

Attachment B

Amended Concept Conditions of Consent
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(A) PART A - DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

The consent is not to operate until the following condition is satisfied, within **24 months** of the date of this determination:

(1) VEHICULAR ACCESS

Vehicular access arrangements for the site including the number and location of vehicle cross-overs are to be resolved to the satisfaction of Council's Director, City Planning, Development and Transport, and the TfNSW CDB Coordination Office in order to address the following requirements:

- (a) Hotel pick up/drop off and car park/loading dock arrangements must ensure that impacts on general traffic, cyclists, pedestrians and street trees are minimised;
- (b) Vehicular access arrangements must not impact on the operation of the bus zone located on Castlereagh Street. In this regard there should be no reduction in the length of the existing bus zone;
- (c) No more than 2 vehicle cross-overs are to be provided;
- (d) The site must be configured to allow all vehicles to be driven onto and off the site in a forward direction;
- (e) All vehicles are to be wholly contained on site before being required to stop;
- (f) A preliminary car park and loading dock management plan is to be prepared which includes:
 - i. Swept paths of the largest vehicles entering and exiting the hotel pick up/drop off facility and car park/loading dock including coaches and waste collection vehicles;
 - ii. Management of queuing along Castlereagh Street as a result of the proposed hotel pick up/drop off facility and car park/loading dock arrangement;
 - iii. Details of alternate car parking locations and loading zones to redirect vehicles to ensure that the queueing of vehicles at the access to car park/ loading dock is avoided;
 - iv. Management of incidents at the access to the hotel pick up/drop off facility and car park/loading dock;
 - v. Details of loading dock management are to be provided including anticipated service vehicle movements during peak periods;
 - vi. Management of conflicts between cars accessing the car park and vehicle movements to/from the loading dock; and
 - vii. Management of conflicts between vehicles accessing the site and pedestrian movements along Castlereagh Street.

(2) MODIFICATION OF ENVELOPE

The building envelope is to be modified to provide a minimum setback of 17m from the northern boundary above the podium between RL 69.89 and RL 76.00.

- (A) 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 95(6) of the Environmental Planning and Assessment Act 1979.
- (B) 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.
- (C) 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) of the subject report.

PART B – CONDITIONS OF CONSENT

(ONCE THE CONSENT IS IN OPERATION)

Upon written confirmation from Council that the deferred commencement conditions contained in Part A above have been satisfied, the consent will become operative from the date of that written confirmation, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent condition:

SCHEDULE 1A

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

Note: Some conditions in Schedule A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

(1) STAGED DEVELOPMENT APPLICATION

Pursuant to Clause 100 of the Environmental Planning and Assessment *Regulation 2000*, this Notice of Determination relates to a concept application, and a subsequent development application (Stage 2) or applications are required for any work on the site.

(2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with State Significant Development Application No. SD 16_8105 dated 21 March 2017 and the following drawings prepared by ~~FJMT~~ **FJC Studio**:

Drawing Number	Title	Date
3100-SSD	Proposed Envelope – Roof Plan	02 November 2017
3101-SSD	North Elevation Proposed Envelope – Park Street	02 November 2017
3102-SSD	South Elevation Proposed Envelope – Bathurst Street	02 November 2017
3103-SSD	East Elevation Proposed Envelope – Elizabeth Street	02 November 2017
3104-SSD	West Elevation Proposed Envelope – Castlereagh Street	02 November 2017
3105-SSD	Proposed Envelope North-South – Elizabeth Street	02 November 2017
3106-SSD	Proposed Envelope East-West – Park Street	02 November 2017
3107-SSD	Proposed Envelope North-South – Castlereagh Street	02 November 2017
100	Stage 1 Envelope Modification Plan RL +63.250m	22 August 2024

Drawing Number	Title	Date
101	Stage 1 Envelope Modification_Plan RL +84.610m	22 August 2024
102	Stage 1 Envelope Modification_Plan RL +97.210m	22 August 2024
103	Stage 1 Envelope Modification_Plan RL +141.300m	22 August 2024
104	Stage 1 Envelope Modification_Plan RL +176.600m	22 August 2024
105	Stage 1 Envelope Modification_Plan RL + 189.290m	22 August 2024
106	Stage 1 Envelope Modification_Plan RL +199.330m	22 August 2024
107	Stage 1 Envelope Modification_Plan RL +209.800m	22 August 2024
201	West Elevation	22 August 2024
202	South Elevation	22 August 2024
203	North Elevation	22 August 2024
204	East Elevation	22 August 2024
501	Stage 1 Envelope Modification_Axonometry	22 August 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.

