

Appendix KK

Compliance with Approved Concept Proposal

On 30 November 2017, the Central Sydney Planning Committee (CSPC) approved the Stage 1 Concept Proposal (D/2016/1509) for the redevelopment of 338 Pitt Street, Sydney and development consent was issued on 28 February 2018. This approval established the planning and development framework that currently applies to this subsequent detailed SSD DA.

Under Section 4.24 of the Environmental Planning and Assessment Act 1979 (EP&A Act), whilst a Concept Development Application (DA) remains in-force, any further detailed application in respect to the site cannot be inconsistent with the consent for the Concept Proposal. In view of this, the table below outlines the terms of the approved Concept Approval and confirms that the development complies with these terms.

This assessment is accompanied by the following:

- **Attachment A** – Concept Proposal Condition 4 Discharge Letter
- **Attachment B** – Concept Proposal Condition 13(b) Discharge Letter
- **Attachment C** – Concept Proposal Condition 14 Discharge Letter

Table 1 Compliance with the Conditions of Consent under the D/2016/1509

Condition	Condition	Comment	Compliance																		
1	<p>Staged Development Application</p> <p>Pursuant to Division 4.22 of the <i>Environmental Planning and Assessment Act 1979</i>, this Notice of Determination relates to a concept development application and a subsequent development application is required for any work on the site.</p>	The SSD DA represents the required subsequent DA for physical development.	✓																		
2	<p>Approved Development Concept</p> <p>(a) Development must be in accordance with Development Application No. D/2016/1509 dated 27 October 2016 and the following drawings prepared by fjmt studio:</p> <table><tr><th>Drawing Number</th><th>Drawing Name</th><th>Date</th></tr><tr><td>01.1</td><td>Envelope Roof Plan</td><td>13.06.2017</td></tr><tr><td>01.2</td><td>Envelope East Elevation – Castlereagh Street</td><td>13.06.2017</td></tr><tr><td>01.3</td><td>Envelope South Elevation – Liverpool Street</td><td>13.06.2017</td></tr><tr><td>01.4</td><td>Envelope West Elevation – Pitt Street</td><td>13.06.2017</td></tr><tr><td>01.5</td><td>Envelope North Elevation – Bathurst Street</td><td>13.06.2017</td></tr></table> <p>and as amended by the conditions of this consent.</p> <p>(b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.</p>	Drawing Number	Drawing Name	Date	01.1	Envelope Roof Plan	13.06.2017	01.2	Envelope East Elevation – Castlereagh Street	13.06.2017	01.3	Envelope South Elevation – Liverpool Street	13.06.2017	01.4	Envelope West Elevation – Pitt Street	13.06.2017	01.5	Envelope North Elevation – Bathurst Street	13.06.2017	The proposed development is consistent with the plans submitted with the concurrent Section 4.55(2) Modification Application to D/2016/1509.	✓
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01.1	Envelope Roof Plan	13.06.2017																			
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01.4	Envelope West Elevation – Pitt Street	13.06.2017																			
01.5	Envelope North Elevation – Bathurst Street	13.06.2017																			
3	<p>Matters Not Approved</p> <p>The following items are not approved and do not form part of this concept proposal development consent:</p> <p>(a) any demolition, excavation and/or construction;</p> <p>(b) the layout and number of residential apartments;</p> <p>(c) the layout of the hotel use or the total number of hotel rooms accommodated;</p> <p>(d) the number of basement levels and/or the configuration of the basement car parking levels;</p> <p>(e) the number of car parking spaces, bicycle spaces, car share or loading spaces/zones;</p>	The matters specified in Condition 3 have been addressed in the SSD DA.	✓																		

Condition	Condition	Comment	Compliance
	<p>(f) the precise quantum of floor space; and</p> <p>(g) an up to 10% design excellence uplift in building height.</p>		
4	<p>Design Modifications</p> <p>The design of the building must be modified as follows:</p> <p>....</p>	On 12 June 2018, Council confirmed that the amended drawings prepared by FJMT satisfied Condition 4. Refer to Attachment A .	✓
5	<p>Envelope Height</p> <p>(a) The height of the tower envelope must not exceed:</p> <ol style="list-style-type: none"> RL 258.161 (AHD) to its north-eastern corner; RL 255.92 (AHD) to its south-eastern corner; RL 253.28 (AHD) to its south-western corner; RL 255.87 (AHD) to its north-western corner; <p>(b) Notwithstanding clause (a) above, the proposal may be eligible for up to a 10% design excellence uplift in building height subject to compliance with the provisions of Clause 6.21(7) of Sydney Local Environmental Plan 2012;</p> <p>(c) The height of the podium envelope must not exceed:</p> <p>(d) RL 66.5 (AHD) to its Castlereagh Street frontage;</p> <ol style="list-style-type: none"> RL 52.0 (AHD) to the larger portion of its Pitt Street frontage; and RL 47.0 (AHD) to the portion of the podium that has frontages to the corner of Pitt and Liverpool Streets. 	The proposed development is consistent with the plans submitted with the concurrent Section 4.55(2) Modification Application to D/2016/1509.	✓
6	<p>Floor Space Ratio – Central Sydney</p> <p>The following applies to Floor Space Ratio:</p> <p>(a) The Floor Space Ratio (FSR) of the proposal must not exceed the maximum permissible FSR calculated in accordance with clauses 4.4 and 6.4 of the <i>Sydney Local Environmental Plan 2012</i>.</p> <p>(b) Precise FSR details are to be submitted as part of any subsequent development application for the detailed design of the building.</p> <p>(c) Any FSR in excess of 8:1 shall be subject to a requirement to purchase heritage floor space (HFS) in accordance with the requirements of clause 6.11 of the <i>Sydney Local Environmental Plan 2012</i>.</p>	The maximum permissible FSR of the site is 13.92:1, with which the proposed development complies.	✓
7	<p>Building Envelopes</p> <p>Subject to the other conditions of this consent, the building envelope is only approved on the basis that the ultimate building design, including services, balconies, shading devices and the like will be entirely within the approved envelope.</p>	The proposed development will be entirely within the building envelope, as proposed under the concurrent Section 4.55(2) Modification Application to D/2016/1509.	✓
8	<p>Distribution of Floor Space within Envelopes</p> <p>The approved concept proposal envelope establishes the maximum parameters for the competitive process and the future built form on the site. The detailed design proposal must not occupy the entirety of</p>	The proposed development does not occupy the entirety of the envelope and the maximum permissible floor space is consistent with the	✓

