

# **Attachment A**

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

### SCHEDULE 1A

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

##### (1) CONCEPT DEVELOPMENT APPLICATION

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

##### (2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2018/1246 dated 17 October 2018 and the following drawings prepared by Francis-Jones Morehen Thorp Pty Ltd:

Drawing Name	Date
Proposed Envelope - Basement 5	14 June 2019
Proposed Envelope - Basement 4	14 June 2019
Proposed Envelope - Basement 3	14 June 2019
Proposed Envelope - Basement 2	14 June 2019
Proposed Envelope - Basement 1	14 June 2019
Proposed Envelope - Ground Floor	14 June 2019
Proposed Envelope - Ground Floor Mezzanine	14 June 2019
Proposed Envelope - Level 1	14 June 2019
Proposed Envelope - Level 1 Mezzanine	14 June 2019
Proposed Envelope - Level 2	14 June 2019
Proposed Envelope - Level 3	14 June 2019
Proposed Envelope - Level 4	14 June 2019
Proposed Envelope - Level 5	14 June 2019
Proposed Envelope - Level 6	14 June 2019
Proposed Envelope - Level 7	14 June 2019
Proposed Envelope - Level 14 Podium Roof	14 June 2019

Drawing Name	Date
Proposed Envelope - Tower Roof	14 June 2019
Proposed Envelope - Pitt Street Elevation	14 June 2019
Proposed Envelope - Market Street Elevation	14 June 2019
Proposed Envelope - Castreleagh Street Elevation	14 June 2019
Proposed Envelope - West-East Section Through Lantern	14 June 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 IN CONCEPT PROPOSAL DEVELOPMENT CONSENT**

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

- (a) Any works, including demolition, excavation and/or construction.
- (b) The precise total quantum of floor space.
- (c) The quantum, ratio and distribution of retail, hotel, registered club and residential floor space.
- (d) The indicative floor layouts of buildings.
- (e) The number, position and configuration of residential apartments, hotel, registered club and retail tenancies.
- (f) The floor levels of each storey.
- (g) The number and configuration of car parking spaces, levels, bicycle spaces, car share spaces, service vehicle and truck loading spaces / zones.
- (h) The siting and location of a substation.
- (i) The removal or pruning of any tree adjoining the site.
- (j) Any 10% design excellence uplift bonus in floor space ratio or building height.

**(4) BUILDING HEIGHT**

The height of the approved envelope must not exceed the sun access plane for Hyde Park West established by Clause 6.17(10) of the Sydney Local Environmental Plan 2012.

**(5) FLOOR SPACE RATIO**

- (a) The Floor Space Ratio for all detailed development applications on the site must not exceed the maximum permissible calculated in accordance with the Sydney Local Environmental Plan 2012.
- (b) Notwithstanding (a) above, the proposal may be eligible for up to 10% additional floor space pursuant to the provisions of Clause 6.21(7) of the Sydney Local Environmental Plan 2012 if the consent authority is satisfied that the resulting detailed design development application exhibits design excellence and is the result of a competitive design process.
- (c) The site area when calculating the additional floor space is limited to that area of the site identified in Figure 1 of the 'Concept Development Application Design Excellence Strategy' for 194-204 Pitt Street, Sydney, prepared by Ethos Urban Pty Ltd and dated September 2019.
- (d) Precise calculations and details of the distribution of floor space must be provided with any subsequent detailed design development application.
- (e) Any floor space ratio in excess of 8:1 shall be subject to a requirement to purchase heritage floor space (HFS) in accordance with the requirements of Clause 6.11 of the Sydney Local Environmental Plan 2012.

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

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

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

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

**(8) COMPETITIVE DESIGN PROCESS**

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

- (a) Conducted in accordance with the 'Concept Development Application Design Excellence Strategy' for 194-204 Pitt Street, Sydney, prepared

by Ethos Urban Pty Ltd and dated September 2019 (Council reference TRIM 2019/477892).

