

Attachment A

Amended Conditions of Consent

CONDITIONS OF CONSENT

SCHEDULE 1

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

(1) STAGED DEVELOPMENT APPLICATION

Pursuant to Clause 100 (1)(c2) of the *Environmental Planning and Assessment Regulation 2000*, this Notice of Determination relates to a concept development application. A subsequent detailed development application or applications are required for any work on the site.

(2) APPROVED CONCEPT DEVELOPMENT

- (a) Subject to the conditions of this consent, a concept plan consent is granted for building envelopes for a residential development to accommodate a 6 storey residential apartment building with a 2 level basement, and ~~8~~ 7 x two storey plus attic dwellings, including the retention of Bidura House Group, demolition of the Metropolitan Remand Centre, and associated site works including tree removal.
- (b) Any detailed development application must be in accordance with the following drawings prepared by DKO:

| Drawing Name | Drawing Number | Architect | Date |
|--------------------------------------|----------------------------|-----------|-------------------------------------|
| Envelope Plan: Footprint | A1.2_ E Rev. I | DKO | 28/11/2018 28/04/2022 |
| Envelope Plan: Upper Storey Setbacks | A1.3_ F Rev. J | DKO | 28/11/2018 18/08/2022 |
| Envelope Detail: Apartment | A1.4_ E Rev. I | DKO | 28/11/2018 28/04/2022 |
| Envelope Detail: Terrace dwellings | A1.5_ G Rev. J | DKO | 04/12/2018 18/08/2022 |
| Envelope: Sections 1/2 | A1.6_ G Rev. I | DKO | 04/12/2018 18/08/2022 |
| Envelope Sections: 2/2 | A1.7_ G Rev. I | DKO | 04/12/2018 28/04/2022 |
| Envelope: Elevations 1/2 | A1.8_ G Rev. J | DKO | 04/12/2018 18/08/2022 |
| Envelope: Elevations 2/2 | A1.9_ G Rev. J | DKO | 04/12/2018 18/08/2022 |
| Reference Sections | A1.13_ F Rev. H | DKO | 04/12/2018 22/06/2021 |
| Reference Sections | A1.14_ F Rev. I | DKO | 04/12/2018 28/04/2022 |

| Drawing Name | Drawing Number | Architect | Date |
|----------------------------|----------------------------|-----------|-------------------------------------|
| Reference Sections | A1.15_ E Rev. J | DKO | 04/12/2018 18/08/2022 |
| Compliance drawings | | | |
| Site Plan- Existing | A1.1_A | DKO | 19/12/2017 |
| Demolition Plan | A2.1_A | DKO | 19/12/2017 |

and as amended by the conditions of this consent.

- (c) In the event of any inconsistency between the approved plans and supplementary documentation, the drawings will prevail.
- (d) The detailed apartment building design is to include elements within the articulation zone to create a consistent two storey scale to Ferry Lane.
- (e) Lift overrun levels shown in plans are to include lift overruns and building plant only.

(Condition amended – D/2017/582/A – 30 August 2023)

(3) MATTERS NOT APPROVED IN THIS CONCEPT DA

The following matters are not approved as part of this concept consent:

- (a) works to demolish the Metropolitan Remand Centre;
- (b) excavation of any basement and remediation;
- (c) tree removal;
- (d) layout, mix, and number of residential units;
- (e) the vehicular access / crossover location(s);
- (f) the layout of the basement;
- (g) the number and configuration of car spaces, bicycle spaces and loading spaces / zones;
- (h) the siting and location of any substation;
- (i) any subdivision of the site; and
- (j) the area or location of any rooftop communal areas.

(4) BUILDING HEIGHT

The height of any future building, including services, must not exceed the maximum levels set out in the approved building envelopes.

(5) DESIGN COMPETITION

A competitive design process in accordance with the provisions of Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012, and approved 'Design Excellence Strategy' prepared by Mecone and submitted on 28 February 2018 shall be conducted prior to the lodgement of a detailed Development Application.

(6) PUBLIC ART

A Detailed Public Art Plan is to be developed for the development in accordance with the *City of Sydney's Public Art in Private Developments Guidelines* and the *City of Sydney's Public Art Policy* and submitted with any subsequent detailed Development Application.

- (a) 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; and
 - (iv) detail the proposed method for integrating the public art process with the construction of all proposed development on the site.
- (b) Neither street furniture nor interpretation strategy be considered as part of the public art component.
- (c) The Public Art Strategy must be approved by the Director City Planning Development & Transport prior to the competitive design process and must be lodged with the relevant future detailed development applications.

(7) HERITAGE INTERPRETATION PLAN

- (a) A heritage interpretation plan for the site must be provided with any subsequent detailed development application.
- (b) The heritage interpretation plan must detail how information on the history and significance of the site will be provided for future occupants of the site and general public, and make recommendations regarding public accessibility, signage and lighting.

Note: Public art, details of the heritage design, and the display of selected artefacts are some of the means that can be used.

- (c) The heritage interpretation plan must specifically address the history and significance of the Bidura House Group as well as the use of the site for the Depot for State Children and the Metropolitan Girls' Shelter (1920 – 1977) and the Metropolitan Remand Centre (1980 – 2017).
- (d) The heritage interpretation plan must provide the location, type, materials and contents of the interpretation proposed, and this is to be prepared by a suitably qualified and experienced heritage practitioner/historian.
- (e) The heritage interpretation plan must include the staging of the implementation of the interpretation, as it relates to any staging of the development.

