

15 September 2022

Belingbak Capital Partners Pty Limited

NOTICE OF DETERMINATION -
APPROVAL APPLICATION NO:
D/2021/1504

Dear Ashley

Please find enclosed the Notice of Determination and advisory notes relating to your development application for 372B Pitt Street, 372-374 Pitt Street, 378 Pitt Street, 380 Pitt Street, 382 Pitt Street, 382A Pitt Street, and 376 Pitt Street.

A copy of the DA assessment can be viewed online at the City of Sydney's website development.cityofsydney.nsw.gov.au/DASearch/.

If further information is required, please contact **Jessica Joseph ph. 02 9265 9554, or email jjoseph@cityofsydney.nsw.gov.au**.

Yours faithfully



MICHAEL SOO
Senior Area Planning Manager

Notice of Determination – Deferred Commencement Approval

issued under Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979

Development Application No.	D/2021/1504
Applicant	Belingbak Capital Partners Pty Limited
Land to be developed	372B Pitt Street, 372-374 Pitt Street, 378 Pitt Street, 380 Pitt Street, 382 Pitt Street, 382A Pitt Street and 376 Pitt Street, Sydney LOT 3702 DP 1124741, LOT A DP 439550, LOT B DP 439550, LOT J DP 107021, LOT G DP 107010, LOT E DP 442348, LOT 1 DP 341987, LOT K DP 107021
Approved development	Concept building envelope for in-principle partial demolition of existing buildings, excavation of 3 basement levels to enable a new building envelope with a maximum height of RL 206.1 (approximately 59 storeys) for hotel and residential land uses and retail premises at ground floor and vehicular and loading access from Carruthers Place.
Cost of development	\$162,916,000
Determination	The application was determined by the Central Sydney Planning Committee and was granted deferred commencement consent subject to the conditions in Part A and B.
Section 7.12 Contribution	A Section 7.12 Contribution (under the Central Sydney Development Contribution Plan 2020) does not apply to this development.
Section 7.13 Contribution	A Section 7.13 Contribution (under the City of Sydney Affordable Housing Program 2020) does not apply to this development.
Other Approvals	Before commencing <i>building work</i> or <i>subdivision work</i> , a relevant Construction Certificate must be obtained from Council or an Accredited Certifier. Council must be appointed the Principal Certifier for any <i>subdivision work</i> under the Act.
Consent is to operate from	15 September 2022
Consent will lapse on	15 September 2027

Reasons for conditions

Unrestricted consent may affect the environmental amenity of the area and would not be in the public interest.

Reasons for Deferred Commencement Approval

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act, 1979, in that, subject to the imposition of appropriate conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Central Sydney Planning Committee.
- (B) The proposal generally satisfies the objectives and provisions of Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (C) The proposal is consistent with the objectives of the B8 Metropolitan Centre Zone.
- (D) The building envelope complies with the maximum height of buildings development standard in Clause 4.3 and 6.17 of the Sydney Local Environmental Plan 2012. The building envelope complies with the Belmore Park sun access plane.
- (E) The indicative reference design accompanying the application demonstrates that the envelope can accommodate a building which complies with the maximum floor space ratio development standard in Clause 4.4, including additional floor space pursuant to Clause 6.4 of the Sydney Local Environmental Plan 2012. The building envelope provides capacity for an additional 10% of floor space available under Clause 6.21D of the Sydney Local Environmental Plan 2012 for any subsequent detailed building design resulting from a design competition process and demonstrating design excellence.
- (F) The proposed development does not result in any adverse impacts on the adjacent local heritage items, including the Sydney Masonic Centre and Civic tower, Museum Towers, or Civic Hotel in accordance with Clause 5.10 of the Sydney Local Environmental Plan 2012. The proposal seeks meaningful retention of six out of the seven existing terraces (no heritage status), adaptive reuse and integration of the terraces into the development in keeping with Section 3.9 and 3.10 of the Sydney Development Control Plan 2012.
- (G) The indicative reference design accompanying the application demonstrates that the proposed development is generally consistent with the provisions of the State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide (ADG).
- (H) The proposed development has a height and form suitable for the site and its context, and subject to conditions, satisfactorily addresses the height, separation, and setbacks of neighbouring developments, is appropriate in the streetscape context and broader locality.
- (I) The proposed development will provide a building envelope capable of accommodating a future building which can achieve acceptable amenity for future residents for solar access, natural ventilation, private open space and privacy.
- (J) The proposed building envelope can accommodate the proposed uses and does not result in any significant adverse environmental or amenity impacts on surrounding properties, the public domain and the broader Sydney Central Business District, subject to conditions on a subsequent future Stage 2 detailed design development application.

