

8 April 2024

William Street Nominee Pty Ltd

Notice of Determination – Approval
Application Number: D/2022/139

Dear John,

Please find enclosed the Notice of Determination and advisory notes relating to your development application for 164-172 and 174-194 William Street, Woolloomooloo. A deferred commencement consent has been issued, which means that you will have to first comply with the conditions specified before the consent will operate.

A copy of the Development Application Assessment Report can be viewed online at the City of Sydney's website <http://development.cityofsydney.nsw.gov.au/DASearch/>.

If further information is required, please contact David Reynolds by telephone during business hours on (02) 9265 9654, or by email at dreynolds@cityofsydney.nsw.gov.au.

Yours faithfully



Natasha Ridler
Area Planning Manager

Deferred Commencement - Approval issued under Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979*, in accordance with the provisions of Section 4.16(3)

Development application number	D/2022/139
Applicant	William Street Nominee Pty Ltd
Land to be developed	164-172 and 174-194 William Street, Woolloomooloo NSW 2011 Lot 52 in Deposited Plan 1049805, Lot 1 in Deposited Plan 816050
Approved development	Concept building envelopes for a mixed use development up to a height of 33.4m (RL52.3), vehicular and loading access from Forbes Street, 3 indicative basement levels for parking, services and storage as well as provision of a publicly accessible through-site link off Dowling Street that connects to Judge Lane and Forbes Street.
Cost of development	\$161,700,000
Determination	The application was determined by the Chief Executive Officer of the Council of the City of Sydney under the delegated authority of the Central Sydney Planning Committee and was granted a deferred commencement subject to the conditions in Part A and B.
Section 7.11 contribution	A Section 7.11 contribution (under the City of Sydney Development Contributions Plan 2015) 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.
Date of determination	8 April 2024

Consent is to operate from

Refer to section 4.16(3) of the Act

Consent will lapse on

Five years from the date the consent is to operate from

Reasons for conditions

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

Reasons for 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 the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (C) The proposal is consistent with the objectives of the MU1 Mixed Use zone.
- (D) The building envelope complies with the maximum height of buildings development standard in Clause 4.3 of the Sydney Local Environmental Plan 2012 and provides capacity for an additional 10 per cent of additional floor space available under Clause 6.21D(3)(b) of the Sydney Local Environmental Plan 2012 for any subsequent detailed building design resulting from a design competition process and demonstrating design excellence.
- (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 of the Sydney Local Environmental Plan 2012.
- (F) Subject to compliance with the design excellence strategy, the undertaking of a competitive design process and the recommended conditions of consent, the proposed development will provide a building envelope capable of accommodating a future building which can exhibit design excellence in accordance with Clause 6.21C of the Sydney Local Environmental Plan 2012.

Community consultation

146 submissions were received by the City in response to the public exhibition of the application. 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 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.

NOTICE OF DETERMINATION – APPROVAL D/2022/139

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 David Reynolds by telephone during business hours on (02) 9265 9654, or by email at dreynolds@cityofsydney.nsw.gov.au.



per

Graham Jahn AM

Director - City Planning, Development & Transport

PART A – DEFERRED COMMENCEMENT CONDITIONS

SCHEDULE 1

(A) The consent is not to operate until the following condition is satisfied:

(1) VOLUNTARY PLANNING AGREEMENT

- (a) The Voluntary Planning Agreement between the COUNCIL OF THE CITY OF SYDNEY and WILLIAM STREET NOMINEE, that delivers public benefits associated with the approved development is publicly exhibited, executed and submitted to Council; and
 - (b) The guarantee must be provided to Council in accordance with the Voluntary Planning Agreement; and
 - (c) The Voluntary Planning Agreement, as executed, must be registered on the title of the land.
- (B) Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within **24 months** of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the *Environmental Planning and Assessment Act, 1979*.
- (C) The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.
- (D) Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B – Conditions of Consent (Once the Consent is Operation).