(8) ARCHIVAL PHOTOGRAPHIC RECORDING OF THE MRC AND SITE

- (a) As part of any detailed development application proposing demolition of the Metropolitan Remand Centre building an archival recording of the exterior and interior of the building and adjoining parts of the MRC site must be submitted. The recording is to be in a digital format. The form of the recording is to include the following:
- (b) An A4 report submitted in PDF format created directly from the digital original. The report is to include:
 - i. Development Application number, consent condition number, project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
 - ii. Location plans that clearly indicate the location and direction from which images were taken, and the image number.
 - iii. Digital image catalogue sheets containing the following data for each image: Image file number, image number cross referenced to the location plan, image subject/description and date photograph taken.
 - iv. Written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.
 - v. Include electronic images, taken with a minimum 8 megapixel camera, saved as individual TIF, JPEG or PDF files of a size of approximately 4-6 megabytes (MB). Each digital image is to be labelled so as to enable the cross reference to the digital image catalogue sheets and location plans.

NOTE: Choose only images that are necessary to document the place and avoid duplicate images.

- (c) The report and the images are to be submitted on a CD, DVD or USB flash drive.

(9) CONSERVATION WORKS TO THE BIDURA HOUSE GROUP

- (a) A Schedule of Conservation works for the Bidura House Group, including Bidura House, the annex and ballroom, supported by drawings and, where necessary, specifications, is to be prepared and implemented as part of any future development proposal that relates to the Bidura House Group.
- (b) The schedule is to be prepared in accordance with the recommendations of the Conservation Management Plan prepared for the site by GBA in September 2015 by a suitably qualified and experienced heritage consultant.

(10) LANDSCAPING OF THE SITE

- (a) The Indicative Landscape Plan accompanying the concept development application has not been approved by this consent.
- (b) A detailed landscape plan is to be submitted with any detailed development application.
- (c) The Camphor Laurel tree located in the northern corner must be included for retention with any detailed development application.
- (d) A heritage assessment of the ground of the Bidura House Group is to be prepared by a landscape architect with heritage knowledge and expertise to inform the landscape plan within the curtilage of the heritage item including any changes to the grounds through landscaping, new pathways, open space allocation and the like. This assessment must undertaken prior to the Design Competition required by Condition (5) of this consent.
- (e) In relation to the grounds of the Bidura House Group:
 - (i) The basis of landscape design for any future detailed development application for the site is to be informed by a heritage landscape analysis of the historic form of the site and how the setting of Bidura House can be interpreted to a significant form.
 - (ii) The landscape treatment of the area, while providing for site access, is to be designed to provide an appropriate setting for Bidura House that relates to its future use.
 - (iii) The landscape design is to provide for the use of the grounds of the SHR curtilage in a manner appropriately related to the uses of the Bidura House Group.
 - (iv) Any access through the grounds of the Bidura House Group to the proposed redevelopment of the MRC part of the site is not to dominate the visual setting of the Bidura House Group.

(11) COMPLIANCE WITH AUSTRALIAN STANDARDS

The design, layout, signage, line marking, lighting and physical controls of off-street parking facilities must comply with the following:

- a) *Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking*
- b) *Australian Standard AS/NZS 2890.6 - 2009 Parking facilities Part 6: Off-street parking for people with disabilities.*
- c) *Australian Standard AS/NZS 2890.3 - 2015 Parking facilities Part 3: Bicycle parking*
- d) *Australian Standard AS/NZS 2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities*

Plans and reports submitted with the subsequent detailed development application are to include relevant dimensions, ratios and details of all off-street parking including bicycle parking.

(12) BICYCLE PARKING

At least 20 per cent of bicycle parking is to be security level B in accordance with *Australian Standard AS/NZS 2890.3 - 2015 parking facilities Part 3: Bicycle parking* and located in an easily accessible position at ground level.

Note: for the remainder of bicycle parking, a basement storage area on title and large enough to store a bicycle in accordance with the bicycle spacing envelope in AS2890.3 can be counted as a bicycle parking space.

(13) SERVICE VEHICLES

- (a) The service vehicle access point, loading area and turntable is to accommodate a Medium Rigid Vehicle as specified in *Australian Standard AS/NZS 2890.2 - 2002 parking facilities Part 2: Off-street commercial vehicle facilities*.
- (b) To facilitate loading a continuous path of travel and as direct as possible is to be provided between the loading dock and retail/commercial premises.

(14) CAR SHARE FEASIBILITY

A letter from a car share operator confirming the feasibility or otherwise, and intended implementation, or otherwise, of an onsite car share vehicle is to be submitted with a subsequent detailed development application.

(15) DEDICATION OF WIDENING

Any subsequent detailed development application must include an intention to dedicate for road purposes, free of cost to Council, the following:

- (a) a widening along the site frontage to Ferry Lane. The widening is to accommodate the provision of a 1.5m wide pedestrian footway; and
- (b) on the understanding that the affected areas can be used in the calculation of the site area and the floor space ratio for the development.

SCHEDULE 2

PRESCRIBED CONDITIONS

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

- Clause 98 Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*
- Clause 98A Erection of signs
- Clause 98B Notification of *Home Building Act 1989* requirements
- Clause 98C Conditions relating to entertainment venues
- Clause 98D Conditions relating to maximum capacity signage
- Clause 98E Conditions relating to shoring and adequacy of adjoining property

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>