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	the envelope. The maximum permissible floor space of the detailed design must be consistent with the relevant provisions of the Sydney LEP 2012, the Sydney DCP 2012 and the conditions of this consent.	relevant provisions of the Sydney LEP 2012, the Sydney DCP 2012.									
9	Location of Residential Land Uses No residential apartments are approved within the podium levels of the building. Residential apartments must not be provided below level 10 (RL 64.40).	Condition 9 has been addressed under the concurrent Section 4.55(2) Modification Application to D/2016/1509.	✓								
10	Competitive Design Process A competitive design process in accordance with the provisions of the Sydney Local Environmental Plan 2012 shall be: (a) conducted in accordance with the Design Excellence Strategy for 332-336 and 338-348 Pitt Street, 241-243, 245-247 and 249-253 Castlereagh Street and 126 Liverpool Street, Sydney, prepared by Ethos Urban and dated 2 November 2017 on behalf of Han’s Sydney. (b) conducted prior to the lodgement of any subsequent development application for the detailed design of development on the site. The detailed design of the building must exhibit design excellence, in accordance with Clause 6.21 of Sydney Local Environmental Plan 2012.	In accordance with the requirements of the Design Excellence Strategy prepared for the Stage 1 concept, and the City of Sydney Competitive Design Policy 2013, an Invited Architectural Design Competition was undertaken in mid-2018.	✓								
11	Detailed Design The design brief for the competitive design process must incorporate the following requirements:	The Design Competition Brief, which was endorsed by Council prior to the commencement of the Invited Architectural Design Competition, incorporated the requirements of Condition 11.	✓								
12	Ecologically Sustainable Development (a) Any subsequent development application for the detailed design of the building must include details to confirm that the building has adopted the ESD targets agreed to by the applicant in the email from Ethos Urban dated 1 November 2017 and which are shown in the table below. The ESD targets are to be carried through the competition phase, design development, construction, and through to completion of the project. (b) With regard to the residential components of the development, certification is to be provided that the design achieves the BASIX scores stated in the table below. <table><tr><th>Target/Benchmark</th><th>Notes</th></tr><tr><td>Residential: BASIX Energy 30</td><td>n/a</td></tr><tr><td>Residential: BASIX Water 45</td><td>Use of roof water captured on the podium is to be maximised by displacing mains potable water for use in cooling towers and toilet flushing beyond use for irrigation of gardens and landscaped areas only.</td></tr><tr><td>Commercial Office: NABERS 5.5 stars</td><td>n/a</td></tr></table>	Target/Benchmark	Notes	Residential: BASIX Energy 30	n/a	Residential: BASIX Water 45	Use of roof water captured on the podium is to be maximised by displacing mains potable water for use in cooling towers and toilet flushing beyond use for irrigation of gardens and landscaped areas only.	Commercial Office: NABERS 5.5 stars	n/a	Condition 12 has been addressed under the concurrent Section 4.55(2) Modification Application to D/2016/1509.	✓
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Residential: BASIX Energy 30	n/a										
Residential: BASIX Water 45	Use of roof water captured on the podium is to be maximised by displacing mains potable water for use in cooling towers and toilet flushing beyond use for irrigation of gardens and landscaped areas only.										
Commercial Office: NABERS 5.5 stars	n/a										