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

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

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

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

- (a) The hotel podium must be designed to be visually recessive and complementary to the retained heritage fabric.
- (b) The tower cantilever over 202-204 Pitt Street must be visually recessive, articulated and finished to minimise any visually overbearing impacts to the heritage items below.
- (c) Communal open space or communal spaces must be provided within the development in accordance with Part 3D of the Apartment Design Guide for the exclusive use of apartment residents, and which is not to be co-located or co-mingled with other uses.
- (d) Habitable rooms of any residential apartments are to be excluded from the northern edge of Level 14 and Level 15 and apartments in these locations are to address the eastern or western boundaries of the site, as appropriate. Alternate uses, ancillary to residential apartments, such as plant areas and storage are to be provided to these areas.
- (e) Plant and lift overruns must be incorporated into the roof form of buildings and either provided within architectural roof features, as defined in the Dictionary of the Sydney Local Environmental Plan 2012, or located and provided with parapet screening so that they are not visible from the public domain or adjoining tower developments.

#### **(10) DESIGN EXCELLENCE PROCESS TO BE CONSISTENT WITH CMP AND CONSERVATION STRATEGY**

- (a) The brief for the Design Excellence competitive process for the development must include the City Tattersall's Club Heritage Conservation Strategy by Urbis dated 14 June 2019 (Council reference TRIM 2019/306465).
- (b) The brief must require reference to and compliance with the policies of the *Conservation Management Plan City Tattersall's Club 194-204 Pitt Street Sydney NSW 2000* by Urbis dated 17 October 2018 (CMP) (Council reference TRIM 2018/536922 and 2018/536925).
- (c) The full text of the CMP is to be made available for all consultants involved in the design excellence process.

#### **(11) COSTED HERITAGE ASSET MAINTENANCE PLAN**

- (a) To ensure the continued protection of heritage significance of the heritage item and to guide the future maintenance on heritage fabric, a costed Heritage Asset Maintenance Plan must be developed for any subsequent detailed design development application. The following is to apply:
  - (i) The Plan is to be based on the NSW Heritage Division of the Department of Environment and Heritage publication: 'Preparing a maintenance plan', and is to be a guide for the effective, continuous, protective maintenance of all significant heritage fabric for a minimum period of 20 years.
  - (ii) The Plan is to include all fabric identified as being of heritage significance, specification notes and methodologies based on the Articles of the Australian ICOMOS Burra Charter 1999 and best conservation practise, and a list of appropriate consultants and suppliers together with the projected costing for each item of work.
  - (iii) The Plan must be prepared by the project Heritage Conservation Architect/Consultant.

#### **(12) CYCLICAL MAINTENANCE PLAN**

A cyclical maintenance plan specifying frequency and methodologies to conduct building inspections and maintenance works to building elements and services must be submitted as part of any subsequent detailed design development application. The maintenance plan must be prepared by a suitably qualified heritage consultant and endorsed by the building owner.

#### **(13) DISPOSAL OF SURPLUS SALVAGED MATERIALS**

Salvaged traditional building materials surplus to the requirements of this project including stone, metal work and joinery are to be sold to an established dealer in second hand heritage building materials. Documentation of salvage methodology must be submitted as part of any subsequent detailed design development application.

#### **(14) HERITAGE CONSERVATION WORKS**

- (a) Any subsequent detailed design development application must include a schedule of conservation works to be undertaken concurrent with the works.
- (b) The schedule must detail the conservation of all fabric identified as having a heritage significance including but not limited to the following:
  - (i) Facade stonework;
  - (ii) Reinstatement of the iconic horse sculpture on the parapet of 202-204 Pitt Street;
  - (iii) Retention of the external roof form of 202-204 Pitt Street, with no external services on this roof;

- (iv) Ground floor facade and shop fronts;
  - (v) Door and window joinery;
  - (vi) Lift car and lift door joinery;
  - (vii) Conservation and re-instatement of the significant interiors including the *Lower Bar* (196-200 Pitt) and the *Corinthian Room* (202-204 Pitt);
  - (viii) Hardware;
  - (ix) Pavements;
  - (x) Pavement lights (if any); and
  - (xi) Awnings.
- (c) The schedule must be supported by outline specifications, methodologies and detailed architectural sections, elevations and plans at 1:20 and 1:5 scales. The details should incorporate any structural and/or building services design for the building.
  - (d) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building.
  - (e) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 1999. Appropriately qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.

**(15) HERITAGE IMPACT STATEMENT REQUIREMENTS FOR DETAILED DESIGN DEVELOPMENT APPLICATION**

- (a) Any subsequent detailed design development application must be informed by a detailed Heritage Impact Statement, which includes additional heritage assessment and advice to inform such aspects of the development including (but not limited to) the detailed design of the shopfronts and infill facade of 196 Pitt Street, the treatment of the cantilevered tower form, introduction of services and structural design etc.
- (b) Archival recording must be undertaken and include recording of the Lower Bar and conservation works. Due to the high level of structural interventions, the recording must include point-cloud scans of the Pitt Street building facades and of the Club Room. A copy of the archival recording, including the point cloud CAD models should be retained on site and submitted with any subsequent detailed design development application.

