

Attachment A

Recommended Conditions of Consent
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SCHEDULE 1 - DEFERRED COMMENCEMENT CONDITIONS (CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

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

(A) PART A - DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

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

(1) VOLUNTARY PLANNING AGREEMENT

- (a) The Voluntary Planning Agreement between the Council of the City of Sydney, and Angreb Pty Limited and Sentra Investments Pty Limited which was placed on public exhibition between 21 May 2019 and 18 June 2019 shall be executed and submitted to Council; and
- (b) The Voluntary Planning Agreement, as executed, must be registered on the title of the land.

(2) Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the Environmental Planning and Assessment Act 1979.

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

(4) Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B Conditions of Consent (Once the Consent is Operation).

(B) PART B – CONDITIONS OF CONSENT

SCHEDULE 1A

APPROVED DEVELOPMENT/DESIGN MODIFICATIONS/COVENANTS AND CONTRIBUTIONS/USE AND OPERATION

(1) STAGED DEVELOPMENT APPLICATION

Pursuant to Clause 100 of the *Environmental Planning and Assessment Regulation 2000*, this Notice of Determination relates to a concept development application and subsequent development or applications are required for any works on the site.

(2) APPROVED DEVELOPMENT

- (a) Development consent is limited to a concept building envelope with indicative land uses within the envelope, in accordance with development application D/2018/1500, dated 6 December 2018 (as amended), and the following drawings:

Drawing Number	Drawing Name	Date
A-DA-100, revision 04	Basement level 01 plan	9 May 2019
A-DA-101, revision 04	Basement level 02 plan	9 May 2019
A-DA-102, revision 05	Ground floor plan	27 May 2019
A-DA-103, revision 05	Level 01	27 May 2019
A-DA-104, revision 05	Level 02	27 May 2019
A-DA-105, revision 05	Level 03	27 May 2019
A-DA-106, revision 05	Level 04	27 May 2019
A-DA-107, revision 05	Level 05	27 May 2019
A-DA-108, revision 05	Level 06	27 May 2019
A-DA-109, revision 05	Roof level	27 May 2019
A-DA-200, revision 05	East elevation (Botany Road)	27 May 2019
A-DA-201, revision 05	West elevation (Wyndham Street)	27 May 2019
A-DA-300, revision 05	Sections A-A, B-B and C-C	27 May 2019

and as amended by the conditions of this consent.

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

(3) MATTERS NOT APPROVED

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

- (a) any demolition, excavation and/or construction;
- (b) any tree removal;
- (c) the floor levels;
- (d) the number, configuration and layout of the basement car parking level/s;
- (e) the number of car parking spaces, bicycle spaces, car share or loading spaces/zones;
- (f) the number of storeys contained within each envelope;
- (g) the precise quantum of floor space; and
- (h) a 10% design excellence uplift in floor space ratio.

(4) BUILDING ENVELOPES

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

(5) USE OF BASEMENT UNDER LAND TO BE DEDICATED TO THE CITY

- (a) Any basement located under land to be dedicated to the City is to be set down a minimum of 1.5 metres, measured from the footpath to the water proofing membrane.
- (b) Common areas only are permitted under the land to be dedicated to the City, including circulation space and unallocated parking.

(6) BUILDING HEIGHT

The maximum height of all buildings must not exceed 29 metres, as defined in the Sydney Local Environmental Plan 2012.

(7) FLOOR SPACE RATIO

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed the maximum permissible, and shall be calculated in accordance with the provisions of Clauses 4.4, 6.13 and 6.14 of the Sydney Local Environmental Plan 2012 (as amended).
- (b) Notwithstanding clause (a) above, the proposal may be eligible for up to a 10% design excellence uplift in floor space ratio pursuant to the provisions of Clause 6.21(7) of Sydney Local Environmental Plan 2012.

- (c) Precise details of the distribution of floor space shall be provided with the future development applications.

(8) DESIGN EXCELLENCE AND COMPETITIVE DESIGN PROCESS

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

- (a) conducted prior to the lodgement of a detailed development application; and
- (b) be undertaken in accordance with the design excellence strategy for 290-294 Botany Road, prepared by Urbis and dated 7 May 2019.

(9) LANDSCAPE CONCEPT PLAN

Landscaping is to be provided in accordance with the 'Landscape Concept Plan', reference B and dated 9 May 2019.

