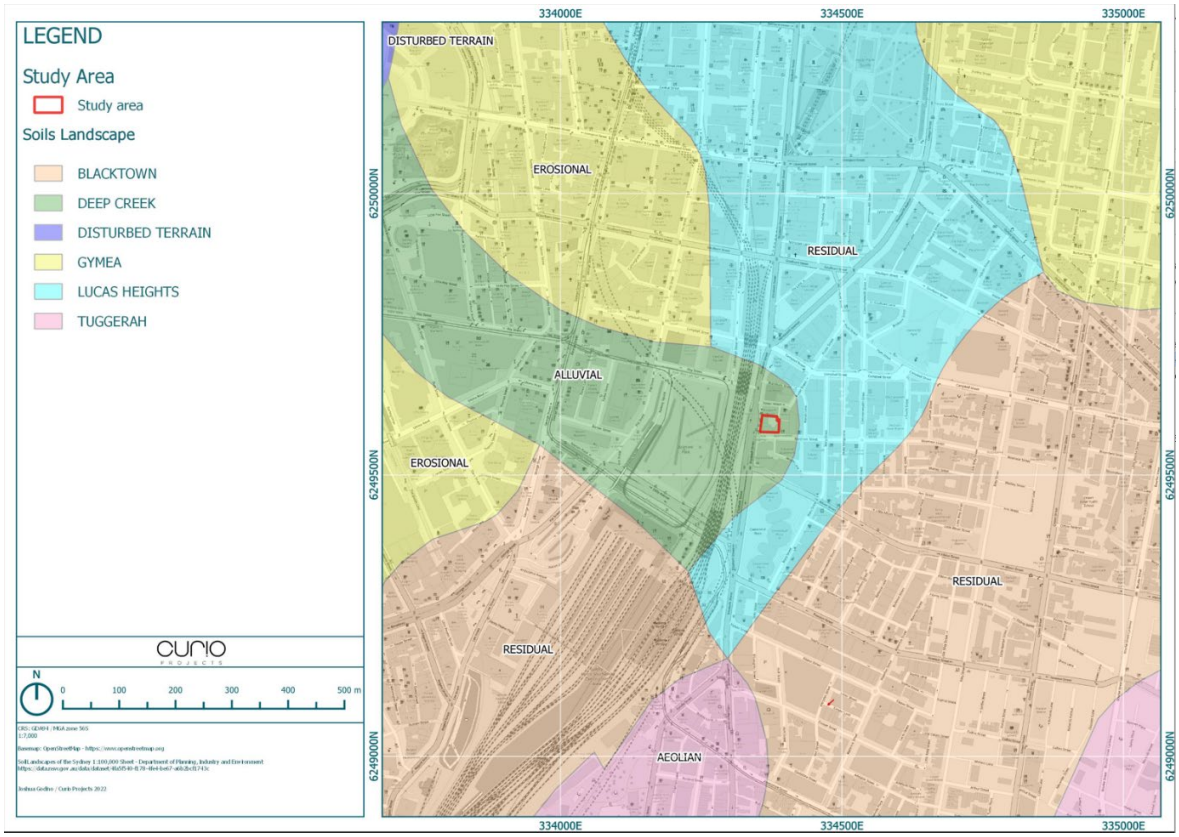

Figure 6-2: Soil Landscape Map (Source: Curio 2022)

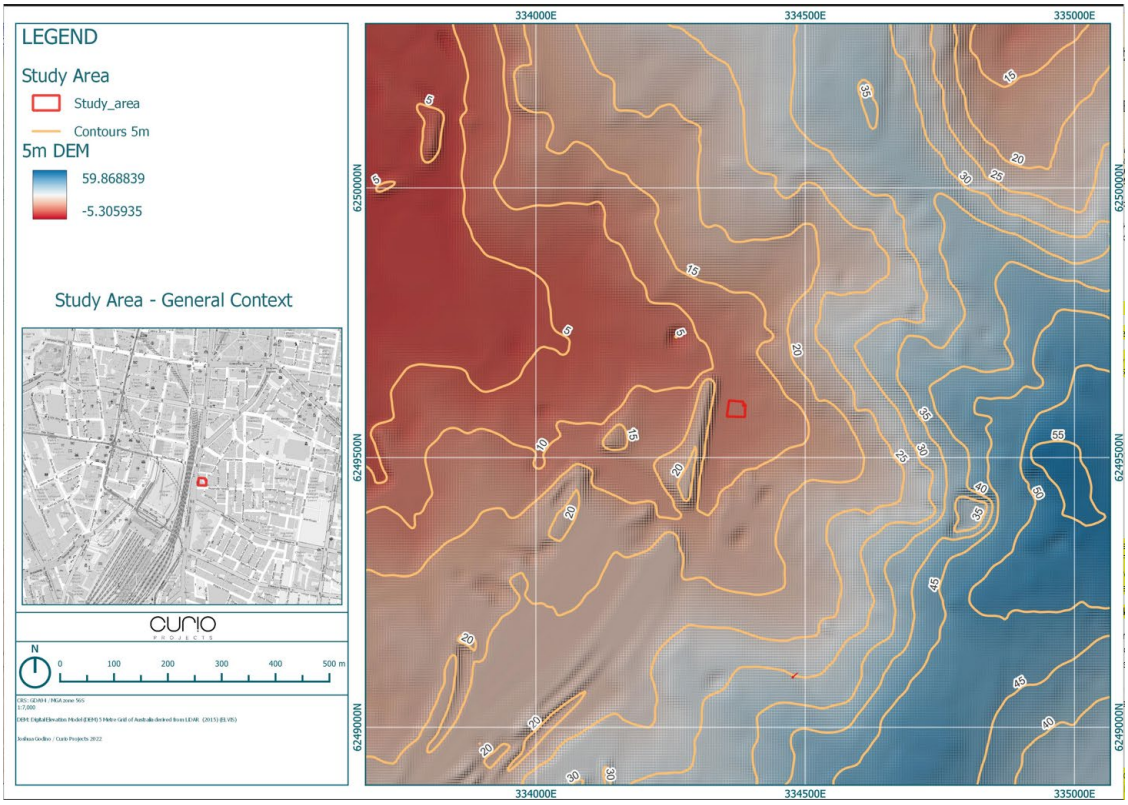

Figure 6-3: Hydrology and Topography Map (Source: Curio 2022)

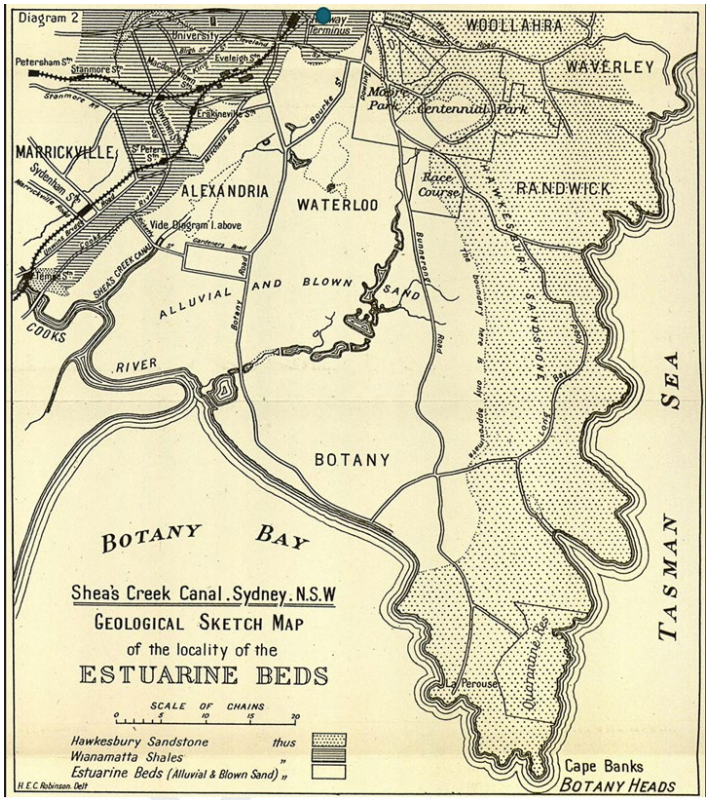

Figure 6-4: Geological sketch map of the locality of the estuarine beds, Shea's Creek Canal Sydney NSW 1896. Approximate location of the study area circles. (Source: Plate VIII, 'On the occurrence of a submerged forest, with remains of the Dugong, at Shea's Creek near Sydney' by R Etheridge, Junior, Professor TW Edgeworth David, BA, FGS, and HW Grimshaw, M Inst CE, Journal and proceedings of the Royal Society of New South Wales, Vol 30, 1896, p 158)

Step 3: Can you avoid harm to the object or disturbance of the landscape feature?

Further investigation required.

The planning proposal does not in itself disturb the landscape, but the indicative future works, particularly relating to the development of the underground parking, has the potential to impact intact soil profiles, if present in this area. Further investigation is needed. There are no Aboriginal sites registered with AHIMS within the study area. The presence of the deep Deep Creek soil landscape has the potential for Aboriginal sites such as, occupational deposits, stone artefacts, shell and burials.

Step 4: Desktop Assessment and visual inspection

A pedestrian survey of the study area took place on 27 October 2022 by Alex Thorn. It was observed that the study area is covered by existing structures, asphalt and concrete with no original surfaces evident. This survey and the results of the desktop survey have confirmed the following:

- There are no previously recorded Aboriginal objects and/or sites located within or directly adjacent to the study area.
- The study area is located in an area known to have historically been located close to a creek and near swamplands and their associated wealth of resources making it a favourable location for past Aboriginal occupation.
- The study area is situated within areas known to have been utilised by Aboriginal groups.
- The high level of disturbance, with specific reference to the high impact of the upper layers of the natural soil profile for the construction of subterranean facilities, results in low archaeological potential for sections of the study area. However, deeper, less disturbed soil deposits associated with the Deep Creek and Lucas Heights residual soil landscape units may still have potential for Aboriginal archaeological resources.
- The deeper, undisturbed soils under existing structures and below existing disturbance associated with historical land use is assessed as being of moderate Aboriginal archaeological potential.

Step 5: Further investigation and impact assessment

Yes.

This DD was prepared to investigate the presence or absence of Aboriginal object and/or sites within the study area, and whether the proposed development has the potential to harm any Aboriginal objects that may exist. The DD was prepared in accordance with the Due Diligence Code and included the following:

- Comprehensive background research of the AHIMS register and statutory and non-statutory heritage listings (Step 2a).
- Analysis of previous assessments that have been completed within the local region surrounding the study area (Step 2a).
- Analysis of landscape features and their potential to retain Aboriginal objects (Step 2b).
- Analysis of historical land use and its impact on the study area (Section 3).

The DD concluded that:

- There are no registered Aboriginal objects and/or sites located within or directly adjacent to the study area.
- The study area is located in an area known to have historically been located close to a creek and near swamplands and their associated wealth of resources making it a favourable location for past Aboriginal occupation.
- The study area is situated within areas known to have been utilised by Aboriginal groups.
- Past land-use practices within the study area have likely resulted in the removal of the upper portion of natural soils. However, deeper, less disturbed soil deposits associated with the Deep Creek and Lucas Heights residual soil landscape units retain the potential to preserve Aboriginal archaeological resources. If present, archaeological deposits within the study area would have the potential to contribute important information regarding the precontact and contact Aboriginal occupation of the study area and Sydney region more broadly.
- The deeper, undisturbed soils under existing structures and below existing disturbance associated with historical land use is assessed as being of moderate Aboriginal archaeological potential.
- The indicative future works, particularly in relation to the construction of the basement car park, has the potential to impact natural soil profiles, and thus Aboriginal archaeological deposits in this area if present. The nature and extent of sub-surface archaeological deposits, however, remains unknown.

The Due Diligence Code states that, where either the desktop assessment or visual inspection indicates that there are (or are likely to be) Aboriginal objects in the area of the proposed activity, more detailed investigation and impact assessment will be required.

As the planning proposal for which this assessment has been prepared does not include any physical works, an Aboriginal Cultural Heritage Assessment (ACHA) is not recommended at this stage.

It is understood that any future physical works in the study area will be subject to a subsequent Development Application. The indicative design included in the planning proposal includes the construction of basements. As such, prior to any physical development of the study area, it is recommended that an ACHA including consultation with relevant Aboriginal stakeholders should be completed to investigate, assess and manage both tangible and intangible Aboriginal cultural heritage resources within the study area. This further assessment must be completed in accordance with relevant Heritage NSW statutory guidelines.

Please refer to Section 8 of this report for further details of the recommendations relating to Aboriginal cultural heritage.

7. Historical (Non-Aboriginal) Archaeological Assessment

7. Historical (Non-Aboriginal) Archaeological Assessment

7.1. Non-Aboriginal Archaeology

7.1.1. Methodology

The following section discusses the study area's potential to contain non-Aboriginal (European) archaeological resources and the significance of any potential remains. It has been guided by methodologies outlined below.

Archaeological potential

The potential for archaeological resources to survive in a landscape is significantly affected by the historical use of a site past ground disturbing activities. The following assessment of archaeological potential is based on definitions summarised below:

Archaeological potential	Definition
High	A site where there is known occupation associated with the historical phase and proceeding ground disturbance has been minimal
Moderate	A site where there is some potential for archaeological relics associated with the historical phase to survive, though they may have been subject to some disturbance
Low	A site that has either been subject to little or no known historical development, or where levels of disturbance are so high that they may have removed all evidence of former structures. Unexpected or highly truncated/disturbed archaeological resources may survive, though this is unlikely
Nil	A site where there has been no known historical development or where impacts are significant, such as the construction of deep basements

Archaeological significance

Determining the significance of a potential archaeological resource is carried out by utilising a system of assessment under seven criteria outlined in the 2013 *Burra Charter of Australia*.[129] In 2009 the Heritage Council of NSW endorsed criteria developed specifically to assist archaeologists determine the significance of archaeological sites and relics.[130] These are presented below.

Criterion	Definition
Archaeological Research Potential NSW Heritage Criterion E	Archaeological research potential is the ability of archaeological evidence, through analysis and interpretation, to provide information about a site that could not be derived from any other source, and which contributes to the archaeological significance of that site and its 'relics'.
Associations with individuals, events, or groups of historical importance NSW Heritage Criteria A, B, D	Archaeological remains may have associations with individuals, groups and events which may transform mundane places or objects into significant items through their relationship with important historical occurrences.

[129] Australia ICOMOS, 2013. Burra Charter.
[130] Heritage Branch Department of Planning, 2009, p. 11.

Criterion	Definition
Aesthetic or technical significance NSW Heritage Criterion C	Whilst the technical value of archaeology is usually considered as 'research potential' aesthetic values are not usually considered to be relevant to archaeological sites. This is often because until a site has been excavated, its actual features and attributes may remain unknown. It is also because aesthetic is often interpreted to mean attractive, as opposed to the broader sense of sensory perception or 'feeling' as expressed in the Burra Charter.
Ability to demonstrate the past through archaeological remains NSW Heritage Criteria A, C, F & G	Archaeological remains have an ability to demonstrate how a site was used, what processes occurred, how work was undertaken and the scale of an industrial practice or other historic occupation. They can demonstrate the principal characteristics of a place or process that may be rare or common.

7.1.2. Previous archaeological investigations nearby

The following archaeological investigations focusing on non-Aboriginal archaeological resources have been carried out in close proximity to the study area and will be used to inform this assessment of archaeological potential:

- Archaeological Management & Consulting Group Pty Ltd AMAC, 2019. *Final Archaeological Report: 216-22A Elizabeth Street and former 1-5 Blackburn Street, Surry Hills, NSW*
- Austral Archaeology Pty Ltd, 2017. *New Children's Court, 66-78 Albion Street, Surry Hills, NSW. Historical Archaeological Excavation Report*.
- Casey & Lowe, 1996-7, *Archaeological Excavation Silknit House, Mary Street, Surry Hills*
- Casey & Lowe, 1996, *Archaeological Excavation, 20 Albion Street, Surry Hills*
- RPS Australia East Pty Ltd, 2019*. 432-436, 440-442 & 444 Elizabeth Street, Surry Hills* - Historical Archaeological Excavation Report

Archaeological Management & Consulting Group Pty Ltd AMAC, 2019. Final Archaeological Report: 216-22A Elizabeth Street and former 1-5 Blackburn Street, Surry Hills, NSW

AMAC carried out salvage excavations at 216-22A Elizabeth Street and former 1-5 Blackburn Street, Surry Hills, approximately 70m north of the study area, in 2018.

The site was originally occupied by a large sandstone and brick cottage constructed on the early 1830s, three two-storey brick terraces from the 1840s and vacant area of land used as a pottery sale yard from the 1870s. Throughout the late 19th century a series of terraces and shops were built on vacant land or on the site of earlier structures such as the 1830s cottage.

Salvage excavations uncovered intact foundations of the 1830s cottage, two wells at the site of the 1840s terraces and disturbed evidence of late 19th century shops and former privy which had been modified with early 20th century sewer pipes. The site had been heavily cut down and modified over time, and as a result, no intact topsoils were encountered during the archaeological program.

Austral Archaeology Pty Ltd, 2017. New Children's Court, 66-78 Albion Street, Surry Hills, NSW. Historical Archaeological Excavation Report.

Austral completed archaeological test and salvage excavations at 66-78 Albion Street, Surry Hills, approximately 300m southeast of the study area, in 2015 and 2016. The Albion Street site was occupied by residential housing between c1850 and 1910, after which the Children's Court building was constructed.

Archaeological excavations uncovered intact evidence of the 1850s buildings including their footings, cesspits, underfloor deposits, yard surfaces, a refuse pit, a well and yard deposits. These were capped by a thick layer of levelling fill. Modern services had cut and truncated various pre-1910 occupation deposits and structures. Evidence of the historic removal of buildings materials (robbing) for unrelated construction activities was observed across the site. No evidence of pre-c1850 occupation was encountered.

The majority of cesspits encountered at the site were intact (i.e., had not been modified for plumbing) and had been cut into underlying clays. However, a brick lined plumbed toilet constructed during later development activities in around 1908/1910 was encountered. Unlike the intact cesspits, this did not contain a large artefact assemblage.

Casey & Lowe, 1996-7, Archaeological Excavation Silknit House, Mary Street, Surry Hills

In 1996-7 Casey and Lowe excavated Silknit House on the corner of Reservoir and Mary Streets, Surry Hills.[131] Archaeological deposits in the northwest corner of the site included a pre-1860s sealed deposit and remains associated with Chinese residential occupation in the late 19th century. Beneath the clean sand layer there were ephemeral brickfield remains, impressions of horse shoes and cart marks, suggesting the brickfields site was sealed and levelled prior to residential construction.[132] In situ archaeological deposits which included a timber capped stone drain, were left in place 2.5m below the street level. Archaeological testing at the southern end of the site also revealed evidence of brickfield era activity such as horses hooves and cart marks. Under investigation the topsoil and clay of the area had been removed and a number of shallow features had been cut into the clay. A sealed rubbish deposit dating to the pre-1860s was also found.[133] The archaeological evidence of the excavations generally confirmed that brickfield activities had extended into this area.[134]

Casey & Lowe, 1996, Archaeological Excavation, 20 Albion Street, Surry Hills

Casey and Lowe conducted an archaeological excavation at 20 Albion Street in 1996 with the aim of recording any archaeological remains from the post 1840s residential occupation in addition to any remains from the areas likely use as a brickfield.[135] Substantial intact remains from both periods were uncovered including the remains of a brick clamp kiln, the first example of a brickfield remains identified in the Sydney CBD.[136] The brick kiln was located immediately above shale, the clay had likely been removed for the purpose of brickmaking prior to the construction of the kiln. The brickfield remains were located at the rear of the site which had been subject to minimal later activity. The site above the brickfield remains had been filled with up to 500mm of sand and had been later used as a rubbish disposal location.

RPS Australia East Pty Ltd, 2019. 432-436, 440-442 & 444 Elizabeth Street, Surry Hills - Historical Archaeological Excavation Report

[131] Casey & Lowe, 2001, *Campbell Street Substation Archaeological Assessment & Research Design*, report prepared for Enerserve Energy Australia, p. 28
[132] Discussed in Casey & Lowe, 2001, p. 31.
[133] Discussed in Casey & Lowe, 2001, p. 31.
[134] Discussed in Casey & Lowe, 2001, p. 31.
[135] Discussed in Casey & Lowe, 2001, p. 30.
[136] Discussed in Casey & Lowe, 2001, p. 30.

RPS carried out archaeological monitoring and salvage excavations at 432-436, 440-442 & 444 Elizabeth Street, Surry Hills, located 700m south of the study area, in 2017. Like the current study area, the site was occupied by various century shops and residences.

Archaeological monitoring in the northern portion of the project area revealed that all evidence of previous structures had been removed through the construction of a 1903 basement and demolition of late 19th century buildings. However, intact footings, walls, surfaces and secondary artefact deposits associated with former 1870s shopfronts along the southern side of the site were found to have survived.

The limited nature of artefacts recovered from the site could not be directly associated with specific activities that may have occurred in residences or shops.

Summary of findings in relation to the study area

Findings from previous non-Aboriginal archaeological excavations in the vicinity of the study area suggest colonial sites in Surry Hills were sometimes cut down to basal clays to accommodate 19th century development. This often removed evidence of former soil horizons and Aboriginal land use. Levelling fills were introduced to accommodate later development at 66-78 Albion Street and to fill in removed brickfield era clay deposits at 20 Albion Street.

In terms of the current study area, similar activities may have removed archaeological resources associated with the site prior to the construction of the Elizabeth and Reservoir Street buildings; however, the extent of landscape modification in the area is unknown.

In terms of the survival of structural and artefact bearing deposits, where deep excavations for basements or cellars had not occurred, there was generally high to moderate potential for evidence of former buildings such as footings, foundations, cesspits, yard surfaces, refuse deposits and wells to survive, although these were sometimes truncated by modern services or building footings.

Additionally, previous excavations suggest that cesspits were sometimes modified to accommodate modern plumbing throughout the late 19th and early twentieth century, when formal Municipal services were brought into the suburb.

7.1.3. Archaeological Zoning Plan (AZP)

The 1992 AZP for Central Sydney has listed the following addresses in the study area as areas of archaeological potential (AAP) (shown in Figure 7-1). Foster Lane was not listed as a street assessed in the study.

- 232- 236A Elizabeth Street, Building, AAP[137]
- 238-240 Elizabeth Street, Building, AAP
- 40 Reservoir Street. Building, AAP[138]
- 42 Reservoir Street. Building, AAP[139]

The AZP describes areas of Archaeological Potential as:

> *An allotment of land or feature that has been identified in the field survey as being an area of high archaeological potential due to limited physical disturbance (usually due to the most recent building development). This category includes both above and*

[137] City of Sydney 1992, *The Central Sydney Archaeological Zoning Plan*, City of Sydney, p. 18.
[138] City of Sydney 1992, *The Central Sydney Archaeological Zoning Plan*, City of Sydney, p. 32.
[139] City of Sydney 1992, *The Central Sydney Archaeological Zoning Plan*, City of Sydney, p. 32.

below ground archaeological features such as remnant structures, significant fabric of extant buildings / structures, as well as below ground sites. Most areas identified will contain sites of former occupations / activity and buildings. These sites may be known through historic documentation (not undertaken as part of this project), or may become evident during the fieldwork. An example of the latter is within currently vacant allotments (generally development sites and car parks), where the shadows or outlines of the most recently demolished structures are evident on the walls of adjoining buildings.

Areas of Archaeological Potential are indicated by dark grey shading on the field survey plan. Where specific above ground features have been identified, they have been noted as part of the building allotment / street on which they are located in the schedule of sites.[140]

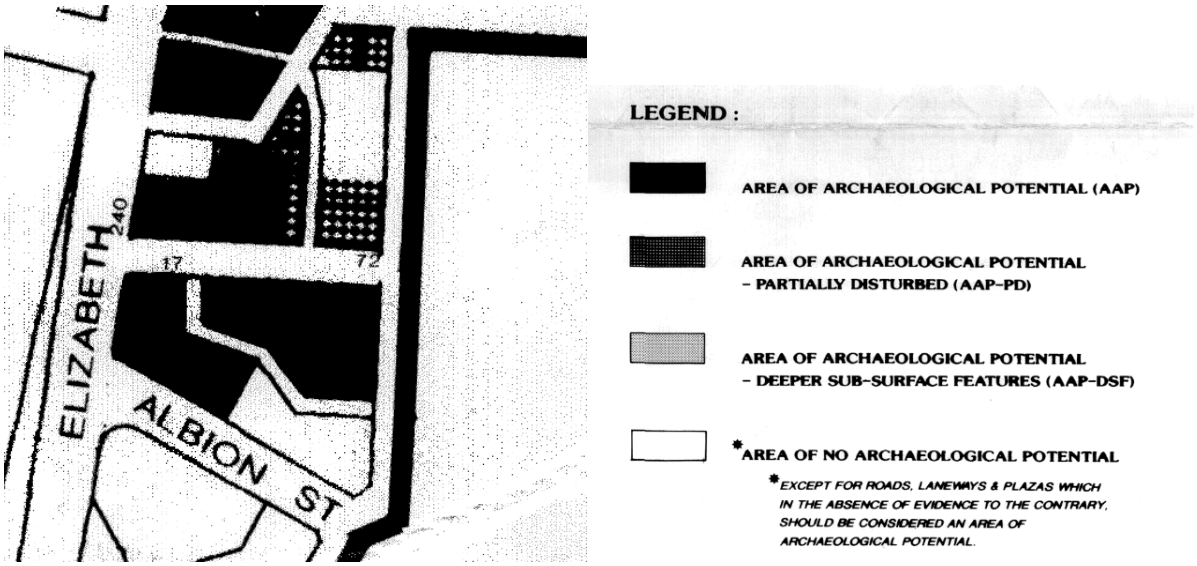

Figure 7-1: Central Sydney Archaeological Zoning Plan for Central Sydney 1992 (AZP) showing the study area as an area of Archaeological Potential (AAP), (Source: Central Sydney AZP)

7.1.4. Summary of post 1788 land use

Occupation phase	Known and potential land use and development	Potential archaeological resources
Phase 1 1788-c.1807 Brickfields and farming	Predominantly vacant lots associated with the Brickfields and Surry Hills farm. The site straddled the brickfields and Surry Hills Estate. In 1898 an "old stone wall" marking the border of the estate is noted along the eastern edge of the study area.	Ephemeral evidence of informal land use such as clearing of vegetation (tree boles), landscape modification, informal development and animal grazing. Potential evidence of brickmaking including clay pits or terraced areas, horse hoof and cart marks, kilns. Potential stone wall marking the former line of the Surry Hills Estate.

[140] City of Sydney 1992, *The Central Sydney Archaeological Zoning Plan*, City of Sydney, p. 6.

Occupation phase	Known and potential land use and development	Potential archaeological resources
Phase 2 c.1807-c.1843 Subdivisions and potential usage	Subdivisions occur Potential use as part of brickfields. Possible ephemeral brickfield huts as evidenced from Meehan's 1807 plan. By c.1840s a small structure evident around 40 Reservoir St	Potential fence lines and boundary markers Potential evidence of brickmaking including clay pits or terraced areas, horse hoof and cart marks, kilns. Potential structural remains of temporary structures including a brickfield hut and potential watch house.
Phase 3 c.1844-c.1879 Domestic Residences	Potential levelling of site c.1845 construction of wooden house around 234-236 Elizabeth Street c.1853-5 construction of brick house around 236 Elizabeth Street c.1853-5 construction of property at 238 Elizabeth Street c. 1861 demolition of wooden house around 234-236 Elizabeth Street c.1865 extension of 238 Elizabeth Street, c.1874 extension of 238 Elizabeth Street c.1879 construction of terraces at 232-236 Elizabeth Street 232-236 believed to be built c,1879 238-40 believed to have been extended c.1874 Possible disturbance of earlier land use during construction and extensions	Brick or stone footings, brick or stone cesspits, yard surfaces comprising of compacted earth, stone/brick flagging and/or paving, bitumen or concrete, discreet refuse pits, post holes associated with sheds or informal structures. Potential underfloor deposits from early abutting flooring. Potential occupation deposits

Occupation phase	Known and potential land use and development	Potential archaeological resources
Phase 4 c.1879-c.1920 Commercial and Residential Occupation	Construction of terraces at 40 and 42 Reservoir Street Installation of Bondi Outfall Brick sewer c.1889-93, potential removal of initial 40-42 Reservoir Street structures for the installation of the sewer Potential construction of new terraces at 40-42 Reservoir Street c.1895. Cess pits associates with water closets at rear of property potentially filled in when properties connected to water.	Brick oviform drain (although plans indicate it should not be disturbed by the development) Construction of the drain likely disturbed deposits in the eastern portion of the study area, associated construction fills. Brick or stone footings, brick or stone cesspits, yard surfaces comprising of compacted earth, stone/brick flagging and/or paving, bitumen or concrete, discreet refuse pits, post holes associated with sheds or informal structures. Potential Commercial and domestic occupation deposits
Phase 5: 1920s-present Commercial and residential occupation and extensive internal and external modifications and extensions	Addition of infill dwelling between 240 Elizabeth Street and 40 Reservoir Street post 1949. Rear extension of first floor of 238-240 Elizabeth Street c.1964 A number of internal fit out changes, changes to awnings and shop fronts.	Utilities, concrete slabs, paved surfaces, concrete or brick footings associated with Phase 5 additions and extensions.

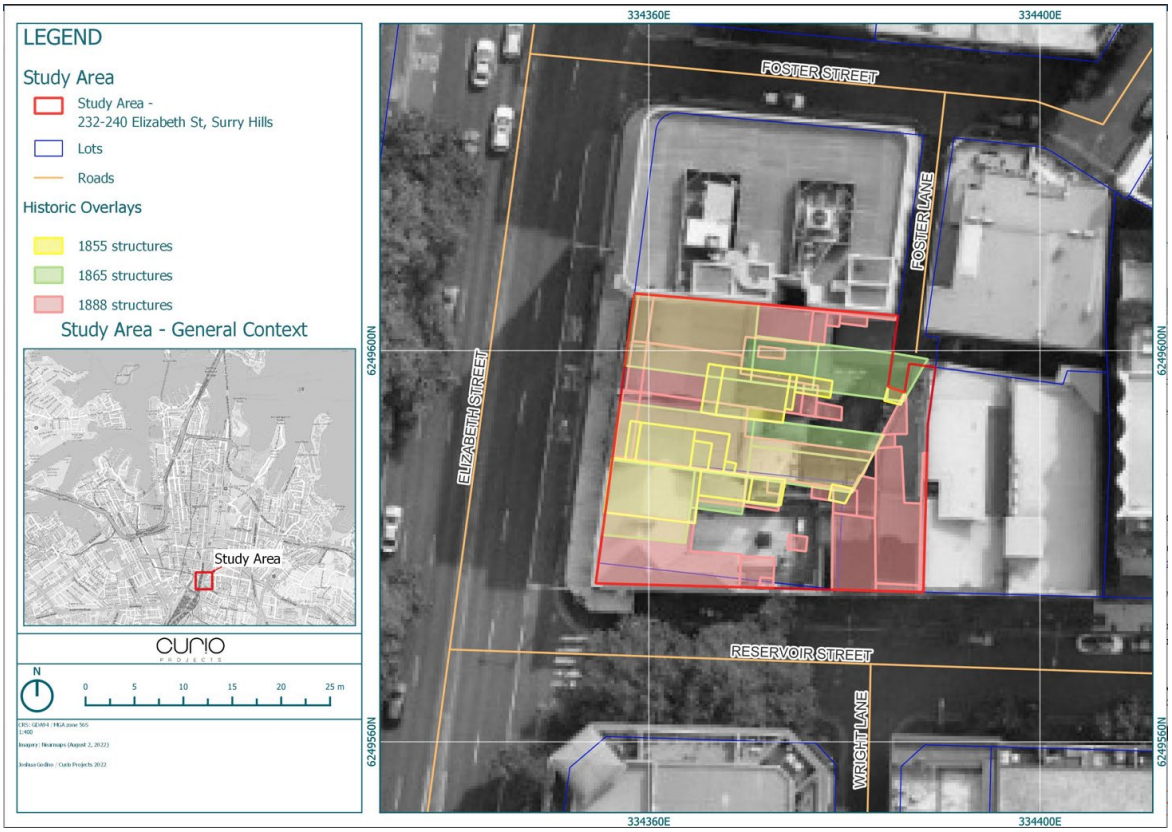

Figure 7-2: Location of 1855, 1865 and 1888 structures

7.1.5. Assessment of archaeological significance

The following assessment of archaeological significance is based on known occupation and development in the study area. It does not include an assessment of post-1920 development (Phase 5), as subsurface evidence for this later phase of development would likely represent surviving structures within the study area footprint or represent structures that do not contain research value due to their contemporary, ubiquitous, and well understood nature.

Table 7-1: Non-Aboriginal Archaeological assessment

Occupation phase	Assessment of archaeological potential
Phase 1 1788-c.1807 Brickfields and farming	Based on known land use and development, there is nil to low potential for deposits relating to the brickfields and early farming practices in the study area. Archaeological resources associated with this period would be highly ephemeral and fragile, for example tree boles associated with land clearing and are unlikely to have survived later development activities. Evidence of brickfield use and cart tracks, horse hooves has been revealed on nearby sites beneath sand levelling. There is the potential for an understanding of the brickfields landscape.[141]
Phase 2 c.1807-c.1843 Subdivisions and potential usage	Based on known land use and development, there is nil to low potential for deposits relating to the ephemeral structures that appears on early maps of the study area. The construction of the Phase 3 buildings in the study area would likely have disturbed, truncated or removed evidence of the potential Phase 2 usage. The

[141] Austral 1999, p. 35.

Occupation phase	Assessment of archaeological potential
	construction of the ovoid drain would likely have disturbed any evidence of a potential structure in the vicinity of 40 Reservoir Street[142]
Phase 3 c.1844-c.1879 Domestic residences	Based on known land use, development, and previous archaeological investigations In Surry Hills there is There is **low potential** for underfloor deposits associated with the early building structures on the Elizabeth Street frontage of the study area. There is **low to moderate potential** for Phase 3 yard surfaces, outbuildings, water closets and potentially cess pits. Building extensions and redevelopment, the late 19th Century excavation for the sewer, in addition to the installation of plumbing in the late 19th and 20th century and later utilities all may have potentially impacted the integrity of these deposits. Deep or structural archaeological resources such as cesspits or footings may continue to survive in discreet areas along with yard surfaces that were capped by later concrete surfaces.
Phase 4 c.1880-c.1920 Commercial and residential occupation	Based on known land use, development, and previous archaeological investigations In Surry Hills there is **low to moderate potential** for Phase 4 yard surfaces, outbuildings, water closets and potentially cess pits. Installation of plumbing in the late 19th and 20th century and later utilities all may have potentially impacted the integrity of these deposits. Deep or structural archaeological resources such as cesspits or footings may continue to survive in discreet areas along with yard surfaces that were capped by later concrete surfaces.

Table 7-2. Assessment of archaeological significance

Occupation phase	Assessment of archaeological significance
Phase 1 1788-c.1807 Brickfields and farming	In the unlikely event that potential archaeological resources associated farming were encountered in the study area, they are unlikely to meet the threshold for local or State significance under any of the NSW Heritage Criteria. Potential archaeological resources would be highly ephemeral in nature and represent ubiquitous land use activities such as evidence of vegetation clearing, the erection of fences. The location of the study area within the brickfields suggests that whilst there is a low potential of recovering archaeological resources associated with brick making and brick works, if recovered these deposits would be of local significance. **Potential Phase 1 archaeological resources associated with farming are unlikely to reach the threshold for local or State significance.** **Potential Phase 1 archaeological resources associated with brickmaking may reach the threshold for historical, scientific and rare significance at a local level**

[142] Austral 1999, p. 35.

Occupation phase	Assessment of archaeological significance
Phase 2 c.1807-c.1843 Subdivisions and potential usage	In the unlikely event that intact, artefact bearing deposits associated with the ephemeral structures mapped on the study area at this time, they may meet the threshold for historical and research significance at a local level. The structures each appear on a single map each, any remaining evidence of these ephemeral structures would have likely been disturbed, truncated or removed by later developments and, in the case of the structure near 40 Reservoir Street, the construction of the oviform sewer. If intact artefact bearing deposits associated with Phase 2 occupation were encountered in the study area, they may reach the threshold for historical and research significance at a local level.
Phase 3 c.1844-c.1879 Domestic residences	If intact, artefact bearing deposits associated with Phase 3 occupation were encountered in the study area, they may have historical significance under Criterion A and research significance under Criterion E at a local level, depending on their integrity and context. This phase of residential occupation represented working class residential occupation in Surry Hills. If present, primary artefact bearing deposits such as cesspits or refuse deposits associated with occupants and tenants may inform our understanding of the men, women and children who lived and worked in Surry Hills during this period, as well as their living conditions, commercial activities, consumer habits and cultural traditions. Structural evidence of Phase 3 occupation may meet the threshold for local or state significance under the NSW Heritage Criterion, albeit that development in the study area is well documented through cartographic records and surviving buildings across Surry Hills and the broader urban landscape. If intact artefact bearing deposits associated with Phase 3 occupation were encountered in the study area, they may reach the threshold for historical and research significance at a local level. Structural evidence of Phase 3 occupation not associated with artefact bearing deposits may meet the threshold of local or State significance.
Phase 4 c.1880-c.1920 Commercial and residential occupation	If intact, artefact bearing deposits associated with Phase 4 occupation were encountered in the study area, they may have historical significance under Criterion A and research significance under Criterion E at a local level, depending on their integrity and context. This phase of residential occupation represented working class residential and commercial occupation in Surry Hills. If present, primary artefact bearing deposits such as cesspits or refuse deposits associated with occupants and tenants may inform our understanding of the men, women and children who lived and worked in Surry Hills during this period, as well as their living conditions, commercial activities, consumer habits and cultural traditions. If intact artefact bearing deposits associated with Phase 4 occupation were encountered in the study area, they may reach the threshold for historical and research significance at a local level. Structural evidence of Phase 4 occupation not associated with artefact bearing deposits would not likely reach the threshold of local or State significance.

7.1.6. Summary of non-Aboriginal archaeological potential and significance in the study area

This assessment has found that the study area has the following non-Aboriginal archaeological potential and significance.

- Phase 1 (1788-c1807):
    - Nil to low potential to contain archaeological resources associated with Phase 1 farming and/or brick making. Remains associated with farming are unlikely to each the threshold of local or State significance. Archaeological remains associated with brickmaking would have historic and research significance at a local level.
- Phase 2 (c1807-1843):
    - Nil to low potential to contain archaeological resources associated with Phase 2 occupation. If encountered, these remains they may meet the threshold for historical and research significance at a local level.
- Phase 3 (c1844-1879):
    - Low potential for underfloor deposits associated with the early building structures on the Elizabeth Street frontage of the study area.
    - Low to moderate potential for Phase 3 yard surfaces, outbuildings, water closets and potentially cess pits.
    - Artefact bearing assemblages in the form of Phase 3 refuse pits or cesspit deposits (associated with Water Closets) may have historical significance and research value at a local level for their ability to inform our understanding of living conditions and consumer habits of the mid to late 19th century residents and commercial tenants in the study area. If found, they would be considered 'relics' under the Heritage Act.
    - Structural remains of Phase 3 buildings and ancillary structures not associated with *in situ* artefact bearing deposits may reach the threshold of local or State significance dependent on rarity, condition and level of intactness.
- Phase 4 (c.1879-c.1920)
    - Low to moderate potential for Phase 4 yard surfaces, outbuildings, water closets and potentially cess pits.
    - Artefact bearing assemblages in the form of Phase 4 refuse pits of cesspit deposits (associated with Water Closets) may have historical significance and research value at a local level for their ability to inform our understanding of living conditions and consumer habits of the late 19th and early 20th century residents and commercial tenants in the study area. If found, they would be considered 'relics' under the Heritage Act.
    - Structural evidence of Phase 4 occupation not associated with artefact bearing deposits would not likely reach the threshold of local or State significance.

8. Conclusions and Recommendations

8. Conclusions and Recommendations

The following conclusions have been determined as a result of this DD and AA.

8.1. Conclusions

Aboriginal Heritage and Archaeology

- There are no registered Aboriginal objects and/or sites located within or directly adjacent to the study area.
- The study area is recognised to be situated within an area which formerly had a creek adjacent and would have had access to swamplands and their associated resources. Furthermore, the study area is understood to be located within an area that was known to have been utilised by past Aboriginal groups.
- Past land-use practices within the study area have likely resulted in the removal of the upper portion of natural soils. However, deeper, less disturbed soil deposits associated with the Deep Creek and Lucas Heights residual soil landscape units retain the potential to preserve Aboriginal archaeological resources. If present, archaeological deposits within the study area would have the potential to contribute important on the pre-contact and post-contact Aboriginal occupation of the study area and Sydney region more broadly.
- The deeper, undisturbed soils under existing structures and below existing disturbance associated with historical land use is assessed as being of moderate Aboriginal archaeological potential.
- The potential future works as outlined in the indicative design, particularly in relation to the construction of the basement car park, have the potential to impact natural soil profiles, and thus Aboriginal archaeological deposits in this area if present. The nature and extent of sub-surface archaeological deposits, however, remains unknown.

Non-Aboriginal Archaeology

- The study area is not listed on the SHR, located within a SHR curtilage, an individually listed item or within a Heritage Conservation Area on the City of Sydney LEP 2012 or any other statutory heritage registers.
- All properties within the study area were listed as areas of Archaeological Potential (AAP) on the Sydney Archaeological Zoning Plan for Central Sydney 1992 (AZP).
- The study area has been subject to five post-1788 land use and development phases:
    - Phase 1: 1788-c.1807 Brickfields and farming
    - Phase 2: c.1807-c.1843 Subdivisions and potential usage
    - Phase 3: c.1844-c.1879 Domestic residences
    - Phase 4: c.1879-c.1920 Commercial and residential occupation
    - Phase 5: 1920s to present Commercial and residential occupation and extensive internal and external modifications and extensions
- This Assessment has found that the study area has the following non-Aboriginal archaeological potential and significance:

- Phase 1: nil to low potential to contain archaeological resources associated with Phase 1 occupation such as farming, land clearing and brickmaking activities. If encountered, archaeological remains associated with brickmaking would have historic and research significance at a local level
- Phase 2: nil to low potential to contain archaeological resources associated with Phase 2 occupation such as informal structures. If encountered, these remains may meet the threshold for historical and research significance at a local level.
- Phase 3: low potential for underfloor deposits associated with the early building structures and low to moderate potential for former yard surfaces, outbuildings, water closets and potentially cesspits associated with Phase 3 occupation.
    - Artefact bearing assemblages in the form of Phase 3 refuse pits or cesspit deposits (associated with Water Closets) may have historical significance and research value at a local level for their ability to inform our understanding of living conditions and consumer habits of the mid to late 19th century residents and commercial tenants in the study area. If found, they would be considered 'relics' under the Heritage Act.
    - Structural remains of Phase 3 buildings and ancillary structures not associated with *in situ* artefact bearing deposits may reach the threshold of local or State significance dependent on rarity, condition and level of intactness.
- Phase 4: low to moderate potential for former yard surfaces, outbuildings, water closets and potentially cesspits associated with Phase 4 occupation.
    - Artefact bearing assemblages in the form of Phase 4 refuse pits of cesspit deposits (associated with Water Closets) may have historical significance and research value at a local level for their ability to inform our understanding of living conditions and consumer habits of the late 19th and early 20th century residents and commercial tenants in the study area. If found, they would be considered 'relics' under the Heritage Act.
    - Structural evidence of Phase 4 occupation not associated with artefact bearing deposits would not likely reach the threshold of local or State significance

8.2. Recommendations

This planning proposal seeks consent to increase the Floor Space Ratio (FSR) for future construction in the study area. No physical works will be undertaken as part of this planning proposal.

The indicative design included in the proposal is concerned with the intended development of the study area involving a 3 storey basement which includes potentially impacting potential archaeological resources.

The following recommendations have been made in accordance with the above conclusions and are to guide the future intended development of the study area, which will be subject to a subsequent Development Application.

Aboriginal Heritage and Archaeology

Recommendation 1: Further Aboriginal heritage assessment and investigation:

Due to the moderate potential for Aboriginal objects to be preserved within soil profiles below existing land disturbance it is recommended that an ACHA including consultation with relevant Aboriginal stakeholders be completed at the time of future development to investigate, assess and manage both tangible and intangible Aboriginal cultural heritage resources within the study area prior to any development of the study area. This further assessment must be completed in accordance with relevant Heritage NSW statutory guidelines.

Consultation with relevant Aboriginal stakeholders must be undertaken in accordance with *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

As part of this further assessment, a program of Aboriginal archaeological testing in association with the Registered Aboriginal Parties (RAPs) should be undertaken prior to bulk excavation and construction of the underground car park and in all areas where the natural ground surface will be disturbed. Due to the nature of the study area as a developed urban site with potential for historical archaeology test excavation under the Code of Practice, will not be possible. In this instance, any future Aboriginal archaeological test excavation at the study area would require approval under a s90 Aboriginal Heritage Impact Permit (AHIP).

Recommendation 2: Aboriginal cultural heritage induction:

At the time of any future redevelopment of the site, a site induction should be provided to all employees/contractors engaged on the redevelopment of the study area. The induction material should include an overview of the types of sites to be aware of (i.e., artefact scatters or concentrations of shells that could be middens), obligations under the NPW Act, and the requirements of an archaeological finds' procedure.

Non-Aboriginal Archaeology

The following recommendations refer to non-Aboriginal archaeology only.

- As subsurface excavations are proposed in areas that have low-moderate potential to contain archaeological resources that may contain historical and research significance at a local level, it is recommended that archaeological management in the form of monitoring, test or salvage excavations be carried out under a *s139(4) excavation permit exception* or an approved *s140 excavation permit*.
    - *s139(4) excavation permit exception*: A *s139(4) excavation permit exception* allows for archaeological test excavations under Exception 2(d) or monitoring under Exception 2(e) to confirm the presence of significant archaeological resources. However, it does not permit the removal of, or impact to, archaeological 'relics' of local or State significance as defined by the Heritage Act. Impacts to 'relics' are only permitted under a *s140 excavation permit* (see below). While no application is required for a *s139(4) excavation exception;* an Archaeological Research Design (ARD) and Archaeological Work Method Statement must be prepared prior to works commencing and used to guide the archaeological program. Investigations must be carried out by a qualified archaeologist.
    - *s140 excavation permit*: A *s140 excavation permit application* can be submitted to Heritage NSW for archaeological testing, monitoring and salvage, and if approved, allows for the removal of 'relics' or local or State significance as defined by the Heritage Act. The

application must be accompanied by an ARD and Excavation Methodology and investigations must be supervised by a Heritage NSW approved Excavation Director.

- Where excavations are proposed outside of areas assessed as having archaeological potential works may proceed under an Unexpected Finds Procedure.
- If unexpected archaeological finds not addressed in this report or any future ARD for the project are encountered during the construction program, all excavation activities must cease in the area and a qualified archaeologist engaged to assess the nature and significance of the remains. If assessed as a 'relic' a *s146 Notification of discovery of relic* would be prepared and submitted to Heritage NSW and appropriate management of the remains developed in consultation with Podia and Heritage NSW.
- Depending on findings from the recommended ACHAR, non-Aboriginal archaeological management should be designed in association with any proposed Aboriginal heritage management for the project.
- A digital copy of this report and any future archaeological reports associated with the project should be submitted to the Heritage NSW Library and City of Sydney Council for their records.

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curio
PROJECTS

5 Blackfriars Street, Chippendale NSW 2008 | 02 8014 9800 | curioprojects.com.au

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : Elizabeth st

Client Service ID : 726772

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status **	SiteFeatures	SiteTypes	Reports
45-6-2637	George street 1	AGD	56	333860	6249880	Open site	Valid	Artefact : -		98238,102494, 102763,102765
	Contact	**Recorders**	Dominic Steele Archaeological Consulting					**Permits**	1369	
45-6-3848	244 Cleveland Street	GDA	56	334070	6248750	Open site	Valid	Artefact : -		
	Contact	**Recorders**	Comber Consultants Pty Limited,Ms.Veronica Norman					**Permits**		
45-6-2979	UTS PAD 1 14-28 Ultimo Rd Syd	GDA	56	333650	6249590	Open site	Valid	Potential Archaeological Deposit (PAD) : -		102494,102763,102765
	Contact	**Recorders**	Dominic Steele Archaeological Consulting,Mr.Dominic Steele					**Permits**	3458	
45-6-3152	168-190 Day Street, Sydney PAD	GDA	56	333877	6250257	Open site	Not a Site	Potential Archaeological Deposit (PAD) : -		
	Contact	**Recorders**	Mr.Josh Symons,Mr.Alex Timms					**Permits**	3789	
45-6-3654	CRS AS 01 (Central Railway Station Artefact scatter 01)	GDA	56	334035	6249170	Open site	Partially Destroyed	Artefact : -		104403
	Contact	**Recorders**	Artefact - Cultural Heritage Management - Pyrmont,Artefact - Cultural Heritage Ma					**Permits**	4639	
45-6-2651	William St PAD	AGD	56	334800	6250220	Open site	Valid	Potential Archaeological Deposit (PAD) : -		102494,102763,102765
	Contact	**Recorders**	Mr.Neville Baker					**Permits**	1589,1670	
45-6-2987	Poultry Market 1	GDA	56	333746	6249575	Open site	Valid	Artefact : 1		102494,102763
	Contact	**Recorders**	Ms.Samantha Higgs,Biosis Pty Ltd - Canberra					**Permits**	3506	
45-6-3217	Darling Central Midden	GDA	56	333530	6250101	Open site	Valid	Aboriginal Ceremony and Dreaming : 1, Artefact : 1, Shell : 1		
	Contact	**Recorders**	Comber Consultants Pty Limited,Ms.Tory Stening					**Permits**		

**** Site Status**

Valid - The site has been recorded and accepted onto the system as valid

Destroyed - The site has been completely impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There is nothing left of the site on the ground but proponents should proceed with caution.

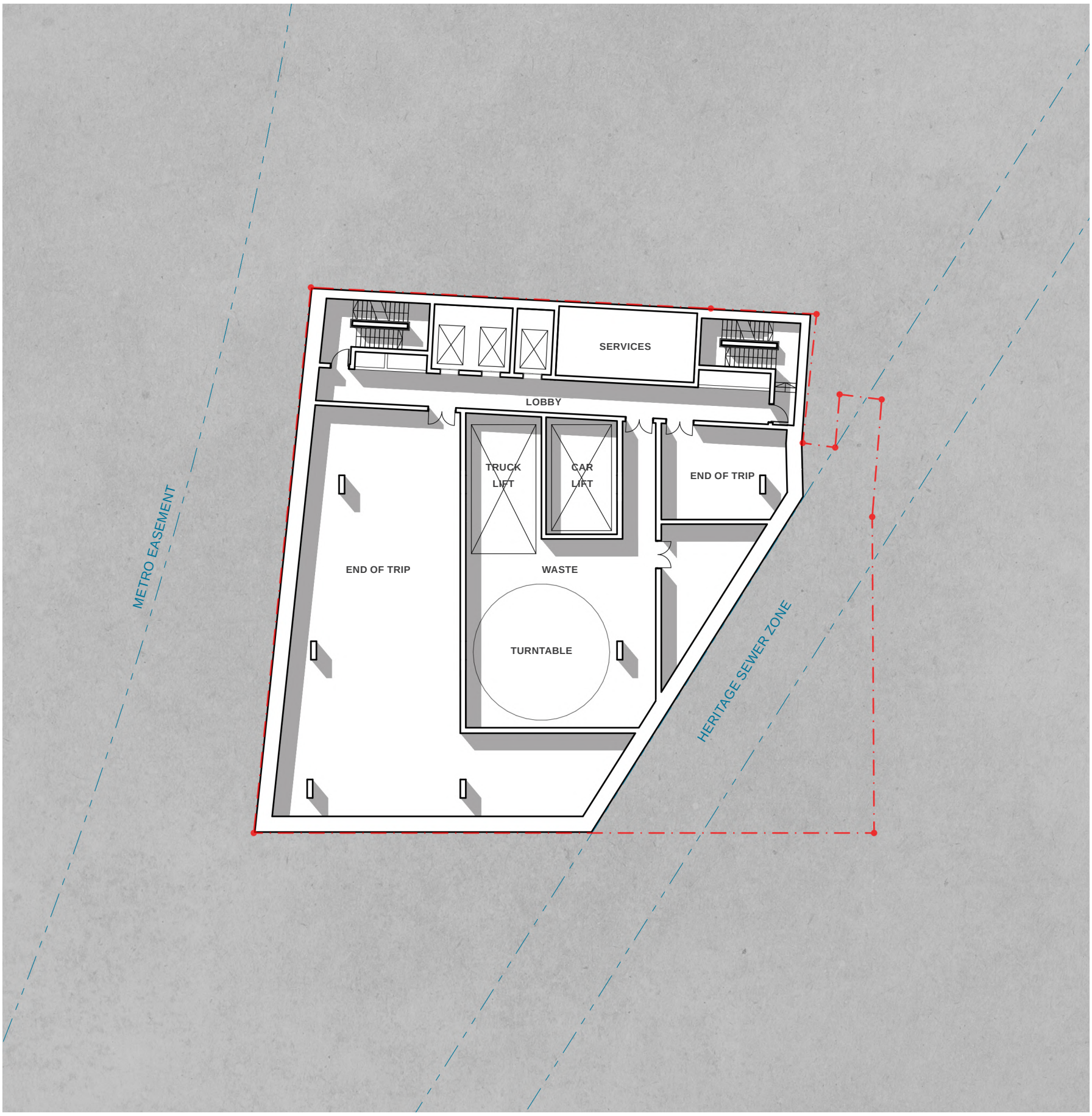
Partially Destroyed - The site has been only partially impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There might be parts or sections of the original site still present on the ground

Not a site - The site has been originally entered and accepted onto AHIMS as a valid site but after further investigations it was decided it is NOT an aboriginal site. Impact of this type of site does not require permit but Heritage NSW should be notified

Report generated by AHIMS Web Service on 26/10/2022 for Sarah Mcguinness for the following area at Address : 238 ELIZABETH STREET SURRY HILLS 2010 with a Buffer of 1000 meters..

Number of Aboriginal sites and Aboriginal objects found is 8

This information is not guaranteed to be free from error omission. Heritage NSW and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.



BASEMENT 1 PLAN

END OF TRIP GFA **270 m²**

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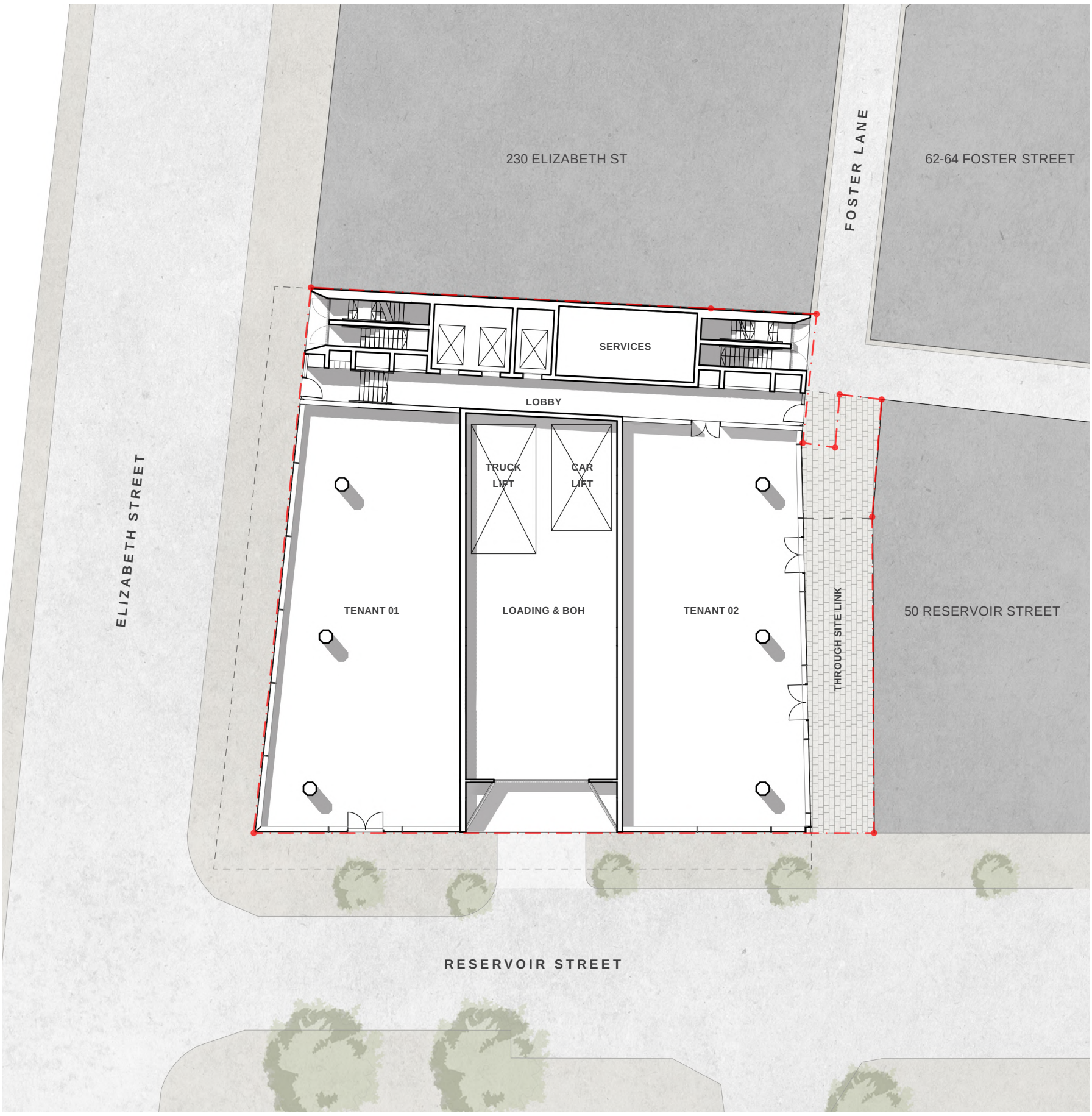

GROUND FLOOR PLAN

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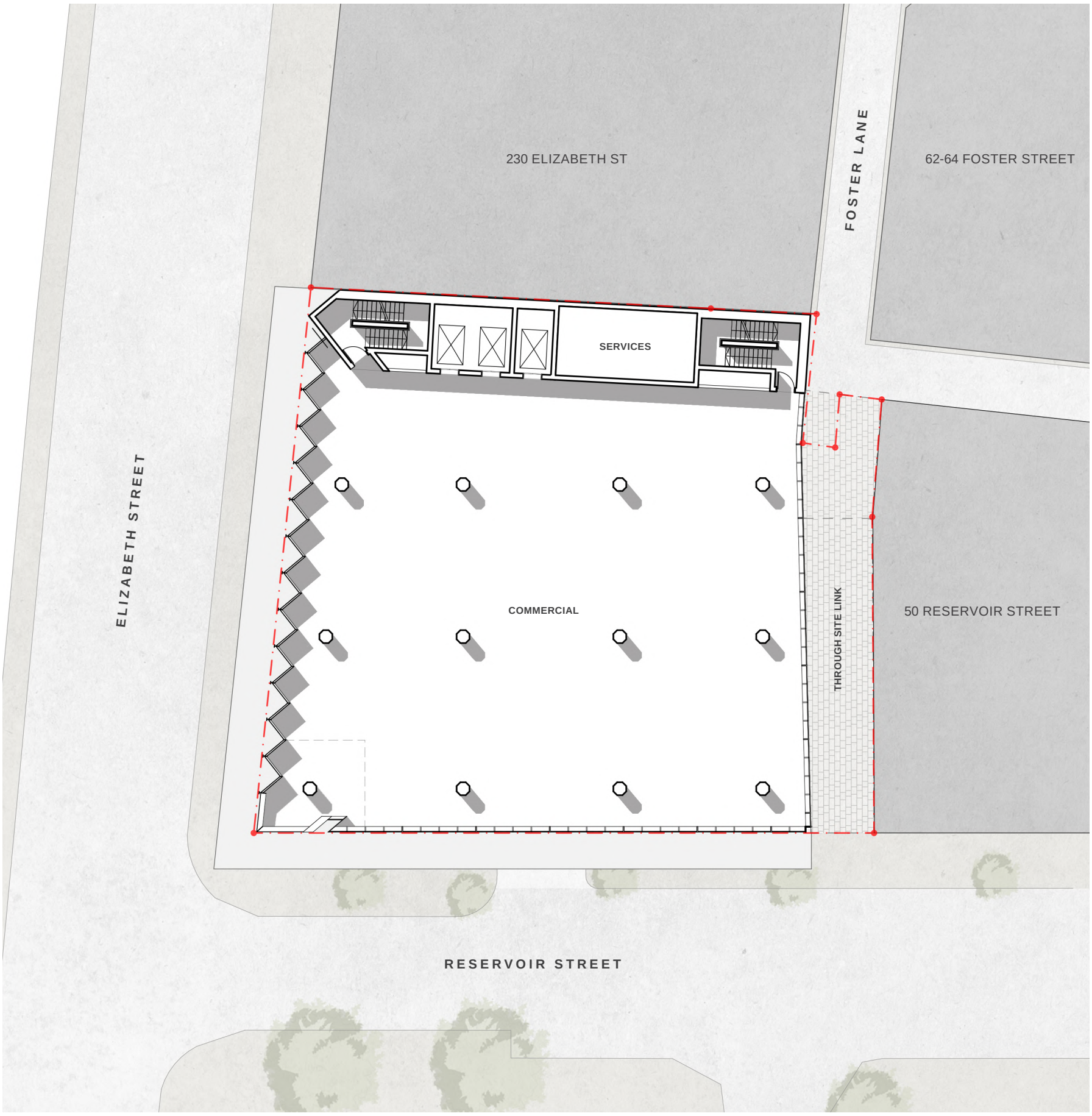
COMMERCIAL GFA	79 m²
RETAIL GFA	452 m²



TYPICAL FLOOR PLAN L1, L2, L4, L6

COMMERCIAL GFA **706 m²**

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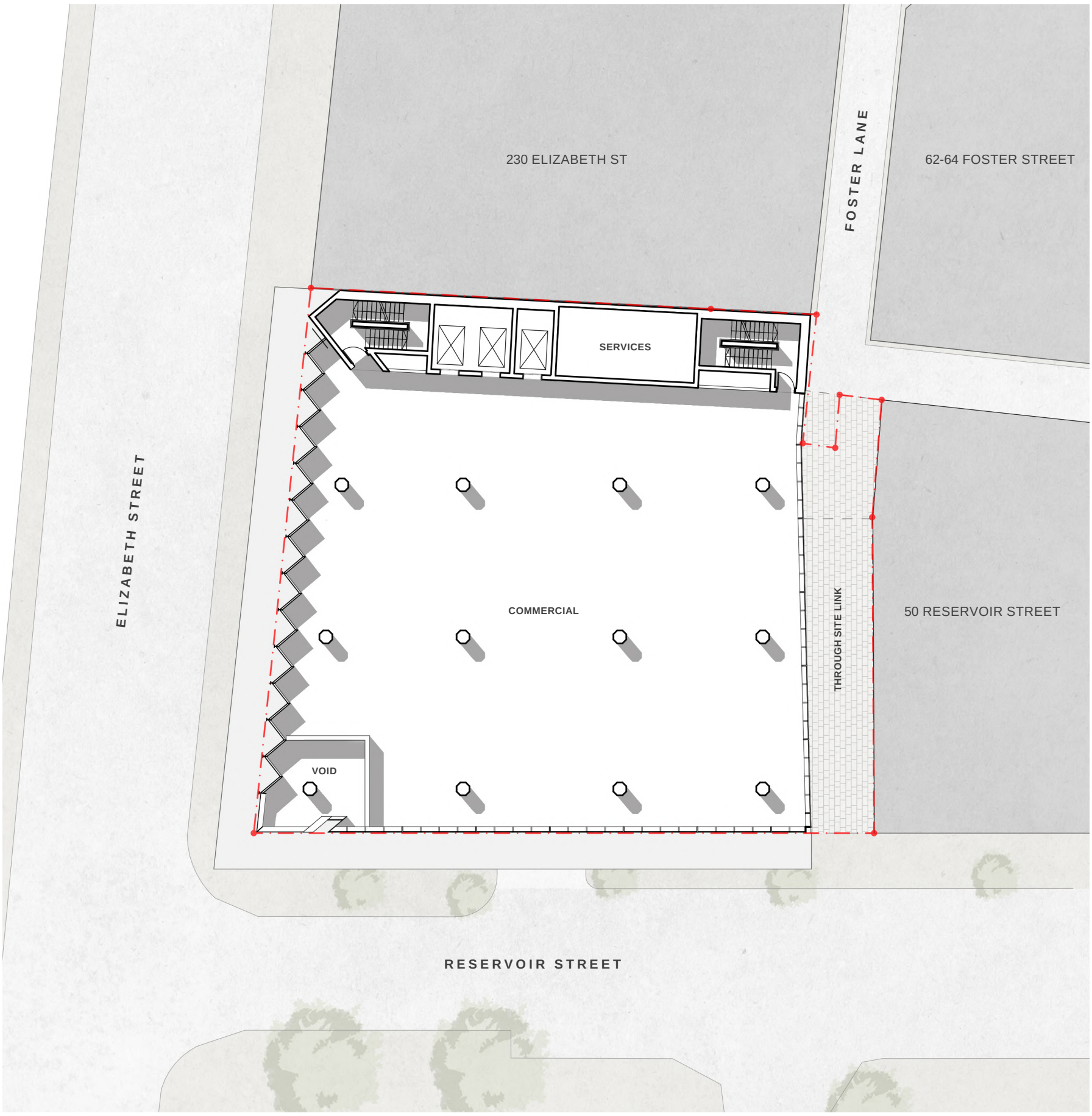

TYPICAL FLOOR PLAN L3, L5, L7

COMMERCIAL GFA **681 m²**

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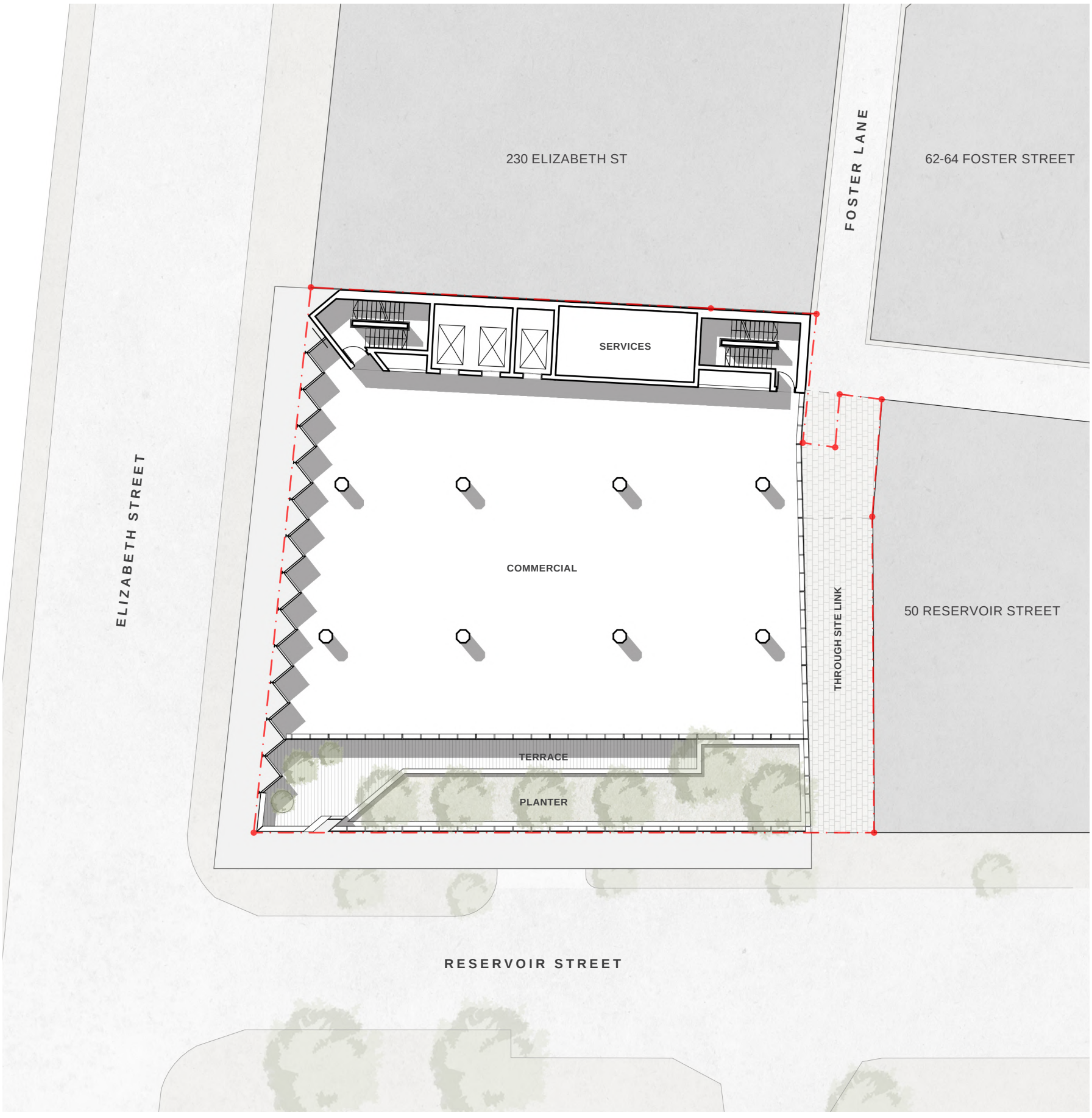

FLOOR PLAN - L8

COMMERCIAL GFA	**561 m²**
TERRACE	**61 m²**
PLANTER	**78 m²**

SCALE 1:250

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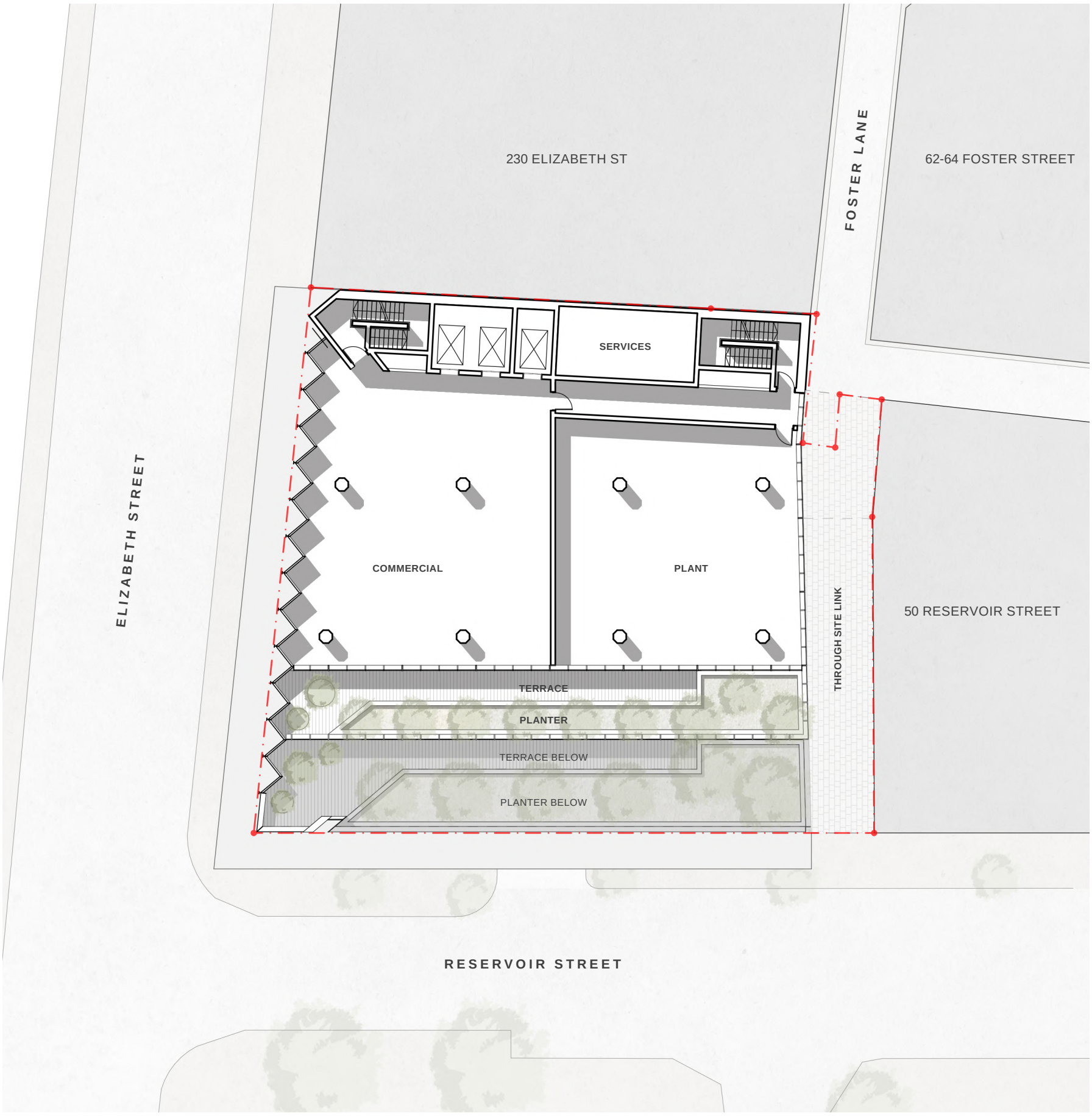

FLOOR PLAN - L9

COMMERCIAL GFA	**380 m²**
TERRACE	**44 m²**
PLANTER	**58 m²**
PLANT	**66 m²**

SCALE 1:250

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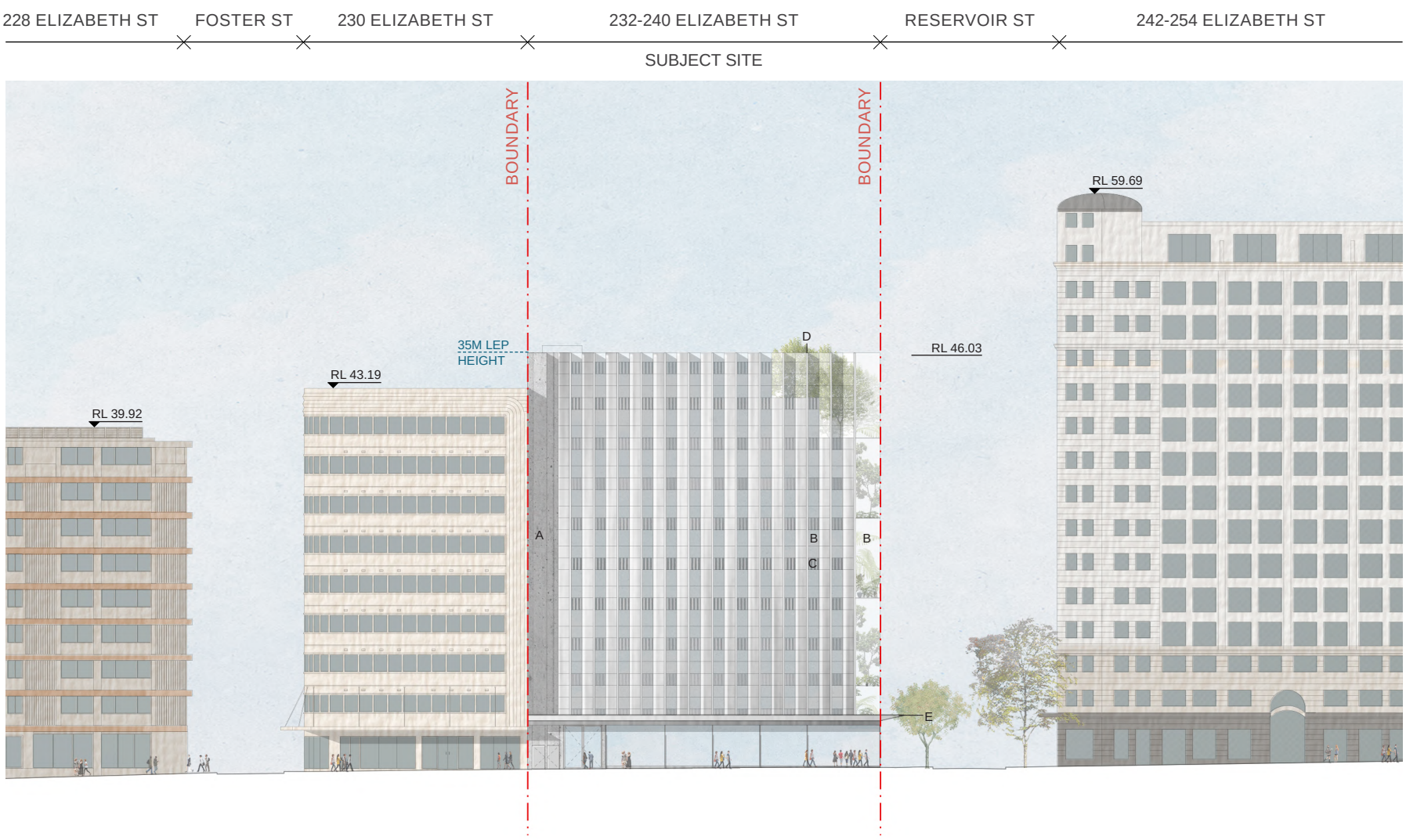
ELEVATION



WEST ELEVATION - ELIZABETH STREET

SCALE 1:500

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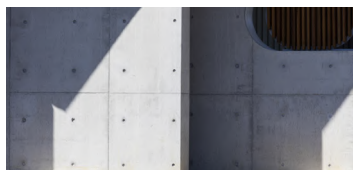
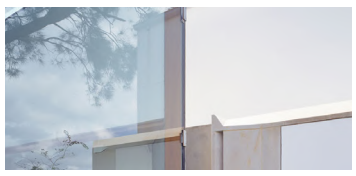


A

Off-form Concrete

President Avenue Apartments, Candalepas Associates



B

Glass

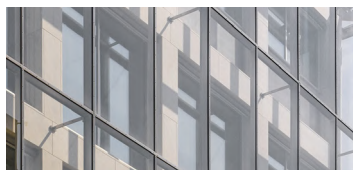
Cullen Aalhuitzen House, Candalepas Associates



C

Reeded Glass

Plain English Design



D

Stainless Steel

Virchow 6, Álvaro Siza Vieira

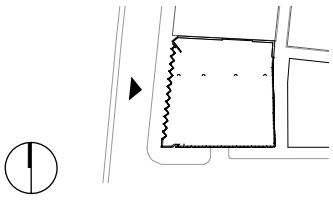


E

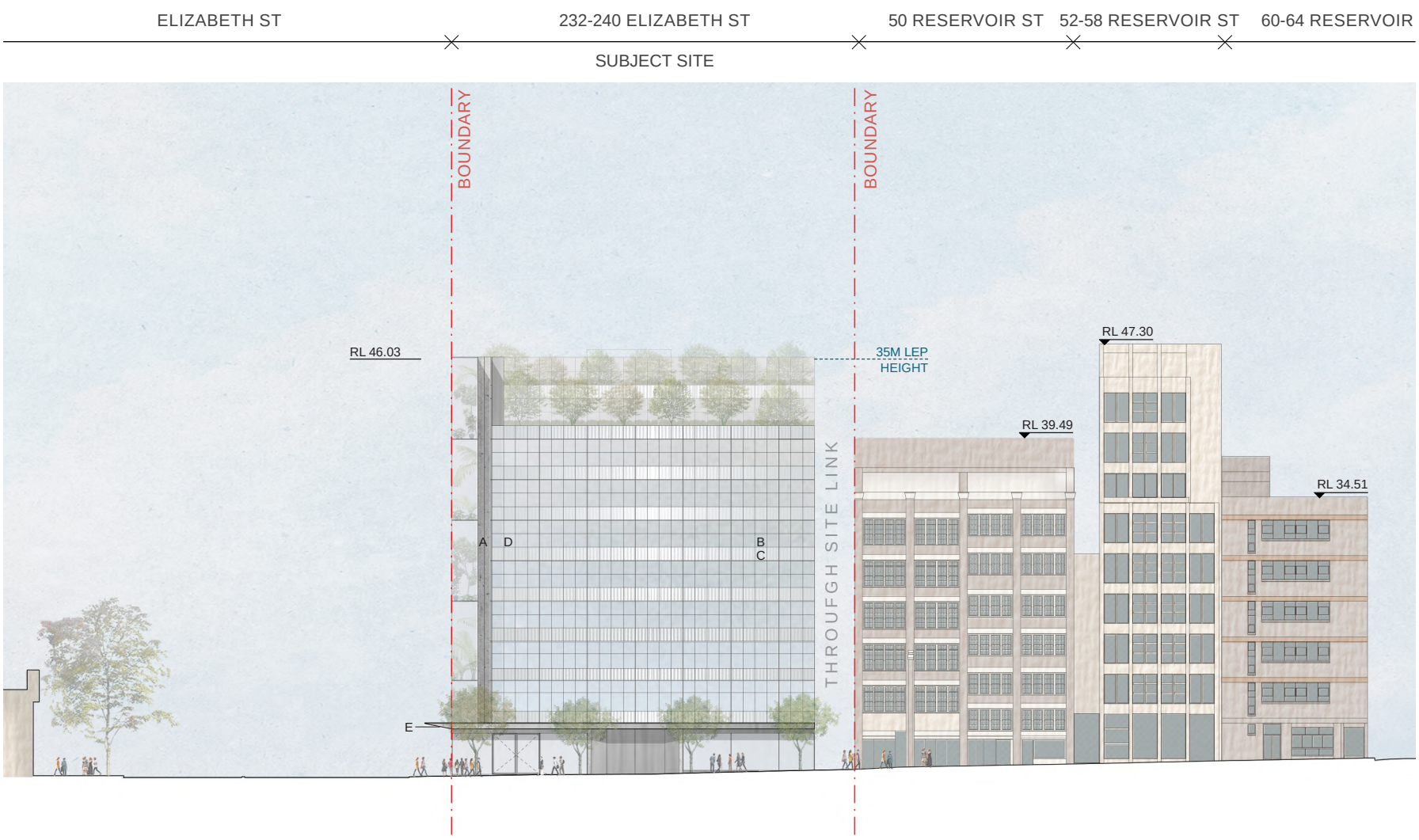
Dark Painted Steel

QT Hotel, Melbourne, Candalepas Associates

MATERIALS



ELEVATION



SOUTH ELEVATION - RESERVOIR STREET

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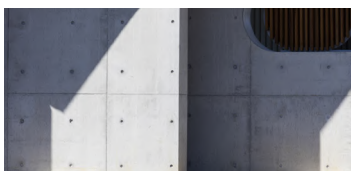
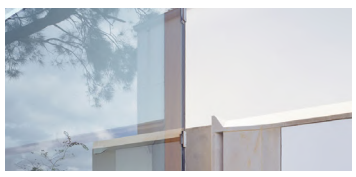


A

Off-form Concrete

President Avenue Apartments, Candalepas Associates



B

Glass

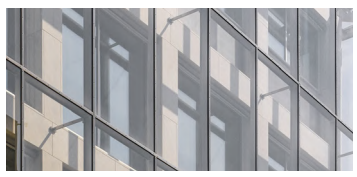
Cullen Aalhuitzen House, Candalepas Associates



C

Reeded Glass

Plain English Design



D

Stainless Steel

Virchow 6, Álvaro Siza Vieira

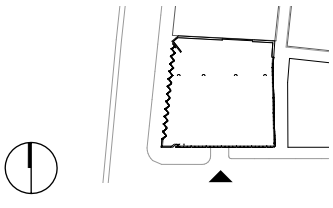


E

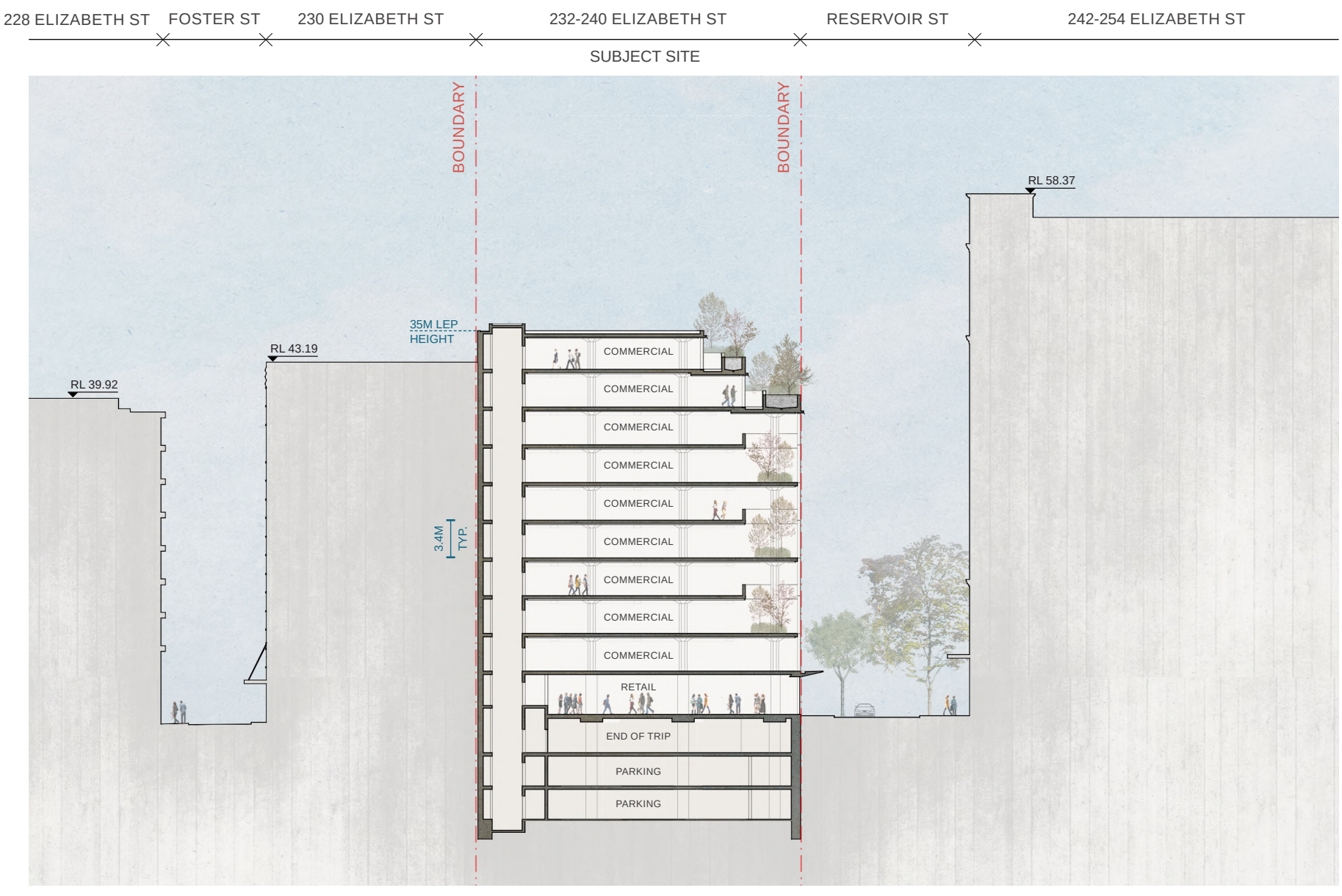
Dark Painted Steel

QT Hotel, Melbourne, Candalepas Associates

MATERIALS



SECTION



SECTION AA

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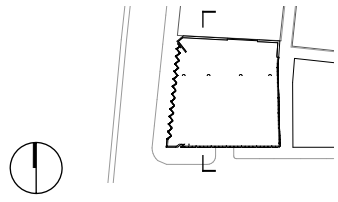
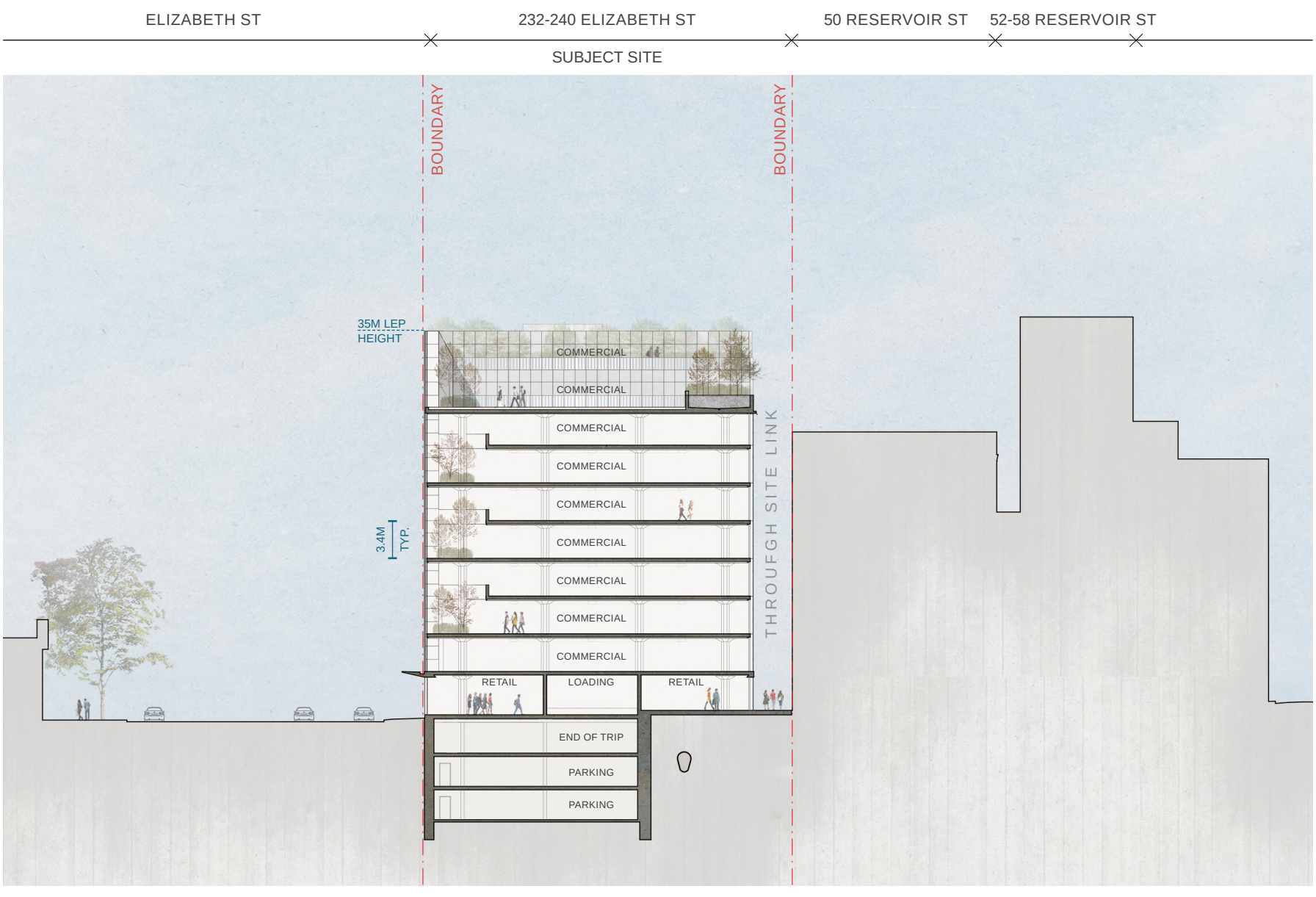


SECTION



SECTION BB

SCALE 1:500

0 5 10 20

Appendix C : Heritage items in proximity to study area

Item Name	Statement of Significance	Significance	Item No.
Sydney Terminal and Central Railway Stations Group	*THE SYDNEY TERMINAL AND YARDS:* *- As the site of the first Sydney Terminal and the starting point of the main line, from which the NSW rail network grew;* *- for its continuity of railway use since 1855;* *- As the site of one of the first passenger stations in NSW;* *- As a major terminal by world standards, comparable with late Victorian and Edwardian metropolitan stations in Europe, Great Britain and North America;* *- Containing the Mortuary Station, one of five pre 1870 stations surviving in the State;* *- As the first major terminus to be constructed in Australia and the only example of a high level terminus in the country;* *- As a unique terminal, in NSW, not only in extent but also for the high standard of design of the associated buildings in particular the Mortuary Station, Railway Institute and the Parcels Post Office;* *- Containing two of the three station buildings, in NSW designed by the Colonial or Government Architect in NSW;* *- As one of the two longest continuously operating yard/workshop complexes in Australia, dating from the 1850s. Although many of the original functions have been superseded, or operations transferred to other sites, evidence of the working 19th century yard remains extant;* *- As a major multi-level transport interchange between pedestrians, vehicular traffic and trains and later trams and subsequently buses. Since its establishment in 1855 it has been one of the busiest transport interchanges in Australia;* *- As the larges formally planned addition to the urban fabric of Sydney prior to World War 1, intended to form a gateway to the city;* *- As the site of the Benevolent Asylum and Carters Barracks and Devonshire Street Burial Ground and Stations, evidence of which is likely to be found in the archaeological record;* *- As a major public work undertaken in numerous stages between 1855 and 1930 by two branches of the Department of Public Works, the Railway and Tramway Construction Branch and the Colonial (later Government) Architects Branch;* *- For the evidence provided of the changing technology of train travel from steam to electric trains, indicated not only by the declining yard workforce but also by the changes in yard layout and signalling work practises;* *- As point of entry to the city for visitors from country NSW and a major departure point for travellers within Australia;* *- The railway yards, the Mortuary Station, Railway Institute Building, terminus and clock tower are familiar Sydney landmarks, particularly to rail travellers.* *THE WESTERN YARD:* *- For their continual operation as a rail yard since the introduction of railways to NSW in 1855;* *- As site of the first and second Sydney Terminals and the Mortuary Station;* *- Whitten virtually abandoned Sydney work in order to construct the main line network in the country areas.* *THE DARLING HARBOUR BRANCH LINE* *- Containing one of the first overbridges and cuttings constructed in Australia, part of the first phase of railway construction in NSW;* *- As a vital link with Darling Harbour and for the export of wool and other agricultural products from country NSW;* *- For the surviving fabric which provides evidence of change embankment and retaining wall and bridge construction techniques.* *THE MORTUARY STATION* *- As one of a pair of purpose built mortuary or receiving stations, the only known example in Australasia. Whilst the station at Sydney remains in its original location, the Rookwood Station has been relocated;* *- As a fine, rare example of 19th century Venetian Gothic;* *- As the finest example of a covered single platform type station in Australia and the most elaborately detailed stations, of its period. The detail includes a rare example of a tiled platform, elaborately carved stonework and joinery, furniture and decorative wrought iron work;*	**State**	**01255**

Item Name	Statement of Significance	Significance	Item No.
	- As one of few Gothic Revival buildings designed by the Colonial Architect James Barnet, a highly praised design, marking a high point in his career and considered to be one of his finest designs; *- For its association with Victorian rituals surrounding death and mourning. The building was designed as an elaborate setting for the example of the use of trains rather than horse drawn carriages to transport coffins to cemeteries;* *- As one of few Gothic revival buildings of the period that were designed for a function other than for churches or schools. The style was selected to provide an appropriate atmosphere for the mourners;* *- As an early example of the introduction of Venetian Gothic motifs including the colonnade which screens the platform;* *- As a fine example of stone masonry including an arcade with foliated capitals and carved intrados (soffit), metal and wood work.* *- For the role played by the colonial Architect James Barnet in encouraging the art of stone masonry through his designs;* *- For its association with the development of the Rookwood Necropolis, one of the largest garden cemeteries in the world;* *- As a local landmark, visible from locations such as Prince Alfred Park, the Cleveland Street Bridge and the forecourt of Sydney University.* *THE WEST CARRIAGE SHEDS* *- One of few surviving working buildings on the site, whose industrial character, specialised layout and form demonstrate former functions and operations;* *- As the smaller, and remaining of two carriage sheds, built for the servicing of carriages;* *- Part of the extension of the Sydney Terminal shortly after the turn of the century;* *- The disuse of the carriage sheds provides evidence of the changing nature of rail travel and work practices, such labour intensive processes no longer being undertaken within the Sydney Yards.* *PRECINCT 2: THE PRINCE ALFRED SIDINGS* *- Contain the only remains of a workshop building within the Sydney Terminal complex, which date from the 1870s, and also the Railway Institute;* *- Mark the eastern boundary of the once extensive Sydney yards.* *THE RAILWAY INSTITUTE* *- The first Railway Institute to be established in Australia;* *- A fine example of the Queen Anne revival style, based on English precedent. The building exhibits characteristic features of the style including Dutch Gables, the use of moulded brickwork and Marselle roof tiles;* *- For its role in the continuing education of the railway employees, through evening classes;* *- A setting for social activities for the railway employees;* *- Containing significant plagues and memorials to railway employees;* *- Containing a rare, and largely intact, example of a small scale, late Victorian Hall.* *PRECINCT 3: THE SYDNEY TERMINAL - THE TERMINUS* *- The first major terminus, and the only high level terminal, to be constructed in Australia, the design of which was overseen by experts from NSW, Victoria and Queensland. Comparative in scale and quality of design to the major European and American termini;* *- A major transport interchange, with numerous tram lines on different levels, the most complex in Australia;* *- A major planned urban design aimed at improving Sydney, in contrast to the haphazard beginning and former unplanned growth of the rail termini. The only major building of this period in Sydney where the urban setting was consciously designed to complement, and provide views of the main structure;* *- A symbol of the progress of the development of the city and the railway;* *- A major public building designed by the Government Architect WL Vernon, and detailed by GM Blair, and completed by his successor George McRae. The only railway station designed by Vernon, and his most adventurous free classical design;*		

Item Name	Statement of Significance	Significance	Item No.
	- A major sandstone building, one of the few to be constructed, in Sydney, outside of the heart of the CBD. The use of sandstone reflected the status of the building as a major public building; *- For its design as an elaborate progression of spaces, from the tram portico to the booking hall to the concourse and into the (proposed) train shed, enhancing the sense of journey. This contrasted with the previous station which had grown into an unplanned conglomeration of platforms;* *- The largest station to have been constructed in NSW, previously the major country stations such as Albury were grander both in scale and decorative detail than the Sydney Terminal;* *- The Sydney Terminal would have been even grander had the train shed been constructed covering the platforms. The changing of the design as a cost cutting measure reflects the economic conditions of the time. The construction of Stage Two during the war years, however, reflects the importance of this transport link to the Australian economy;* *- A rare example, in Sydney, of the use of multi level vehicular approaches, the separate approaches for tram, pedestrian and vehicle, being identified at the outset as being a particular feature;* *- The clocktower, completed as part of the second stage, is a well known Sydney landmark, nicknamed "the working man's watch";* *- Containing such planning innovations as separate subways for passengers and baggage handling and the main assembly platform [concourse];* *- Further investigation may reveal the main assembly platform to be one of the earliest uses of reinforce concrete floor slabs in NSW;* *- Marking a period of prosperity for the railways and a subsequent decline in other forms of transport, in particular the more unreliable coastal shipping, following construction of the north coast Railway 1910-1922;* *- The manner in which different structural systems, such as the three pin and crescent truss roofs, were used throughout the design to form a variety of spaces;* *- The original floor plan indicates separate waiting facilities for different classes of passenger and for women. These distinctions have largely disappeared, with the exception of the use of a system of classes on the transcontinental trains and the XPT and Explorers;* *- For the inclusion, in the design, of up-to-date technology including telephones and telegraphs.* *THE PARCEL POST OFFICE* *- The only purpose built post office building, of this period in Sydney;* *- An indication of the importance of rail in carrying parcels;* *- An example of the work of the Government Architects Vernon and McRae and their principal design architect, GM Blair;* *- A fine example of neo-classical detailing on one of the few brick and sandstone public buildings in inner Sydney;* *- A landmark in Railway Square;* *- An early example of a concrete and steel framed office building of fire proof construction.* *THE SYDNEY YARD* *- The yard contains one of the earliest sewers in Metropolitan Sydney, built by the newly formed Department of Public Works in the mid 1850s;* *- The site of the workshops which were the heart of the working yard in the mid to late 19th century;* *- Containing evidence of the changing technology of train travel, commencing with steam locomotives in the mid 1850s;* *- Showing the impact of the decentralisation of railway functions, which began in the 1880s, on the Sydney Yard.* *PRECINCT 5: THE CENTRAL ELECTRIC STATION* *- Association with JJC Bradfield and the construction of the City Electric Railway, and the Sydney Harbour Bridge in the late 1920s;* *- One of a number of inner Sydney stations designed by JJC Bradfield, of which two are above ground, Milsons Point and Central Electric;* *- Containing the most elaborate station entrance (Elizabeth Street), of the City Circle stations;* *- For the continuation of the neo-classical architectural vocabulary and the use of sandstone for the station building and the viaduct;* *- For its continuous use as a commuter station for the Sydney suburban lines;*		

Appendix C : Heritage items in proximity to study area

Item Name	Statement of Significance	Significance	Item No.
	- For the use of 'state of the art' reinforced concrete construction. *(Conservation Manage Plan Sydney/Central Station Author*: Department of Public Works & Services Year: 1996 Page: 128-135 reproduced for the SHR State listing)		
Sharpies Golf House Sign	*Sharpies Golf sign has high rarity values as a unique example of 20th century advertising. The sign is historically significant as the only original animated neon sign remaining insitu and is representatitve of the animated neon sign phase during the 1950s. It has aesthetic appeal as it retains the character of the time and has high social and cultural significance. Sharpies Golf sign has strong associations with the business district of Elizabeth Street, Central Sydney. The sign has strong associations with professional golfer Lindsay Sharp, the first professional to win the newly introduced National Ambrose competition in Australia. Sharpies Golf sign is rare on a national level as a surviving animated neon sign in situ.* (NSW State Heritage Inventory, *Sharpies Golf House Sign (The Golf House),* State listing)	**State**	**01655**
Central Station Railway Group	*The Central Railway Station Terminus forms a landmark feature at the southern end of Central Sydney. It is a vast structure of particular architectural merit located to dominate its surroundings. It is the only true terminus building in Australia preventing further extension of rail lines and is significant as one of the largest covered public spaces in the city. It is one of the finest examples of the classically inspired Beaux Arts style in Railway buildings in Australia. It has historic significance as being an important design of the Colonial Architect Walter Liberty Vernon. It was one of the first major rail termini to be constructed in Australia and has had a lengthy association with rail transport in New South Wales and with a variety of historically important persons. It has scientific significance for its unique use in New South wales (and probably in Australia), of the three pin truss to the porte-cochere for the trams, which was similar to the Galerie des Machines in Paris. It is significant for the multi level segregation of trams, trains and vehicular traffic. It was reputed to be the first large scale use of reinforced concrete slab construction in New South Wales. The building is socially significant as a purpose built railway terminus demonstrating the growth and change of transport, and as an important symbol for the social history of the nation.* *Central Railway Station Yard is associated with the introduction of railways to New South Wales. The Central Railway Station Yard is significant for its part in the distribution of produce from regional New South Wales. It was one of the largest planned interventions undertaken in the urban fabric of Sydney prior to World War One. The Yard has significance for its association with the development of Central Railway Station and with a variety of historically important persons in New South Wales. It has historic significance as an important design of the Railways Engineer, H Dearne. Central Railway Station Yard has scientific significance as part of one of the few true railway termini to prevent further extension of rail lines in Australia. The Yard is significant for the part it played in the growth and development of commerce and industry in New South Wales.* *Central Railway Station Viaducts are significant as part of the Central Railway Station, and are associated with the introduction of railways to New South Wales. The Viaducts are significant for their association with the now decommissioned tramways and as part of one of the largest planned interventions undertaken in the urban fabric of Sydney prior to World War One. The Viaducts have historic significance as an important part of the design of Railways Engineer, H Dearne, as well as for its association with a variety of other historically important persons. The Viaducts have aesthetic significance forming part of the landmark feature of the Sydney Terminus, and are representative as part of a form of transportation used in the early nineteenth century.* (NSW State Heritage Inventory, *Central Railway Station Group including Buildings, Station Yard, Viaducts and Bu…,* Local listing)	**Local**	**I824**
Belmore Park Grounds, Landscaping and Bandstand	*The park is a vital portion of parkland in the southern portion of central Sydney. It provides evidence of the key characteristics of park design in the early part of the 20th Century, many of these as espoused by JH Maiden former director of the Royal Botany Gardens. It has close association with the design and construction and subsequent expansion of Central Station and the city railway system. It contributes to the aesthetic qualities of Central Station by providing a landscaped forecourt to the prominent sandstone terminus. The site also has archaeological potential associated with the Pitt St Presbyterian manse and school, Carters' Barracks and the air raid shelters* (NSW State Heritage Inventory, *Belmore Park Grounds, Landscaping and Bandstand*, Local listing)	**Local**	**I825**

Appendix C : Heritage items in proximity to study area

Item Name	Statement of Significance	Significance	Item No.
Commercial Building Element 'Sharpies Golf House' Sign	*Sharpies Golf sign has high rarity values as a unique example of 20th century advertising. The sign is historically significant as the only original animated neon sign remaining insitu and is representatitve of the animated neon sign phase during the 1950's. It has aesthetic appeal as it retains the character of the time and has high social and cultural significance. Sharpies Golf sign has strong associations with the business district of Elizabeth Street, Central Sydney. The sign has strong associations with professional golfer Lindsay Sharp, the first professional to win the newly introduced National Ambrose competition in Australia. Sharpies Golf sign is rare on a national level as a surviving animated neon sign in situ.* (NSW State Heritage Inventory, *Sign and Supporting Structure "Sharpies Gold House" Sign,* Local listing)	**Local**	**I1532**
Industrial Building 'Prospect House'	*Prospect House is historically significant as an apparently early industrial building in the fringe district of the city, and for its early associations with the Chinese community. It is aesthetically significant as a simple, well proportioned building, evocative of the nineteenth century streetscape. Prospect House abuts onto a Heritage Streetscape, Blackburn Street.* (NSW State Heritage Inventory, *"Prospect House" Including Interior*, Local listing)	**Local**	**I1424**
Warehouse 'Edwards & Co'	*Edwards & Co Ltd is of aesthetic significance for its contribution to the warehouse character of Fosters Street, and the visual termination of the related Elizabeth Street vista. It presents elevations to Foster Street and Hands Lane. It is significant as a good example of its style in a warehouse building of the 1920s, using stripped classical elements and robust Romanesque proportions. The building design is an important contribution to the representative styles of the 1920s, and interesting for its warehousing application. The building has historic significance for its association with Edwards Co.* (NSW State Heritage Inventory, *Warehouse "Edwards & Co"*, Local listing)	**Local**	**I1545**
Community Building 'Norman Gibson & Co'	*The building, formerly the Sydney Freethought Hall, is a two storey painted stucco building in Free Classical style. It is located within the mixed streetscape of Campbell Street. The building has high historic significance as the earliest and only example of meeting rooms for Sydney members of the Australasia Secular Association. The building has aesthetic significance a rare and outstanding example of a highly intact original meeting room with exterior and interior of high quality design, and outstanding potential to be restored by the removal of the recent floor provided a viable use for the building is available. The building has social significance for its outstanding ability to reflect the social justice concerns of the Church of Christ.* (NSW State Heritage Inventory*, "Norman Gibson & Co" Including Interior,* Local listing)	**Local**	**I1466**
Former Commercial Building 'Silknit House'	*Constructed in 1911 the warehouse building is a good and relatively intact example of a Federation Warehouse building on the diverse streetscape of the city edge area. It was built for Feurth and Nail Ltd as a cardboard factory. After the war, it was owned by the Silknit garment company. The building represents large commercial and industrial expansion in the local area following the development of Sydney train terminal and Central Station.* *The large scale and the solid built form of the large warehouse make great contribution to the character of the local area.* *The archaeological remains of this site are likely to have significance for past, present and future generations. The Silknit House site has the potential to illustrate a phase in the development of brickworks and pottery making in the early 19th century. The structures features and deposits associated with the residential occupation have potential through archaeological analysis to further our understanding of variation in urban material culture, living standards, consumerism, ethnicity and other areas of archaeological research.* (NSW State Heritage Inventory, *Former "Silknit house" including interior*, Local listing)	**Local**	**I1572**
Former City Sydney Mission Headquarters	*The building was constructed as the headquarters for the Sydney City Mission in Surry Hills and was an important element in the community support organisation. It is a good example of an Inter War Free Classical style building on a prominent corner site which makes a positive contribution to the streetscape. Of historical significance as physical evidence of the social aspects of early 20th century inner suburban life for the general community and for the Australian Chinese community, closely connected with the churches and terraces of the area. Of aesthetic significance as fine institutional example of the Inter War Free Classical style.* (NSW State Heritage Inventory, *Former City Sydney Mission Headquarters*, Local listing)	**Local**	**I1569**

Appendix C : Heritage items in proximity to study area

Item Name	Statement of Significance	Significance	Item No.
Terrace Group including Interiors (8-16 Mary St)	*The building dates from one of the key period of layers for the development of Surry Hills as a direct result of the subdivision of the Riley Estate. It is a good example of a mid Victorian terrace group which makes a positive contribution to the streetscape. The rear of the terrace group is intact which is rare.* (NSW State Heritage Inventory, *Terrace Group Including Interiors*, Local listing)	**Local**	**I1570**
Chinese Masonic Hall including Interior	*The building dates from one of the key period of layers for the development of Surry Hills as a direct result of the subdivision of the Riley Estate. It is a good example of a Federation building which makes a positive contribution to the streetscape and an important focus of the Australian Chinese community in Surry Hills since its construction.* (NSW State Heritage Inventory, *Chinese Masonic Hall Including Interior*, Local listing)	**Local**	**I1571**
Warehouse including Interior	*The building dates from one of the key period historical layers for the development of Surry Hills as a direct result of the subdivision of the Riley Estate. It is a good example of an Inter War warehouse which makes a positive contribution to the streetscape.* (NSW State Heritage Inventory, *Warehouse Including Interior*, Local listing)	**Local**	**I1585**

Attachment A10

Geotechnical Desktop Investigation

Douglas Partners
Geotechnics / Environment / Groundwater

Integrated Practical Solutions

Report on
Geotechnical Desktop Investigation

Proposed Commercial Building
232-240 Elizabeth Street, Surry Hills

Prepared for
Stasia Holdings Pty. Limited

Project 218198.00
November 2022



Document History

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The undersigned, on behalf of Douglas Partners Pty Ltd, confirm that this document and all attached drawings, logs and test results have been checked and reviewed for errors, omissions and inaccuracies.

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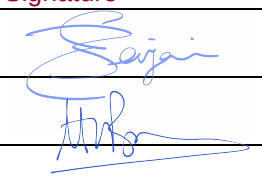
Author		10 November 2022
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Appendix A: About This Report

Appendix B: Architectural Drawings

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Report on Geotechnical Desktop Investigation
Proposed Commercial Building
232-240 Elizabeth Street, Surry Hills

1. Introduction

This report presents the results of a geotechnical desktop investigation undertaken for a proposed commercial building at 232-240 Elizabeth Street, Surry Hills. The investigation was commissioned in an email dated 13 September 2022 by Peter Kouvelas of Candalepas Associates on behalf of Stasia Holdings Pty. Limited and was undertaken in accordance with Douglas Partners' proposal 218198.00.P.001.Rev0 dated 19/09/2022.

We understand that the project involves demolition of the five existing buildings and construction of a new nine-storey commercial building with ground floor retail space and a minimum of three basement levels (see Appendix B).

The aim of the desktop study was to review Douglas Partners (DP) records and other available published information to provide:

- a general description of the geological profile for the site, including subsurface conditions and groundwater;
- comments on shoring wall system and excavation methodology;
- comments on groundwater;
- high level comments of the effect excavation, dewatering (if required) and retaining wall construction may have on neighbouring structures (no analysis); and
- foundation options and preliminary bearing capacities.

DP has carried out a review of available published data as well as DP's the previous investigation at the site in 2015.

2. Site Description

The roughly square site comprises three Lots and a strata plan encompassing 232 to 240 Elizabeth Street, Surry Hills (see Figure 1). The approximately 900 m^2 site has Elizabeth and Reservoir Streets on its western and southern sides and is bound to the north by a nine storey brick building and on the east by a six storey brick building. Foster Lane provides access to the northeast corner of the site. The site gently slopes to the southwest with a surface elevation on Elizabeth Street at about RL 10.9 m and RL 11.6 m at the southern end of Foster Lane.



Figure 1: Aerial photograph of the site (outlined in red).

The site is currently occupied by 1 to 3 storey brick built buildings, which appear to have no basements. The building to the east (50 Reservoir Street) appears to have no basements. It is uncertain whether the building to the north (230 Elizabeth Street) has any basement levels, however there is a roller shutter door on Foster Street which might indicate vehicle access.

The supplied architectural drawing indicates that an existing underground sewer pipe approximately 3 m depth enters the site from the north-east, just south of Foster Lane, at the upper-most basement level and that this pipeline will remain in place during and after construction of the proposed structure. The sewer pipe runs southwest across the site.

We do not believe the site is within 25 m of Sydney Trains assets, and therefore does not trigger additional assessments required by Sydney Trains under the ASA Standard T-HR-CI-12051-ST-v2.0 Developments near Rail Tunnels v2, during the on-going project. The surveyor should check the distance from the site to Sydney Trains assets.

3. Geology

Reference to the Sydney 1:100 000 Geological Series Sheet (see Figure 2) indicates that the site is underlain by Quaternary aged alluvial and estuarine sediments which typically comprise silty to peaty quartz sand, silt, and clay with ferruginous and humic cementation in places and common shell layers.

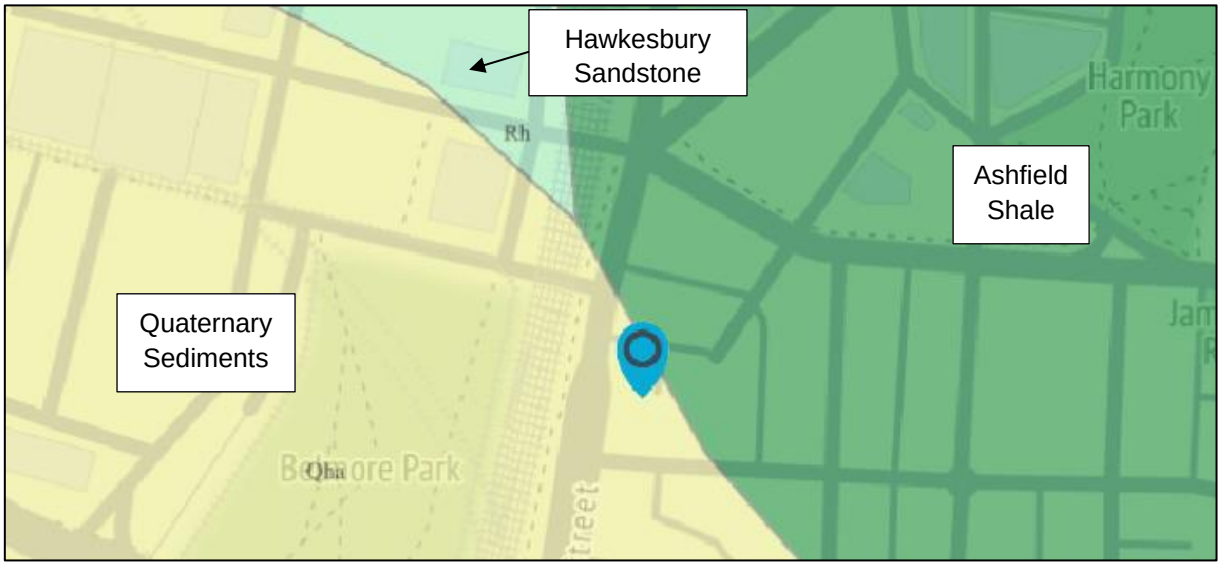

Figure 2: Excerpt of Sydney 1:100 000 Geological Series Sheet with Site (Blue Marker).

The site is located close to the boundary between the Hawkesbury Sandstone and Ashfield Shale units, both of Triassic Age but the overlying sediments mask the boundary. The Mittagong Formation, which typically contains interbedded shale, laminite and medium-grained quartz sandstone, is a transitional unit between the Ashfield Shale and the Hawkesbury Sandstone. The Hawkesbury Sandstone comprises flat or gently dipping medium and coarse grained, quartzose sandstone with minor shale and siltstone interbeds, while the Ashfield Shale comprises shale, laminite and carbonaceous shale.

The field investigation at the site in 2015 confirmed the presence of clayey residual soil overlying a relatively thin fine grained sandstone layer, inferred to belong to the Mittagong Formation, underlain by medium and coarse grained sandstone of the Hawkesbury Sandstone. No fine grained sediments of Quaternary Age were encountered during the field investigation.

4. Previous DP Investigations

DP has carried out an investigation at the site and a number of geotechnical and environmental investigations in the surrounding area (see Figure 3).

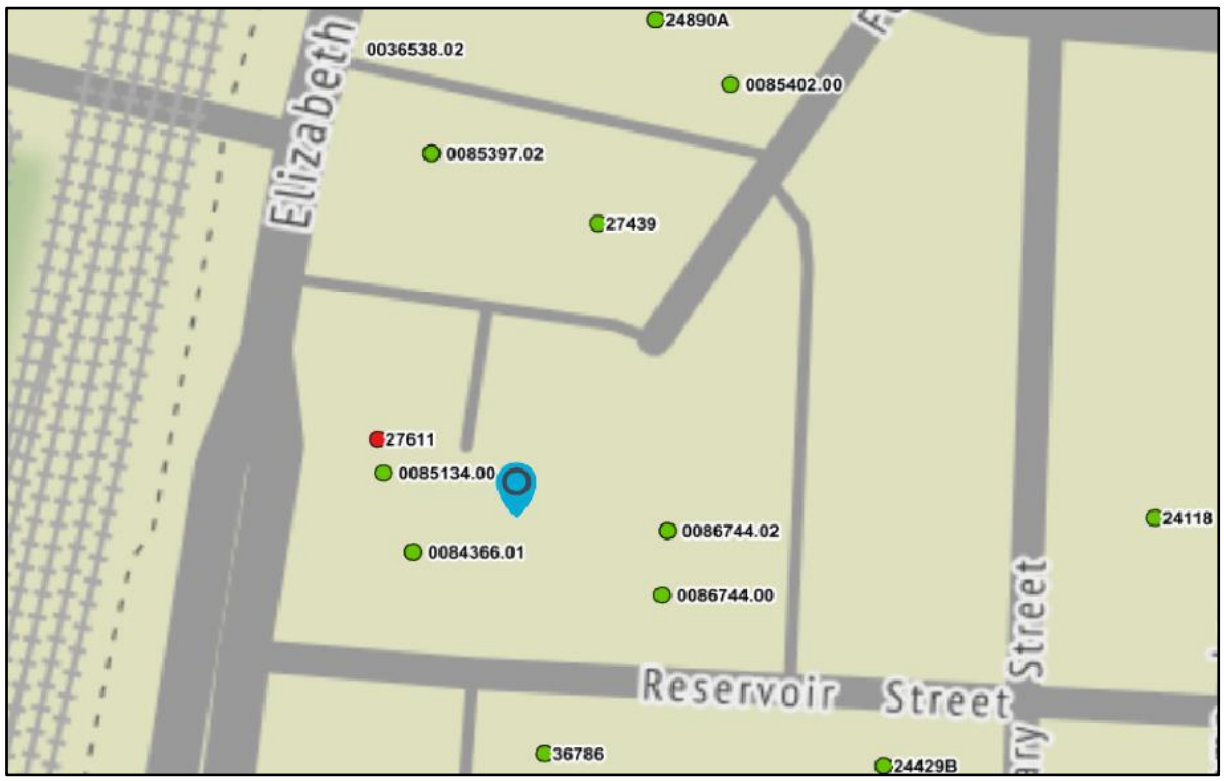

Figure 3: Location of Previous DP Projects (site indicated by blue marker).

4.1 Previous Site Investigation by DP in 2015

DP carried out a previous investigation at the site in 2015 (DP Report 85134.00.R.001.Rev0). The 2015 investigation comprised a site walkover by a senior engineering geologist and the drilling of one (1) borehole (see for borehole location and borehole log).

The subsurface profile at the borehole location comprised:

- Concrete and pavers - concrete slab over pavers to about 200 mm.
- Filling – clayey filling with some sand and sandstone fragments to about 0.75 m.
- Silty Clay - grey mottled brown, medium to high plasticity, stiff to very stiff silty clay with a trace of ironstone gravel (inferred residual soil) to a depth of about 5.3 m. Ironstone gravel bands were noted below 2.5 m.
- Sandstone – fine to medium grained sandstone, extremely to highly weathered and very low to very low strength encountered to about 6.35 m, with medium to coarse sandstone moderately weathered to fresh, medium to high and high strength, unbroken to borehole termination at 11.52 m (RL 0.01).
- Groundwater – no free groundwater was encountered while augering to 4.76 m and the use of water during NMLC coring precluded water observations while drilling in the rock to 11.52 m depth. A standpipe with a filter zone from 7 m to 10 m in the sandstone allowed water level monitoring and permeability testing to be carried out. The groundwater level measured 8 days after the completion of the drilling was at a depth of 1.2 m (RL 10.4 m) and recovered from a depth of 9.6 m (bailed out) to 3.5 m (RL 8.1 m) in 120 minutes during the permeability test. The estimated hydraulic conductivity of the sandstone (10^{-7} m/s) was typical for Hawkesbury Sandstone.

4.2 Nearby Investigations

DP have also undertaken investigations near to the site, as shown in Figure 3. The relevant findings of these previous reports are summarised below:

- Geotechnical Report, 'Proposed Multi-Storey Development', 52-58 Reservoir Street, Surry Hills (DP Ref: 86744.00:R.001.Rev0 dated April 2019).
  - Fill to depths of up to 2.05 m underlain by residual soil up to 5.8 m depth, underlain by sandstone bedrock which was high strength below 6.14 m and 6.6 m depth. Groundwater was recorded at RL 8.9 m, 11 days after well development.
- Geotechnical Report, 'Mixed Use Development', 216 – 228a Elizabeth Street, Surry Hills (DP Ref: 85397.00.R.001.Rev1 dated April 2016).
  - Fill to depths of up to 1.3 m underlain by residual soil up to 3.2 m to 5.0 m deep underlain by sandstone bedrock which was high strength below 4.9 m to 6.9 m depth. Groundwater was recorded at 5.07 m (approx. RL 5.93 m) and 4.63 m (RL 6.37 m) in BH1 and BH3 respectively.

5. Preliminary Geotechnical Model

Based on a review of the previous investigation at the site and nearby, the expected ground profile at the site is likely to comprise:

Filling	Encountered to approximately 0.75 m
Residual Silty Clay	Encountered to approximately 5.3 m
Very Low to very low strength Sandstone	Encountered to approximately 6.35 m.
Medium to High strength Sandstone	Encountered to base of borehole at 11.5 m.

Groundwater was encountered in BH1 at approximately RL 10.4 m 8 days after drilling and prior to carrying out the permeability test. This value should be treated with caution as it may vary across the site and may have changed in the meantime due to seasonal fluctuations, construction of adjacent basements and climate change.

The geotechnical model should be confirmed by additional boreholes and water level standpipes at the site.

6. Proposed Development

The supplied information indicates that the development will comprise construction of a ten level commercial use building with a three level basement, requiring bulk excavation to a depth of approximately 9.7 m (RL 1.6) and detailed excavation a further 700 mm to approximately RL 0.9. It is understood that the existing sewer line which crosses the site diagonally must be maintained as operational. The existing 1.45 m x 1.78 m brick sewer main will be left in place and will need to be temporarily supported while the basement is excavated and supported by the structure in the permanent condition.

7. Comments

Note that the comments in this section are of a preliminary nature only and are based on limited geotechnical information mainly one borehole at the site and from neighbouring sites which, in some cases, dates back to 2014. For design purposes, a full geotechnical investigation involving several cored bores with standpipe piezometer (wells) for groundwater monitoring (and sampling) will be required.

7.1 Excavation, Batter Slopes, Shoring Design, Ground Anchors & Stress Relief

Careful consideration will be required in planning and executing the bulk excavation given the physical constraints of the site, the sewer left in place and the adjacent building foundations/basement(s).

7.1.1 Excavation Conditions

It is anticipated that excavation to depths of about 9.7 m (RL 1.6 m) will be through filling, stiff to very stiff clay with some ironstone bands, very low to low strength sandstone and below about 6.5 m, medium to high and high strength sandstone.

Excavation of the material above the top of medium strength sandstone should be readily achieved using conventional earthmoving equipment such as tracked hydraulic excavators with bucket attachments. Excavation of medium and high strength, slightly fractured sandstone, as encountered in the borehole, can be achieved by heavy ripping and excavator mounted hydraulic rock hammers. Excavator mounted hydraulic rock saws may be used to control overbreak along boundary lines, cut breakage lines in the massive rock sections and for detailed footing excavation.

The use of such equipment will generally cause dust, noise and vibration that has the potential to affect adjacent below ground infrastructure, heritage buildings and occupants of nearby buildings. Where rock hammers are required in the vicinity of adjacent structures (closer than 20 m) it would be prudent to monitor and limit vibration on these structures. Based on DP's experience and with reference to AS2670, a maximum peak particle velocity of 8 mm/sec (in any component direction) at the foundation level of adjacent structures is suggested for human comfort considerations. Vibration trials are suggested during initial excavation of the rock to verify vibration levels.

It should be noted that any off-site disposal of spoil will generally require assessment for use or classification in accordance with the current Waste Classification Guidelines (NSW EPA 2014). All materials removed from the site are defined as waste under the POEO Act and must be disposed of in accordance with one of the following:

- Virgin excavated natural materials (VENM) as defined under the POEO Act, permitting beneficial reuse; or
- A waste category meeting the criteria set out in the NSW EPA Waste Classification Guidelines 2014, with the materials disposed to a landfill licenced to receive the waste under the assigned classification or taken to a recycling facility licenced to receive the waste; or
- Material complying with a Resource Recovery Order (RRO) as defined under the Protection of the Environment Operations (Waste) Regulation 2014, with complying materials able to be reused under certain conditions.

Accordingly, environmental testing will need to be carried out to determine the most appropriate off-site destination(s) for the surplus excavated material.

It is recommended that dilapidation surveys are carried out on surrounding buildings, pavements and the existing heritage brick sewer line. Dilapidation surveys of adjacent buildings and tunnels should be carried out before the commencement of any work (i.e., prior to demolition) to document existing defects so that any claims for damage due to construction related activities can be accurately assessed. It is recommended that a detailed assessment of structural characteristics of the sewer is carried out, to allow design of adequate support.

7.1.2 Excavations Adjacent to Existing Buildings

Prior to commencing bulk excavation, it will be necessary to obtain all records of the adjacent existing footings and any information on the founding conditions. Further investigation of all adjacent foundations and founding conditions may be required if the information is not reliable or not available. It will also be necessary to determine the extent and depth of any adjacent basements. This process is critical as excavation of the proposed new basement could destabilise existing structures and leave potentially unstable slivers of soil or rock in place. Affected footings may require underpinning.

7.1.3 Batter Slopes

Where room permits, temporary batters up to 3 m in height in soil and rock can be cut at batter slopes shown in Table 1 below, subject to detailed assessment of rock conditions by a suitably qualified geotechnical engineer/engineering geologist as the excavation progresses. Taller batters will require detailed analysis.

Table 1: Suggested Safe Batter Slopes (<3m in Height)

Material type	Maximum Temporary Batter Slope (H:V)	Maximum Permanent Batter Slope (H:V)
Stiff to very stiff clay	1.5:1	2:1
Very low strength laminite/sandstone	0.75:1	1:1
Low strength laminite/sandstone	0.5:1	1:1
Medium strength laminite/sandstone	Vertical*	Vertical*
High strength laminite/sandstone	Vertical*	Vertical*

Note: * Subject to discontinuity assessment by experienced Geotechnical Engineer/Engineering Geologist (spot bolting may be required).

Where insufficient room exists for the suggested batter slopes, such as along the site boundaries and adjacent to existing services, support of the excavation face can be provided by anchored soldier piles with shotcrete infill panels, by contiguous piles tied back with anchors / bolts or by soil nailed walls in the material above the medium strength rock.

7.1.4 Shoring Design

Design pressures for retaining walls should take into account the requirement to limit movement of the surrounding ground and adjacent structures and to ensure an adequate factor of safety is maintained against failure (for temporary and permanent retaining walls).

It is suggested that the design of cantilevered shoring systems (or shoring systems with one row of anchors) be based on a triangular earth pressure distribution using the earth pressure coefficients provided in Table 2. 'Active' earth pressure coefficient (K_a) values may be used where some wall movement is acceptable. 'At Rest' earth pressure coefficient (K_o) values should be used where the wall movement needs to be limited.

Table 2: Design Parameters for Shoring and Retaining Systems

Material Type	Unit Weight (kN/m^3)	Earth Pressure Coefficient	
		Active (K_a)	At Rest (K_o)
Very stiff to hard clay	20	0.25 (0.30)	(0.5)
Very low strength laminite/shale/sandstone	22	0.25 (0.30)	(0.40)
Low strength laminite/sandstone	22	0.10 (0.15)	(0.15)
Medium and High strength sandstone	24	0.0*	0.0*

Notes: * Subject to discontinuity assessment by experienced Geotechnical Engineer/Engineering Geologist (Spot bolting may be required);

( ) Permanent earth pressure coefficients shown in brackets.

For braced walls or where two or more rows of anchors are used, the shoring can be designed using a rectangular or trapezoidal earth pressure distribution.

An alternative approach, where the support pressure is related to the height of soil/weathered rock retained, could also be used. Where there are no movement-sensitive structures within the influence zone behind retaining walls, an earth pressure distribution equal to 4H kPa (where H, in metres, equals the depth to the top of self-supporting medium strength or stronger rock) can be used. Where the wall movement is to be minimised (i.e., close to adjacent buildings or services) the lateral earth pressure can be calculated using 6H kPa. For movement-sensitive structures, where it is critical that deformation is controlled, it may be necessary to calculate the pressure using 8H kPa. These pressures can be applied as either rectangular or trapezoidal earth pressure distributions. Note these earth pressure distributions are "pressure envelopes", selected to ensure that no row of anchors is overloaded during the temporary support phase. The actual magnitude and distribution of lateral earth pressures for the building in its final (long term) condition may differ from the uniform distributions given above. The final condition earth pressures can be assessed using numerical methods.

In all cases, additional surcharge loads such as new and existing footings, construction loads, etc., must be allowed for in the design, applied as a rectangular earth pressure distribution over the depth of influence.

The earth pressure loading described above does not include either earthquake loads or hydrostatic pressures. Unless positive drainage measures are incorporated to prevent water pressure build-up

behind the walls, full hydrostatic head should be allowed for in design, while at the same time reducing the unit weight to account for the buoyant condition.

Where shoring comprises soldier piles, the passive resistance for piles founded in rock below the base of the excavation may be based on an ultimate passive bearing capacity of 3500 kPa, provided that the sandstone is of at least medium strength and not adversely affected by discontinuities. Higher values may be possible but will depend on the strength and quality of the rock.

The first 0.5 m of rock socket below the bulk excavation level should not be taken into account for the purpose of passive restraint. The minimum socket depth should be equal to the greater of one pile diameter or 1.0 m below the lowest level of any nearby excavation (including any detailed excavations), but subject to analysis. This is also relevant where anchors are installed (or toe anchors, just prior to fully exposing the toe of the pile). Staged excavation and inspection by a suitably qualified geotechnical engineer will therefore be required to confirm that the rock in front of the piles is not adversely affected by discontinuities, especially where passive resistance is relied upon.

A factor of safety must be applied to this ultimate value, while considering the displacement that is required to mobilise the passive resistance. Additional support will be required if allowable displacements are exceeded or if the rock is adversely affected by faults, bedding or jointing. Piles may be socketed into the top of free-standing medium strength or stronger sandstone provided adequate retention and toe support are provided.

Additional surcharge loads, such as new and existing footings, hoardings, façade retention systems, pavements and construction related activities must also be allowed for in the design.

The passive earth pressure loading described above does not include either earthquake loads or hydrostatic pressure due to the build-up of groundwater behind impermeable walls, which must also be considered in the design.

Medium strength and stronger rock is considered to be self-supporting, and their faces can be excavated vertically, subject to regular inspection every 1.5 m drop in excavation by a suitably qualified and experienced engineering geologist/geotechnical engineer, to confirm that the rock mass is not adversely affected by discontinuities or soft seams.

7.1.5 Ground Anchors and Rockbolts

It is anticipated that the building will support the shoring wall in the long term and therefore any ground anchors are expected to be temporary only. The use of permanent anchors, if required, would need careful attention to corrosion protection for which further geotechnical advice should be sought.

It should be noted that permission from adjacent property owners will be required prior to installing bolts/anchors below their land. Due consideration should also be given to buried services and any excavations, basements or tunnels nearby. TfNSW, Sydney Water and other service providers may require assessment on the effects that rockbolts and anchors may have on their assets.

Pre-stressed ground anchors, rockbolts and dowels (support elements) can be used to laterally support existing walls, new shoring, underpinning works or unstable rock masses. These support elements should be bonded into the stronger rock, inclined as required, but preferably not steeper than

30° below the horizontal. Table 3 provides allowable bond stresses for estimating purposes. The parameters given in Table 3 assume that the drill holes are clean and adequately flushed.

Table 3: Preliminary Bond Stresses for Anchor Design

Material Description	Allowable Bond Stress (kPa)
Very low strength rock	50
Low strength rock	100
Medium strength rock	350
High strength rock	1000

These values should be confirmed by pull-out tests, carried out prior to installation of support elements. Ultimately, it is the anchoring contractor's responsibility to ensure that the correct design values (specific to the support system and method of installation) are used and that the support element holes are carefully cleaned prior to grouting.

After support elements have been installed, it is recommended that they are tested to 125% of their nominal working load. Where stress relief or further unavoidable movement of the shoring is expected, it is recommended that the support elements are locked-off at a lower value, as required to accommodate the additional movement and subsequent increase in stress in the support elements. Checks should be carried out to confirm that the load in the support elements is maintained and that losses due to creep or other causes do not occur.

Shorter support elements (rockbolts and dowels) may be required to support unstable rock wedges, slivers or blocks. Short dowels and pins may be required to support feather edges where sub-parallel joints intersect the face. Shotcrete or mesh may be required where beds/seams of extremely or very low strength rock are encountered within higher strength sandstone, secured with rockbolts, dowels and pins, as required.

Care should be exercised to ensure that anchors are installed progressively during excavation and stressed prior to excavation of the next drop to ensure that stability is maintained at all times.

7.1.6 Stress Relief

Locked-in stresses are present within the rock. During excavation, these stresses are released which generally results in lateral movement of the rock mass face towards the excavation, dragging the soil (and any shoring) with it as movement occurs. Generally, units of stiffer rock (medium strength or stronger rock) will have higher horizontal locked-in stresses and experience more displacement. The degree of displacement is also dependent on rock excavation depth, bedding planes and jointing in the rock mass, excavation face length and face orientation. As the maximum principal stress in Sydney is in the north-south direction, the north and south faces can be expected to experience the most stress relief deformation. Although the east-west locked-in stress is less, the east and west faces will still experience substantial stress relief displacement.

From monitoring (and supported by numerical modelling within the Sydney CBD), horizontal stress relief movements are typically between 0.5 and 2 mm per metre depth of rock excavation. Maximum movement typically occurs at the top of the midpoint of the face and reduces to near zero in the corners of the excavation. Back from the crest of the excavation, movement can occur over a distance

of up to three times the excavated rock depth with an initial reduction of approximately 1 to 1.5 mm per metre, reducing with distance from the face. This differential movement will give rise to strain in both the rock mass and the soil beyond the excavation. Most of the movement would be expected to occur progressively during the excavation. Heave may occur where relatively thin beds of competent rock is left in the base (bed separation due to buckling).

Stress relief movement may be less in areas that have already been partly de-stressed (stress relief may have already been caused by existing basements or tunnels).

Stress relief movements can crack adjacent buildings and tunnels close to the excavation and may also increase loads on any ground support anchors installed. The effects of this movement on the various buildings, tunnels and infrastructure should therefore be assessed by a structural engineer. Appropriate allowance should be made for the potential repair of these structures, should it be required. It is also recommended that dilapidation surveys of adjacent buildings and the sewer be carried out at various stages of excavation to carefully record the condition of the structures.

Consideration should be given to the locations of columns, connections with perimeter walls and other structural elements to ensure that future stress relief movements do not affect the building.

In-situ virgin stress conditions have not been measured on the site and the following stresses are suggested:

$\sigma 1 = \sigma_{NS} = 0.5$ MPa + 2.0 σV

$\sigma 2 = \sigma_{EW} = 0.5$ MPa + 1.1$\sigma 1$

$\sigma 3 = \sigma_{V} = 0.024$ H MPa

where H = height of excavated medium strength or stronger rock face (m)

Notes:

- These stress correlations do not take into consideration the effect of nearby excavations and hence separate allowances should be made if this is the case.
- These stress correlations do not allow for stress relief or stress concentration due to faults, or intrusions, or the presence of high strength beds. Hence site conditions may vary significantly from the above correlations, depending on the specific features and their proximity to the site.

7.2 Groundwater

Given the limited groundwater data available from the investigation at the site in 2015, the bulk excavation is likely to intercept groundwater. Seepage during construction and in the long term should therefore be expected along the top of the rock (particularly after periods of wet weather) and through joints and bedding planes in the rock mass.

It is not possible to provide a reliable estimate of the seepage quantity that may be expected based on the available data. Additional boreholes to triangulate water levels and flow direction together with permeability testing will therefore be required during the geotechnical investigation to provide the necessary parameters for seepage analysis. Information about nearby basement and whether drained or tanked would also be required as drained basements can locally reduce the water levels locally.

Typically, seepage into basements in Sydney during construction and in the long term, are controlled by perimeter drains connected to a "sump-and-pump" system. Approval from WaterNSW, however, will be required prior to designing and construction of a drained basement. A drained basement, if approved by WaterNSW, will require permanent subfloor drainage to direct seepage to the stormwater drainage system for which Council approval will be required.

The need for ongoing dewatering after construction will depend on whether the basement is designed as a drained or tanked basement as described below:

- a drained basement will require permanent subfloor drainage below the basement floor slab connected to a sump which regularly pumps out the water. The disposal requirements of water collected on-site will be dependent on the chemical consumption of the water. Normally, water is disposed to a stormwater or sewer system subject to approval from the Council. However, a drained basement will act as a low point to which groundwater will flow. Therefore, if present, any contamination within the surrounding groundwater system could flow into the basement and adversely affect the quality of the water collected on site.
- a tanked basement would avoid the need for dewatering but is likely to be more expensive than a drained basement. A tanked basement would need to be designed to resist uplift forces associated with groundwater pressure, for which preliminary design should be based on a groundwater level determined by water level monitoring carried out in at least 3 standpipes installed as part of a future geotechnical investigation.

The amount of water seeping into the excavation during construction should be monitored as this will give an indication of likely inflows for the long term condition.

The geological map indicated that the site is underlain by alluvium, which can contain high permeability zones. Hence, there is a need to conduct a detailed investigation before design is completed and this should include long term pump out tests to determine the hydraulic properties of the alluvium and the sandstone below.

Previous experience in Sydney is that seepage will likely contain relatively high levels of soluble iron that will form a precipitate in the form of a gelatinous ‘sludge’ when exposed to oxygen. This ‘sludge’ has the potential to block-up subsoil (gravel) drains and ‘seize-up’ pumps. Therefore, detailing of subfloor drains, sumps and pumps should incorporate provision for regular maintenance such as flushing and ‘rodding’ of drains and/or “baffle” pits.

7.3 Foundations

Based on the geotechnical model in Section 4, at least medium or even medium to high strength sandstone is expected at bulk level. A suitable foundation system would therefore comprise pad and strip footings, suitably sized for the typical parameters for the design of foundations on sandstone, based on the classification methods of Pells et al. (1998) in Table 4.

Table 4: Preliminary Design Parameters for Pad/Strip Footings

Material	Maximum Allowable End Bearing Pressure (kPa)	Ultimate End Bearing Pressure (kPa)	Field Young's Modulus, E (MPa)
Class III - medium strength sandstone	3,500	20,000	600
Class II - medium to high strength sandstone	6,000	60,000	1,200
Class I - high strength sandstone	10,000	120,000	2,000

Note that classification of the material in Table 4 is subject to the required number of boreholes, cored boreholes and spoon testing being carried out. In spoon testing, a 50 mm diameter hole is drilled below the base of the footing to a depth of 1.5 times the footing width, followed by testing by a geotechnical engineer to check for the presence of weak layers or clay bands.

Foundations proportioned on the basis of the allowable parameters would be expected to experience total settlements of less than 1% of the minimum footing's width under the applied working load, with differential settlement between adjacent columns expected to be less than half this value.

For design using the ultimate values provided in Table 4, a geotechnical strength reduction factor ($Ø_g$) should be determined by the designer in accordance with the piling code AS 2159-2009. Serviceability criteria will also need to be met when using ultimate design parameters.

All footing excavations should be inspected, and spoon tested (as required) by a geotechnical engineer to confirm that foundation conditions are suitable for the design parameters. Spoon testing will be required for all foundations with allowable bearing pressures of, or in excess, of 3,500 kPa.

7.4 Seismic Design

In accordance with AS1170-2007 "Structural Design Actions, Part 4: Earthquake Actions in Australia" a hazard factor (Z) of 0.08 and a site subsoil Class C_e is considered to be appropriate for the site provided all structural elements are supported by piles bearing on rock.

7.5 Geotechnical Considerations Relating to the Rail Corridors

The TfNSW Standard[1] sets out guidelines specifically for the tunnels. The Standard outlines 'protection reserves', construction restrictions and other aspects relating to developments in the vicinity of the rail infrastructure e.g., load limits on tunnels, tunnel displacement and tunnel monitoring criteria. The NSW Department of Planning also have guidelines for development near rail corridors

[1] T HR CI 12051 ST V2 - Developments Near Rail Tunnels, November 2018

and busy roads[2]. The guidelines outline aspects relating to developments that are specified in Section 2 of the SEPP that have additional requirements to be considered before seeking approval.

We recommend that accurate drawings are obtained from TfNSW and a TfNSW registered surveyor checks the distance from the site boundary to the closest TfNSW infrastructure to determine whether it is within the protection reserves set out in the TfNSW guidelines. Further advice can be provided if the site is within 25m of the infrastructure.

8. Further Investigation

Further geotechnical investigation will be required to determine the site ground profile and in particular the depth to groundwater and to bedrock across the site and the strength of the rock at or below design foundation level. Coring of the bedrock is recommended to determine the appropriate parameters for economic foundation design. The investigation should include:

- a minimum of three (3) additional boreholes drilled to a depth of 3 m below the bulk excavation level with permeability testing, with at least three (3) monitoring wells to triangulate water levels and flow direction and assess the inflow rate.
- footing investigation of any adjacent buildings to determine footing type(s), founding depths and conditions if reliable information is not available. This may have to occur after demolition of the existing structure(s) and before commencement of excavation. This will typically involve test pits or coring.
- waste classification assessment of material proposed to be transported off site, in accordance with the appropriate guidelines.

9. Limitations

Douglas Partners (DP) has prepared this report (or services) for this project at 232-240 Elizabeth Street, Surry Hills in accordance with DP's proposal dated 19/09/2022 and acceptance received from Peter Kouvelas dated 12 October 2022. The work was carried out under DP's Conditions of Engagement. This report is provided for the exclusive use of Stasia Holdings Pty. Limited for this project only and for the purposes as described in the report. It should not be used by or relied upon for other projects or purposes on the same or other site or by a third party. Any party so relying upon this report beyond its exclusive use and purpose as stated above, and without the express written consent of DP, does so entirely at its own risk and without recourse to DP for any loss or damage. In preparing this report DP has necessarily relied upon information provided by the client and/or their agents.

The results provided in the report are indicative of the sub-surface conditions on the site only at the specific sampling and/or testing locations, and then only to the depths investigated and at the time the work was carried out. Sub-surface conditions can change abruptly due to variable geological processes and also as a result of human influences. Such changes may occur after DP's field testing has been completed.

[2] NSW Government: Department of Planning

DP's advice is based upon the conditions encountered during this investigation. The accuracy of the advice provided by DP in this report may be affected by undetected variations in ground conditions across the site between and beyond the sampling and/or testing locations. The advice may also be limited by budget constraints imposed by others or by site accessibility.

The assessment of atypical safety hazards arising from this advice is restricted to the (geotechnical / environmental / groundwater) components set out in this report and based on known project conditions and stated design advice and assumptions. While some recommendations for safe controls may be provided, detailed 'safety in design' assessment is outside the current scope of this report and requires additional project data and assessment.

This report must be read in conjunction with all of the attached and should be kept in its entirety without separation of individual pages or sections. DP cannot be held responsible for interpretations or conclusions made by others unless they are supported by an expressed statement, interpretation, outcome or conclusion stated in this report.

This report, or sections from this report, should not be used as part of a specification for a project, without review and agreement by DP. This is because this report has been written as advice and opinion rather than instructions for construction.

Douglas Partners Pty Ltd

Appendix A

About This Report

About this Report

Douglas Partners

Introduction

These notes have been provided to amplify DP's report in regard to classification methods, field procedures and the comments section. Not all are necessarily relevant to all reports.

DP's reports are based on information gained from limited subsurface excavations and sampling, supplemented by knowledge of local geology and experience. For this reason, they must be regarded as interpretive rather than factual documents, limited to some extent by the scope of information on which they rely.

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This report is the property of Douglas Partners Pty Ltd. The report may only be used for the purpose for which it was commissioned and in accordance with the Conditions of Engagement for the commission supplied at the time of proposal. Unauthorised use of this report in any form whatsoever is prohibited.

Borehole and Test Pit Logs

The borehole and test pit logs presented in this report are an engineering and/or geological interpretation of the subsurface conditions, and their reliability will depend to some extent on frequency of sampling and the method of drilling or excavation. Ideally, continuous undisturbed sampling or core drilling will provide the most reliable assessment, but this is not always practicable or possible to justify on economic grounds. In any case the boreholes and test pits represent only a very small sample of the total subsurface profile.

Interpretation of the information and its application to design and construction should therefore take into account the spacing of boreholes or pits, the frequency of sampling, and the possibility of other than 'straight line' variations between the test locations.

Groundwater

Where groundwater levels are measured in boreholes there are several potential problems, namely:

- In low permeability soils groundwater may enter the hole very slowly or perhaps not at all during the time the hole is left open;
- A localised, perched water table may lead to an erroneous indication of the true water table;
- Water table levels will vary from time to time with seasons or recent weather changes. They may not be the same at the time of construction as are indicated in the report; and
- The use of water or mud as a drilling fluid will mask any groundwater inflow. Water has to be blown out of the hole and drilling mud must first be washed out of the hole if water measurements are to be made.

More reliable measurements can be made by installing standpipes which are read at intervals over several days, or perhaps weeks for low permeability soils. Piezometers, sealed in a particular stratum, may be advisable in low permeability soils or where there may be interference from a perched water table.

Reports

The report has been prepared by qualified personnel, is based on the information obtained from field and laboratory testing, and has been undertaken to current engineering standards of interpretation and analysis. Where the report has been prepared for a specific design proposal, the information and interpretation may not be relevant if the design proposal is changed. If this happens, DP will be pleased to review the report and the sufficiency of the investigation work.

Every care is taken with the report as it relates to interpretation of subsurface conditions, discussion of geotechnical and environmental aspects, and recommendations or suggestions for design and construction. However, DP cannot always anticipate or assume responsibility for:

- Unexpected variations in ground conditions. The potential for this will depend partly on borehole or pit spacing and sampling frequency;
- Changes in policy or interpretations of policy by statutory authorities; or
- The actions of contractors responding to commercial pressures.

If these occur, DP will be pleased to assist with investigations or advice to resolve the matter.

About this Report

Site Anomalies

In the event that conditions encountered on site during construction appear to vary from those which were expected from the information contained in the report, DP requests that it be immediately notified. Most problems are much more readily resolved when conditions are exposed rather than at some later stage, well after the event.

Information for Contractual Purposes

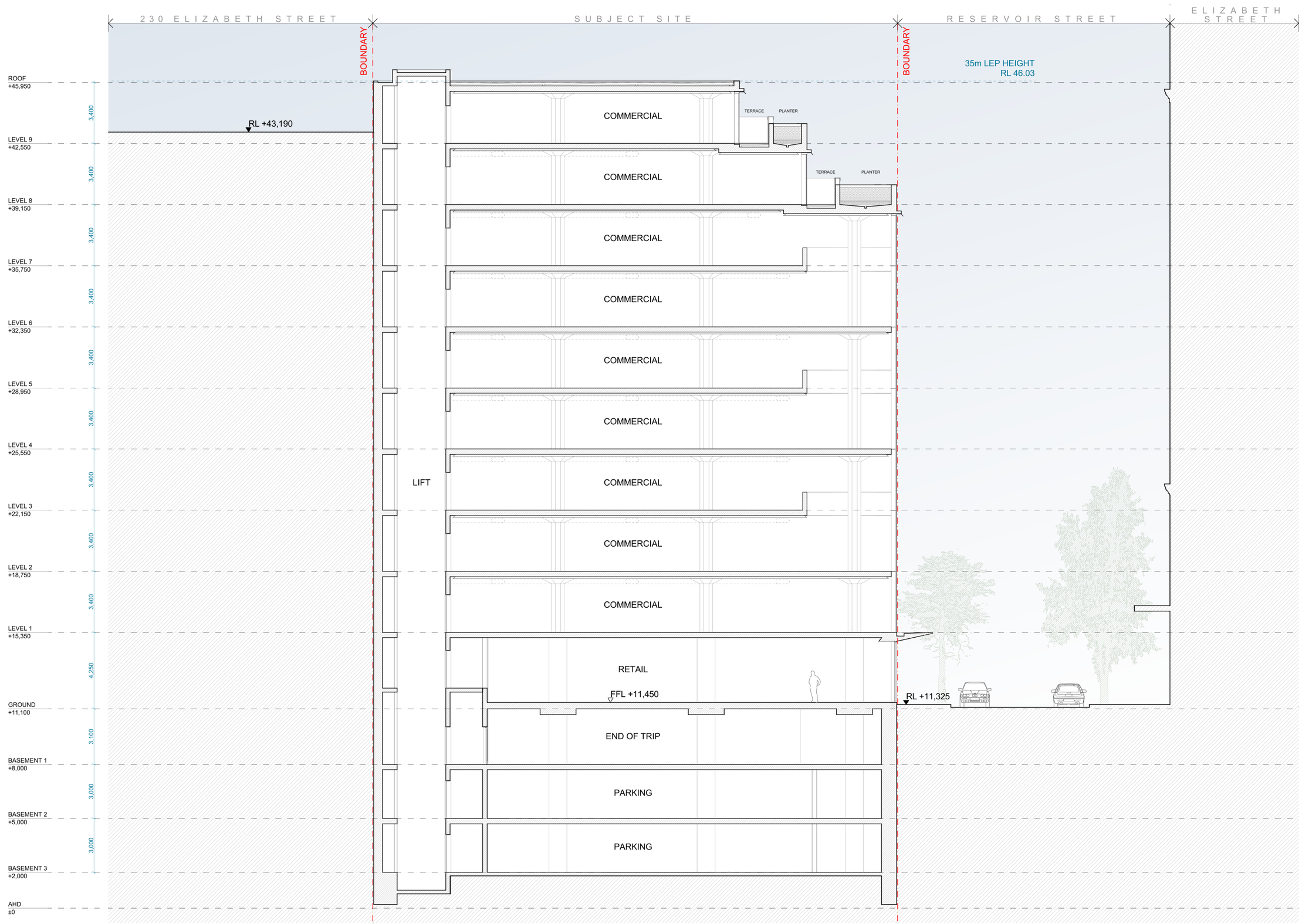
Where information obtained from this report is provided for tendering purposes, it is recommended that all information, including the written report and discussion, be made available. In circumstances where the discussion or comments section is not relevant to the contractual situation, it may be appropriate to prepare a specially edited document. DP would be pleased to assist in this regard and/or to make additional report copies available for contract purposes at a nominal charge.

Site Inspection

The company will always be pleased to provide engineering inspection services for geotechnical and environmental aspects of work to which this report is related. This could range from a site visit to confirm that conditions exposed are as expected, to full time engineering presence on site.

Appendix B

Architectural Drawings



1 SECTION A
1:100

This drawing is to be read in conjunction with all relevant project documentation (incl. written architectural specifications) and all specialist consultant documentation incl. but not limited to structural, mechanical, electrical, and hydraulic engineering documentation.
Do not scale from this drawing. Only figured dimensions shall be used.
Report any discrepancy between this drawing and other project documentation immediately to the architect for clarification prior to commencement of related work on site.
All sizes of structural components that are shown on these architectural documents are for reference only. Refer to structural engineer's drawings for structural dimensions and architectural drawings for concrete set out dimensions.
Shop drawings are to be completed for all metalwork, joinery and specified trade items and reviewed by the architect (and structural engineer where required) prior to fabrication.
Refer to the 'Architectural Drawing Notes Page' for further notation.

DRAWING ORIGINAL SIZE: A1

Issue	Date	Description
P6 - WIP	Work in Progress	Consultant Issue
P5	2/11/2022	Client Issue
P4	19/10/2022	Consultant Issue
03	17/10/2022	Consultant Issue

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Project: 232-240 Elizabeth Street, Surry Hills
Site: 232-240 Elizabeth Street, Sydney NSW
Client: STASIA PTY LIMITED

Scale:	Drawn By:	Checked 1:	Checked 2:	Approved:
1:100 @ A1	IN, RB			

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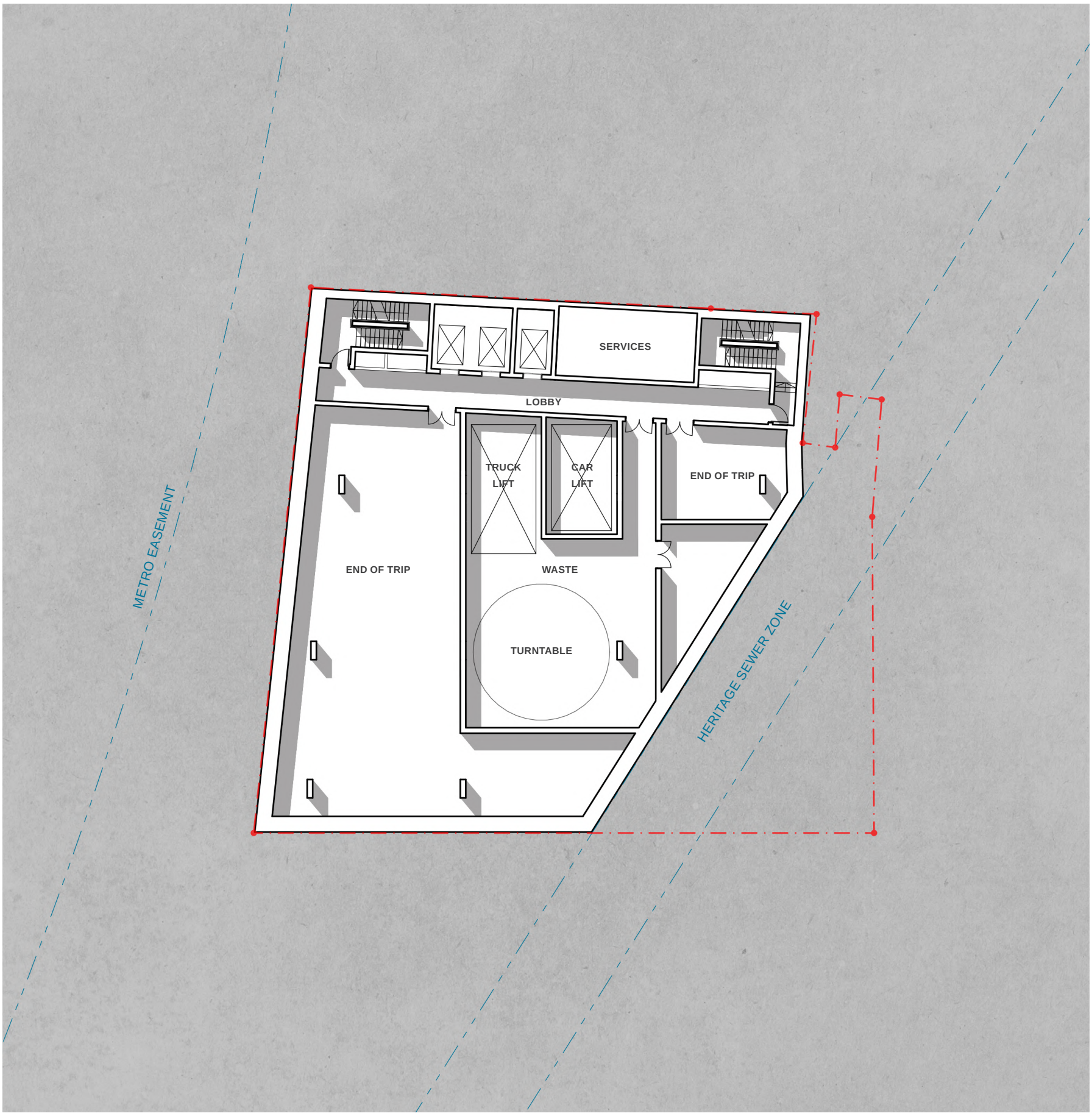
PRELIMINARY
NOT FOR CONSTRUCTION - DESIGN INTENT ONLY

Drawing:	Job Number:
SECTION A	5968
Drawing Number:	Issue:
PP 1101	P6 - WIP

Print Date: Tuesday, 8 November 2022 3:43 PM



BASEMENT 1 PLAN

END OF TRIP GFA **270 m²**

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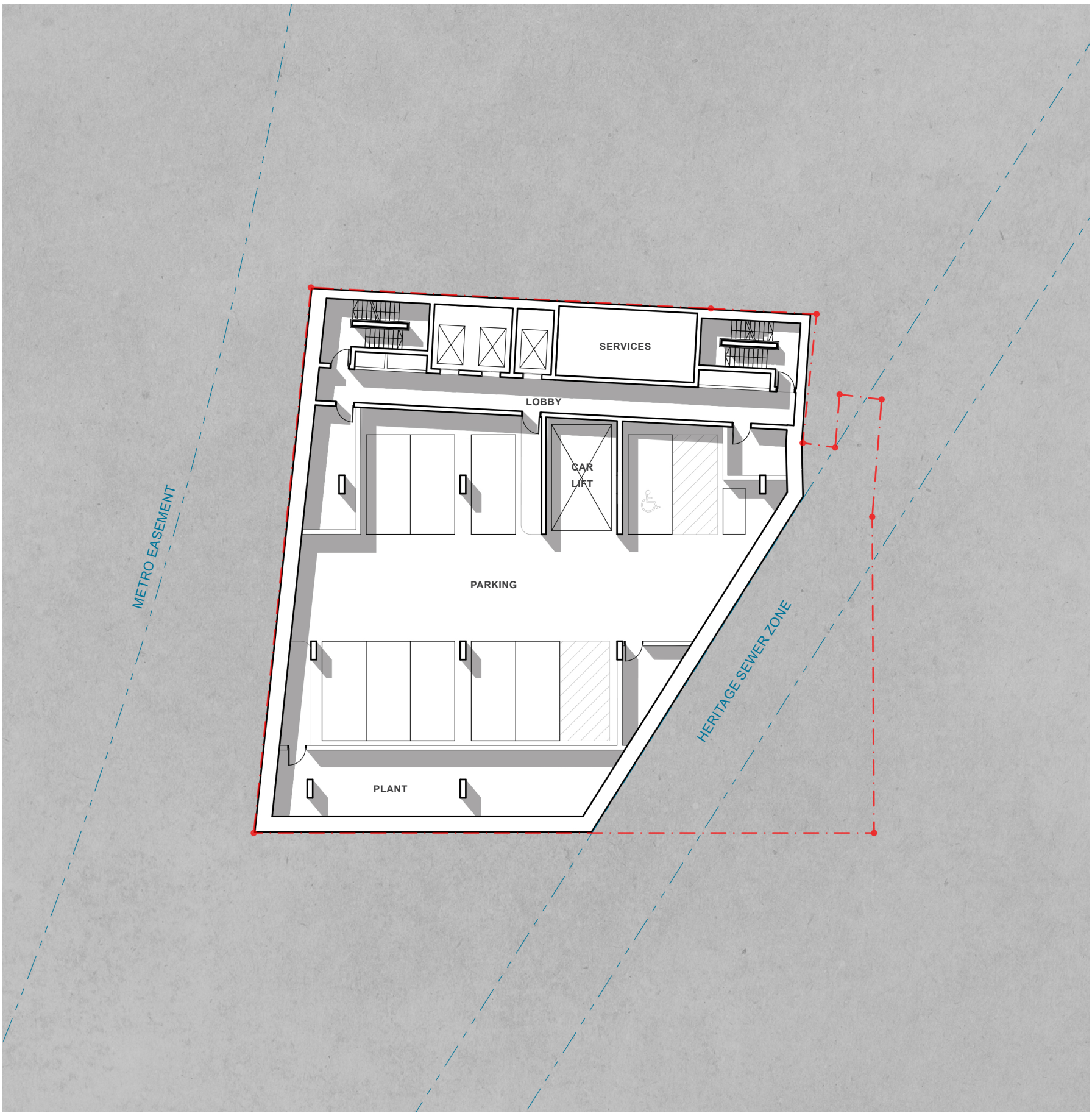

BASEMENT 2-3 PLAN

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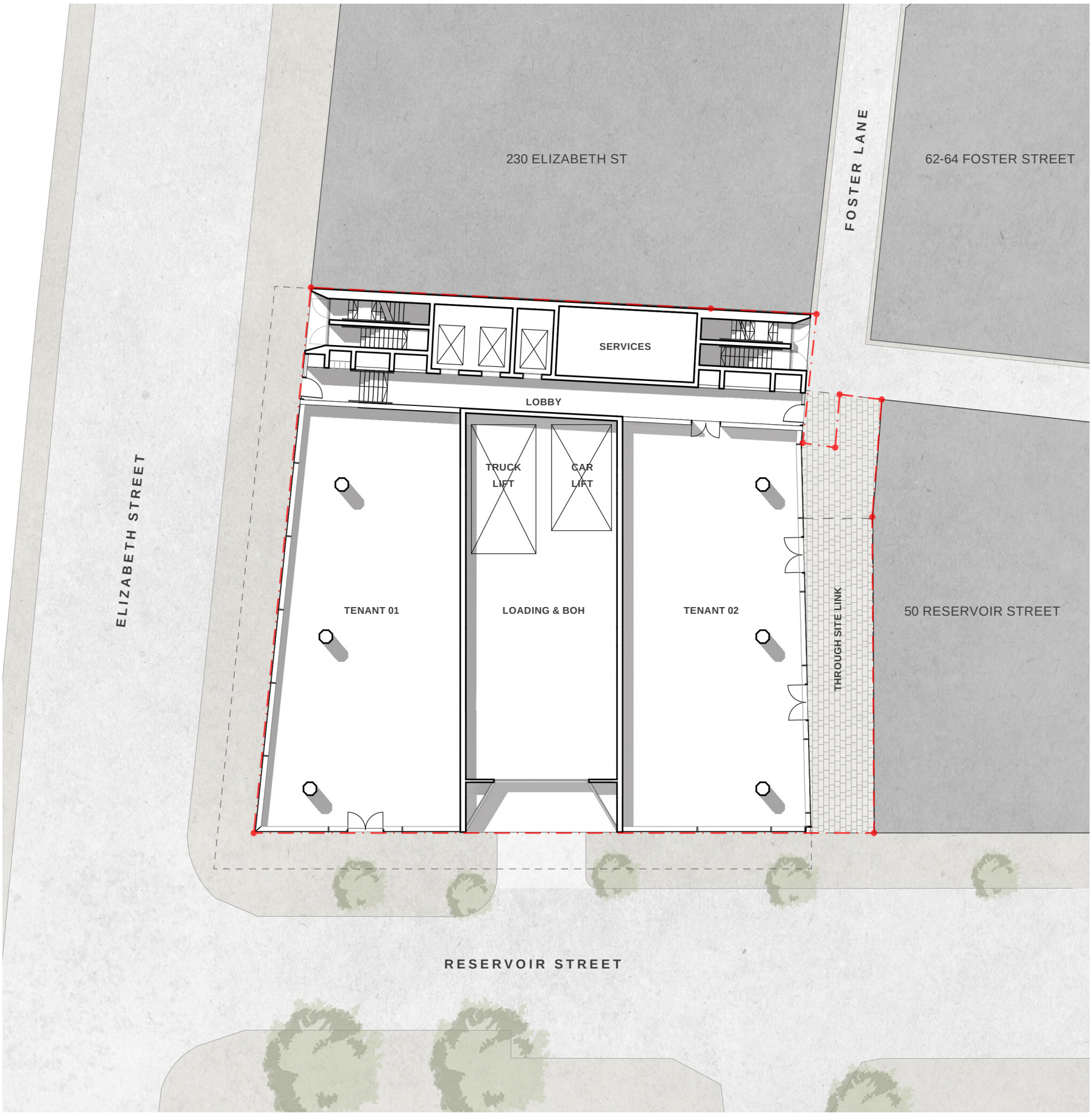
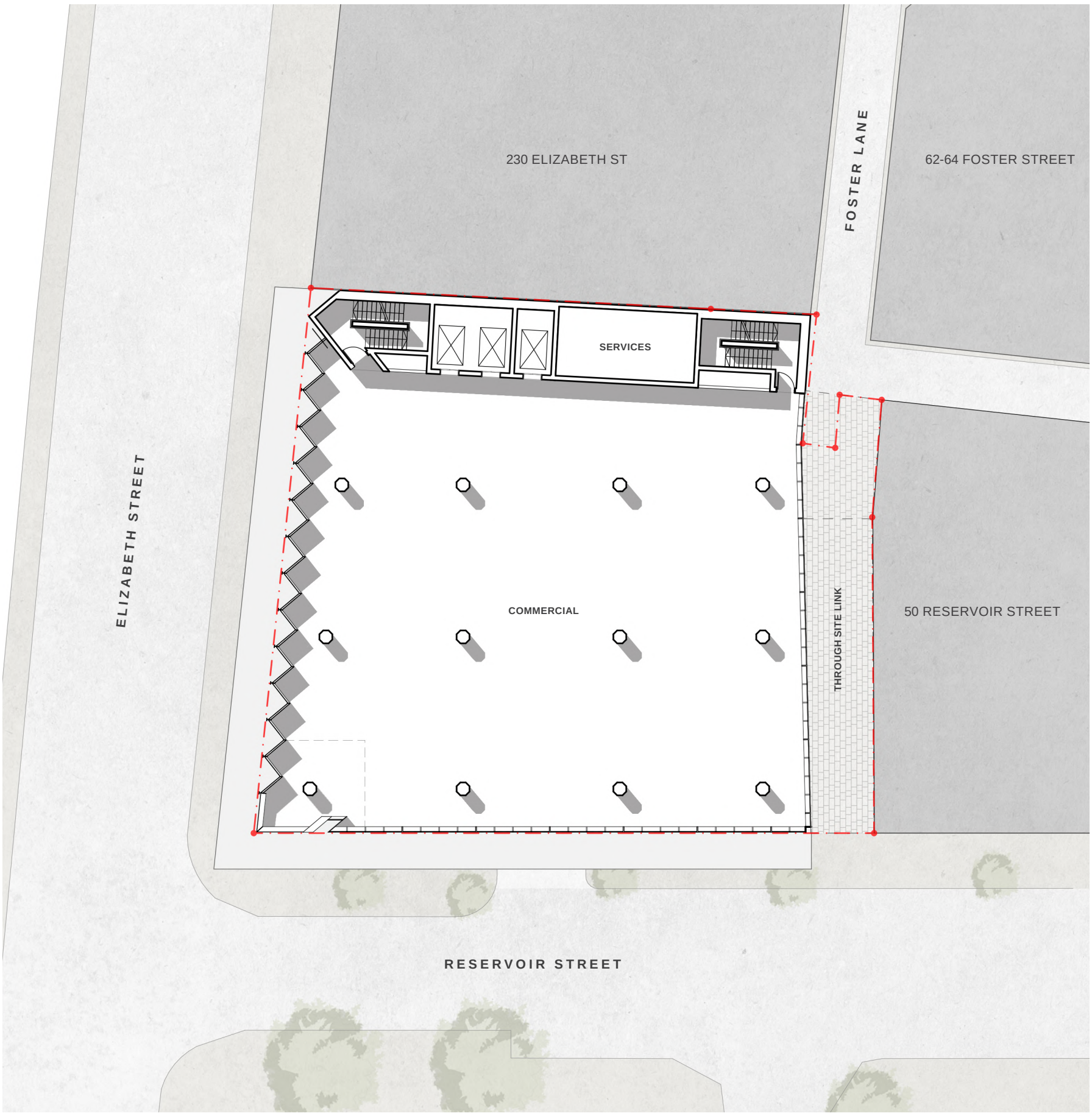
CAR PARKS PER LVL	9
MOTORCYCLE PARKS PER LVL	1



GROUND FLOOR PLAN

SCALE 1:250 0 5 15

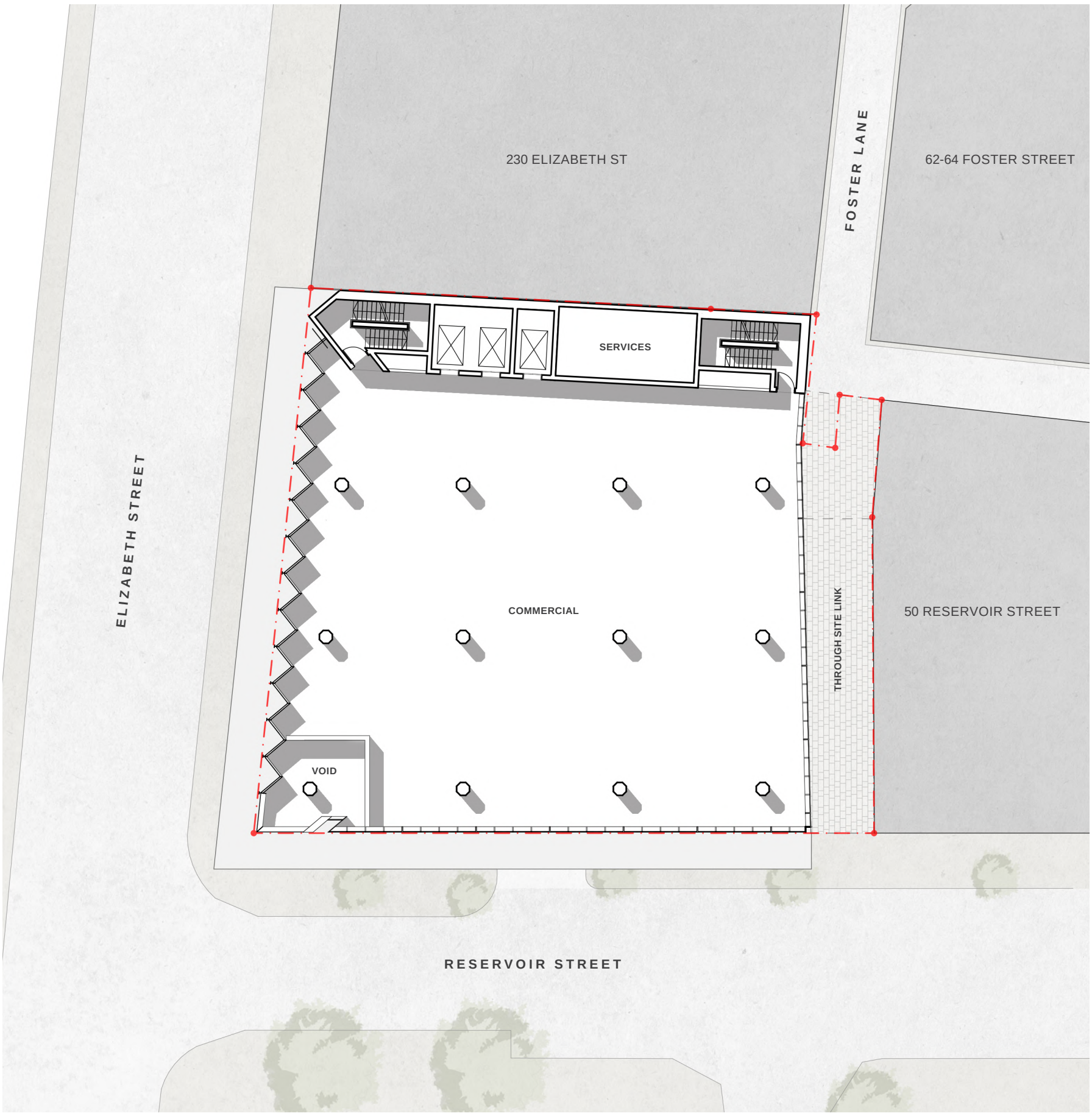
COMMERCIAL GFA	79 m²
RETAIL GFA	452 m²



TYPICAL FLOOR PLAN L1, L2, L4, L6

COMMERCIAL GFA **706 m²**

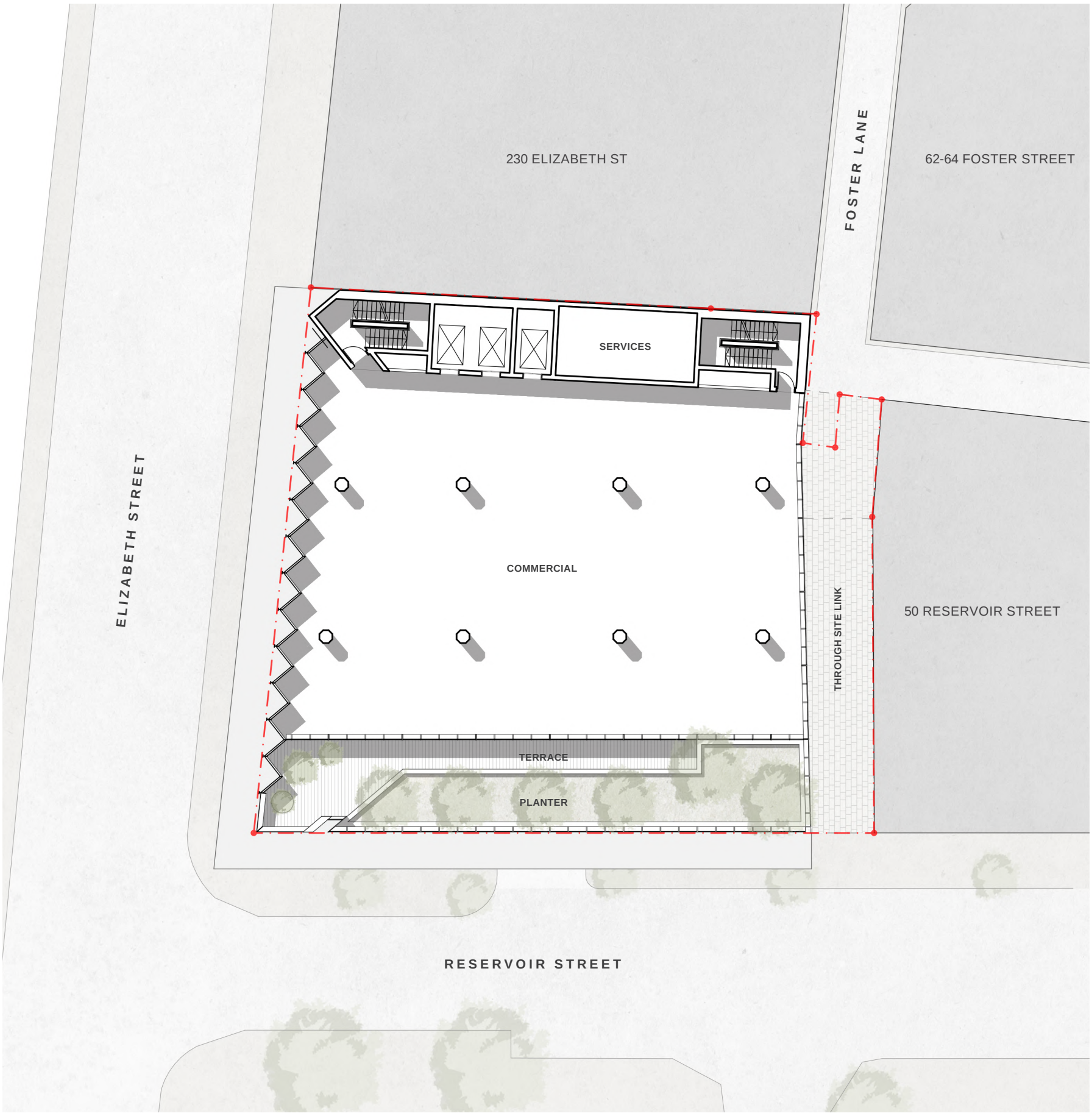
SCALE 1:250 0 5 15



TYPICAL FLOOR PLAN L3, L5, L7

COMMERCIAL GFA **681 m²**

SCALE 1:250 0 5 15

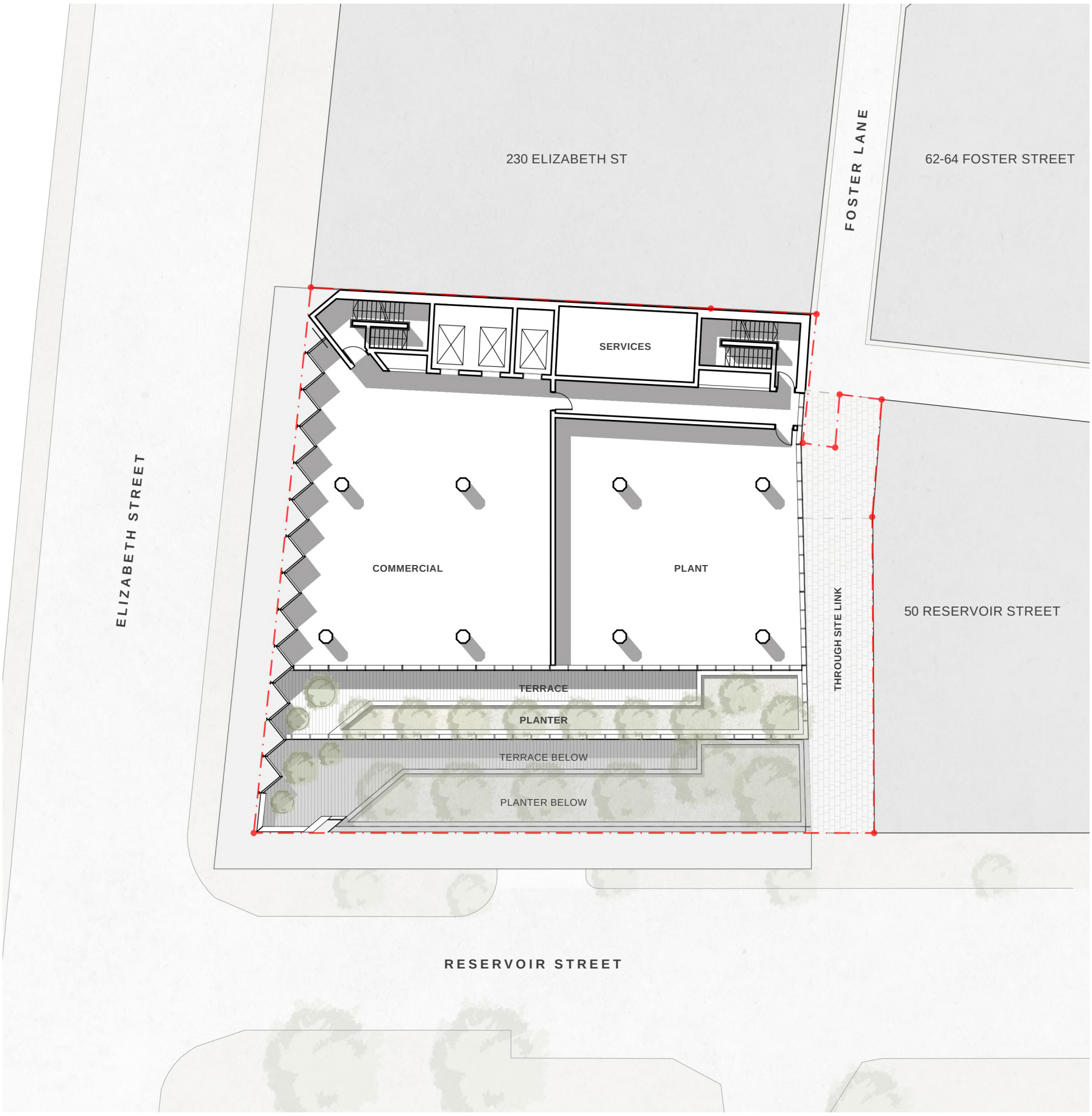


FLOOR PLAN - L8

COMMERCIAL GFA	**561 m²**
TERRACE	**61 m²**
PLANTER	**78 m²**

SCALE 1:250

0 5 15

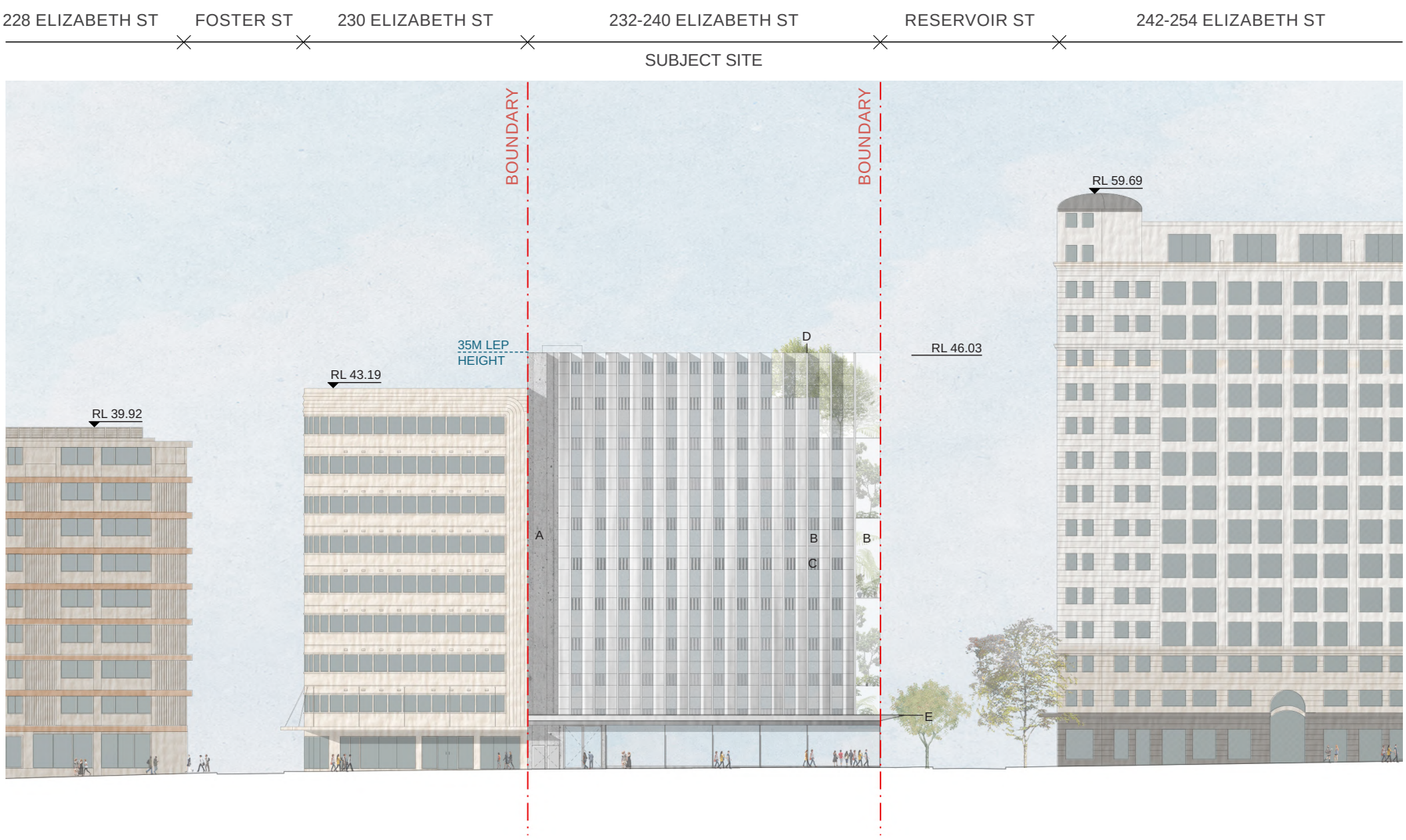


FLOOR PLAN - L9

SCALE 1:250 0 5 15

COMMERCIAL GFA	380 m²
TERRACE	44 m²
PLANTER	58 m²
PLANT	66 m²

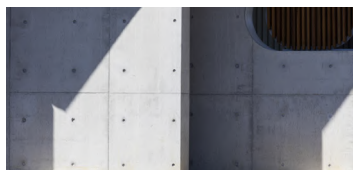
ELEVATION



WEST ELEVATION - ELIZABETH STREET

SCALE 1:500

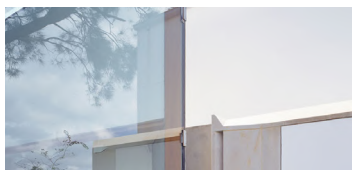
0 5 10 20



A

Off-form Concrete

President Avenue Apartments, Candalepas Associates



B

Glass

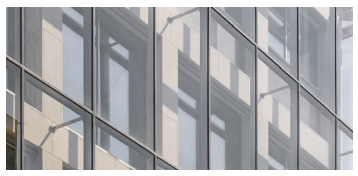
Cullen Aalhuitzen House, Candalepas Associates



C

Reeded Glass

Plain English Design



D

Stainless Steel

Virchow 6, Álvaro Siza Vieira

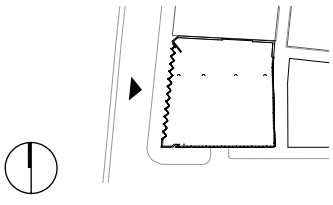


E

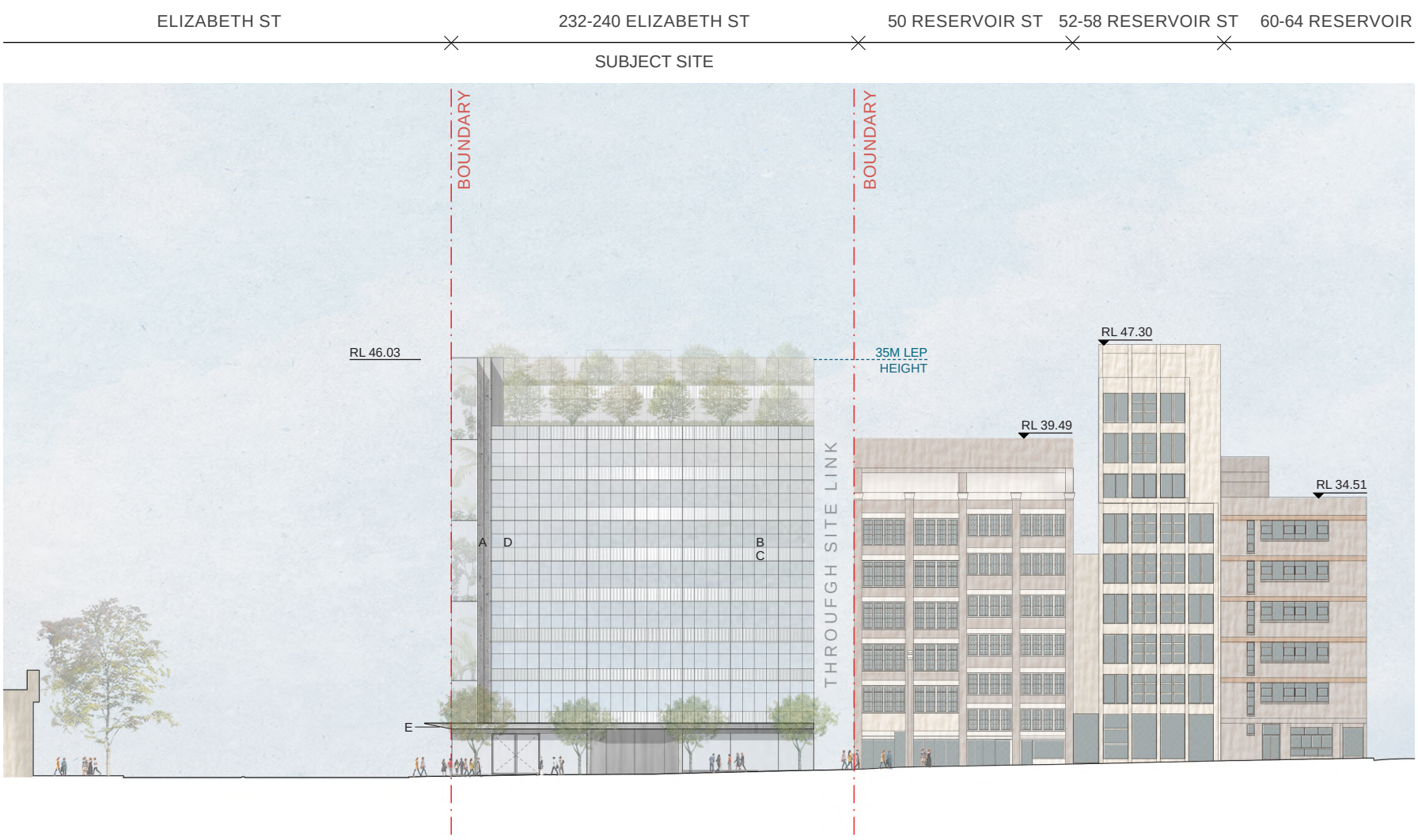
Dark Painted Steel

QT Hotel, Melbourne, Candalepas Associates

MATERIALS



ELEVATION



SOUTH ELEVATION - RESERVOIR STREET

SCALE 1:500

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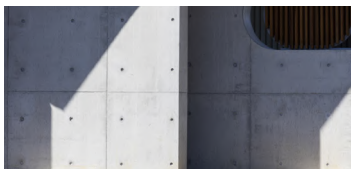


A

Off-form Concrete

President Avenue Apartments, Candalepas Associates



B

Glass

Cullen Aalhuitzen House, Candalepas Associates



C

Reeded Glass

Plain English Design



D

Stainless Steel

Virchow 6, Álvaro Siza Vieira

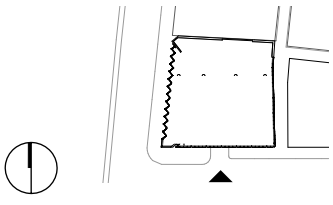


E

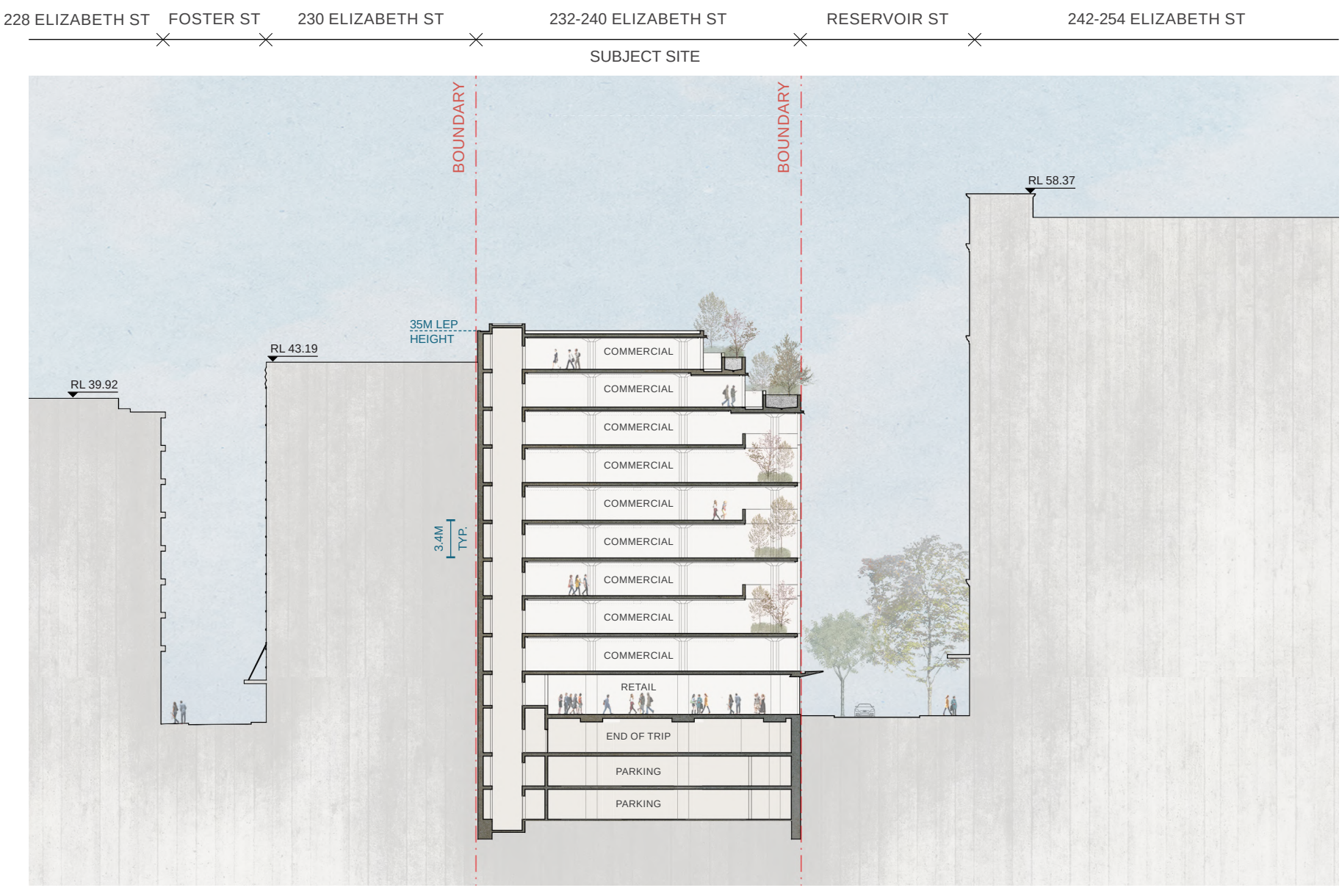
Dark Painted Steel

QT Hotel, Melbourne, Candalepas Associates

MATERIALS



SECTION



SECTION AA

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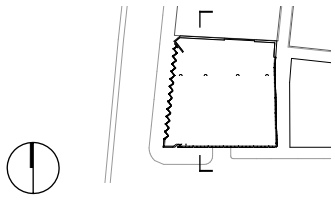
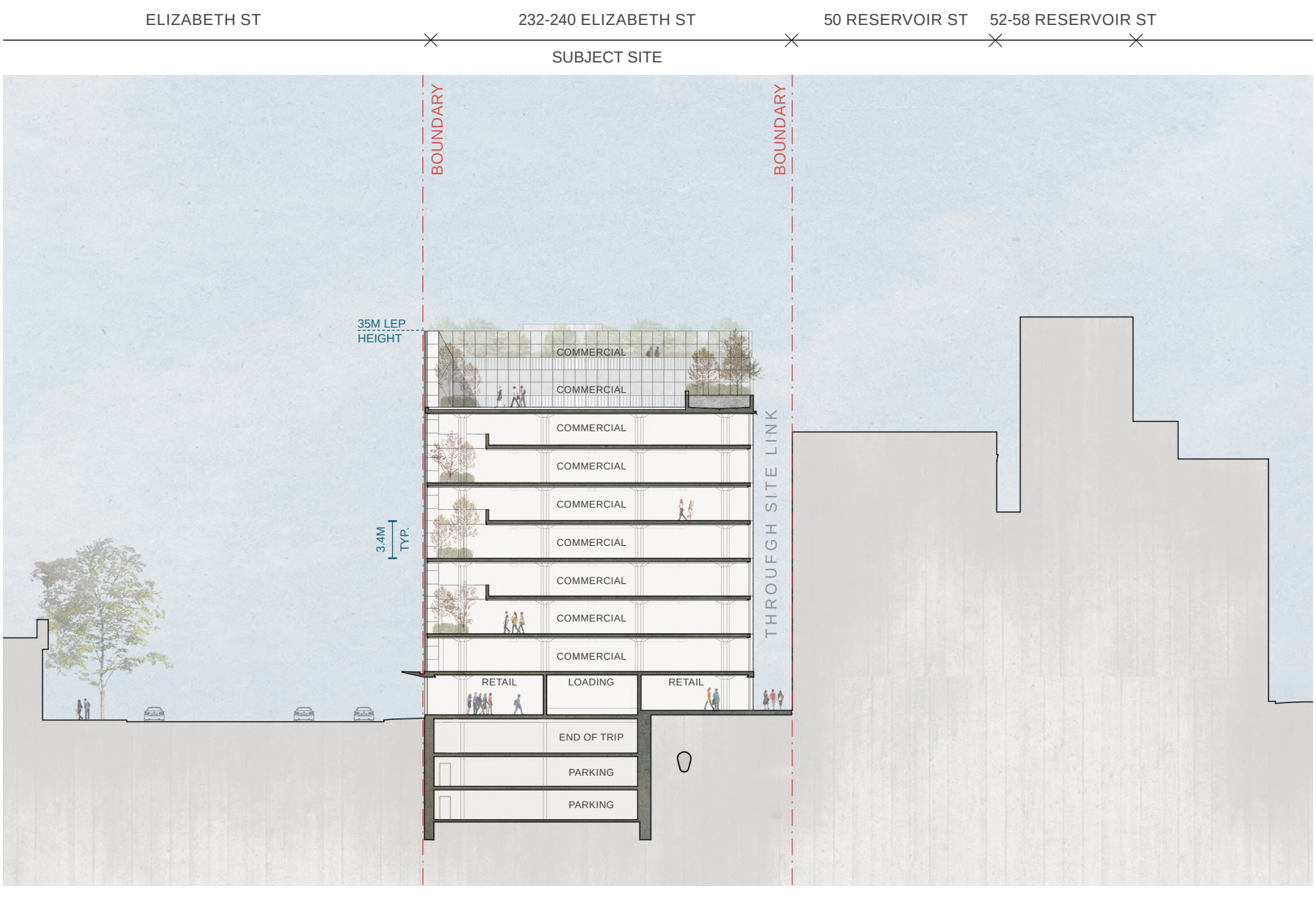


SECTION



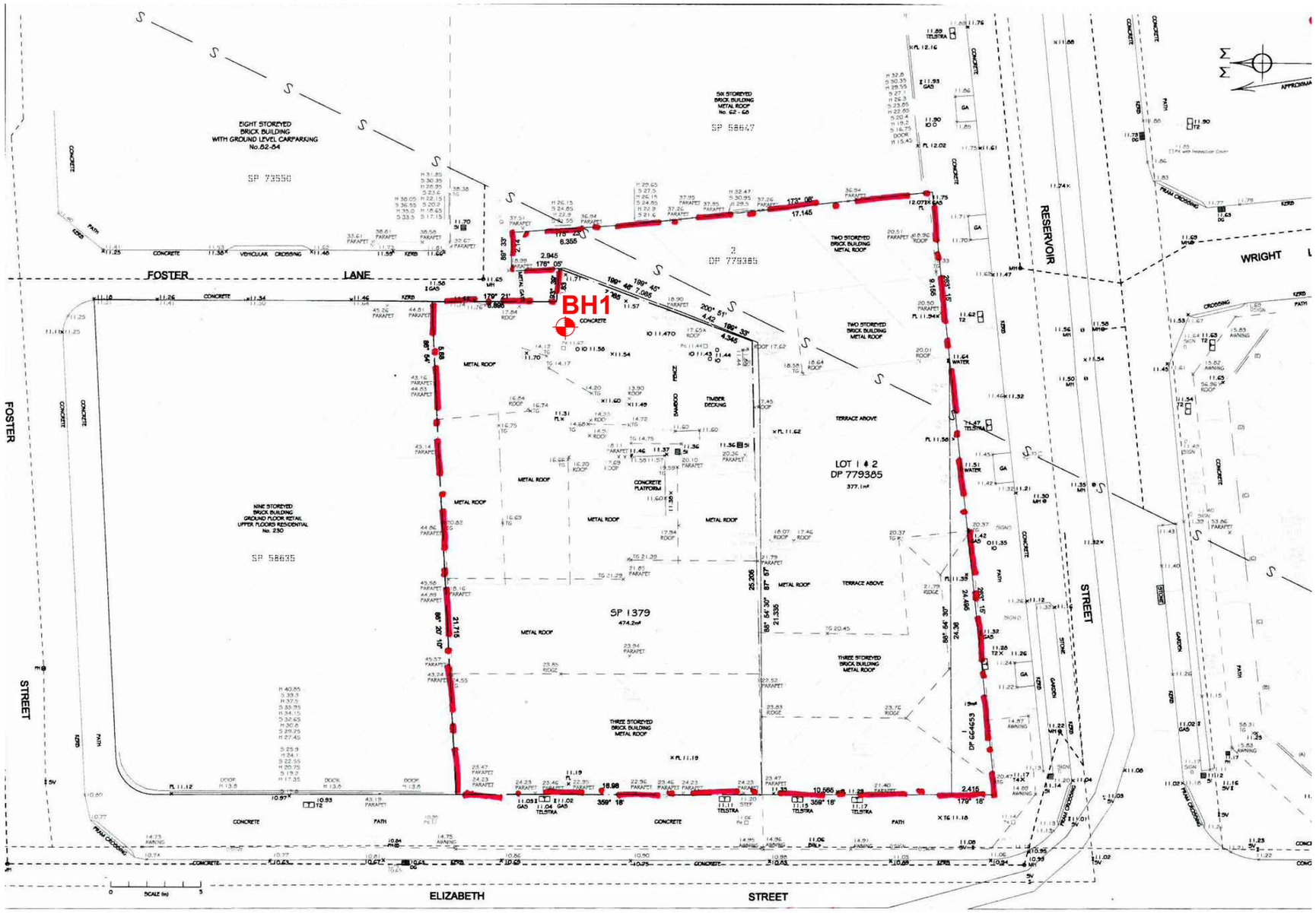
SECTION BB

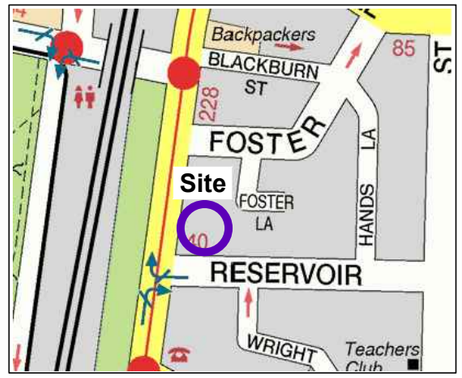
SCALE 1:500

0 5 10 20

Appendix C

Previous Borehole Investigation





Locality Plan

NOTE: 1. Base drawing from Eric Scerri & Associates Pty Ltd (Dwg 2332/14, dated 18.6.2015)
2. Test locations are approximate only and are shown with reference to existing site features.

LEGEND

Borehole location

Douglas Partners Geotechnics / Environment / Groundwater	CLIENT: Patglen Pty Ltd	TITLE: **Site Layout and Borehole Location**	PROJECT No: 85134.00
	OFFICE: Sydney / DRAWN BY: PSCH	**Proposed Residential/ Commercial Development**	DRAWING No: 1
	SCALE: 1:250 @ A3 approx. / DATE: 12.11.2015	**232-240 Elizabeth Street, Surry Hills**	REVISION: 0

552

P:\85134.00 - SURRY HILLS - 232 - 240 Elizabeth Street\7.0 Drawings\7.2 Out\85134.00-1.dwg, 20/11/2015 12:07:43 PM

Description and Classification Methods

The methods of description and classification of soils and rocks used in this report are generally based on Australian Standard AS1726:2017, Geotechnical Site Investigations. In general, the descriptions include strength or density, colour, structure, soil or rock type and inclusions.

Soil Types

Soil types are described according to the predominant particle size, qualified by the grading of other particles present:

Type	Particle size (mm)
Boulder	>200
Cobble	63 - 200
Gravel	2.36 - 63
Sand	0.075 - 2.36
Silt	0.002 - 0.075
Clay	<0.002

The sand and gravel sizes can be further subdivided as follows:

Type	Particle size (mm)
Coarse gravel	19 - 63
Medium gravel	6.7 - 19
Fine gravel	2.36 – 6.7
Coarse sand	0.6 - 2.36
Medium sand	0.21 - 0.6
Fine sand	0.075 - 0.21

Definitions of grading terms used are:

- Well graded - a good representation of all particle sizes
- Poorly graded - an excess or deficiency of particular sizes within the specified range
- Uniformly graded - an excess of a particular particle size
- Gap graded - a deficiency of a particular particle size with the range

The proportions of secondary constituents of soils are described as follows:

In fine grained soils (>35% fines)

Term	Proportion of sand or gravel	Example
And	Specify	Clay (60%) and Sand (40%)
Adjective	>30%	Sandy Clay
With	15 – 30%	Clay with sand
Trace	0 - 15%	Clay with trace sand

In coarse grained soils (>65% coarse)
- with clays or silts

Term	Proportion of fines	Example
And	Specify	Sand (70%) and Clay (30%)
Adjective	>12%	Clayey Sand
With	5 - 12%	Sand with clay
Trace	0 - 5%	Sand with trace clay

In coarse grained soils (>65% coarse)
- with coarser fraction

Term	Proportion of coarser fraction	Example
And	Specify	Sand (60%) and Gravel (40%)
Adjective	>30%	Gravelly Sand
With	15 - 30%	Sand with gravel
Trace	0 - 15%	Sand with trace gravel

The presence of cobbles and boulders shall be specifically noted by beginning the description with ‘Mix of Soil and Cobbles/Boulders’ with the word order indicating the dominant first and the proportion of cobbles and boulders described together.

Soil Descriptions

Cohesive Soils

Cohesive soils, such as clays, are classified on the basis of undrained shear strength. The strength may be measured by laboratory testing, or estimated by field tests or engineering examination. The strength terms are defined as follows:

Description	Abbreviation	Undrained shear strength (kPa)
Very soft	VS	<12
Soft	S	12 - 25
Firm	F	25 - 50
Stiff	St	50 - 100
Very stiff	VSt	100 - 200
Hard	H	>200
Friable	Fr	-

Cohesionless Soils

Cohesionless soils, such as clean sands, are classified on the basis of relative density, generally from the results of standard penetration tests (SPT), cone penetration tests (CPT) or dynamic penetrometers (PSP). The relative density terms are given below:

Relative Density	Abbreviation	Density Index (%)
Very loose	VL	<15
Loose	L	15-35
Medium dense	MD	35-65
Dense	D	65-85
Very dense	VD	>85

Soil Origin

It is often difficult to accurately determine the origin of a soil. Soils can generally be classified as:

- Residual soil - derived from in-situ weathering of the underlying rock;
- Extremely weathered material – formed from in-situ weathering of geological formations. Has soil strength but retains the structure or fabric of the parent rock;
- Alluvial soil – deposited by streams and rivers;
- Estuarine soil – deposited in coastal estuaries;
- Marine soil – deposited in a marine environment;
- Lacustrine soil – deposited in freshwater lakes;
- Aeolian soil – carried and deposited by wind;
- Colluvial soil – soil and rock debris transported down slopes by gravity;
- Topsoil – mantle of surface soil, often with high levels of organic material.
- Fill – any material which has been moved by man.

Moisture Condition – Coarse Grained Soils

For coarse grained soils the moisture condition should be described by appearance and feel using the following terms:

- Dry (D) Non-cohesive and free-running.
- Moist (M) Soil feels cool, darkened in colour.
  Soil tends to stick together.
  Sand forms weak ball but breaks easily.
- Wet (W) Soil feels cool, darkened in colour.
  Soil tends to stick together, free water forms when handling.

Moisture Condition – Fine Grained Soils

For fine grained soils the assessment of moisture content is relative to their plastic limit or liquid limit, as follows:

- ‘Moist, dry of plastic limit’ or ‘w <PL’ (i.e. hard and friable or powdery).
- ‘Moist, near plastic limit’ or ‘w ≈ PL (i.e. soil can be moulded at moisture content approximately equal to the plastic limit).
- ‘Moist, wet of plastic limit’ or ‘w >PL’ (i.e. soils usually weakened and free water forms on the hands when handling).
- ‘Wet’ or ‘w ≈LL’ (i.e. near the liquid limit).
- ‘Wet’ or ‘w >LL’ (i.e. wet of the liquid limit).

Rock Strength

Rock strength is defined by the Unconfined Compressive Strength and it refers to the strength of the rock substance and not the strength of the overall rock mass, which may be considerably weaker due to defects.

The Point Load Strength Index $Is_{(50)}$ is commonly used to provide an estimate of the rock strength and site specific correlations should be developed to allow UCS values to be determined. The point load strength test procedure is described by Australian Standard AS4133.4.1-2007. The terms used to describe rock strength are as follows:

Strength Term	Abbreviation	Unconfined Compressive Strength MPa	Point Load Index * $Is_{(50)}$ MPa
Very low	VL	0.6 - 2	0.03 - 0.1
Low	L	2 - 6	0.1 - 0.3
Medium	M	6 - 20	0.3 - 1.0
High	H	20 - 60	1 - 3
Very high	VH	60 - 200	3 - 10
Extremely high	EH	>200	>10

* Assumes a ratio of 20:1 for UCS to $Is_{(50)}$. It should be noted that the UCS to $Is_{(50)}$ ratio varies significantly for different rock types and specific ratios should be determined for each site.

Degree of Weathering

The degree of weathering of rock is classified as follows:

Term	Abbreviation	Description
Residual Soil	RS	Material is weathered to such an extent that it has soil properties. Mass structure and material texture and fabric of original rock are no longer visible, but the soil has not been significantly transported.
Extremely weathered	XW	Material is weathered to such an extent that it has soil properties. Mass structure and material texture and fabric of original rock are still visible
Highly weathered	HW	The whole of the rock material is discoloured, usually by iron staining or bleaching to the extent that the colour of the original rock is not recognisable. Rock strength is significantly changed by weathering. Some primary minerals have weathered to clay minerals. Porosity may be increased by leaching, or may be decreased due to deposition of weathering products in pores.
Moderately weathered	MW	The whole of the rock material is discoloured , usually by iron staining or bleaching to the extent that the colour of the original rock is not recognisable, but shows little or no change of strength from fresh rock.
Slightly weathered	SW	Rock is partially discoloured with staining or bleaching along joints but shows little or no change of strength from fresh rock.
Fresh	FR	No signs of decomposition or staining.
Note: If HW and MW cannot be differentiated use DW (see below)		
Distinctly weathered	DW	Rock strength usually changed by weathering. The rock may be highly discoloured, usually by iron staining. Porosity may be increased by leaching or may be decreased due to deposition of weathered products in pores.

Rock Descriptions

Degree of Fracturing

The following classification applies to the spacing of natural fractures in diamond drill cores. It includes bedding plane partings, joints and other defects, but excludes drilling breaks.

Term	Description
Fragmented	Fragments of <20 mm
Highly Fractured	Core lengths of 20-40 mm with occasional fragments
Fractured	Core lengths of 30-100 mm with occasional shorter and longer sections
Slightly Fractured	Core lengths of 300 mm or longer with occasional sections of 100-300 mm
Unbroken	Core contains very few fractures

Rock Quality Designation

The quality of the cored rock can be measured using the Rock Quality Designation (RQD) index, defined as:

$$\text{RQD \%} = \frac{\text{cumulative length of 'sound' core sections} \geq \text{100 mm long}}{\text{total drilled length of section being assessed}}$$

where 'sound' rock is assessed to be rock of low strength or stronger. The RQD applies only to natural fractures. If the core is broken by drilling or handling (i.e. drilling breaks) then the broken pieces are fitted back together and are not included in the calculation of RQD.

Stratification Spacing

For sedimentary rocks the following terms may be used to describe the spacing of bedding partings:

Term	Separation of Stratification Planes
Thinly laminated	< 6 mm
Laminated	6 mm to 20 mm
Very thinly bedded	20 mm to 60 mm
Thinly bedded	60 mm to 0.2 m
Medium bedded	0.2 m to 0.6 m
Thickly bedded	0.6 m to 2 m
Very thickly bedded	> 2 m

Introduction

These notes summarise abbreviations commonly used on borehole logs and test pit reports.

Drilling or Excavation Methods

C	Core drilling
R	Rotary drilling
SFA	Spiral flight augers
NMLC	Diamond core - 52 mm dia
NQ	Diamond core - 47 mm dia
HQ	Diamond core - 63 mm dia
PQ	Diamond core - 81 mm dia

Water

▷	Water seep
▽	Water level

Sampling and Testing

A	Auger sample
B	Bulk sample
D	Disturbed sample
E	Environmental sample
U_{50}	Undisturbed tube sample (50mm)
W	Water sample
pp	Pocket penetrometer (kPa)
PID	Photo ionisation detector
PL	Point load strength Is(50) MPa
S	Standard Penetration Test
V	Shear vane (kPa)

Description of Defects in Rock

The abbreviated descriptions of the defects should be in the following order: Depth, Type, Orientation, Coating, Shape, Roughness and Other. Drilling and handling breaks are not usually included on the logs.

Defect Type

B	Bedding plane
Cs	Clay seam
Cv	Cleavage
Cz	Crushed zone
Ds	Decomposed seam
F	Fault
J	Joint
Lam	Lamination
Pt	Parting
Sz	Sheared Zone
V	Vein

Orientation

The inclination of defects is always measured from the perpendicular to the core axis.

h	horizontal
v	vertical
sh	sub-horizontal
sv	sub-vertical

Coating or Infilling Term

cln	clean
co	coating
he	healed
inf	infilled
stn	stained
ti	tight
vn	veneer

Coating Descriptor

ca	calcite
cbs	carbonaceous
cly	clay
fe	iron oxide
mn	manganese
slt	silty

Shape

cu	curved
ir	irregular
pl	planar
st	stepped
un	undulating

Roughness

po	polished
ro	rough
sl	slickensided
sm	smooth
vr	very rough

Other

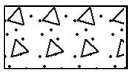
fg	fragmented
bnd	band
qtz	quartz

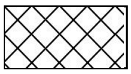
Graphic Symbols for Soil and Rock

General


Asphalt


Road base


Concrete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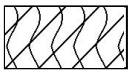
Soils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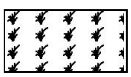
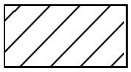

Peat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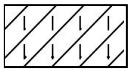
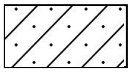
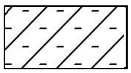
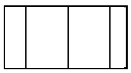
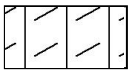

Silty clay

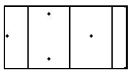

Sandy clay

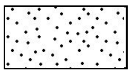

Gravelly clay

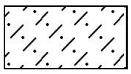

Shaly clay

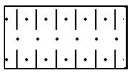

Silt


Clayey silt


Sandy silt

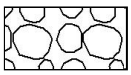

Sand

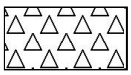

Clayey sand


Silty sand


Gravel

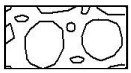

Sandy gravel


Cobbles, boulders

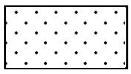

Talus

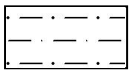
Sedimentary Rocks

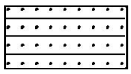

Boulder conglomerate

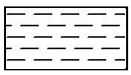

Conglomerate


Conglomeratic sandstone

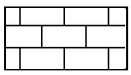

Sandstone


Siltstone

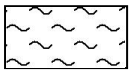

Laminite

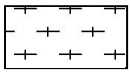

Mudstone, claystone, shale

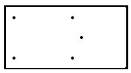

Coal


Limestone

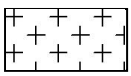
Metamorphic Rocks

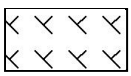

Slate, phyllite, schist

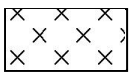

Gneiss

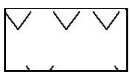

Quartzite

Igneous Rocks


Granite


Dolerite, basalt, andesite


Dacite, epidote


Tuff, breccia


Porphyry

BOREHOLE LOG

CLIENT: Potglen Pty Ltd
PROJECT: Proposed Residential Development
LOCATION: 232-240 Elizabeth St & 2-8 Campbell Pde Surry Hills

SURFACE LEVEL: 11.6 AHD*
EASTING:
NORTHING:
DIP/AZIMUTH: 90°/--

BORE No: 1
PROJECT No: 85134
DATE: 22/10/2015
SHEET 1 OF 2

RL	Depth (m)	Description of Strata	Degree of Weathering	Graphic Log	Rock Strength	Water	Fracture Spacing (m)	Discontinuities	Sampling & In Situ Testing: Type	Core Rec. %	RQD %	Test Results & Comments
			EW HW MW SW FS FR		Ex Low / Very Low / Low / Medium / High / Very High / Ex High		0.01 / 0.05 / 0.10 / 0.50 / 1.00	B - Bedding J - Joint S - Shear F - Fault				
11	0.11	CONCRETE							A			
	0.19	CERAMIC PAVING										
	0.25	FILLING - yellow-brown, fine to medium sand filling							A			
	0.75	FILLING - brown-grey and red-brown, silty clay filling with some sand and sandstone fragments										
10	1	SILTY CLAY - stiff, grey mottled brown and red-brown, silty clay with a trace of ironstone gravel, MC>>apparently							S			3,4,6 N = 10
9	2	- ironstone gravel bands from 2.5m							S			5,5,8 N = 13
8	3											
7	4							Note: Unless otherwise stated, rock is fractured along rough planar bedding dipping 0°- 10°	S			5,9,11 N = 20
6	5											
	5.27	SANDSTONE - extremely low to very low strength, extremely to highly weathered, pale grey-brown to red-brown, fine to medium grained sandstone with some medium strength iron-cemented bands							C	100	0	PL(A) = 0.1
6	6							6.06-6.1m: Cs 6.16-6.2m: Cs 6.26m: B10°, cly vn/ti 6.35 & 6.52m:B15°, fe				PL(A) = 1.4
5	6.35	SANDSTONE - high and medium to high strength, moderately weathered then fresh, slightly fractured and unbroken, brown then pale grey, medium to coarse grained sandstone						6.61m: B15°, fe, cly, 10mm 6.65-6.76m: J80°, un, ro, fe 6.85m: B10°, fe 7m: B0°, cly, 5mm				PL(A) = 2.1
4	7								C	100	97	
3	8											PL(A) = 2.5
								8.7 & 8.9m: B5°, cly vn				PL(A) = 2.3
2	9							9.15 & 9.3m: B5°, cly vn, ti				
									C	100	100	PL(A) = 1.8

RIG: Tightsite **DRILLER:** ID **LOGGED:** JS/SI **CASING:** HW to 4.0m

TYPE OF BORING: Solid flight auger to 4.76m; Rotary to 6.27m; NMLC-Coring to 11.52m

WATER OBSERVATIONS: No free groundwater observed whilst augering

REMARKS: Standpipe installed to 11.52m. *Surface RL determined using standard levelling techniques

SAMPLING & IN SITU TESTING LEGEND

A	Auger sample	G	Gas sample	PID	Photo ionisation detector (ppm)
B	Bulk sample	P	Piston sample	PL(A)	Point load axial test Is(50) (MPa)
BLK	Block sample	U_x	Tube sample (x mm dia.)	PL(D)	Point load diametral test Is(50) (MPa)
C	Core drilling	W	Water sample	pp	Pocket penetrometer (kPa)
D	Disturbed sample	▷	Water seep	S	Standard penetration test
E	Environmental sample	▼	Water level	V	Shear vane (kPa)

Douglas Partners
Geotechnics / Environment / Groundwater

BOREHOLE LOG

CLIENT: Potglen Pty Ltd
PROJECT: Proposed Residential Development
LOCATION: 232-240 Elizabeth St & 2-8 Campbell Pde Surry Hills

SURFACE LEVEL: 11.6 AHD*
EASTING:
NORTHING:
DIP/AZIMUTH: 90°/--

BORE No: 1
PROJECT No: 85134
DATE: 22/10/2015
SHEET 2 OF 2

RL	Depth (m)	Description of Strata	Degree of Weathering (EW HW MW SW FS FR)	Graphic Log	Rock Strength (Ex Low, Very Low, Low, Medium, High, Very High, Ex High)	Water	Fracture Spacing (m) (0.01, 0.05, 0.10, 0.50, 1.00)	Discontinuities (B - Bedding J - Joint S - Shear F - Fault)	Sampling & In Situ Testing: Type	Core Rec. %	RQD %	Test Results & Comments
		SANDSTONE - high and medium to high strength, moderately weathered then fresh, slightly fractured and unbroken, brown then pale grey, medium to coarse grained sandstone *(continued)*						10.35 & 11.42m: B0°, cly vn	C	100	100	PL(A) = 1
	11											PL(A) = 1.3
	11.52	Bore discontinued at 11.52m										
	12											
	13											
	14											
	15											
	16											
	17											
	18											
	19											

RIG: Tightsite **DRILLER:** ID **LOGGED:** JS/SI **CASING:** HW to 4.0m

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A	Auger sample	G	Gas sample	PID	Photo ionisation detector (ppm)
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BLK	Block sample	U_x	Tube sample (x mm dia.)	PL(D)	Point load diametral test Is(50) (MPa)
C	Core drilling	W	Water sample	pp	Pocket penetrometer (kPa)
D	Disturbed sample	▷	Water seep	S	Standard penetration test
E	Environmental sample	▼	Water level	V	Shear vane (kPa)

Douglas Partners
Geotechnics / Environment / Groundwater

DOUGLAS PARTNERS PTY LTD

PROPOSED RESIDENTIAL DEVELOPMENT – SURRY HILL

BORE 1 PROJECT 85134 OCT 2015



5.27 – 9.0m

DOUGLAS PARTNERS PTY LTD

PROPOSED RESIDENTIAL DEVELOPMENT – SURRY HILL

BORE 1 PROJECT 85134 OCT 2015



9.0 – 11.52m

Appendix D

Permeability Test Result from Previous Investigation

Douglas Partners
Geotechnics / Environment / Groundwater

Douglas Partners Pty Ltd
ABN 75 053 980 117
www.douglaspartners.com.au
96 Hermitage Road
West Ryde NSW 2114
PO Box 472
West Ryde NSW 1685
Phone (02) 9809 0666
Fax (02) 9809 4095

Permeability Testing - Simple Slug Test Report

Client:	Patglen Pty Ltd and The Summit Hotel Bondi Beach	Project No:	85134
Project:		Date:	30-Oct-15
Location:	232-240 Elizabeth Street, Surry Hills	Tested by:	JS

Test Location		**Test No.**	1
Description:	Basement	Easting:	m
Material type:	clay over sandstone	Northing	m
		Surface Level:	11.6 m AHD

Details of Well Installation

Well casing diameter	60	mm	Depth to water before test	1.2	m
Well screen diameter	60	mm	Depth to water at start of test	9.6	m
Length of well screen	3	m			

Test Results

Time (min)	Depth (m)	Change in Head δH (m)	δH/Ho
0.0	0.00	8.4	1.000
1.0	0.2	8.2	0.976
2	0.4	8	0.952
3	0.6	7.8	0.929
5	0.9	7.5	0.893
10	1.6	6.8	0.810
20	2.8	5.6	0.667
35	4.2	4.2	0.500
50	4.9	3.5	0.417
60	5.3	3.1	0.369
90	5.9	2.5	0.298
120	6.1	2.3	0.274
			0.000
			0.000
			0.000
			0.000
			0.000
			0.000
			0.000
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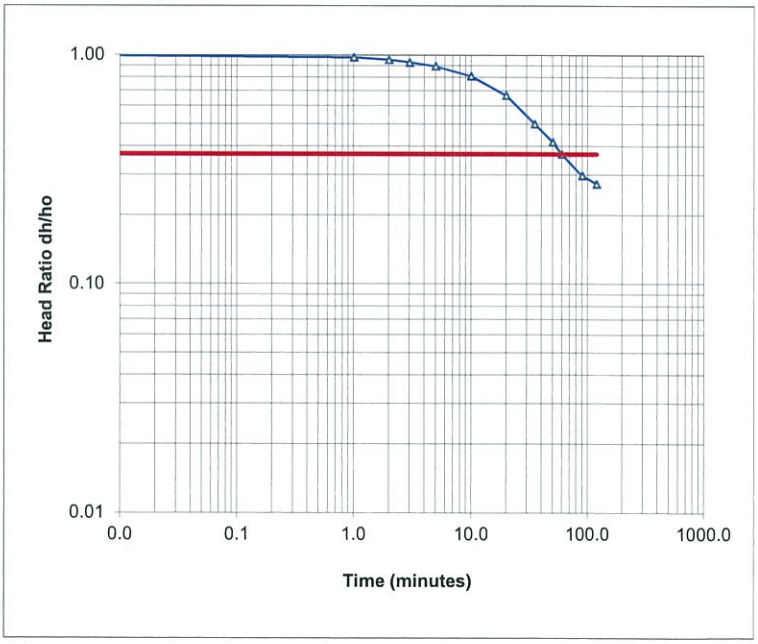
			0.000
			0.000



To = 50 mins
3000 secs

Theory: Falling Head Permeability calculated using equation by Hvorslev

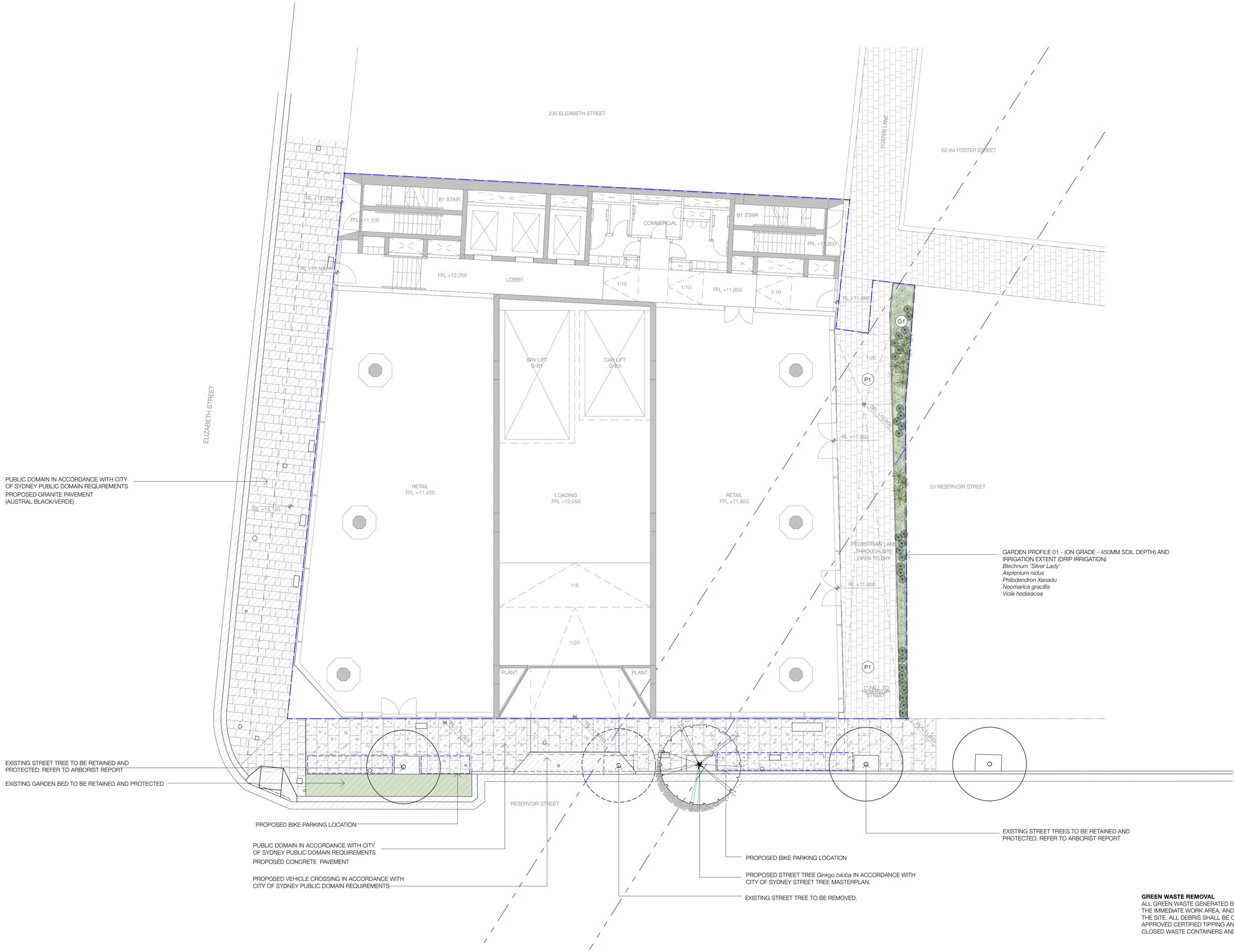
$k = [r^2 \ln(Le/R)]/2Le\ To$

where r = radius of casing
R = radius of well screen
Le = length of well screen
To = time taken to rise or fall to 37% of initial change

Hydraulic Conductivity	**k =**	**2.3E-07**	m/sec
	=	**0.083**	cm/hour

Attachment A11

Landscape Concept Plan



GREEN WASTE REMOVAL
ALL GREEN WASTE GENERATED BY THE MAINTENANCE WORK SHALL BE CONTAINED WITHIN THE IMMEDIATE WORK AREA, AND SHALL NOT LEAK INTO ADJACENT AREAS, OR OUTSIDE THE SITE. ALL DEBRIS SHALL BE CONTAINED AND REMOVED FROM SITE (VIA LIFT) TO AN APPROVED CERTIFIED TIPPING AND LEGAL RECYCLING DEPOT LOCATION USING SUITABLE CLOSED WASTE CONTAINERS AND VEHICLES.

NOT FOR CONSTRUCTION

REV:	DATE:	DOCUMENT STATUS/ AMENDMENTS
01	09.11.22	PRELIMINARY
02	11.11.22	FOR PLANNING PROPOSAL
03	19.12.23	FOR PLANNING PROPOSAL - REVISED

REFER TO LALP04 FOR NOTES AND PLANT SCHEDULE

1:100 @ A1
0 1 2 5 7.5M

NORTH

black beetle
Landscape Architecture and Design
Black Beetle pty ltd
Level 1, 1073 Pittwater Road, Collaroy NSW 2097
Tel: 0422 104 416
email: blackbeetle@blackbeetle.com.au

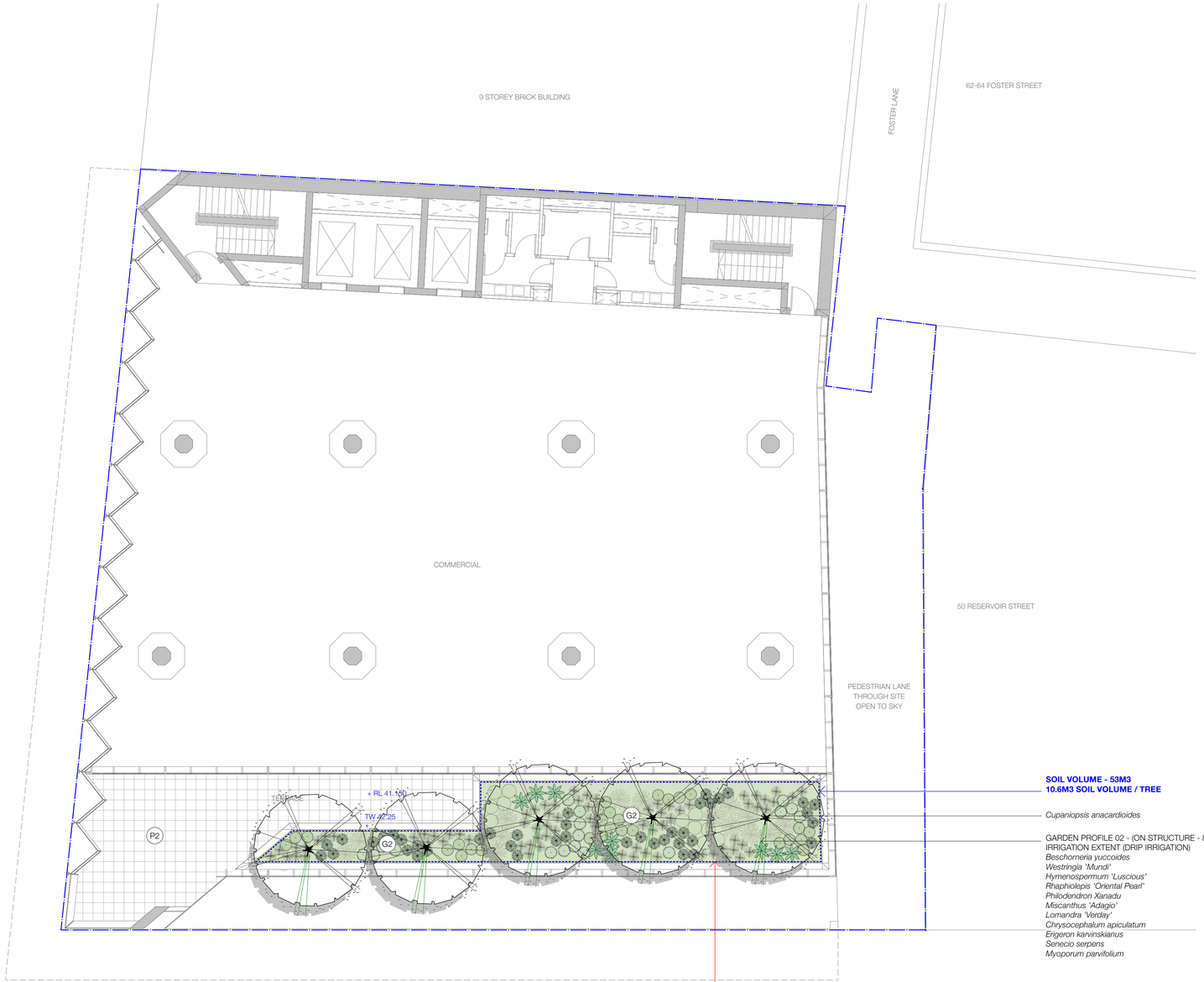
PROJECT
Commercial Development
232-240 Elizabeth Street
SURRY HILLS, NSW

DRAWING TITLE
Landscape Plan - Ground Level

Drawn IK / GB	Client: Stasia Holding Pty. Limited
L.Architect Authorised IK / GB	Status: FOR PLANNING PROPOSAL
Scale 1:100 @ A1	

DO NOT SCALE OFF THIS DRAWING - USE FIGURED DIMENSIONS ONLY - VERIFY ALL DIMENSIONS ON SITE - RESOLVE DISCREPANCIES WITH BLACK BEETLE BEFORE PROCEEDING. COPYRIGHT OF THIS DRAWING AND THE DESIGNS EXECUTED REMAIN VESTED IN BLACK BEETLE

JOB NUMBER	DRAWING NUMBER / ISSUE
BB 1322	LA LP 01/ 03



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1:100 @ A1
0 1 2 5 7.5M

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black beetle
Landscape Architecture and Design
Black Beetle pty ltd
Level 1, 1073 Pittwater Road, Collaroy NSW 2097
Tel: 0422 104 416
email: blackbeetle@blackbeetle.com.au

PROJECT
Commercial Development
232-240 Elizabeth Street
SURRY HILLS, NSW

DRAWING TITLE
Landscape Plan - Level 08

Drawn IK / GB	Client: Stasia Holding Pty. Limited
L.Architect Authorised IK / GB	Status: FOR PLANNING PROPOSAL
Scale 1:100 @ A1	

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JOB NUMBER	DRAWING NUMBER / ISSUE
BB 1322	LA LP 02/ 03



SOIL VOLUME - 58.5M3
14.6M3 SOIL VOLUME / TREE

Tristaniopsis laurina 'Luscious'

GARDEN PROFILE 02 - (ON STRUCTURE - 800MM SOIL DEPTH) AND IRRIGATION EXTENT (DRIP IRRIGATION)
Beschorneria yuccoides
Westringia 'Mundi'
Hymenospermum 'Luscious'
Rhaphiolepis 'Oriental Pearl'
Philodendron Xanadu
Miscanthus 'Adagio'
Lomandra 'Verday'
Chrysocephalum apiculatum
Erigeron karvinskianus
Senecio serpens
Myoporum parvifolium

MAINTENANCE ACCESS VIA COMMERCIAL TENANCY

FALL RESTRAINT POINT INSTALLED TO AS/NZS 1891.2:2001 USED TO ACCESS ALL AREAS OF PLANTING REQUIRING MAINTENANCE. OPERATOR TO BE IN FALL RESTRAINT HARNESS COMPLIANT WITH AS1891.4. REFER TO ARCHITECTS DOCUMENTATION

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0 1 2 5 7.5M

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DRAWING TITLE
Landscape Plan - Level 08

Drawn IK / GB
L.Architect Authorised IK / GB
Scale 1:100 @ A1

Client
Stasia Holding Pty. Limited

Status
FOR PLANNING PROPOSAL

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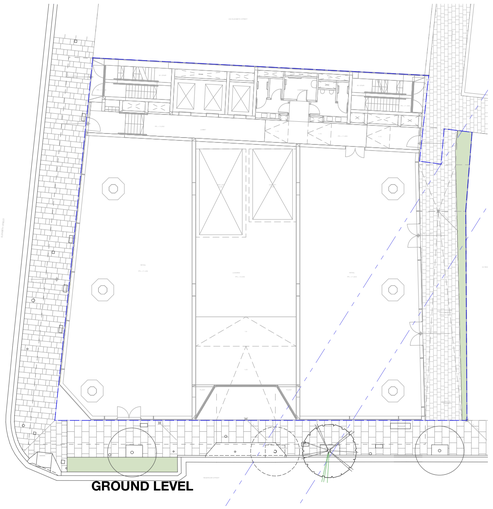
JOB NUMBER
BB 1322

DRAWING NUMBER / ISSUE
LA LP 03/ 03



GROUND LEVEL



LEVEL 08

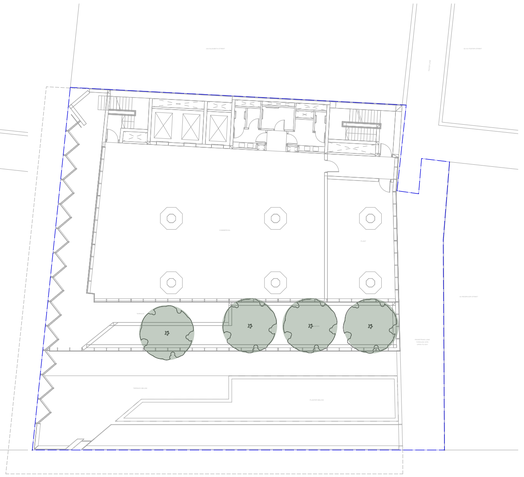
LEVEL 09

01 LANDSCPE AREA CALCULATION
scale 1:250 @ A1

LANDSCAPE AREA = 128M2 (TOTAL SITE AREA : 905.6M2)
% OF SITE AREA = 14.1%



LEVEL 08



LEVEL 09

01 CANOPY CALCULATION
scale 1:250 @ A1

TREE CANOPY COVERAGE = 143.14M2 (TOTAL SITE AREA : 905.6M2)
% OF SITE AREA = 15.8%

LEGEND

BOUNDARY LINE

+ 1678.27 — EXISTING LEVEL

+ FL 79.40 — FINISHED LEVEL

+ TW 79.40 — TOP OF WALL

EXISTING TREE TO RETAINED AND PROTECTED

EXISTING TREE TO REMOVED

P1 — PAVEMENT TYPE 01 - REFER TO ARCHITECTS

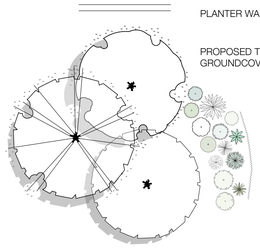
P2 — PAVEMENT TYPE 02 - REFER TO ARCHITECTS

G1 — GARDEN ON GRADE - 450MM SOIL DEPTH AND IRRIGATION EXTENT (DRIP IRRIGATION)- REFER TO LANDSCAPE PLANS

G2 — GARDEN ON STRUCTURE - 1000MM SOIL DEPTHS AND IRRIGATION EXTENT (DRIP IRRIGATION)- REFER TO LANDSCAPE PLANS

PLANTER WALLS

PROPOSED TREES, SHRUBS AND GROUNDCOVERS AS NOTED.



NOTES

1. DRAWINGS TO BE READ IN CONJUNCTION WITH ARCHITECTURAL AND ENGINEERING DRAWINGS. NOTE ALL LANDSCAPE HARDWORKS INCLUDING PAVING, STEPS, RETAINING WALLS AND FENCES TO ARCHITECTS DOCUMENTATION AND DETAILS

2. ALL PLANTING AREAS TO BE MULCHED, TYPICALLY 75MM DEPTH. ORGANIC MULCH TO CONFORM TO AS 4454-2012 COMPOST, SOIL CONDITIONERS AND MULCHES.

3. SOILS TO CONFORM TO AS 4419-2018 SOILS FOR LANDSCAPING AND GARDENS USE.
SOIL DEPTHS
- ON GRADE 450MM
- ON STRUCTURE 800MM

4. ALL PLANTING AREAS TO HAVE DRIP IRRIGATION SYSTEM WITH BACK UP PROTECTION TO THE MAIN SUPPLY, TO ALL CURRENT SYDNEY WATERS REQUIREMENTS AND RELEVANT AUSTRALIAN STANDARDS

5. MAINTAIN ALL WORKS DURING THE CONTRACT PERIOD FOR 52 WEEKS FROM THE DATE OF PRACTICAL COMPLETION INCLUDING, BUT NOT LIMITED TO WATERING, WEEDING, RUBBISH REMOVAL, REPLACEMENT PLANTING, DISEASE AND PEST CONTROL, PRUNING, SOIL AND MULCH CONTROL REINSTATEMENT.

6. GREEN WASTE REMOVAL - ALL GREEN WASTE GENERATED BY THE MAINTENANCE WORK SHALL BE CONTAINED WITHIN THE IMMEDIATE WORK AREA, AND SHALL NOT LEAK INTO ADJACENT AREAS, OR OUTSIDE THE SITE. ALL DEBRIS SHALL BE CONTAINED AND REMOVED FROM SITE TO AN APPROVED CERTIFIED TIPPING AND LEGAL RECYCLING DEPOT LOCATION USING SUITABLE CLOSED WASTE CONTAINERS AND VEHICLES.

7. RAINWATER TO BE HARVESTED FOR IRRIGATION REUSE. LOCATION OF RAINWATER TANK

8. THE PLANTS ARE TO BE VIGOROUS AND APPROPRIATELY ACCLIMATISED WITH A ROOTBALL THAT IS FULL BUT NOT RESTRAINED. TREE STOCK ARE TO BE GROWN AND CERTIFIED AS COMPLYING WITH NATSPEC'S "SPECIFYING TREES - A GUIDE TO ASSESSMENT OF TREE QUALITY", SECOND EDITION 2003 BY ROSS CLARK INCLUDING A GUIDE TO ASSESSMENT OF TREE QUALITY", SECOND EDITION 2003 BY ROSS CLARK AND AS2303-2015 : TREE STOCK FOR LANDSCAPE USE

PLANT SCHEDULE

BOTANICAL NAME	COMMON NAME	HEIGHT	POT SIZE	PLANT DENSITIES
TREES				
Cupaniopsis anacardioids	Tuckeroo	10M	400L	**as shown**
Ginkgo biloba	Ginkgo	12M	400L	**as shown**
Tristaniopsis laurina 'Luscious'	Luscious Water Gum	10M	400L	**as shown**
SHRUBS AND CLIMBERS				
Asplenium nidus	Bird Nest Fern	1M	200MM	3/m2
Beschorneria yuccoides	Mexican Lily	1M	200MM	3/m2
Blechnum 'Silver lady'	Silver Lady	1M	200MM	3/m2
Chrysocephalum apiculatum	Yellow Buttons	0.3M	150MM	5/m2
Erigeron karvinskianus	Seaside Daisy	0.3M	150MM	5/m2
Hymenosporum flavum 'Luscious'	Native Frangipani	0.5M	200MM	3/m2
Lomandra 'Verday'	Verday	0.6M	150MM	5/m2
Miscanthus sinensis 'Adagio'	Japanese Silver Grass	0.6M	150MM	2/m2
Myoporum parvifolium 'Yareena'	Yareena Creeping Boobialla	0.1M	150MM	7/m2
Neomarica gracillis	Walking Iris	0.6M	150MM	5/m2
Philodendron 'Xanadu'	Xanadu Philodendron	0.8M	200MM	3/m2
Rhaphiolepis indica 'Oriental Pear'	Oriental Pearl Indian Hawthorn	1M	200MM	3/m2
Senecio serpens	Blue Chalk Sticks	0.1M	150MM	7/m2
Viola hederacea	Native Violet	0.1M	150MM	7/m2
Westringia 'Mundi'	Mundi Coastal Rosemary	0.3M	150MM	3/m2



NOT FOR CONSTRUCTION

REV:	DATE:	DOCUMENT STATUS/ AMENDMENTS
01	09.11.22	PRELIMINARY
02	11.11.22	FOR PLANNING PROPOSAL
03	19.12.23	FOR PLANNING PROPOSAL - REVISED

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PROJECT
Commercial Development
232-240 Elizabeth Street
SURRY HILLS, NSW

DRAWING TITLE
Tree Canopy Calculation / Landscape Area/ Legend / Notes / Plant Schedule

Drawn IK / GB
L.Architect Authorised IK / GB
Scale as shown @ A1
Client Stasia Holding Pty. Limited
Status FOR PLANNING PROPOSAL

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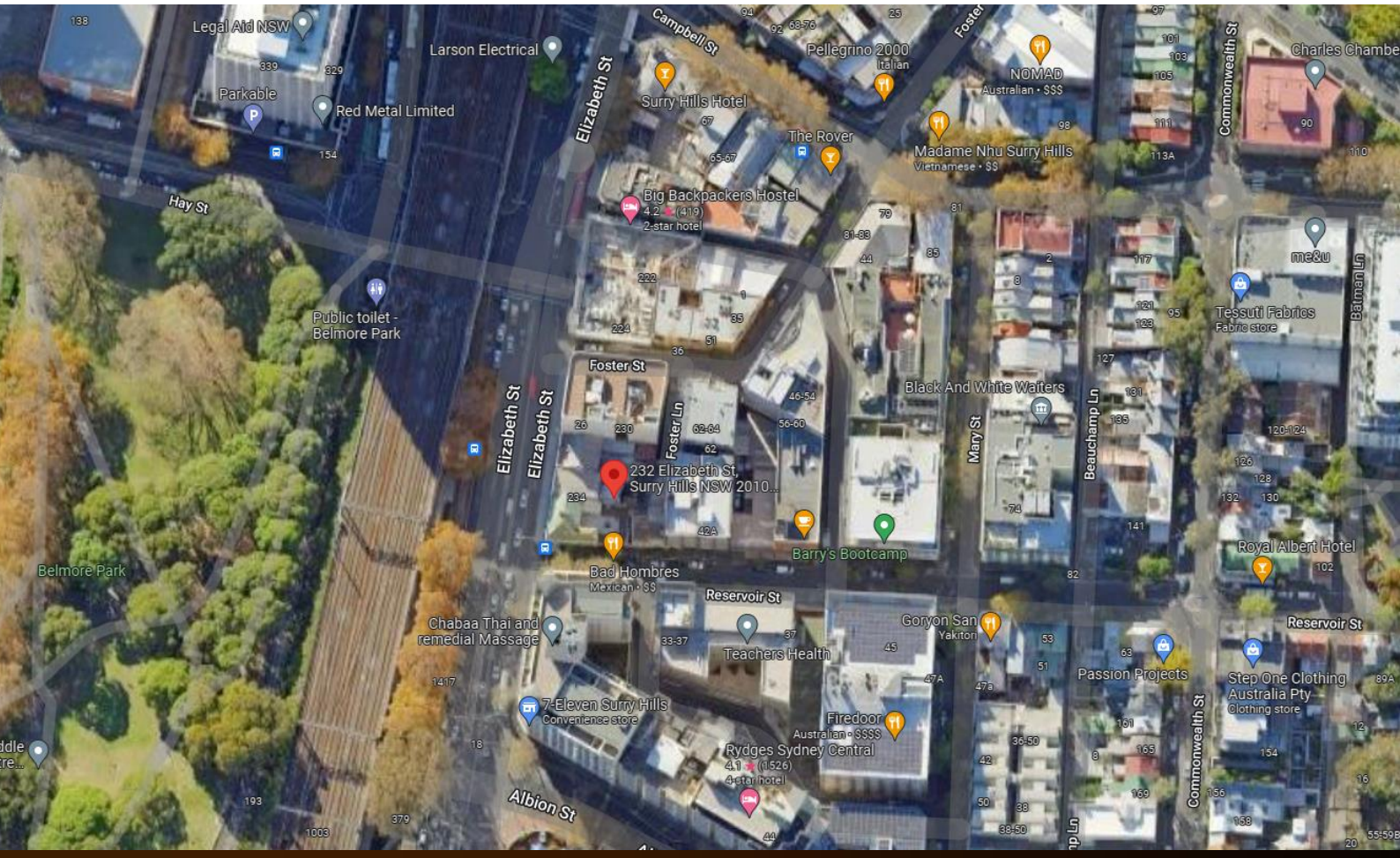
JOB NUMBER BB 1322
DRAWING NUMBER / ISSUE LA LP 04/ 03

Attachment A12

Section J Assessment Report

IGS INTEGRATED GROUP SERVICES



232-240 Elizabeth St, Surry Hills NSW

NCC 2022 Section J Assessment Report

24th January 2024

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1. EXECUTIVE SUMMARY

IGS has been engaged to review the proposed development at 232-240 Elizabeth St, Surry Hills NSW, against the Deemed-to-Satisfy requirements for the National Construction Code 2022 provisions for energy efficiency under Section J (NCC 2022 Volume One).
This report nominates relevant NCC Section J requirements or 'deemed to satisfy' compliance provisions and possible areas in which alternative performance-based design solutions can be adopted where compliance with the nominated prescriptive provisions may not be practically achievable.

Subject to the satisfaction of the provisions outlined in this report, this development will comply with the requirements of Section J of NCC 2022 Volume One.

Based on our assessment, the 'deemed to satisfy' glazing performance requirements may be prohibitive and costly to achieve. It is therefore recommended to consider achieving the NCC glazing compliance requirements through the performance-based method of verification (i.e., J1V3 method, modelling, alternative method of verification). Based on our review, the J1V3 assessment is very likely to simplify achieving the glazing performance requirements for the development and improve glazing consistency.

The location of the development is shown in Figure 1.

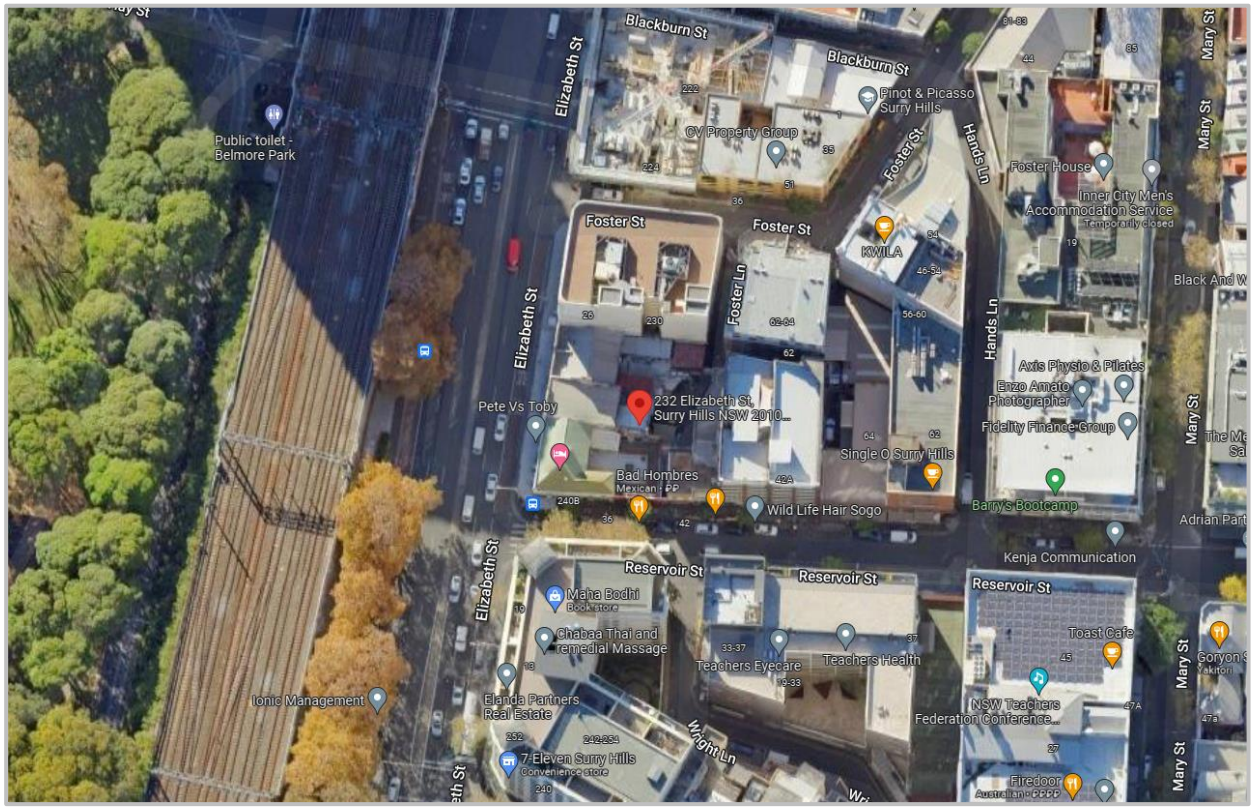


Figure 1. Location – 232-240 Elizabeth St, Surry Hills NSW – Source: Google Map.

2. NATIONAL CONSTRUCTION CODE (NCC) SECTION J

Section J of the NCC sets regulations for energy efficiencies for all types of buildings with respect to the building's construction, design, and activity.

The objective of the NCC Section J is to reduce the greenhouse gas emissions. Section J requires that a building, including its services, must have features to the degree necessary that facilitate the efficient use of energy.

The NCC offers two compliance methods that differ in complexity and flexibility. The two compliance methods are:

- Deemed-to-Satisfy (DTS) Compliance
- J1V3 – Verification using a referenced building

This report provides an assessment of building according to DTS provisions. The following works were carried out in order to assess DTS compliance:

- Determine the applicable NCC Section J requirement for the climate zone and building class
- Provide recommendations to achieve compliance with DTS provisions

2.1 NCC Climate Zone

The climate zone is defined by the NCC as “an area for specific locations, having energy efficiency provisions based upon a range of similar climatic characteristics.”

The development will be located in Surry Hills NSW which is within the NCC climate zone 5 (Warm temperate). The climate zone map of the development is depicted in Figure 2.

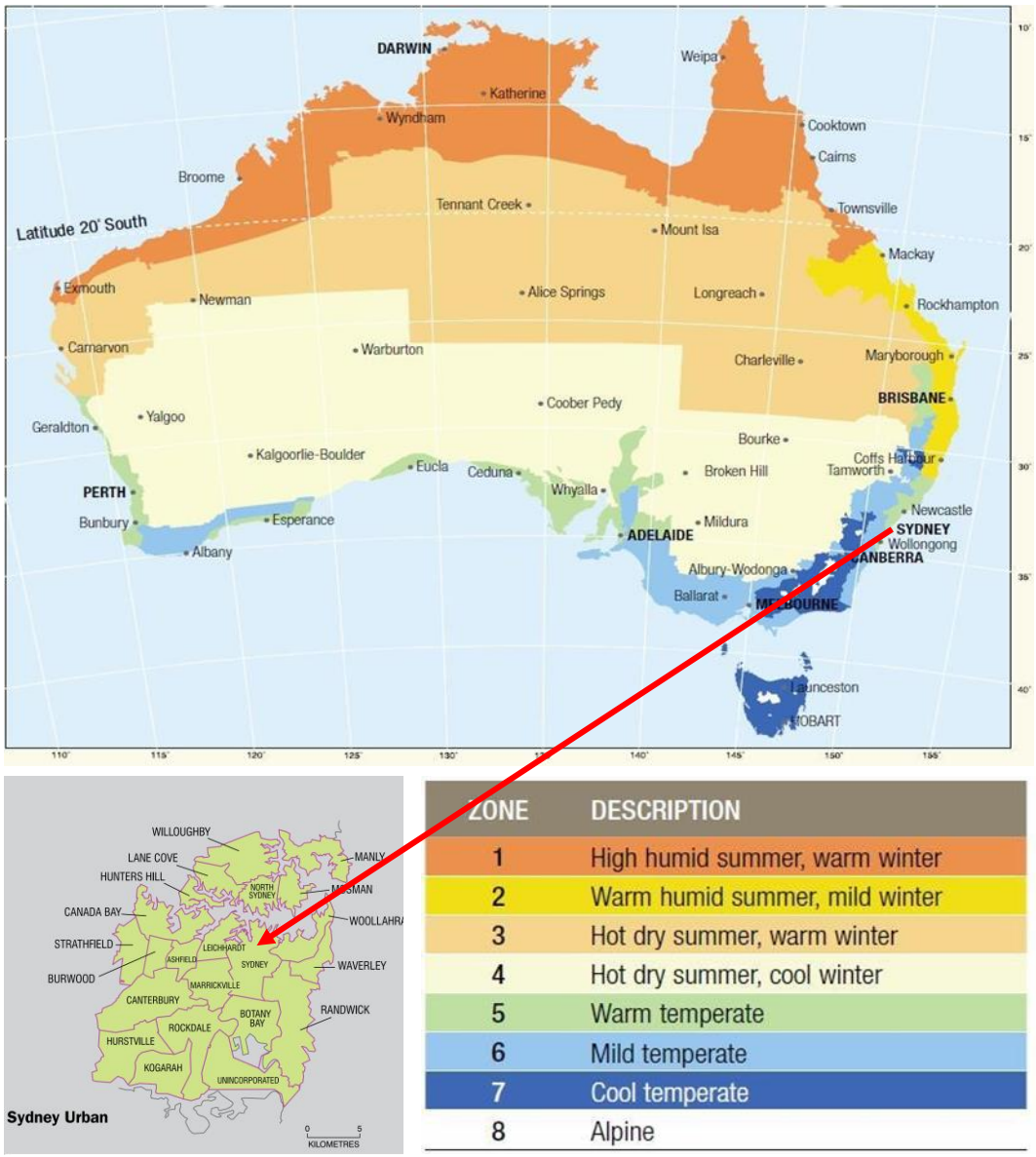


Figure 2.NCC Climate zone map.

2.2 Information Used

The assessment is based on the following architectural drawings provided by Candalepas Architecture in March 2023 (Table 1).

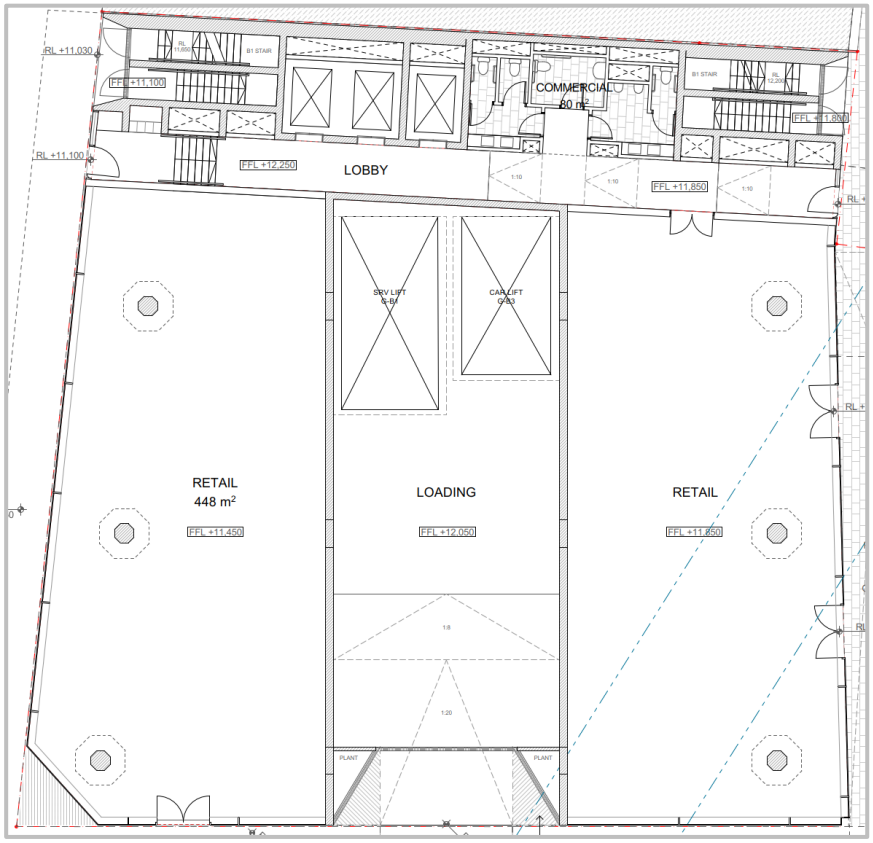
Table 1. Architectural drawings list.

Drawing Title	Drawing Number
Cover Page + Drawing List	PP 0101
Basement 3-4	PP 1001
Basement 2	PP 1002
Basement 1	PP 1003
Ground	PP 1004
Level 1	PP 1005
Level 2 - Typical Plan	PP 1006
Level 3 - Typical Plan	PP 1007
Level 8	PP 1008
Level 9	PP 1009
Roof	PP 1010
Section A	PP 1101
Section B	PP 1102
Elevation West	PP 1201
Elevation South	PP 1202
Elevation East	PP 1203
Development Calculations	PP 1801
Envelope Calculations	PP 1802

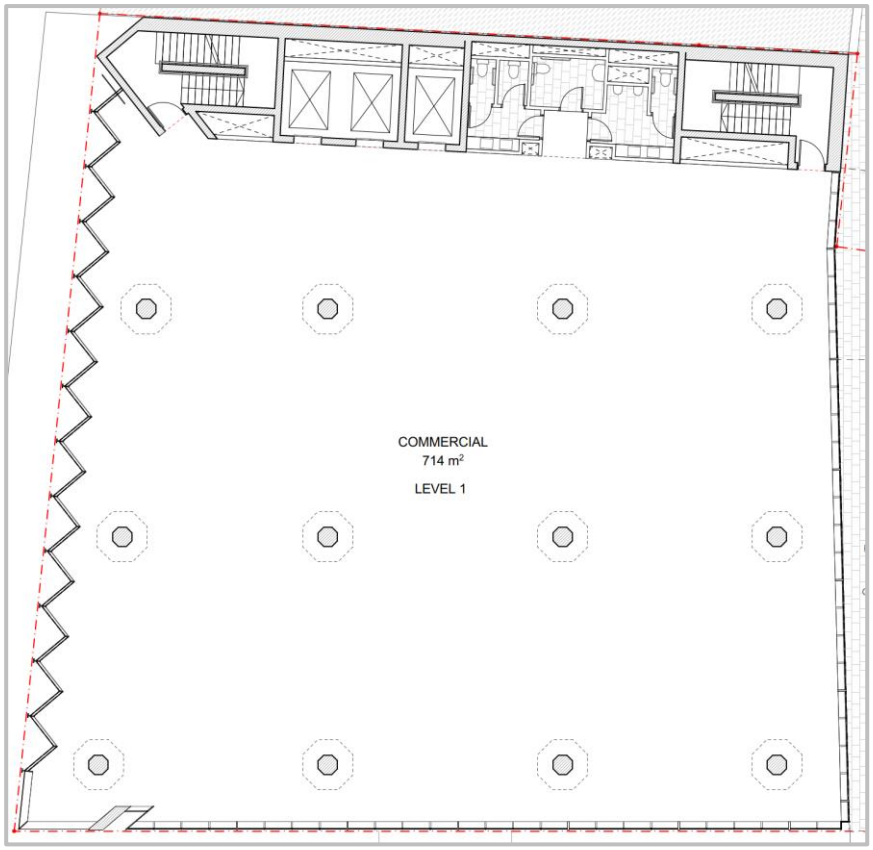
2.3 Architectural Drawings

Selected architectural drawings for the proposed development are provided below.

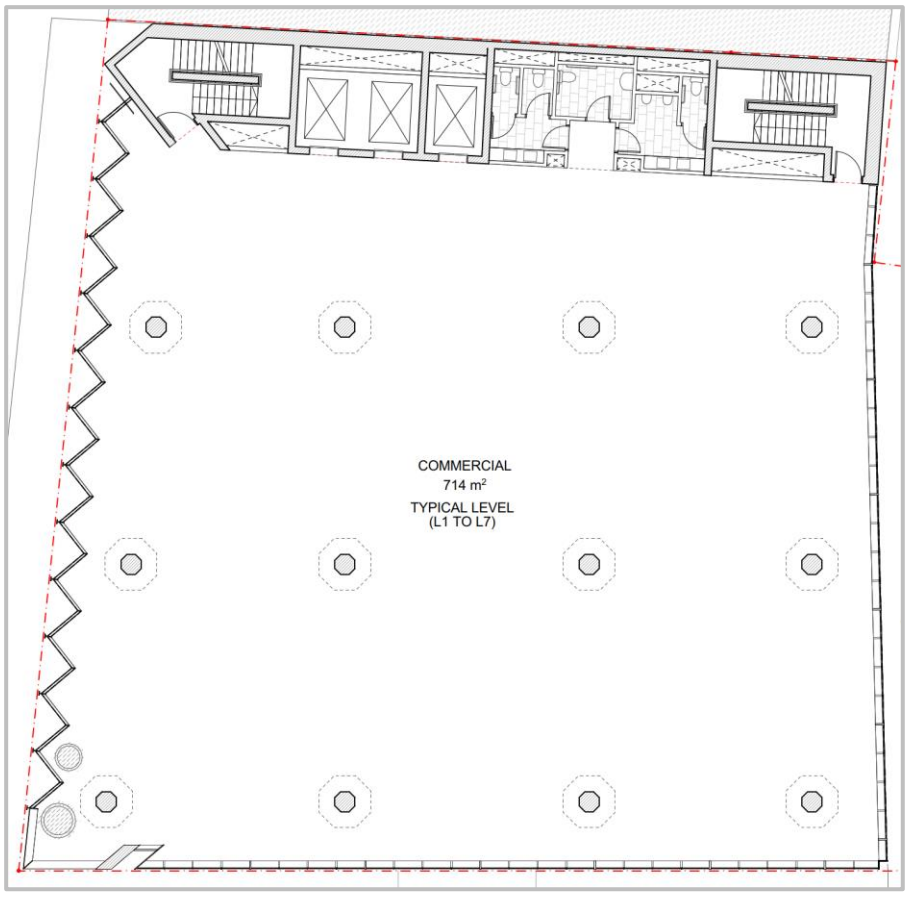
Ground - Floor Plan



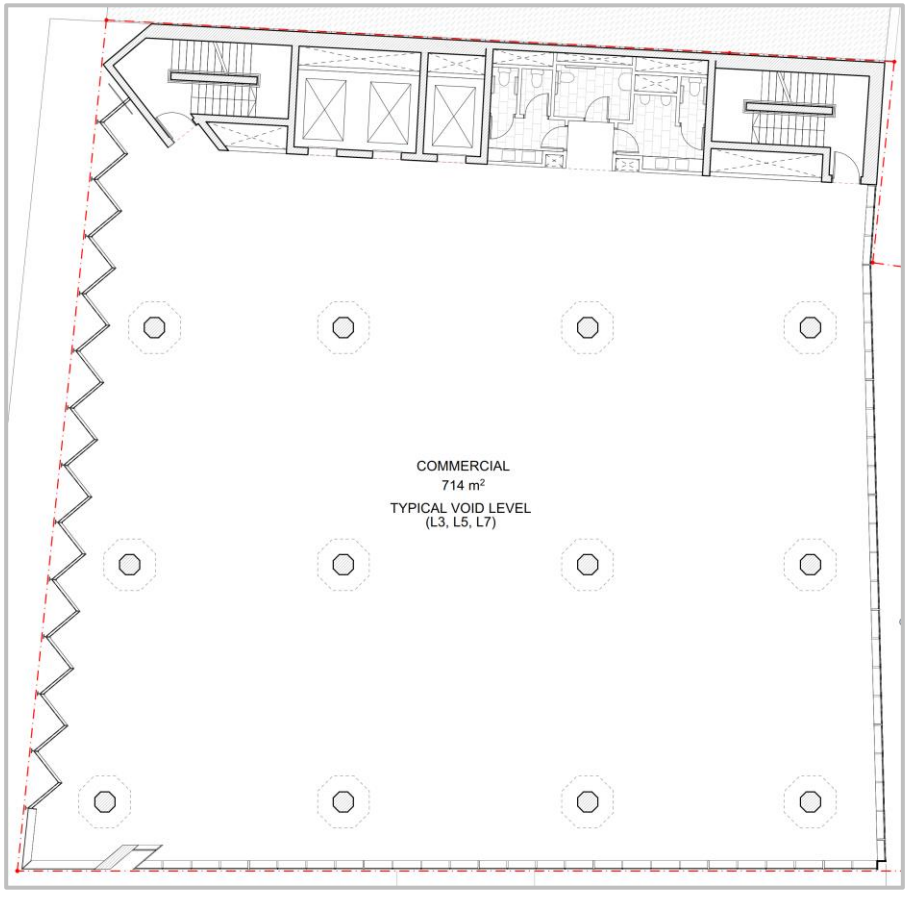
Level 1 - Floor Plan



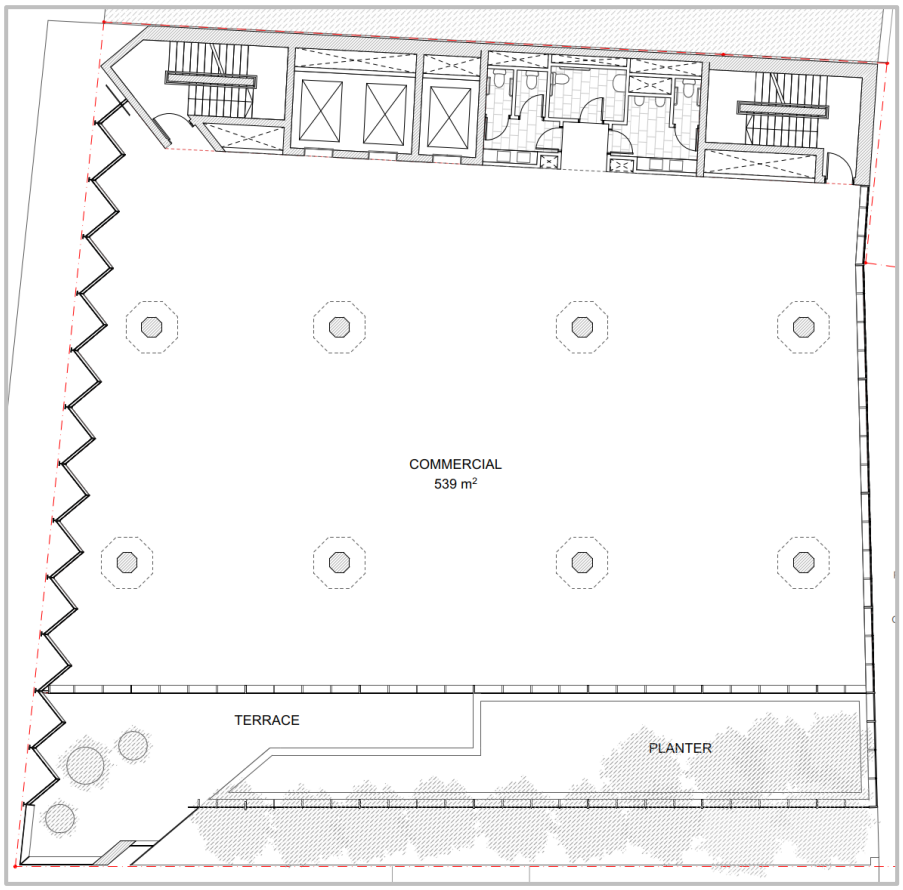
Level 2 - Floor Plan



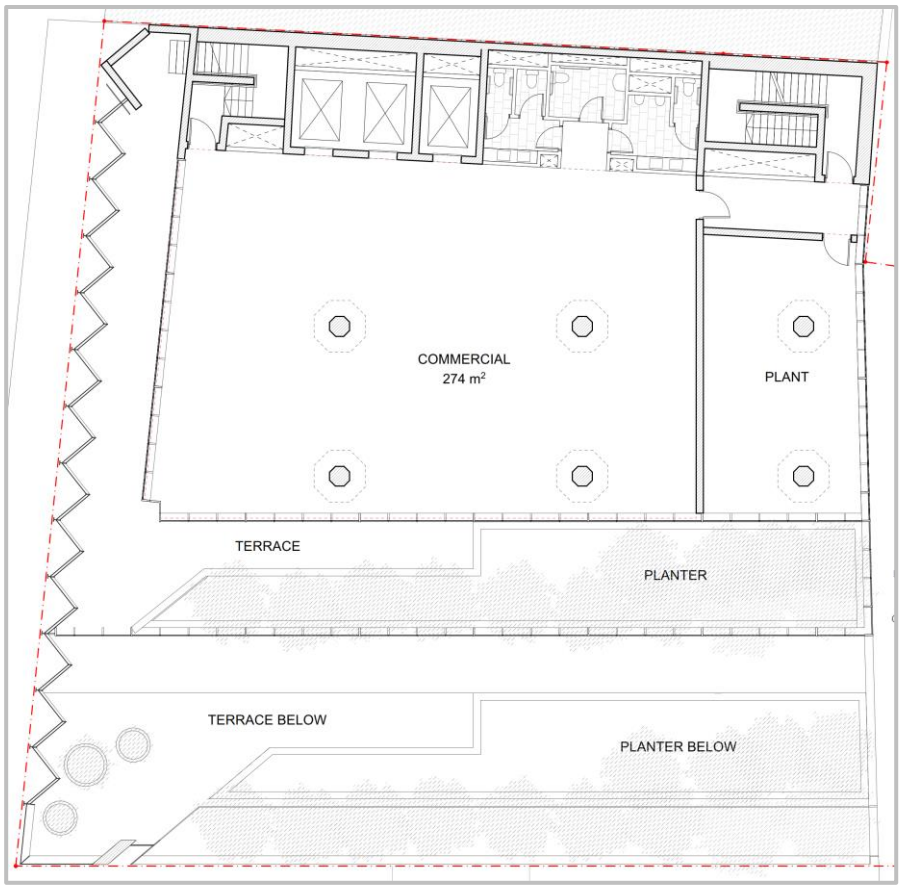
Level 3 - (Typical) Floor Plan



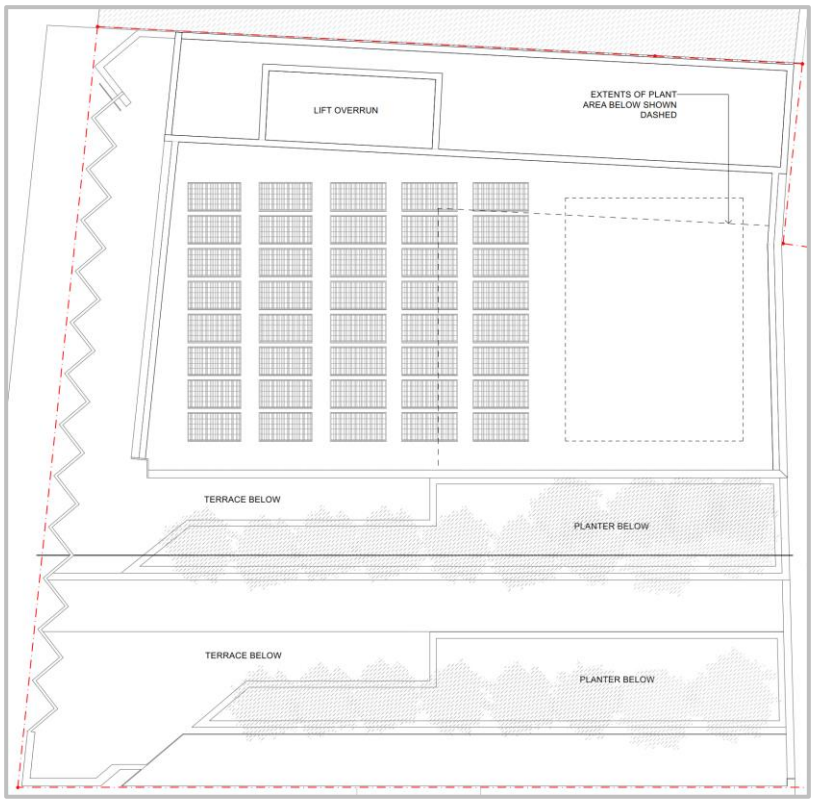
Level 8 - Floor Plan



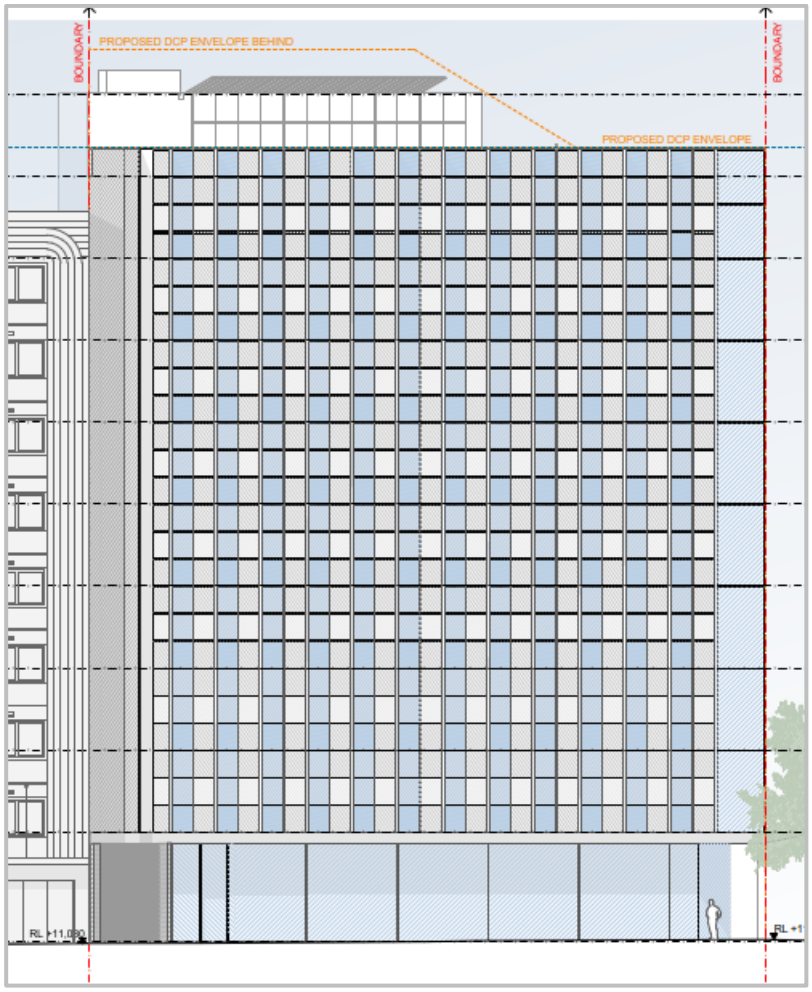
Level 9 - Floor Plan



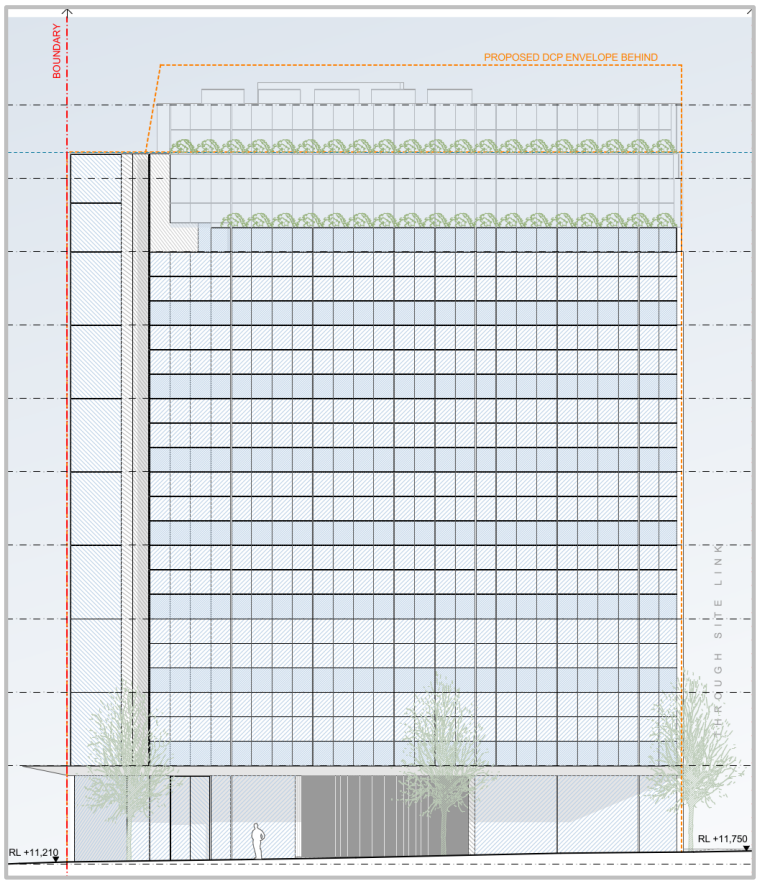
Roof Plan



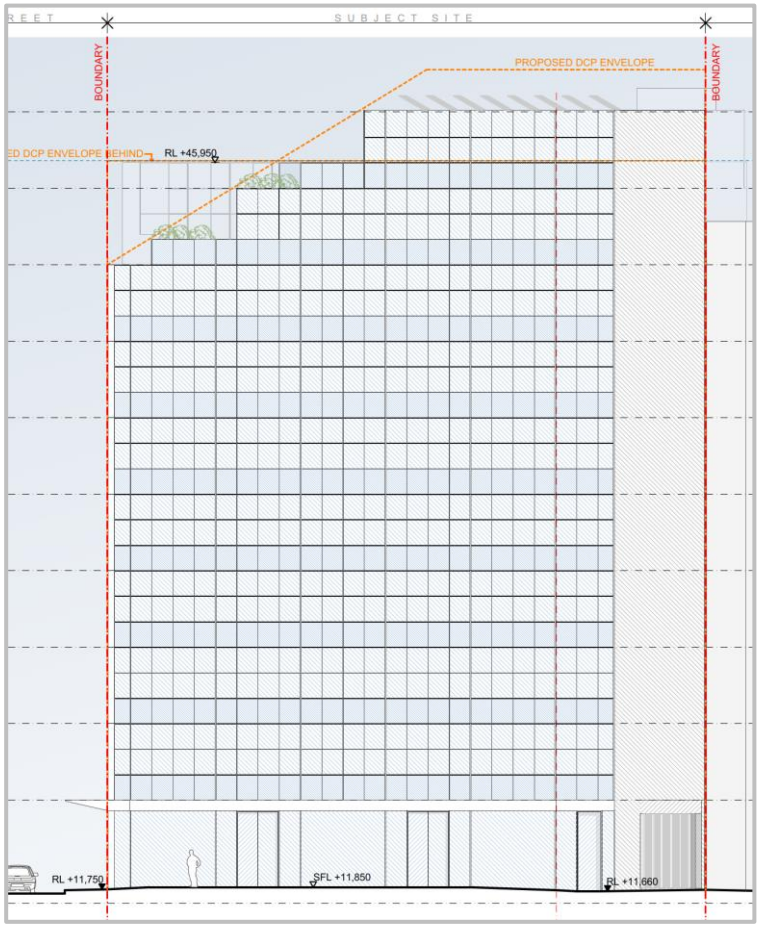
West Elevation



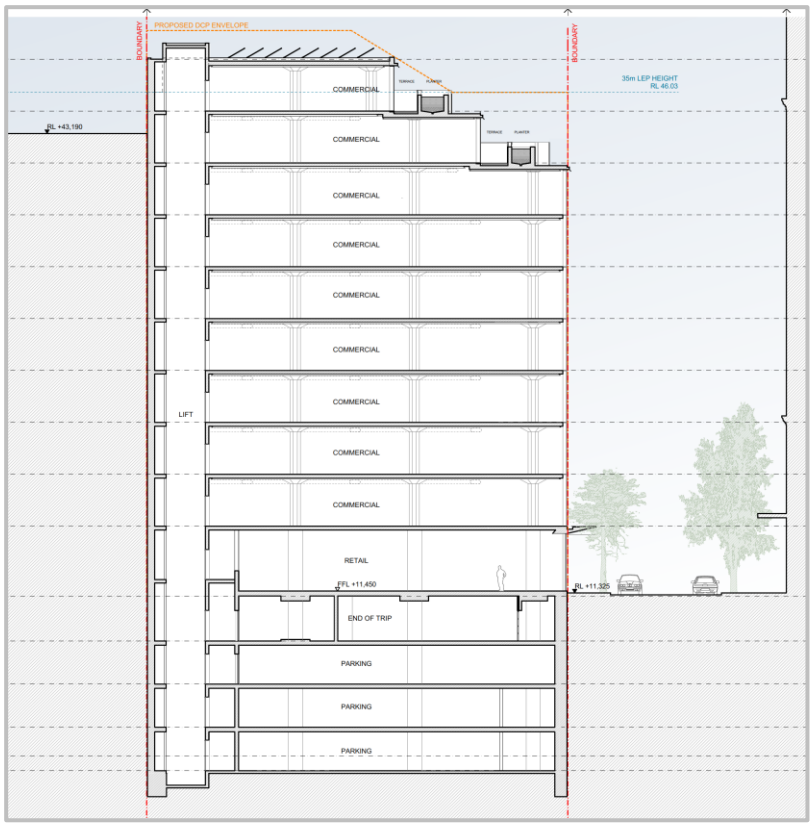
South Elevation



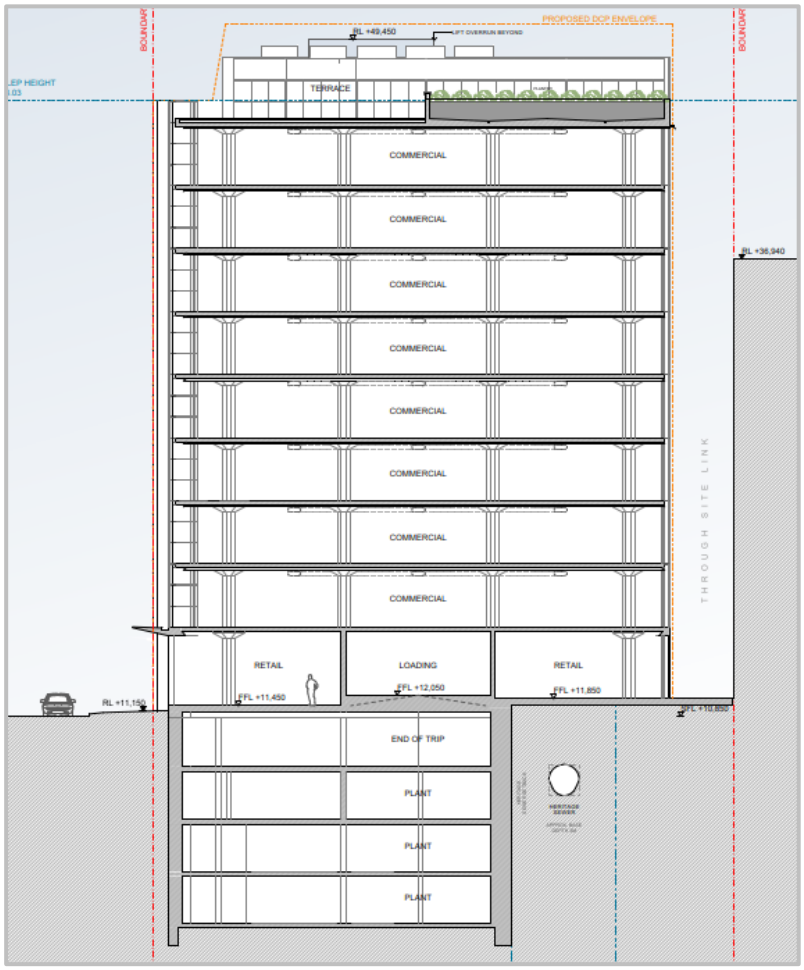
East Elevation



Section A



Section B



3. DEEMED-TO-SATISFY PROVISIONS

NCC 2022 requires that Class 2 to 9 buildings to achieve efficient use of energy. This requirement is defined in Volume One of the NCC 2022 under Section J and is titled “Energy Efficiency”. There are nine Deemed-to-Satisfy subsections, J1 to J9, which focus on separate aspects of energy efficiency. These are:

- Part J1 - Energy efficiency performance requirements.
- Part J2 - Energy efficiency.
- Part J3 - Elemental provisions for a sole-occupancy unit of a Class 2 building or a Class 4 part of a building.
- Part J4 - Building Fabric relates to the building fabric and minimum thermal performance for constructions according to climate zone for roofs, ceilings, roof lights, walls, glazing and floors.
- Part J5 – Building Sealing – Provisions to reduce the loss of conditioned air and restrict unwanted infiltration to a building.
- Part J6 - Air-Conditioning and Ventilation – Requirements to ensure these services are used and use energy in an efficient manner.
- Part J7 - Artificial Lighting and Power – Requirements for lighting and power to ensure energy is used efficiently within a building.
- Part J8 - Heated water supply and swimming pool and spa pool plant – Restrictions for hot water supply design except for solar systems within climate zones 1, 2 and 3.
- Part J9 - Energy monitoring and on-site distributed energy resources.

3.1 National Construction Code – General Definitions & Notes

3.1.1 Envelope

For the purposes of Section J, the building envelope is defined by the NCC as “…the parts of a building’s fabric that separate a conditioned space or habitable room from the exterior of the building or a non-conditioned space…”. This also includes spaces which are indirectly conditioned either via exhaust/relief of conditioned air or via pressurization.

3.1.2 Glazing

The glazing definition needs to be read in conjunction with the definition of a window and roof light. It can include a glazed door. For the purposes of Section J, the glazing provides an aperture by which light and energy can flow into or from the conditioned space. Glazing includes the glass and any frame system

3.1.3 Conditioned space

A conditioned space is a space that is likely (i.e., expected) to be air-conditioned and is not limited to the space where an air-conditioning system is installed. In some cases, chilled and hot water may be reticulated through duct risers as part of the building design to enable conditioning to be provided as part of a later fit-out. A conditioned space may include a ceiling or under-floor space that is open to the conditioned space such as a space separated by only a perforated or grille ceiling or floor where the space is a supply air or return air plenum.

Notes:

- The thermal insulation and glazing performance requirements outlined in this report nominate the Section J compliance requirements only. The specified performance values therefore do not consider requirements for any other disciplines such as Acoustics, Fire, Thermal Comfort or Safety compliance. Where required, the development shall comply with any additional requirements related to other disciplines in addition to the Section J compliance requirements detailed in this report.

3.2 Part J1 – Energy efficiency performance requirements

This Part sets the thermal performance properties of building fabric, the energy efficiency of key energy using equipment and the features a building must have to facilitate the future installation of distributed energy resources.

3.3 Part J2 – Energy efficiency

This Part sets out the application of the Deemed-to-Satisfy Provisions in Parts J3 to J9.

3.4 Part J3 – Elemental provisions for a sole-occupancy unit of a Class 2 building or a Class 4 part of a building

This Part contains Deemed-to-Satisfy Provisions (elemental) for compliance with Part J1. It sets out provisions for the insulation of building fabric and the energy efficiency of domestic services of a sole-occupancy unit of a Class 2 building or a Class 4 part of a building.

3.5 Part J4 – Building Fabric Requirements

3.5.1 Overview

Section J part J4 outlines the minimum requirements of building envelope. The envelope is defined by the NCC as parts of a building's fabric that separate a conditioned space or habitable room from the exterior of the building or a non-conditioned space.

3.5.2 Part J4D2 – Application

The Deemed-to-Satisfy Provisions of this Part apply to building elements forming the envelope of Class 2 to 9 buildings other than J4D3(5), J4D4, J4D5, J4D6 and J4D7 which do not apply to a Class 2 sole-occupancy unit or a Class 4 part of a building. Part J4 is therefore applicable to the upgrade works.

3.5.3 J4D3 – Thermal Construction General

All insulations installed are required to meet J4D3 and AS/NZS 4859.1. Builder is required to ensure compliance, during construction.

1) Where required, insulation must comply with AS/NZS 4859.1 and be installed so that it—

   (a) abuts or overlaps adjoining insulation other than at supporting members such as studs, noggings, joists, furring channels and the like where the insulation must be against the member; and

   (b) forms a continuous barrier with ceilings, walls, bulkheads, floors or the like that inherently contribute to the thermal barrier; and

   (c) does not affect the safe or effective operation of a service or fitting.

2) Where required, reflective insulation must be installed with—

   (a) the necessary airspace to achieve the required R-Value between a reflective side of the reflective insulation and a building lining or cladding; and

   (b) the reflective insulation closely fitted against any penetration, door or window opening; and

   (c) the reflective insulation adequately supported by framing members; and

   (d) each adjoining sheet of roll membrane being—

      i. overlapped not less than 50 mm; or
      ii. taped together.

3) Where required, bulk insulation must be installed so that—

   (a) it maintains its position and thickness, other than where it is compressed between cladding and supporting members, water pipes, electrical cabling or the like; and

(b) in a ceiling, where there is no bulk insulation or reflective insulation in the wall beneath, it overlaps the wall by not less than 50 mm.

4) Roof, ceiling, wall and floor materials, and associated surfaces are deemed to have the thermal properties listed in Specification 36.

5) The required Total R-Value and Total System U-Value, including allowance for thermal bridging, must be:

a) calculated in accordance with AS/NZS 4859.2 for a roof or floor; or

b) determined in accordance with Specification 37 for wall-glazing construction; or

c) determined in accordance with Specification 39 or Section 3.5 of CIBSE Guide A for soil or sub-floor spaces.

Note:

The thermal insulation performance requirements outlined in this report nominate the Section J compliance requirements only. The specified performance values therefore do not consider requirements for any other disciplines such as Acoustics, Fire or Safety compliance. Where required, the development shall comply with any additional requirements related to other disciplines in addition to the Section J compliance requirements detailed in this report. All works need to comply with the minimum Section J4 requirements, Thermal bridging must be accounted for in accordance with J4D3 (5) and is the responsibility of the builder or the architect to obtain a construction build-up calculation from their insulation supplier.

3.5.4 J4D4 Roof and Ceiling Construction

For roof and ceiling constructions that form part of the building envelope of the conditioned space, NCC Section J Compliance shall be achieved with minimum total of R3.7 thermal insulation.

The solar absorptance of the upper surface of a roof must be not more than 0.45.

3.5.5 J4D5 Roof Lights

Based on the architectural drawings provided, no roof lights are proposed and therefore section J4D5 is not applicable to the development.

Under any other design conditions, the roof light must meet the criteria is summarized in Table 2 below (Table J4D5 Roof Lights – Thermal Performance of transparent and translucent elements).

Table 2 .Roof Lights.

Roof light shaft index	Total area of roof lights up to 3.5% of the floor area of the room or space	Total area of roof lights more than 3.5% and up to 5% of the floor area of the room or space
< 1.0	≤ 0.45	≤ 0.29
≥ 1.0 to < 2.5	≤ 0.51	≤ 0.33
≥ 2.5	≤ 0.76	≤ 0.49

Notes:

1) The total area of a roof light serving the space as a percentage of the floor area of the space must not exceed 5%.

2) Roof lights must have—

a) a total area of not more than 5% of the floor area of the room or space served; and

b) transparent and translucent elements, including any imperforate ceiling diffuser, with a combined performance of—

i.for Total system SHGC, in accordance with Table J4D4; and

ii.for Total system U-Value, not more than U3.9.

3) The roof light shaft index is determined by measuring the distance from the centre of the shaft at the roof to the centre of the shaft at the ceiling level and dividing it by the average internal dimension of the shaft opening at the ceiling level (or the diameter for a circular shaft) in the same units of measurement.

4) The area of a roof light is the area of the roof opening that allows light to enter the building. The total area of roof lights is the combined area for all roof lights serving the room or space.

5) The performance requirements of the total glazing system (glass + frame) must be demonstrated under NFRC100-2001 conditions and based on AFRC requirements and in compliance with the NCC

3.5.6 J4D6 Walls & Glazing

The table below provides a summary of the requirements for walls and glazing to achieve compliance with a comparison to the façade calculator results. For glazing consistency identical glazing performance has been nominated for all areas. All values specifically apply to the ABCB climate zone where the site is located. The thermal calculation methodology for walls and glazing shall comply with NCC 2022 Section J requirements. The requirements of walls and glazing thermal properties are listed in Table 3.

Table 3. Walls & Glazing.