- (K) The public interest is served by the approval of the proposal, as amendments to the development application have addressed the matters raised by the City, the City's Design Advisory Panel, and the community, subject to recommended conditions included in Attachment A.
- (L) Condition 9 was amended to provide additional time for the applicant to undertake the required investigations and assessments, whilst providing certainty that recommendations and findings of these reports will be incorporated into any subsequent detailed Stage 2 development application.

Community Consultation

Seven submissions were received during the first notification period between 4 January 2022 and 8 February 2022. Two submissions were received during the second notification period between 8 July 2022 and 6 August 2022. Issues raised in all submissions have been taken into account in the report, and where appropriate conditions of consent have been included in the Notice of Determination to address these issues.

Right of appeal

If you are dissatisfied with this decision, Section 8.7 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six (6) months of the date of this notification.

Division 8.2 of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination.

Division 8.2 does not apply to complying development, designated development, integrated development or a determination made by Council under Division 4.2 in respect of Crown applications. For further information please contact **Jessica Joseph on ph. 02 9265 9554.**



per
GRAHAM JAHN AM
Director - City Planning, Development & Transport

SCHEDULE 1 – DEFERRED COMMENCEMENT CONDITIONS (CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

The following deferred commencement conditions must be satisfied prior to the consent becoming operative:

(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) DETAIL SURVEY

A detail survey is to be prepared by a Registered Surveyor in PDF and DWG CAD format and submitted to Council. The detail survey must be based upon a boundary survey showing redefined boundaries that the registered surveyor believes would be accepted by NSW Land Registry Services. The plan must include a note confirming that a boundary survey has been made by the registered surveyor.

The detail survey must be submitted to and approved by Council's Area Planning Manager.

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.

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.

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 in Operation).

(B) PART B – CONDITIONS OF CONSENT

SCHEDULE 1A

APPROVED DEVELOPMENT

(1) CONCEPT DEVELOPMENT APPLICATION

Pursuant to Division 4.4 of the *Environmental Planning and Assessment Act, 1979*, and Clause 100 of the *Environmental Planning and Assessment Regulation, 2000*, this Notice of Determination relates to a concept development application, and a subsequent development application (detailed design) are required for any work on the site.

(2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2021/1504 dated 23 December 2021 and the following drawings prepared by Woods Bagot:

Drawing Number	Drawing Name	Date
1219, Revision A	Proposed Envelope Plans- Proposed Basement 01, Basement 02-03	20 July 2022
PP1220, Revision E	Proposed Envelope Plans – Podium, Tower and Roof	4 July 2022
PP3010, Revision C	Proposed Envelope Elevation - North	20 July 2022
PP3011, Revision C	Proposed Envelope Elevation – East	20 July 2022
PP3012, Revision C	Proposed Envelope Elevation – South	20 July 2022
PP3013, Revision C	Proposed Envelope Elevation – West	20 July 2022

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.

(3) MATTERS NOT APPROVED IN CONCEPT PROPOSAL DEVELOPMENT CONSENT

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

- (a) Any works, including demolition, excavation and/or construction.
- (b) The total quantum of floor space.
- (c) The quantum, ratio and distribution of retail, hotel, and residential floor space.
- (d) The indicative floor layouts.
- (e) The number, position and configuration of residential apartments, hotel, and retail tenancies.
- (f) The floor levels of each storey.
- (g) The number and configuration of car parking spaces, levels, bicycle spaces, service vehicle and truck loading spaces / zones.
- (h) The siting and location of a substation.
- (i) Any 10% design excellence uplift in floor space ratio.

(4) BUILDING HEIGHT

The height of the approved envelope must not exceed the sun access plane for Belmore Park established by Clause 6.17 of the Sydney Local Environmental Plan 2012.

(5) FLOOR SPACE RATIO

- (a) The Floor Space Ratio for all detailed development applications on the site must not exceed the maximum permissible calculated in accordance with the Sydney Local Environmental Plan 2012.
- (b) Notwithstanding (a) above, the proposal may be eligible for up to 10% additional floor space pursuant to the provisions of Clause 6.21D of the Sydney Local Environmental Plan 2012 if the consent authority is satisfied that the resulting detailed design development application exhibits design excellence and is the result of a competitive design process.
- (c) The site area when calculating the additional floor space is limited to that area of the site identified in Figure 1 of the 'Concept Development Application Design Excellence Strategy' for 372-382A Pitt Street, Sydney, prepared by Urbis and dated August 2022 on behalf of Belingbak and ICD Property (Council reference: TRIM 2022/449319).

