

Attachment A

Recommended Conditions of Consent
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GENERAL CONDITIONS

SCHEDULE 1A

(1) STAGED DEVELOPMENT APPLICATION

Pursuant to Clause 100 of the *Environmental Planning and Assessment Regulation 2000*, this Notice of Determination relates to a Stage 1 Development Application for demolition of the existing structures and building envelope for construction of a 31 storey hotel accommodation with café at ground level at 410 Pitt Street, Sydney, and a subsequent development application (Stage 2) or applications are required for any work on the site. Under Section 83B(2)-(3) of the *Environmental Planning and Assessment Act, 1979*, this consent does not authorise the carrying out of development on any part of the site unless consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site.

(2) APPROVED STAGE 1 DEVELOPMENT

- (a) Development consent is limited to a Stage 1 Concept Plan building envelope and land uses within this envelope, in accordance with Development Application No. D/2015/661, dated 19 May 2015 and the following drawings:

Drawing Number	Architect	Date
AD-DA100	Scott Carver	15 December 2015
AD-DA101	Scott Carver	15 December 2015
AD-DA110	Scott Carver	15 December 2015
AD-DA111	Scott Carver	15 December 2015
AD-DA112	Scott Carver	15 December 2015

and as amended by the following plans prepared by Durbach Block Jagers:

Drawing Number	Title	Date
DA100 S455 100 Rev 3 4 5	Building Envelope – Lower Level	30.06.21 7.08.23

		17.12.24
DA101 S455 101 Rev 3 5 6	<i>Building Envelope – Upper Level</i>	30.06.21 7.08.23 17.12.24
DA110 S455 110 Rev 3 5 6	<i>Building Envelope – Pitt Street Elevation</i>	30.06.21 7.08.23 17.12.24
DA111 S455 111 Rev 3 4 5	<i>Building Envelope – Section East West</i>	30.06.21 7.08.23 17.12.24
DA112 S455 112 Rev 3 4 5	<i>Building Envelope – Section North South</i>	30.06.21 7.08.23 17.12.24

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 D/2015/661/B - 29 July 2021

Amended D/2015/661/C - 26 September 2023

Amended D/2015/661/D – 3 September 2025 - PAN-505797

(3) MATTERS NOT APPROVED IN STAGE 1 DEVELOPMENT CONSENT

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

- (a) any works, including demolition, excavation and construction;
- (b) the quantum, ratio and distribution of hotel accommodation, retail / commercial floor space;
- (c) the floor layout of the hotel accommodation and the total number of hotel rooms;
- (d) the number of storeys;
- (e) the floor levels of each storey;
- (f) the number, configuration and layout of any basement level/s;

- (g) the number and configuration of any bicycle spaces and loading spaces / zones;
- (h) the siting and configuration of any required substation;
- (i) the precise quantum of total floor space; and
- (j) any uplift up to 10% of the gross floor area (GFA) or height of the building.

(4) STAGE 2 DESIGN TO BE CONTAINED WITHIN APPROVED ENVELOPE

Subject to other conditions of this consent, the building envelope is only approved on the basis that the Stage 2 building design, including services, plant, balconies, shading devices and the like, are contained wholly within the approved building footprint and envelope, provide an appropriate relation with neighbouring buildings and comply with relevant planning controls.

(5) DESIGN EXCELLENCE AND COMPETITIVE DESIGN PROCESS

- (a) A competitive design process in accordance with the provisions of Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 (as amended) shall be conducted prior to the lodgement of a *detailed design* Stage 2 Development Application (DA). *The competitive design process shall be conducted in accordance with "Design Excellence Strategy for 410 Pitt Street Sydney" Rev 5, dated 13 August 2019, prepared by Mecone on behalf of Tricon Group Pty Ltd.*
- (b) The detailed design of the development must exhibit design excellence in accordance with the provisions of Clause 6.21 of Sydney Local Environmental Plan 2012.

Amended D/2015/661/A – 19 September 2019

(6) BUILDING HEIGHT

The maximum height of any future building on the site must not exceed RL 115.460 (AHD) *with the lift overrun and motor room not to exceed RL ~~121.110 (AHD)~~ 123.100 (AHD).*

Amended D/2015/661/B - 29 July 2021

Amended D/2015/661/D – 3 September 2025 - PAN-505797

(7) FLOOR SPACE RATIO – CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the proposal must not exceed the maximum 14:1, calculated in accordance with the provisions of Clauses 4.4, 4.5 and 6.4 of the Sydney Local Environmental Plan 2012 (as amended).

