

Attachment A

Recommended Conditions of Consent
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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/2019/992 dated ~~6 September 2019~~ **27 September 2023** and the following drawings prepared by ***Crone Partners Pty Ltd Bates Smart***:

Drawing Name	Drawing Number	Date
<i>Proposed Building</i> Envelope Plan	DA- A- 10500 <i>Revision B S1DA-01.00 Revision E</i>	18.06.20 27/09/23
<i>Proposed Building</i> Envelope Plan Lower Ground	10508-Revision C <i>S1DA-01.01 Revision E</i>	13.08.20 27/09/23
<i>Proposed Building</i> Envelope Plan Ground	DA- A- 10510 <i>Revision B S1DA-01.02 Revision E</i>	18.06.20 27/09/23
<i>Proposed Building</i> Envelope Plan Level 1 -6	DA- A- 10511 <i>Revision B S1DA-01.03 Revision E</i>	18.06.20 27/09/23
<i>Building Envelope Plan</i> <i>Level 2-6</i>	<i>S1DA-01.04 Revision E</i>	27/09/23
<i>Proposed Building</i> Envelope Plan Level 7-28	DA- A- 10512 <i>Revision B S1DA-01.05 Revision E</i>	18.06.20 27/09/23
<i>Proposed Building</i> Envelope Plan Level 29	DA- A- 10513 <i>Revision B S1DA-01.06 Revision E</i>	18.06.20 27/09/23
<i>Proposed Building</i> Envelope Plan Level 30	DA- A- 10514 <i>Revision B S1DA-01.07 Revision E</i>	18.06.20 27/09/23
<i>Proposed Building</i> Envelope Plan Level 31	DA- A- 10515 <i>Revision B S1DA-01.08 Revision E</i>	18.06.20 27/09/23

Drawing Name	Drawing Number	Date
Proposed Building Envelope Plan Level 32	DA- A- 10516 Revision B S1DA- 01.09 Revision E	18.06.20 27/09/23
Proposed Building Envelope Plan Level 33	DA- A- 10517 Revision B S1DA- 01.10 Revision E	18.06.20 27/09/23
Proposed Building Envelope Plan Level 34	DA- A- 10518 Revision B S1DA- 01.11 Revision E	18.06.20 27/09/23
Proposed Building Envelope Plan Level 35	DA- A- 10519 S1DA- 01.12 Revision E	18.06.20 27/09/23
Proposed Building Envelope Plan Level 36	DA- A- 10520 S1DA- 01.13 Revision F	18.06.20 04/10/23
Proposed Envelope Plan - Roof	DA- A- 10521	18.06.20
Proposed Envelope Axonometric Views	DA- A- 10530 S1DA- 03.01 Revision E	18.06.20 04/10/23
Proposed Building Envelope Elevation - North	DA- A- 10601 S1DA- 02.01 Revision E	18.06.20 27/09/23
Proposed Building Envelope Elevation - South	DA- A- 10602 S1DA- 02.02 Revision E	18.06.20 27/09/23
Proposed Building Envelope Elevation - East	DA- A- 10603 S1DA- 02.03 Revision E	18.06.20 27/09/23
Proposed Building Envelope Elevation - West	DA- A- 10604 S1DA- 02.04 Revision E	18.06.20 27/09/23

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.

Amended by D/2019/992/A on 19 October 2023

(3) BUILDING ENVELOPE MODIFICATIONS

- (a) The building envelope depicted in the drawings referenced in condition (2) of this development consent are to be 'paired' and must be modified as follows:
- (i) The width of the northern portion of tower A to its Liverpool Street frontage must be reduced to match and be symmetrical with that of tower B and the western recessed element correspondingly widened.

- (ii) A recessed setback must be provided to the Liverpool Street frontage at the podium level 1 to match the depth of the ground level setback.
- (iii) The encroachment over the south-eastern splay must be deleted to a height of RL 32.48 AHD.
- (b) The modifications are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the commencement of any competitive design process.
- (c) The approved modified building envelope from 3 (b) must be included in the competitive design process brief.