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	<div>Hotel: NABERS 5 stars</div> <div>This is achievable through careful attention to energy efficient appliances, a HVAC solution, LED lighting and other measures.</div> <div>Whole Precinct: best practice materials recovery and waste avoidance at demolition stage, with comprehensive waste tracking documentation and auditing</div> <div>Contractors will be contractually required to implement best practice materials recovery and waste avoidance at demolition stage, with comprehensive waste tracking documentation and auditing.</div>		
13	Public Art (a) The Public Art Strategy accompanying this Development Application has not been approved by this consent. (b) The Public Art Strategy must be modified: <ol style="list-style-type: none"> set out the intended budget for public art commensurate with the scale of the development and the aspiration of the strategy; The modifications must be submitted to and approved by the Director City Planning Development & Transport prior to the commencement of the competitive process. (c) A Public Art Proposal procured in accordance with the approved Public Art Strategy must be submitted as part of any DA for the detailed design of the building.	<p>In accordance with Condition 13(b) a Public Art Strategy Statement was submitted to Council. On 30 May 2018, Council issued a letter confirming that it satisfied Condition 13(b). Refer to Attachment B.</p> <p>The development is consistent with Condition 13(c), as proposed to be amended under the concurrent Section 4.55(2) Modification Application to D/2016/1509.</p>	✓
14	Flood Study A Site Specific Flood Assessment must be prepared to: <ol style="list-style-type: none"> provide an accurate assessment of the impacts of flooding on the site; establish adequate flood planning levels and flood protection measures in accordance with the requirements of Councils' Interim Floodplain Management Policy - May 2014; and which includes thresholds to entrances to below ground basement levels to be at or above the Probable Maximum Flood level. The Site Specific Flood Assessment is to be submitted to and approved by the Director City Planning Development & Transport prior to the commencement of any competitive design process.	<p>On 12 June 2018, Council confirmed that the Flood Impact Assessment prepared by Wood & Grieve Engineers, dated 4 May 2018, satisfied Condition 14. Refer to Attachment C.</p>	✓
15	Archaeological Assessment (a) An Archaeological Assessment Report must be prepared to: <ol style="list-style-type: none"> assess whether the proposal has the potential to disturb any archaeological remains and the need for any archaeological investigation prior to commencement of any works on site; and recommend measures and documentation to be undertaken during any demolition and excavation work. The Archaeological Assessment Report must be prepared by a suitably 	<p>An Aboriginal Archaeological Report and Historical Archaeological Report has been prepared by AMAC Archaeological. They are accompany the EIS at Appendix II and Appendix JJ respectively.</p>	✓

Condition	Condition	Comment	Compliance
	<p>qualified archaeologist and must be submitted to and approved by Council's Heritage Specialist prior to the commencement of any competitive design process.</p> <p>(b) Recommendations of the archaeological assessment are to be implemented during future processes of demolition and excavation work.</p> <p>(c) Should the assessment report suggest the site may contain relics and the proposed work may disturb them, Council may request the applicant to amend the proposal so that the relics are properly protected and interpreted.</p>		
16	<p>Residential Land Use</p> <p>(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 of the Sydney DCP 2012, with particular attention to the following matters:</p> <ul style="list-style-type: none"> i. The residential tower shall be designed to address ADG objective 3B-2 with overshadowing impacts to neighbouring residential apartments quantified and tabulated in terms of the duration of solar access received by affected apartments, in 15 minute increments, under existing and proposed conditions. ii. The residential component of the development shall be designed to be compliant with the maximum number of apartments off a circulation core on a single level and to provide daylight and natural ventilation to common circulation spaces, in accordance with ADG objective 4F. iii. The residential component of the development shall be provided with an area of communal open space for the exclusive use of residents in accordance with the requirements of both the ADG and Sydney DCP 2012. <p>(b) A BASIX certificate in accordance with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 must be submitted with any subsequent development application for the detailed design of the building.</p>	<p>As detailed in the Architectural Design Statement prepared by FJMT, which accompanies the EIS at Appendix B, the proposed development has been designed to address the matters specified in Condition 16.</p> <p>A Basix Certificate is included at Appendix XX of the EIS.</p>	✓
17	<p>Hotel Use</p> <p>Any subsequent development application for the detailed design of the building must include the relevant information pertaining to the approved hotel, including its design and operations in accordance with the requirements of section 4.4.8 of the Sydney DCP 2012.</p>	<p>A Hotel Plan of Management is included at Appendix MM of the EIS.</p>	✓
18	<p>Wind Effects Report</p> <p>Prior to the lodgement of any DA for the detailed design of the building, the detailed design shall be subject to wind tunnel testing to ascertain the impacts of the development on the wind environment and conditions within the site, the surrounding streets and neighbouring buildings, and within communal and private open space areas within the site. Any recommendations of this wind tunnel testing are to be detailed in a Wind Effects Report, to be incorporated into the final detailed design and is to be lodged as part of any DA for the detailed design of the building.</p>	<p>The design of the proposed development has been subject to wind tunnel testing. The recommendations of the wind tunnel testing have been incorporated into the detailed design of the proposed development and are detailed in the Wind Study prepared by CPP (Appendix CC).</p>	✓

