

Attachment A

Recommended Conditions of Consent
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SCHEDULE 1

GENERAL CONDITIONS

(1) CONCEPT DEVELOPMENT APPLICATION

Pursuant to Division 4.4 of the Environmental Planning and Assessment Act, 1979, and Clause 87 of the *Environmental Planning and Assessment Regulation 2021*, this Notice of Determination relates to a concept development application. A subsequent detailed design 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) MODIFICATION OF DEVELOPMENT CONSENT D/2021/1504

Pursuant to Section 4.17(1)(b) and 4.17(5) of the EP&A Act, development consent D/2021/1504 must be amended in the following manner:

Condition in D/2021/1504 to be modified	Changes to be made
Development description	Modify "3 basement levels" to "1 basement level" and remove reference to "and residential land uses".
(1) Approved Development	Delete approved plans and update the plans, sections and elevations to match (3) Approved Development of D/2024/36, removing residential land uses.
(3) Matters not approved in Concept Proposal Development Consent	Remove reference to (c) "and residential", (e) "residential apartments".
(11)(g) Detailed Design of Building	Remove reference to "Any residential accommodation must be limited to the upper third portion of the tower, with the first residential floor being no lower than RL 140.85 (being the top window head height of the Civic tower)."
(13) Stage 2 Development Application to Comply with Relevant Planning Controls	Remove reference to (a) "'State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development" (as amended), the

	<p>Apartment Design Guide (ADG), and",</p> <p>(i) "The building separation distances specified within the ADG relating to visual privacy."</p> <p>(ii) "ADG",</p> <p>(iii) "Apartment sizes and room dimensions, and private open space sizes and dimensions within the ADG and Sydney DCP 2012.",</p> <p>(iv) "The apartment and room depths specified within the ADG to ensure adequate natural ventilation, natural cross ventilation, solar and daylight access.",</p> <p>(v) "The ADG specification for at least 70% of apartments within a development to receive a minimum of 2 hours of direct solar access between 9am and 3pm on 21 June.",</p> <p>(vi) "The ADG specification for at least 60% of apartments within a development to be naturally cross ventilated.",</p> <p>(vii) "The requirements of the ADG and Sydney DCP 2012 regarding the on-site provision of an area/s of communal open space.",</p> <p>(viii) "The ADG specifications relating to residential storage size volumes and characteristics.",</p> <p>(x) "The dwelling mix requirements of Section 4.2.3.12 of Sydney DCP 2012."</p>
(16) Residential Acoustic Amenity	Entire condition to be removed.
(19) Ecologically Sustainable Development	(a) Add "with the exception of the requirement to exceed BASIX requirements for Residential components of the development (including BASIX Energy target of 30%)" after the reference to the ESD report to be used to inform the

	<p>subsequent detailed design development application.</p> <p>(b)(i) remove reference to "Exceeds BASIX Requirements for Residential components of the development (including a BASIX Energy target of 30%)".</p>
(25) Parking Design	Remove reference to "AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking" "and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities" as on-site parking is no longer being accommodated within the development.
(30) Service Vehicle Parking and Access	Remove reference to "1 MRV" and "9.25m Council" and replace with "6.4m Garbage Collection vehicle" with a minimum vertical clearance of 3.5m.
(33) Traffic Impact Assessment	Remove reference to "resident tenant move in move out".

The conditions contained in Schedule 1 and 3 of this development consent (D/2024/36) must be inserted into development consent D/2021/1504.

Notice of such amendments must be given to, and determined by Council in accordance with Section 67 of the EP&A Regulation pursuant to this consent, prior to any Construction Certificate being issued, or any works commencing for D/2024/446.

Reason

To ensure that any further development applications in respect of the site are consistent with the concept proposal for the development of the site, in accordance with Section 4.24(2) of the EP&A Act.

(3) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2024/36 dated 17 January 2024 and the following drawings prepared by KHA:

Drawing Number	Drawing Name	Date
A0050 Issue A	Proposed Envelope Plans Basement & Historic Podium	20 February 2024
A0051 Issue A	Proposed Envelope Plans Tower Podium & Tower	20 February 2024
A0052 Issue A	Proposed Envelope Plans Roof	20 February 2024
A0053 Issue A	Proposed Envelope Elevation North	20 February 2024
A0054 Issue A	Proposed Envelope Elevation East	20 February 2024
A0055 Issue A	Proposed Envelope Elevation South	20 February 2024
A0056 Issue A	Proposed Envelope Elevation West	20 February 2024
A0057 Issue A	Proposed Envelope Section	20 February 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 drawings will prevail.