PART B – CONDITIONS OF CONSENT (ONCE THE CONSENT IS OPERATION)

SCHEDULE 2

PART A – GENERAL

(1) CONCEPT DEVELOPMENT APPLICATION

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

Reason

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

(2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application Number D/2022/139 dated 28 February 2022 and the following drawings prepared by FJC Architects:

Drawing Number	Drawing Name	Date
1001, Rev 11	Plan – Basement	11 October 2023
1002, Rev 01	Plan – Lower Laneway Envelope	11 October 2023
1003, Rev 01	Plan – Upper Laneway Envelope	11 October 2023
1004, Rev 01	Plan – Ground & L1 Envelope	11 October 2023
1005, Rev 01	Plan – Lower Levels (RL 32.7-35.6)	11 October 2023
1006, Rev 01	Plan – Mid Levels (RL 35.6-41)	11 October 2023
1007, Rev 01	Plan – High Levels (RL 41-57.9)	11 October 2023
1401, Rev 11	Proposed Envelope	11 October 2023
1402, Rev 11	Proposed Envelope	11 October 2023
1501, Rev 11	Elevation – Forbes Street (west)	11 October 2023

Drawing Number	Drawing Name	Date
1502, Rev 11	Elevation – Dowling Street (east)	11 October 2023
1503, Rev 11	Elevation – William Street (south)	11 October 2023

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

Reason

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

(3) MATTERS NOT APPROVED

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

- (a) any demolition, tree removal, excavation, remediation and/or construction;
- (b) the height in storeys or street frontage height in storeys of the development;
- (c) the layout and number of residential apartments or non-residential tenancies;
- (d) the depth, extent, number, layout and design of basement levels and/or configuration of car parking;
- (e) the number of car parking spaces, bicycle spaces, car share or loading spaces/zones;
- (f) the precise quantum of floor space; and
- (g) up to 10% design excellence uplift in floor space.

Reason

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

(4) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

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

Reason

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

(5) BUILDING HEIGHT

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

Reason

To ensure the constructed development complies with the approved height.

(6) FLOOR SPACE RATIO

The following applies to Floor Space Ratio:

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

Reason

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

(7) DEVELOPMENT TO BE CONTAINED WITHIN ENVELOPE

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

Reason

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

(8) DISTRIBUTION OF FLOOR SPACE WITHIN ENVELOPE

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

Reason

To specify the relevant parameters for the detailed building design.

(9) COMPETITIVE DESIGN PROCESS

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

- (a) In accordance with 'Design Excellence Strategy for 164-172 & 174-194 William Street, Woolloomooloo, dated 21 November 2023, prepared by Urbis for William Street Nominee; and
- (b) Prior to the lodgement of any subsequent DA for the detailed design of the building.

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

Reason

To specify the approved Design Excellence Strategy for the development.

(10) ACOUSTIC / VENTILATION BRIEF

- (a) Prior to the commencement of the competitive design process, a kit of acoustic privacy / natural ventilation solutions (the 'kit of parts') is to be submitted to and approved by Council's Area Planning Manager / Coordinator.
- (b) The kit of parts is to provide a coordinated resource of design measures to mitigate noise as well as to achieve the natural ventilation requirements of the Apartment Design Guide and is to be appended to any competitive design process brief.
- (c) The kit of parts must consolidate the recommendations contained in the:
 - (i) Concept DA Acoustic Assessment, 164-194 William Street, Woolloomooloo, ref. no. TM358-01F01 Concept Design Acoustic Report (4), dated 22 March 2023 and as prepared by Renzo Tonin and Associates; and
 - (ii) Natural Ventilation Amended Scheme, 164-194 William St Woolloomooloo, dated 14 March 2023 and as prepared by Flux Consultants Pty Ltd.

- (d) The kit of parts must not include detail solutions based on the reference scheme.

Reason

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

(11) DETAILED DESIGN OF BUILDINGS – JUDGE LANE AND FUTURE PEDESTRIAN LANEWAY

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

- (a) Existing Judge Lane and the future pedestrian laneway needs to be considered holistically to ensure that the pedestrian connection is clear and continuous.
- (b) Investigation into the provision of equitable/*Disability Discrimination Act, 1992* (Cth) compliant access through the dedicated laneway.
- (c) Exploration of Judge Lane conversion to shared zone and its connection to the new pedestrian laneway.
- (d) Consideration of how the setback area adjacent to Judge Lane (deep soil) will address Judge Lane. It should be noted that should a publicly accessible private pathway be included in this setback area, a shared zone in Judge Lane will not be supported.