- (d) Precise calculations and details of the distribution of floor space must be provided with any subsequent detailed design (Stage 2) development application.
- (e) Any floor space ratio in excess of 8:1 will 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) COMPLIANCE WITH CONCEPT ENVELOPE HEIGHTS AND SETBACKS

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

(7) DETAILED DESIGN TO BE CONTAINED WITHIN APPROVED ENVELOPE

Subject to the other conditions of this consent, the building envelope is only approved on the basis that the ultimate detailed design development application for the buildings on the site, including articulation, balconies, terraces, services, privacy treatments and other projections will be entirely contained within the approved building footprint and envelope, and comply with the relevant planning controls.

(8) COMPETITIVE DESIGN PROCESS

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

- (a) Conducted in accordance with the 'Design Excellence Strategy' for 372- 382A Pitt Street, Sydney, prepared by Urbis and dated August 2022 on behalf of Belingbak and ICD Property (Council reference: TRIM 2022/449319).
- (b) Conducted prior to the lodgement of any subsequent detailed (Stage 2) development application for the site.

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

(9) FURTHER INVESTIGATIONS AND ASSESSMENTS MUST BE PREPARED PRIOR TO DESIGN COMPETITION

- (a) Detail Survey

The approved detail survey prepared by a Registered Surveyor (to satisfy deferred commencement condition Part A (1)) must be included as an appendix to the competitive design brief.

- (i) A digital copy of the detail survey, in DWG CAD format, or other format as preferred by the architects, must be provided for use in the design competition; and

- (ii) The architects must import, or reference in, the boundaries from the above CAD file for use in their design.

(b) Survey – Fabric of the Existing Buildings

Measured plans, cross-sections and front elevations must be included as an appendix to the competitive design brief. The detailed surveyed drawings should be used to inform the future design development and develop the schedule of heritage conservation work.

(9A) FURTHER INVESTIGATIONS AND ASSESSMENTS MUST BE PREPARED PRIOR TO ANNOUNCEMENT OF DESIGN COMPETITION WINNER

(a) Survey - Fabric Investigation of the Existing Buildings

A detailed fabric investigation of the front facades, awnings and front bays of commercial terraces, including both structural and architectural elements is to be prepared and submitted to Council prior to the announcement of a design competition winner. The fabric investigation and surveyed drawings of the existing buildings must be used to inform the future design development and develop the schedule of heritage conservation work.

(b) Structural Strategy

A structural report prepared by a practicing structural engineer experienced in dealing with heritage buildings/retaining historic fabric must be prepared and submitted to Council prior to the announcement of a design competition winner. The report is to investigate and make recommendations on how retained building elements can be retained, supported and not undermined by the proposed development having regard to the underground site constraints. The structural report is to inform the future design development of any subsequent detailed (Stage 2) development application.

(10) GEOTECHNICAL REPORT

A geotechnical report prepared by a suitably qualified geotechnical engineer must be submitted as part of any subsequent detailed (Stage 2) development application. The geotechnical report must be based on field investigations and borehole sampling. The report must investigate the footings of existing buildings on the site, in particular the building elements to be retained in the proposal and provide recommendations on their retention design.

(11) DETAILED DESIGN OF BUILDING

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

- (a) The existing front facades of Nos. 374-382A Pitt Street, including wall footings and joinery and whole masonry walls, must be retained.
- (b) Excavation of the basement level must not undermine the footings of the retained facade/ walls. Subject to the advice of the geotechnical engineer

and structural engineer, the retention structure should offset from existing wall footing to reduce the risk of structural damage to the retained walls.

