

Attachment A

<p>Recommended Modified Conditions of Consent</p>
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PART A - DEFERRED COMMENCEMENT CONDITIONS

SCHEDULE 1

- (A)** The consent is not to operate until the following condition is satisfied:
- (1) VOLUNTARY PLANNING AGREEMENT**
- (a) The Voluntary Planning Agreement between the COUNCIL OF THE CITY OF SYDNEY and CITY WEST HOUSING PTY LTD, that delivers public benefits associated with the approved development is publicly exhibited, executed and submitted to Council; and
 - (b) The guarantee must be provided to Council in accordance with the Voluntary Planning Agreement; and
 - (c) The Voluntary Planning Agreement, as executed, must be registered on the title of the land; and
 - (d) The payment of the monetary contribution must be provided to Council in accordance with the Voluntary Planning Agreement.
- (B)** 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.
- (C)** 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.
- (D)** 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).

PART A1 – CONDITIONS OF CONSENT

(1) STAGED DEVELOPMENT APPLICATION

Pursuant to Division 4.22 of the Environmental Planning and Assessment Act 1979, this Notice of Determination relates to a concept development application. A subsequent development application (DA) is required for any works to be carried out on the site.

Reason

To specify the status of this approval as a concept development consent and that it does not authorise the carrying out of works on any part of the site.

(2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2021/1484 dated 20 December 2021 and the following drawings prepared by ~~SJB~~ **AJC** Architects:

Drawing Number	Drawing Name	Date
SK-0103E / 14 DA0103E Rev 18	Envelope – Site Plan	29/05/2023 08/07/2024
SK-0501E / 11 DA0501E Rev 12	Envelope – Elevation – East & West	24/05/2023 08/07/2024
SK-0502E / 17 DA0502E Rev 18	Envelope – Elevation – North & South	29/05/2023 08/07/2024
SK-0601E / 11 DA0601E Rev 12	Envelope - Sections	24/05/2023 08/07/2024

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.

Reason

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

(Amended 12 December 2024 – D/2021/1484/A)

(3) MATTERS NOT APPROVED

The following items are not approved and do not form part of this concept development consent:

- (a) any demolition, tree removal, excavation, remediation and/or construction;
- (b) the height in storeys or street frontage height in storeys of the development;

- (c) the layout and number of residential apartments or non-residential tenancies;
- (d) the depth, extent, number, layout and design of basement levels and/or configuration of car parking;
- (e) the number of car parking spaces, bicycle spaces, car share or loading spaces/zones;
- (f) the precise quantum of floor space; and
- (g) up to 10% design excellence uplift in floor space.

Reason

To specify the matters that are not approved by this consent and that are to be determined under a subsequent DA for the detailed design of the building.

(4) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

The terms of the planning agreement entered into in accordance with the VOLUNTARY PLANNING AGREEMENT condition contained in the Deferred Commencement Conditions at Part A of this consent must be complied with.

Reason

To ensure the development complies with all terms of the planning agreement.

(5) DESIGN MODIFICATIONS – ENVELOPE DRAWINGS

The design of the concept envelope must be modified as follows:

- (a) the easement drawn in light blue hatching on drawings titled Envelope - Site Plan (SK-0103E), Envelope – Elevation – East & West (SK-0501E) and Envelope – Sections (SK-0601E), must be amended to reflect the right of carriageway and easement adjacent to the northern boundary as specified on DP 1247504 and detailed in any related dealings and s88B instruments;
- (b) the area shaded in green and with black hatching to indicate deep soil and which is located between the envelope fronting the GS2AC Road and the northern boundary, is to be reconfigured to include that part of the area marked in light blue hatching to indicate Easement that is to be redrawn in accordance with (a) above (i.e. the easement area will be reduced and deep soil area increased);
- (c) both of the deep soil zones are to be annotated as DEEP SOIL and with the area of each separate deep soil zone in square metres also annotated on the drawing

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 for the site.

Note: The approved envelope encroaches on an easement for batter of variable width on a portion of the site adjacent to its frontage to the GS2AC Road. This easement benefits Council. It is recommended that the release of this easement is sought prior to lodgement of any subsequent DA for the detailed design of the building.