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19	Reflectivity Report A Reflectivity Report that addresses the objectives and provisions contained in section 3.2.7 of the Sydney DCP 2012, is to be submitted as part of any DA for the detailed design of the building.	A Reflectivity Report has been prepared by CPP, which accompanies the EIS at Appendix FF .	✓
20	Stormwater and Drainage Any subsequent development application for the detailed design of the building is to provide details of the drainage system for the development which is to be designed and constructed in accordance with Council's standard requirements as detailed in Council's 'Stormwater Drainage Connection Information' document dated July 2006. This information is available on Council's website - www.cityofsydney.nsw.gov.au .	Condition 20 has been addressed by the Flooding and Stormwater Report prepared by TTW, which accompanies the EIS at Appendix BB .	✓
21	Lot Consolidation Any subsequent development application for the detailed design of the building is to make provision for all land titles within the site to be consolidated into one lot. If a Stage 2 Development Application is lodged that includes subdivision of the site, the requirement for lot consolidation is waived.	The consolidation of lots will addressed prior to the determination of the SSD DA	✓
22	Existing and Proposed Easements Any subsequent development application for the detailed design of the building is to provide details of how the various existing rights of access and other easements (which variously benefit and/or burden the subject land and the land adjoining to the north) are to be treated in the new development. The subsequent development application for the detailed design of the building should show whether these rights and easements are to be maintained, varied or extinguished, and provide details of how this will be achieved together with the suitable agreement of the affected parties.	An Easements Report has been prepared by Touchstone Partners, which details how the various existing rights of access and other easements are to be treated by the proposed development. Refer to Appendix G of the EIS.	✓
23	Waste Facilities Any subsequent development application for the detailed design of the building is to provide details of the location, construction and servicing of the waste collection facilities for the proposed building. The design of the facilities is to be in accordance with Council's <i>"Policy for Waste Minimisation in New Developments 2005"</i> , in particular: <ul style="list-style-type: none"> (a) the residential garbage rooms to be designed in accordance with Council's <i>"Policy for Waste Minimisation in New Developments 2005"</i> to allow for cleaning, draining and management of the room; (b) the residential garbage room servicing the proposed building to include adequate space for the separation of putrescible waste from waste suitable for recycling; (c) the physical separation of residential waste from that generated by the commercial tenancies which is to be collected by a private contractor; and (d) all areas accessed by Council's waste collection vehicles must be provided with a minimum vertical clearance of 4 metres, taking such items as pipes, ducts and the like into account. 	<p>The Waste Management Plan prepared by MRA Consulting Group, which accompanies the EIS at Appendix X, provides details regarding the waste collection facilities and confirms compliance with Council's <i>Policy for Waste Minimisation in New Developments 2005</i>.</p> <p>The Transport Impact Assessment prepared by GTA Consultants, which accompanies the EIS at Appendix W, confirms that Council's waste collection vehicle will be able to access the waste collection area.</p>	✓
24	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 <i>Building Code of Australia</i> .	BCA Logic (Appendix AA) and Morris Goding Access Consulting (Appendix U) have reviewed the documentation against the Building Code of	

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		Australia (BCA) and confirm the design complies or is capable of compliance during detailed design.	
25	Adaptable Housing Any subsequent development application 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 DCP 2012, the <i>Building Code of Australia</i> and Australian Standard AS4299.	The proposed development provides the required number of residential units that are able to be adapted for people with a disability in accordance with the Sydney DCP, Building Code of Australia, and the relevant Australian Standards.	✓
26	Acoustic Report An Acoustic Impact Assessment must be undertaken by a suitably qualified acoustic consultant and submitted with any subsequent development application for the detailed design of the building in accordance with the provisions of the <i>Sydney Development Control Plan 2012</i> .	A Noise and Vibration Impact Assessment has been prepared by Arup in accordance with the requirements of the Sydney DCP 2012. Refer to Appendix Y of the EIS.	✓
27	Vertical Circulation Report Any subsequent development application for the detailed design of the building must include a vertical circulation report that provides details and analysis to demonstrate the detailed design can adequately provide for the vertical circulation needs of the future occupants of the building, including how the development will achieve ADG objective 4F-1, and the relevant design criteria and guidance.	The Vertical Transport Report prepared by Arup, which accompanies the EIS at Appendix Z , details how the development can meet the vertical circulation needs and achieve the relevant design criteria.	✓
28	Land Contamination (a) Any subsequent development application for the detailed design of the building must include reports and documentation to address the requirements of <i>State Environmental Planning Policy No 55—Remediation of Land</i> . (b) The relevant reports and documentation may include but are not limited to the following: <ul style="list-style-type: none"> i. Detailed Environmental Site Assessment Report; ii. Remediation Action Plan (RAP); iii. Review by NSW EPA Site Auditor; iv. Site Validation Report; v. Site Audit Statement (SAS). 	A Stage 2 Preliminary Site Investigation prepared by JBS&G, which accompanies the EIS at Appendix I , addresses the requirements of SEPP 55.	✓
29	Acid Sulphate Soil (a) Any subsequent development application for the detailed design of the building must include a Preliminary Assessment prepared in accordance with the <i>NSW Acid Sulphate Soils Management Advisory Committee, Acid Sulphate Soils Assessment Guidelines 1998</i> for the works that are classified as being in an Acid Sulphate Soils zone class 5. (b) The Preliminary Assessment must be prepared by a person or company qualified and competent in relevant geotechnical expertise in relation to the assessment and remediation of Acid Sulphate Soil risks. The Preliminary Assessment must conclude that an Acid Sulphate Soil Management Plan (ASSMP) is not required in accordance with the guidelines, otherwise an ASSMP must also be submitted to Council in accordance with clause (a) of this condition.	JBS&G has prepared an Acid Sulfate Soils Assessment, which confirms that an ASSMP is not required. Refer to Appendix J of the EIS.	✓
30	Demolition and Construction Noise and Vibration Management Plan	Arup has prepared a detailed Demolition and Excavation Methodology Report which addresses the requirements of Condition 30. The Excavation	✓