- (c) At least one bay deep of party walls (including a whole engaged pier of each party wall) are to be retained.
- (d) New floor levels behind the retained facade are to align and have regard to the existing floor levels. The floor levels and the retained facade are to be meaningfully related.
- (e) Documentary evidence or historic photographs are to be utilised to inform the design reconstruction/ interpretation of the original shopfront presentation and awnings. Where possible, the ground level space of the retained buildings should be used as individual shops.
- (f) Any infill at 372 Pitt Street should exhibit design excellence and:
 - (i) provide an appropriate response to the adjacent buildings, properly interpret the existing facades and Carruthers Lane in accordance with Clause 5.10 of Sydney LEP 2012 and Sections 3.9 and 3.10 of Sydney DCP 2012;
 - (ii) provide a safe environment and minimise opportunities for criminal and anti-social behaviour in keeping with Section 3.13 of Sydney DCP 2012; and
 - (iii) designed to 'come to ground', positively contribute to the Pitt Street streetscape by presenting a richness of detail and appropriate design response to adjacent heritage items to meet Sections 3.2, 5.1.3 and 5.1.4 of Sydney DCP 2012.
- (g) 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).
- (h) Investigate landscape opportunities to provide tree canopy cover, vegetation and soft landscaping to contribute towards the City's 'greening' targets.
- (i) Provide a minimal vehicle crossing width to Pitt Street in accordance with Section 3.11 of Sydney DCP 2012, so as to provide prioritisation of pedestrian traffic.
- (j) Accommodate an easement along the northern boundary of Carruthers Place for fire egress from The Chambers (362-370 Pitt Street). The easement must provide a minimum width of 1m which extends from Pitt Street to encompass all fire doors along the southern elevation of the adjoining development to the north (SP 46628).
- (k) The design architect must liaise with a Water Servicing Coordinator and an accredited sewer designer, to ensure that Sydney Water's requirements for any upgrading of the sewer main, building setbacks from the main, and access requirements to the main, are incorporated in the design, to avoid future design changes and modifications to the approval.

Plant and lift overruns must be incorporated into the roof form of buildings and either provided within architectural roof features, as defined in the Dictionary of the Sydney Local Environmental Plan 2012 or located and provided with parapet screening so that they are not visible from the public domain or adjoining tower developments.

(12) AWNING

Documentary evidence or historic photographs are to be utilised to inform the design reconstruction/ interpretation of the original awnings. The detailed (Stage 2) design of the awning is to extend to the full frontage of the site along Pitt Street and comply with the requirements under Section 3.2.4 of Sydney DCP 2012.

(13) STAGE 2 DEVELOPMENT APPLICATION TO COMPLY WITH RELEVANT PLANNING CONTROLS

- (a) The Stage 2 development must be designed to comply with “State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development” (as amended), the Apartment Design Guide (ADG), and the provisions of Sydney Local Environmental Plan 2012 (Sydney LEP 2012) and Sydney Development Control Plan 2012 (Sydney DCP 2012).

In particular, attention is drawn to the following:

- (i) The building separation distances specified within the ADG relating to visual privacy.
- (ii) The minimum floor to floor and floor to ceiling heights within the ADG and Sydney DCP 2012.
- (iii) Apartment sizes and room dimensions, and private open space sizes and dimensions within the ADG and Sydney DCP 2012.
- (iv) The apartment and room depths specified within the ADG to ensure adequate natural ventilation, natural cross ventilation, solar and daylight access.
- (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.
- (vi) The ADG specification for at least 60% of apartments within a development to be naturally cross ventilated.
- (vii) The requirements of the ADG and Sydney DCP 2012 regarding the on-site provision of an area/s of communal open space.
- (viii) The ADG specifications relating to residential storage size volumes and characteristics.
- (ix) Provisions relating to on-site vehicle servicing requirements and bicycle parking contained within Sydney LEP 2012 and Sydney DCP 2012.

- (x) The dwelling mix requirements of Section 4.2.3.12 of Sydney DCP 2012.
- (xi) The adaptable dwelling mix requirements of Section 3.12.2 of the Sydney DCP 2012.

These requirements must be included in the competition brief for the competitive design process.

- (b) A BASIX Certificate in accordance with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 must be submitted with the detailed design Development Application.

(14) DETAILED ENVIRONMENTAL SITE INVESTIGATION REQUIRED

Demolition and development works are not to be undertaken on the site until such time as a subsequent detailed (Stage 2) development application has been submitted to and approved by the City.

- (a) As part of any subsequent detailed (Stage 2) development application; a Detailed Environmental Site Investigation (DESI) is to be carried out 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, Contaminated land Management Act 1997 and SEPP 55 Remediation of Land” must be submitted confirming that the site is suitable (or will be suitable, after remediation) for the proposed use.
- (b) 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 with the subsequent detailed (Stage 2) development application.

Note: Where the DESI concludes that the site is suitable for the proposed use it is to be peer reviewed by a NSW EPA Accredited Site Auditor and a Section A Site Audit Statement submitted to the City Area Planning Manager certifying that the site is suitable for the proposed use

The DESI and RAP must be peer reviewed by a NSW EPA Accredited Site Auditor and include a section B Site Audit Statement or a letter of Interim advice from the Site Auditor certifying that the RAP is practical and the site will be suitable after remediation for the proposed use.