(Amendment A – 19 June 2025)

(3) BUILDING HEIGHT

The height of the building must not exceed ~~RL 198.22 (AHD)~~ **RL 208.60(AHD)** to the top of the building and RL 69.89 (AHD) to the parapet of the podium, and ~~RL 76.00 (AHD) to the top of the podium.~~

(Amendment A – 19 June 2025)

(4) MATTERS NOT APPROVED UNDER CONCEPT 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 or distribution of floor space;
- (c) A 10% design excellence uplift in floor space ratio or building height;
- (d) The indicative layout;
- (e) The floor levels of each storey;
- (f) The number, configuration and layout of the basement level/s;
- (g) The number, configuration and location of vehicular access / crossovers on Castlereagh Street;
- (h) The number and configuration of car space, bicycle spaces and loading spaces / zones;
- (i) The siting and location of a substation; and
- (j) The removal or pruning of any trees.

(5) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed the maximum permissible and shall be calculated in accordance with the provisions of Clauses 4.4 and 6.4 of the Sydney Local Environmental Plan 2012.
- (b) Notwithstanding the above (a), the proposal may be eligible for up to 10% design excellence uplift in floor space ratio pursuant to the provisions of Clause 6.21(7) of the Sydney Local Environmental Plan 2012.
- (c) Precise details of the distribution of floor space shall be provided with the future Stage 2 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.

(6) DESIGN EXCELLENCE AND COMPETITIVE DESIGN PROCESS

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

- (a) Conducted in accordance with the approved 'Design Excellence Strategy for 201 Elizabeth Street, Sydney January 2018' prepared by Ethos Urban on behalf of Dexus Property Group.
- (b) Conducted prior to lodgement of a Stage 2 Development Application.

The detailed design of the development must exhibit design excellence, as per Clause 6.21 of Sydney Local Environmental Plan 2012.

(7) SUBSEQUENT DETAILED 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 future building design, including balconies, articulation, privacy treatments and services are contained wholly within the approved building footprint and envelope, and comply with the relevant planning controls.

(8) FLOOR TO CEILING LEVELS

The detailed design of the building subject to a subsequent Development Application shall meet the minimum floor to ceiling height controls in accordance with the Sydney Development Control Plan 2012 (Clause 4.2.1.2 – Floor to ceiling heights and floor to floor heights).

(9) SUN ACCESS MODELLING

Sun access modelling is to be submitted with the Stage 2 Development Application confirming that those parts of the development that exceed the Hyde Park west sun access plane will achieve a minimum 50% reduction in overshadowing of Hyde Park between 12pm and 2pm on 21 June.

(10) WIND IMPACT ASSESSMENT

Prior to the lodgement of any subsequent Development Application for detailed design and construction, 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 spaces including any through-site link, the surrounding streets, neighbouring buildings, and communal external areas within the subject development. Any recommendations of this wind tunnel testing and wind assessment report shall be incorporated into the final detailed design. The use of awnings along frontages should be incorporated into any future design to ameliorate against any wind impacts.

(11) DETAILED DESIGN OF BUILDING

The Design Brief for the competitive design process and subsequent detailed Development Application must incorporate the following design requirements/details:

- (a) Any structures or landscaping located on the upper level of the podium (above RL 69.89) are to be located and designed with regard to view sharing and privacy of adjoining residential development at 27 Park and 197 Castlereagh Street.;
- (b) The Stage 2 Development Application must demonstrate a compatible response to the surrounding area in terms of facade treatments, articulation, massing and architectural character;
- (c) The length of the podium along Elizabeth and Castlereagh Street is to be relieved by modelling that interprets nineteenth century subdivision patterns;
- (d) The design of the podium is to ensure that significant views to and solar access to the sandstone facade of St Georges Church at 201A Castlereagh Street are maintained;
- (e) The podium should incorporate high quality materials including 'Yellowblock' sandstone quarried locally in the Sydney basin;
- (f) The tower is to be articulated to ameliorate wind impacts at street level and in Hyde Park;