- (b) Precise details of the distribution of floor space shall be provided with the future Stage 2 Development Application.
- (c) 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.

(8) DETAILED DESIGN OF BUILDING

The detailed design of the Stage 2 Development Application shall incorporate the following requirements:

- (a) Provide windows which have locations, orientation, dimensions, height and screening which maintain visual and acoustic privacy to the adjoining residential apartment buildings.
- (b) Provide appropriate wind mitigation measures for the protection of any external roof terrace areas, the adjoining development and public domain to Pitt Street.
- (c) Improve the relationship with the scale and setting of the adjoining heritage item at 398-408 Pitt Street (Former Sydney Tourist Hotel facade) via measures such as:
 - i. Acknowledging the height of the adjoining heritage item; and
 - ii. Using articulations, such as horizontal façade elements, to align with the street wall setback, parapet or other features of the aforementioned heritage item and the historic hotel at 412 Pitt Street.
- (d) Incorporate highly modelled articulation and high quality finishes and materials for any walls on boundaries or with minimal setbacks from boundaries.
- (e) Provide ceiling heights that comply with Section 4.2.1.2 of Sydney DCP 2012.
- (f) Provide a high degree of activation to the Pitt Street frontage of the site.

(9) PUBLIC ART

- (a) A Public Art Strategy is to be developed for the site/development in accordance with the Sydney DCP 2012 and the Public Art Policy. This Strategy shall form part of the documentation lodged with the future Stage 2 Development Application.

- (b) The nominated location of public art is to be included in any future Stage 2 Development Application

(10) WIND

Prior to the lodgement of a Stage 2 Development Application, the detailed design shall be subject to 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, communal external areas within the subject development and private open space. Any recommendations of this wind tunnel testing and wind assessment report shall be incorporated into the final detailed design lodged as a Stage 2 Development Application.

(11) Unnecessary for approved use. STRUCTURAL, GEOTECHNICAL AND CONSTRUCTION REVIEW

Any Stage 2 Development Application must be accompanied by the following reports:

- (a) A structural assessment of the proposal prepared by an appropriately qualified structural engineer, including details on the protection of the structural integrity of the adjoining heritage item at 398-408 Pitt Street and the historic hotel at 412 Pitt Street.
- (b) A geotechnical assessment of the proposal prepared by an appropriately qualified geotechnical engineer, including any excavation for footings and walls and details on the protection of the ground conditions of the adjoining heritage item at 398-408 Pitt Street and the historic hotel at 412 Pitt Street.
- (c) A construction review of the proposed and any alternative construction methods for the proposal prepared by an appropriately qualified person.

Note: Excavation will not be permitted if it will occur under common walls and footings to common walls, or freestanding boundary walls, or under any other part of adjoining land or it will occur under or forward of the front facade of the building.

(12) STORMWATER AND DRAINAGE

Any Stage 2 Development Application is to provide details of the drainage system for the development which is to be designed and constructed in accordance with Council's standard requirements as detailed in Council's 'Stormwater Drainage Connection Information' document dated July 2006. This information is available on Council's website - www.cityofsydney.nsw.gov.au.

(13) ACID SULPHATE SOILS

The following information must be submitted to Council with the Stage 2 Development Application. Depending on the information obtained, further clarification or conditions may be required:

- (a) Submit to Council an Acid Sulphate Soils Management Plan (ASSMP) for the proposed works prepared in accordance with the NSW Acid Sulphate Soils Management Advisory Committee, Acid Sulphate Soils Assessment Guidelines 1998 for the proposed works that are classified as being in an Acid Sulphate Soils zone class 3. The ASSMP must be prepared by a person or company who is qualified and competent in relevant geotechnical expertise in relation to the assessment of Acid Sulphate Soil risks.

OR

- (b) Submit to Council a Preliminary Assessment prepared in accordance with the NSW Acid Sulphate Soils Management Advisory Committee, Acid Sulphate Soils Assessment Guidelines 1998 for the works that are classified as being in an Acid Sulphate Soils zone class 5. The Preliminary Assessment must be prepared by a person or company who is qualified and competent in relevant geotechnical expertise in relation to the assessment of Acid Sulphate Soil risks. The Preliminary Assessment must conclude that an ASSMP is not required in accordance with the guidelines otherwise an ASSMP must also be submitted to Council in accordance with clause (a) of this condition.

(14) CONTAMINATION

This development consent does not authorise the carrying out of any development (including demolition). Any Stage 2 Development Application must satisfy the requirements of State Environmental Planning Policy No.55 – Remediation of Land.