**(16) HERITAGE INTERPRETATION PLAN**

- (a) An interpretation plan for the heritage items on the site must be submitted as part of any subsequent detailed design development application. The plan must be prepared by a suitably qualified and experienced heritage practitioner or historian.
- (b) The interpretation plan must detail how information on the history and significance of the heritage items on the site will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used.
- (c) The plan must specify the location, type, making materials and contents of the interpretation devices being proposed.

**(17) HERITAGE ITEMS - WORKS TO BE CONSISTENT WITH CMP**

- (a) A conservation work schedule detailing methodologies for implementation of the recommendations of the *Conservation Management Plan City Tattersall's Club 194-204 Pitt Street Sydney NSW 2000* by Urbis dated 17 October 2018 (CMP) (Council reference TRIM 2018/536922 and 2018/536925) must be submitted as part of any subsequent detailed design development application.
- (b) The conservation work schedule must detail how the recommendations of the CMP will be implemented and include detailed drawings and outline specifications of works required to support any schedule of conservation works.

**(18) SANDSTONE RECYCLING**

- (a) A Geotechnical Report prepared by a suitably qualified geotechnical engineer is to be submitted as part of any subsequent detailed design development application. The report is to include an investigation of the nature of the existing subsurface profile using appropriate investigation methodology and borehole testing techniques where feasible.
- (b) The Geotechnical Report is to analyse the quality of the material, including contamination, and to assess the suitability of the rock for removal by cutting into quarry blocks for use as high quality building construction material, including for building conservation.
- (c) Subject to confirmation that the rock is of a suitable quality for reuse in other construction, the Geotechnical Report is to include an Excavation Work Method Statement with recommendations as to the depth of the most suitable profile, details excavation methodologies, cutting methods and procedures for the removal of all sandstone material in a useable form and size, noise and dust attenuation measures in addition to recommendations for monitoring, notifications and review.
- (d) In addition, details of any required storage of material off site must be submitted. If the quantity of sandstone material exceeds the needs of the site, or if the approved development does not provide for the use of any sandstone, or if the material is 'Yellow Block' sandstone required for conservation of buildings, the material must be stored in an



appropriate location for later reuse. Storage may be able to be facilitated by the Council or the NSW Department of Commerce. Please contact the Manager Centenary Stonework Program at the NSW Department of Finance and Services on 9372 8526 for further enquiries with regard to storage.

- (e) The programming of the works is to take into account, the above process.

**(19) SITES IN THE VICINITY OF HERITAGE ITEMS**

- (a) A protection strategy for the duration of the construction works, must be submitted as part of any subsequent detailed design development application. The strategy must detail how the proposed works will ensure that the following buildings are to be suitably protected and stabilized during the construction process including from any construction waste, dust, damp, water runoff, vibration or structural disturbance or damage:
  - (i) 65-77 Market Street;
  - (ii) 192-192A Pitt Street;
  - (iii) 194 Pitt Street;
  - (iv) 198-200 Pitt Street; and
  - (v) 202-204 Pitt Street.
- (b) Additionally the protection strategy must include:
  - (i) Details of temporary hydraulic drainage works to ensure that all water both in ground and above ground is channelled to the street and that no such water is channelled onto the adjacent property fabric or interiors.
  - (ii) Construction debris on neighbouring properties, in drainage lines or in cavities between the boundary walls of the adjacent buildings, is to be removed progressively as the works progress.
  - (iii) A geotechnical report detailing the investigation of the location and depth of footings of the adjacent buildings. This report should address details of lateral ground movement, advice of any additional boundary offsets that may be required as a result of the location of footings and on the suitability of structural engineer's proposals for underpinning or other support to adjacent footings.
  - (iv) Details of the proposed protection of party walls from damp and water ingress during the works.

**(20) STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS**

As part of any subsequent detailed design development application, a detailed report and certification prepared by a practicing structural engineer experienced in dealing with heritage buildings must be submitted. The report must explain how the retained building elements are to be retained, supported and not undermined by the proposed development and give details of any intervention or retrofitting needed.