(4) 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, commercial and residential floor space.
- (d) The indicative floor layouts of buildings.
- (e) The number, position and configuration of residential apartments, commercial 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 on or adjoining the site.
- (j) Any additional floor space or building height up to 10%, pursuant to the provisions of Clause 6.21(7), including any building height above 110 metres.

(5) BUILDING HEIGHT

- (a) The height of the approved envelope and all detailed development applications on the site must not exceed the sun access plane for Harmony Park established by the Planning Proposal: Central Sydney 2020, the Draft Central Sydney Planning Strategy, and any future associated amendments to the Sydney Local Environmental Plan 2012.

- (b) The height of all detailed development applications on the site must not exceed the maximum 110 metre height of buildings development standard established by Clause 4.3 of the Sydney Local Environmental Plan 2012. No consent is granted or implied for a building to a height of 121 metres.
- (c) Notwithstanding (b) above, the portion of the site which is not subject to the Harmony Park sun access plane may be eligible for up to 10% additional height pursuant to the provisions of Clause 6.21(7)(a) 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.

(6) 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) Any future detailed development application on the site will not be eligible for any additional floor space pursuant to the provisions of Clause 6.21(7)(b) of the Sydney Local Environmental Plan 2012.
- (c) Precise calculations and details of the distribution of floor space must be provided with any subsequent detailed design development application.
- (d) 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.

(7) COMPLIANCE WITH CONCEPT ENVELOPE HEIGHTS AND SETBACKS

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

(8) 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.

(9) 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 'Design Excellence Strategy' for 175 Liverpool Street, Sydney, reference 15914/2190217, version E, prepared by Ethos Urban Pty Ltd and dated 8 September 2020 (Council reference TRIM 2020/388774) or as varied to the written approval of the Director City Planning Development and Transport.

- (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.

(10) 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 Building Envelope Modifications condition above) must be submitted to and approved by Council's City Model Unit.
- (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.
- (c) The data must be submitted as a DGN or DWG file on a Compact Disc. All modelling must be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.
- (d) 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 must be consulted prior to creation of the model. The data is to comply with all of the conditions of the development consent.

(11) DETAILED DESIGN OF BUILDINGS

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

- (a) The tower and podium forms must be designed to have a symmetrical appearance and have similar proportions, bulk and facade treatments when viewed from points within Hyde Park to the north, north-west and north-east, and in particular, when viewed looking south from Hyde Park's central avenue, as a backdrop to the ANZAC War Memorial.
- (b) The setback to the north-western corner of the western tower from Liverpool Street and Nithsdale Street must be designed as a recessive element.

- (c) The northern facades of the development must be designed to be shaded / recessive, in order to provide a calm and dignified setting as a muted, textured backdrop for the ANZAC War Memorial. Any external lighting of the development must be designed in accordance with this requirement.
- (d) Articulation of the northern facades and fenestration must be in similar proportions to, and in harmony with, the two adjacent buildings to the west of the site.
- (e) The colour scheme and materiality of the future detailed design of the development must give consideration to the heritage context of the site. Consideration must be given to potential impacts of reflections on the ANZAC War Memorial and Pool of Reflection, and views from these significant State heritage items.
- (f) The corners of the tower forms must be designed to soften and mitigate any visual impacts arising from the asymmetry of the through site link alignment.
- (g) The facade articulation between the tower forms within and adjoining the site must be designed to mitigate wind effects and visual and acoustic privacy impacts.
- (h) Detailed visual analysis of the development from multiple street and park views, including views from points along Hyde Park's central avenue from Park Street to the Pool of Reflection, and from the oculus, water cascade feature, Hall of Service, and Hall of Memory within the ANZAC War Memorial, and from other key vantage points from within Hyde Park.
- (i) Detailed visual analysis of the relationship between the development and the existing and future built form of the adjoining developments to the east, west and south of the site.
- (j) The width of any through site link at its Liverpool Street frontage must reference and respond to the width and arrangement of the memorial cascade walkway to the south of the ANZAC memorial.
- (k) The level changes between the surrounding streets must be addressed within the development to improve access and increase opportunities for ground floor and lower ground floor activation.
- (l) The design of the interface with the surrounding public domain and footpaths must provide high levels of amenity for pedestrians and sufficient space for existing and future street tree canopies.
- (m) The width of the vehicle access points to Clarke Street and Nithsdale Street must be narrowed and minimised.
- (n) Massing and modulation of buildings in order to minimise overshadowing of the public domain, adjoining residential development and public open spaces adjacent to and in proximity to the site.