Reason

To require amendments to the approved plans and supporting documentation following assessment of the development.

(6) BUILDING HEIGHT

- (a) Building height proposed as part of any subsequent DA for the detailed design of the building must not exceed the heights expressed as RLs (AHD) shown on drawings listed in the APPROVED DEVELOPMENT condition above;
- (b) To be clear, this condition does not restrict development comprising building height:
 - (i) proposed or erected by or on behalf of a public authority on land identified in the Voluntary Planning Agreement for transfer (and/or dedication) for the purpose of public amenities such as street furniture, street lighting, landscape structures or the like;
 - (ii) located in the ground level common open space areas for the purpose of landscape structures and communal facilities that do not comprise floor space (or GFA) and do not compromise deep soil provision.

Reason

To ensure the constructed development complies with the approved height.

(7) FLOOR SPACE RATIO

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio (FSR) of development contained within the site must not exceed the maximum permitted FSR calculated in accordance with the Sydney Local Environmental Plan 2012.
- (b) Notwithstanding (a) above, the development contained within the site may be eligible for up to 10% additional floor space pursuant to the provisions of Clause 6.21D(3) of the Sydney Local Environmental Plan 2012 if the consent authority is satisfied that the subsequent DA for the detailed design of the building exhibits design excellence and is the result of a competitive design process.

Reason

To specify the relevant floor space ratio controls applicable to the development.

(8) DEVELOPMENT TO BE CONTAINED WITHIN ENVELOPE

The detailed design of the building must be contained within the approved envelope except for footpath awnings and/or projections beyond private property boundaries over or into the public road/footpath in accordance with the requirements of Schedule 4 of the Sydney DCP 2012.

Reason

To ensure that the detailed building design is not inconsistent with the approved concept envelope.

(9) DISTRIBUTION OF FLOOR SPACE WITHIN ENVELOPE

The approved concept proposal envelope establishes the maximum parameters for the competitive design process and the future built form on the site. The detailed design of the building must not occupy the entirety of the envelope. The maximum permissible floor space of the detailed design must be consistent with the relevant provisions of the Sydney LEP 2012, the Sydney DCP 2012 and the conditions of this consent.

Reason

To specify the relevant parameters for the detailed building design.

(10) COMPETITIVE DESIGN PROCESS

A competitive design process shall be conducted in accordance with the provisions of the Sydney Local Environmental Plan 2012 and:

- (a) in accordance with 'Design Excellence Strategy for 330-332 Botany Road, Alexandria dated 17 May 2023, prepared by Ethos Urban on behalf of City West Housing; and
- (b) prior to the lodgement of any subsequent DA for the detailed design of the building.

The detailed design of the building/s must exhibit design excellence, in accordance with Clause 6.21C of Sydney Local Environmental Plan 2012.

Reason

To specify the approved Design Excellence Strategy for the development.

(11) DETAILED DESIGN OF BUILDINGS

The design brief for the competitive design process and the building design submitted as part of any subsequent DA for the detailed design of the building, must address the following design requirements:

- (a) the design of the building fronting the Green Square to Ashmore Connector Road (the GS2AC Road) must minimise the difference between the internal ground floor level and the level of the public domain to minimise the creation of any physical barrier, such as steps or ramps, to the shop windows of commercial tenancies fronting the GS2AC Road, to increase the portion of the ground floor that is close to being at grade with the footpath, to maximise activation, visibility into and out of the commercial tenancies from the street and to maximise the number of direct entries to these tenancies from the street;
- (b) footpath awnings must be provided to all three street and road frontages;
- (c) common open space is to be provided in an area or areas of a useable size and configuration, directly and equitably accessed from common circulation areas, entries and lobbies, and designed so that the principal common open space area or areas achieve minimum solar access requirements as stated at provision 4.2.3.8 of the Sydney DCP 2012;
- (d) the building elevation to the new GS2AC Road must be broken into two or more building masses that present different architectural characters to the public domain in accordance with the design requirements of provision 4.2.4 of the Sydney DCP 2012. Including that these 'broken down' buildings are to be articulated into smaller elements and are to be separated by full height breaks in accordance with the separation, visual and acoustic privacy objectives of the Apartment Design Guide;
- (e) to account for construction tolerances and to minimise risks associated with encroachment, the detailed design of any part of the building fronting Botany Road must clearly demonstrate a minimum setback of 20mm from the northern boundary of the site;
- (f) facades are to comprise a proportion of solid surfaces, preferably masonry material to reflect the established character of the area;
- (g) the corner of Botany Road and the GSAC Road is to be reinforced by appropriate massing and facade orientation;
- (h) rooftop structures such as plant rooms, solar panels, air conditioning and ventilation systems are to be incorporated into the design of the building and concealed within the roof form or located within a well-designed, integrated roof top element;
- (i) any design for a tall building (>35m in height) is to be vertically proportioned in height, form and articulation.

Reason

To specify the matters that have been identified through the concept DA assessment as requiring further resolution through the competitive design process and detailed design development.

(12) ACOUSTIC / VENTILATION BRIEF

- (a) Prior to the commencement of the competitive design process, a kit of acoustic privacy / natural ventilation solutions (the 'kit of parts') is to be submitted to and approved by Council's Area Planning Manager / Coordinator.
- (b) The kit of parts is to provide a coordinated resource of design measures to mitigate noise as well as to achieve the natural ventilation requirements of the Apartment Design Guide and is to be appended to any competitive design process brief.
- (c) The kit of parts must consolidate the recommendations contained in the:
 - (i) Acoustic Advice for Concept DA and Design Competition, ref. no. TM235-01F02 DA and Design Competition Advice (r3), dated 7 December 2022 and as prepared by Renzo Tonin and Associates; and
 - (ii) Natural Ventilation 330-332 Botany Road, Rev C, dated 1 December 2022 and as prepared by Flux Consultants Pty Ltd.
- (d) The kit of parts must not include detail solutions based on the reference scheme.

Reason

To provide consistent and useful information on acoustic and natural ventilation performance to participants in the competitive design process.

(13) LANDSCAPE CONCEPT PLAN

- (a) The landscape plan titled 330 Botany Road, Alexandria / City West Housing, as prepared by Arcadia is not approved by this consent.
- (b) Prior to the commencement of any competitive design process for the site a landscape concept plan must be submitted to and approved by Council's Area Planning Manager / Coordinator.
- (c) The landscape concept plan must:
 - (i) be consistent with the approved concept envelopes as amended by the DESIGN MODIFICATIONS – ENVELOPE DRAWINGS condition above;
 - (ii) provide a concise landscape strategy that identifies landscape constraints and setbacks;
 - (iii) specify the requirements for the landscape spaces, including minimum areas of unimpeded deep soil areas, an urban canopy cover target of at least 15% of the site area within 10 years of completion, communal open space at ground level and on rooftops, green roofs, and substation locations;

- (iv) not contain indicative tree plantings in the right of carriageway that extends from O’Riordan Street part way along the northern boundary towards the east;
- (v) how retained street trees will be integrated into the design;
- (vi) establish a clear commitment to designing landscape sustainably and in a manner that integrates landscape and building design.

Reason

To require a landscape concept plan to provide landscape design guidance to competitors in the competitive design process and through detailed design development stages.

(14) DETAILED LANDSCAPE PLAN

- (a) Any subsequent DA for the detailed design of the building must include a detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer. The plan must include:
 - (i) Details of tree protection and methodology statements;
 - (ii) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
 - (iii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;
 - (iv) Location, numbers, type and supply of plant species, with reference to the relevant Australian Standard;
 - (v) A minimum 15% canopy cover across the site, provided by trees that will reach a minimum height of eight metres;
 - (vi) Deep soil provision in accordance with the DEEP SOIL condition below;
 - (vii) New tree plantings with tree species that can achieve a minimum mature height of eight metres and canopy spread of five metres. Palms, fruit trees and species recognised to have a short life span will not be accepted;
 - (viii) Tree selection shall include a diverse range of species which must be consistent with the expected mature heights and growth within the Sydney area;
 - (ix) New trees must be planted in natural ground with adequate soil volumes to allow maturity to be achieved. Planter boxes will not be accepted for tree planting;