- (g) Any through-site link must be designed in accordance with Section 3.1.2.2 of Sydney Development Control Plan 2012;
- (h) ~~There is to be no continuous awning in Elizabeth Street. Any awning is to be limited to entrances;~~
- (i) All street trees surrounding the site are to be retained;
- (j) The Stage 2 Development Application must demonstrate that the development is capable of achieving acceptable solar access to living room windows and private open space in accordance with the criteria contained in the Apartment Design Guide;
- (k) Extensive glazing that is unprotected from mid-summer sunlight is to be avoided. The detailed design must not rely on high performance tinting or glazing as a sun control device.

(Amendment A – 19 June 2025)

(12) RESIDENTIAL LAND USE

- (a) Any subsequent Development Application for detailed design and construction 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 (ADG) and the provisions of the Sydney Development Control Plan 2012.
- (b) The development shall be designed to be compliant with the apartment mix requirements of Section 4.2.3.12 of the Sydney Development Control Plan 2012.
- (c) The development shall comply with a minimum of 2 hours of direct sunlight in mid-winter to living rooms and private open space for 70% of residential apartments.
- (d) The development shall comply with a maximum of 15% of residential apartments with no direct sunlight in mid-winter.
- (e) A BASIX Certificate, in accordance with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 must be submitted with the Stage 2 Development Application.

(13) RESIDENTIAL ACOUSTIC AMENITY

An Acoustic 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 in accordance with the provisions of *State Environmental Planning Policy (Infrastructure) 2017* and Sydney Development Control Plan 2012. The assessment must identify appropriate window thicknesses for residential parts of the building and Sound Transmission Class (STC) requirements for glazing.

(14) COMMUNAL OPEN SPACE

All subsequent Development Applications involving the development of a residential flat building or mixed use building are required to provide an area equal to 25% of the development block site area as communal open space.

(15) HOTEL USE

Any subsequent Development Application involving development for the purpose of a hotel must be accompanied by a Hotel Plan of Management which demonstrates that the use and operation of the hotel will be in accordance with the requirements of Section 4.4.8 of the Sydney Development Control Plan 2012.

The Hotel Plan of Management must address the management of coaches accessing the site.

(16) SIGNAGE STRATEGY

~~Any Development Application for the detailed design and construction of the development must be accompanied by a signage strategy for the building. The signage strategy must include information and scale drawings of the location, type, construction, materials and total number of signs for the building.~~

(Amendment A – 19 June 2025)

(17) REFLECTIVITY

Any Development Application for the detailed design and construction of the development must demonstrate that the visible light reflectivity from building materials used on the facade of the building does not exceed 20%.

(18) LANDSCAPING OF THE SITE

A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must accompany any subsequent Development Application for the detailed design and construction of the development.

(19) OUTLINE HERITAGE INTERPRETATION STRATEGY - NON STANDARD

An outline interpretation strategy for the site must be submitted as part of any Development Application for the detailed design and construction of the development. The outline strategy must detail information on the history and significance of the site based on further research, and outline how this information may be provided for the public, including the spatial requirements for display.

(20) PUBLIC ART

- (a) A Public Art Strategy is to be developed for the site/development in accordance with the Sydney Development Control Plan 2012 and the City of Sydney Public Art Policy. This Strategy must be approved by the Director City Planning, Development and Transport prior to the commencement of the competitive design process.

- (b) The nominated location of public art is to be included in any future Development Application for the detailed design and construction of the development.

(21) ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Details are to be provided with any Development Application for the detailed design and construction of the development to confirm that the building has adopted the minimum ESD targets and sustainability initiatives set out in the Design Excellence Strategy for 201 Elizabeth Street, Sydney dated January 2018 prepared by Ethos Urban and the ESD report titled *Sustainability Services, 201 Elizabeth Street, Sydney - Stage 1 DA ESD Report* prepared by Norman Disney & Young and dated 6 December 2016.