Condition	Condition	Comment	Compliance
	<p>The acoustic report submitted with the subject application has not provided any detail on noise impacts from future demolition, excavation and construction activities on surrounding noise and vibration sensitive receivers.</p> <p>Any subsequent development application for the detailed design of the building must include a calculation of predicted resultant noise levels at neighbouring properties from the use of high noise intrusive machinery together with details of acoustic attenuation, intended level of neighbourhood liaison and complaint management that will be implemented onsite.</p> <p>Note: Generally, it is required that demolition and construction noise and vibration is managed to ensure compliance with the noise criteria stated in the <i>City of Sydney Construction Hours/Noise Code of Practice 1992</i>. Often this is difficult to achieve in practice due to the intrusive nature of the equipment being operated and the proximity of adjoining properties. In these instances therefore, a more satisfactory outcome may be to formally reduce the approved hours within which high noise intrusive appliances can be operated thereby ensuring that occupiers of neighbouring residential and commercial property are not subject to long sustained periods of highly intrusive noise.</p> <p>Any subsequent development application for the detailed design of the building must include a Demolition and Construction Noise and Vibration Management Plan to be submitted and must include:</p> <p>(a) a Demolition & Excavation Methodology Report that:</p> <ul style="list-style-type: none"> i. provides a detailed demolition and excavation methodology; ii. includes approximate duration (such as proposed hours and days or operation) of each development stage involving intrusive machinery and demonstrates that alternative techniques have been considered and if they cannot be utilised clarifying the reasons why not; iii. identifies and provides alternative demolition works methodologies to be employed for use in removing the existing structures to achieve compliance with the Noise Code. Methodologies which are to be considered include: <ul style="list-style-type: none"> a. section sawing, slab sawing and wall sawing; b. diamond tipped wire sawing; c. bursting, splitting, fracturing using bursting heads or other consistent means; d. portable or excavator assisted crushing methodologies; e. other means aside from apparatus such as the use of hydraulic hammers, jackhammers and rock breakers that are likely to generate excessive noise. iv. does not dismiss the use of any of the above in favour of non-hand held percussion hammer equipment for demolition without: <ul style="list-style-type: none"> a. identifying the specific floor and section of the building for which non-hand held percussion equipment is proposed to be used. The report is not to generalise areas and sections of the building. 	Methodology Report accompanies the EIS at Appendix Y .	

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	<p>b. providing specific written justification as to why each of the methodologies above cannot be employed with reference to the specific section of the building non-handheld percussion hammers are proposed to be used. If Work Health & Safety is to be used as basis for exclusion of the methodologies in (1.3)(a)(i-iv) above, a demolition professional must be able to present risk assessment documentation detailing as to why this is the case; and</p> <p>c. the acoustic consultant must provide specific acoustic treatment / mitigation for percussion hammers that are proposed to be used and demonstrate that it will comply with the criteria at all surrounding noise sensitive receivers;</p> <p>v. provides a statement prepared by a Demolition Professional and Acoustic Consultant that includes their name, qualifications and a summary of experience;</p> <p>vi. specifies respite periods specific to the site and each surrounding receiver subject to consultation with each receiver;</p> <p>(b) provides details about community consultation:</p> <p>i. including evidence of the community consultation carried out to date with the surrounding receivers so that all of the surrounding buildings have a clear understanding of potential impacts;</p> <p>ii. outlining proposed communication methods to potentially affected receivers throughout the demolition/construction stages; and</p> <p>(c) provides details of the complaints management system to include hotline and site manager contact numbers and which are to be distributed to the surrounding receivers and a template for a complaints register; and</p> <p>(d) provides an Air Quality Impact Assessment and recommending dust suppression techniques to be employed during the demolition and construction phases.</p>		
31	<p>Parking Design</p> <p>Any subsequent development application for the detailed design of the building must include a plan of the basement car park. The car park design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-street commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities.</p>	The Transport Impact Assessment prepared by GTA Consultants, which accompanies the EIS at Appendix W , confirms that the development complies, or is capable of complying, with the relevant Australian Standards.	✓
32	<p>Security Gates</p> <p>If the detailed design of the building includes access to a car park via a security gate, that gate must be located at least 6 metres within the site from the street front property boundary.</p>	There are no security gates located within 6m of the street front property boundary.	✓
33	<p>On-Site Loading Areas and Operation</p> <p>The detailed design of the building must accommodate all loading and unloading associated with the site within the confines of the site, at all times and must not obstruct other properties/units or the public way.</p> <p>In addition, a shared loading dock that could be used by surrounding properties should be explored in any subsequent development application given the scale of the development.</p>	The detailed design allows all for all loading to be accommodated within development, which will limit obstruction of surrounding properties or the public way. The design of the loading dock has explored opportunities for use by surrounding properties. Refer to Appendix W of the EIS.	✓

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34	Vehicle Access The detailed design of the building must provide for all vehicles to enter and leave the site in a forward direction.	The development provides for all vehicles to enter/leave in a forward direction. Refer to Appendix W of the EIS.	✓
35	Service Vehicle Access Any subsequent development application for the detailed design of the building must include details as to how the servicing of the site will occur. Details to include all service type including waste collection, retail deliveries and residential removalist trucks. Pedestrian connectivity to the loading dock, between the buildings, is to be provided. The waste collection area must meet the requirements of DCP provision 3.11.13 (3), that vehicle access for collection and loading will include (but is not limited to) the following: (a) a 9.25m Council garbage truck and a small rigid delivery vehicle; (b) minimum vertical clearance of 4.0 metres for residential development or else 3.8m clear of all ducts, pipes and other services, depending on the gradient of the access and the type of collection vehicle; (c) collection vehicles to be able to enter and exit the premises in a forward direction. Where a vehicle turntable is necessary to meet this requirement, it is to have a capacity of 30 tonnes; (d) maximum grades of 1:20 for the first 6m from the street, then a maximum of 1:8 with a transition of 1:12 for 4m at the lower end; (e) a minimum driveway width of 3.6m; and (f) a minimum turning circle radius of 10.5m.	The Transport Impact Assessment prepared by GTA Consultants, which accompanies the EIS at Appendix W , provides details of how servicing will occur and confirms that the waste collection area meets the requirements of the Sydney DCP 2012.	✓
36	Car Share Spaces (a) The basement car park plan submitted as part of any subsequent development application for the detailed design of the building must include the provision of parking spaces for the exclusive use of car share scheme vehicles and that takes into account the following operational requirements: <ol style="list-style-type: none"> The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time. The spaces must be made available to car share operators without a fee or charge. The spaces must be sign posted for use only by car share vehicles and well lit. The spaces must be accessible to members of the car share scheme at all times. The car share spaces are to be available at the same time that the car park commences operation. 	The proposed development provided parking spaces for the exclusive use of car share scheme vehicles, which take into account the relevant operational requirements. Refer to Appendix W of the EIS.	✓
37	Bicycle Parking and End of Trip Facilities (a) Any subsequent development application for the detailed design of the building must include a Bicycle Parking Plan and End of Trip Facilities are to be provided in accordance with the DCP provision 3.11.3. The layout, design and security of bicycle facilities must comply with the minimum requirements of <i>Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities</i> and 'Austroads Bicycle Parking Facilities: Guidelines for Design and Installation' document.	The proposed development has provided bicycle parking and end of trip facilities in accordance with the Sydney DCP 2012. The layout and design of the bicycle facilities complies with the relevant policies and Australian Standards. Refer to the Traffic Impact Assessment prepared by GTA	✓

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	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.	Consultants, which accompanies the EIS at Appendix W .	
38	<p>Revised Traffic Assessment Any subsequent development application for the detailed design of the building must include a revised Transport Impact Assessment report to include (but is not limited to) the following:</p> <p>(a) Intersection modelling for adjacent intersections including Pitt / Liverpool Street, Pitt / Bathurst Street, Castlereagh / Bathurst Street and Castlereagh / Liverpool Street.</p> <p>(b) The submitted report details a large volume of taxis are expected for the proposed land uses. These trips are to be included in the intersection analysis of nearby traffic lights.</p>	In accordance with Condition 38, GTA Consultants has prepared a Traffic Impact Assessment (TIA) which includes modelling of adjacent intersections, which consideration of trips generated by taxis. The TIA accompanies the EIS at Appendix W .	✓
39	<p>RMS Conditions Any subsequent development application for the detailed design of the building must include address the following matters.</p> <p>(a) The submitted Traffic Impact Assessment (TIA) details a large volume of taxis are expected for the proposed land uses, these trips are to be included in the intersection analysis of nearby traffic lights. The future TIA shall include an assessment of queuing of taxis on nearby public roads and assess the potential impact this would have on the operation of the nearby road network including traffic lights.</p>	The impact of taxis on traffic conditions has been addressed in the Traffic Impact Assessment prepared by GTA Consultants, which accompanies the EIS at Appendix W .	✓
40	<p>TfNSW Sydney Metro Concurrence Conditions The owners of the site are required to consult with Transport for NSW (TfNSW) prior to lodgement of relevant designs as part of any Design Competition under the relevant provisions of the Sydney Local Environmental Plan 2012 (SLEP) and lodgement of a Stage 2 DA to ensure that the relevant designs have taken into consideration the relationship of the designs with the future CBD Metro.</p> <p>Prior to the Stage 2 DA lodgement over the subject site the developer is to consult with TfNSW to review the basement levels proposed in the concept scheme to increase the vertical separation to the CBD Metro tunnel including the potential foundation arrangement (depth and loads).</p> <p>Any Stage 2 DA to be lodged over the subject site must address the following matters:</p> <p>(a) the design, construction and maintenance of the development so as to satisfy the requirements in (b) to (i) below;</p> <p>(b) allowances for the future construction of railway tunnels in the vicinity of the approved development;</p> <p>(c) allowances in the design, construction and maintenance of the development for the future operation of railway tunnels in the vicinity of the approved development, especially in relation to noise, vibration, stray electrical currents, electromagnetic fields and fire safety;</p> <p>(d) consultation with TfNSW;</p>	<p>Arup has prepared a Rail Corridor Impact Assessment, in consultation with TfNSW, which details how the proposed design has addressed the matters under Condition 40.</p> <p>The Rail Corridor Impact Assessment, which accompanies the EIS at Appendix M, has been informed by the Geometrical Desktop Study Report prepared by PSM, which accompanies the EIS at Appendix P.</p>	✓