**(21) USE OF HERITAGE CONSULTANT**

- (a) An experienced heritage architect / consultant must be commissioned to work with the consultant team throughout the design excellence process, design development and subsequent detailed design development application assessment stages of the project.
- (b) The heritage conservation architect / consultant must be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition.
- (c) The heritage architect / consultant must be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (d) Evidence and details of the above commission on the above terms are to be provided to Council with any subsequent detailed design development application.

**(22) RESIDENTIAL LAND USE**

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

In particular, attention is drawn to the following:

- (i) The objectives and design criteria within the ADG relating to the size and solar access requirement of communal open space.
- (ii) The objectives and design criteria within the ADG relating to the maximum building depths of 18 metres glass line to glass line.
- (iii) The objectives and design criteria within the ADG relating to building separation distance and visual privacy.
- (iv) The ADG design criterion for having at least 70% of apartments within a development to receive a minimum of two hours of direct sunlight between 9am and 3pm on 21 June.
- (v) The minimum floor to floor and floor to ceiling heights as stipulated in the ADG and Sydney DCP 2012.

- (vi) The objectives and design criteria within the ADG relating to apartment sizes, layout and room dimensions.
- (vii) The objectives and design criteria within the ADG relating to private open space sizes and dimensions.
- (viii) The objectives and design criteria within the ADG relating to common circulation and spaces.
- (ix) The objectives and design criteria within the ADG relating to residential storage size volumes and characteristics;
- (x) The provisions relating to flexible housing and dwelling mix under Section 4.2.3.12 of the Sydney DCP 2012.
- (xi) The provisions relating to adaptable dwelling mix under Section 3.12.2 of the Sydney DCP 2012.

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

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

### **(23) RESIDENTIAL ACOUSTIC AMENITY**

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

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

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

**(24) ARCHAEOLOGICAL ASSESSMENT**

An archaeological assessment undertaken by a suitably qualified archaeologist must be submitted with any subsequent detailed design development application. The report must assess whether the proposed works have the potential to disturb any archaeological remains and the need for any archaeological investigation prior to commencement of any works on site. The report should also recommend measures and documentation to be undertaken during the process of demolition and excavation work. Should the assessment report suggest the site may contain relics and the proposed work may disturb them, council may request the applicant to amend the proposal so that the relics are properly protected or interpreted.

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

Any subsequent detailed design development application must be accompanied by a site specific Demolition, Excavation and Construction Noise and Vibration Management Plan.

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

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

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

the operation of plant/machinery particularly during the demolition and excavation phases.

- (f) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (g) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (h) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (i) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

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

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

At a minimum, the report must specify:

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

**(27) ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

- (a) Details are to be provided with the subsequent development application for the detailed design of the buildings to confirm that the buildings have adopted the ESD targets outlined in:

- (i) Section 2.9 of the 'Concept Development Application Design Excellence Strategy' for 194-204 Pitt Street, Sydney, prepared by Ethos Urban Pty Ltd and dated September 2019 (Council reference TRIM 2019/477892); and
  - (ii) The 'ESD Targets for 194-204 Pitt Street, Sydney D/2018/1246 – Club, Hotel & Residential Apartment Concept Development', prepared by WSP and dated June 2019 (Council reference TRIM 2019/306499).
- (b) These targets must include, at a minimum:
- (i) For the residential apartment component of the development:
    - a. A BASIX energy score of at least 35 points or better;
    - b. A BASIX water score of at least 45 points or better;
  - (ii) For the hotel component of the development:
    - a. A NABERS Energy rating of 4.5 stars or better; and
    - b. A NABERS Water rating of 4 stars or better.
- (c) The ESD targets must be included in the competitive design process brief and carried through the competitive design process phase, design development, construction, and through to completion of the project.

**(28) PUBLIC ART**

- (a) The 'City Tattersalls Public Art Strategy', revision 5, dated 10 October 2018 and prepared by FJMT (Council reference TRIM 2019/306531) must be incorporated into the competitive design process brief.
- (b) A detailed Public Art Strategy, based upon the preliminary strategy referred to in (a) above, must be prepared and submitted with any subsequent detailed design development application.