- (x) New trees must be appropriately located away from existing buildings and structures to allow maturity to be achieved without restriction;
 - (xi) Details of planting procedure and maintenance;
 - (xii) Details of drainage, waterproofing and watering systems.
- (b) The detailed landscape plan must address the requirements of provisions 4.2.3.5 of the Sydney DCP 2012 and the relevant guidance provided in the City of Sydney Landscape Code, Volume 2, All Development Except Single Dwellings.

Reason

To specify landscape design details to be submitted at lodgement of a detailed design DA.

(15) DEEP SOIL

Deep soil must be provided in the locations illustrated on the drawing titled Envelope Site Plan, ~~SK-0103E~~ **DA0103E Rev 18**, prepared by ~~SJB~~ **AJC** and as modified in accordance with the DESIGN MODIFICATIONS – ENVELOPE DRAWING condition above. Deep soil zones must be unencumbered by structures within, above or below the zone except those constructed of lightweight materials such as timber decking or water permeable paving that allow for filtration of rainwater into the ground.

Reason

To ensure deep soil is provided in the detailed building design.

(Amended 12 December 2024 – D/2021/1484/A)

(16) WASTE AND RECYCLING MANAGEMENT

- (a) Prior to the commencement of any competitive design process for the site, a Waste Management Strategy (WMS) must be submitted to and approved by Council's Area Planning Manager / Coordinator and which once approved, may be appended to the design brief for the competitive design process. The WMS must address the following requirements:
 - (i) estimates of waste streams (waste, recycling and food waste) that will be generated and the number of bins and collection frequency to manage the waste generated calculated in accordance with the rates specified in the City's *Guidelines for Waste Management in New Developments*;
 - (ii) the minimum spatial requirements (minimum room sizes, minimum door sizes, manoeuvring space, size of bin holding areas etc) for waste management systems and facilities based on the estimated waste generation of the ongoing operation of the development and must account for specified bin sizes (240L, 660L or 1100L);

- (iii) safe and convenient access for waste collection staff with a maximum walking distance from any entrance of a residential dwelling to the waste and recycling storage area is not to exceed 30 metres;
 - (iv) maximum manual handling distance by council contractors of 10m;
 - (v) waste management and collection must be accommodated wholly within the site;
 - (vi) access for a 10.6m long Council garbage truck and vertical clearance of 4 metres clear of all ducts, pipes and other services;
 - (vii) waste collection vehicles to be able to enter and exit the premises in a forward direction;
 - (ix) waste management systems and facilities that promote safe and convenient access for all users;
 - (x) separate waste storage area for residential and commercial aspects of developments. Commercial tenants must not have access to residential waste storage areas.
- (b) Details are to be provided with the subsequent DA for the detailed design of the building to demonstrate that adequately sized waste management facilities including waste storage areas and truck access and loading is provided in accordance with the relevant requirements of the Sydney DCP 2012 and the City's *Guidelines for Waste Management in New Developments*.

Reason

To ensure that waste and recycling management requirements are considered during the competitive design process and through detailed design development.

(17) ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Details are to be provided with the subsequent DA for the detailed design of the building to confirm that the building has adopted the following ESD targets set out in the Design Excellence Strategy referred to in COMPETITIVE DESIGN PROCESS condition above:

- (a) a BASIX energy score of 35 [or appropriate BASIX energy score as relevant to the State Environmental Planning Policy (Sustainable Buildings) 2022;
- (b) a BASIX water score of 40;
- (c) minimum 7 star NatHERS average rating across the development;
- (d) electrification of all building components, including in all dwellings, centralised services and commercial/retail premises;
- (e) inclusion of green roof elements in accordance with the City's Green Roofs and Walls Policy;

- (f) inclusion of on-site renewable energy generation via photovoltaic panels; and
- (g) connection to the Green Square Town Centre recycled water system on Geddes Avenue and the new Green Square to Ashmore Connector Road.