(22) WASTE AND RECYCLING MANAGEMENT

- (a) The Waste Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste Management Plan that complies with comply with Council's *Policy for Waste Minimisation in New Developments 2005* is to be submitted with any Stage 2 Development Application.
- (c) Garbage bins supplied by Council are not rated for compaction systems. Any future costs for repairs/ replacement of garbage bins will be incurred by Strata. This must be acknowledged and incorporated in the Waste Management Plan.

(23) WASTE FACILITIES

Any Development Application for the detailed design and construction of the development 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*", in particular:

- (a) the residential garbage rooms to be designed in accordance with Council's "Policy for Waste Minimisation in New Developments 2005" to allow for cleaning, draining and management of the room;
- (b) the residential garbage room servicing the proposed building to include adequate space for the separation of putrescible waste from waste suitable for recycling;
- (c) the physical separation of residential waste from that generated by the commercial tenancies and hotel which is to be collected by a private contractor,
- (d) all areas accessed by Council's waste collection vehicles must be provided with a minimum vertical clearance of 4 metres, taking such items as pipes, ducts and the like into account, and sufficient manoeuvring space for such vehicles.

(24) PUBLIC DOMAIN CONCEPT PLAN

A Public Domain Concept Plan is to be submitted with any Development Application for the detailed design and construction of the development. The plan should clearly show the integration between the building and the public domain including all pedestrian and vehicular access points including the pedestrian connection to Museum Station.

The Public Domain Concept Plan must document all works required to ensure that the public domain complies with the City of Sydney's Public Domain Manual, Sydney Streets Design Code and Sydney Streets Technical Specification, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain.

(25) EXISTING RIGHTS OF FOOTWAY AND CARRIAGEWAY

Any Development Application for the detailed design and construction of the development is to provide details of how the existing Right of Footway (which burdens the subject land and benefits Council) and the existing Rights of Carriageway (which reciprocally benefits and burdens the subject land and the land adjoining to the south) are to be treated in the new development. The Stage 2 application should show whether these Rights are to be maintained, varied or extinguished, and provide details of how this will be achieved together with the suitable agreement of the other affected parties.

(26) FLOODING

A flood assessment report to determine flood planning level (FPL) requirements for the subject site is to be submitted with any subsequent Development Application for the detailed design and construction of the development. The assessment shall also include the FPL requirements for the pedestrian connection to Museum Station.

The applicant can contact WMA Water the author of flood study conducted for City Area for any flooding information. The applicant can also use City of Sydney flood model to conduct their flood assessment.

(27) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

- (a) Concept details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to Council with any Development Application for the detailed design and construction of the development. This information is available on Council's website - www.cityofsydney.nsw.gov.au.
- (b) The requirements of Sydney Water with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted to Council with any Development Application for the detailed design and construction of the development.

- (c) A concept stormwater quality assessment must be undertaken and submitted to Council with any Development Application for the detailed design and construction of the development.

The stormwater quality assessment must:

- (i) be prepared by a suitably qualified drainage engineer with experience in Water Sensitive Urban Design;
- (ii) use modelling from an industry-standard water quality model; and
- (iii) demonstrate what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:
 - a. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
 - b. reduce the baseline annual pollutant load for total suspended solids by 85%;
 - c. reduce the baseline annual pollutant load for total phosphorous by 65%;
 - d. reduce the baseline annual pollutant load for total nitrogen by 45%.

(28) LAND CONTAMINATION

A Detailed Environmental Site Investigation (DESI) is to be submitted with any Development Application for the detailed design and construction of the development and is to be carried out by a suitably qualified and competent environmental consultant and submitted to the City Area Planning Manager for further review in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites, EPA Sampling Design Guidelines 1995, *Contaminated Land Management Act 1997* and SEPP 55 Remediation of Land” confirming that the site is suitable (or will be suitable, after remediation) for the proposed use.

Where the DESI states that the site requires remediation, a Remediation Action Plan (RAP) is to be prepared by a suitably qualified and competent environmental consultant in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites and the *Contaminated Land Management Act 1997* and submitted to the City Area Planning Manager for approval.