Reason

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

(12) DETAILED DESIGN OF BUILDINGS - LANDSCAPE

- (a) Deep soil areas nominated on the building envelope plan, must demonstrate that the concept development achieves deep soil in accordance with the Sydney Development Control Plan 2012, to a minimum area of 10% of the total site area after dedication. These deep soil zones must be incorporated as actual deep zone zones throughout the competitive design process and Stage 2 development applications.
- (b) Deep soil zones must be unencumbered by built elements either above or below. This includes basements, on-site detention below, structures and balconies above.
- (c) Tree planting must be approached to provide a minimum of 15% canopy cover across the site within 10 years of completion.
- (d) The rooftop of buildings must be designed to provide communal open spaces, accommodate rooftop planting for biodiversity, tree planting and

water reuse. Provide a minimum soil depth of 1m and soil volumes that comply with the Landscape Code

Reason

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

(13) DETAILED DESIGN OF BUILDINGS – HERITAGE CONSERVATION AREA INTERFACE

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

- (a) Be prepared in conjunction with heritage advice and demonstrate a sympathetic approach for how the site interfaces with the Woolloomooloo heritage conservation area.

Reason

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

(14) LANDSCAPE STRATEGY

- (a) Prior to the preparation of the brief for the competitive design process, a Landscape Concept Plan must be submitted to Council’s Director City Planning, Development and Transport for approval.
- (b) The Plan should identify any landscape constraints and set the aspirations and requirements for the landscape spaces, including communal rooftops and green roofs, in order to achieve design excellence.
- (c) It should establish a clear commitment to designing landscape at grade and on structure sustainably, in an integrated manner, to meet the Landscape Code, and demonstrate that the function and aesthetic of both the landscape and the building have been considered concurrently in relation to each other.

Reason

To specify landscape design details to be submitted prior to a competitive design process.

(15) DESIGN PRINCIPLES

The design brief for the competitive design process must address the following design principles, as outlined in the document titled draft William Street Design Principles, Rev 0, dated 11/10/2023, prepared by FJC Studio:

Urban Form and Articulation

- (a) Reduce bulk and scale to an appropriate size for the William Street boulevard scale and Woolloomooloo village scale:

- (i) Provide articulation to the southern William Street building to read as discrete building forms; and
- (ii) Building forms to respond to Woolloomooloo built form character.

Sight Lines

- (b) Encourage visual connectivity across the site to establish meaningful connection to its surround context:
 - (i) Provide visual connection from William Street to Woolloomooloo along the north south pedestrian connection;
 - (ii) Provide visual connection from William Lane to Dowling Street; and
 - (iii) Provide an east west connection from Dowling Street to the corner of Judge Lane and Forbes Street.

Ground Plane Activation

- (c) Encourage active frontages to establish a vibrant street interface with pedestrians.
 - (i) Provide active retail frontages to William Street, Dowling Street and Forbes Street;
 - (ii) Vehicle Entry to located to limit disruption on ground plane; and
 - (iii) Provide active retail laneway east west.

Reason

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

(16) WIND ASSESSMENT

- (a) Prior to the lodgement of any subsequent detailed development application, the 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 and private open space 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.

Reason

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

(17) WASTE AND RECYCLING MANAGEMENT

- (a) Prior to the commencement of any competitive design process for the site, a Waste Management Strategy (WMS) must be submitted to and approved by Council's Area Planning Manager / Coordinator and which once approved, may be appended to the design brief for the competitive design process. The WMS must address the following requirements:
- (i) estimates of waste streams (waste, recycling and food waste) that will be generated and the number of bins and collection frequency to manage the waste generated calculated in accordance with the rates specified in the City's Guidelines for Waste Management in New Developments;
 - (ii) the minimum spatial requirements (minimum room sizes, minimum door sizes, manoeuvring space, size of bin holding areas etc) for waste management systems and facilities based on the estimated waste generation of the ongoing operation of the development and must account for specified bin sizes (240L, 660L or 1100L);
 - (iii) safe and convenient access for waste collection staff with a maximum walking distance from any entrance of a residential dwelling to the waste and recycling storage area is not to exceed 30 metres;
 - (iv) maximum manual handling distance by council contractors of 10 metres;
 - (v) waste management and collection must be accommodated wholly within the site;
 - (vi) access for a 10.6 metre long Council garbage truck and vertical clearance of 4 metres clear of all ducts, pipes and other services;
 - (vii) waste collection vehicles to be able to enter and exit the premises in a forward direction;
 - (viii) waste management systems and facilities that promote safe and convenient access for all users;
 - (ix) separate waste storage area for residential and commercial aspects of developments. Commercial tenants must not have access to residential waste storage areas.
- (b) Details are to be provided with the subsequent DA for the detailed design of the building to demonstrate that adequately sized waste management facilities including waste storage areas and truck access and loading is provided in accordance with the relevant requirements of the Sydney DCP 2012 and the City's *Guidelines for Waste Management in New Developments*.