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

Reason

To specify the ESD target benchmarks for the development.

(18) RESIDENTIAL LAND USE

- (a) 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 Flat Development, the guidelines of the Apartment Design Guide (the ADG), and the provisions of the Sydney DCP 2012, with particular attention to the following matters:
 - (i) ADG objectives 2F Building separation and 3F-1 Visual privacy;
 - (ii) ADG objective 4B-1 Natural ventilation;
 - (iii) ADG objective 4B-3 Natural cross ventilation;
 - ADG objective 4J Noise and pollution – with noise and natural ventilation addressed through siting and layout, facade treatment and design and lastly through attenuated passive ventilation devices;
 - (iv) DCP provision 3.2.3 Active frontages – with active frontages to be provided to the GS2AC Road frontage;
 - (v) DCP provision 3.2.4 Footpath awnings – with a continuous awning to be provided to all three street frontages; and
 - (vi) DCP provision 4.2.3.8 Amenity - Common open space – as it pertains to solar access to the principal useable common open space areas.
- (b) A BASIX certificate in accordance with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 must be submitted with any subsequent DA for the detailed design of the building.

Reason

To identify particular planning requirements for the attention of competitors in the competitive design process and for the architects commissioned to undertake the detailed design of the building.

(19) 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 must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager for the electronic Visualisation City Model.
- (b) The data required to be submitted within the surveyed location must include and identify:
 - (i) above ground envelope design 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.

Reason

To ensure the provision of an appropriate electronic model of the development.

(20) PUBLIC ART

- (a) The Preliminary Public Art Plan prepared by Amanda Sharrad for City West Housing and dated November 2021, has not been approved by this consent.
- (b) The Preliminary Public Art Plan must be modified as follows:
 - (i) Remuneration for First Nations participants - the public art budget must be revised to specifically include payment for First Nations community consultation participants;
 - (ii) Indigenous Cultural Consultant(s) - it is noted that traditional Custodians and First Nations residents of the City West Housing development will be specifically consulted and involved throughout the process to ensure that the public art offering is culturally relevant and appropriate, it should be acknowledged that Indigenous Cultural Consultant(s) may be required on the project team to guide the consultation process;

- (iii) Marketing photography and publicity costs - the public art budget must be revised to exclude Marketing Photography and Publicity Costs. These costs must be re-directed to general development costs;
 - (iv) Artwork lifespan - the artwork lifespan must be amended to be a minimum of 25 years, rather than 'up to' 25 years. The Artwork Life-Span section on page 20 is to be amended to include: "Artwork(s) should be commissioned with permanent intent and sustainability as a primary objective;
 - (v) Maintenance - artwork maintenance requirements are to be amended to reflect a minimum life expectancy of 25 years, rather than 20 years. The wording in the Maintenance section on page 20, is to be adjusted to align with the wording and intent to commission artwork(s) with an anticipated lifespan of at least 25 years as detailed at (iv) above.
- (c) The Preliminary Public Art Plan modified in accordance with (b) above must be submitted as part of any subsequent DA for the detailed design of the building.

Reason

To ensure an appropriate Preliminary Public Art Plan is prepared for the development.

(21) TREES IDENTIFIED FOR REMOVAL

- (a) For the purposes of the competitive design process and subsequent DA for the detailed design of the building the tree detailed in Table 1 below is identified for removal.
- (b) No consent is granted or implied for any tree removal works under this consent. Consent for tree removal must be sought under a subsequent DA for the detailed design of the building.