Condition	Condition	Comment	Compliance
	<ul style="list-style-type: none"> (e) provision to TfNSW of drawings, reports and other information related to the design, construction and maintenance of the approved development; (f) such other matters which TfNSW considers are appropriate to give effect to (a) to (e) above; (g) such other matters as the owners and TfNSW may agree; (h) the design and construction of the basement levels, foundations and ground anchors for the approved development are to be completed to the satisfaction of TfNSW. The developer shall develop their foundation design to ensure that all loads are transferred down to the 2nd reserve, i.e. pile founding level below the tunnel invert, pile to be sleeved through the 2nd reserve etc. (i) The developer must undertake detailed numerical analysis considering geotechnical conditions (rock strength, potential defects and field stresses etc.; foundation layout and loads transferred from the buildings) are required to demonstrate: <ul style="list-style-type: none"> i. The proposed development, after completion of building construction, will not have adverse impacts on the future CBD Metro tunnels including construction and tunnel structures. ii. (ii) That the integrity of the constructed building will not be adversely impacted by the construction of future CBD Metro tunnels including tunnelling induced settlement and in-situ stress relief due to excavation. 		
41	<p>Draft Management and Operation Plan</p> <ul style="list-style-type: none"> (a) Any subsequent development application for the detailed design of the building must include a draft Management and Operation Plan for the hotel drop off and loading dock in consultation with the Sydney Coordination Office within TfNSW. The draft Management and Operation Plan needs to include the following: <ul style="list-style-type: none"> i. The details of the forecast traffic volumes accessing the hotel drop off and loading dock by time of day; ii. Management of potential conflicts between cars/ coaches accessing the hotel drop off and service vehicles accessing the loading dock; and iii. The management of incidents at the access to the loading dock. (b) TfNSW requests that the applicant consults with the Sydney Coordination Office within TfNSW in relation to these issues raised in this letter as part of the Stage 2 development. 	A TIA prepared by GTA Consultants (Appendix W) provides measures for managing the hotel drop off and loading dock. These will be formalised through a detailed Management and Operation Plan, prepared in consultation with TfNSW prior to the determination of the SSD DA.	✓
	<p>SYDNEY TRAINS CLAUSE 88 OF THE SEPP (INFRASTRUCTURE) 2007 CBD RAIL LINK (ZONE B - TUNNEL), SYDNEY METRO CITY AND SOUTH WEST CONCURRENCE CONDITIONS RECEIVED 1 NOVEMBER 2017</p> <ul style="list-style-type: none"> 1. The owners of the site are required to consult with Transport for NSW (TfNSW) prior to lodgement of relevant designs as part of any Design Competition under the relevant provisions of the Sydney Local Environmental Plan 2012 (SLEP) and lodgement of a Stage 2 DA to ensure that the relevant designs have taken into consideration the relationship of the designs with the future CBDRL and Sydney Metro City and South West. 	Arup has prepared a Rail Corridor Impact Assessment, in consultation with TfNSW, which details how the proposed design has addressed the relationship between the proposed development and the future CBDRL and Sydney Metro City and South West. The Rail Corridor Impact Assessment, which accompanies the EIS at Appendix M , has been informed by the	✓

Condition	Condition	Comment	Compliance
2.	Prior to the Stage 2 DA lodgement over the subject site the developer is to consult with TfNSW to review the basement levels to increase the horizontal separation to the Sydney Metro City and Southwest tunnels/cross-passage including the potential foundation arrangement (depth and loads).	Geometrical Desktop Study Report prepared by PSM, which accompanies the EIS at Appendix P .	
3.	Any Stage 2 DA to be lodged over the subject site must address the following matters: <ul style="list-style-type: none"> a. the design, construction and maintenance of the development to satisfy the requirements in condition 4 and 5 below; b. allowances for the future construction of railway tunnels in the vicinity of the approved development; c. allowances in the design, construction and maintenance of the development for the future operation of railway tunnels in the vicinity of the approved development, especially in relation to noise, vibration, stray electrical currents, electromagnetic fields and fire safety; d. consultation with TfNSW; e. provision to TfNSW of drawings, reports and other information related to the design development; f. such other matters which TfNSW considers are appropriate; and g. such other matters as the owners and TfNSW may agree. 		
4.	For the CBDRL: any Stage 2 DA to be lodged over the subject site must include: <ul style="list-style-type: none"> a. The design and construction of the basement levels, foundations and ground anchors for the approved development are to be completed to the satisfaction of TfNSW. The developer shall develop their foundation design in accordance with the structural exclusion zones in Drawings 482749-310 Version 2 and 482749-311 Version 2. Cross sectional drawings showing the proposed basement excavation and structural design of sub ground support adjacent to the rail corridor should be included for the proposed foundations. All ground anchors and rockbolts within the CBDRL protection zone adjacent to the bulk excavation face shall be temporary anchors, of removable type or fibreglass type, to avoid obstruction of any future CBDRL construction. b. A ground structure interaction analysis is to be provided to demonstrate that the development foundations will have no impact on the future CBDRL tunnels. c. The acoustic assessment report is to be updated to include ground-borne noise and vibration effects from the future CBDRL rail operations to the proposed development. 		
5.	For the Sydney Metro City and Southwest: the developer shall develop their foundation design to ensure that all loads be transferred and have no adverse impacts on the Sydney Metro City and Southwest tunnel structures, i.e. pile founding level below the tunnel invert, piles to be sleeved. Cross sectional drawings showing the proposed basement excavation and structural design of sub ground support adjacent to the rail corridor should be included for the proposed foundations.		
a.	The developer must undertake detailed numerical analysis considering geotechnical conditions (rock strength, potential defects and field stresses etc.; foundation layout and loads transferred from the buildings) are required to demonstrate: <ul style="list-style-type: none"> i. The proposed development, after completion of building construction, will not have adverse impacts on the Sydney Metro City and Southwest tunnels including construction and tunnel structures. ii. That the integrity of the constructed building will not be adversely impacted by the construction of the Sydney Metro City and Southwest tunnels including tunnelling induced settlement and in-situ stress relief due to excavation. 		

