

Attachment A

Amended Conditions of Consent

CONDITIONS OF CONSENT

SCHEDULE 1A

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

Note: Some conditions in Schedule 1A 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) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2018/1144 dated 21 September 2018 and the following drawings prepared by Candalepas Associates:

Drawing Number	Drawing Name	Date
DA-1-1001 C	Site Analysis Plan	19 April 2019
DA-1-1050 C M	Streetscape – Castlereagh St	19 April 2019 29 June 2022
DA-1-1051 M	Streetscape – Liverpool St	29 June 2022
DA-1-1100 C M	Building Envelope Plan	19 April 2019 29 June 2022
DA-1-1301 C M	Building Envelope North & East Elevation	19 April 2019 29 June 2022
DA-1-1302 C M	Building Envelope South & West Elevation	19 April 2019 29 June 2022

and as amended by the conditions of this consent.

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

(Condition amended – D/2018/1144/A – 17 August 2023)

(2) ~~DESIGN MODIFICATIONS~~

~~The design of the building must be modified as follows:~~

- ~~(a) The tower envelope is to have a minimum weighted average setback of 8m above the podium along the Liverpool Street frontage.~~

~~The modifications are to be submitted to and approved by Council's Area Planning Manager prior to the commencement of a competitive design process.~~

(Condition deleted – D/2018/1144/A – 17 August 2023)

(3) MATTERS NOT APPROVED AT STAGE 1

The following matters are not approved and do not form part of this Stage 1 development consent:

- (a) any demolition, excavation and/or construction
- (b) the precise quantum of floor space
- (c) the number and configuration of residential apartments
- (d) the position and configuration of commercial premises
- (e) the number of car parking levels, spaces, bicycle spaces, car share spaces and loading spaces/zones
- (f) a 10% design excellence uplift in floor space ratio or building height

(4) BUILDING HEIGHT

The height of the approved envelope must not exceed the sun access plane for Belmore Park 1A established by clause 6.17 of the Sydney Local Environmental Plan 2012.

(5) COMPLIANCE WITH CONCEPT ENVELOPE

The future stage 2 application shall comply with the building heights and setbacks established by this consent.

(6) 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 133-141 Liverpool Street, Sydney dated 23 January 2020, prepared by City Plan on behalf of Catholic Archdiocese of Sydney.
- (b) conducted prior to the lodgement of a Stage 2 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.

(7) STAGE 2 DEVELOPMENT APPLICATION TO COMPLY WITH RELEVANT PLANNING CONTROLS

The Stage 2 development must be designed to comply with "State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development" (as amended), the Apartment Design Guide (ADG), and the provisions of Sydney Local Environmental Plan 2012 (Sydney LEP 2012) and Sydney Development Control Plan 2012 (Sydney DCP 2012).

In particular, attention is drawn to the following:

- (a) The building separation distances specified within the ADG relating to visual privacy;
- (b) The minimum floor to floor and floor to ceiling heights within the ADG and Sydney DCP 2012;
- (c) Apartment sizes and room dimensions, and private open space sizes and dimensions within the ADG and Sydney DCP 2012;
- (d) The apartment and room depths specified within the ADG to ensure adequate natural ventilation, natural cross ventilation, solar and daylight access;
- (e) The ADG specification for at least 70% of apartments within a development to receive a minimum of 2 hours of direct solar access between 9am and 3pm on 21 June;
- (f) The ADG specification for at least 60% of apartments within a development to be naturally cross ventilated;
- (g) The ADG specifications relating to residential storage size volumes and characteristics;
- (h) Provisions relating to car parking and bicycle parking contained within Sydney LEP 2012 and Sydney DCP 2012;
- (i) The dwelling mix requirements of Section 4.2.3.12 of Sydney DCP 2012;
- (j) The adaptable dwelling mix requirements of Section 3.12.2 of the Sydney DCP 2012;
- (k) The requirements of the ADG and Sydney DCP 2012 regarding the on-site provision of an area or areas of communal open space;

(8) SYDNEY METRO AUTHORITY CONDITION

As part of the lodgement of any future development applications, the Applicant shall prepare and submit documentation compliant with the Sydney Metro Underground Corridor Protection Guidelines (available from Sydneymetro.info).

(9) SYDNEY TRAINS CONDITION

- (a) The submittal of a Stage 2 Development Application is to be accompanied with the documentation provided below for review and endorsement by Sydney Trains. This documentation must comply with all relevant standards and all the requirements provided in the Transport Asset Standards Authority (ASA) Development Near Rail Tunnels (<https://www.transport.nsw.gov.au/industry/standards-and-accreditation/standards>):
- (b) The applicant is requested to consult with Sydney Trains prior to the lodgement of the application.

- (c) As part of the lodgement of any future application, the Applicant shall prepare and submit with the application for concurrence by Sydney Trains the following items:
- (i) Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.
 - (ii) Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
 - (iii) Cross sectional drawings showing the development relation to the rail corridor and the centre of the closest track; sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
 - (iv) Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land.
 - (v) A Services Search report establishing the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling.
 - (vi) All drawings are to confirm that there is no encroachment into the rail tunnel easements.
 - (vii) If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

(10) AIRPORTS (PROTECTION OF AIRSPACE) REGULATIONS 1996 CONDITION

- (a) The building must not exceed a maximum height of 253.6 metres AHD (RL253.6), inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
- (b) The building must be obstacle lit by medium intensity steady red lighting during the hours of darkness at the highest point of the building. Obstacle lights are to be arranged to ensure the building can be observed in a 360 degree radius as per subsection 9.4.3 of the Manual of Standards Part 139 - Aerodromes (MOS). Characteristics for medium intensity lights are stated in subsection 9.4.7 of Part 139 of the MOS.
- (c) The obstacle lighting must have a built-in alarm system that will provide remote monitoring to notify the person responsible for the maintenance of the obstacle lighting. The designated person must be available 24 hours per day, 7 days per week. Immediate action must be taken to repair the obstacle lighting and notify Sydney Airport of any outage. The contact details of the person responsible for the maintenance of the obstacle lighting must be sent to Sydney Airport prior to the completion

of the building being constructed, and must be kept up to date. In the event of the obstacle lighting being inoperable, the person responsible for the maintenance of the obstacle lighting is to immediately contact the Sydney Airport Airfield Operations Supervisor on 0419 278 208 or 9667 9824.