(15) STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS

As part of any subsequent detailed (Stage 2) development application, a detailed Structural Report and certification prepared by a practicing structural engineer experienced in dealing with heritage buildings must be submitted for the detailed design. The report must explain how the retained building elements are to be retained, supported and not undermined by the proposed development and give details of any intervention or retrofitting needed.

(16) RESIDENTIAL ACOUSTIC AMENITY

A Noise Impact Assessment must be undertaken by a suitably qualified acoustic consultant* and submitted with any subsequent detailed (Stage 2) development application for detailed design and construction of the development. The Assessment must demonstrate that the development will be capable of achieving adequate levels of acoustic amenity for future occupants. The Assessment must consider the following and demonstrate that the design will comply with the relevant requirements under the following:

- (a) New South Wales Environment Protection Authority Noise Policy for Industry.
- (b) State Environment Planning Policy (Transport and Infrastructure) 2021 and the NSW Government Department of Planning 'Development Near Rail Corridors and Busy Roads - Interim Guideline'.
- (c) Parts 4B, 4H and 4J of the Apartment Design Guide.
- (d) Section 4.2.3.11 of the Sydney Development Control Plan 2012.

*Note: "Suitably qualified acoustic consultant" means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

(17) ARCHAEOLOGICAL ASSESSMENT

An archaeological assessment undertaken by a suitably qualified archaeologist must be submitted as part of any subsequent detailed (Stage 2) development application. The report is to make recommendations on mitigation measures and requirement on archaeological research designs.

(18) SCHEDULE OF CONSERVATION/ RECONSTRUCTION WORKS

A schedule of conservation/ reconstruction works is to be prepared by a suitably qualified heritage consultant and submitted as part of any subsequent detailed (Stage 2) development application. The schedule is to detail the conservation/ reconstruction works to retained building elements.

(19) ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- (a) Details are to be provided with the subsequent detailed (Stage 2) development application for the detailed design of the building to confirm that the building will deliver the sustainability targets set out in the

Ecologically Sustainable Development Report prepared by E-LAB Consulting (P00105, Revision 4) dated 16 May 2022 (Council Reference TRIM2022/371816). The ESD targets are to be carried through the competition phase, design development, construction, and through to completion of the project.

- (b) This includes certification that the design:
 - (i) Achieves a 4 Star NABERS Energy for Hotels
 - (ii) Achieves a 4 Star NABERS Water for Hotels
 - (iii) Exceeds NCC 2019 Section J Energy Benchmarks with a bespoke facade and services system design
 - (iv) Exceeds BASIX Requirements for Residential components of the development (including a BASIX Energy target of 30%)
 - (v) Achieves a 4 Star Green Star Buildings rating
- (c) The ESD targets must be included in the competitive design process brief and carried through the competition phase, design development, construction, and through to completion of the project.

(20) PUBLIC ART

- (a) The revised '372-382A Pitt Street Preliminary Public Art Plan', dated 1 August 2022 and prepared by UAP (Council reference TRIM 2022/413174) must be included as an appendix to the competitive design process brief as per Section 3.3.7 of Sydney DCP 2012.
- (b) An updated version of the approved Preliminary Public Art Plan must be submitted following the competitive design process once the built form and public art opportunities are confirmed.
- (c) A Detailed Public Art Plan, based upon the preliminary plan referred to in (a and b) above, must be prepared and submitted with any subsequent detailed design development application.
- (d) All public artwork must be in accordance with the relevant objectives and provisions of the Sydney DCP 2012, the Public Art Policy, and the Interim Guidelines: Public art in private developments.

Note: Public Art must be reviewed and endorsed by the City's Public Art Team and/or the Public Art Advisory Panel prior to submission for Council approval. Further information is available online at: <http://www.cityofsydney.nsw.gov.au/explore/arts-and-culture/public-art>. Please contact the Public Art Team at: publicartreferrals@cityofsydney.nsw.gov.au for further information.

(21) WIND ASSESSMENT

- (a) Prior to the lodgement of any subsequent detailed (Stage 2) development application, the detailed design must 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, and communal external areas within the subject development.

- (b) Any recommendations of this wind tunnel testing and wind assessment report required by (a) above must be incorporated into and submitted with the detailed design development application.

(22) ENCROACHMENTS – NEIGHBOURING PROPERTIES

No portion of the proposed detailed design development shall encroach onto the adjoining properties.

(23) ENCROACHMENTS – PUBLIC WAY

No portion of the proposed detailed design development, structure, gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

(24) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

An access report must be prepared by a qualified access consultant and submitted with any subsequent detailed (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.