- (o) 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.
- (p) No high level, large or highly lit corporate signage to the northern facades of the development.
- (q) No spires, towers or flag poles on the top of the development.
- (r) The use of stone in the facades of the development should be avoided.
- (s) No open balconies to the western face of Tower A.

(12) THROUGH SITE LINK DESIGN

The through site link design in any future competitive design process and subsequent detailed design development application must be in accordance with the minimum requirements set out in the relevant objectives and provisions of Section 3.1.2.2 of the Sydney Development Control Plan 2012, including the following:

- (a) Being direct and accessible to all 24 hours a day;
- (b) Having a clear line of sight between public places;
- (c) Being open to the sky (***excluding the area contained within the 'Urban Room'***);
- (d) Being easily identifiable and including wayfinding measures;
- (e) Including materials and finishes consistent with adjoining streets and public spaces;
- (f) Being clear of obstructions and structures;
- (g) Including landscaping; and
- (h) Providing active frontages.

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(13) 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 must be submitted. The report must explain how the existing basement and any associated building elements are to be retained and supported in the proposed development and provide details of any intervention or retrofitting required.

(14) 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 residential apartments within a development to receive a minimum of 2 hours of direct sunlight between 9am and 3pm on 21 June to living rooms and private open space.
- (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.

(15) 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.

(16) SUN ACCESS MODELLING

Detailed design drawings and diagrams are to be submitted with the detailed design Development Applications providing precise sun access modelling of overshadowing of the public domain, adjoining residential development and public open spaces adjacent to and in proximity to the site.

(17) 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 Ecologically Sustainable Development (ESD) targets outlined in The '175 Liverpool Street Concept Development Application ESD Design Report', reference REP-ESD-001, revision 2, prepared by Arup and dated 18 June 2020 (Council reference TRIM 2020/267925).
- (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 50 points or better;
 - (ii) For the commercial component of the development:
 - a. A NABERS Energy rating of 5.5 stars or better; and
 - (iii) ~~Implementation of Building Integrated Photovoltaics to the northern facades of the development.~~

- (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.

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(18) PUBLIC ART

- (a) The 'Preliminary Public Art Plan', reference 15914/2190217, version D, dated 19 June 2020 and prepared by Ethos Urban (Council reference TRIM 2020/267917) must be incorporated into the competitive design process brief.
- (b) ~~***The artist brief and shortlist must be presented to the City of Sydney's Public Art Unit prior to any competitive process for the public artwork being undertaken.***~~
- (c) ~~***Selected artists concepts must be presented to the City of Sydney's Public Art Unit prior to the development and submission of any detailed public art plans with a subsequent detailed design development application.***~~
- (d) 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.
- (e) All public artwork must be in accordance with the relevant objectives and provisions of the Sydney Development Control Plan 2012, the City of Sydney Public Art Policy, and the City of Sydney Interim guidelines: public art in private developments.

Note: All public art must be reviewed and endorsed by the City's Public Art Unit and/or the City of Sydney Public Art Advisory Panel, prior to submission for Council approval.

Amended by D/2019/992/A on 19 October 2023

(19) LANDSCAPING

- (a) Any subsequent detailed design development application must include a landscape plan, details and landscape design statement prepared by a qualified landscape architect.
- (b) The documentation should:
 - (i) Identify and respond to any landscape constraints, including (but not limited to) setbacks, existing trees, safety, function of spaces, access, topography, wind and screening/buffer requirements.
 - (ii) Quantify and illustrate compliance with the relevant landscape design provisions of the Apartment Design Guide, 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, and clearly illustrate and quantify the amount of direct sunlight received.
 - (iv) Show any accessible 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 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) Give consideration to the greening of the podium and/or tower elements, identifying any intended design elements such as green roofs and walls, water sensitive landscape design treatments and sustainability targets. Clearly illustrate how any greening of the built form will be safely and easily accessed for maintenance.
 - (vii) Give consideration to refurbishment and renewal of the pocket park within the southern portion of the site as public open space, including the removal, redesign or relocation of existing basement car parking ventilation.
 - (viii) Address wind impacts to all landscape space within the development, ensuring the landscape design is fully coordinated with any relevant recommendations in the wind report.
- (c) The landscape design should demonstrate a clear commitment to sustainability, and should be fully integrated with the architectural design, demonstrating 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.

