

Attachment A

<p>Recommended Conditions of Consent</p>

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 JAIMEE ALEX PTY LTD shall be exhibited, 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) of the subject report.

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

SCHEDULE 1

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

Note: Some conditions in Schedule A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

(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) or applications are required for any work on the site.

(2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2020/1171 dated 3 November 2020 and the following drawings prepared Rothe Lowman Architects:

Drawing Number	Drawing Name	Date
SK10.01 E	Basement 2	24 August 2021
SK10.02 E	Basement 1	24 August 2021
SK10.03 E	Ground Upper	24 August 2021
SK10.04 E	Level 1-2	24 August 2021
SK10.05 E	Level 3	24 August 2021
SK10.06 E	Level 4	24 August 2021
SK10.08 E	Sections	24 August 2021
SK10.11 D	North and South Elevations	24 August 2021
SK10.12 D	East and West Elevations	24 August 2021

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, tree removal, excavation and/or construction;
- (b) the precise total quantum of floor space;

- (c) any design excellence uplift in floor space;
- (d) the number of storeys or number of basement levels contained within each envelope;
- (e) the indicative floor layouts of buildings;
- (f) the number and configuration of residential apartments and commercial/retail tenancies;
- (g) the location of the vehicular access point to the site; and
- (h) the number, location and configuration of car parking spaces, bicycle spaces, car share spaces, service vehicle and truck loading spaces / zones;

(4) 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 'Design Excellence Strategy for 21 Collins Street, Alexandria', dated 20 September 2021, prepared by Urbis on behalf of Jaimee Alex Pty Ltd.
- (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.

(5) 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 ESD targets reflected in the Design Excellence Strategy referred to in the Condition above:

- (a) Mechanical HVAC in apartments with a minimum 4-star energy efficiency rating (EER) for both cooling and heating functions;
- (b) High efficiency LED lighting as the predominant artificial lighting solution in both common areas and dwelling spaces. BASIX Energy score of 45 or greater;
- (c) Inclusion of onsite renewable energy generation via photovoltaics – Targeting a generation capacity of 0.5 kWp or greater per Dwelling unit;
- (d) BASIX Water – Exceed minimum mandate of 40; and
- (e) Domestic Hot water service to be either central gas boosted solar thermal hot water system or alternatively a Heat Pump Hot Water System.

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

(6) FLOOR SPACE RATIO

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 1.5:1 calculated in accordance with the Sydney Local Environmental Plan 2012.
- (b) Notwithstanding (a), 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.

(7) ENVELOPE HEIGHT

- (a) The merits of any rooftop elements are to be assessed as part of any future detailed design development application.
- (b) With the exception of lift overruns, fire stairs, plant, pergolas and architectural roof features, the maximum height of future buildings including parapets must not exceed the following envelope height:
 - i. RL 26.230 (AHD) for Building 1 at the western boundary (O'Riordan Street);
 - ii. RL 25.530 (AHD) at the centre of Building 1 at the northern boundary;
 - iii. RL 27.830 (AHD) for Building 1 at the highest point, centre of the site;
 - iv. RL 27.530 (AHD) for Building 1 at the southern and eastern elevations (Collins Street and William Lane);
 - v. RL 28.530 (AHD) for Building 2 at the northern and eastern elevations (William Lane); and
 - vi. RL 31.630 (AHD) for Building 2 at the highest point.
- (c) 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.

(8) DETAILED DESIGN OF BUILDINGS

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

- (a) Minimise overshadowing on adjoining properties in accordance with Apartment Design Guide (ADG) objective 3B-2.

- (b) Maximise natural ventilation and natural cross ventilation, in accordance with ADG objective 4B and with reference to documents entitled 'Acoustic Design Guidance for Natural Ventilation' and 'Letter in response to Council Queries', prepared by Acoustic Logic and dated 9 August 2021 (Trim: 2021/379619-03 and 2021/379619-06).
- (c) Provide a compliant amount of communal open space, including at the roof level of building 1, in accordance with the ADG that receives adequate solar access, in accordance with the ADG.
- (d) A minimum 6m wide deep soil zone is to be provided on the northern boundary where the site adjoins 36 O'Riordan Street. Architectural and landscape plans shall fully dimension and quantify (in sqm) the deep soil zones.
- (e) Consistency in relation to flood issues and floor levels, as per flood risk assessment reports, lodged with the Stage 1 Concept application (trim: 2020/498946, 2020/498947 and 2020/498948).
- (f) Consistency in relation to site contamination with the Remediation Action Plan prepared by EI Australia dated 6th September 2021, referenced E23754_Rev 6, Council ref: 2021/402161-01 and Interim advice 04: review of Remedial Action Plan – 21 Collins street Alexandria, NSW (EI Australia, August 2021) by Rod Harwood, NSW EPA Accredited Contaminated Sites Auditor (Accreditation No. 03-04) dated 9th September 2021, Council Ref: 2021/402161-02.
- (g) If roof top communal open space is proposed it must provide equitable access, be designed to prevent overlooking and noise impacts and all structures (including but not limited to plant and lift overruns) must be within the 15m height limit.
- (h) Generous residential lobbies and a clear street address for both buildings, facing O'Riordan Street and Collins Street.
- (i) Salvage and re-of existing building fabric to retain interpretive heritage elements and for use in landscaped areas, with remaining 'heritage' material to be or disposed of to a materials recycler/dealer.
- (j) Protection of all existing street trees, including their canopy spread over the site. Amended survey drawings that show full canopy spread of existing street trees are required, as well as an Amended Arboricultural Impact Assessment Report detailing impacts of the development to existing street trees.
- (k) Retention of the existing retaining wall at the Collins Street boundary, unless removal is substantiated through extensive exploratory root investigations and a work methodology that demonstrates tree roots and structures will not be affected.
- (l) Provision of individual residential entries for ground floor units facing William Lane.
- (m) Requiring the rear of apartment W-UG101 to be designated as non-habitable area.