Table 1 – Tree Removal:

Tree No	Botanical (Common Name)	Location
5	Cupressus macrocarpa (Monterey Cypress Pine)	330 Botany Road
12	<i>Robinia pseudoacacia</i> (Black Locust)	330 Botany Road - fronting Botany Road.
13	<i>Corymbia citriodora</i> (Lemon Scented Gum)	330 Botany Road - fronting Botany Road.
14	<i>Eucalyptus botryoides</i> (Bangalay)	330 Botany Road - fronting Botany Road.
15	<i>Robinia pseudoacacia</i> (Black Locust)	330 Botany Road - fronting Botany Road.
16	<i>Eucalyptus microcorys</i>	330 Botany Road -

	<i>(Tallowood)</i>	<i>fronting Botany Road.</i>
17	<i>Cinnamomum camphora (Camphor Laurel)</i>	<i>330 Botany Road - fronting Botany Road.</i>

Reason

To identify trees that may be removed subject to any subsequent DA for the detailed design of the building.

(Amended 12 December 2024 – D/2021/1484/A)

(22) TREES IDENTIFIED FOR RETENTION

- (a) For the purposes of the competitive design process and subsequent DA for the detailed design of the building the trees detailed in Table 2 below are identified for retention.

Table 2 – Tree Retention:

Tree No	Botanical (Common Name)	Location
1 - 4	<i>Melaleuca quinquenervia</i> (Broad-Leaved Paperbark)	O’Riordan Street
7	<i>Platanus x acerifolia</i> (London Plane)	Botany Road
8 & 11	<i>Robinia pseudoacacia</i> ‘Frisia’ (Golder Robinia)	
9	<i>Melaleuca quinquenervia</i> (Broad-Leaved Paperbark)	
10	<i>Lophostemon confertus</i> (Brush Box)	

Reason

To identify trees that must be retained.

(23) TREES IDENTIFIED FOR PROTECTION (trees on neighbouring sites)

- (a) For the purposes of the competitive design process and subsequent DA for the detailed design of the building the trees detailed in Table 3 below are identified for retention and protection.

Table 3 – Trees to be protected:

Tree No	Botanical (Common Name)	Location
6	<i>Corymbia maculata</i> (Spotted Gum)	18 O’Riordan Street

Reason

To identify trees on neighbouring sites that must be retained and protected throughout the development.

(24) STREET TREES AND DETAILED DESIGN APPLICATION

- (a) All street trees surrounding the site must be included for retention in any subsequent detailed design DA.
- (b) Any design elements (awnings, street furniture, footpath upgrades etc) within the public domain must ensure appropriate setbacks are provided from the street tree to allow maturity of the tree to be achieved.
- (c) The location of any new driveways must not require the removal of any existing street trees. The driveway must be appropriately set back so it does not have adverse impacts both below and above ground upon any existing street trees.

Reason

To specify that retention of street trees is to be considered during design development.

(25) ACOUSTIC REPORT

An Acoustic Impact Assessment must be undertaken by a suitably qualified acoustic consultant and submitted with any subsequent DA for the detailed design of the building in accordance with the provisions of the *Sydney Local Environmental Plan 2012*, *Sydney Development Control Plan 2012*, the NSW Government's *Development near Rail Corridors and Busy Roads - Interim Guideline* and the *State Environmental Planning Policy (Infrastructure) 2007*.

Reason

To specify that an acoustic report must be submitted as part of any subsequent DA for the detailed design of the building.

(26) FLOOD PLANNING LEVELS

Details must be submitted with any subsequent DA for the detailed design of the building to demonstrate compliance with the recommended flood planning levels specified in Table 1 of the report titled: 330-332 Botany Road and 20 O'Riordan Street, Alexandria Civil Engineering Flood Report revision 6, as prepared by Enstruct Group Pty Ltd and dated 9/12/22.

Reason

To ensure the detailed design of the building addresses flood risk.

(27) LAND CONTAMINATION

- (a) Any subsequent DA for the detailed design of the building must include reports and documentation to address the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land.

- (b) The relevant reports and documentation may include but are not limited to the following:
 - (i) L04 - Summary of LFG and ASS Works 330-338 Botany Rd Alexandria, Rev. A, reference no. JBS&G 54768-141853, dated 4 November 2021 and as prepared by JBS&G;
 - (ii) Amended RAP reference no. 54768-136404 Rev. 1, dated 23 November 2022 and as prepared by JBS&G;
 - (iii) Interim Audit Advice No. 6, dated 25 November 2022 and as prepared by Senversa.