(20) SIGNAGE STRATEGY

- (a) A detailed signage strategy developed in accordance with Section 3.16.1 of the Sydney Development Control Plan 2012 must be submitted with any subsequent detailed design development application.
- (b) The signage strategy must include information and scale drawings of the location, type, construction, materials and total number of signs proposed for the development.
- (c) No high level, large or highly lit corporate signage must be proposed on the northern facades of the development.

(21) HERITAGE IMPACT STATEMENT

A Heritage Impact Statement prepared in accordance with Clause 5.10(5) of the Sydney Local Environmental Plan 2012 and Section 3.9.1 of the Sydney Development Control Plan 2012 must be prepared and submitted with any subsequent detailed design development application.

(22) WIND ASSESSMENT

- (a) Prior to the commencement of any competitive design process, the building envelope as modified by condition (3) of this development consent, must be subject to wind tunnel testing to ascertain the impacts of the development on the wind environment and conditions within any publicly accessible pedestrian spaces and through site link, the surrounding streets, neighbouring buildings, and other external areas within the subject development. The wind testing must incorporate appropriate criteria for walking, standing and sitting comfort.
- (b) Any recommendations of this wind tunnel testing and wind assessment report required by (a) above must be incorporated into the competitive design process brief.
- (c) Prior to the lodgement of any subsequent detailed design development application, the detailed design of the development must be subject to further 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. The wind testing must incorporate appropriate criteria for walking, standing and sitting comfort.
- (d) The recommendations of the wind tunnel testing and wind assessment report required by (a) and (c) above must not propose vertical barriers or baffle screens within the through site link which would obstruct clear lines of sight, views and access.
- (e) Any recommendations of the further wind tunnel testing and wind assessment report required by (c) above must be incorporated into and submitted with any subsequent detailed design development application.

(23) 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.

(24) EXTERNAL LIGHTING

Details of any proposed external floodlighting or illumination of the development or site landscaping must be submitted with any subsequent detailed design development application, including an illumination assessment report carried out by an appropriately qualified lighting consultant.

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

~~Any subsequent detailed design development application must be accompanied by a~~ A site-specific Demolition, Excavation and Construction Noise and Vibration Management Plan **must be prepared prior to the issue of any Construction Certificate for any subsequent detailed design development application.**

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 **where possible**.
- (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.

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(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) 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.

(28) LAND CONTAMINATION

- (a) No development works are approved to be undertaken on the site until such time as a subsequent detailed design development application has been granted development consent.
- (b) Any such detailed design application must include documentation that demonstrates the requirements of State Environmental Planning Policy No 55—Remediation of Land (SEPP 55) and ‘Managing Land Contamination Planning Guidelines SEPP 55—Remediation of Land’ are addressed.
- (c) To address the requirements of SEPP 55 and hierarchy of assessment may include but not be limited to the following:
 - (i) Detailed Environmental Site Assessment (DESA) (also known as Stage 2);
 - (ii) Remediation Action Plan (RAP);
 - (iii) Review by NSW EPA Site Auditor;
 - (iv) Site Validation Report; and
 - (v) Site Audit Statement (SAS).

(29) 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.

(30) 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.

(31) STREET TREES

- (a) All street trees adjoining the site must be included for retention with any subsequent detailed design development application ***excluding street trees approved for removal under Development Consent D/2022/614.***
- (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.

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(32) 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 the ground floor level, lower ground floor level or basement level 1, and is to be in close proximity to end-of-trip facilities.

All visitor bicycle parking (Class C of AS 2890.3:2015) should preferably be provided at ground floor level, or lower 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.