Note: Site Audit Review

Where a site is subject to significant contamination or past contaminating activities the City may additionally request that the DESI and any subsequent Remediation Action Plan be peer reviewed by a Site Auditor and a section B Site Audit Statement provided to Council prior to consent being given from the Auditor confirming that the extent of contamination has been appropriately determined and that the site can be made suitable if the site is remediated in accordance with the proposed and referenced RAP.

Where the DESI concludes that the site is suitable for the proposed use the City may request that a Section A Site Audit Statement be obtained from a Site Auditor to confirm site suitability.

(29) UNDERGROUND PETROLEUM STORAGE SYSTEM (UPSS)

Prior to the lodgement of any Development Application for the detailed design and construction of the development confirmation is to be obtained from the NSW EPA that the UPSS on site is exempt from the requirements of the Protection of the Environment (Underground Petroleum Storage System) Regulation 2008.

(30) TRAFFIC GENERATION

Anticipated traffic generation associated with any Development Application for the detailed design and construction of the development must be justified through detailed traffic modelling, undertaken based on the maximum amount of car parking permitted under Sydney Local Environmental Plan 2012 to demonstrate acceptable impacts on the intersections surrounding the development site and on bus services on Castlereagh Street.

(31) ON SITE LOADING AREAS AND OPERATION

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times, and must not obstruct other properties/units or the public way.

(32) SERVICE VEHICLES

- (a) Any Development Application for the detailed design and construction of the development must include swept path diagrams to demonstrate that a 9.25m Council garbage truck and a small rigid delivery vehicle can safely enter and exit the site in a forward direction.
- (b) Courier spaces and loading docks must be located close to the service entrance and away from other parking areas.
- (c) Adequate space must be provided to allow manoeuvring and turning of different sized vehicles within the designated loading area. The design, layout, signage, line marking, lighting and physical controls for all service vehicles must comply with the minimum requirements of Australian Standard AS 2890.2 – 2002 Off-Street Parking Part 2: Commercial vehicle facilities.

(33) BICYCLE PARKING AND END OF TRIP FACILITIES

- (a) Any Development Application for the detailed design and construction of the development must include a Bicycle Parking Plan and End of Trip Facilities are to be provided in accordance with the DCP12 Section 3.11.3. 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.

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.

(34) CAR SHARE SPACES

- (a) The basement car park plan submitted as part of any Development Application for the detailed design and construction of the development must include the provision of parking spaces for the exclusive use of car share scheme vehicles.
- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge.
- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The spaces must be accessible to members of the car share scheme at all times.
- (f) The car share spaces are to be available at the same time that the car park commences operation.

(35) LOADING DOCK MANAGEMENT PLAN

Any Development Application for the detailed design and construction of the development must include a 'draft' 'Loading Dock Management Plan.

The management 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. 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.

The plan shall be managed 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. Once approved, this management plan will need to be provided to all tenants and external users of the loading area.

(36) CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN - (TfNSW)

- (a) The proponent is to prepare a detailed Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with the CBD Coordination Office within TfNSW, Sydney Light Rail team within TfNSW and Council as part of any Development Application for the detailed design and construction of the development. The CPTMP needs to specify, but not limited to, the following:
 - (i) Location of the proposed work zone;
 - (ii) Haulage routes;
 - (iii) Construction vehicle access arrangements;
 - (iv) Proposed construction hours;
 - (v) Estimated number of construction vehicle movements;

- (vi) Construction Program;
- (vii) 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;
- (viii) Cumulative construction impacts of projects including Sydney Light Rail Project; and
- (ix) 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.