Reason

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

(4) RELIANCE ON PREVIOUS DEVELOPMENT CONSENT D/2021/1504

This development consent relies on, and must be read in conjunction with, the base development consent D/2021/1504.

This consent is subject to compliance with conditions of consent contained in D/2021/1504.

Reason

To ensure that any further development applications in respect of the site are consistent with the concept proposal for the development of the site, in accordance with Section 4.24(2) of the EP&A Act.

SCHEDULE 2

PRESCRIBED CONDITIONS

The applicant must comply with all relevant conditions contained in Part 4, Division 2, Subdivision 1 of the *Environmental Planning and Assessment Regulation 2021* which apply to the development:

Refer to the NSW State legislation for full text of the clauses under Part 4, Division 2, Subdivision 1 of the *Environmental Planning and Assessment Regulation 2021*. This can be accessed at: <http://www.legislation.nsw.gov.au>

SCHEDULE 3

CONDITIONS OF CONSENT –

TRANSPORT FOR NSW

The conditions of consent as advised by Transport for NSW are as follows:

(5) TRANSPORT FOR NSW REQUIREMENTS

The Applicant should consult with Transport for NSW (TfNSW) prior to the preparation of any Stage 2 development application and if required by TfNSW, undertake assessments to demonstrate that the proposed development will not have an adverse impact on the future rail corridors, pursuant to Clause 2.101 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.

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.

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.

All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.

A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the surrounding state classified road network during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

Reason

To ensure that the necessary Sydney Airport approvals are obtained prior to construction of the detailed design development (Stage 2).

SYDNEY AIRPORT CORPORATION

The conditions of consent as advised by Sydney Airport are as follows:

(6) SYDNEY AIRPORT REQUIREMENTS

Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.

Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.

Reason

To ensure that the necessary Sydney Airport approvals are obtained prior to construction of the detailed design development (Stage 2).

AUSGRID

The conditions of consent as advised by Ausgrid are as follows:

(7) AUSGRID REQUIREMENTS

The design submission 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

Reason

To ensure that the necessary Ausgrid approvals are obtained prior to construction of the detailed design development (Stage 2).

SYDNEY WATER

The conditions of consent as advised by Sydney Water are as follows:

(8) SECTION 73 COMPLIANCE CERTIFICATE

A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Our assessment will determine the availability of water and wastewater services, which may require extension, adjustment or connection to our mains. Make early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained before an occupation or subdivision certificate will be issued.

Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to the Sydney Water website or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

Reason

To ensure that the necessary Sydney Water approvals are obtained as part of the design development (Stage 2).

(9) BUILDING PLAN APPROVAL

The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to Sydney Water Tap in® to apply.

Sydney Water recommends developers apply for Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

Reason

To ensure that the necessary Sydney Water approvals are obtained as part of the design development (Stage 2).

(10) TREE PLANTING

Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.

For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.

For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant trees near our assets, see Diagram 5 – Planting Trees within Sydney Water's Technical guidelines – Building over and adjacent to pipe assets.

Reason

To ensure that the necessary Sydney Water approvals are obtained as part of the design development (Stage 2).

(11) TRADE WASTEWATER REQUIREMENTS

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

The permit application can be made on Sydney Water's web page via Sydney Water's Tap in™.

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

Reason

To ensure that the necessary Sydney Water approvals are obtained as part of the design development (Stage 2).

(12) BACKFLOW PREVENTION REQUIREMENTS

Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

- Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
- Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website:

<https://www.sydneywater.com.au/plumbing-building-developing/plumbing/backflow-prevention.html>

Reason

To ensure that the necessary Sydney Water approvals are obtained as part of the design development (Stage 2).

(13) WATER EFFICIENCY RECOMMENDATIONS

Water is our most precious resource, and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.

Some water efficiency measures that can be easily implemented in your business are:

- Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
- Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <https://www.sydneywater.com.au/your-business/managing-your-water-use/water-efficiency-tips.html>
- Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- Develop a water efficiency plan for your business.

It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

Reason

To ensure that the necessary Sydney Water approvals are obtained as part of the design development (Stage 2).

(14) CONTINGENCY PLAN RECOMMENDATIONS

Under Sydney Water's customer contract Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.

Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.

Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.

Have you thought about a contingency plan for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.

For further information please visit the Sydney Water website at: <https://www.sydneywater.com.au/your-business/managing-trade-wastewater/commercial-trade-wastewater.html> or contact Business Customer Services on 1300 985 227 or businesscustomers@sydneywater.com.au.

Reason

To ensure that the necessary Sydney Water approvals are obtained as part of the design development (Stage 2).