**(29) LANDSCAPING**

- (a) Any subsequent detailed design development application must include a Landscape Plan and Landscape Statement prepared by a qualified landscape architect or landscape designer, which incorporates the design principles in the 'City Tattersalls Club Concept DA Landscape Statement' prepared by Site Image and dated June 2019 (Council reference TRIM 2019/477806).
- (b) The Plan and Statement should:
  - (i) Identify any landscape constraints, including (but not limited to) setbacks, existing street trees, landscape features, screening/buffer requirements.
  - (ii) Quantify and illustrate compliance with the relevant landscape design provisions of Part 4O of the Apartment Design Guide,

Section 4.2.3.5 of the Sydney Development Control Plan 2012 and Sydney Landscape Code Volume 2: All Development Except for Single Dwellings.

- (iii) Identify the location of communal open space, planters, water sensitive urban design treatments and direct sunlight to communal open space.
  - (iv) Show any required roof terraces, including (but not limited to) how the building design accommodates adequate height for soil build-up, lift access, shade, safe maintenance and Building Code of Australia compliant guarding.
  - (v) Set aspirations and principles for each landscape space in order to achieve design excellence for the landscape spaces in accordance with Clause 6.21 of the Sydney Local Environmental Plan 2012.
  - (vi) Identify any intended design elements such as green roofs and walls, water sensitive landscape design treatments and sustainability targets.
- (c) The Plan and Statement should 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.

**(30) 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. The signage strategy must include information and scale drawings of the location, type, construction, materials and total number of signs proposed for the development.

**(31) WIND ASSESSMENT**

- (a) Prior to the lodgement of any subsequent detailed design development application, the detailed design must be subject to wind tunnel testing to ascertain the impacts of the development on the wind environment and conditions within the publicly accessible pedestrian space, the surrounding streets, neighbouring buildings, and communal external areas within the subject development.
- (b) Any recommendations of this wind tunnel testing and wind assessment report required by (a) above must be incorporated into and submitted with the detailed design development application.

**(32) REFLECTIVITY**

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

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

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

**(34) LAND CONTAMINATION**

Any subsequent detailed design development application must include documentation demonstrating that the requirements of State Environmental Planning Policy No 55 —Remediation of Land and 'Managing Land Contamination Planning Guidelines SEPP 55–Remediation of Land' are addressed.

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

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

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

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

**(37) STREET TREES**

- (a) All street trees adjoining the site must be included for retention with any subsequent detailed design development application.



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

### **(38) BICYCLE PARKING AND END OF JOURNEY FACILITIES**

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

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

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

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

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

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

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

### **(39) DRIVEWAY HOURS OF OPERATION**

- (a) Any subsequent detailed design development application must detail the hours of operation for any proposed driveway between the site and Pitt Street, noting that the concept application proposed that a driveway would only be open via pre-booking and only between 7.30 pm and 7.30 am.
- (b) A further assessment of the hours of operation for any proposed driveway between the site and Pitt Street must be submitted with any subsequent detailed design development application. This assessment must include (but not limited to):
  - (i) pedestrian movements and amenity;

- (ii) the operation of the forthcoming Pitt Street North Metro station within the vicinity of the site;
- (iii) anticipated loading and driveway access needs of the development;
- (iv) the volume and times of on-street loading activity;
- (v) vehicle movements within the vicinity of the site; and
- (vi) other issues as required.

**(40) FREIGHT AND SERVICING MANAGEMENT PLAN**

- (a) A freight and servicing management plan, including the operation of any loading dock, must be prepared for the site and must be submitted with any subsequent detailed design development application. The freight and servicing management plan needs to include the following (but is not limited to):
  - (i) Arrangements for freight and servicing of the development using supply chain consolidation and off-site consolidation in conjunction with the development's on-site loading dock.
  - (ii) Anticipated use of the loading dock/s by all users of the building, including time and days.
  - (iii) The proposed restrictions on delivery and operating times to ensure deliveries do not occur during times of peak pedestrian movements.
  - (iv) Controls over duration of stay.
  - (v) Details of procedures for trade workers access and parking.
  - (vi) Details of loading and servicing arrangements for any residential use, including but not limited to, removalists (moving in and moving out arrangements), arrangements for small / parcel deliveries, and other delivery and servicing as required.
  - (vii) Details of the management of deliveries.
  - (viii) Measures to ensure that there is no queuing of delivery vehicles.
  - (ix) Details of alternate loading zones to redirect vehicles if extensive queuing at the access to the loading dock occurs, noting that kerbside loading is not guaranteed.
  - (x) Details of how loading to the site will be managed if kerbside loading is removed in the area.
- (b) The freight and servicing management plan must align with the Plan of Management.
- (c) A copy of the draft plan referred to in (a) must be submitted to the Coordinator General, Transport Coordination within Transport for New

South Wales for endorsement, prior to lodgement of any subsequent detailed design development application.