(10) PUBLIC ART STRATEGY

Public Art is to be provided in accordance with the 'Preliminary Public Art Plan', prepared by Vertebrae.

(11) ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Details are to be provided with the detailed design development application (s) to confirm that the building has adopted the sustainability initiatives and environmental performance aspects set out in the Design Excellence Strategy for 290-294 Botany Road, prepared by Urbis and dated 7 May 2019.

(12) DETAILED DESIGN OF BUILDING

The design brief for the competitive design process shall incorporate the following requirements:

- (a) All plant and services to be included within the 29 metre height limit and screened by the building form.
- (b) The materiality and location of openings need to consider the adjoining residential land use and ensure direct overlooking is mitigated.
- (c) A positive public domain interface is to encourage an active frontage along Botany Road.
- (d) Minimise the bulk and visual impact of the vehicular entry on the Wyndham Street frontage.

(13) ACOUSTIC REPORT

An Acoustic Impact Assessment must be undertaken by a suitably qualified acoustic consultant and submitted with the detailed development application.

(14) SITE REMEDIATION

The following information is required to be submitted as part of the detailed DA:

- (a) Updated detailed environmental site investigation ('DESI') to complete data gaps and categorise the remainder of the site not assessed as part of the DESI submitted with the concept application.
- (b) Updated remediation action plan following completion of the DESI as per condition (a).
- (c) Review of the updated remediation action plan by a NSW EPA site auditor including interim letter of advice.

(15) MUSIC MODEL

The stormwater design/report for the proposed development is required to comply with Council's adopted MUSIC Link model. The certificate/report from the MUSIC Link model and the electronic copy of MUSIC Model is to be submitted as part of the detailed DA.

(16) ON SITE LOADING AREAS AND OPERATION

The detailed development application must ensure all loading and unloading operations associated with servicing the site, including garage collection, can be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

(17) CAR SHARE SPACES

- (a) The detailed development application must ensure that car share spaces are provided in accordance with section 3.11.2 of Sydney DCP 2012.
- (b) The applicant should discuss the proposed location of car share spaces with car share operators during the design process to ensure the spaces can be provided as part of the detailed development application.

(18) SERVICE VEHICLE SIZE LIMIT

The detailed development application must include swept paths for the largest vehicles to access the site in a forward in and forward out direction.

(19) DRIVEWAY LOCATION & WIDTH

The driveway crossover width shall be as minimum as practicable and to be supported by a vehicle swept path analysis in the detailed development application submission.

(20) VEHICLE QUEUE ANALYSIS

As part of the detailed DA, a vehicle queue analysis is required as part of the detailed DA submission demonstrating that the site can accommodate 98 percent queue as a minimum within the site.

(21) TRANSPORT IMPACT STATEMENT

- (a) A detailed traffic impact study focusing on the following intersections is required a part of detailed design DA.
 - (i) Wyndham Street – Mandible Street
 - (ii) Wyndham Street – Bourke Road
- (b) The TIS should consider *existing condition* (without development), cumulative traffic generations from the approved developments adjacent to the site and with this proposed development. The TIS should critically analyse the intersection performance and traffic impact from the development to the adjacent road network.

(22) RMS – Advisory conditions

- (a) 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 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.
- (b) Council should be satisfied that the on-site parking arrangements, including proposed numbers of parking spaces for the variety of vehicles outlined, are adequate.
- (c) Sight distances from the proposed vehicular crossings to vehicles on Wyndham Street are to be in accordance with the Austroads Guide to Road Design: Part 4A: Unsignalised and Signalised Intersections (Section 3 – Sight Distance) and AS 2890. Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists.
- (d) The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.

SCHEDULE 2

ROADS AND MARITIME - CONCURRENCE AS PER SECTION 138 OF THE ROADS ACT 1993

- (23) All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Botany Road boundary.
- (24) The proposed vehicle crossing on Wyndham Street, as it is a classified regional road, is to be constructed to Council's satisfaction and approval.
- (25) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.
- (26) A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued.
- (27) The proposed development should be designed such that road traffic noise from Botany Road 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.
- (28) Roads and Maritime is currently undertaking a program to implement "Clearways" on State roads within Sydney. If not already in place, "Clearway" restrictions will be implemented along the full Botany Road frontage of the development site.
- (29) All works and signposting associated with the subject development shall be at no cost to Roads and Maritime.
- (30) All vehicles are to be contained on site before being required to stop.
- (31) All vehicles are to enter and exit the property in a forward direction.