(37) CONSULTATION WITH SYDNEY METRO – (TfNSW)

- (a) Prior to the lodgement of any Development Application for the detailed design and construction of the development, consultation must be undertaken with Transport for New South Wales (TfNSW) with regard to:
 - (i) Review of basement levels in order to determine the vertical separation to the Sydney Metro City and Southwest tunnel, including potential foundation arrangements (depth and loads).
 - (ii) Review of the demolition of the existing building and proposed excavation of the site to ensure that the unloading and moving movement of rock and potential impacts on temporary and permanent rock support in the Metro caverns are assessed and managed to avoid adverse impacts.
- (b) Any Development Application for the detailed design and construction of the development must address the following matters:
 - (i) Details of the design, construction and maintenance of the development so as to satisfy the requirements of (a) above;
 - (ii) Allowances for the future construction of railway tunnels in the vicinity of the development;
 - (iii) Allowances on the design, construction and maintenance of the development for the future operation of railway tunnels in the vicinity of the development, especially in relation to noise, vibration, stray electrical currents, electromagnetic fields and fire safety;
 - (iv) Evidence of consultation with TfNSW;
 - (v) Provision of drawings, reports and other information related to the design, construction and maintenance of the development;
 - (vi) Such other matters which TfNSW considers appropriate to give effect to (i) to (v) above;
 - (vii) Such other matters as the owners/ Applicant and TfNSW may agree;
 - (viii) The design and construction of basement levels, foundations and ground anchors for the development are to be completed of TfNSW.

The foundations shall be designed to ensure that all loads are transferred down to the second reserve, i.e. pile founding level below the tunnel invert, pile to be sleeved through the second reserve etc. Cross sectional drawings showing the proposed basement excavation and structural design of sub ground support adjacent to the rail corridor should be included for the proposed foundations; and

- (ix) Detailed numerical analysis considering geotechnical conditions (rock strength, potential defects and field stresses etc ; foundation layout and loads transferred from the buildings) are required to demonstrate:
 - i. The development, after completion of building construction, will not have adverse impacts on the Sydney Metro tunnels including construction and tunnel structures; and
 - ii. That the integrity of the constructed development will not be adversely impacted by the construction of the Sydney Metro tunnels including tunnelling induced settlement and in-situ stress relief due to excavation.

(38) CROSS CITY TUNNEL

Any Development Application for the detailed design and construction of the development must contain sufficient information to demonstrate:

- (a) Geological modelling of the cumulative impacts of the proposed development and the Metro tunnels on the Cross City Tunnel (CCT);
- (b) The proposed development will not interfere with the ongoing operation and maintenance of the CCT, including plume behaviour at the CCT Vent Stack at Darling Harbour;
- (c) The easement (protection zone) around the CCT rock bolts will not be infringed upon; and
- (d) The ability of the development to comply with the Roads and Maritime's Technical Direction – Excavation Adjacent to RMS Infrastructure (GTD 2012/001).

(39) CONSULTATION WITH TRANSURBAN CCT

Any Development Application for the detailed design and construction of the development must provide evidence of consultation with Transurban CCT in relation to an interface agreement detailing all requirements of design reviews, preconstruction assessments and ongoing construction monitoring, such as vibration monitoring that will be required to be undertaken by the developer.

(40) AUSGRID

- (a) Prior to lodgement of any Development Application for the detailed design and construction of the development, 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 any Development Application for the detailed design and construction of the development.

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

A Construction Noise and Vibration Management Plan must be submitted with any . The 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 plan must include but not be limited to the following:-

- (a) Identification of noise sensitive receivers near to the site.
- (b) 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 07.00am 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.
- (c) A representative background noise measurement (LA90, 15min) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) 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 during construction works.
- (e) 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.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise?
- (g) 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.

- (h) 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.

NOTE: Monitoring data must be conducted in full accordance with the NSW EPA Industrial Noise Policy to include 7 days non-weather affected data for a residential use and not more than the permitted number of excluded events.

(42) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

An Access Report shall be submitted with any Development Application for the detailed design and construction of the development 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*.

(43) STREET TREES

An Arboricultural Impact Assessment prepared by a Consulting Arborist (minimum AQF Level 5) shall be submitted with any Development Application for the detailed design and construction of the development to demonstrate that the building provides appropriate setbacks and tree sensitive design with regard to existing street trees.

(44) LAPSING OF APPROVAL

This consent will lapse five years from the date of becoming operational.

SCHEDULE 2

PRESCRIBED CONDITIONS

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

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

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. This can be accessed at: <http://www.legislation.nsw.gov.au>