Reason

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

(18) ECOLOGICALLY SUSTAINABLE DEVELOPMENT

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

- (a) BASIX Energy minimum score as per State Environmental Planning Policy (Sustainable Buildings) 2022 +5
- (b) BASIX Water minimum score as per State Environmental Planning Policy (Sustainable Buildings) 2022 +10
- (c) electrification of all building components, including in all dwellings, centralised services and commercial/retail premises.

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

Reason

To specify the ESD target benchmarks for the development.

(19) RESIDENTIAL LAND USE

- (a) The residential component of the development must be designed to comply with the principles of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development, the guidelines of the Apartment Design Guide (the ADG), and the provisions in Section 4.2 of the Sydney Development Control Plan 2012, with particular attention to the following matters:
 - (i) ADG objectives 2F Building separation and 3F-1 Visual privacy;
 - (ii) ADG objective 4B-1 Natural ventilation;
 - (iii) ADG objective 4B-3 Natural cross ventilation;
 - (iv) ADG objective 4J Noise and pollution – with noise and natural ventilation addressed through siting and layout, facade treatment and design and lastly through attenuated passive ventilation devices;
- (b) A BASIX certificate in accordance with the requirements of State Environmental Planning Policy (Sustainable Buildings) 2022 must be submitted with any subsequent DA for the detailed design of the building.

Reason

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

(20) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO COMPETITIVE DESIGN PROCESS

- (a) Prior to the commencement of any competitive design process for the site, an accurate 1:1 electronic CAD model of the envelope approved by this consent must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager for the electronic Visualisation City Model.
- (b) The data required to be submitted within the surveyed location must include and identify:
 - (i) above ground envelope design in accordance with the development consent;
 - (ii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

The data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

- (c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at:

<http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements>

Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

Reason

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

(21) PUBLIC ART

- (a) The revised Preliminary Public Art Plan dated December 2022 - March 2023 and prepared by Amanda Sharrad (Council reference TRIM 2023/155451) must be included as an appendix to the competitive design process brief as per Section 3.3.7 of Sydney Development Control Plan 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 with the lifespan of the artwork amended to align with the life of the building.
- (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 artworks must be in accordance with the relevant objectives and provisions of the Sydney Development Control Plan 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 for further information at:

publicartreferrals@cityofsydney.nsw.gov.au

Reason

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

(22) STREET TREES AND DETAILED DESIGN APPLICATION

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

Reason

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

(23) ACOUSTIC REPORT

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

Reason

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

(24) FLOOD PLANNING LEVELS

Details must be submitted with any subsequent DA for the detailed design of the building to demonstrate compliance with the recommended flood planning levels specified in Table 1 of the report titled: Flood Planning Levels Assessment for 164- 194 William Street, Woolloomooloo (ref 211734) dated 17 March 2023 prepared by TTW Pty Ltd.

Reason

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

(25) LAND CONTAMINATION

- (a) Any subsequent DA for the detailed design of the building must include reports and documentation to address the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land.
- (b) The relevant reports and documentation may include but are not limited to the following:
 - (i) Remediation Action Plan, Stage 1 Development Application, 164-192 William St, Woolloomooloo (Project 208700.00), Revision 4, dated 15 March 2023, prepared by Douglas Partners ty Ltd;
 - (ii) Interim Audit Advice No. 1 – Remediation Action Plan, dated 21 March 2023, prepared by Ramboll Australia Pty Ltd.

