

Attachment A

Recommended 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 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 Sincourt Pty Ltd which was placed on public exhibition between 2 June 2020 and 30 June 2020 shall be executed and submitted to Council; and
 - (b) The Voluntary Planning Agreement, as executed, must be registered on the title of the land; and
- (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) of the subject report.

(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 applications are required for any works on the site.

(2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2019/578 dated 31 May 2019 and the following drawings prepared by Tonkin Zulaikha Greer Architects:

Drawing Number	Drawing Name	Date
A100, revision F	Ground floor plan – building envelope	9 July 2020
A101, revision E	Level 01 and level 02 plans – building envelope	9 July 2020
A102, revision E	Level 03 to level 07 floor plans – building envelope	9 July 2020
A103, revision E	Level 08 and roof plan – building envelope	9 July 2020
A200, revision E	Elevations 1	9 July 2020
A201, revision E	Elevations 2	9 July 2020
A300, revision D	Section 2	13 July 2020

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

- (a) The following items are not approved and do not form part of this concept development consent:
- (i) any demolition, excavation or construction;
 - (ii) any tree removal;
 - (iii) any basement levels;
 - (iv) the number of car parking spaces, bicycle spaces, car share or loading spaces/zones;
 - (v) the precise quantum of floor space; and

- (vi) a 10% design excellence uplift in height.

(4) BUILDING ENVELOPES

Subject to 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.

(5) BUILDING HEIGHT

- (a) The maximum height of all buildings on the site must not exceed 35 metres, as defined in the Sydney Local Environmental Plan 2012.
- (b) Notwithstanding clause (a), the proposal may be eligible for an additional 10% design excellence uplift in height for parts of the building where the envelope is approved at 35 metres, pursuant to the provisions of clause 6.21(7) of Sydney Local Environmental Plan 2012.

(6) FLOOR SPACE RATIO

- (a) The floor space ratio 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.

(7) DESIGN EXCELLENCE AND COMPETITIVE DESIGN PROCESS

- (a) A competitive design process shall be in accordance with the provisions of Sydney Local Environmental Plan 2012, including:
- (b) be conducted prior to the lodgement of a detailed development application; and
- (c) be undertaken in accordance with the Design Excellence Strategy for 22-28 Mandible Street, Alexandria, prepared by Mersonn Pty Ltd and dated December 2019.

(8) ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- (a) Details are to be provided with the detailed development application to confirm that the building has adopted the sustainability initiatives and environmental performance aspects set out in the Design Excellence Strategy for 22-28 Mandible Street, Alexandria, prepared by Mersonn Pty Ltd and dated December 2019.

(9) DETAILED DESIGN OF BUILDING

- (a) The design brief for the competitive design process shall incorporate the following requirements:
 - (i) All plant and services are to be concealed by a parapet and contained within the maximum permissible height allowable by clause 4.3 and 6.21 of the Sydney Local Environmental Plan.
 - (ii) Green roof and solar panel provisions be incorporated into and maximised in the development.

- (iii) Operable passive shading devices must be designed as part of the building and incorporated on the north, west and eastern frontages.
- (iv) Improve connectivity and accessibility of ground floor retail spaces fronting the liveable green network.
- (v) The maximum height in storeys available for the site is 9 storeys. The possible additional height (up to 10%) is only to be used to explore greater floor to ceiling heights, architectural embellishments, solar panels and/or green roofs. It is not to accommodate an additional storey or more floor space than permitted by condition 6 of this consent.

(10) ACOUSTIC REPORT

- (a) An acoustic impact assessment is to be undertaken by a suitably qualified acoustic consultant and is to be submitted as part of the detailed design development application.
- (b) The recommendations of the acoustic report are to be incorporated into the design of the building and a letter of verification confirming that the design of the building incorporates these recommendations is to be submitted with the detailed development application.

(11) PUBLIC ART STRATEGY

Public art is to be provided in accordance with the 'Preliminary Public Art Plan, prepared by Tonkin Zulaikha Greer and dated May 2019.

(12) ALIGNMENT LEVELS – MAJOR DEVELOPMENT

- (a) Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved concept plans are indicative only.
- (b) As part of the lodgement of the detailed development application, alignment levels for the building and site frontages including the new road (from Mandible Street to Bourke Road) must be submitted. The submission must be prepared by a Registered Surveyor and designed by a suitably qualified engineer, must be in accordance with the City of Sydney's Technical Specification, Public Domain Manual and must be submitted with a completed Levels and Gradients Approval Application form (available on the City's website).

(13) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

- (a) As part of the lodgement of the detailed development application calculations and design for the stormwater overland flow path for the development must be submitted. They are to be:
 - (i) prepared by a suitably qualified hydraulic or civil engineer to show the proposed method of collection and disposal of stormwater; and

- (ii) prepared in accordance with the City of Sydney's *Stormwater Drainage Manual*, technical specifications, standards and policies, as amended.

(14) STORMWATER QUALITY ASSESSMENT

- (a) As part of the lodgement of the detailed development application, a stormwater quality assessment must be undertaken and must be submitted.
- (b) The stormwater quality assessment must:
 - (i) be prepared by a suitably qualified hydraulic engineer with experience in Water Sensitive Urban Design
 - (ii) use modelling from an industry-standard water quality model (e.g. MUSIC Model or equivalent); and
 - (iii) demonstrate through reports, design plans and calculations, what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:
 - a. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
 - b. reduce the baseline annual pollutant load for total suspended solids by 85%;
 - c. reduce the baseline annual pollutant load for total phosphorous by 65%;
 - d. reduce the baseline annual pollutant load for total nitrogen by 45%.
 - (iv) include certification from a suitably qualified practicing professional that the requirements of parts d) (i), (ii) and (iii) of this condition have been met.

(15) NEW ROAD DESIGN PACKAGE

- (a) Design package shall be prepared based on the requirements outlined in Council's *Public Domain Manual*. This design package is to be submitted as part of the detailed development application.
- (b) The design of the road needs to ensure that the road can meet the future bridge over Shea's Creek canal. The future bridge over the canal needs to meet Sydney Water's clearance requirements as per the bridge over Sydney Water's open stormwater channel guidelines. This detail is available at http://www.sydneywater.com.au/web/groups/publicwebcontent/documents/document/zgrf/mtcz/~edisp/dd_173024.pdf

- (c) A design report for the road works must be prepared by an appropriately qualified civil engineer certifying that the design complies with the City of Sydney's policies, standards and specifications and those of all other relevant authorities as applicable.
- (d) All engineering plans and calculations shall be checked, signed and certified by a suitably qualified practicing professional engineer and included in the report.

(16) DETAILED BOUNDARY SURVEY

A detailed boundary survey prepared by a registered surveyor is to be submitted as part of the detailed design development application.

(17) ON SITE LOADING AREAS AND OPERATION

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

(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 AND WIDTH

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

(20) LAND REMEDIATION (Where Site Auditor engaged)

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by Environmental Investigations Australia dated 14 July 2020, ref E244066.E06_REV3 (2020/307651) and the Letter of Interim Advice prepared by NSW Environment Protection Authority accredited Site Auditor Tim Chambers of Phreatic Consulting no 7 dated 15 July 2020 (2020/309437).

(21) DEEP SOIL AND CAPPING

The remedial approach must ensure that the deep soil areas proposed as part of the detailed development application have sufficient soil depth to ensure advanced tree planting.

(22) LAND DEDICATION – NO LONG TERM ENVIRONMENTAL MANAGAMENET PLAN

Land to be dedicated to the City as part of the associated Voluntary Planning Agreement must not be encumbered by an Environmental Management Plan or Long Term Environmental Management Plan.

(23) COMPLIANCE WITH ACID SULFATE SOILS MANAGEMENT PLAN

Comply with the recommendations contained in the Acid Sulphate Soils Management Plan prepared by Environmental Investigations Australia, dated 18 June 2020, reference E24066.E14.Rev 0(2020/286146).

(24) LANDSCAPING OF THE SITE (TREES)

- (a) At detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to Council with any subsequent detailed design development application. The plan must include:
- (i) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
 - (ii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;
 - (iii) Location, numbers, type and supply of plant species, with reference to the relevant Australian Standard;
 - (iv) The deep soil setback areas along Mandible Street, the new road and parcel of land at the rear of the site must facilitate the planting of large canopy trees that will reach a minimum mature height of 18 metres with a canopy spread of 8 metres.
 - (v) Palms, fruit trees and species recognised to have a short life span will not be accepted as suitable replacements.
 - (vi) The trees must be grown to Australian Standard 2303:2015 'Tree stock for landscape use'
 - (vii) At the time of planting, the container size is to be a minimum of 150 litres and a minimum height of 3 metres.
 - (viii) New trees must be planted in natural ground with adequate soil volumes to allow maturity to be achieved. Planter boxes will not be accepted for tree planting;
 - (ix) New trees must be appropriately located away from existing buildings and structures to allow maturity to be achieved without restriction;
 - (x) Details of planting procedure and maintenance;
 - (xi) Details of drainage, waterproofing and watering systems.