(15) NOTIFICATION – NEW CONTAMINATION EVIDENCE

Any new information which comes to light which has the potential to alter previous conclusions about site contamination shall be notified to the City's Area Planning Manager immediately.

(16) CONSTRUCTION NOISE MANAGEMENT PLAN

A Construction Noise Management Plan must be prepared and submitted with the Stage 2 Development Application. This Plan must be prepared by a suitably qualified acoustic consultant and must detail, but not limited to, the following:

- (a) the equipment to be used during construction on site, the quantity of all equipment and a plan of how equipment will be operated on site cumulatively;

- (b) the type of work that will be conducted during the construction process;
- (c) details on (any) respite periods and any noise mitigation measures required; and
- (d) detail the extent of community consultation to be undertaken.

(17) ACOUSTIC AMENITY – ACOUSTIC REPORT

An Acoustic Impact Assessment must be undertaken by a suitably qualified acoustic consultant and submitted with the Stage 2 Development Application in accordance with the provisions of the Sydney Development Control Plan 2012.

(18) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

A construction traffic management plan must be prepared and submitted with the Stage 2 Development Application.

(19) TRANSPORT IMPACT ASSESSMENT

A detailed Transport Impact Study must be prepared in accordance with the provisions of Schedule 7.4 of Sydney Development Control Plan 2012, and shall be submitted with the Stage 2 Development Application.

(20) BICYCLE PARKING AND END OF TRIP FACILITIES

Details of the location, number and class of bicycle parking must be included in the Stage 2 Development Application.

Bicycle parking for visitors, guests and employees must be provided at ground level. Employee bicycle parking is to be provided in close proximity to end-of-trip facilities.

All visitor bicycle parking is to be provided at grade in an easily accessible and visible location.

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.

(21) HOTEL PLAN OF MANAGEMENT

An operational Plan of Management for the hotel use is to be submitted in accordance with the requirements of Section 4.4.8 of the Sydney Development Control Plan 2012 with the Stage 2 Development Application.

(22) LOADING MANAGEMENT PLAN

A management plan demonstrating how the loading and unloading requirements of the hotel and retail / commercial land uses can be catered for must be submitted with the Stage 2 Development Application.

(23) COACH PARKING MANAGEMENT PLAN

A coach parking management plan for the hotel use is to be submitted with the Stage 2 Development Application.

(24) TRAFFIC WORKS

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with any relevant RMS Technical Directives, the City's "Sydney Streets Technical Specification" including amendments and "Sydney Streets Design Code".

(25) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

An access report shall be submitted with the Stage 2 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*.

(26) WASTE FACILITIES

Any Stage 2 Development Application is to provide details of the location, construction and servicing of the waste collection facilities for the proposed building. The design of the facilities is to be in accordance with Council's "*Policy for Waste Minimisation in New Developments*."

(27) AUSGRID

- (a) Consultation is required with Ausgrid to ensure that technical and statutory requirements in regards 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 the Stage 2 Development Application.

(28) TRANSPORT FOR NSW

The following information and requirements of Transport for NSW (TfNSW) must be fully addressed and detailed in the Stage 2 Development Application:

- (a) Construction Traffic Management Plan
 - Prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with the CBD Coordination Office within TfNSW and Roads and Maritime Services. The CPTMP needs to specify, but not limited to, the following:
 - (i) Location of the proposed work zone;
 - (ii) Location of the proposed crane location;

- (iii) Haulage routes;
- (iv) Construction vehicle access arrangements;
- (v) Proposed construction hours;
- (vi) Estimated number of construction vehicle movements;
- (vii) Construction programme;
- (viii) Any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
- (ix) Cumulative construction impacts of projects including Sydney Light Rail Project. Should any impacts be identified, the duration of the impacts; and
- (x) Measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.

Submit a copy of the final plan to the Coordinator General, CBD Coordination Office for endorsement, prior to the commencement of any work.

(b) Coach Parking Area

Details of proposed coach parking arrangements for the hotel are to be provided in the Stage 2 Development Application.

(29) RESETTLEMENT PLAN

A resettlement plan for implementation purposes, including details on the resettlement of the tenants of the 'Cosy Hotel' boarding house, must be submitted with any Stage 2 Development Application.

(30) AFFORDABLE RENTAL HOUSING

Details prepared by a suitably qualified person relating to the calculation of a contribution payable for affordable housing in accordance with Clause 51(3) and (4) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 must be submitted with any Stage 2 Development Application.

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>

Inserted D/2015/661/D – 3 September 2025 - PAN-505797