(33) CAR SHARE SPACES

The car parking plan drawings submitted as part of any detailed design development application must include the provision of parking spaces for the exclusive use of car share scheme vehicles within the basement, in accordance with Section 3.11.2 of the Sydney Development Control Plan 2012.

Parking spaces allocated for car share vehicles must be publicly accessible by people who do not occupy the building. The spaces must be retained as common property of the Owners Corporation and not sold or leased at any time. The spaces must be made available to car share operators without a fee or charge. The spaces must be well lit and sign posted for use only by car share vehicles.

The car share spaces are to be available at the same time that the building is occupied.

Details of the location and public accessibility of the car share spaces must be included in any detailed design development application.

Note: it is recommended the applicant contact car share operator/s to discuss the proposed car share parking spaces and related documentation should submit to the council as a part of any detailed design development application submission.

(34) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

A draft Construction Traffic Management Plan (CTMP) must be prepared in accordance with Council's requirements, located on the City's website at <http://www.cityofsydney.nsw.gov.au/business/business-responsibilities/traffic-management/construction-traffic-management-plans>, and be submitted with any subsequent detailed design development application.

(35) 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.

(36) ON SITE LOADING AREAS AND OPERATION

Any subsequent detailed design development must ensure that the design of all loading and unloading facilities associated with servicing the site must be located within the confines of the site and must not obstruct other properties or the public way.

(37) 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 driveways in and out from the roadway and manoeuvring within loading areas). These will be used to determine a condition for the largest vehicle permitted to service the site.

(38) SERVICING AND LOADING DOCK MANAGEMENT PLAN

A draft servicing and loading dock management plan must be prepared and submitted as part of any subsequent detailed design development application. The draft plan must specify the following:

- (a) Details of the freight and servicing profile and requirements for the development, including forecast freight and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay.
- (b) Details of the loading and servicing facilities within the subject site which adequately accommodate the forecast demand of the development, so as not to rely on kerbside arrangements to conduct business associated with the development.

- (c) Service vehicle parking spaces provided in accordance with Section 3.11.6 and Schedule 7.8.1 of the Sydney Development Control Plan 2012.
- (d) Compliance with the minimum requirements of Australian Standard AS/NZS 2890.2 Parking facilities Part 2: Off-street commercial vehicle facilities including that vehicle access will provide for:
 - (i) A 9.25 metre truck; and
 - (ii) Minimum vertical clearance of 4.5 metres.
- (e) The plan is to identify how the loading area will be managed and used by all building tenants including retail, commercial and associated uses and how the loading area will accommodate uses such as waste vehicles, bulky good deliveries and similar.
- (f) The plan must include, but is not limited to, management of deliveries to ensure there is no requirement for any service vehicles to wait on public streets to enter the site, either by a schedule showing all tenants when they can use the area, or by a register managed on site to allow tenants to reserve a time period for their deliveries.

(39) TRANSPORT IMPACT STUDY

A Transport Impact Study must be prepared in accordance with Section 3.11.1 and Schedule 7.4 of the Sydney Development Control Plan 2012 and submitted with any subsequent detailed design development application.

(40) VEHICLE ACCESS AND EGRESS

The design of vehicle access and egress in any subsequent detailed design development application must be configured to allow all vehicles to be driven onto and off the site in a forward direction.

(41) VEHICLE ACCESS DESIGN AND LOCATION

All vehicle access points and crossovers must be designed and located in accordance with Sections 3.11.10, 3.11.11 and 3.11.13 of the Sydney Development Control Plan 2012, and be designed to minimise impacts on, and to provide priority to, pedestrian movement through and around the site.

(42) VEHICLE PARKING PROVISION AND DESIGN

- (a) No parking spaces are approved under this consent. The permissible number of car parking spaces is to be determined in any subsequent detailed design development application.
- (b) Any vehicle parking proposed as part of any future detailed design development application must comply with the maximum parking rates specified in Part 7, Division 1 of the Sydney Local Environmental Plan 2012 and Section 3.11 and Schedule 7.8 of the Sydney Development Control Plan 2012, and be in keeping with the transport objectives and provisions of both the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.

- (c) Consideration must be given in any subsequent detailed design development application to:
 - (i) a vehicle mode share based on a 20 percent reduction in vehicle traffic, including a 20 percent reduction in overall car parking numbers (excluding car share, loading dock facilities and service vehicle spaces); and
 - (ii) design of car parking facilities to permit conversion to alternate future uses.
- (d) The design, layout, signage, line marking, lighting and physical controls of all off-street car parking facilities is to satisfy the Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking, Australian Standard AS/NZS 2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities and Australian Standard AS/NZS 2890.6 - 2009 Parking facilities Part 6: Off-street parking for people with disabilities.

(43) PUBLIC DOMAIN CONCEPT PLAN

A Public Domain Concept Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and be submitted with any subsequent detailed design development application for the site. The plan must show all existing and proposed public domain elements within the surrounding site frontages, as well as the pocket park, any through site links, land dedications and/or setback areas.

(44) STORMWATER QUALITY DESIGN

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) 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.
- (b) Details of the location, construction and servicing of the waste collection facilities for the different components of the development of the proposed buildings.
- (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 2018.

(46) AUSGRID

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

(47) SYDNEY WATER

- (a) Consultation is required with Sydney Water to ensure that technical and statutory requirements with regard 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.

SCHEDULE 1B

CONCURRENCE CONDITIONS

(48) ROADS AND MARITIME SERVICES

- (a) All buildings and structures, 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 Liverpool Road boundary.
- (b) The developer shall be responsible for all public utility adjustment/relocation works, etc. necessitated by the above/approved work and as required by the various public utility authorities and/or their agents.
- (c) Traffic Report for the future development Stage 1 and Stage 2 Applications, in the detailed stages, should include generating flow traffic impact assessment for the surrounding signalised intersections along Liverpool Street and Elizabeth Street.
- (d) Access arrangements along the Nithsdale Street site frontage should be referred to Council's traffic committee for approval.
- (e) All vehicles are to enter and exit the site in a forward direction.
- (f) The layout of the proposed car parking areas associated with the subject development (including, driveways, swept paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay and loading dock dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018.
- (g) Parking Restrictions may be required to maintain the required sight distances at the Nithsdale Street driveways. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
- (h) Construction activities shall be undertaken wholly within the private property of the site. If this is not possible Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Liverpool Road during construction. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>
- (i) A Construction Traffic Management Plan (CTMP) shall be submitted in consultation with the TfNSW Sydney Coordination Office (SCO), Roads and Maritime, and City of Sydney, prior to the issue of a Construction Certificate. The CTMP needs to include, but not be limited to, the following: construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control, taking into consideration the cumulative traffic impacts of other developments in the area.

(49) TRANSPORT FOR NEW SOUTH WALES - LOADING AND SERVICING MANAGEMENT

The applicant must prepare a Loading and Servicing Management Plan, as part of any Stage 2 application, for an on-site loading dock or shared off-street parking facilities. The Plan needs to specify, but not be limited to, the following:

- (a) Details of the development's freight and servicing profile, including the forecast freight and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;
- (b) Details of loading and servicing facilities within the subject site which adequately accommodate the forecast demand of the development so as to not rely on the kerbside restrictions to conduct the development's business; and
- (c) If the above is not achievable, details of shared off-street parking facilities at another location close to the site.

(50) TRANSPORT FOR NEW SOUTH WALES - GREEN TRAVEL PLAN

The applicant must prepare a Green Travel Plan for the operations of the subject site, to be developed and endorsed by Council prior to Certificate of Occupancy. The Green Travel Plan should include, but not be limited to:

- (a) Site audit and data collection, which is crucial for understanding the starting point;
- (b) Objectives and targets that define the direction and purpose of the travel plan. Targets should be specific, measurable, achievable and time-bound;
- (c) Actions that will help achieve the objectives. Actions should provide incentives for using sustainable transport modes;
- (d) A strategy for promoting and marketing the actions;
- (e) Commitment of resources, including financial support and human resources to allow for implementation, monitoring, review and continual improvement of the travel plan;
- (f) A monitoring and review process that sets out a systematic approach to measuring the impact of the travel plan;
- (g) Governance support, including appointment of a Travel Plan Coordinator or Committee.