Walls	External Walls: minimum total R1.5 thermal insulation. Internal walls separating conditioned and non-conditioned zones: minimum total R1.0.
Glazing	To ensure glazing consistency, identical glazing performance has been nominated for all aspects (based on the minimum requirements): • Total system U-Value $\leq$ 3.4 • Total system SHGC $\leq$ 0.16

Note:

Based on our assessment, the 'deemed to satisfy' glazing performance requirements may be prohibitive and costly to achieve. It is therefore recommended to consider achieving the NCC glazing compliance requirements through the performance-based method of verification (i.e., J1V3 method, modelling, an alternative method of verification). Based on our review, the J1V3 assessment is likely to simplify achieving the glazing performance requirements for the development and improve glazing consistency.

3.5.7 J4D7 Floors

For floors without in-slab heating or cooling system except:

(a) in climate zone 8; or

(b) a Class 3, Class 9a ward area or Class 9b building in climate zone 7 that has a floor area to floor perimeter ratio of less than or equal to 2.

- There are no requirements for floor insulation for the floors which are concrete slab on ground (assuming the wall thickness is 250mm or higher).
- NCC compliance shall be achieved with a minimum total thermal insulation of R2.0 for any suspended floors separating a conditioned space from a non-conditioned space.

3.6 Part J5 – Building Sealing

Part J5 of the NCC 2022 contains the requirements of the Deemed-to-Satisfy compliance for building sealing. The purpose of this subsection is to ensure that additional heating and cooling loads will not be introduced through building leakage.

Part J5 is applicable to the development.

Clause J5D3 refers to chimneys and flues. The chimney or flue of an open solid-fuel burning appliance must be provided with a damper or flap that can be closed to seal the chimney or flue.

Clause J5D4 refers to roof lights.

Clause J5D5 outlines that a seal to restrict air infiltration must be fitted to each edge of doors, openable windows or the like that separate conditioned spaces from non-conditioned spaces or external areas. This provision is not required for windows complying with Australian Standard AS2047, a fire door or smoke door; or a roller shutter door, roller shutter grille or other security door or device installed only for out-of-hours security.

1) A door, openable window or the like must be sealed—
   (a) when forming part of the envelope; or
   (b) in climate zones 4, 5, 6, 7 or 8.
2) The requirements of (1) do not apply to—
   (a) a window complying with AS 2047; or
   (b) a fire door or smoke door; or
   (c) a roller shutter door, roller shutter grille or other security door or device installed only for out-of-hours security.
3) A seal to restrict air infiltration—
   (a) for the bottom edge of a door, must be a draft protection device; and
   (b) for the other edges of a door or the edges of an openable window or other such openings, maybe a foam or rubber compression strip, fibrous seal or the like.
4) An entrance to a building, if leading to a conditioned space must have an airlock, self-closing door, rapid roller door, revolving door or the like, other than—
   (a) where the conditioned space has a floor area of not more than 50 m^2; or
   (b) where a café, restaurant, open front shop or the like has—
      i. a 3 m deep un-conditioned zone between the main entrance, including an open front, and the conditioned space; and
      ii. at all other entrances to the café, restaurant, open front shop or the like, self-closing doors.
5) A loading dock entrance, if leading to a conditioned space, must be fitted with a rapid roller door or the like.

Clause J5D6 is related to exhaust fans. An exhaust fan must be fitted with a sealing device such as a self-closing damper or the like when serving—

   (a) a conditioned space; or
   (b) a habitable room in climate zones 4, 5, 6, 7 or 8.

Clause J5D7is related to construction of ceilings, walls and floors.

1) Ceilings, walls, floors and any opening such as a window frame, door frame, roof light frame or the like must be constructed to minimise air leakage in accordance with (2)—
   (a) when forming part of the envelope; or
   (b) in climate zones 4, 5, 6, 7 or 8.
2) Construction required by (1) must be—
   (a) enclosed by internal lining systems that are close fitting at ceiling, wall and floor junctions; or
   (b) sealed at junctions and penetrations with—

i. close fitting architrave, skirting or cornice; or
ii. expanding foam, rubber compressible strip, caulking or the like.

3) The requirements of (a) do not apply to openings, grilles or the like required for smoke hazard management.

Clause J5D8 is related to evaporative coolers. An evaporative cooler must be fitted with a self-closing damper or the like—

(a) when serving a heated space; or
(b) in climate zones 4, 5, 6, 7 or 8.

3.7 Part J6 – Air Conditioning and Ventilation Systems

Part J6 of the NCC outlines the performance requirements for air conditioning and ventilation systems to ensure these services operate in an efficient manner.

All services consultants and contractors shall design the air conditioning and ventilation systems to ensure compliance with Part J6 of the NCC Section J and all subsections associated therein.

3.8 Part J7 – Artificial Lighting and Power

Part J7 of the NCC outlines the performance requirements for illumination power density and the efficient use of lighting power and controls.

All services consultants and contractors shall design the artificial lighting systems to ensure compliance with Part J7 of the NCC Section J and all subsections associated therein with regard to power.

3.9 Part J8 – Heated water supply and swimming pool and spa pool plant

Part J8 of the NCC outlines the provisions for the energy efficient use of hot water supply systems.

Clause J8D2 of Part J8 states that a hot water supply system for food preparation or sanitary purposes must be designed and installed in accordance with Section 8 of AS/NZS 3500.4.

All services consultants and contractors shall design the Hot Water supply systems to ensure compliance with Part J8 of the NCC Section J and all subsections associated therein.

3.10 Part J9 – Facilities for Energy Monitoring and on-site distributed energy resources

Part J9 is applicable to this development.

3.10.1 J9D3 Facilities for energy monitoring

Part J9D3 of the NCC outlines the provisions of facilities for energy monitoring. Facilities for energy monitoring shall be provided in accordance with Part J9D3 of the NCC.

(1) A building or sole-occupancy unit with a floor area of more than 500 m2 must have the facility to record the time-of-use consumption of gas and electricity.

(2) A building with a floor area of more than 2,500 m^2 must have energy meters configured to enable individual time-of-use energy data recording, in accordance with (3), of—

(a) air-conditioning plant including, where appropriate, heating plant, cooling plant and air handling fans; and

(b) artificial lighting; and

(c) appliance power; and

(d) central hot water supply; and

(e) internal transport devices including lifts, escalators, and travelators where there is more than one serving the building; and

(f) on-site renewable energy equipment; and

(g) on-site electric vehicle charging equipment; and

(h) on-site battery systems; and

(i) other ancillary plant.

(3) Energy meters required by (2) must be interlinked by a communication system that collates the time-of-use energy data to a single interface monitoring system where it can be stored, analysed, and reviewed.

(4) The provisions of (2) do not apply to energy meters serving—

(a) a Class 2 building where the total floor area of the common areas is less than 500 m^2; or

(b) individual sole-occupancy units with a floor area of less than 2,500 m^2.

All services consultants and contractors shall design for access for maintenance and facilities for monitoring to ensure compliance with Part J9 of the NCC Section J and all subsections associated therein.

3.10.2 J9D4 Facilities for electric vehicle charging equipment

Part J9D4 of the NCC outlines the provisions of Facilities for electric vehicle charging equipment. Facilities for electric vehicle charging shall be provided in accordance with Part J9D3 of the NCC.

(1) Subject to (2), a carpark associated with a Class 2, 3, 5, 6, 7b, 8 or 9 building must be provided with electrical distribution boards dedicated to electric vehicle charging—

(a) in accordance with Table J9D4 (Table 4 of this report) in each storey of the carpark; and

(b) labelled to indicate use for electric vehicle charging equipment

Table 4. Electric vehicle distribution board requirement for each storey of a carpark.

Carpark spaces per storey for electric vehicles	Electrical distribution boards for electric vehicle charging per storey
0-9	0
10-24	1
25-48	2
49-72	3
73-96	4
97-120	5
121-144	6
145-168	7

(2) Electrical distribution boards dedicated to serving electric vehicle charging in a carpark must—

(a) be fitted with a charging control system with the ability to manage and schedule charging of electric vehicles in response to total building demand; and

(b) when associated with a Class 2 building, have capacity for each circuit to support an electric vehicle charger able to deliver a minimum of 12 kWh from 11:00 pm to 7:00 am daily; and

(c) when associated with a Class 5 to 9 building, have capacity for each circuit to support an electric vehicle charger able to deliver a minimum of 12 kWh from 9:00 am to 5:00 pm daily; and

(d) when associated with a Class 3 building, have capacity for each circuit to support an

electric vehicle charger able to deliver a minimum of 48 kWh from 11:00 pm to 7:00 am daily; and

(e) be sized to support the future installation of a 7 kW (32 A) type 2 electric vehicle charger in—

(i) 100% of the car parking spaces associated with a Class 2 building; or

(ii) 10% of car parking spaces associated with a Class 5 or 6 building; or

(iii) 20% of car parking spaces associated with a Class 3, 7b, 8 or 9 building; and

(f) contain space of at least 36 mm width of DIN rail per outgoing circuit for individual sub-circuit electricity metering to record electricity use of electric vehicle charging equipment; and

(g) be labelled to indicate the use of the space required by (f) is for the future installation of metering equipment.

Limitations

J9D4 does not apply to a stand-alone Class 7a building.

3.10.3 J9D5 Facilities for solar photovoltaic and battery systems

Part J9D5 of the NCC outlines the provisions of Facilities for solar photovoltaic and battery systems. Facilities for solar photovoltaic and battery shall be provided in accordance with Part J9D5 of the NCC.

(1) The main electrical switchboard of a building must—

(a) contain at least two empty three-phase circuit breaker slots and four DIN rail spaces labelled to indicate the use of each space for—

(i) a solar photovoltaic system; and

(ii) a battery system; and

(b) be sized to accommodate the installation of solar photovoltaic panels producing their maximum electrical output on at least 20% of the building roof area.

(2) At least 20% of the roof area of a building must be left clear for the installation of solar photovoltaic panels, except for buildings—

(a) with installed solar photovoltaic panels on—

(i) at least 20% of the roof area; or

(ii) an equivalent generation capacity elsewhere on-site; or

(b) where 100% of the roof area is shaded for more than 70% of daylight hours; or

(c) with a roof area of not more than 55 m^2; or

(d) where more than 50% of the roof area is used as a terrace, carpark, roof garden, roof light or the like.

Limitations

(1) The requirements of J9D5 (1)(a)(i) and (b) do not apply to a building with solar photovoltaic panels installed on at least 20% of the roof area.

(2) The requirements of J9D5 (1)(a)(ii) and (b) do not apply to a building with battery systems installed.

All services consultants and contractors shall design their systems to ensure compliance with Part J9 of the NCC Section J and all subsections associated therein with regards to facilities for energy monitoring and on-site distributed energy resources.

4. DISCLAIMER

This report is prepared using the information described above and inputs from other consultants. Whilst IGS has endeavoured to ensure the information used is accurate, no responsibility or liability to any third party is accepted for any loss or damage arising out of the use of this report by any third party. Any third party wishing to act upon any material contained in this report should first contact IGS for detailed advice which will take into account that party's particular requirements.

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The performance of the completed building may be significantly affected by the quality of construction; the quality of commissioning, ongoing management of the building, and the way the building is operated, monitored, and maintained. Building fabric inputs require verifiable manufacturer data to confirm thermal properties.

This report is intended as a guide to assist with the application of NCC Section J. It should be read in conjunction with the NCC 2022, specific applications may vary during the design development of the project.

Attachment A13

Acoustic Assessment

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Planning Proposal Acoustic Assessment

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Project ID	20221300.1
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1 INTRODUCTION

This report has been prepared to assess noise impacts associated with the proposed commercial development to be located at 232-240 Elizabeth Street, Surry Hills.

Impacts assessed include:

- Mechanical noise emissions
- Loading dock operation

The report has been prepared for the sole purpose of a planning proposal assessment and should not be used or relied on for any other purposes.

2 REFERENCED DOCUMENTS

2.1 BACKGROUND INFORMATION USED

This assessment is based on the architectural drawings prepared by Candalepas Associates architectural drawings, job no 5968, dated 07/11/2022.

2.2 PLANNING GUIDELINES

- City of Sydney Council DCP 2012
- NSW *EPA Noise Policy for Industry 2017*.
- NSW *Road Noise Policy 2011*.

3 SITE DESCRIPTION AND PROPOSAL

The project site is located at 232-240 Elizabeth Street, Surry Hills. The proposal seeks approval for the following:

- Nine storey building to accommodate:
    - Ground floor retail space, basement end of trip facilities and parking, lobby and plant areas.
    - Commercial offices (open plan) from Level 1 to 9 with associated amenity spaces.

Onsite acoustic investigations carried out by this office regarding the surrounding acoustic environment around the project site indicate the following:

- Elizabeth Street along the western boundary of the project site which carries a high traffic volume, primarily associated with intercity travel.
- Existing single and two storey commercial premises containing retail spaces, laundromat and backpackers.

The nearest noise sensitive receivers surrounding the project site include:

- **Receiver R1** – Existing residential building across Reservoir Street at 242-254 Elizabeth Street.
- **Receiver R2** – Existing residential building adjacent the northern boundary at 230 Elizabeth Street.
- **Receiver R3** – Existing residential building situated north-east of the project site at 62-64 Forster Street.
- **Receiver R4** – Existing commercial development adjacent the eastern boundary of the project site at 62-68 Reservoir Street.
- **Receiver R5** – Existing residential building situated south-east of the project site at 33 Reservoir Street.

An aerial photo of the site is present in Figure 1 which also shows nearby receivers and monitoring locations.

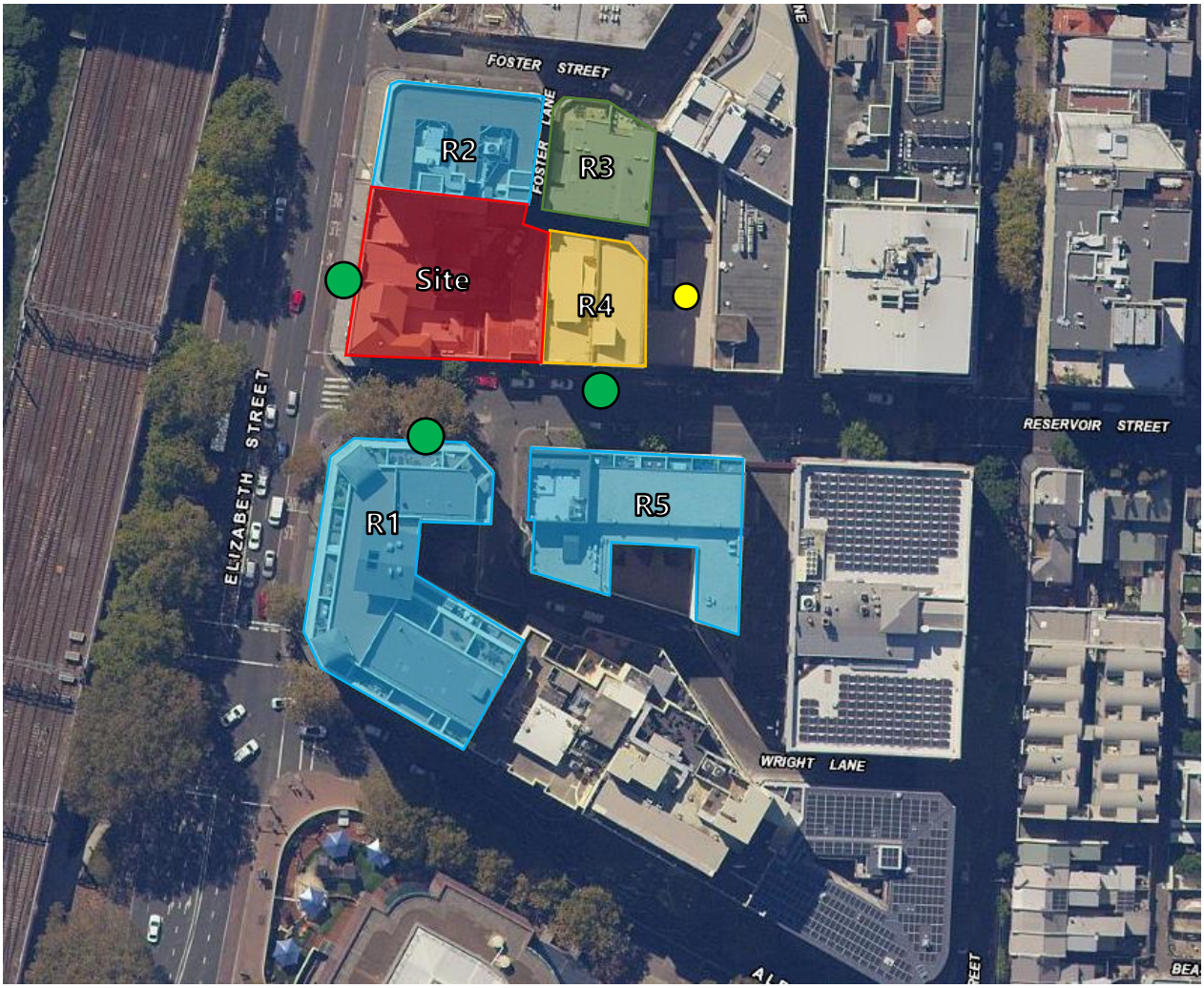


Figure 1 – Site Map and Receiver Locations
Sourced from SixMaps NSW

Unattended Noise Monitoring

Attended Noise Monitoring

Project Site

Commercial Receiver

Mixed Use Receiver

Residential Receiver

4 EXISTING ACOUSTIC ENVIRONMENT

The acoustic environment is categorised by high background noise levels consistent with an urban environment during the day, evening and night-time periods.

Unattended noise monitoring conducted at site was conducted by this office in order to establish the existing background noise environment.

4.1 NOISE DESCRIPTORS

Ambient noise constantly varies in level from moment to moment, so it is not possible to accurately determine prevailing noise conditions by measuring a single, instantaneous noise level.

To quantify ambient noise, a 15 minute measurement interval is typically utilised. Noise levels are monitored continuously during this period, and then statistical and integrating techniques are used to characterise the noise being measured.

The principal measurement parameters obtained from the data are:

L_{eq} - represents the average noise energy during a measurement period. This parameter is derived by integrating the noise levels measured over the measurement period. L_{eq} is important in the assessment of noise impact as it closely corresponds with how humans perceive the loudness of time-varying noise sources (such as traffic noise).

L_{90} – This is commonly used as a measure of the background noise level as it represents the noise level heard in the typical, quiet periods during the measurement interval. The L_{90} parameter is used to set noise emission criteria for potentially intrusive noise sources since the disturbance caused by a noise source will depend on how audible it is above the pre-existing noise environment, particularly during quiet periods, as represented by the L_{90} level.

L_{10} is used in some guidelines to measure noise produced by an intrusive noise source since it represents the average of the loudest noise levels produced at the source. Typically, this is used to assess noise from licenced venues.

L_{max} is the highest noise level produced during a noise event, and is typically used to assess sleep arousal impacts from short term noise events during the night. It is also used to assess internal noise levels resulting from aircraft and railway ground vibration induced noise.

L_1 is sometimes used in place of L_{max} to represent a typical noise level from a number of high level, short term noise events.

4.2 AMBIENT NOISE SURVEY

NSW EPA's Rating Background Noise Level (RBL) assessment procedure requires determination of background noise level for each day (the ABL) then the median of the individual days as set out for the entire monitoring period.

Appendix 1 presents the results of unattended noise monitoring previously conducted at the project site. Weather affected data was excluded from the assessment in line with Fact Sheet B of NPfI.

4.2.1 Measurement Equipment

Unattended noise monitoring for background noise levels was conducted using one Acoustic Research Laboratories Pty Ltd noise logger. The logger was programmed to store 15-minute statistical noise levels throughout the monitoring period. The equipment was calibrated at the beginning of the measurement period using a Rion NC-73 calibrator; no significant drift was detected at the end of the measurement period. All measurements were taken on A-weighted fast response mode.

4.2.2 Measurement Location

An unattended noise monitor was installed at the rear of the site to measure background noise levels, however was affected by mechanical plant noise (which is proposed to be removed as part of the development). Other locations on the site to install monitoring equipment were unsuitable to determine the prevailing background noise levels of surrounding receivers, as it would also be affected by the installed mechanical plant, or impacted by road traffic noise from Elizabeth Street.

Long term monitoring results previously undertaken within the surrounding areas was used to determine background noise levels. The location of the monitor along Reservoir Street was substantially screened from traffic noise along Elizabeth Street, and unaffected by mechanical plant noise. As such, this represents a suitably conservative representative background noise level.

4.2.3 Measured Background Noise Levels

The measured Rating Background Noise Level (RBL) is presented in the table below.

Table 3-1 – Unattended Noise Monitoring RBL Results

Logger Location	Time of Day	Measured Rating Background Noise Level dB(A)$L_{90(period)}$
52-58 Reservoir Street, Surry Hills	Day (7:00am-6:00pm)	53
	Evening (6:00pm-10:00pm)	51
	Night (10:00pm-7:00am)	48

5 TRAFFIC NOISE SURVEY

5.1 ATTENDED NOISE MEASUREMENTS

This section of the report details the attended noise measurements conducted at the site to establish noise levels impacting the development.

5.1.1 Measurement Position

Attended noise measurements were undertaken to investigate the existing noise environment surrounding the development (see Figure 1).

5.1.2 Measurement Period

The attended noise measurements were conducted on Thursday the 3rd of November 2022 between 12:00pm and 2:00pm.

5.1.3 Measurement Equipment

The measurements were conducted using a Norsonic 140 Sound Analyser. The analyser was set to fast response and calibrated before and after the measurements using a Norsonic Sound Calibrator type 1251. No significant drift was noted.

5.1.4 Measured External Noise Levels

The measured external noise levels are presented in Table 5.1 below.

Table 5-1 – Measured Noise Levels at Attended Measurement Locations

Measurement Location	Time of day	Measured Noise Level dB(A)$L_{eq(15min)}$
232-240 Elizabeth Street, Surry Hills 180˚ View of Road 3m from kerb	Wednesday 3rd November 2022 12.00pm – 1.00pm	72
Reservoir Street, Surry Hills Measurement was conducted 3m from kerb	Wednesday 3rd November 2022 1.00pm – 2.00pm	64

6 NOISE EMISSION CRITERIA

Noise emissions from the site should be assessed to ensure that the amenity of nearby land users is not adversely affected.

The primary potential noise sources from use of the site will be operational noise from the patrons and any mechanical equipment that services the site.

Noise emissions will be assessed to the following criteria:

- Sydney Development Control Plan (DCP) 2012 & Standard Conditions of Consent.
- The NSW EPA Noise Policy for Industry (NPfI).

6.1 CITY OF SYDNEY COUNCIL STANDARD CONDITIONS OF CONSENT

There are no specific acoustic controls relating to commercial development in the City of Sydney DCP 2012. Standard conditions of consent relating to noise emission from commercial premises are as follows;

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 $L_{Aeq,15\ minute}$ (noise level) emitted from the development must not exceed the $L_{A90,\ 15\ minute}$ (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 shall 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 premise.

(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.

6.2 NSW EPA NOISE POLICY FOR INDUSTRY (NPFI) 2017

The EPA NPFI has two criteria which are both required to be satisfied, namely Intrusiveness and amenity. The NPFI sets out acceptable noise levels for various localities. The policy indicates four categories to assess the appropriate noise level at a site. They are rural, suburban, urban and urban/industrial interface. Under the policy the nearest residential receivers would be assessed against the urban criteria.

Noise levels are to be assessed at the property boundary or nearby dwelling, or at the balcony or façade of an apartment.

6.2.1 Intrusiveness Criterion

The guideline is intended to limit the audibility of noise emissions at residential receivers and requires that noise emissions measured using the L_{eq} descriptor not exceed the background noise level by more than 5dB(A). Where applicable, the intrusive noise level should be penalised (increased) to account for any annoying characteristics such as tonality.

Background noise levels adopted are presented in Section 4. Noise emissions from the site should comply with the noise levels presented below when measured at nearby property boundary.

6.2.2 Project Amenity Criterion

The guideline is intended to limit the absolute noise level from all noise sources to a level that is consistent with the general environment.

The EPA's NPFI sets out acceptable noise levels for various localities. The recommended noise amenity area is based upon the measured background noise levels at the sensitive receiver. Based on the measured background noise levels detailed in Section 4, the Noise Policy for Industry suggests the adoption of the 'urban' categorisation.

The NPFI requires project amenity noise levels to be calculated in the following manner;

$$L_{Aeq,15min} = \textit{Recommended Amenity Noise Level} - 5\ dB(A) + 3\ dB(A)$$

The amenity levels appropriate for the receivers surrounding the project site are presented in Table 2

Table 2 – EPA NPFI Amenity Noise Levels

Type of Receiver	Time of day	Recommended Noise Level dB(A)$L_{eq(period)}$	Project Amenity Noise Levels dB(A)$L_{eq(15min)}$
Residential – Urban	Day	60	58
	Evening	50	48
	Night	45	43
Commercial premises	When in use	65	63

The NSW EPA Noise Policy for Industry (2017) defines;

- Day as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays;
  - Evening as the period from 6pm to 10pm.
  - Night as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays

6.2.3 Sleep Arousal Criteria

The Noise Policy for Industry recommends the following noise limits to mitigate sleeping disturbance:

> *Where the subject development / premises night -time noise levels at a residential location exceed:*
>
> - *$L_{eq,15min}$ 40 dB(A) or the prevailing RBL plus 5 dB, whichever is the greater, and/or*
> - *L_{Fmax} 52 dB(A) or the prevailing RBL plus 15 dB, whichever is the greater,*
>
> *a detailed maximum noise level even assessment should be undertaken.*

The following sleep emergence noise objectives then apply.

Table 3 - Sleep Arousal Criteria for Residential Receivers

Receiver	Rating Background Noise Level (Night) dB(A)L_{90}	Emergence Level
Residential Dwellings Surrounding Site	48	53 dB(A) $L_{eq,\ 15min}$; 63 dB(A) L_{Fmax}

If there are noise events that could exceed the emergence levels detailed in the table above, then an assessment of sleep arousal impact is required to be carried out, taking into account the level and frequency of noise events during the night, existing noise sources, etc. This more detailed sleep arousal test is conducted using the guidelines in the EPA Road Noise Policy. Most relevantly, the Road Noise Policy states:

> *For the research on sleep disturbance to date it can be concluded that:*
>
> - *Maximum internal noise levels below 50-55dB(A) are unlikely to awaken people from sleep.*
> - *One to two noise events per night with maximum internal noise levels of 65-70dB(A) are not likely to affect health and wellbeing significantly.*

Table 4 – EPA NPfI Project Noise Target Level (Plant and Equipment Noise)

Receiver	Time Period	Assessment Background Noise Level dB(A)$L_{90(period)}$	Project Amenity Criteria dB(A) $L_{eq(15min)}$	Intrusiveness Criteria dB(A) $L_{eq(15min)}$	NPFI Criteria for Sleep Disturbance
Residential Locations	Day	53	**58**	58	-
	Evening	51	**48**	56	-
	Night	48	**43**	53	53 dB(A) $L_{eq,15min}$; 63 dB(A) L_{Fmax}
Commercial Premises	When in Use	-	**63**	-	-

The project noise trigger levels for the development are presented as bold within the above table.

7 NOISE EMISSION ASSESSMENT

A discussion of the potential noise impacts associated with the development have been presented for the following:

- Loading dock operation;
- Mechanical plant noise emissions in principle.

Each of these noise sources will be discussed in detail.

7.1 LOADING DOCK OPERATION

A loading dock to service the retail/commercial tenancies within the development is located within the ground level, access to the loading dock is from Reservoir Street. Surrounding development is commercial/residential with high traffic intrusion, and as such average noise emissions from the loading dock would be expected to readily comply with the requirements of the NSW EPA Noise Policy for Industry.

If it is proposed to operate the loading dock during the night time period (10pm – 7am) such as for large deliveries or waste collection, then consideration must be given to the potential for sleep disturbance from peak noise events.

The following assumptions have been made with regards to an assessment of sleep disturbance potential due to loading dock operations:

- Only small delivery vans are proposed for the loading dock.
- The loudest typical noise event associated with a van is the door slam, which has been measured by this office to be 90dB(A)

Given the distance between the site and nearby residential receivers, as well as any barrier effects which will be provided by the surrounding buildings and site, predicted noise levels to the first floor residents of R1 along Reservoir Street due to a van within the loading dock is predicted to be 57 dB(A) L_{Fmax} at the façade, fully compliant with the 63dB(A) L_{max} requirement formulated in Section 6.

7.2 MECHANICAL PLANT

Detailed acoustic design of mechanical plant cannot be undertaken at this preliminary stage as plant selections and locations are not finalised. Cumulative assessment of plant noise with other noise sources is recommended when conducting the acoustic design of plant items.

The current design includes a centralised plantroom on Level 9, internally within the development. Given the location of the plant room, compliance with NSW *Noise Policy for Industry* (2017) criteria as set out in Section 5.2 will be achievable, provided that detailed acoustic review of plant items is undertaken once plant is selected and standard acoustic treatments (such as in-duct attenuation, barriers, appropriate location of plant items etc) are adopted.

8 CONCLUSION

Noise emissions associated with the proposed commercial development to be located at 232-240 Elizabeth Street, Surry Hills has been assessed with reference to the City of Sydney Council DCP 2012 and the NSW EPA Noise Policy for Industry.

Noise emission limits for the site have been established for the proposed uses of the development. It is recommended that individual tenancies and any proposed mechanical plant be acoustically reviewed to ensure that the noise emission criteria established are achieved, with particular regard to the cumulative operation of the site.

We trust this information is satisfactory. Please contact us should you have any further queries.

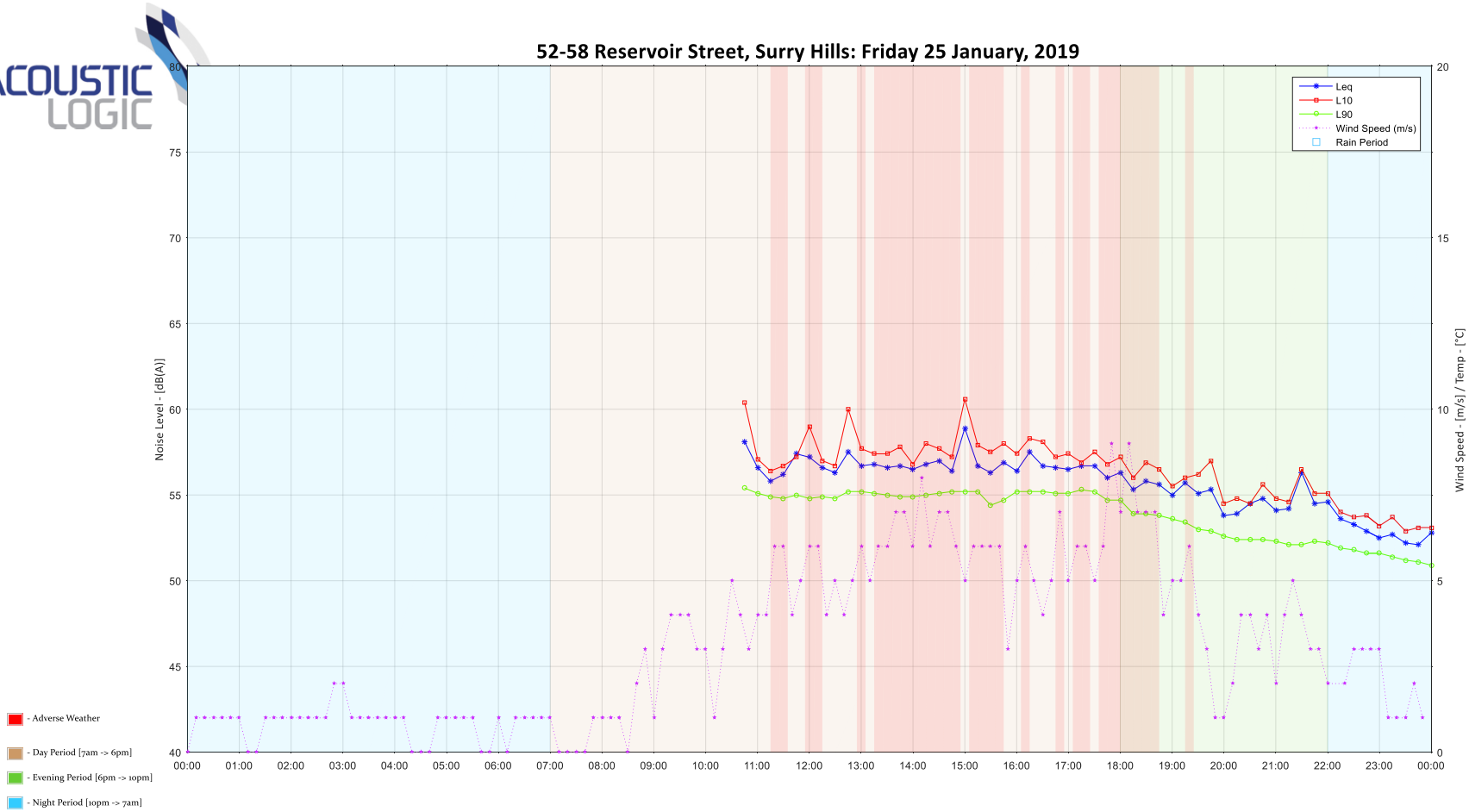
Yours faithfully,



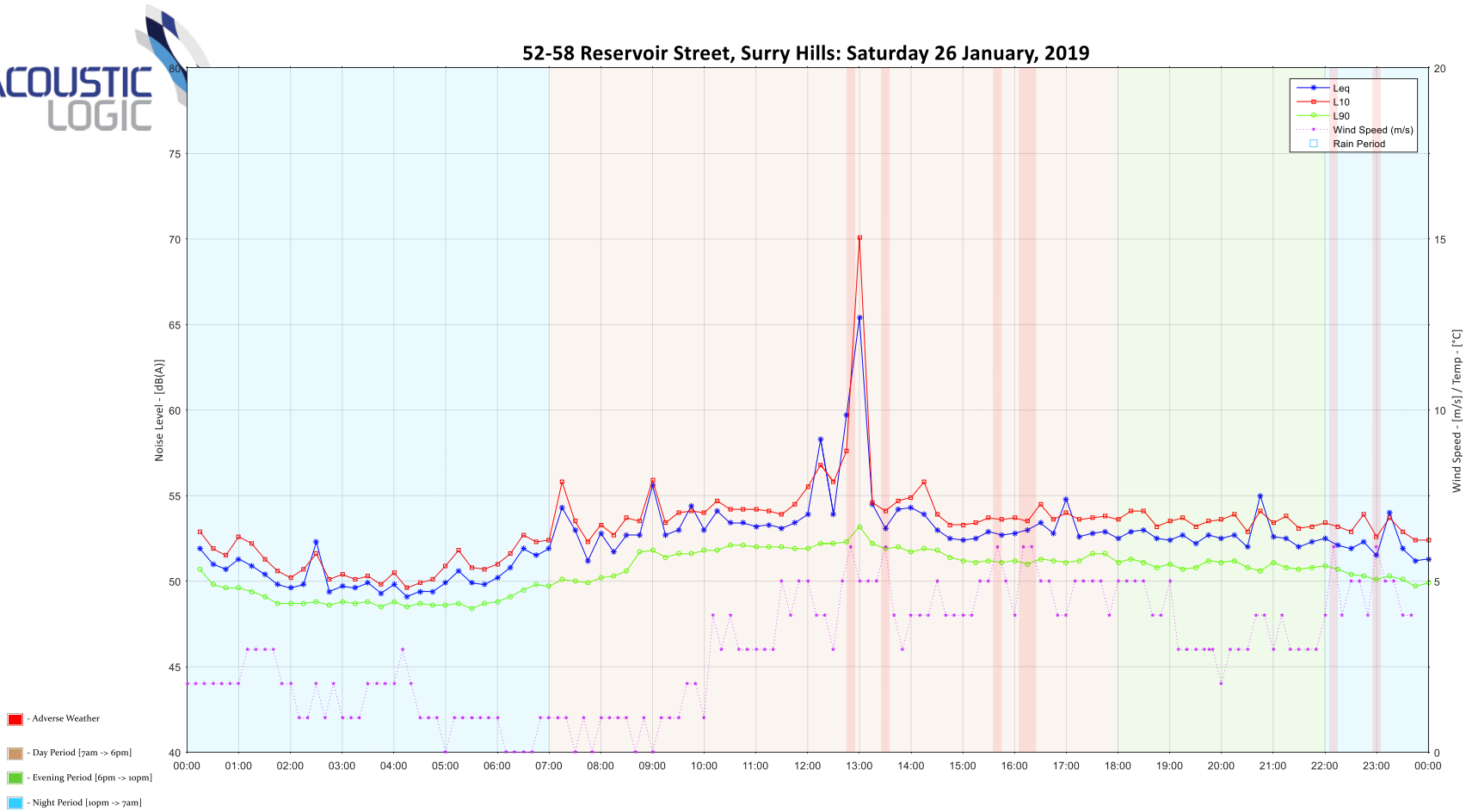
Acoustic Logic Pty Ltd
Justine Wade

APPENDIX ONE – UNATTENDED NOISE MONITORING DATA

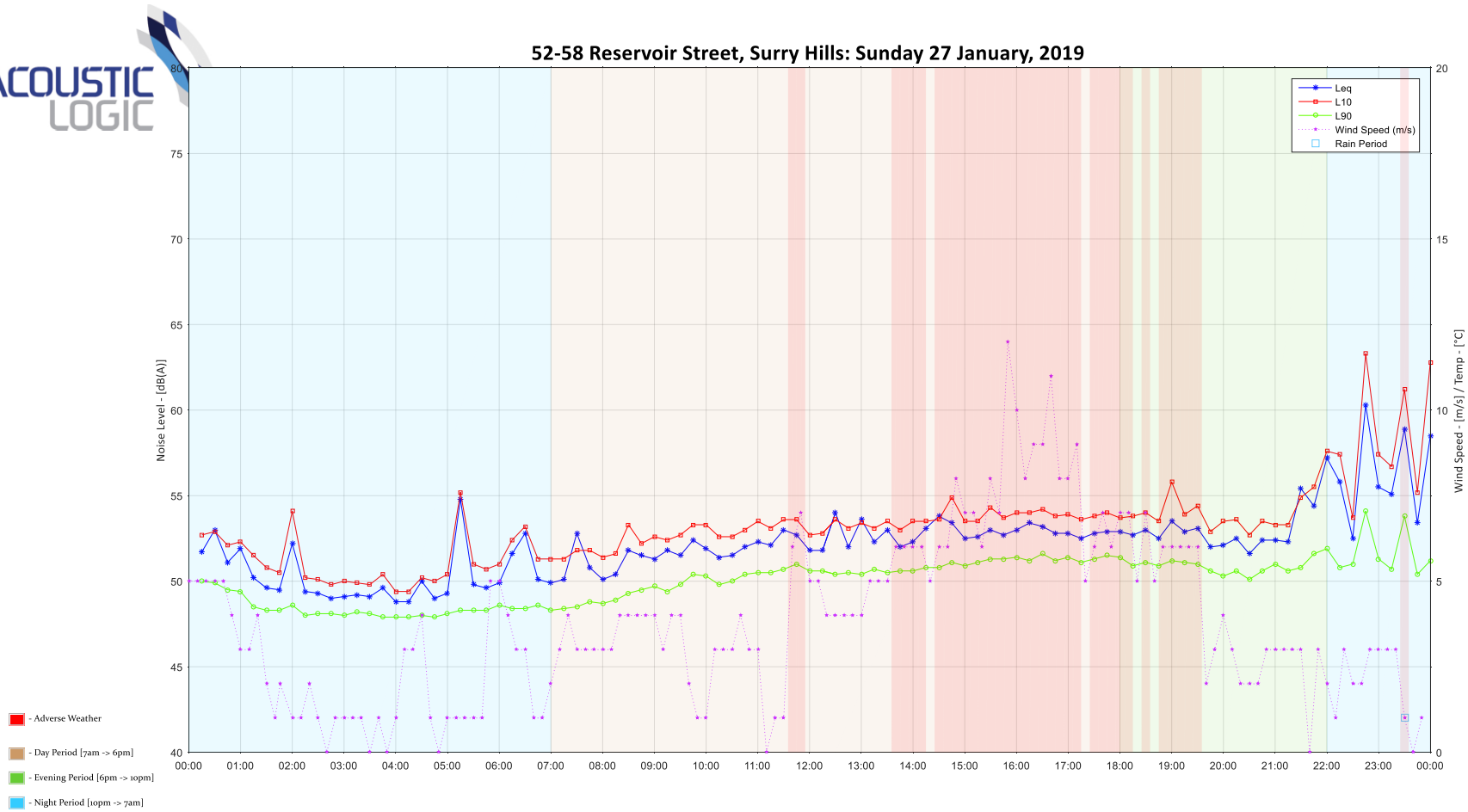
609


52-58 Reservoir Street, Surry Hills: Friday 25 January, 2019
Noise Level - [dB(A)]
Wind Speed - [m/s] / Temp - [°C]
Leq
L10
L90
Wind Speed (m/s)
Rain Period
- Adverse Weather
- Day Period [7am -> 6pm]
- Evening Period [6pm -> 10pm]
- Night Period [10pm -> 7am]

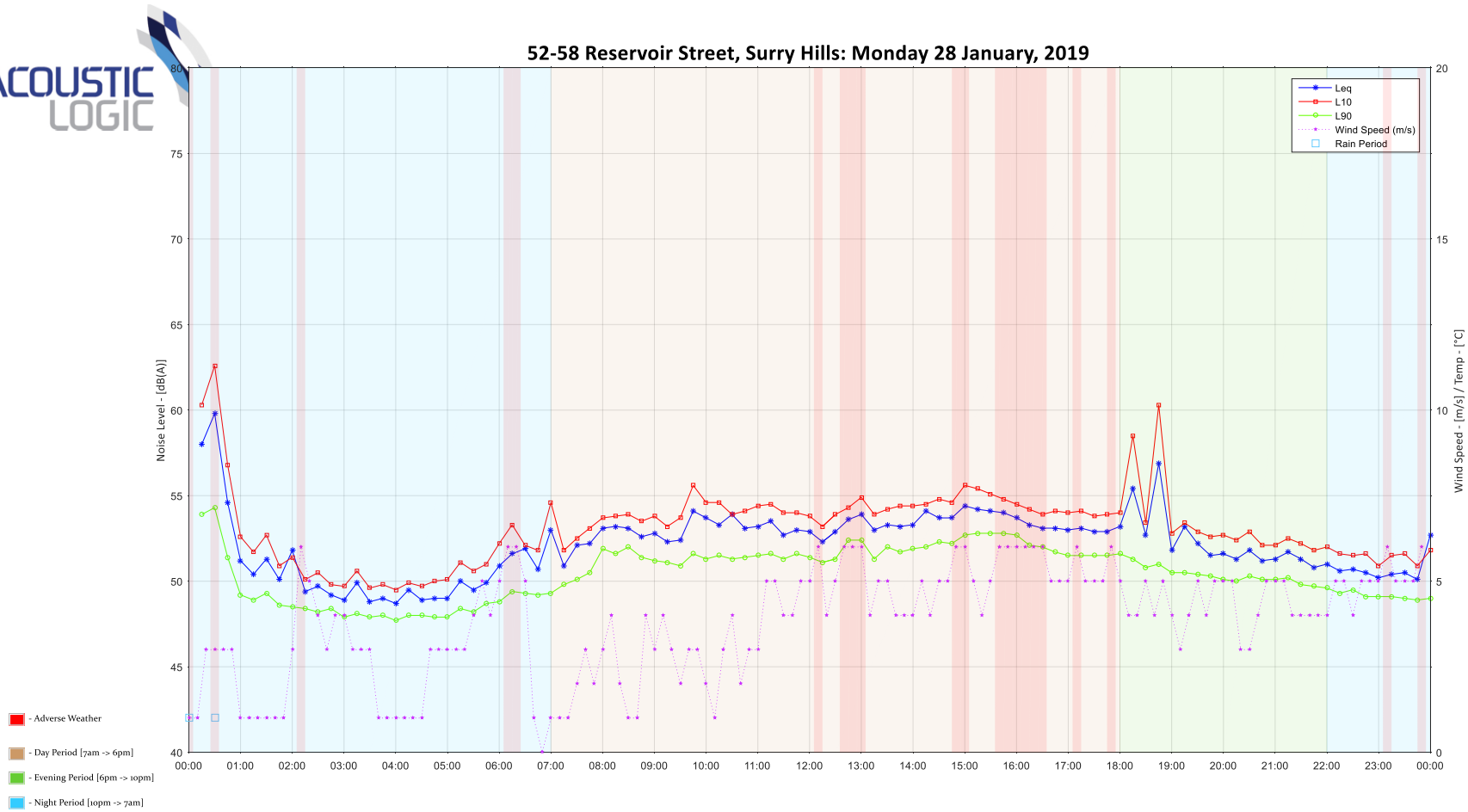
610


52-58 Reservoir Street, Surry Hills: Saturday 26 January, 2019
Leq
L10
L90
Wind Speed (m/s)
Rain Period
Noise Level - [dB(A)]
Wind Speed - [m/s] / Temp - [°C]
- Adverse Weather
- Day Period [7am -> 6pm]
- Evening Period [6pm -> 10pm]
- Night Period [10pm -> 7am]

611



52-58 Reservoir Street, Surry Hills: Sunday 27 January, 2019
Leq
L10
L90
Wind Speed (m/s)
Rain Period
Noise Level - [dB(A)]
Wind Speed - [m/s] / Temp - [°C]
- Adverse Weather
- Day Period [7am -> 6pm]
- Evening Period [6pm -> 10pm]
- Night Period [10pm -> 7am]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Leq
L10
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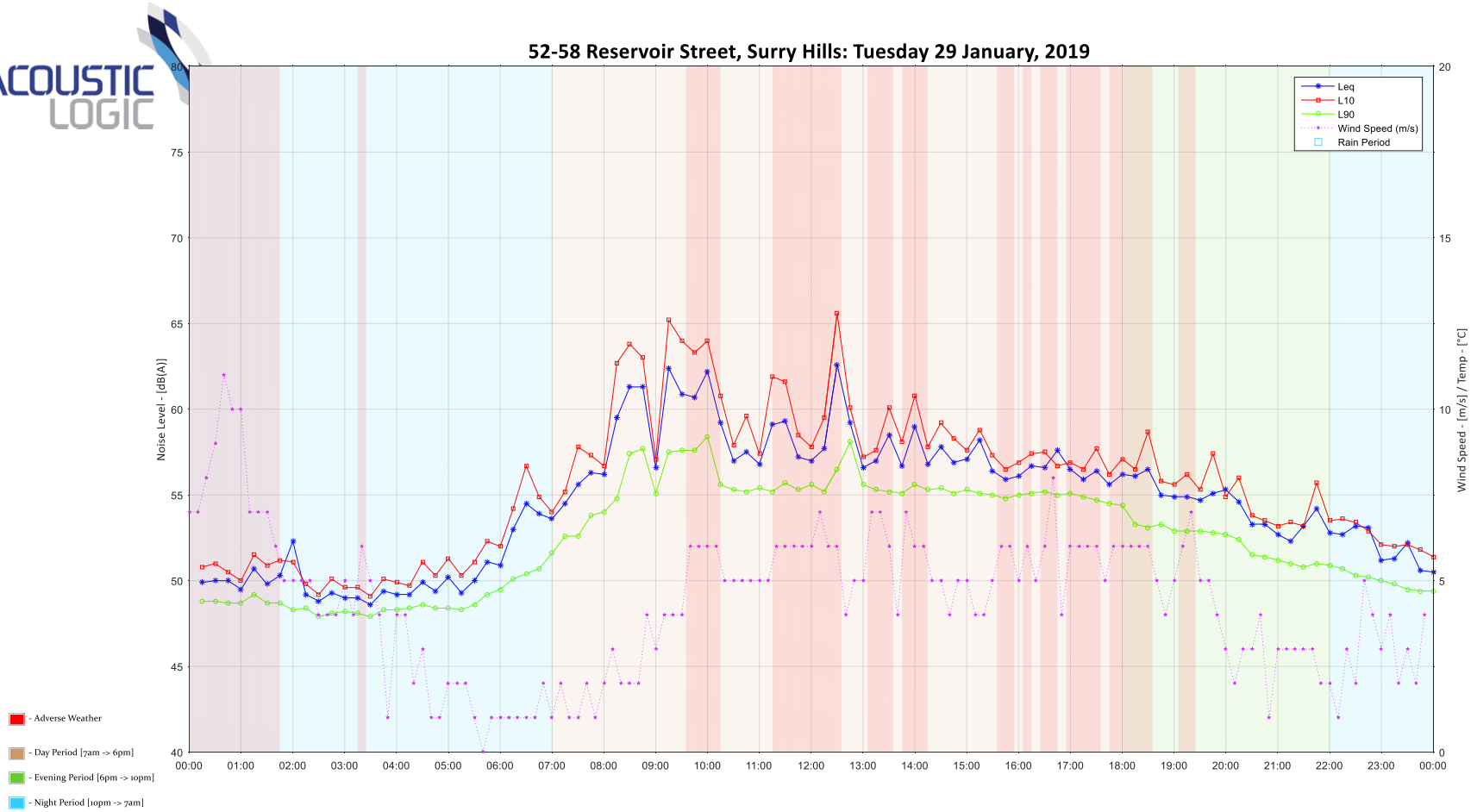
Wind Speed (m/s)
Rain Period
- Adverse Weather
- Day Period [7am -> 6pm]
- Evening Period [6pm -> 10pm]
- Night Period [10pm -> 7am]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Leq
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L90
Wind Speed (m/s)
Rain Period
Noise Level - [dB(A)]
Wind Speed - [m/s] / Temp - [°C]
- Adverse Weather
- Day Period [7am -> 6pm]
- Evening Period [6pm -> 10pm]
- Night Period [10pm -> 7am]

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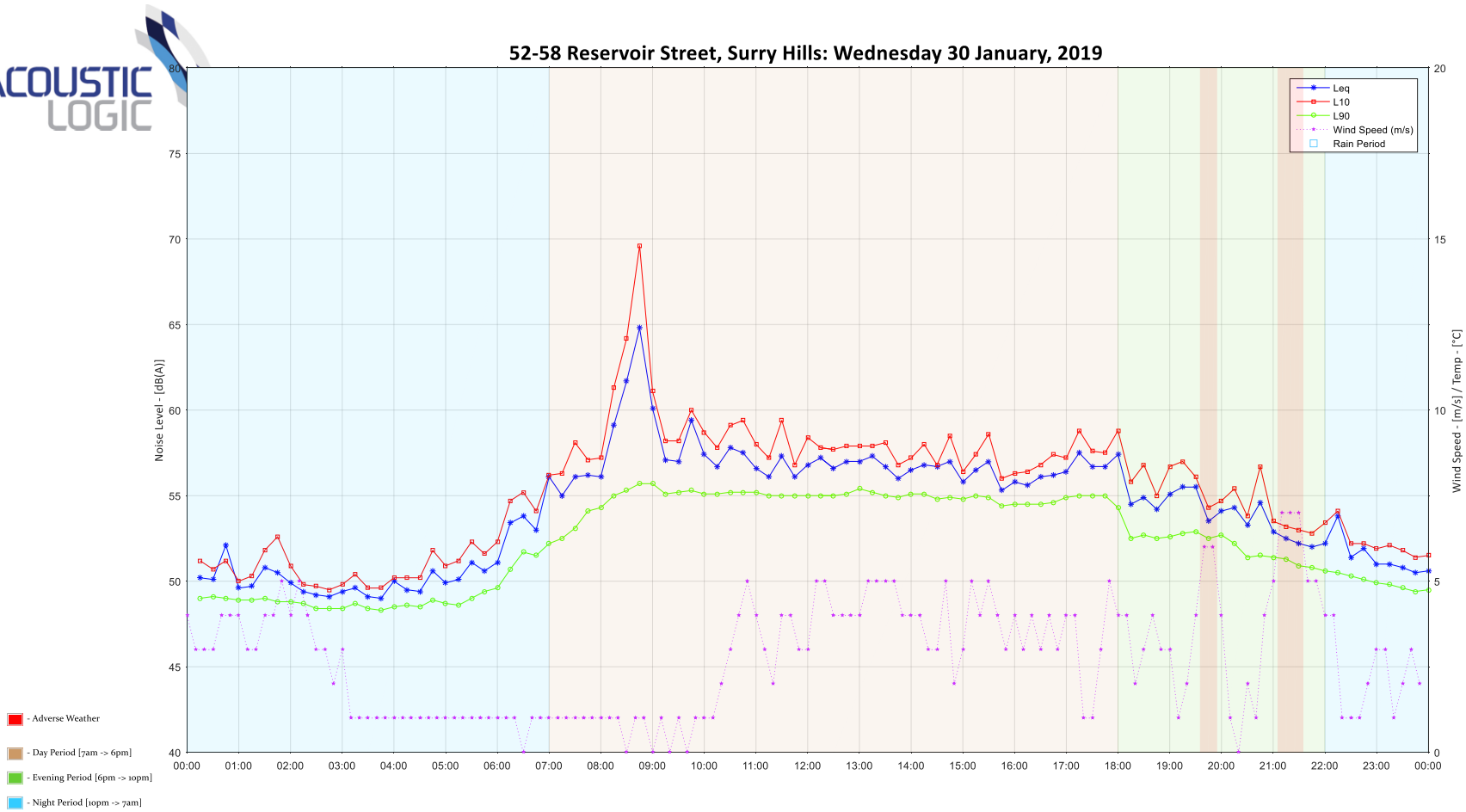
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Rain Period
Noise Level - [dB(A)]
Wind Speed - [m/s] / Temp - [°C]
- Adverse Weather
- Day Period [7am -> 6pm]
- Evening Period [6pm -> 10pm]
- Night Period [10pm -> 7am]

614

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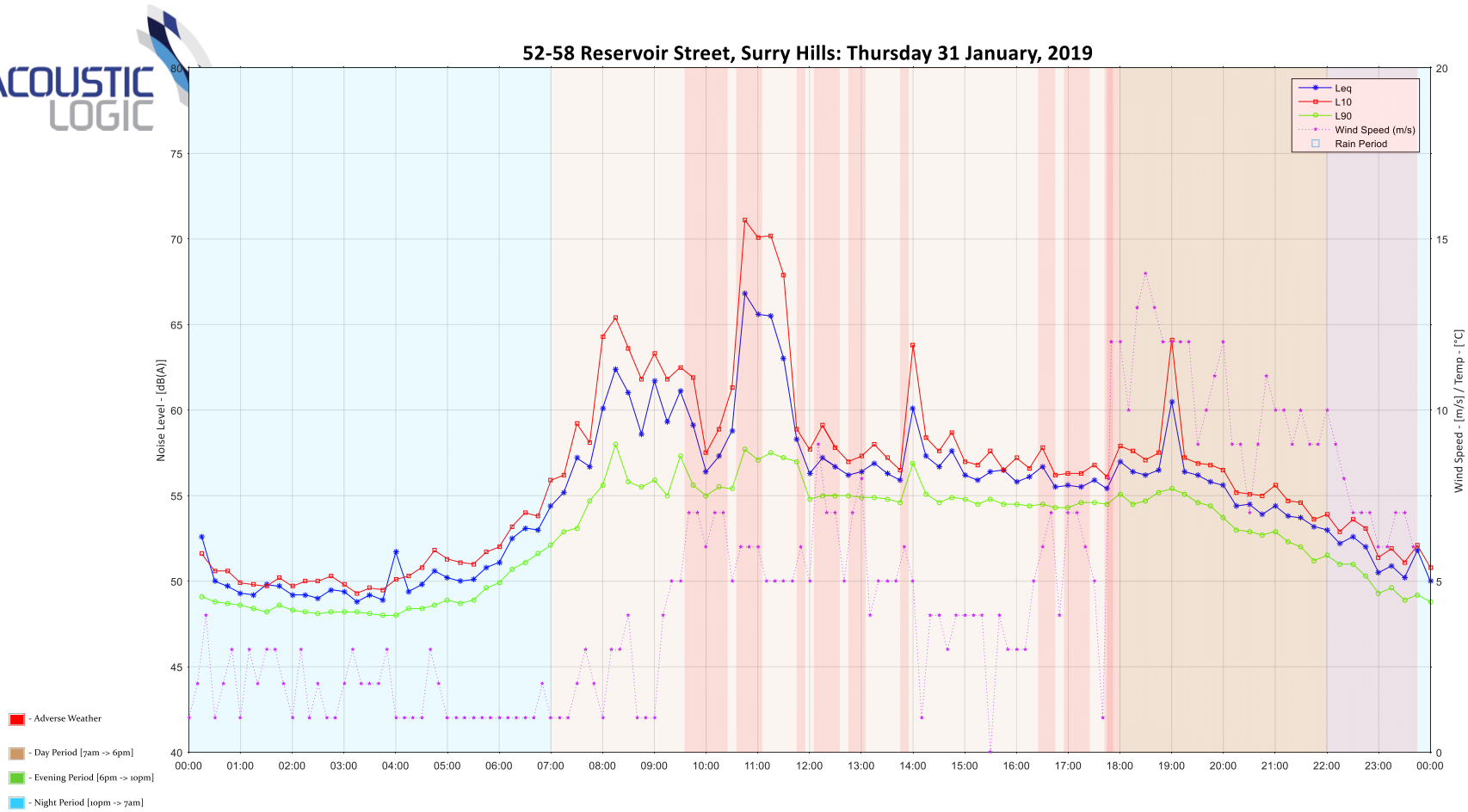

52-58 Reservoir Street, Surry Hills: Thursday 31 January, 2019
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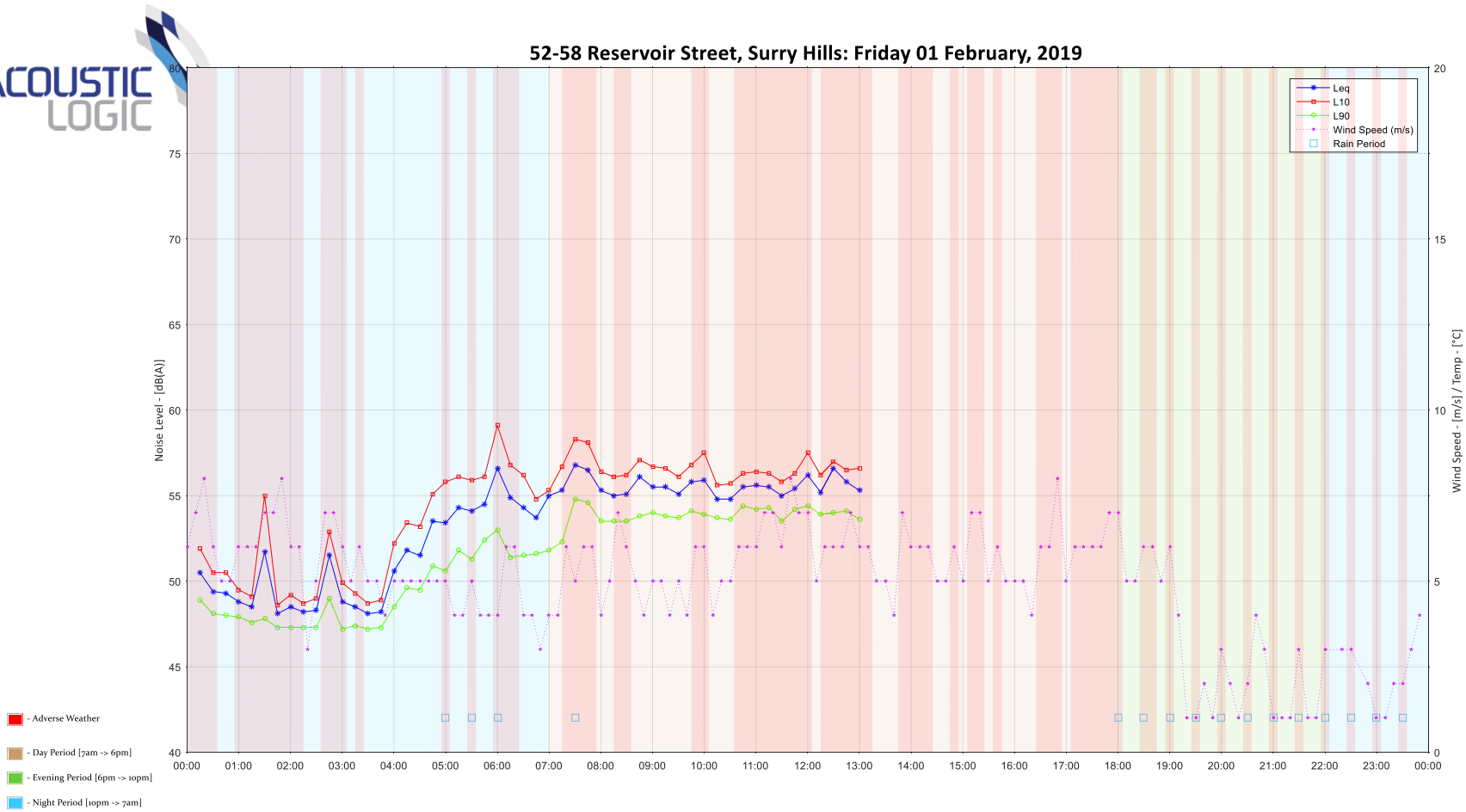
Wind Speed (m/s)
Rain Period
Noise Level - [dB(A)]
Wind Speed - [m/s] / Temp - [°C]
- Adverse Weather
- Day Period [7am -> 6pm]
- Evening Period [6pm -> 10pm]
- Night Period [10pm -> 7am]


52-58 Reservoir Street, Surry Hills: Friday 01 February, 2019
Noise Level - [dB(A)]
Wind Speed - [m/s] / Temp - [°C]
Leq
L10
L90
Wind Speed (m/s)
Rain Period
- Adverse Weather
- Day Period [7am -> 6pm]
- Evening Period [6pm -> 10pm]
- Night Period [10pm -> 7am]

616

Attachment A14

Wind Assessment

DRAFT REPORT

Qualitative Wind Assessment for:

232-240 ELIZABETH STREET

Surry Hills

CPP PROJECT: 17378

November 2022

PREPARED FOR:

Stasia Holdings Pty. Limited

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Sydney, NSW

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DOCUMENT VERIFICATION

Date	Revision	Prepared by	Checked by	Approved by
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1 INTRODUCTION

Cermak Peterka Petersen Pty. Ltd. has been engaged by Stasia Holdings Pty. Limited to provide a qualitative assessment of the impact of the proposed 232-240 Elizabeth Street development on the wind conditions in the surrounding areas.

The proposed development is located approximately 1.5 km to the south of the Sydney CBD, in a region of low to medium-rise suburban development, Figure 1. The proposed development will comprise of a 10-storey tower, reaching a maximum height of about 35 m above ground level. This report assesses the wind impacts of the massing envelope of the proposed development. While it is in similar size to the surrounding structures, the addition of the proposed development represents a significant change to the current site and may therefore have some impact on the local wind conditions, the extents of which are broadly discussed in this report.

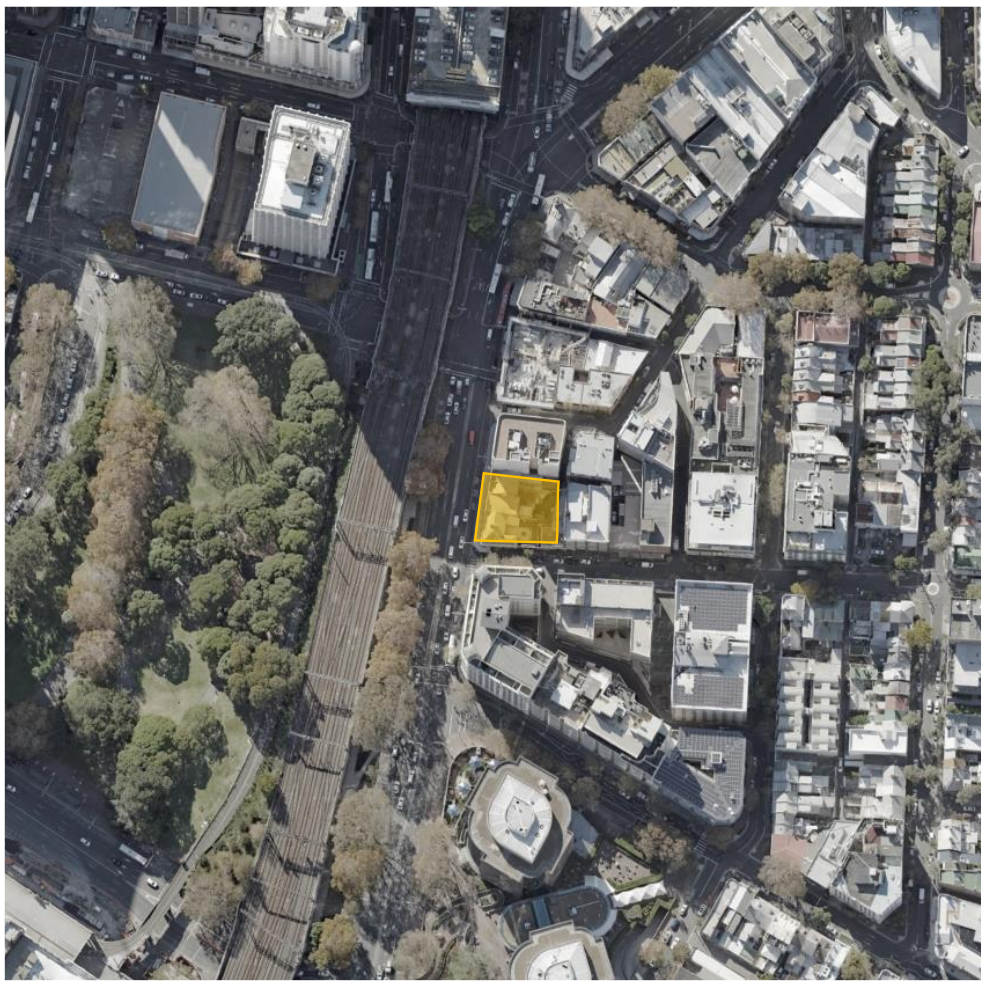

Figure 1: Aerial view of the proposed development site (Google Earth, 2022).

2 SYDNEY WIND CLIMATE

The proposed development lies approximately 6 km to the north-east of the Sydney Airport Bureau of Meteorology anemometer. To enable a qualitative assessment of the wind environment, the wind frequency and direction information measured by the Bureau of Meteorology at a standard height of 10 m at Sydney Airport from 1995 to 2019 have been used in this analysis. The wind rose for Sydney Airport is shown in Figure 2 and is considered to be representative of prevailing winds at the site. Strong prevailing winds are organised into three main groups which centre at about north-east, south, and west. This wind assessment is focused on these prevailing strong wind directions.

Winds from the north-east tend to be summer sea breezes and bring welcome relief on summer days, typically lasting from noon to dusk. These are small-scale temperature driven effects, the larger the temperature differential between land and sea, the stronger the breeze. Winds from the south are associated with large synoptic frontal systems and generally provide the strongest gust during summer. Winds from the west are the strongest of the year and are associated with large weather patterns and thunderstorm activity. These winds occur throughout the year and can be cold or warm depending on the inland conditions.

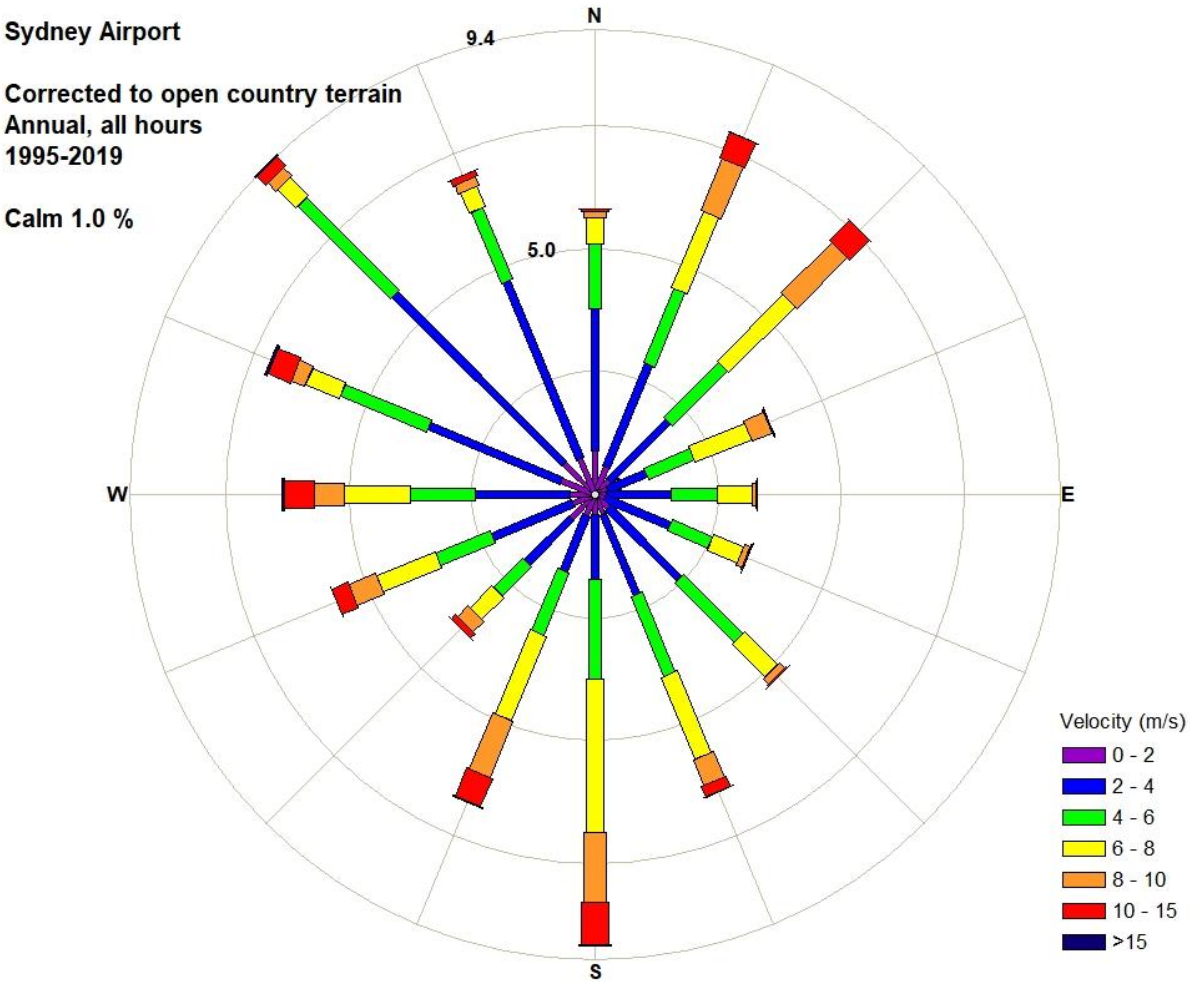

Figure 2: Wind rose for Sydney Airport.

3 ENVIRONMENTAL WIND CRITERIA

A number of researchers have suggested quantitative methods for assessing wind comfort and safety based on wind tunnel data and local climate statistics. These criteria provide a means of evaluating the wind amenity of location based on the frequency of threshold wind speeds, noting that pedestrians will tolerate higher wind speeds for a shorter time period than lower speeds. In addition, the acceptability of the location may be linked to its intended use, such as for a café seating area or pedestrian footpath.

The Sydney City Council DCP (2012) specifies wind effects not to exceed 10 m/s, as the area around the site is classified as an 'active frontage'. From discussions with Council, these wind speed thresholds are once per annum gust wind speeds similar to the 2004 DCP but are meant to be interpreted as a comfort level criterion to promote outdoor café style activities and is not a distress/safety requirement. The once per annum gust criterion is based on the work of Melbourne (1978), and 10 m/s is classified as generally acceptable for pedestrian sitting. This criterion gives the once per annum (0.1% of the time) gust wind speed and uses this as an estimator of the general wind conditions at a site.

The infrequent (0.1%) gust wind event in the Melbourne criteria may not adequately characterise the general wind conditions at the site. To combat this limitation, the wind assessment criteria that will be used in this study will be based upon the criteria of Lawson (1990), which are described in Table 1 for both pedestrian comfort and distress/safety. The benefits of these criteria over many in the field are that they use both a mean and gust equivalent mean (GEM) wind speed to assess the suitability of specific locations, the criteria based on the mean wind speeds define when the steady component of the wind causes discomfort, whereas the GEM wind speeds define when the wind gusts cause discomfort. The level and severity of these comfort categories can vary based on individual preference, so calibration to the local wind environment for all wind directions is recommended when evaluating with Lawson ratings. Another benefit of these from a comfort perspective is that the 5% of the time event is appropriate for a precinct to develop a reputation from the general public, the Lawson criteria from the basis of draft amendments to the DCP (City of Sydney, 2016), which require a wind speed of 8 m/s not to be exceeded for more than 5% of the time during daylight hours, aligning with the pedestrian walking category.

Table 1: Summary of Lawson criteria.

Comfort (maximum of mean or gust equivalent mean (GEM[†.]) wind speed exceeded 5% of the time)	
< 4 m/s	Pedestrian Sitting (considered to be of long duration)
4 - 6 m/s	Pedestrian Standing (or sitting for a short time or exposure)
6 - 8 m/s	Pedestrian Walking
8 - 10 m/s	Business Walking (objective walking from A to B or for cycling)
> 10 m/s	Uncomfortable[1]
Distress (maximum of mean or GEM wind speed exceeded 0.022% of the time)	
<15 m/s	not to be exceeded more than two times per year (or one time per season) for general access area
<20 m/s	not to be exceeded more than two times per year (or one time per season) where only able-bodied people would be expected; frail or cyclists would not be expected

Note: [†.] The gust equivalent mean (GEM) is the peak 3 s gust wind speed divided by 1.85.

4 ENVIRONMENTAL WIND ASSESSMENT

The development site is surrounded in most directions by mid- rise buildings, with high-rise buildings further to the north (Sydney CBD) and a region of parkland (Belmore Park) to the west across the railway line. Open approaches over sections of Sydney harbour lie further to the north-east. Topography surrounding the site is relatively flat from a wind perspective for most wind directions and unlikely to significantly affect the wind climate at the site. Existing buildings of a similar scale to the proposed development lie to the immediate north, west, and south of the subject site.

Winds in such densely built surrounds tend to be governed by channelling effects along streets between the combined massing of city blocks, with local effects being dictated by exposed buildings and their relation to prevailing strong wind directions. Several wind flow mechanisms such as downwash and channelling flow are described in Appendix 1, and the effectiveness of some common wind mitigation measures are described in Appendix 2. Previous wind tunnel testing carried out by CPP in the surrounding areas, for the existing configuration, has indicated that most streets in the vicinity would be classified as pedestrian standing to walking under the Lawson comfort criteria depending on their relative exposure to strong prevailing winds and proximity to tall buildings.

The subject site is located on a block bounded by Elizabeth Street to the west, Reservoir Street to the south, and Foster Lane to the north-east, which will form part of a through-site pedestrian link on the eastern boundary. The proposed development consists of a single prismatic tower with a generally rectangular planform. A ground floor plan is shown in Figure 3.

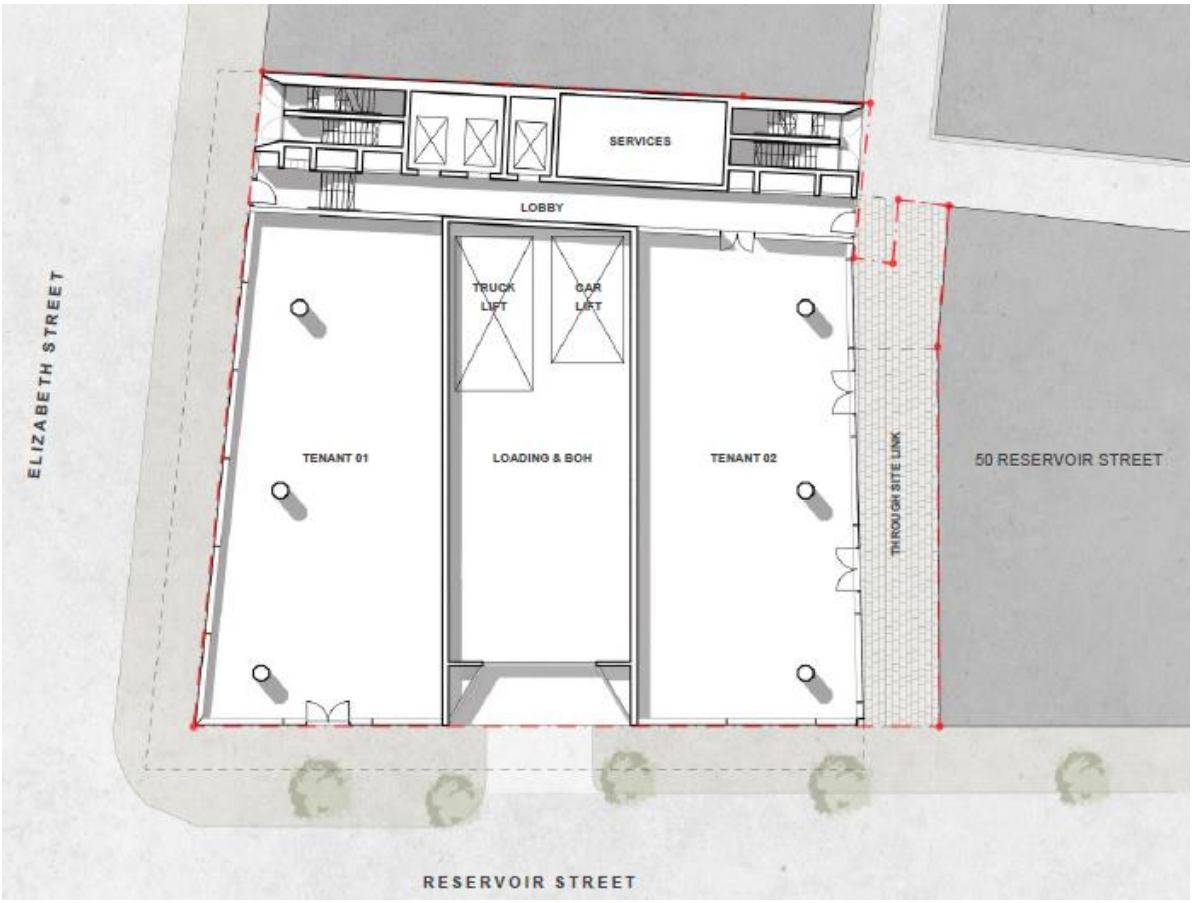

Figure 3: Ground floor of the proposed development.

4.1 Winds from the north-east

Winds from the north quadrant will approach over the mid- to high-rise buildings of Sydney CBD and Surry Hills. The alignment of Elizabeth Street and Wentworth Street with winds from the north quadrant may allow some channelling flow to develop, though the open area of Belmore Park to the west of the site will encourage dispersal of any accelerated flow on this frontage. Some incoming flow would be directed along Foster Street by the surrounding massing, and breezy conditions may develop in the pedestrian corridor at times, though this is considered largely an existing condition rather than an impact of the proposed development.

The proposed development will not receive significant direct wind exposure to wind from the north east direction as it is sheltered by the similarly sized towers at 230 Elizabeth Street (9 storeys tall) and 82-83 Foster Street (8 storeys) directly adjacent to, and to the north of the site. The pedestrian level wind environment is therefore likely to remain similar to the existing. Calmer conditions are likely to be available to pedestrians on the south side of the site during north-easterly winds.

For winds from the north-east quadrant, conditions around the proposed development site are expected to remain similar to the existing wind conditions and pass the safety/distress criterion.

4.2 Winds from the south

Winds from the south quadrant will pass over the low- to mid-rise developments of Waterloo and Redfern as well as the railway corridor leading to Central Station before reaching the site. Some immediate shielding for winds from this direction will be provided by the existing building located at 242-254 Elizabeth Street which is 14 storeys tall and broader compared to the proposed development. However, some channelling flow would be expected from prevailing winds as the southerly winds have a relatively unobstructed approach to the site over the railway and along Elizabeth Street, which runs north-south. Relatively strong conditions would therefore be expected on Elizabeth Street frontages during high wind periods from the south, though the proposed development is not likely to significantly contribute to this mechanism due to its relative scale and position. The street level awning

extending around the south-western corner will also help mitigate any downwash flow generated by the south façade of the building., thereby limiting impact to ground level.

For winds from the south quadrant, wind conditions at most locations around the site are expected to remain similar to the existing wind conditions and pass the safety/distress criterion.

4.3 Winds from the west

Winds from the west quadrant will pass over the low- to mid-rise buildings of Chippendale, Belmore Park, and the railway line before reaching the site. Elizabeth Street, the railway line, and Belmore Park to the west of the development form an open area where approaching westerly winds are relatively unimpeded upon reaching the site. Some degree of downwash flow from the western facade would be expected, however, the ground plane and the main entry to the commercial lobby would be protected by the proposed awning, which will redirect downwashing flow horizontally. Marginally stronger velocities may be expected along the Reservoir Street frontage, as the proposed development massing directs flow into the street corridor, though the awning will again limit impact to ground level. It is recommended this feature be retained. Mostly calm conditions would be anticipated in the eastern pedestrian link during winds from the west.

For winds from the west quadrant, wind conditions around the proposed development site on average are expected to remain mostly similar to the existing wind conditions and pass the safety/distress criterion.

4.4 Summary

For most locations, wind conditions within the proposed development are expected to remain similar to the existing wind conditions. From a pedestrian comfort perspective, the wind environment around the proposed development site is likely to be classified as acceptable for pedestrian standing or walking under Lawson. These pedestrian comfort levels would be suitable for public accessways, and for stationary short-term exposure activities. Localised amelioration measures would be suggested if calmer areas are desired for particular locations, such as café seating. All locations would be expected to satisfy the Lawson safety/distress criterion and the equivalent draft DCP safety criterion. Consistent with most

areas of Sydney, local shielding would likely be necessary to meet the conservative 10 m/s criterion of the 2012 DCP.

4.5 Wind conditions within the development

Some locations within the development may experience higher wind velocities at times, which may necessitate local amelioration depending on how these areas are to be used. Terraces at elevation are often windy areas due to exposure to higher velocities and local acceleration effects. The rooftop terrace on Level 9 and the mezzanine terrace on Level 8 are generally well situated, with shielding provided by adjacent levels on two sides as well as from the existing building at 242-254 Elizabeth Street to the south. The proposed planting zones will offer some beneficial effect, provided they contain dense foliage reaching a height of at least 1500 mm from local grade. A perimeter balustrade to the same minimum level will also assist in improving conditions. If the rooftop terrace spaces are to be activated for café-style seating or similar, then incorporating a horizontal canopy over some of this area would be suggested to further improve wind conditions.

5 CONCLUSION

Cermak Peterka Petersen Pty. Ltd. has provided a qualitative assessment of the impact of the proposed 232-240 Elizabeth Street project on the local wind environment in and around the development site. The scale of the proposed development and its position in the existing built massing environment are not indicative of any significant impacts to pedestrian wind comfort in the surrounding public domain areas. Overall, conditions in and around the site are expected to remain similar to the existing environment. Wind conditions around the development are expected to be classified as acceptable for pedestrian standing or walking from a Lawson comfort perspective and pass the distress/safety criterion. Local amelioration would likely be necessary for areas intended for long-term stationary or outdoor dining activities, similar measures would be suggested for outdoor terraces.

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City of Sydney, (2012),"Sydney Development Control Plan 2012".

City of Sydney (2016) Central Sydney Planning Strategy 2016-2036

Lawson, T.V. (1990), "The Determination of the Wind Environment of a Building Complex before Construction" Department of Aerospace Engineering, University of Bristol, Report Number TVL 9025.

Melbourne, W.H., 1978, Criteria for Environmental Wind Conditions, Journal of Wind Engineering and Industrial Aerodynamics, Vol.3, No.2-3, pp.241-249.

Penwarden, A.D. (1973), "Acceptable wind speeds in towns", Building Science, Vol.8, pp. 259-267.

Appendix 1: Wind flow mechanisms

When the wind hits a large, isolated building, the wind is accelerated down and around the windward corners, Figure 4; this flow mechanism is called downwash and causes the windiest conditions at ground level on the windward corners and sides of the building. In Figure 4, smoke is being released into the wind flow to allow the wind speed, turbulence, and direction to be visualised. The image on the left shows smoke being released across the windward face, and the image on the right shows smoke being released into the flow at about third height in the centre of the face.

Techniques to mitigate the effects of downwash winds on pedestrians include the provision of horizontal elements, the most effective being a podium to divert the flow away from pavements and building entrances. Awnings along street frontages perform a similar function, and the larger the horizontal element, the more effective it will be in diverting the flow.

Channelling occurs when the wind is accelerated between two buildings or along straight streets with buildings on either side.

Figure 5 shows the wind at mid and upper levels on a building being accelerated substantially around the corners of the building. When balconies are located on these corners, they are likely to be breezy, and will be used less by the owner due to the regularity of stronger winds. Owners quickly become familiar with when and how to use their balconies. If the corner balconies are deep enough, articulated, or have regular partition privacy fins, then local calmer conditions can exist.

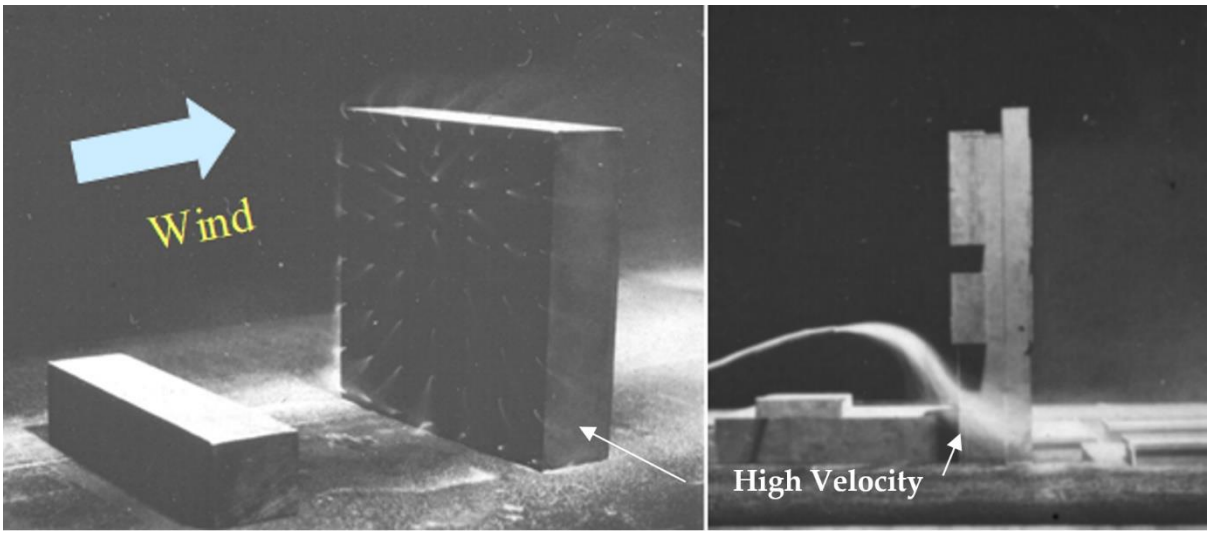

Figure 4: Flow visualisation around a tall building.

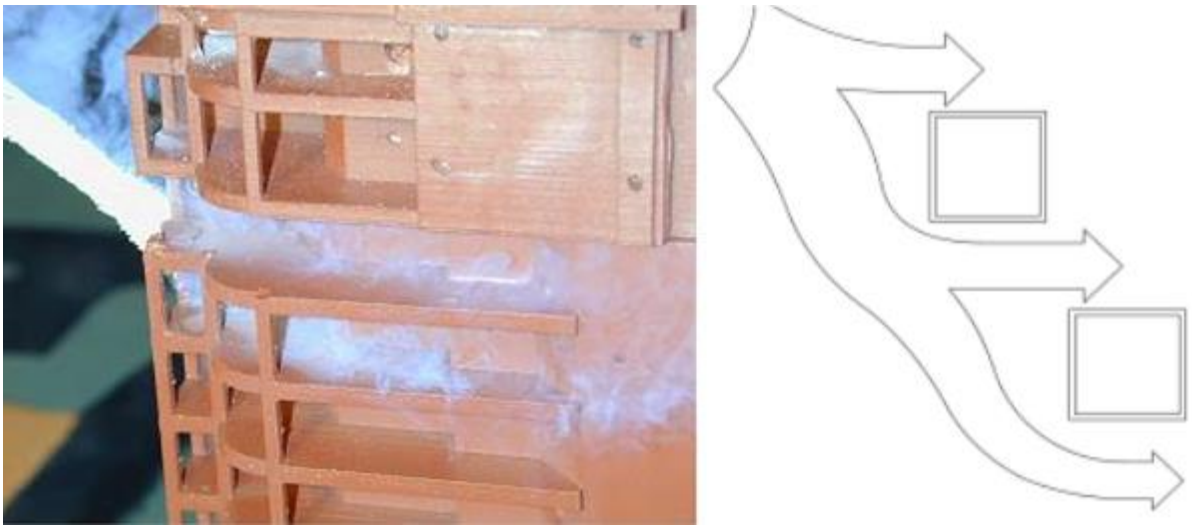

Figure 5: Visualisation through corner balconies (L) and channelling between buildings (R).

Appendix 2: Wind Impact Planning Guidelines

It is well known that the design of a building will influence the quality of the ambient wind environment at its base. Below are some suggested wind mitigation strategies that should be adopted into precinct planning guidelines and controls (see also Cochran, 2004).

Building form – Canopies

A large canopy may interrupt the flow as it moves down the windward face of the building. This will protect the entrances and sidewalk area by deflecting the downwash at the second storey level, Figure 6. However, this approach may have the effect of transferring the breezy conditions to the other side of the street. Large canopies are a common feature near the main entrances of large office buildings.

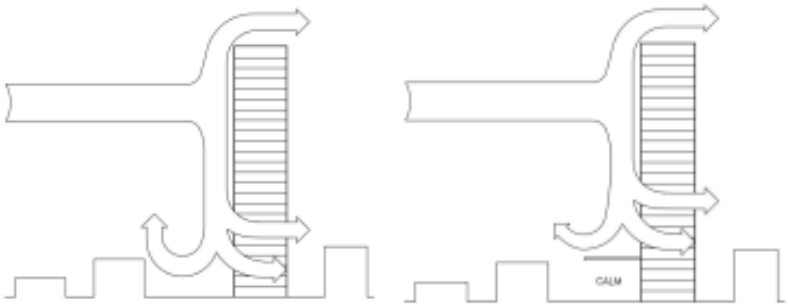

Figure 6: Canopy Windbreak Treatment. (L) Downwash to street level may generate windy conditions for pedestrians. This is particularly true for buildings much taller than the surrounding buildings. (R) A large canopy is a common solution to this pedestrian-wind problem at street level.

Building form – Podiums

The architect may elect to use an extensive podium for the same purpose if there is sufficient land and it complies with the design mandate, Figure 7. This is a common architectural feature for many major projects in recent years, but it may be counterproductive if the architect wishes to use the podium roof for long-term pedestrian activities, such as a pool or tennis court.

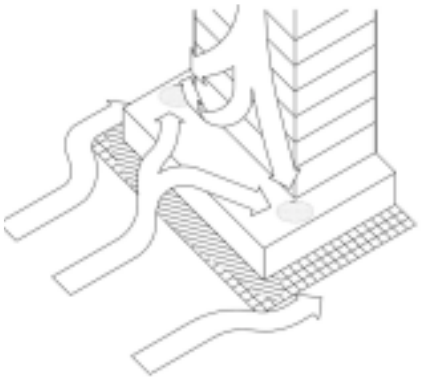

Figure 7: The tower-on-podium massing often results in reasonable conditions at ground level, but the podium may not be useable.

Building form – Arcades

Another massing issue, which may be a cause of strong ground-level winds, is an arcade or thoroughfare opening from one side of the building to the other. This effectively connects a positive pressure region on the windward side with a negative pressure region on the lee side; a strong flow through the opening often results, Figure 8. The uninvitingly windy nature of these open areas is a contributing reason behind the use of arcade airlock entrances (revolving or double sliding doors).

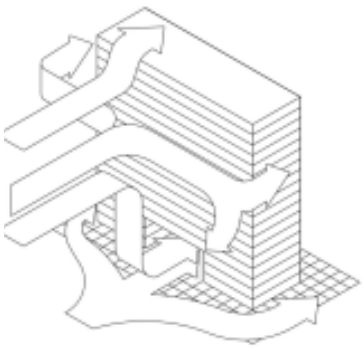

Figure 8: An arcade or open column plaza under a building frequently generates strong pedestrian wind condition.

Building form – Alcove

An entrance alcove behind the building line will generally produce a calmer entrance area at a mid-building location, Figure 9(L). In some cases, a canopy may not be necessary with this scenario, depending on the local geometry and directional wind characteristics. The same undercut design at a building corner is usually quite unsuccessful, Figure 9(R), due to the accelerated flow mechanism described in Figure 4 and the ambient directional wind statistics.

If there is a strong directional wind preference, and the corner door is shielded from those common stronger winds, then the corner entrance may work. However, it is more common for a corner entrance to be adversely impacted by this local building geometry. The result can range from simply unpleasant conditions to a frequent inability to open the doors.

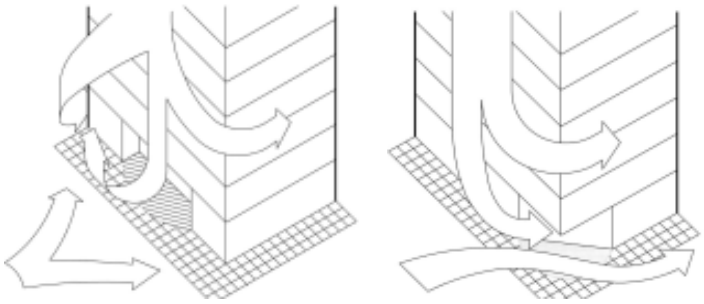

Figure 9: Alcove Windbreak Treatment. (L) A mid-building alcove entrance usually results in an inviting and calm location. (R) Accelerated corner flow from downwash often yields an unpleasant entrance area.

Building form – Façade profile and balconies

The way in which a building's vertical line is broken up may also have an impact. For example, if the floor plans have a decreasing area with increased height the flow down the stepped windward face may be greatly diminished. To a lesser extent the presence of many balconies can have a similar impact on ground level winds, although this is far less certain and more geometry dependent. Apartment designs with many elevated balconies and terrace areas near building ends or corners often attract a windy environment to those locations. Mid-building balconies, on the broad face, are usually a lot calmer, especially if they are recessed. Corner balconies are generally a lot windier and so the owner is likely to be selective about when the balcony is used or endeavours to find a protected portion of the balcony that allows more frequent use, even when the wind is blowing.

Use of canopies, trellises, and high canopy foliage

Downwash Mitigation – As noted earlier, downwash off a tower may be deflected away from ground-level pedestrian areas by large canopies or podium blocks. The downwash then effectively impacts the canopy or podium roof rather than the public areas at the base of the tower, Figure 7. Provided that the podium roof area is not intended for long-term recreational use (e.g. swimming pool or tennis court), this massing method is typically quite successful. However, some large recreational areas may need the wind to be deflected away without

blocking the sun (e.g. a pool deck), and so a large canopy is not an option. Downwash deflected over expansive decks like these may often be improved by installing elevated trellis structures or a dense network of trees to create a high, bushy canopy over the long-term recreational areas. Various architecturally acceptable ideas may be explored in the wind tunnel prior to any major financial commitment on the project site.

Horizontally accelerated flows between two tall towers, Figure 5(R), may cause an unpleasant, windy, ground-level pedestrian environment, which could also be locally aggravated by ground topography. Horizontally accelerated flows that create a windy environment are best dealt with by using vertical porous screens or substantial landscaping. Large hedges, bushes or other porous media serve to retard the flow and absorb the energy produced by the wind. A solidity ratio (i.e. proportion of solid area to total area) of about 60-70% has been shown to be most effective in reducing the flow's momentum. These physical changes to the pedestrian areas are most easily evaluated by a model study in a boundary-layer wind tunnel.

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Cochran L., (2004) Design Features to Change and/or Ameliorate Pedestrian Wind Conditions, Proceedings of the ASCE Structures Congress, Nashville, Tennessee, May 2004.

Attachment A15

Waste Management Plan

Client
Stasia Holdings Pty. Limited.

Date
19 January 2024

Waste Management Plan

232-240 Elizabeth Street, Surry Hills (NSW)

Planning
Transport
Urban Design
Waste Management

ratio:

ratio.com.au

Project
232-240 Elizabeth Street, Surry Hills (NSW)

Prepared for
Stasia Holdings Pty. Limited.

Our reference
19655W-R01F02

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Version	Date	Issue	Prepared by	Checked by
R01D01	7/11/2022	Draft-Planning Proposal	W. Psiwa	L. Harris
R01F01	14/11/2022	Final-Planning Proposal	W. Psiwa	L. Harris
R01F02	19/01/2024	Updated WMP	W. Psiwa	L. Harris

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1. Introduction

1.1. Project Details

Site Address

232-240 Elizabeth Street, Surry Hills (NSW)

Local Council

Sydney City Council (Phone: 02 9265 9333)

Planning Application Number

To be assigned

Development Summary

Level	Waste Source	Days of Operation/Week	Net Lettable Area (m^2)
Ground Level	Office	7	80
Ground level	Restaurant	7	448
Level 1	Office	5	714
Level 2	Office	5	714
Level 3	Office	5	714
Level 4	Office	5	714
Level 5	Office	5	714
Level 6	Office	5	714
Level 7	Office	5	714
Level 8	Office	5	539
Level 9	Office	5	274
Total			**6,339**

1.2. Purpose

This Waste Management Plan has been prepared to accompany the planning proposal application.

1.3. Limitations

Waste management arrangements during the construction and fit-out stages of the development, and on-going operation and monitoring of the waste management arrangements for the development following the occupation of the development are outside the scope of this Waste Management Plan.

1.4. Relevant Guidelines and Policies

Relevant policies and guidelines considered as part of the preparation of this Waste Management Plan include:

— Australian Government – National Waste Policy: Less Waste, More Resources (2018).

— City of Sydney- Guidelines for Waste Management in New Developments (2020).

— City's Sustainable Sydney 2030 –Community Strategic Plan (2017–2021).

— NSW-Better Practice Guide for Waste Management in Muti-Unit Dwellings (2008).

— EPA Noise Control Guidelines (2021).

2. Operation Waste Management Guide

2.1. Guide for Tenants

General Waste Disposal

— Tenants shall place general waste into dedicated general waste receptacles (to be provided by the tenant).

— Tenants shall take full general waste receptacles to the waste room and empty them into the general waste collection bins.

— General waste must be placed within tied bags (biodegradable material recommended) prior to being placed into the general waste collection bins.

Organics Disposal

— Tenants shall place food scraps into dedicated organics caddies (to be provided by the supplier of the organics processing unit).

— Tenants shall take full organics caddies to the waste room and empty them into the organics processing unit.

— Organics must be unbagged or placed within approved compostable bags prior to being placed into the organics processing unit.

— In the event that the organic processing unit breaks down, organics will be placed into the 240L bins provided in the organics room.

Recycling Disposal

— Tenants shall place recycling into dedicated recycling receptacles (to be provided by the tenant).

— Tenants shall take full recycling receptacles to the waste room and empty them into the recycling collection bins.

— Bottles, cans, and containers must be rinsed, cardboard flattened, and lids/packaging separated as per the Australasian Recycling Label instructions (visit: https://recyclingnearyou.com.au/arl/) prior to being placed into the recycling collection bins.

Disposal of Other Waste Streams

- **Soft Plastics:** tenants shall take soft plastics to a nearby drop-off location.
- **E-Waste:** tenants shall take e-waste to a dedicated e-waste bin located within the waste room (e-waste bin to be provided by an e-waste collection contractor). Tenants can also take e-waste to a nearby drop-off location.
- **Bulky Waste:** tenants shall take bulky waste to the dedicated bulky waste room. Bulky waste shall be collected by a bulky waste collection contractor on an as-required basis (to be arranged by Building Management).

2.2. Guide for Building Management

Building Management will be responsible for the following:

- Ongoing management of the waste management system including the maintenance of all waste rooms, the chute system, organics processing unit, and associated equipment and components, to the satisfaction of all waste system users and the relevant authority, and in accordance with the manufacturer's specifications.
- Engaging an appropriate contractor(s) to conduct services, replacements, or upgrades, as required.
- Ensure site safety for all building users and contractors.
- Abide by all relevant OH&S legislation, regulations, and guidelines.
- Assess any manual handling risks and prepare a manual handling control plan for waste and bin transfers.
- Provide to staff/contractors equipment manuals, training, health and safety procedures, risk assessments, and PPE to control hazards associated with all waste management activities.
- Engaging and managing the waste collection contractor(s).
- Ensuring the waste collection contractor(s) have access to the loading dock on collection days.
- Publishing and distributing information to ensure that all waste system users are familiar about the waste management system and the locations of the waste rooms.
- Informing all waste system users that bagged recycling and glass is not permitted.
- Advising all waste system users on where and how to dispose of their organics, e-waste, and bulky waste.
- Engaging a specialist contractor to collect and dispose of cooking oil associated with the tenancies.
- Securing all waste rooms and labelling/numbering the bins according to the property address to protect the equipment from theft and vandalism.
- Servicing all public areas through sweeping and removal of litter on a regular basis to prevent stormwater pollution.
- Preventing overfilled bins by keeping lids closed.
- Ensuring that bins are not removed from the site.
- Ensuring that the waste rooms, organics processing unit, and associated waste management equipment are provided as per the design requirements outlined in Section 6.

2.3. Waste Management Plan Communication Strategy

It is Building Management's responsibility to ensure that all waste systems users are informed about the development's waste management system, including where and how to correctly dispose of each waste stream. It is highly recommended that this Waste Management Plan is electronically provided to all tenants.

The waste collection contractor(s), and organics processing unit supplier (in conjunction with Building Management) shall provide educational material to inform all waste system users about the development's waste management system and advise all waste system users how to correctly separate and dispose of each waste stream with care, to minimise waste sent to landfill and reduce the contamination of recyclables.

2.4. Waste Management Plan Revisions

From time to time, due to changes in legislative requirements, changes in the development's needs and/or waste patterns (such as waste composition, volume, or distribution), or to address unforeseen operational issues, Building Management shall be responsible for coordinating the necessary Waste Management Plan revisions, including (on an as-required basis):

- A waste audit and new waste management strategy.
- Revision of the waste system (bin size / quantity / waste streams / collection frequency / update of equipment).
- Revision of the services provided by the waste collection contractor(s).
- Re-education of users.
- Any necessary statutory / regulatory requirements / approvals.

3. Waste Volume Assessment

City of Sydney's Guidelines for Waste Management in New Developments specify the following waste generation rates relevant to the development:

Offices

Adopted for all office spaces

— General Waste: 15 L/100m^2 floor area/day

— Recycling: 25 L/100m^2 floor area/day

— Organics: 5 L/100m^2 floor area/day

Restaurant

Adopted for the restaurant

— General Waste: 100 L/100m^2 floor area/day

— Recycling: 500 L/100m^2 floor area/day

— Organics: 100 L/100m^2 floor area/day

It has been assumed that the office spaces will be in operation for five days per week and the restaurant will be in operation for seven days per week.

Applying the above waste generation rates, the waste generation estimates are outlined in Tables 3.1, 3.2 and 3.3 below.

Table 3.1: General Waste Volume Estimates

Waste Source	Net Lettable Area (m^2)	Days of Operation/Week	General Waste Generation Rate (L/100m^2/day)	General Waste Volume (L/Week)
Restaurant	448	7	100	3,136
Office	80	5	15	60
Office	5,811	5	15	4,358
Total	**6,339**	**-**	**-**	**7,554**

Table 3.2: Organics Volume Estimates

Waste Source	Net Lettable Area (m²)	Days Operation/Week	Organics Generation Rate (L/100m²/day)	Organics Volume (L/Week)
Restaurant	448	7	100	3,136
Office	80	5	5	20
Office	5,811	5	5	1,453
Total	**6,339**	-	-	**4,609**

Table 3.3: Recycling Volume Estimates

Waste Source	Net Lettable Area (m²)	Days of Operation/Week	Recycling Generation Rate (L/100m²/day)	Recycling Volume (L/Week)
Restaurant	448	7	500	15,680
Office	80	5	25	100
Office	5,811	5	25	7,264
Total	**6,339**	-	-	**23,044**

4. Waste Equipment and Storage Requirements

4.1. Waste Storage Requirements

The waste storage requirements for the development are outlined in Table 4.1 below.

Table 4.1: Refuse Room Equipment & Storage

Waste Stream	Bin Size (L)/Equipment Type	Quantity	Height per bin (mm)	Width per bin (mm)	Depth per bin (mm)	Footprint (m^2)
General waste	1100	3	1330	1240	1070	3.98
Organics	Organics Processing Unit (Enrich 360 300L	1	1460	1100	1300	1.43
Organics*	120	5	930	480	545	1.31
Recycling	1100	8	1330	1240	1070	10.61
E-waste	240	1	1060	585	730	0.43
Total Footprint Required Excluding Circulation (m^2):						**17.76**
Total Area Provided (m^2)						**101.00**

* As the organic processing unit reduces waste volumes by approximately 80%, it is expected that 5x120L organics bins will be filled per week with fertiliser (by-product of the processing unit), to be collected by the processing unit supplier, or used on gardens.

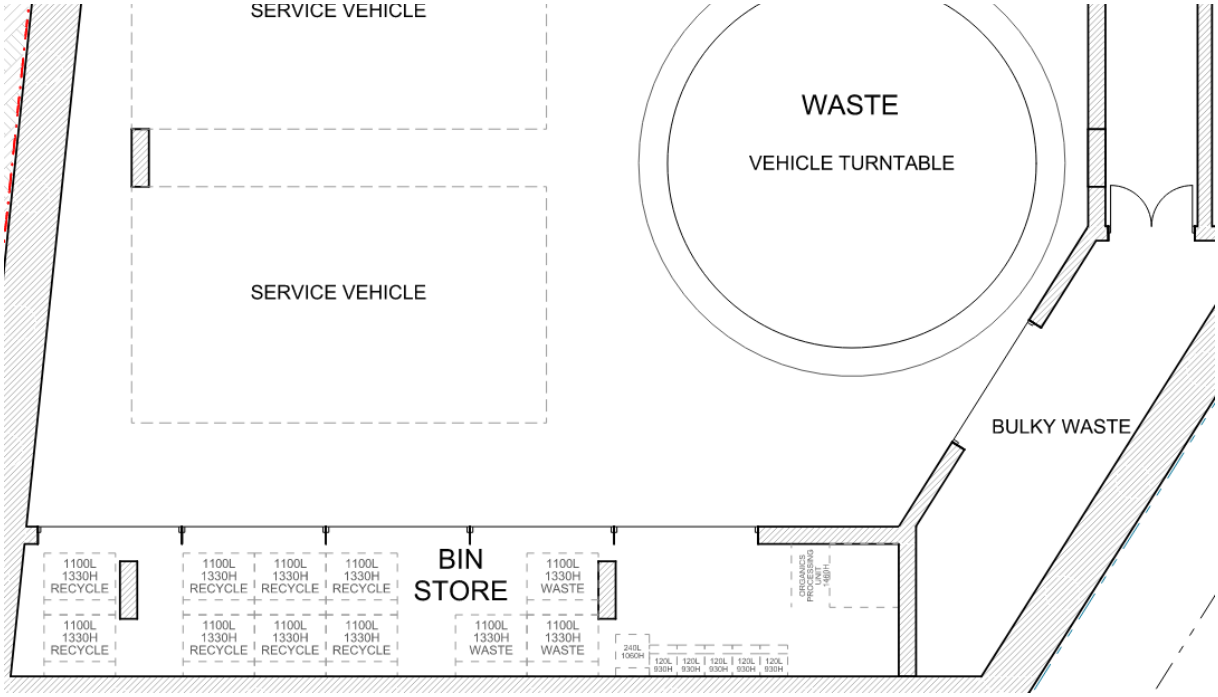
Table 4.2: Bulky Waste Room equipment & storage

Waste Stream	Storage area	Quantity	Height per bin (mm)	Width per bin (mm)	Depth per bin (mm)	Footprint (m^2)
Bulky waste	4 sqm storage area	-	1000	4000	1000	4.00
Total Footprint Required Excluding Circulation (m^2):						**4.00**

4.2. Refuse and Bulky Waste Room Layout

The proposed refuse and bulky waste room layout is shown below in Figure 4.2.

Figure 4.2: Refuse and Bulky Waste Room Layout



5. Waste Collection Details

5.1. Waste Collection Requirements

Table 5.1: Refuse Room Waste Collection Requirements

Waste Stream	Volume (L/week)	Bin Size (L)	Bin Numbers	Collection Frequency	Capacity (L/week)
General Waste	7,554	1100	3	Three times weekly	9900
Organics	4,609	Organics Processing Unit (Enrich360 ES300L)	1	N/A	200-300kg/day
	576	120	5	Weekly	600
Recycling	23,044	1100	8	Three times weekly	26400
E-waste	N/A	240	1	On-call	N/A
Bulky Waste	N/A	-	4 sqm storage area	On-call	N/A

*Note: Based on Nabers Organics Density Data of 280 kg/m³, the development is expected to produce 1,295 kg of waste per week, or 185 kg of waste per day. Therefore, the recommended organic processing unit capacity is sufficient.

5.2. Waste Collection Methodology

Waste shall be collected from the basement level by a private waste collection contractor.

The nominated waste collection vehicle is the 6.4-metre-long mini rear loader, which has a travel height clearance requirement of 2.2m and an operational height clearance requirement of 2.5m when collecting 1100L bins.

The waste collection vehicle will access the bin room via the car lift, and stop on the turntable provided. The contractor will be responsible for transferring bins to the rear of the waste vehicle and returning the emptied bins back to their original position once collection is complete. The collection procedure is expected to take no longer a few minutes.

The collection vehicle will then use the turn table to manoeuvre and exit the basement, via the car lift.

5.3. Waste Collection Time

"Annoyance created by industrial waste collection tends to intensify in the early-morning period. To this end, early-morning collections should be restricted to non-residential areas to minimise early morning disturbances. Where a residential area is impacted by noise from the collection of refuse, then collections should be restricted to the times contained within the schedule.

• Refuse bins should be located at sites that provide minimal annoyance to residential premises.
• Compaction should be carried out while the vehicle is moving.
• Bottles should not be broken up at collection site.
• Routes which service predominantly residential areas should be altered regularly to reduce early morning disturbances.
• Noisy verbal communication between operators should be avoided where possible.

Schedule: Industrial waste collection
One collection per week
6:30 am – 8 pm Monday to Saturday
9 am – 8 pm Sunday and public holidays
Two or more collections per week
7 am – 8 pm Monday to Saturday
9 am – 8 pm Sunday and public holidays

Note: Section 167 of the *Environment Protection Act 2017* deals with the emission of unreasonable noise from residential premises. This provision of the Act is not limited to the schedule and may be enforced at any time." (EPA Victoria, 2021, p.6-7).

6. Design Standards

6.1. Refuse Room Design Requirements

— Comply with Building Code of Australia (BCA) and all relevant Australian Standards;

— Allow storage of all collection bins on site at all times;

— Allow easy access for users of the bins;

— Allow easy, direct and convenient transfer of bins to the collection point;

— Bin rooms shall be appropriately screened to prevent unsightly impacts on amenity; and

— Artificial light shall be provided where necessary outside the bin room to enable occupiers of the site to always dispose of waste safely and appropriately.

— The bin rooms shall be sized to accommodate all waste arising on the premises together with any associated equipment for handling the generated waste. The area designated for bin storage is based on the number of bins and the physical dimensions of the bins;

— The bin room shall be maintained to ensure that the aesthetics of the development are not compromised.

— Each bin shall be accessible and manoeuvrable in and out of the bin room with minimum handling of other bins; and

— The floor of the bin rooms shall be constructed of concrete (or similar) and shall be finished to a smooth even surface covered at the intersection of walls and plinths.

— The bin rooms shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668.2;

— Ventilation openings shall be protected against flies and vermin;

— Doors shall be tight fitting;

— A graded bin washing area (connected to wastewater, with a litter trap connected to prevent wastewater pollution) and wall-mounted hosecock should be provided for washing bins, in accordance with the relevant authority requirements.

6.2. Bin Colour Requirements

— General waste bins with a black body and red lid.

— Organics bins with a black body and light green lid

— Recycling bins with black body and yellow lid.

— E-waste bin with black body and grey lid.

6.3. Internal Waste Receptacle Requirements

— Suitably sized receptacles no larger than 60 litres for general waste, organics, recycling, to ensure ease of manual handling. Note: If receptacles are larger than 60 litres, a bin lifter will be required in the refuse room.

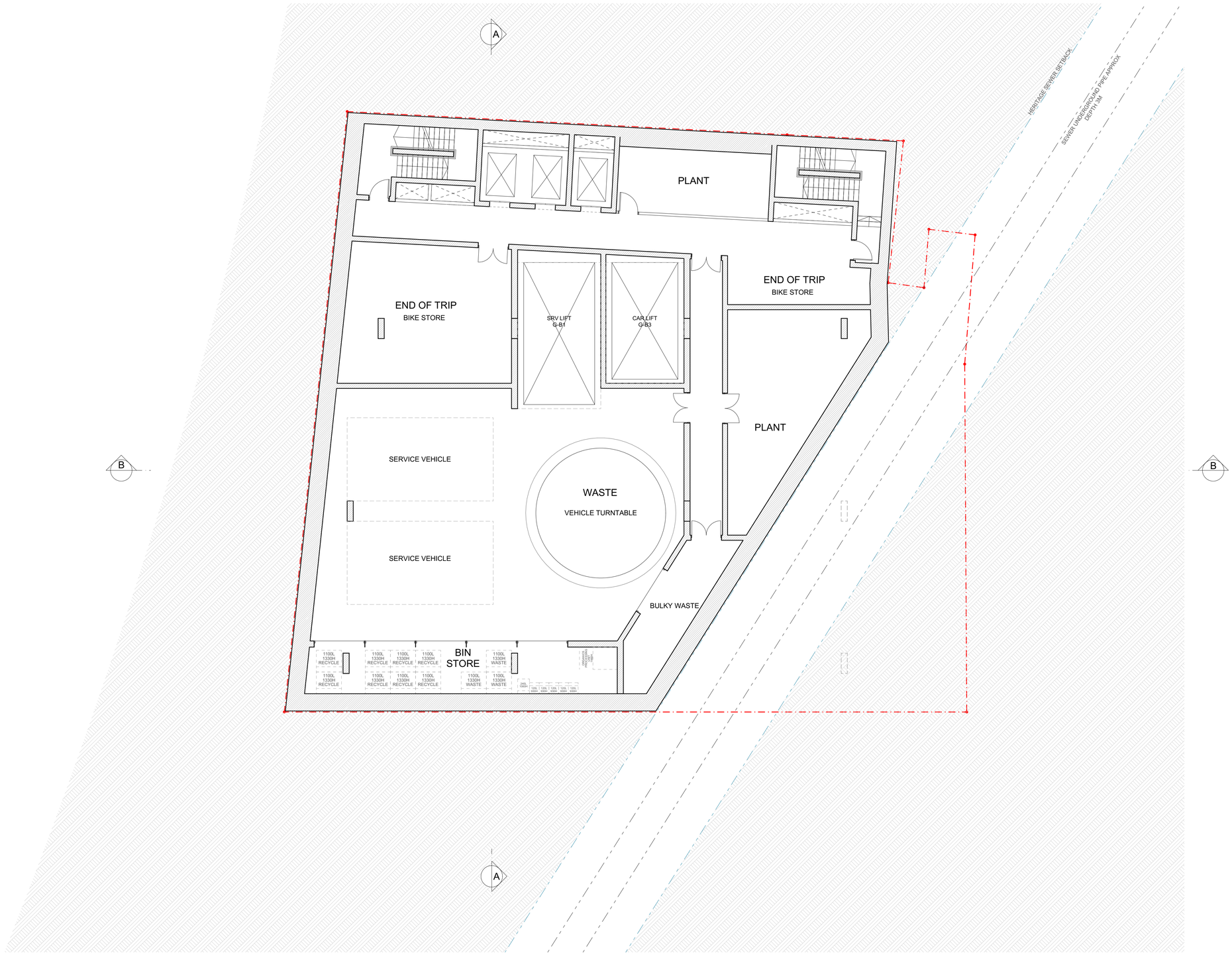
7. Contact Information

Table 7.1 below includes a complimentary listing of contractors and equipment suppliers. The Project Principal shall not be obligated to procure goods / services from these companies. Ratio Consultants does not warrant or make representations for the goods / services provided by these contractors and suppliers.

Table 7.1: Contractors and Supplier Details

Service	Contractor/ Supplier	Phone	Website
Private Waste Collection Contractor and/or Bin Supplier	Cleanaway	13 13 39	www.cleanaway.com.au
	CSC Waste & Recycling	1300 499 927	www.cscwaste.com.au
	iDump	1300 443 867	www.idump.com.au
	JJ Richards	03 9794 5722	www.jjrichards.com.au
	Premier Waste	1300 219 001	www.premierwaste.com.au
	SUEZ	13 13 35	www.suez.com.au/en-AU
	Veolia	132 955	www.veolia.com/anz
	Wastewise Environmental	1300 550 408	www.wastewise.com.au
	Sulo Australia	1300 364 388	www.sulo.com.au
Organic Processing Unit	Closed Loop	1300 762 166	https://closedloop.com.au/
Bin Washing	The Bin Butlers	1300 788 123	www.thebinbutlers.com.au
	Calcorp Services	1800 225 267	www.calcorpservices.com.au
	Kerbside Clean-A-Bin	03 9830 7381	www.kerbsidecleanabin-srp.com.au
	WBCM Environmental Australia	1300 800 621	www.wbcm-aust.com.au
Odour Control	Eco-Safe Technologies	1300 135 039	www.eco-safe.com.au
	WBCM Environmental Australia	1300 800 621	www.wbcm-aust.com.au
E-Waste Collection	Tech Collect	1300 229 837	www.techcollect.com.au

Appendix A : Plans Assessed



1 BASEMENT 1
1:100

This drawing is to be read in conjunction with all relevant project documentation (incl. written architectural specifications) and all specialist consultant documentation incl. but not limited to structural, mechanical, electrical, and hydraulic engineering documentation.
Do not scale from this drawing. Only figured dimensions shall be used.
Report any discrepancy between this drawing and other project documentation immediately to the architect for clarification prior to commencement of related work on site.
All sizes of structural components that are shown on these architectural documents are for reference only. Refer to structural engineer's drawings for structural dimensions and architectural drawings for concrete set out dimensions.
Shop drawings are to be completed for all metalwork, joinery and specified trade items and reviewed by the architect (and structural engineer where required) prior to fabrication.
Refer to the 'Architectural Drawing Notes Page' for further notation.

DRAWING ORIGINAL SIZE A1

Issue	Date	Description
P8	22/03/2023	Information
P7	22/11/2022	Consultant Issue
P6	9/11/2022	Consultant Issue
P5	2/11/2022	Client Issue
P4	19/10/2022	Consultant Issue
03	17/10/2022	Consultant Issue
02	10/10/2022	Client Review

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N

Project: 232-240 Elizabeth Street, Surry Hills
Site: 232-240 Elizabeth Street, Sydney NSW
Client: STASIA PTY LIMITED

Scale:	Drawn By:	Checked 1:	Checked 2:	Approved:
1:100 @ A1	AF	AF	LE	

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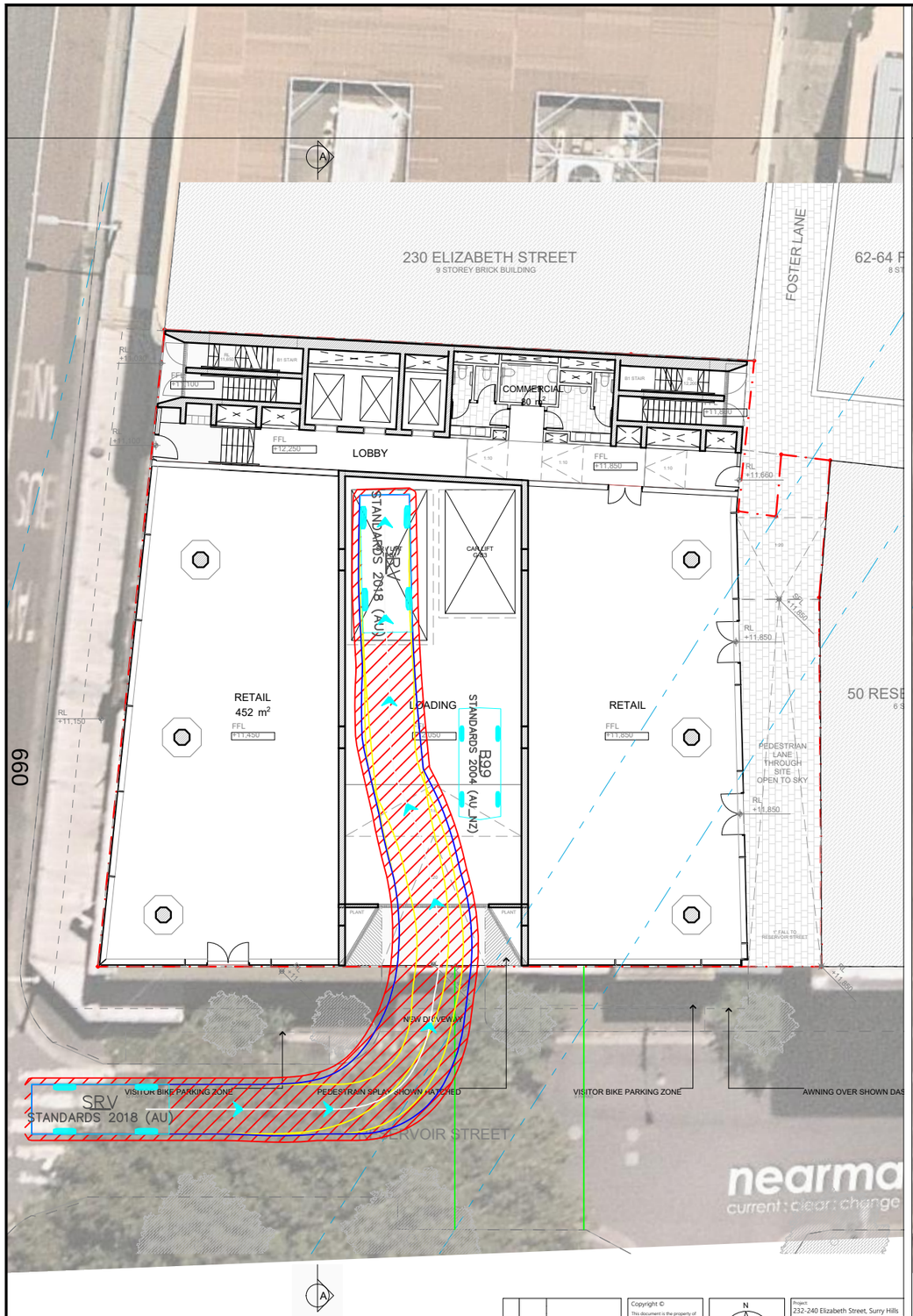
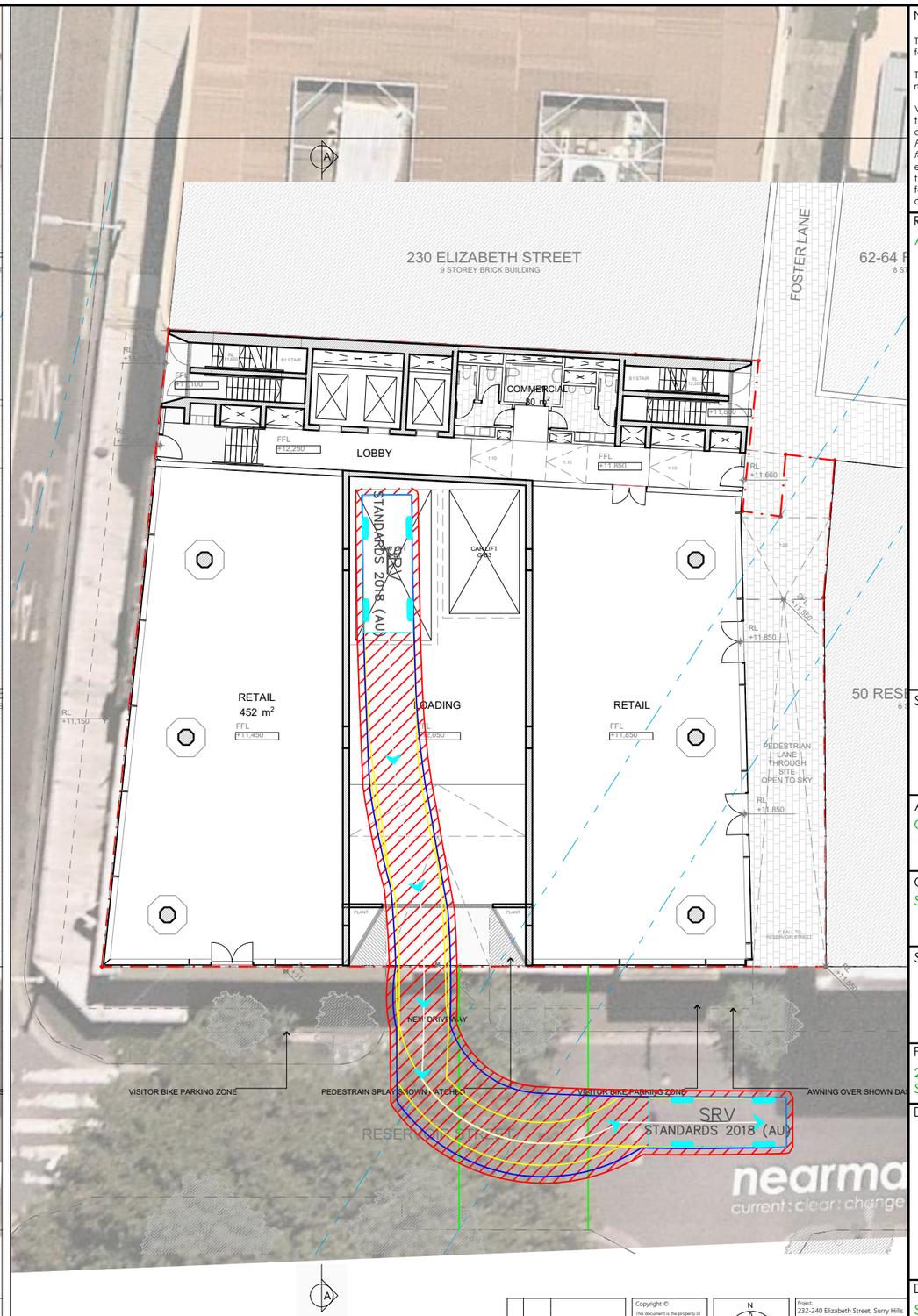
PRELIMINARY
NOT FOR CONSTRUCTION - DESIGN INTENT ONLY

Drawing:	Job Number:
BASEMENT 1	5968
Drawing Number:	Issue:
PP 1003	P10

Print Date: Thursday, 20 July 2023 9:56 AM

Appendix B : Swept Path Assessment





Notes:

This drawing is prepared for information purposes only. It is not to be used for construction.

TRAFFIX is responsible for vehicle swept path diagrams and/or drawing mark-ups only. Base drawing prepared by others.

Vehicle swept path diagrams prepared using computer generated turning path software and associated CAD drawing platforms. Vehicle data based upon relevant Australian Standards *(AS/NZS 2890.1:2004 Parking facilities - Off-street car parking,* and/or *AS2890.2:2002 Parking facilities - Off-street commercial vehicle facilities*). These standards embody a degree of tolerance, however the vehicle characteristics in these standards represent a suitable design vehicle and do not account for all variations in vehicle dimensions / specifications and/or driver ability or behaviour.

Rev.	Revision Note	By.	Date
A	Swept Path Analysis	HD	09-11-22

Swept Path Legend

- Wheel Path
- Vehicle Body Envelope
- Clearance Envelope (300mm)

Architect
Candalepas Associates

Client
STASIA Pty Ltd

Scale / Plan Orientation

0 2.5 5 7.5 10m

1:250 @ A3

Project Description
232-240 Elizabeth Street
SURRY HILLS NSW 2010

Drawing Prepared By

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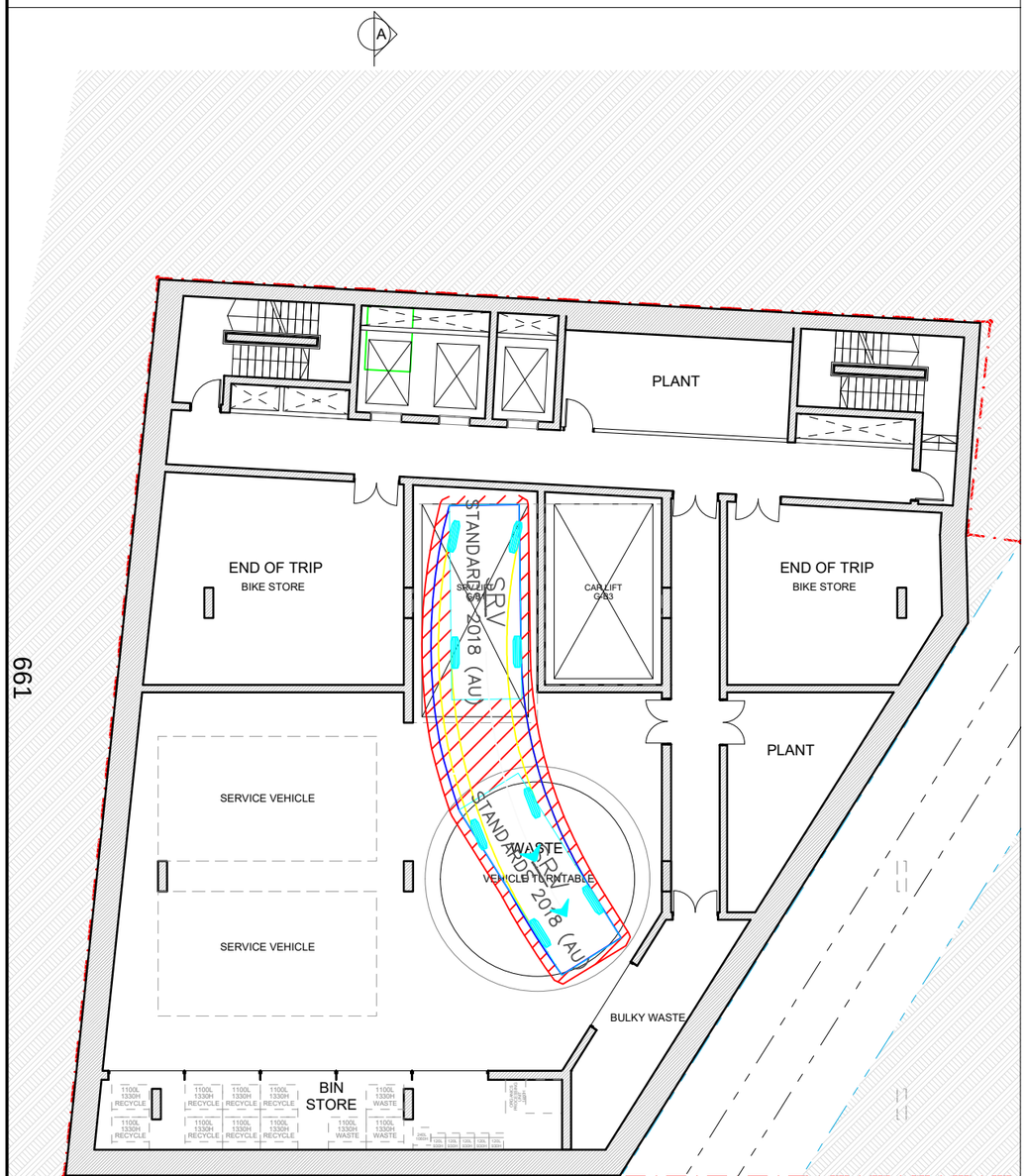
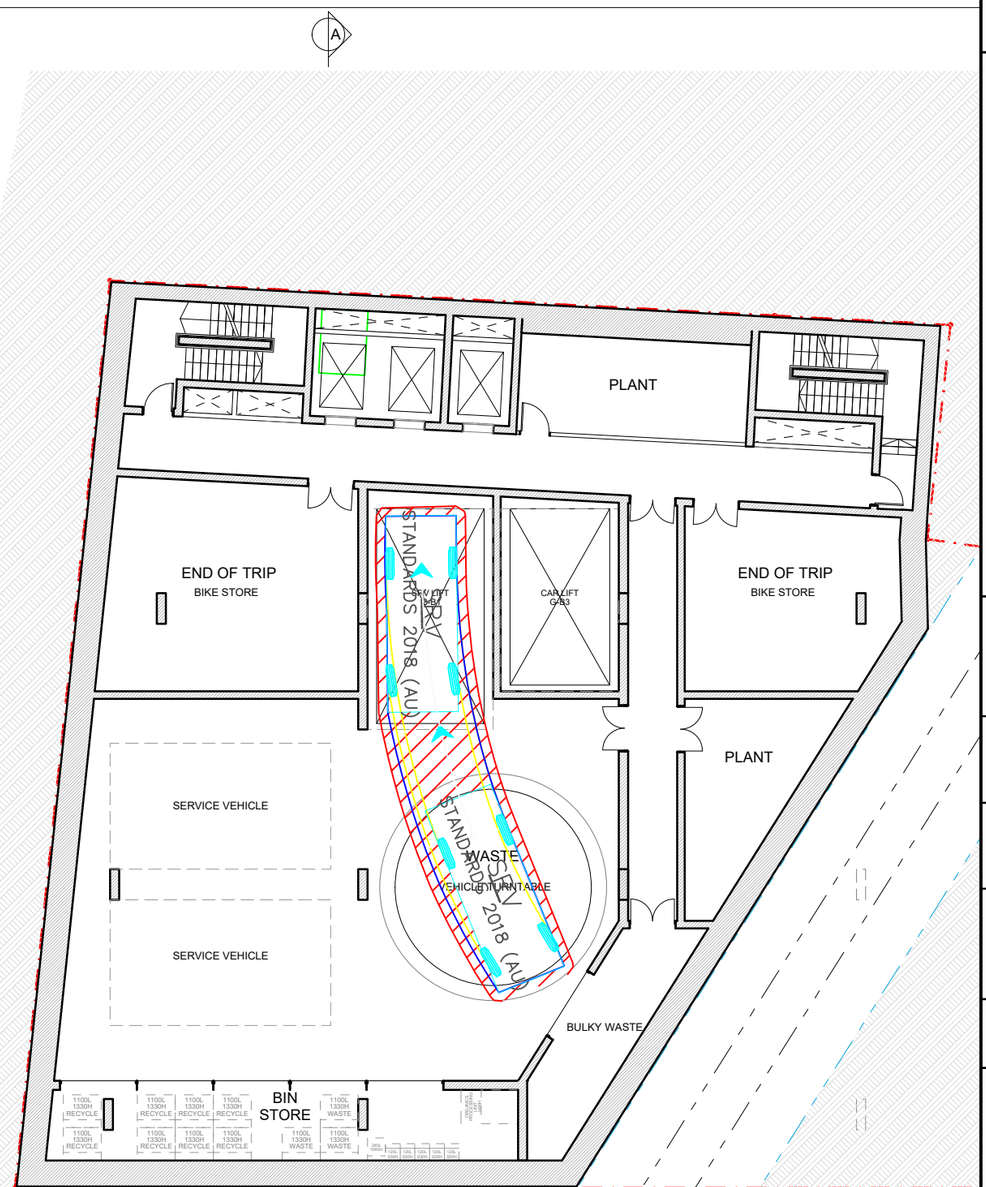
Drawing Title
Swept Path Analysis
6.4m Small Rigid Vehicle
Ground Floor
Left: Entry Movement Right: Exit Movement

Drawn:	Checked:	Date:
HD	-	09-11-22

21.338d05v01 TRAFFIX [230322 Plans] Design Review.dwg

Project No.	Drawing Phase	Drawing No.	Rev.
21.338	PP	TX.01	A





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Rev.	Revision Note	By.	Date
A	Swept Path Analysis	HD	09-11-22
B	Updated Plans	HD	24-02-23

Swept Path Legend

- Wheel Path
- Vehicle Body Envelope
- Clearance Envelope (300mm)

Architect
Candalepas Associates

Client
STASIA Pty Ltd

Scale / Plan Orientation

0 2 4 6 8m
1:200 @ A3

Project Description
232-240 Elizabeth Street
SURRY HILLS NSW 2010

Drawing Prepared By

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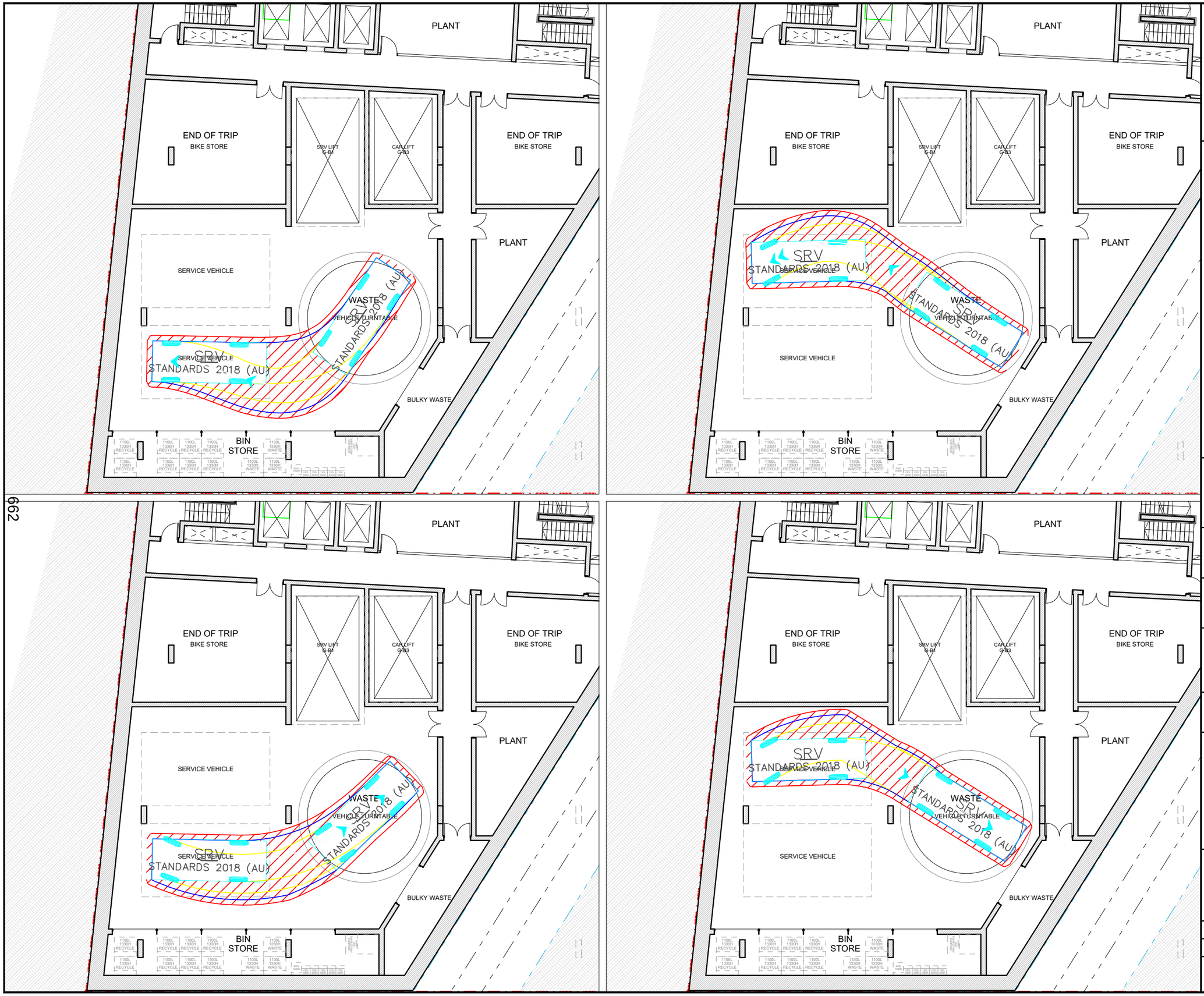
Drawing Title
Swept Path Analysis
6.4m Small Rigid Vehicle
Basement 1
Left: Basement Entry Movement
Right: Basement Exit Movement

Drawn:	Checked:	Date:
HD	-	09-11-22

21.338d05v01 TRAFFIX [230322 Plans] Design Review.dwg

Project No.	Drawing Phase	Drawing No.	Rev.
21.338	PP	TX.03	A



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Rev.	Revision Note	By.	Date
A	Swept Path Analysis	HD	24-03-23

Swept Path Legend

- Wheel Path
- Vehicle Body Envelope
- Clearance Envelope (300mm)

Architect
Candalepas Associates

Client
STASIA Pty Ltd

Scale / Plan Orientation

0 2 4 6 8m

1:200 @ A3

Project Description
232-240 Elizabeth Street
SURRY HILLS NSW 2010

Drawing Prepared By

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Drawing Title
Basement 1 - 6.4m Small Rigid Vehicle
Left Top: Space 1 Entry Movement
Left Bottom: Space 1 Exit Movement
Right Top: Space 2 Entry Movement
Right Bottom: Space 2 Exit Movement

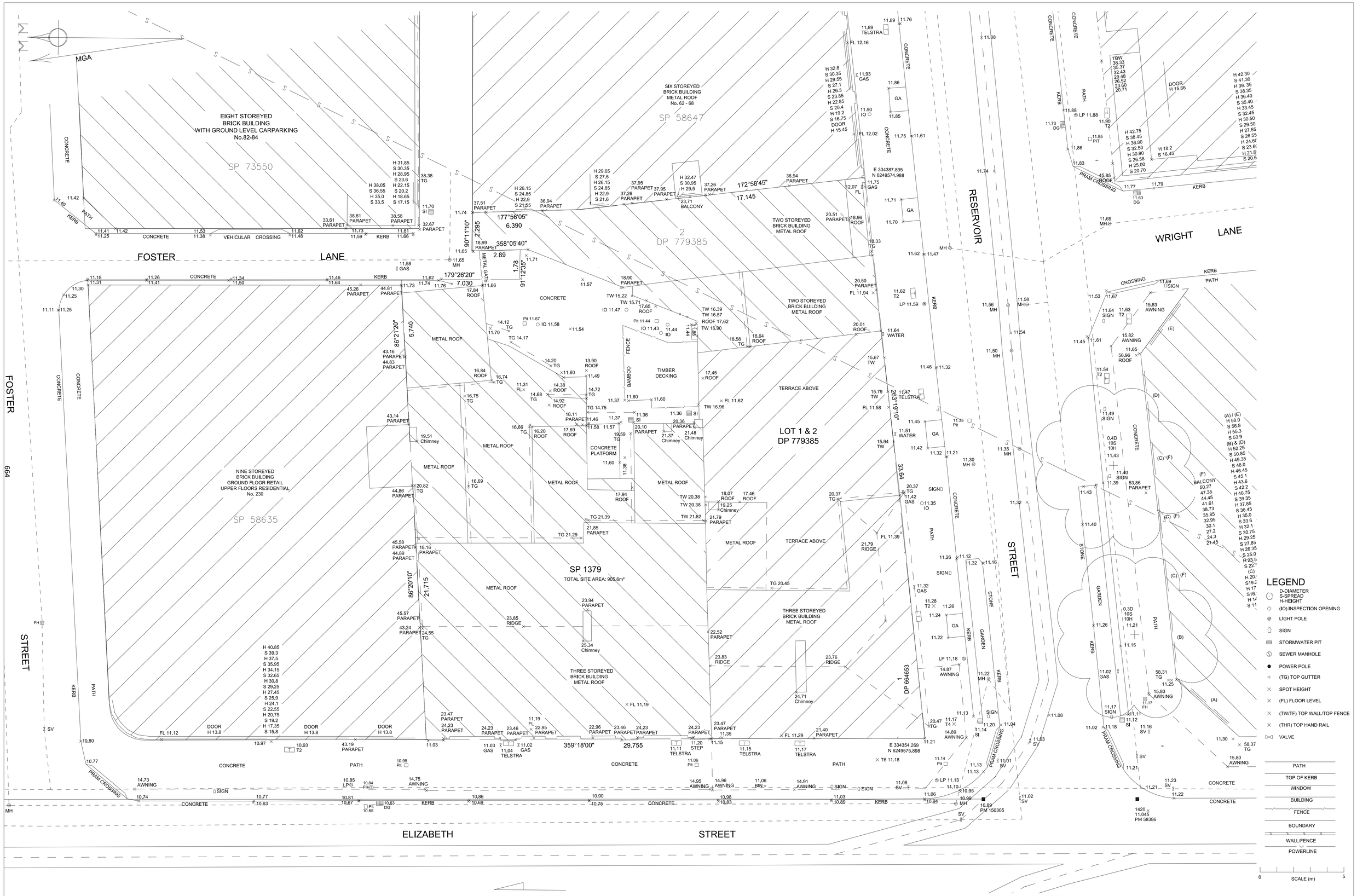
Drawn:	Checked:	Date:
HD	-	24-03-23

21.338d05v01 TRAFFIX [230322 Plans] Design Review.dwg

Project No.	Drawing Phase	Drawing No.	Rev.
21.338	PP	TX.05	A

Attachment A16

Survey Plan



AMENDMENTS:

MGA COORDINATES ADDED TO 2 CORNERS ALONG RESERVOIR ST FRONTAGE 26 MAR 2014

POSITION OF IMPROVEMENTS RELATIVE TO BOUNDARIES ARE SHOWN DIAGRAMMATICALLY AND HAVE BEEN SURVEYED FOR DA PURPOSES ONLY.
ALL BOUNDARY DIMENSIONS & AREA HAVE BEEN COMPILED FROM TITLE INFORMATION ONLY AND ARE SUBJECT TO FINAL SURVEY.
THE POSITION AND LEVELS OF ADJOINING BUILDINGS, WINDOWS, RIDGE, GUTTERS AND TREES HAVE BEEN SURVEYED REMOTELY.
NO INVESTIGATION OF UNDERGROUND SERVICES HAS BEEN MADE. RELEVANT AUTHORITIES ARE TO BE NOTIFIED PRIOR TO ANY DEVELOPMENT.
SERVICES SHOWN HEREON HAVE BEEN DETERMINED FROM VISUAL EVIDENCE ONLY.
AUSTRALIAN HEIGHT DATUM WAS ESTABLISHED FROM PM 150305 (RL 10.888) AHD.
IT IS ADVISED, FOR CONSTRUCTION WORKS NEAR BOUNDARIES, THAT BOUNDARIES BE MARKED ON THE GROUND PRIOR TO CONSTRUCTION.
THE BOUNDARY DIMENSIONS ON THIS PLAN HAVE BEEN COMPILED FROM LAND TITLES OFFICE PLAN SP1379 AND DP779385.

ERIC SCERRI & ASSOCIATES PTY LTD
LAND SURVEY CONSULTANTS
P.O. BOX 3018 TAMARAMA 2026
Ph (02) 9386 4161 Mob: 0417 452 852 Fax: (02) 9386 4171
email: scerri56@tpg.com.au

CLIENT:	ROLAND BLOCH C/- TRIBE STUDIO
PLAN SHOWING:	DETAIL & LEVEL SURVEY
PROPERTY:	232 - 240 ELIZABETH STREET SURRY HILLS
LGA:	SYDNEY

SURVEYED:	SH/MB	SCALE: A1@1:100	
DRAWN:	MB	PLAN REFERENCE: 2332/14	
DATUM:	AHD	DATE OF SURVEY: 13/01/14	
TOTAL SITE AREA:	905.6m²	SHEET 1 OF 1	COPYRIGHT

Attachment B

Draft Sydney Development Control Plan 2012
232-240 Elizabeth Street, Surry Hills

CITY OF SYDNEY

Sydney Development Control Plan – 232-240 Elizabeth Street, Surry Hills



The City of Sydney acknowledges the Gadigal of the Eora Nation as the Traditional Custodians of our local area.

The purpose of this Development Control Plan

The purpose of this Development Control Plan (DCP) is to amend *Sydney Development Control Plan 2012*, which was adopted by Council on 14 May 2012 and came into effect on 14 December 2012.

The amendment provides objectives and provisions to inform future development at 232-240 Elizabeth Street, Surry Hills.

This plan is to be read in conjunction with Planning Proposal – 232-240 Elizabeth Street, Surry Hills.

Citation

This amendment may be referred to as *Sydney Development Control Plan 2012 – 232-240 Elizabeth Street, Surry Hills*.

Land covered by this plan

This plan applies to the land identified as 232-240 Elizabeth Street, Surry Hills – which is Lots 1 & 2 SP 1379, Lots 1 & 2 DP 779385, and Lot 1 DP 664653.

Relationship of this plan to Sydney Development Control Plan 2012

This plan amends the Sydney Development Control Plan 2012 in the manner set out below.

Amendments to Sydney Development Control Plan 2012

This plan amends Sydney Development Control Plan 2012 by:

1. Amending Figure 6.1 Specific sites map to include 232-240 Elizabeth Street, Surry Hills
2. Inserting a new section 6.3.X 232-240 Elizabeth Street, Surry Hills, as shown at Schedule 1
3. Updating figure numbers as required.

Schedule 1 – Amendment to Sydney Development Control Plan 2012

6.3.X 232-240 Elizabeth Street, Surry Hills

If a development at 232-240 Elizabeth Street, Surry Hills, seeks to utilise additional height and/or floor space permitted by clause 6.XX of Sydney LEP 2012, then the provisions in this section also apply and override other provisions in this DCP where there is an inconsistency.

Objectives

a. Deliver a high-quality urban form that is an appropriate contextual fit with regard to adjoining development and the prevailing street wall.

b. Define a maximum-building envelope, including heights, setbacks and envelope planes, that minimises overshadowing impacts to neighbouring residential buildings.

c. Maximise active frontages and minimise services, vehicle access and lobbies at ground level.

d. Improve public accessibility and activation, including through the delivery of a pedestrian through-site link.

6.3.X.1 Built Form

1. Development is not to exceed the above ground envelope shown in ‘Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope plan’, ‘Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope axonometric’ and ‘Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope southern elevation’.

2. A pedestrian through-site link, open to the sky, with a minimum width of 3400mm is to be provided along the site’s eastern boundary to connect Reservoir Street and Foster Lane as shown in ‘Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope plan’, ‘Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope axonometric’ and ‘Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope southern elevation’.

6.3.X.2 Public domain, servicing and access

1. Active uses and frontages should be provided along Elizabeth Street, Reservoir Street and the through site link.

2. A single vehicular driveway crossover off Reservoir Street is permitted for access to basement parking and for loading.

3. A transport management plan incorporating all operations and servicing on the site must be submitted with the development application.

6.3.X.3 Design Excellence Strategy

1. A competitive design process is to be undertaken in accordance with clause 6.21D of the Sydney Local Environmental Plan 2012 and the City of Sydney Competitive Design Policy.
2. The competitive process is to include:
    a. No less than three (3) competitors invited to participate;
    b. The selection of competitors should include a mix of emerging and established architectural practices;
    c. The majority of competitors are to be Australian firms;
    d. Each competitor is to have demonstrated capabilities in design excellence by being the recipient of an Australian Institute of Architects (AIA) award or commendation, or in the case of overseas competitors the same with their professional association;
    e. Each competitor is to have demonstrated experience on projects that have either received an environmental sustainability award or achieved high Green Star Design & As Built or NABERS Energy/Water ratings high level of skill in sustainable design; and
    f. Competitors should have a balanced gender mix within their design and leadership teams.
3. The jury/selection panel is to comprise a total of four (4) members. The proponent is to nominate two (2) jurors and the City of Sydney is to nominate two (2) jurors.
4. Any additional floor space pursued for a building demonstrating design excellence under clause 6.21D(3)(b) must be accommodated within the building envelope shown within 'Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope plan', 'Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope axonometric' and 'Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope southern elevation'.
5. No additional building height under clause 6.21D(3)(a) is to be awarded as a result of the competition.

6.3.X.4 Residential Amenity

1. The development is to ensure amenity for occupants of adjoining residential development is not detrimentally impacted by ensuring adequate solar access as determined by the envelope shown in 'Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope plan', 'Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope axonometric' and 'Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope southern elevation'.
2. The design, construction and ongoing operation of any external terrace through a management plan is to minimise any adverse acoustic impacts to adjacent residents, as follows:
    a. The hours of operation are to be restricted to 7am to 8pm Monday to Friday; and
    b. No playing of amplified speech or music will be undertaken on any external terrace.

Figure 6.1.##

232-240 Elizabeth Street, Surry Hills - Maximum building envelope plan



Figure 6.1.##

232-240 Elizabeth Street, Surry Hills - Maximum building envelope axonometric

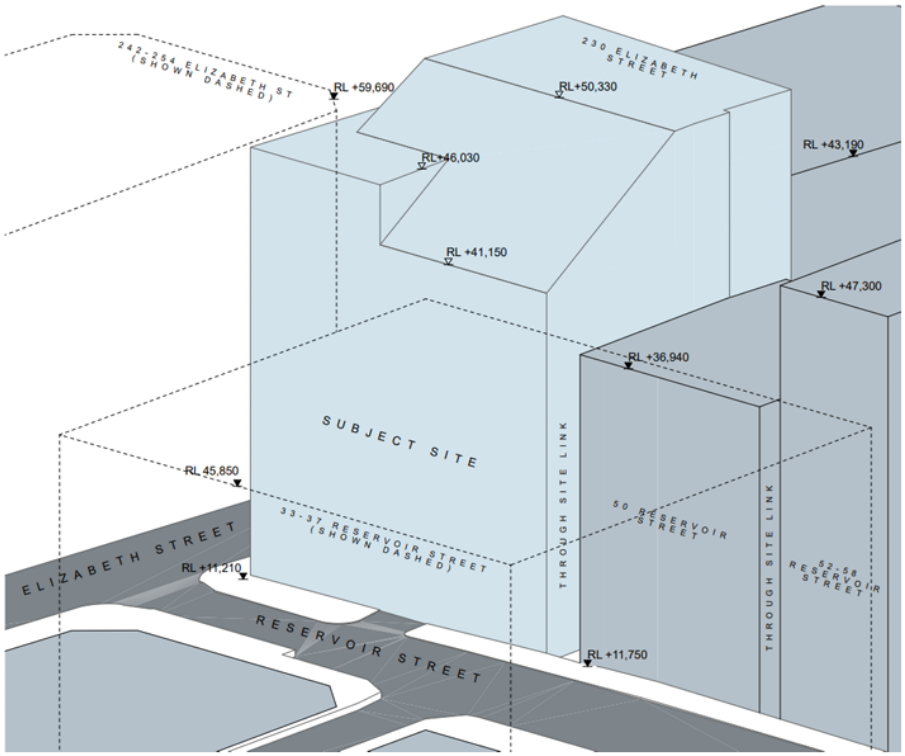
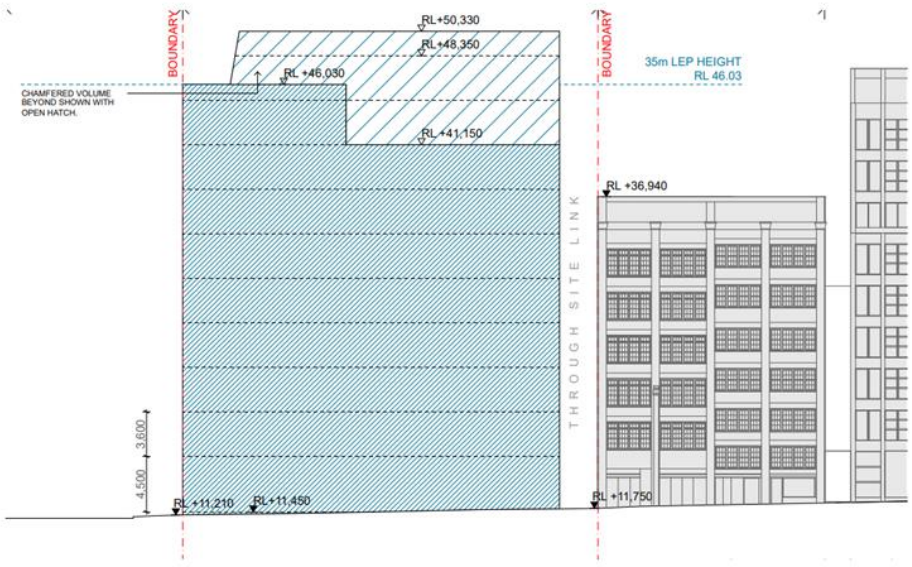


Figure 6.1.##

232-240 Elizabeth Street, Surry Hills - Maximum building envelope southern elevation



Attachment C

Public Benefit Offer – 232-240 Elizabeth Street, Surry Hills – dated 13 March 2024

STASIA HOLDINGS PTY LIMITED | ABN 22139024344
151 Campbell Street, Surry Hills NSW | T: 02 9211 2182 | E: stasiapl@gmail.com

13 March 2024

[redacted]

Ms Monica Barone
General Manager
Council of the City of Sydney
GPO Box 1591
SYDNEY NSW 2001

By email: council@cityofsydney.nsw.gov.au
speters@cityofsydney.nsw.gov.au
JDirickxJones@cityofsydney.nsw.gov.au

Attention: Sally Peters
James Dirickx-Jones

Dear Ms Barone

Applicant's public benefit offer to enter into a planning agreement in connection with 232-240 Elizabeth Street, Sydney NSW

This is an offer by: Stasia Holdings Pty Ltd and The Owners – Strata Plan No 1379, the registered owners of the land subject to the offer.

At: 232 - 240 Elizabeth Street, Surry Hills, comprised of:

- all lots in SP1379 and the common property of that scheme;
- Lots 1 and 2 in DP779385; and
- Lot 1 DP664653,

(**the land**). This land accounts for the totality of the land subject of the public benefit offer.

For: This public benefit offer relates to a planning proposal seeking a change to planning controls in the *Sydney Local Environmental Plan 2012* (**the LEP**) for the land.

The public benefit offer will apply to any change to an environment planning instrument (insofar as it applies to the site) such that:

- the maximum floor space ratio for the land is 7:1;
- the maximum building height for a building on the land is RL 50.330 metres;
- there is no change to the current MU1 Mixed Use zoning; and
- there are no other new or amended provisions of the local environment plan (when compared with what was in place on the date of this letter) that would have the practical effect of preventing the

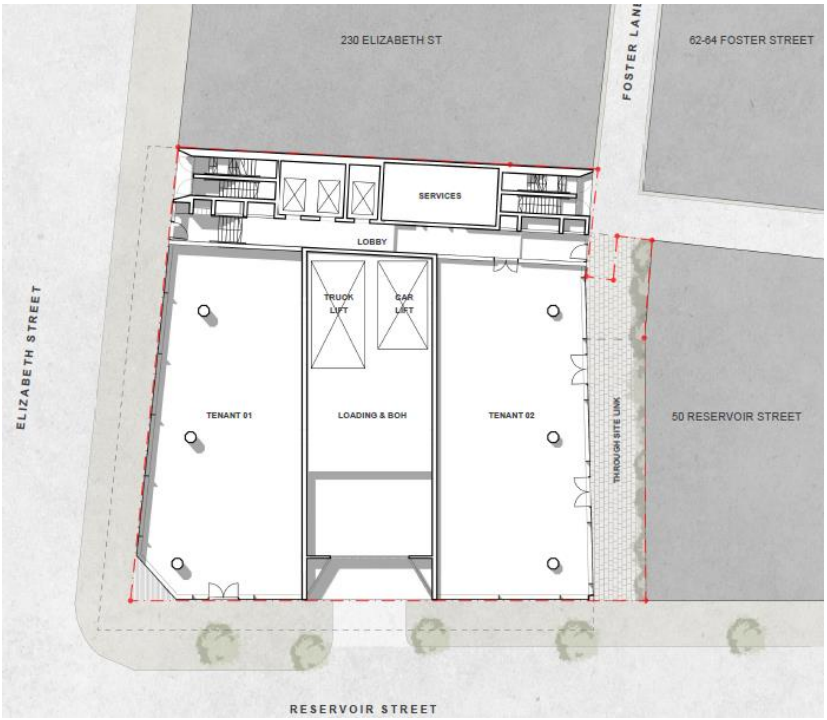
realisation of a commercial premises (within the meaning of the LEP) of the height, bulk and scale anticipated by the above numerical constraints for the site.

The planning agreement will apply to a future development of land (within the meaning of the LEP) of the height, bulk and scale anticipated by the above numerical constraints for the site.

The nature and extent of the provision to be made by the developer under the agreement, the time or times by which the provision is to be made and the manner by which the provision is to be made — section 7.4(3)(c)

The general nature and extent of the provision to be made under the offer, the time or times by which the provision is to be made by us are as follows:

- The development contribution will be the dedication of an area of land to the Council of the City of Sydney (**the City**) for the purpose of a road, specifically a pedestrian through-site link free of cost.
- The area of land is proposed as a through-site link in our planning proposal request for the land. The through-site link is adjacent to the eastern boundary of the land and will extend and connect Foster Lane to Reservoir Street, Surry Hills (**the through-site link land**).
- The approximate location of the through-site link land is depicted on the ground floor plan drawing extracted from page 19 of our 'Urban Design Study' prepared by Candalepas Associates dated 20 July 2023, below:



- The through-site link land will be limited in stratum, both in height and depth, specifically:
  - the lower limit of the stratum will be (at minimum) 200mm below the finished surface level; and
  - the upper limit of the stratum will be (at minimum) 8100mm, being the height equivalent to the combined height of the ground and first floors of the proposed building.
- The width of the through-site link land will be consistent with the width of Foster Lane and will be (at minimum) 3050mm wide.

- We will deliver the contribution in accordance with the development consent, and we anticipate that we will pave the through-site link.
- The timing for the delivery of the contribution is to be the earlier of the following:
  - prior to the issue of an occupation certificate;
  - if the dedication is to be effected under section 49 of the *Local Government Act 1993* and/or section 9 of the *Roads Act 1993*) — upon the registration of a plan of subdivision that would give effect to that dedication.
- The key precondition **before** there is any requirement for us to provide the public benefit contribution, is the change to an environment planning instrument (insofar as it applies to the site) anticipated by the planning proposal for the land.

The planning agreement will comply with the requirements of the *Environmental Planning and Assessment Act 1979* (**the EP&A Act**) and the *Environmental Planning and Assessment Regulation 2021.*

Whether the agreement would exclude (wholly or in part) or would not exclude the application of section 7.11, 7.12 or division 7.1 subdivision 4 of the PE&A Act to the development — section 7.4(3)(d)

The agreement would not exclude:

- local infrastructure contributions that are set under a contributions plan (section 7.11);
- fixed infrastructure contributions that are set outside of a contributions plan (section 7.12); and
- housing and productivity contributions (division 7.1, subdivision 4).

Whether benefits under the agreement would or would not be taken into consideration in determining a development contribution under section 7.11 of the EP&A Act — section 7.4(3)(e)

The benefits under the agreement are not to be taken into consideration in determining a development contribution under section 7.11 of the EP&A Act.

A mechanism for the resolution of disputes under the agreement— section 7.4(3)(f)

The procedure for the resolution of disputes would be determined generally in accordance in the City's *Sample Planning Agreement.*

We note that this would not affect our right of to commence a merit ('class 1') appeal in the Land and Environment Court.

The enforcement of the agreement by a suitable means— section 7.4(3)(g)

The *Planning agreements: Practice Note — February 2021*, published by the Department of Planning, Industry and Environment (**the practice note**) (which is a mandatory consideration for the City) says that tying the performance of a developer's obligations to the issuing of construction, subdivision or occupation certificates may provide a suitable means of enforcing the planning agreement (page 14).

The planning agreement will contain enforcement mechanisms generally as per the standard terms in the City's *Sample Planning Agreement*.

Security

We will provide security by way of a bank guarantee or documentary performance bond for the paving of the through-site link, prior to the issue of the construction certificate for the through-site link pavement works.

The value of the security shall be in accordance with the City's *Statement of Revenue Policy - fees and charges,* specifically the rate for Public Domain Works Bond for 'Stone, Brick or Concrete Paver Footway' calculated on a square metre basis. The security shall be released to us upon the completion of our development contribution.

The procedural provisions concerning the management and return of the security will generally be in accordance with City's *Sample Planning Agreement*.

Other key terms and conditions

The City's *Sample Planning Agreement* appears to contain termination clauses suited to a planning agreement that is linked to development application under assessment. The termination provision offered below is appropriate to a planning agreement offered in connection with a changes to an environmental planning instrument. For example, if the planning proposal does not proceed, the agreement should not remain on title or on-foot.

A party would be able to terminate the agreement by giving 42 days written notice to the other party if, either:

- the change to the environmental planning instrument has not commenced within 12 months of the date of the agreement; or
- after the change to an environmental planning instrument, it is (or becomes) unlawful for a development consent to be granted for the development.

The agreement would have other terms generally in accordance with the relevant terms in the City's *Sample Planning Agreement* (as published as on the City's website on the date of this letter.

Acceptance of an offer

It is intended that should any change to an environment planning instrument (insofar as it applies to the site) anticipated by the planning proposal be made, this offer will be consolidated and crystallised into a voluntary planning agreement with the City.

This offer may only be accepted:

- after the full text of a planning agreement and explanatory note have been negotiated and agreed;
- after 28 days following the giving of public notice under section 7.5(1) of the EP&A Act; and
- by means of the formal execution of the formal agreement by all parties.

No legal or equitable rights or obligations arise (for either party) in connection with this offer or the proposed agreement prior to such acceptance being completed.

Preparation of the planning agreement

In this letter, a reference to the City's *Sample Planning Agreement* is a reference to the document published as on the City's website on the date of this letter.

We note that City's *Planning Agreement Guidelines* state that the City will prepare the first draft of the planning agreement.

If you or any City's staff (other than your legal staff) wish to discuss this offer, please contact Giovanni Cirillo (giovanni@planninglab.com.au) on 0447 755 799.

If your legal representatives have any queries regarding this offer they may contact our legal representatives Mills Oakley, namely Amelia Stojevski at astojevski@millsoakley.com.au and on (02) 8289 5802 or Aaron Gadiel at agadiel@millsoakley.com.au on (02) 8035 7858.

Yours sincerely

Name of applicant and registered owner: **Stasia Holdings Pty Ltd**



Signature of [George Karageorge, Director] for and on behalf of Stasia Holdings Pty Ltd

Date: …13 March 2024……..

Name of applicant and registered owner: **The Owners – Strata Plan No 1379**



Signature of [George Karageorge, Director] for and on behalf of The Owners – Strata Plan No 1379

Date: …13 March 2024……..

Item 7.

Summary of Applications to be Reported to the Central Sydney Planning Committee

File No: S042755-02

Summary

The purpose of this report is to inform members of the Central Sydney Planning Committee of development applications being assessed that are to be determined by Central Sydney Planning Committee.

A list of current applications containing the target meeting date is provided in Attachment A.

Recommendation

It is resolved that the subject report be received and noted.

Attachments

Attachment A. Applications to be Reported to the Central Sydney Planning Committee

Attachment B. Statistical Information about Applications to be Reported to the Central Sydney Planning Committee

Attachment C. Appeals Related to the Central Sydney Planning Committee

Background

1. The total stated value of all development applications currently under assessment is $3.32 billion.

2. There are 324 development applications outstanding to be determined under delegation or to be referred to the Local Planning Panel with a total value of $943 million with an average of 91 net days from time of lodgement.

3. There are currently eight development applications and two modification applications (as of 19 February 2024) to be considered by the Central Sydney Planning Committee (CSPC) with a value of $2.31 billion and with an average of 201 net days from time of lodgement.

4. A further 221 development related applications are also under assessment including applications to modify or review a determination, subdivision certificates, heritage works and footway applications.

5. The applications to be reported to the CSPC are detailed in Attachment A.

6. Trend graphs showing numbers and value of applications as well as the average outstanding days of development applications to be considered by the CSPC at the end of each quarter are provided in in Attachment B. The graphs represent the period from third quarter of 2022/23 to the second quarter of 2023/24.

7. There is one development application previously reported as requiring determination by the CSPC which is subject to an appeal. Details of this application is provided in Attachment C.

Relevant Legislation

8. City of Sydney Act 1988.

GRAHAM JAHN AM

Director City Planning, Development and Transport

James Farrar, Information and Systems Officer

Attachment A

Applications to be Reported to the Central Sydney Planning Committee

Applications to be considered by the Central Sydney Planning Committee

DA Number	Address	Lodged	Proposal	Cost $m	Target meeting date
D/2023/97	14-26 Wattle Street PYRMONT NSW 2009	16/02/2023	Detailed design proposal for the demolition of existing structures, remediation, removal of trees, excavation and construction of a mixed use development comprising residential, commercial, retail, childcare and indoor recreation centre across five (5) buildings, basement car parking, landscaping, public domain and civil works, and subdivision. The proposal is Integrated Development under the Water Management Act 2000, requiring the approval of WaterNSW. The application is being assessed concurrently with concept modification D/2019/649/B.	$331M	28/03/2024
D/2019/649/B	14-26 Wattle Street PYRMONT NSW 2009	16/02/2023	S4.56 modification of Land and Environment Court concept approval to amend the building envelope to be consistent with the detailed design development application D/2023/97.	$0	28/03/2024
D/2023/849	960A Bourke Street ZETLAND NSW 2017	26/09/2023	Site preparation, remediation, excavation and construction of a mixed use development comprising residential, commercial and retail uses across three (3) buildings, basement parking, landscaping and public domain works. The proposal is Integrated Development under the Water Management Act 2000, requiring the approval of WaterNSW.	$316M	09/05//2024
D/2023/842	155 Mitchell Road ERSKINEVILLE NSW 2043	27/09/2023	Stage 2 detailed development application for 'Block E' comprising two residential flat buildings, basement car parking and landscaping.	$75M	09/05/2024

DA Number	Address	Lodged	Proposal	Cost $m	Target meeting date
			The proposal is integrated development under the Water Management Act 2000, requiring approval from WaterNSW. The application is being assessed concurrently with a modification to the Concept DA D/2015/966/G.		
D/2015/966/G	155 Mitchell Road ERSKINEVILLE NSW 2043	01/11/2023	Section 4.55(2) modification of concept approval consent relating to Block E (between Metters and MacDonald Streets), to increase street wall height to Metters and MacDonald Streets from 5 storeys to 7 storeys, increase the overall height in storeys of the southern building from 7 storeys to 8 storeys and increase the height of roof forms. The concept modification is being assessed concurrently with detailed design proposal D/2023/842.	$0	09/05/2024
D/2023/1045	15-17 Hunter Street SYDNEY NSW 2000	17/11/2023	Detailed development application for site excavation for six basement levels, site preparation works, the staged construction of a 55-storey commercial tower, the refurbishment and restoration of Pangas House and associated landscaping, public art and through-site links. The proposal is Integrated Development under the Water Management Act 2000, requiring the approval of WaterNSW.	$370M	09/05/2024
D/2023/724	905 South Dowling Street ZETLAND NSW 2017	17/08/2023	Stage 1 Concept Development Application for roadways, pedestrian access ways, public open spaces and building envelopes with basement parking and associated landscaping. The application is Integrated Development requiring the approval of WaterNSW under the Water Management Act 2000.	$506M	09/05/2024

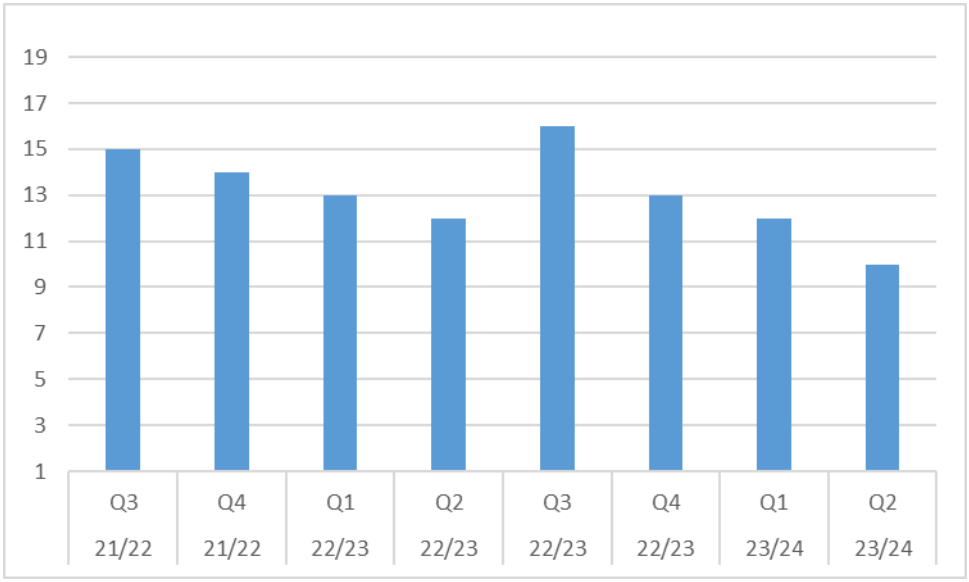
DA Number	Address	Lodged	Proposal	Cost $m	Target meeting date
D/2023/887	136 Hay Street HAYMARKET NSW 2000	29/09/2023	Construction of a sixteen (16) storey mixed use building with four (4) basement levels, comprising of retail tenancies, supermarket, 318 hotel rooms and associated facilities, and basement car parking. The proposal is Integrated Development under the Water Management Act 2000, requiring the approval of WaterNSW.	$104M	09/05/2024
D/2023/868	499-501 Kent Street SYDNEY NSW 2000	27/09/2023	Stage 2 Detailed Design DA for the construction of a mixed use development including retention of part of the heritage item, including a hotel, food and drink premises situated on the lower ground level, ground and rooftop levels, basement levels for plant, servicing and loading, and associated signage. Tree removal is also proposed.	$65M	25/07/2024
D/2023/1162	8-24 Kippax Street SURRY HILLS NSW 2010	09/01/2024	Adaptive reuse of an existing 10 storey building to commercial offices with rooftop additions to house plant equipment and a landscaped roof terrace. Business identification signage is proposed.	$56M	15/08/2024

List as 19 February 2024

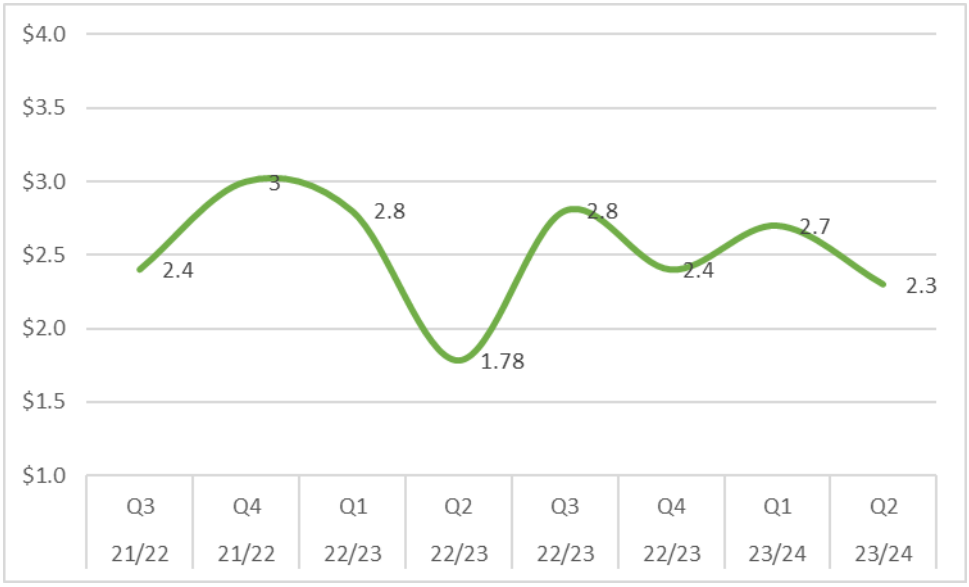
Attachment B

Statistical Information about Applications to be Reported to the Central Sydney Planning Committee

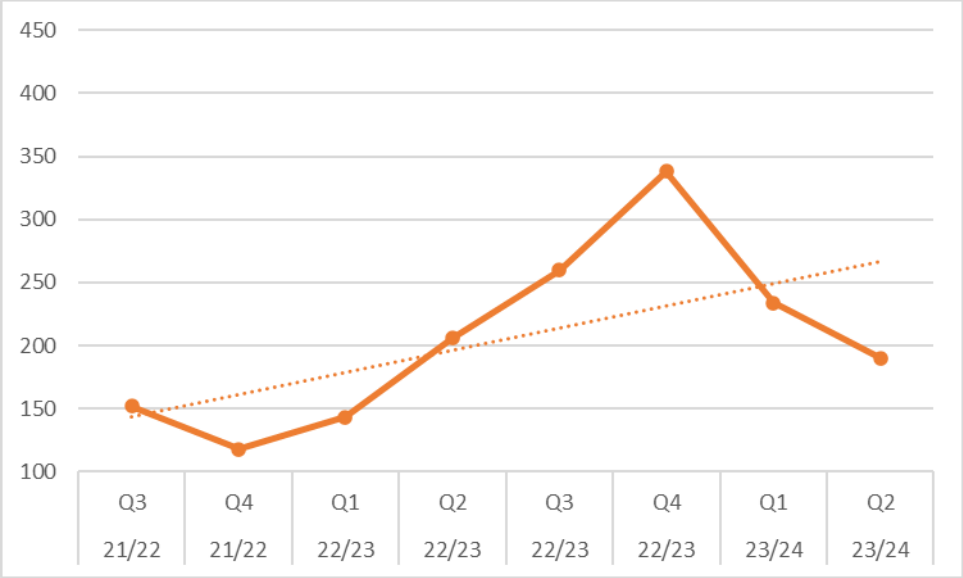
Number of applications to be reported to the CSPC



Value of DAs under assessment to be reported to the CSPC ($ billion)



Average age of DAs under assessment to be reported to the CSPC (total days)



Attachment C

Appeals Related to the Central Sydney Planning Committee

Appeals Related to the Central Sydney Planning Committee

Application number	Address	Description	Appeal date	Status
D/2022/960	45-53 Macleay Street , POTTS POINT NSW 2011	Concept building envelope with a maximum height of 35 metres, including the indicative demolition of the existing building and construction of a mixed use development, with 9 storeys, 2 basement parking levels, ground floor retail premises and 28 residential apartments above, and vehicle access from McDonald Street.	11/04/2023	Listed for hearing on 13, 14 and 15/05/24.