(25) 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. The details must be submitted in any subsequent detailed (Stage 2) development application.

(26) SECURITY GATES

Where a car park is accessed by a security gate, that gate must be located at least 6 metres within the site from the street front property boundary. Details of any security gates are to be submitted in any subsequent detailed (Stage 2) development application.

(27) 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.

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

(28) VEHICLES ACCESS

The design of vehicular access in any subsequent detailed (Stage 2) development application must ensure that all vehicles enter and depart the site in a forward direction. Vehicle access for both service vehicle and car parking will be provided on Pitt Street / Carruthers Place. The vehicle access is to be designed in a way that it maximises pedestrian safety and amenity on footpath. Note that, Council does not support audible/flashing lights on driveways.

(29) SWEPT PATH ANALYSIS

Any subsequent detailed (Stage 2) development application must be accompanied by a swept path analysis to show how the largest vehicle can enter and exit the subject site. These will be used to determine the largest vehicle permitted to service the site and the width of the driveway crossing.

(30) SERVICE VEHICLE PARKING AND ACCESS

Any subsequent detailed (Stage 2) development application must include a minimum of two (1 SRV and 1MRV with capabilities to accommodate 9.25m Council Garbage Collection vehicle) within the site. The waste collection area is to meet the requirements of Sydney DCP 2012, Section 3.11.13. All part of the service vehicle access area including driveway access in Carruthers Place must have minimum of 4.0m vertical clearance.

(31) BICYCLE PARKING AND END OF TRIP FACILITIES

Any subsequent detailed (Stage 2) development application must include a Bicycle Parking Plan and End of Trip Facilities design 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.]

(32) TRAFFIC MANAGEMENT PLAN ON DRIVEWAY / SINGLE LANE RAMP

The detailed design should include a system of traffic lights and/or mirrors must be installed at the ends of any single lane ramp(s), to indicate traffic movement on the ramp(s). Any system using traffic light signals must maintain a green signal to entering vehicles at the point of entry and must maintain a red signal when an exiting vehicle is detected upon the ramp or driveway. The details must be analysed and submitted as part of any subsequent detailed (Stage 2) development application.

(33) TRAFFIC IMPACT ASSESSMENT

A Traffic and Transport impact assessment must be submitted as part any subsequent detailed (Stage 2) development application. It must include, but is

not limited to, the details of vehicle queue analysis, resident tenant move in move out, details of delivery (both short time like parcel /letter delivery and longer time like furniture delivery), loading and servicing of the hotels, other services like hotel guest drop off / pick up, bus/coach parking, tour group operation and management etc.

(34) PUBLIC DOMAIN SURVEY

A detailed current Public Domain Survey is to be submitted with any subsequent (Stage 2) development application.

(35) LEVELS AND GRADIENTS

An application for Levels and Gradients, including supporting information, must be lodged with the detailed (Stage 2) development application for all frontages to the site. The Levels and Gradients approval must be issued prior to the determination of the Stage 2 development application.

The submission is to include cross sections through driveways and building entrances from inside the building to the centreline of the road carriageway. Existing and proposed boundary levels, top of kerb levels and invert of gutter levels are to be clearly shown. Longitudinal sections showing existing and proposed boundary levels, top of kerb levels and invert of gutter levels on the same longitudinal section are also required for each frontage.

The submission is to demonstrate that public domain levels and are in accordance with the City's Public Domain Manual or will be reconstructed, and that proposed floor levels, particularly at building entrances and driveways have taken into consideration finished public domain levels. Any level changes required to satisfy DDA and flood planning requirements are to be resolved within the property boundary.

(36) PUBLIC DOMAIN CONCEPT PLAN

A Public Domain Concept Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with the detailed (Stage 2) development application for the site. The plan must show all existing and proposed public domain elements within the surrounding site frontages.

(37) ON-SITE DETENTION

Sydney Water advice as to any requirements for on-site detention must be submitted with the detailed (Stage 2) development application.

(38) STORMWATER AND DRAINAGE

A Stormwater Management Report must be lodged with the detailed (Stage 2) development application. The report is to include:

- (a) calculations and design for the stormwater overland flow path

- (b) the proposed method of collection and disposal of stormwater
- (c) any Sydney Water requirements for on-site detention
- (d) solutions for potential groundwater
- (e) confirmation of compliance with the Section 3.7 of Sydney DCP 2012 and the City's Interim Floodplain Management Policy.