(51) 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), noting that Liverpool Street is not a suitable location;
- (c) Location of any crane(s);
- (d) Haulage routes;
- (e) A detailed plan identifying all construction vehicle access arrangements;
- (f) Estimated number of construction vehicle movements, including measures to reduce the number of movements during the AM and PM peak periods;
- (g) Measures to avoid construction worker vehicle movements within the CBD;
- (h) Construction program;
- (i) Proposed construction hours;
- (j) Consultation strategy for liaison with surrounding stakeholders, including other developments;
- (k) Any potential impacts to general traffic, cyclists, pedestrians and bus and light rail services within the vicinity of the site from the construction of the development;
- (l) Cumulative construction impacts of the development, Sydney Metro City and Southwest and other development. 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
- (m) 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.

Transport for New South Wales requests that the applicant consults with the Sydney Coordination Office within Transport for New South Wales for non-concurrence matters. Transport for New South Wales would be pleased to consider any further material forwarded from the applicant.

SCHEDULE 2

PRESCRIBED CONDITIONS

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

IMPORTANT ADDITIONAL INFORMATION

Advisory notes:

1. It is advised that the City of Sydney Neighbourhood Parking Policy may apply to this development. Eligibility for parking permits for residents or users of the development will be determined by the terms of this policy or subsequent future policies.
2. The State Government has completed construction of the CBD South East Light Rail (CSELR). You may need to consider the potential impacts of this project in programming your development. The CSELR route includes Alfred Street, George Street, Rawson Place, Eddy Avenue, Chalmers Street, and Devonshire Street. For further information contact the Transport for NSW Infoline on 1800 684 490 or www.transport.nsw.gov.au/projects.

The *Environmental Planning and Assessment Act, 1979* requires you to:

1. Obtain a **Construction Certificate** prior to the commencement of any works. An application may be lodged with Council, or you may apply to a private accredited certifier for a Construction Certificate. An accredited certifier **must obtain Council's approval** to certain conditions of this development consent, where indicated before issuing the Construction Certificate.
2. **Note: it is compulsory to lodge digital copies of applications, including plans and documentation if lodging an application with Council. Please refer to the link below for any further information about digital requirements and electronic files.**
<http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/digital-requirements>.
3. Nominate a **Principal Certifier** which may be either Council or an accredited certifier and notify Council of that appointment. You **cannot lawfully** commence works without complying with this requirement.
4. Give Council at least two days notice of your intention to commence the erection of a building **before** commencing construction works. You cannot lawfully commence works without complying with this requirement.
5. Obtain an **Occupation Certificate** before commencing occupation or commencing to use the building or on the completion of other works including the erection of a sign. You cannot lawfully commence occupation or the use of a building without complying with this requirement.

You may also need to:

6. Obtain approval through the lodgement of an application under Section 68 of the *Local Government Act, 1993* and Section 138 of the *Roads Act, 1993* for an activity which is proposed to be undertaken in, on or above a road reservation (including footways). Such activities include:
 - (a) installation of hoardings/scaffolding;
 - (b) installation and/or alterations to advertising/business signs and street awnings;
 - (c) crane operation and other hoisting activities;
 - (d) temporary works (e.g.: barricading, road openings, mobile hoisting devices);
 - (e) works zone (for loading and unloading from the roadway); and
 - (f) temporary ground anchoring and shoring to support a roadway when excavating.Application forms are available on the City's website.
7. Lodge an **Application for Subdivision** to obtain a **Subdivision Certificate** if a land (including stratum) subdivision is proposed and an Application for Subdivision to obtain **Strata Title Subdivision** under the relevant Strata Titles Act, if strata title of the development is proposed.
8. Comply with the *Food Act, 2003*, the Australia New Zealand Food Standards Code, Australian Standard 4674 – 2004, and register the business with Council if the premises is used for the manufacture, preparation, packing, storing, conveying or delivering of food or beverage for sale.
9. Contact Sydney Water regarding the water and sewerage services to this development. For further information go to www.sydneywater.com.au.
10. Carry out critical stage inspections in accordance with Section 6.5 of the *Environmental Planning and Assessment Regulation, 1979* and Clauses 162A, 162B and 163 of the *Environmental Planning and Assessment Regulation, 2000*.