Reason

To advise as to the documentation to be provided as part of any subsequent DA for the detailed design of the building to demonstrate site suitability.

(28) LAND DEDICATION – NO LONG-TERM ENVIRONMENTAL MANAGEMENT PLAN

Any land that is to be dedicated to the City under the planning agreement entered into in accordance with the VOLUNTARY PLANNING AGREEMENT condition contained in the Deferred Commencement Conditions at Part A of this consent, must not be encumbered by an Environmental Management Plan or Long-Term Environmental Management Plan.

Reason

To ensure future public land is not encumbered by onerous ongoing land contamination management requirements.

(29) PUBLIC DOMAIN CONCEPT PLAN

Any subsequent DA for the detailed design of the building must include a public domain concept plan prepared in accordance with the Public Domain Manual and the City's Sydney Streets Code. It must illustrate all site frontages, including areas extending a minimum of 5m either side of the site boundary and to the road centerline.

Reason

To ensure the detailed design of the building provides for a suitable public domain interface.

(30) SUSTAINABLE TRANSPORT ON SOUTHERN EMPLOYMENT LAND

Any subsequent development application for the detailed design of the building must include information to address:

- (a) clause 7.25 of the Sydney Local Environmental Plan, which requires the development to promote sustainable transport modes and minimise traffic congestion. This may include but is not limited to:
 - (i) how the development will address sustainable transport objectives set out in Sustainable Sydney 2030 to 2050;

- (ii) trip generation information and how this is to be catered for if on site car-parking is to be constrained; and
 - (iii) details of bicycle parking and end of trip facilities, including, the numbers of bicycle parking spaces, showers, lockers, the layout, design and security of bicycle facilities in accordance with Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities, 'Austroads Bicycle Parking Facilities: Guidelines for Design and Installation', and provision 3.11.3 of the Sydney DCP 2013;
- (b) access and loading areas able to accommodate a Council waste collection vehicle 10.6m long and otherwise designed in accordance with the relevant requirements of provisions 3.11.6 and 3.11.13 of the Sydney DCP 2012.

Reason

To ensure any subsequent detailed building design addresses the transport, loading and servicing requirements for the development.

(31) PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of *Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking*, *AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities* and *AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities*.

Reason

To ensure any subsequent detailed building design addresses the relevant design standards for off street parking facilities.

(32) SECURITY GATES

Any detailed building design submitted as part of any subsequent DA that incorporates a car park accessed by a security gate, then that gate must be located at least 6 metres within the site from the property boundary with the street.

Reason

To ensure any subsequent detailed building design provides adequate space between security gates and the street.

(33) ON SITE LOADING AREAS AND OPERATION

The detailed building design must provide for all loading, unloading and servicing operations to be carried out within the confines of the site and so there is no obstruction of other properties/units or the public way.

Reason

To ensure any subsequent detailed building design is able to contain all loading activities within the site.

(34) VEHICLES ACCESS

The detailed building design must allow for all vehicles to enter and depart the site in a forward direction.

Reason

To optimise traffic and pedestrian safety on and around the site.

(35) LOADING DOCK MANAGEMENT PLAN

A Loading Dock Management Plan must be submitted as part of any subsequent DA for the detailed design of the building.

The Loading Dock Management Plan must include the strategy for the management of all servicing of the site including delivery vehicles, garbage collection, service vehicles, removalist vehicles and should include information such as arrivals to the site, the anticipated numbers of arrivals per week, time of day of the arrivals, length of stay, vehicle type etc. along with how these will be managed to prevent disruption to public streets. The Loading Dock Management Plan must be able to respond to changes in the surrounding road environment and be updated accordingly.

Reason

To ensure an integrated approach to loading and servicing requirements and to the detailed design of the building itself.

(36) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

The detailed design of the building must provide access and facilities for people with a disability in accordance with the Building Code of Australia.

Reason

To ensure the detailed design of the building provides access for people of all abilities.

(37) ADAPTABLE HOUSING

The subsequent DA for the detailed design of the building is to provide the required number of residential units that are able to be adapted for people with a disability in accordance with provision 3.12.2 of the Sydney DCP 2012, the Building Code of Australia and Australian Standard AS4299.

Reason

To ensure the detailed design of the building provides apartments that can be easily adapted for people with a disability.

(38) SIGNAGE STRATEGY

A detailed signage strategy must be submitted with any subsequent DA for the detailed design of the building. The signage strategy must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.

Reason

To require signage to be considered as part of any subsequent detailed building design.

(39) INFORMATION FOR THE PURPOSE OF CALCULATING SECTION 7.11 CONTRIBUTIONS

Any subsequent DA for the detailed design of the building must include the following information:

- (a) Gross floor area (GFA) schedules and diagrams for the proposed development for the purposes of calculating section 7.11 contributions and credits;

Reason

To provide information necessary to the assessment of any subsequent DA for the detailed design of the building.

PART B1 – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

There are no conditions relevant to Part B1.

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

There are no conditions relevant to Part C.

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

There are no conditions relevant to Part D.

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

There are no conditions relevant to Part E.

PART F – OCCUPATION AND ONGOING USE

There are no conditions relevant to Part F.

PART G – AUSGRID CONDITION

1. Any detailed design for the building to be lodged under a subsequent DA must comply with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets. The “as constructed” minimum clearances to Ausgrid’s infrastructure must not be encroached by the building development. It also remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite. Ausgrid’s Network Standards can be sourced from Ausgrid’s website, www.ausgrid.com.au Should you have any enquiries, please contact Ausgrid at Development@ausgrid.com.au

PART H – TRANSPORT FOR NSW (SYDNEY TRAINS)

1. The submittal of a Stage 2 Development Application is to be accompanied with the documentation provided below for review and endorsement by TfNSW (Sydney Trains). This documentation must comply with all relevant standards and all the requirements provided in the Transport Asset Standards Authority (ASA) standard Development Near Rail Tunnels (<https://www.transport.nsw.gov.au/industry/standards-andaccreditation/standards>):
 - a) 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.
 - b) 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.
 - c) Cross sectional drawings (all horizontal, RL and vertical measurements are to be verified by a Registered Surveyor): - Cross sectional drawings (both architectural and structural) showing ground surface, rail tunnel infrastructure, first and second reserves, stratum boundary and/or easement, sub-soil profile, proposed development and structural design of sub-ground support (i.e. footings/piles etc.) adjacent to the rail corridor. The measured distance between the proposed development, property boundary and rail asset(s) at the closest point must be shown.
 - d) Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land and infrastructure.
 - e) 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.

PART I – TRANSPORT FOR NSW (ROADS AND MARITIME SERVICES)

1. All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited height or depth), along the O’Riordan Street and Botany Road boundary.
2. The reconstruction of redundant driveways, kerb and associated works on O’Riordan Street and Botany Road 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 works 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. The developer is required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.
3. 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.
4. 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.
5. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
6. All vehicles shall enter and exit the site in a forward direction.
7. 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.

8. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
9. 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 & Botany Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

PART J - PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2021* apply:

- Clause 69 Compliance with *National Construction Code (previously known as Building Code of Australia)* and insurance requirements under the *Home Building Act 1989*
- Clause 70 Erection of signs
- Clause 71 Notification of *Home Building Act 1989* requirements
- Clause 72 Conditions relating to entertainment venues
- Clause 73 Conditions relating to maximum capacity signage
- Clause 74 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 2021*. This can be accessed at: <http://www.legislation.nsw.gov.au>

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.

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) building elements/façade features;
 - (b) installation of hoardings/scaffolding;
 - (c) installation and/or alterations to advertising/business signs and street awnings;
 - (d) crane operation and other hoisting activities;
 - (e) temporary works (e.g.: barricading, road openings, mobile hoisting devices);
 - (f) works zone (for loading and unloading from the roadway); and
 - (g) 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 EP&A Act 1979 and clauses 162A, 162B and 163 of the EP&A Regulation 2000.