- (n) Avoid using high performance tinting or glazing as a mid-summer sun control device, and use of external sun shading devices.
- (o) Mail rooms and letterboxes that do not rely on master key locks for security.
- (p) Waste management facilities in accordance with Section 4.2.6 of the Sydney Development Control Plan 2012. Waste collection vehicles must be able to access waste collection areas within the basement from Collins Street, meeting the Design Requirements for collection vehicles in accordance with Guidelines for Waste Management in New Developments 2018. At least a 4m clearance height must be provided for a 9.25m truck, and swept path analysis must be provided.
- (q) A footpath weather protection awning, wrapping around the corner of the site and continuing along the O'Riordan Street frontage of the site.
- (r) Consider green roofs and combined PVC cells with green roof understorey for increased mitigation of heat island effect.
- (s) Adherence to the Preliminary Public Art Plan, dated September 2020, prepared by UAP on behalf of Jamiee Alex Pty Ltd.

(9) PUBLIC DOMAIN CONCEPT PLAN

A public domain concept plan, showing all site frontages, including areas extending a minimum of 5m either side of the site boundary and to the road centreline, is to be prepared in accordance with the *Public Domain Manual* and the City's *Sydney Streets Code*. It must be submitted with any Stage 2 application.

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

(10) PUBLIC DOMAIN LEVELS AND GRADIENTS - MAJOR

A Public Domain Levels and Gradients submission for the building and site frontages must be submitted with any Stage 2 application. The submission, must be prepared in accordance with the City's *Public Domain Manual* and submitted with a completed *Application for Public Domain Levels and Gradients*. Information on how to complete the submission can be downloaded from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

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

(11) STORMWATER DRAINAGE DESIGN

A detailed stormwater management plan prepared by suitable qualified and experienced professionals must be submitted with any Stage 2 application.

A certified stormwater drainage design complying with

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

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

- A. 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 is required prior to issue of any Occupation Certificate.

(12) STORMWATER QUALITY ASSESSMENT

A MUSIC link report prepared by a suitably qualified practicing civil engineer (NER) must be submitted with any Stage 2 application.

The report must include a response to all stormwater quality improvement devices structural integrity, treatment train and their treatment properties.

(13) LAND DEDICATION - NO LONG-TERM ENVIRONMENTAL MANAGEMENT PLAN

Any land that is 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.

(14) SIGNAGE STRATEGY

A detailed signage strategy shall be submitted with the Stage 2 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.

(15) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO COMPETITIVE DESIGN PROCESS

- (a) Prior to the commencement of any competitive design process for the site, an accurate 1:1 electronic CAD model of the envelope approved by this consent (and as modified by the DESIGN MODIFICATIONS condition above) 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 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.

(16) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

The terms of the Planning Agreement between the Council of the City of Sydney and Jaimee Alex Pty Ltd are to be complied with.

In accordance with the Planning Agreement:

- (a) the payment of the monetary contribution and provision of the guarantee are required prior to the first Construction Certificate and
- (b) the completion of the developer's works and transfer of land are required prior to the first Occupation Certificate.

(17) RESIDENTIAL LAND USE

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 Sydney DCP 2012.

(18) PLAN OF PROPOSED SUBDIVISION TO BE LODGED

- (a) The second stage DA shall include a plan of proposed subdivision prepared by a registered surveyor. The plan must bear the name and Surveyors ID number of the registered surveyor. Land to be dedicated as road widening shall be numbered as a lot in the plan in order for a title to issue.
- (b) An additional version of the plan shall be prepared on A4 sheets, suitable for annexure to the Planning Agreement. Dimension text height on the plan should be no smaller than 1.5mm so as to be legible on the registered document.

SCHEDULE 2

PRESCRIBED CONDITIONS

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

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

TERMS OF APPROVAL – Transport for NSW

The Terms of Approval for Integrated Development as advised by TfNSW are as follows:

- A. All buildings and structures other than pedestrian footpath awnings, 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 O’Riordan Street boundary.
- B. The redundant driveway on the O’Riordan Street boundary shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on O’Riordan Street shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to developerworks.sydney@transport.nsw.gov.au.

Detailed design plans of the proposed kerb and gutter 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 TfNSW.

- C. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au.

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

- D. 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 GTD2020/001.

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 TfNSW. 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.

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

- F. 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.
- G. Any proposed awning shall not obstruct line of sight to traffic control signals, driveways or other critical road infrastructure.
- H. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on O’Riordan Street.
- I. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on O’Riordan Street during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

SCHEDULE 4

AUSGRID ADVICE

Advice received from Ausgrid is provided as follows:

Overhead Powerlines

- A. Safe work 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.
- B. 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
- C. It remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.
- D. "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.
- E. 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."

Underground Cables

- F. 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.
- G. Safework Australia – Excavation Code of Practice, and Ausgrid’s Network Standard NS156 outlines the minimum requirements for working around Ausgrid’s underground cables.
- H. 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.

SYDNEY WATER ADVICE

Advice received from Sydney Water is provided as follows:

Water Servicing

- A. Potable water servicing should be available via a 150mm DICL watermain (laid in 1994) on O’Riordan Street.
- B. Amplifications, adjustments and extensions may be required.

Wastewater Servicing

- C. Wastewater servicing should be available via a 225mm PVC watermain (laid in 2016) on William Lane.
- D. Amplifications, adjustments and extensions may be required.

General

- E. This advice is not formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application.