Reason

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

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

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

Reason

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

(27) PUBLIC DOMAIN CONCEPT PLAN

A public domain concept plan, showing all site frontages, including areas extending a minimum of 5 metres either side of the site boundary and to the road centreline, is to be prepared in accordance with the Public Domain Manual and the City's Sydney Streets Code and submitted with the detailed design DA. The concept plan is to include public domain upgrades to both Judge Lane and Forbes Street frontages, including the extension of the footpath widening at the southern end of Forbes Street to the extent of the redundant driveway.

Reason

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

(28) PARKING DESIGN

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

Reason

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

(29) SECURITY GATES

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

Reason

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

(30) ON SITE LOADING AREAS AND OPERATION

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

Reason

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

(31) VEHICLES ACCESS

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

Reason

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

(32) LOADING DOCK MANAGEMENT PLAN

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

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

Reason

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

(33) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

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

Reason

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

(34) ADAPTABLE HOUSING

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

Reason

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

(35) SIGNAGE STRATEGY

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

Reason

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

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

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

- (d) Gross floor area (GFA) schedules and diagrams for the proposed development for the purposes of calculating Section 7.11 contributions and credits.

Reason

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

PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

There are no conditions relevant to Part B

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

There are no conditions relevant to Part C

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

There are no conditions relevant to Part D

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

There are no conditions relevant to Part E

PART F – OCCUPATION AND ONGOING USE

There are no conditions relevant to Part F

PART G – TRANSPORT FOR NSW

(37) TRANSPORT FOR NSW CONDITIONS

- (a) All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the William Street boundary.
- (b) The Cross City Tunnel (CCT) runs in stratum beneath William Street abutting the subject property and as such prior to the issue of any construction certificate, the following shall be submitted to TfNSW for review and comment:
 - (i) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020-001.
 - (ii) Any proposed excavation/supports and foundations are constructed clear of the CCT Lease Area (containing the tunnel and rock anchors) as demonstrated by the developer producing an interface drawing showing the relative locations (with Reduced Levels and dimensions) of the proposed excavation/support and the CCT Lease Area at various locations along the William Street frontage.
 - (iii) Depending upon the proximity of the excavation and supports and foundations to the CCT the Applicant may be required to enter into an interface agreement with TfNSW and the CCT operator (Transurban CCT Pty Ltd).
 - (iv) The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au.

The developer is to meet the full cost of the assessment by TfNSW. This report would need to address the impact of excavation/support on the structural stability of the CCT and detailing how the CCT would be monitored for vibration.

The development must not interfere with the ongoing operation and maintenance of the CCT without the prior agreement of TfNSW and the CCT operator.

- (c) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system along the William Street frontage are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au.

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

- (d) The developer shall be responsible for all public utility

adjustment/relocation works, etc. necessitated by the above/approved work and as required by the various public utility authorities and/or their agents.

- (e) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Williams Street during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.
- (f) Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier, the Applicant shall:
 - (i) Prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with TfNSW. The CPTMP needs to specify matters including, but not limited to, the following:
 - a. A description of the development.
 - b. Location of any proposed work zone(s)
 - c. Details of crane arrangements including location of any crane(s).
 - d. Haulage routes.
 - e. Proposed construction hours.
 - f. Predicted number of construction vehicle movements and detail of vehicle types, noting that vehicle movements are to be minimised during peak periods.
 - g. Details of specific measures to ensure the arrival of construction vehicles to the site do not cause additional queuing.
 - h. Details of the monitoring regime for maintaining the simultaneous operation of buses and construction vehicles on roads surrounding the site.
 - i. Pedestrian and traffic management measures.
 - j. Construction program and construction methodology.
 - k. A detailed plan of any proposed hoarding and/or scaffolding.
 - l. Measures to avoid construction worker vehicle movements within the CBD.
 - m. Consultation strategy for liaison with surrounding stakeholders, including other developments under construction.
 - n. Cumulative construction impacts of projects in proximity to the site.

PART H – AUSGRID CONDITION

(38) AUSGRID CONDITION

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

PART J - PRESCRIBED CONDITIONS

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

Clause 69 Compliance with National Construction Code (previously known as Building Code of Australia) and insurance requirements under the *Home Building Act, 1989*

Clause 70 Erection of signs

Clause 71 Notification of *Home Building Act, 1989* requirements Clause 72 Conditions relating to entertainment venues

Clause 73 Conditions relating to maximum capacity signage

Clause 74 Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation, 2021*. This can be accessed at: <http://www.legislation.nsw.gov.au>