**(41) LOADING DOCK DESIGN**

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

**(42) PLAN OF MANAGEMENT**

- (a) A Plan of Management must be submitted with any subsequent detailed design development application.
- (b) The following strategies adopted in the 'City Tattersalls Club Plan of Management', version A, reference N108334, dated 14 June 2019 and prepared by GTA Consultants (Council reference TRIM 2019/306461), must be carried through to an updated plan of management for the site which must be submitted with any subsequent detailed design development application:
  - (i) No provision of any on-site car parking;
  - (ii) Discouragement of the use of cars for travel to/from the site, including discouragement of drop off and pick up in front of the site.
  - (iii) The development of a Green Travel Plan. This plan must be prepared in accordance with Section 3.11.1 and Schedule 7.6 of the Sydney Development Control Plan 2012. A complete draft must be submitted with any subsequent detailed design development application. The Green Travel Plan must address access to the site and initiatives to promote walking, cycling and the use of public transport. This plan must include monitoring and implementation.
  - (iv) Restrictions on the driveway and loading dock access, including times and vehicle size restrictions.
  - (v) Principles to minimise loading demands, such as consolidation, procurement protocols and coordination of deliveries.
  - (vi) Arrangements for secure on-site storage of goods to reduce loading dock and driveway use.
- (c) The plan must address arrangements for coach and point to point drop off and pick up and parking.
- (d) The plan must include details on how the plan will be communicated and updated.
- (e) The Plan of Management must align with the Freight and Servicing Management Plan.

**(43) SERVICE VEHICLE SIZE LIMIT**

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

**(44) FLOODING AND STORMWATER**

- (a) A flood assessment report, based on the 'Flood Advice - Proposed Development at Tattersall's Club, 194 - 204 Pitt Street, Sydney, NSW.' prepared by Martens Consulting Engineers, reference P1705900JR02V03 and dated June 2019 (Council reference TRIM 2019/306508), must determine the detailed design flood planning level (FPL) requirements for the subject site and be submitted with any subsequent detailed design development application.
- (b) A stormwater quality design and report for the proposed development must be prepared in accordance with Council's 'Model for Urban Stormwater Improvement Conceptualisation (MUSIC) Link model. The certificate/report from the MUSIC Link model and electronic copy of MUSIC Model must be prepared and submitted with any subsequent detailed design development application.

**(45) LOT CONSOLIDATION**

Any subsequent Development Application is to make provision for all land titles within the site to be consolidated into one allotment. If a subsequent development application is lodged that includes subdivision of the site or the proposed building, the requirement for lot consolidation is waived.

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

Any subsequent detailed design development application must include:

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

## SCHEDULE 1B

### CONCURRENCE CONDITIONS

#### **(47) AUSGRID - CONSULTATION**

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

#### **(48) AUSGRID - PROXIMITY TO EXISTING NETWORK ASSETS - UNDERGROUND CABLES**

There are existing underground electricity network assets in Pitt Street.

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.

#### **(49) ROADS AND MARITIME SERVICES**

- (a) The layout of the proposed loading zone associated with the subject development (including, driveways, grades, turn paths and sight distance requirements in relation to 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 – 2002 for commercial vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.
- (b) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Pitt Street during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>
- (c) A Construction Pedestrian Traffic Management Plan (CPTMP) should be submitted in consultation with the Transport for New South Wales Sydney Coordination Office (SCO), Roads and Maritime and City of Sydney. The CPTMP needs to include, but not be limited to, the following: construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control.

**(50) SYDNEY METRO**

As part of the lodgement of any subsequent detailed design development application, the applicant must prepare and submit documentation demonstrating compliance with the Sydney Metro Underground Corridor Protection Guidelines (available from <https://www.sydneymetro.info>).

**(51) SYDNEY WATER - CONSULTATION**

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

**(52) SYDNEY WATER - WATER SERVICING**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

**(53) SYDNEY WATER - BUILDING PLAN APPROVAL**

The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.

The Tap in™ service provides 24/7 access to a range of services, including:

- (a) Building plan approvals.
- (b) Connection and disconnection approvals.
- (c) Diagrams.
- (d) Trade waste approvals.
- (e) Pressure information.
- (f) Water meter installations.
- (g) Pressure boosting and pump approvals.

- (h) Changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ online service is available at: <https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>.

#### **(54) SYDNEY WATER - TRADE WASTEWATER REQUIREMENTS**

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

The permit application should be emailed to Sydney Water's Business Customer Services at [businesscustomers@sydneywater.com.au](mailto:businesscustomers@sydneywater.com.au).

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

#### **(55) SYDNEY WATER - BACKFLOW PREVENTION REQUIREMENTS**

Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

- (a) Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
- (b) Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website:

<http://www.sydneywater.com.au/Plumbing/BackflowPrevention/>

## **(56) SYDNEY WATER - WATER EFFICIENCY RECOMMENDATIONS**

Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.

Some water efficiency measures that can be easily implemented in your business are:

- (a) Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
- (b) Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <http://www.sydneywater.com.au/Water4Life/InYourBusiness/RWTCalculator.cfm>
- (c) Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- (d) Develop a water efficiency plan for your business.

It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

## **(57) SYDNEY WATER - CONTINGENCY PLAN RECOMMENDATIONS**

Under Sydney Water's customer contract Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.

Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.

Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.

Have you thought about a contingency plan for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.

For further information please visit the Sydney Water website at: <http://www.sydneywater.com.au/OurSystemsandOperations/TradeWaste/> or contact Business Customer Services on 1300 985 227 or [businesscustomers@sydneywater.com.au](mailto:businesscustomers@sydneywater.com.au).



**(58) TRANSPORT FOR NEW SOUTH WALES - PLAN OF MANAGEMENT**

The applicant must update the Plan of Management (PoM) in consultation with the Sydney Coordination Office of Transport for New South Wales as part of any subsequent detailed design development application for the site. The plan shall include, but not be limited to, the following:

- (a) Freight and Servicing Plan that includes, not be limited to, the following:
  - (i) Alternative arrangements to accommodate the development's freight and servicing profile, including implementation of supply chain consolidation and off-site consolidation;
  - (ii) Restrictions on loading dock operating times to ensure deliveries do not occur during times of peak pedestrian movements;
  - (iii) Management of conflicts between pedestrians walking along Pitt Street and freight and service vehicles entering and exiting the site;
  - (iv) Measures to ensure there is no queuing of freight and service vehicles including details of alternative parking locations to redirect vehicles if queuing occurs;
  - (v) Management of conflicts between freight and service vehicles entering and exiting the site simultaneously;
  - (vi) Loading bay management details including controls of duration of delivery vehicle stay;
  - (vii) Management of queuing along Pitt Street as a result of malfunction of the proposed truck lift/hoist and/or turntable;
  - (viii) Management details to ensure all long-term loading and servicing is accommodated within the loading dock;
  - (ix) Procedures for trades access and parking;
  - (x) Allocation of delivery times of adequate length for residential removalists;
  - (xi) Provision of space for secure on-site storage of goods both to reduce peak demand on loading dock use and to support freight consolidation and alternative last mile delivery modes;
  - (xii) Details on how the loading area will be managed and used by all building tenants; and
  - (xiii) Details of a pre-booking system.
- (b) A Green Travel Plan (GTP) that includes:
  - (i) Measures to minimise the use of point to point transport, kiss and ride and buses/coaches and encourage the use of nearby public transport modes by all visitors, workers and residents of the

development due to the lack of parking facilities on-site and limited availability of surrounding off-street parking zones; and

- (ii) Details of a regime to monitor the effectiveness of the GTP measures and Implementation Strategy that commits to any required changes to improve the effectiveness of the measures along with timeframes.
- (c) Measures to ensure that any potential impacts to the operation of the road network and pedestrians from passenger pick-up and drop-off activities associated with the development are actively identified and mitigated, including details of how these activities would be monitored.

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

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

- (a) A description of the development;
- (b) Location of any proposed work zone(s),
- (c) Details of crane locations;
- (d) Haulage routes;
- (e) Proposed construction hours;
- (f) Predicted number of construction vehicle movements and detail of vehicle types, noting that vehicle movements are to be minimised during peak periods;
- (g) Construction program and construction methodology;
- (h) Measures to avoid construction worker vehicle movements within the Sydney Central Business District;
- (i) Any potential impacts to general traffic, cyclists, pedestrians and light rail and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
- (j) Cumulative construction impacts of projects including Sydney Metro City and Southwest. 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
- (k) 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.

## **SCHEDULE 2**

### **PRESCRIBED CONDITIONS**

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