(39) STORMWATER QUALITY ASSESSMENT

A Stormwater Quality Assessment must be lodged with the detailed (Stage 2) development application. The report must:

- (a) be prepared by a suitably qualified hydraulic engineer with experience in Water Sensitive Urban Design
- (b) use modelling from an industry-standard water quality model (e.g. MUSIC Model or equivalent)
- (c) demonstrate through reports, design plans and calculations, what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the required post-development pollutant loads
- (d) include certification from a suitably qualified practicing professional that the requirements of this condition have been met.
- (e) The City has adopted MUSIC-link for assessing Water Sensitive Urban Design (WSUD) compliance for developments. A certificate and/or report from MUSIC-link, which confirms compliance, and the electronic copy of the MUSIC Model must be submitted for review and approval with the stormwater quality assessment report.

(40) FLOOD PLANNING LEVELS

The detailed (Stage 2) development application must demonstrate compliance with flood planning levels in the design of buildings and structures on the site. Floor level entries, including any openings to basement, lift wells and lobbies, must comply with the City's Interim Floodplain Management Policy.

(41) EXISTING AND PROPOSED EASEMENTS

Any subsequent detailed (Stage 2) development application is to provide details how the various existing easements and rights of access (which burden and benefit the subject land) are to be treated in the new development. The application should show whether these easements and rights of access are to be maintained, varied or extinguished, and how the rights of other parties who benefit from the easements and rights of access (if any) will be protected.

(42) LOCATION OF SEWER MAIN

Prior to the lodgement of any subsequent detailed (Stage 2) development application, the sewer main traversing the site must be accurately located by non-destructive methods, including pot-holing or location by a pipe & cable locating company. The position of the sewer main so determined must be surveyed by a registered surveyor and shown in relation to the boundaries on the detail survey. The detail survey must be submitted with any subsequent detailed (Stage 2) development application.

(43) CONSOLIDATION PLAN

A consolidation plan prepared by a registered surveyor must accompany any detailed (Stage 2) development application.

Prior to the commencement of survey work for the consolidation plan, road alignment survey information must be obtained from Council's survey department, and used to define the alignment of Pitt Street, to ensure compliance with NSW Land Registry Services requirements.

(44) CREATION OF A NEW EASEMENT - CARRUTHERS PLACE

As part of any subsequent detailed (Stage 2) development application an easement for fire egress along the northern boundary of the site must be provided for The Chambers building (362-370 Pitt Street, Sydney), pursuant to Section 88B of the *Conveyancing Act, 1919*. The easement must have a minimum width of one metre and extend from Pitt Street to encompass all fire doors along the southern elevation of the adjoining development to the north (SP 46628).

(45) LAND SUBDIVISION – SEPARATE DA REQUIRED

A separate application must be made online through the Planning Portal, at www.planningportal.nsw.gov.au to obtain development consent and the approval of the plan of subdivision and issue of a Subdivision Certificate under Section 6.15 of the *Environmental Planning and Assessment Act 1979*.

(46) SIGNAGE STRATEGY

A detailed signage strategy developed in accordance with Section 3.16.1 of the Sydney DCP 2012 must be submitted with any detailed (Stage 2) development application. The signage strategy must include information and scale drawings of the location, type, construction, materials and total number of signs proposed for the development.

(47) WASTE MANAGEMENT PLAN AND WASTE FACILITIES

Any subsequent detailed (Stage 2) design development application must include:

- (a) A Waste and Recycling Management Plan prepared in accordance with Section 3.14 of the Sydney Development Control Plan 2012; and

- (b) Details of the location, construction and servicing of the waste collection facilities for the different components of the development of the proposed building.
- (c) The design of waste facilities prepared in accordance with Section 4.2.6 of the Sydney Development Control Plan 2012 and Council's Guidelines for Waste Management in New Developments.

SCHEDULE 1B

CONCURRENCE CONDITIONS

(48) AUSGRID - UNDERGROUND CABLES

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outline the minimum requirements for working around Ausgrid's underground cables.

Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

(49) SYDNEY METRO

Compliance with the Sydney Metro Underground Corridor Protection Guidelines will need to be demonstrated for the Stage 2 detailed DA which are available on www.sydneymetro.info (with consideration of the 1st and 2nd reserves as defined in the Guideline. The applicant is required to provide the following for the Stage 2 detailed DA but not limited to:

- (a) Foundation layout and associated loads
- (b) Drawings (section and plan) showing the development site and metro running tunnels including 1st and 2nd reserves
- (c) Shoring design including anchors if proposed
- (d) Any engineering impact assessment
- (e) Electrolysis assessment
- (f) Acoustic assessment

(50) SYDNEY WATER - CONSULTATION

- (a) Consultation is required with Sydney Water to ensure that technical and statutory requirements in regards to the safe and reliable operation and maintenance of Sydney Water's assets are maintained.
- (b) Details of the consultation undertaken are to be provided with any subsequent detailed (Stage 2) development application.