- (d) The Proponent must advise Airservices Australia at least three business days prior to the controlled activity commencing by emailing <ifp@airservicesaustralia.com> and quoting YSSY-CA-120.
- (e) Separate approval must be sought under the Regulations for any construction equipment (i.e. cranes) required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) be obtained prior to any commitment to construct.
- (f) On completion of construction of the building, the Proponent must provide the airfield design manager with a written report from a certified surveyor on the finished height of the building.

(11) DETAILED ENVIRONMENTAL SITE INVESTIGATION REQUIRED

- (a) A Detailed Environmental Site Investigation (DESI) is to be carried out by a suitably qualified and competent environmental consultant and submitted to the City Area Planning Manager for further review in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites, Contaminated Land Management Act 1997 and SEPP 55 Remediation of Land” confirming that the site is suitable (or will be suitable, after remediation) for the proposed use.
- (b) Where the DESI states that the site requires remediation, a Remediation Action Plan (RAP) is to be prepared by a suitably qualified and competent environmental consultant in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites and the Contaminated Land Management Act 1997 and submitted to the City Area Planning Manager for approval.

(12) REMEDIAL ACTION PLAN REQUIRED

That a Site Remedial Action Plan (RAP) is to be submitted to the City Area Planning Manager prepared by a suitably qualified and competent environmental consultant in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites and Planning NSW Guidelines “ Managing Land Contamination Planning Guidelines” and Councils Development Control Plan “Contaminated Land”

(13) HAZARDOUS MATERIALS SURVEY REQUIRED

A Hazardous Materials Survey Report must be prepared by a certified Occupational Hygienist (*Australia Institute of Occupational Hygienists*) and submitted to the satisfaction of the City's Area Planning Manager prior to any demolition / refurbishment work commencing at the site. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to their safe management and/or removal to ensure the site is made safe for demolition, construction and future use/occupation.

(14) SERVICE VEHICLE ACCESS

Further design analysis, including swept path analysis, of the Service Vehicle access is required to demonstrate that the waste collection area meets the requirements of DCP12 Section 3.11.13 (3), namely that vehicle access for collection and loading will provide for:

- (a) a 9.25m Council garbage truck and a small rigid delivery vehicle;
- (b) minimum vertical clearance of 4.0 metres for residential development or else 3.8m clear of all ducts, pipes and other services, depending on the gradient of the access and the type of collection vehicle;
- (c) collection vehicles to be able to enter and exit the premises in a forward direction. Where a vehicle turntable is necessary to meet this requirement, it is to have a capacity of 30 tonnes;
- (d) maximum grades of 1:20 for the first 6m from the street, then a maximum of 1:8 with a transition of 1:12 for 4m at the lower end;
- (e) a minimum driveway width of 3.6m; and
- (f) a minimum turning circle radius of 10.5m.

(15) SERVICE VEHICLE SIZE LIMIT

The Stage 2 application must include swept paths for the largest vehicles to access the site. These will be used to determine a condition for the largest vehicle permitted to service the site and the width of the driveway crossing.

(16) CAR SHARE SPACES

- (a) The basement car park plan submitted as part of the Stage 2 application must include the provision of parking spaces for the exclusive use of car share scheme vehicles.
- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge.

- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The spaces must be accessible to members of the car share scheme at all times.
- (f) The car share spaces are to be available at the same time that the car park commences operation.

(17) BICYCLE PARKING AND END OF TRIP FACILITIES

The Stage 2 application must include a Bicycle Parking Plan and End of Trip Facilities design in accordance with the DCP12 Section 3.11.3. 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.

(18) TRANSPORT IMPACT STUDY

- (a) A transport impact study is required to be submitted as a part of Stage 2 DA to address the following issues:
 - (i) Traffic performance/impact with the proposed development in week day peaks (am and pm peak) and week end peak (Saturday am and pm peak) in the following intersections
 - a. Liverpool Street and Castlereagh Street
 - b. Goulburn Street and Castlereagh Street
 - c. Liverpool Street and Pitt Street
 - (b) The appropriate average value of the RMS Technical Direction TDT 2013/04a for trip generation purposes should be used for impact estimate and modelling/ impact assessment purposes.

(19) PUBLIC ART

- (a) The Public Art Strategy accompanying this Development Application has not been approved by this consent.
- (b) The Public Art Strategy must, among other things:
 - (i) set out the intended budget for public art;
 - (ii) identify how decisions will be made;
 - (iii) detail the proposed method for integrating the public art process with the competitive design process;
 - (iv) detail the proposed method for integrating the public art process with the construction of all proposed development on the site; and

- (v) detail how the procurement of the artist will be aligned with the competitive design process and the design and delivery of the building
- (c) Neither street furniture nor interpretation strategy be considered as part of the public art component.
- (d) A 'Master Artist' is to be engaged to collaborate with the successful architect.
- (e) The Strategy is to be amended to include a budget for public art. (As a guide 1% of the cost of development is considered the minimum budget allocated to public art for new development nationally and internationally.)
- (f) The Public Art Strategy must be approved by the Director City Planning Development & Transport prior to the competitive process and must be lodged with the relevant future Stage 2 development application.