Condition	Condition	Comment	Compliance
b.	demonstrate that the deformation induced by the bulk excavation of basements will not have adverse impacts on Sydney Metro City and Southwest tunnels.		

17 May 2018

Trim Ref: 2018/214610
Ref No: D/2016/1509

Hans Centre Sydney Pty Ltd
S 6.02, 233 Castlereagh St
Sydney NSW 2000

Attention: Samantha Miller
By email: SMiller@ethosurban.com

Dear Samantha

Condition Satisfied – 324-330, 332-336 And 338-348 Pitt Street, 241-243, 245-247 And 249-253 Castlereagh Street And 126 Liverpool Street, Sydney – DA Ref. No. D/2016/1509

I refer to the above mentioned development consent granted by the City of Sydney on 28 February 2018.

Please be advised that the following drawings prepared by FJMT:

- 01.1, Envelope Roof Plan, 06.04.2018;
- 01.2, Envelope East Elevation – Castlereagh Street, 06.04.2018;
- 01.3, Envelope South Elevation – Liverpool Street, 06.04.2018;
- 01.4, Envelope West Elevation – Pitt Street, 06.04.2018; and
- 01.5, Envelope North Elevation – Bathurst Street, 06.04.2018;

satisfy the following condition of consent:

(4) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) *the north-eastern corner of the tower envelope must be reduced to a maximum height of RL 258.161, as annotated in red on the stamped approved plans;*
- (b) *the tower envelope adjacent to Dungate Lane must be setback a minimum of 12m from the centreline of Dungate Lane, as annotated in red on the stamped approved plans;*
- (c) *a portion of the eastern edge of the tower envelope must be deleted to ensure that the detailed design of a building*

contained within the modified envelope will not cause any additional overshadowing to Harmony Park between 10am and 2pm on 21 June, as annotated in red on the stamped approved plans;

The modifications are to be submitted to and approved by Council's Director, City Planning, Development and Transport prior to the commencement of the competitive design process.

If you require any further information please contact Stan Fitzroy-Mendis, Senior Planner, on 9265 9288 or at SFitzroyMendis@cityofsydney.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to be 'GJahn', with a large loop at the bottom.

Graham Jahn AM
Director
City Planning | Development | Transport

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456 Kent Street
Sydney NSW 2000

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30 May 2018

HANS CENTRE SYDNEY PTY LTD
S 6.02 233 Castlereagh St
SYDNEY NSW 2000

CONDITION SATISFIED - 324-330, 332-336 AND 338-348 PITT STREET , 241-243, 245-247 AND 249-253 CASTLEREAGH STREET AND 126 LIVERPOOL STREET , SYDNEY NSW 2000 – DA REF. D/2016/1509

Dear Sir/Madam

I refer to the above mentioned development application and development consent granted by the City of Sydney on 28 February 2018.

Please be advised that the document titled 'Public Art Strategy Statement', prepared by FJMT satisfies the following condition of consent:

(13) PUBLIC ART

(b) The Public Art Strategy must be modified:

- (i) set out the intended budget for public art commensurate with the scale of the development and the aspiration of the strategy;*

The modifications must be submitted to and approved by the Director City Planning Development & Transport prior to the commencement of the competitive process.

If you require any further information please contact **Stan Fitzroy-Mendis** on 02 9265 9288, or by email at **SFitzroyMendis@cityofsydney.nsw.gov.au**.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Graham Jahn'.

Graham Jahn AM
Director
City Planning | Development | Transport

12 June 2018

HANS CENTRE SYDNEY PTY LTD
S 6.02 233 Castlereagh St
SYDNEY NSW 2000

CONDITION SATISFIED - 324-330, 332-336 AND 338-348 PITT STREET , 241-243, 245-247 AND 249-253
CASTLEREAGH STREET AND 126 LIVERPOOL STREET , SYDNEY NSW 200
DA REFERENCE - D/2016/1509

Dear Sir/Madam

I refer to the above mentioned development application and development consent granted by the City of Sydney on 28 March 2018.

Please be advised that the submitted Flood Impact Assessment prepared by Wood & Grieve Engineers dated 4 May 2018 satisfies the following condition of consent:

(14) FLOOD STUDY

A Site Specific Flood Assessment must be prepared to:

- (a) *provide an accurate assessment of the impacts of flooding on the site;*
- (b) *establish adequate flood planning levels and flood protection measures in accordance with the requirements of Council's Interim Floodplain Management Policy – May 2014; and*
- (c) *which includes thresholds to entrances to below ground basement levels to be at or above the Probable Maximum Flood level.*

A Site Specific Flood Assessment is to be submitted to and approved by the Director City Planning Development & Transport prior to the commencement of any competitive design process.

If you require any further information please contact **Reinah Urqueza** on **02 9288 5882**, or by email at **rurqueza@cityofsydney.nsw.gov.au**.

Yours faithfully



Graham Jahn AM
Director
City Planning | Development | Transport