(51) SYDNEY WATER - WATER SERVICING

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

(52) SYDNEY WATER – BUILDING PLAN APPROVAL

The approved plans must be submitted to the Sydney Water **Tap in™** online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The **Tap in™** service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's **Tap in™** online service is available at: <https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>.

Sydney Water recommends developers apply for Building Plan approval early as in some instances the initial assessment will identify that an Out of Scope Building Plan Approval will be required.

(53) SYDNEY WATER – OUT OF SCOPE BUILDING PLAN APPROVAL

Sydney Water will need to undertake a detailed review of building plans:

(a) That affect or are likely to affect any of the following:

- Wastewater pipes larger than 300mm in size
- Pressure wastewater pipes
- Drinking water or recycled water pipes
- Our property boundary
- An easement in our favour

- Stormwater infrastructure within 10m of the property boundary.

(b) Where the building plan includes:

- Construction of a retaining wall over, or within the zone of influence of our assets
- Excavation of a basement or building over, or adjacent to, one of our assets
- Dewatering – removing water from solid material or soil.

The detailed review is to ensure that:

- our assets will not be damaged during, or because of the construction of the development
- we can access our assets for operation and maintenance
- your building will be protected if we need to work on our assets in the future.

The developer will be required to pay Sydney Water for the costs associated with the detailed review.

(54) SYDNEY WATER – TREE PLANTING

Certain tree species placed in close proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Sydney Water requires that all proposed or removed trees and vegetation included within the proposal adhere to the specifications and requirements within Section 46 of the Sydney Water Act (1994) and *Diagram 5 – Planting Trees* within our [Technical guidelines – Building over and adjacent to pipe assets](#). Please note these guidelines include more examples of potential activities impacting our assets which may also apply to your development.

If any tree planting proposed breaches our policy, Sydney Water may need to issue an order to remove every tree breaching the act, or directly remove every tree breaching the Act and bill the developer or Council for their removal.

(55) SYDNEY WATER – 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 should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au.

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.

(56) SYDNEY WATER – 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:

- (a) Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
- (b) 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>.

(57) SYDNEY WATER – 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.

(58) SYDNEY WATER – 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 15 meters 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.

(59) TRANSPORT FOR NEW SOUTH WALES / ROADS MARITIME SERVICES

- (a) 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.
- (b) 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.
- (c) 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.
- (d) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
- (e) 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>.

(60) SYDNEY AIRPORT CORPORATION

- (a) The building **must not exceed** a maximum height of **217.5 metres AHD, including all** lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
- (b) Separate approval **must be sought** under the Regulations for any equipment (i.e. cranes) required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed control activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) be obtained prior to any commitment to construct.
- (c) The proponent **must advise** Airservices Australia at least three business days prior to the controlled activity commencing by emailing ifp@airservicesaustralia.com and quoting YSSY-CA-574.
- (d) On completion of construction of the building, the Proponent **must provide** SACL with the surveyed height of the building.
- (e) A separate assessment and approval under the Regulations **will be required** for any further addition to the height of the building (including the installation of antennas) as it will increase the penetration of the OLS.

Breaches of approval conditions are subject to significant penalties under Section 185 and 187 of the Act. **SCHEDULE 2**

PRESCRIBED CONDITIONS

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

IMPORTANT ADDITIONAL INFORMATION

Advisory notes:

1. It is advised that the City of Sydney Neighbourhood Parking Policy may apply to this development. Eligibility for parking permits for residents or users of the development will be determined by the terms of this policy or subsequent future policies.

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.
1. ***It is compulsory to lodge digital copies of applications, including plans and documentation if lodging an application with Council. Please refer to Council's website for any further information about digital requirements and electronic files.***

Note: All applications must be lodged via the NSW Planning Portal.

2. Nominate a **Principal Certifier** which may be either Council or a registered certifier and notify Council of that appointment. You **cannot lawfully** commence works without complying with this requirement. Appointment must be made through the Planning Portal <https://www.planningportal.nsw.gov.au/>.
3. 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.
4. 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:

5. 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.

6. 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.
7. 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.
8. Contact Sydney Water regarding the water and sewerage services to this development. For further information go to www.sydneywater.com.au.
9. Carry out critical stage inspections in accordance with Section 6.5 of the EP&A Act 1979 and clauses 61, 63 and 65 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation.