

Annexure A

Concept Conditions of Consent

20 Waterview Street LDA 2018/223

Part A – Terms of approval

1. **Staged Development Application.** Pursuant to s4.22 of the *Environmental Planning and Assessment Act 1979* and clause 100 of the *Environmental Planning and Assessment Regulation 2000*, this Notice of determination relates to a Stage 1 concept development application. This consent does not authorise the carrying out of development on any part of the site unless consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site.
2. **Approved Concept Development.** Development consent is limited to a Stage 1 Concept Plan building envelope and indicative land uses within this envelope, in Accordance with Development Application No. LDA2018/0223 and the following drawings (unless modified through design change conditions below):

Plan Detail	Date	Plan Reference Number
Site Analysis	21/09/2020	DA-004 Issue 5
Site Layout Plan	21/09/2020	DA-005 Issue 6
Site Plan	21/09/2020	DA-006 Issue 6
Communal Open Space	21/09/2020	DA-404 Issue 5
Shed Land Use Diagram	21/09/2020	DA-407 Issue 5
Building Envelope/titles	21/09/2020	DA-500 Issue 6
Building Envelope – elevations -01	21/09/2020	DA-501 Issue 6
Building Envelope- elevations -02	21/09/2020	DA-502 Issue 6
3D height penetration	21/09/2020	DA-503 Issue 6
Landscape Package by Taylor Brammer	23/09/2020	Dwgs LA 01 to LA 22 * Amendment to LA 22 as per Condition 49.
Aboriginal Archaeological Test Excavation Report. Aboriginal Archaeology Zoning Map Historical Archaeological Zoning Map	3 December 2020	Curio Projects 2020
Preliminary Public Art Strategy	5 June 2020	Ethos Urban
Heritage Interpretation Strategy	1 July 2020	DFP Planning
Amended Conservation Management Plan	7 December 2020	NBRS

Fire Engineering Advice	10 November 2020	Holmes Fire
Remediation Action Plan	September 2020	EI Australia

3. **Concept development description.** Concept approval is granted to the following land uses, gross floor area, site layout, building heights and envelopes, access and parking:

- The adaptive reuse of an existing boatshed for marine related businesses and services, a food and drink premises and no more than 19 dwellings, located generally in accordance with the land uses depicted on the Shed Land Use Diagram, DA-407 (Issue 5);
- 18 x three storey townhouses fronting Waterview Street; and
- 2 x three storey residential flat buildings containing 33 units with basement parking.
- A minimum of 116 car spaces to be allocated to residential uses.
- A minimum of 63 car spaces to be allocated for non-residential uses.

4. **Lapsing of approval**

This consent will lapse five years from the date of the consent unless the development works subsequently approved have physically commenced.

5. **Building envelopes**

Building envelopes, separation distances and horizontal building envelopes are to be generally consistent with the building envelopes depicted in approved plans DA 500, DA 501 and DA 502, (Issue 6).

6. **Building Height.**

The maximum height of buildings must not exceed the maximum heights of the building envelopes identified in the approved plans DA501 Issue 6, DA 502 Issue 6 and DA 503 Issue 6, described in greater detail at Condition 12.

Part B – conditions to be met in future development applications for stage 2

Note: Consistency of future development applications. While this consent remains in force, the determination of any further development application in respect of the site cannot be inconsistent with this consent (see: s4.24 *Environmental Planning and Assessment Act 1979*).

7. **Northern Plaza**

Future development applications shall include a detailed design of the Plaza to the north of the boatshed and shall incorporate the following:

- Interpretive material integrated into the space in accordance with the Interpretation Strategy by DFP Planning dated 1 July 2020;
- Structures in and bordering the Plaza shall be designed with industrial aesthetic;
- Landscaping shall be in an informal arrangement incorporating shade trees generally in accordance with the Concept Proposal Forecourt by Taylor Brammer dated 29 September 2020;'
- Note: [if demolition of the rear sections of the Boatshed is approved, the location of the demolished structures North of the boatshed should be interpreted in the forecourt design to enable an ongoing understanding of the original and early layout and form of the building].
- The design of the forecourt should incorporate the requirements for any Aboriginal heritage and historical archaeological protection and interpretation resulting from the further investigations required by Conditions 12 and 13

8. **Boatshed Internal Stairs**

Future development applications shall include a detailed design of the internal stairs which shall be an open steel framed structure with an industrial aesthetic that complements the character of the space. The design shall incorporate open treads and lightweight balustrade and handrails to provide transparency when viewed from within the boatshed. An enclosed fire escape from the south-west stair is not required. If possible, internal stairs are to be located away from the central atrium in order to have reduced heritage impact.

9. **Not used**

10. **Matters not Approved.**

(A) The following items are not approved and do not form part of this Stage 1 development consent:

- a. Any demolition, excavation and/or construction;
- b. The final layout of non-residential land uses, noting that residential uses are approved in the locations nominated on the approved Shed Land Use Diagram, DA-407, Issue 5;
- c. The layout of dwellings within each building component of the development, ie townhouses, boatshed and residential flat building;
- d. The number of bicycle spaces, car share or loading spaces/areas;
- e. The design of the building exteriors including facades and roofs;
- f. Public domain and final landscape design
- g. The configuration of the basement car parking levels;
- h. The precise quantum of floor space, noting that a minimum gross floor area of 10,208m² for residential uses and 1,564m² for non-residential uses is approved within the nominated envelopes.

11. **Building Height.** The maximum height of the residential flat building must not exceed the maximum height permitted under this concept approval as shown in approved Building Envelope Plans DA-501 (Issue 6) and DA-502 (Issue 6) and per the below table:

Building Envelope	Height	Variation
RFB West lift overrun	RL 19.35	2.259m-2.432m
RFB West pergola shade structure	RL 18.36	1.575m
RFB West parapet	RL 16.15	0.20m
RFB East lift overrun	RL 19.35	1.160m-1.385m
RFB East pergola shade structure	RL 18.36	2.078m-2.400m
RFB East Parapet	RL 16.15	

Future development applications shall demonstrate that the height of the proposed lift overrun for lifts servicing the residential flat buildings (west and east apartments) is designed to the lowest possible head height for the lift car headroom plus roof structure, to meet the National Construction Code, and any other relevant standards. Any shading device (pergola, awning etc) proposed by future development applications is to be within the height imposed by the table above.

12. **Aboriginal Heritage**

Future development applications shall include conditions to the following effect:

- a) An AHIP will be required for the whole of the site prior to any action (demolition and construction) commencing. The AHIP application (to Heritage NSW) should be supported by the demolition DA, being cognisant of the construction DA.
- b) Once the AHIP is in place, Aboriginal salvage excavation will need to occur around Test Unit (TU) 8. Salvage should occur prior to demolition commencing. If certain 'areas' require demolition prior to Aboriginal salvage being able to be completed, adequate protection for Aboriginal archaeological deposits should be put in place, and demolition can occur, as needed.
- c) Once salvage excavation is complete, Aboriginal heritage interpretation needs to be prepared in collaboration with the project's Registered Aboriginal Parties (RAPs). This interpretation must be developed with consideration of adjacent interpretation connected with Bennelong Park. The interpretation needs to be complimentary, and cover both the Aboriginal site identified at TU 8, and the post 1788 connections. Interpretation planning needs to commence following on site salvage

excavations, with interpretation devices proposed as part of the construction. The interpretation content (devices, their content, and locations to be installed on site) needs to be finalised and implemented before an occupation certificate is issued. Extensions for development of specific Aboriginal interpretation devices (eg an art work by an Aboriginal artist) can be made, on the basis of demonstration to Council that the works have commenced, or the artist has been engaged.

- d) Following Aboriginal salvage excavations, a determination of the future of the Aboriginal objects recovered from the site must be made. The decision should be made in collaboration with the project RAPs. Ideally, this should involve reburial on Country. It may be suitable for interpretation of the Aboriginal objects to be part of the site's interpretation—this would be determined by the project archaeologist and project RAPs.

13. Historical Archaeology

Future development applications shall include conditions to the following effect:

- a) Further historical archaeological investigations, of areas both internal and external to the extant boat shed building, is to be undertaken in order to identify and record any remnant historical archaeological remains, foundations, and relics that may be present, as part of a Section 140 process under the NSW Heritage Act 1977. NB the preservation, conservation and insitu retention of the boat shed building's heritage fabric is of a higher priority than its removal to test for possible remnant archaeology.

The S140, accompanied by a research design, is to be submitted to NSW Heritage for approval, prior to the commencement of any ground disturbing works on site. The research design should primarily focus on areas identified as having been occupied by the former Squires Brewery that were unable to be accessed during the initial test excavation program, once access to previously built up areas become possible during the demolition process.

- b) If during the approved archaeological investigation, substantially intact relics of State Significance related to the former Squires Brewery are found, works are to cease immediately in the relevant area and the NSW Heritage archaeologists are to be contacted for advice regarding whether further investigation, recording and interpretation is required, or if there may be the requirement for any onsite insitu retention, as part of the redevelopment proposal for the site.
- c) An interpretation strategy for historical archaeology must be prepared, as part of the holistic interpretation for the site. If historical archaeology is present, the interpretation strategy must include relevant place specific interpretation. The history and connection with James Squires should be recognised. This interpretation must interface with that for Aboriginal heritage with reference to the 'contact' phase and Bennelong's association

with James Squires. The interpretation content (devices, their content and locations to be installed on site) needs to be finalised and implemented before an occupation certificate is issued.

- d) The December 2020 Conservation Management Plan (CMP) should be updated within 24 months upon the completion of site works to ensure that all relevant Archaeological sub-sections of the CMP accurately reflect any archaeological outcomes achieved throughout the development process, including any future potential archaeological management requirements.

14. **Archival Recording.** Future development applications should include acceptance of a condition requiring that before any works commence on site, an Archival Photographic Recording in accordance with the NSW Heritage Council's 'Guide to Archival Photographic Recording' shall be submitted to the satisfaction of Council's Heritage Advisor. The archival recording is to include all buildings, structures and landscape elements on the site, and the site as a whole.

15. **Reinstatement of adjoining land – the area that is currently used as access and driveway (adjacent to Settlers Park).** Future development applications for works adjacent to the Crown Land adjoin Settlers Park and the site are to use all reasonable endeavours to obtain Owner's Consent and to include in the application the removal of the layback and restoration of the kerb and gutter currently being used as the current vehicular access from Waterview Street to the boat shed (fronting the unformed part of Princes Street and adjacent to Settlers Park). The bitumen and all structures within this area are to be removed and the area restored with turf and returned as parkland.

16. **Noise Impact Assessment Report.** A noise impact assessment report may be required by Council to be submitted with any future development application/s for work at the site. The Council may require the report to be prepared by a suitably qualified acoustical consultant and demonstrate that the noise levels emitted from the premises will comply with the noise criteria specified in the *New South Wales Industrial Noise Policy* (EPA, 2000). The Council may require the report to include the following information:

- a. details of the site and the surrounding locality;
- b. a description of the proposed use;
- c. the proposed times of operation;
- d. the existing background noise and ambient industrial noise levels;
- e. the project-specific noise levels for the proposed use;
- f. details of all potential noise sources associated with the proposed use;
- g. details of any measures proposed to control or mitigate noise;

- h. sound pressure levels at a preferred measurement distance or sound power levels, in dBA, for all major noise sources;
- i. the predicted cumulative noise levels at all nearby affected residential premises; and
- j. an assessment of the noise impact.

17. Construction Noise Management Plan. A Construction Noise Management Plan may be prepared and submitted with any subsequent future development application/s for construction work at the site. This Council may require that the Plan be prepared by a suitably qualified acoustic consultant and must detail, the following:

- a. The equipment to be used during the construction on site, the quantity of all equipment' and a plan of how equipment will be operated on site cumulatively;
- b. The type of work that will be conducted during the construction process;
- c. Details of any respite periods and any noise mitigation measures required;
- d. Details of any work proposed to occur outside of Council's standard construction hours;
- e. Details of any community consultation to be undertaken.

18. Viva Energy Australia. Prior to submission of any subsequent development application, the landowner must at no cost to Viva Energy Australia Pty Ltd, (whether or not within the pipeline easement) complete and submit as part of the application/s:

- a Safety Management Study as required by AS2885 &
- Viva Energy Recoverable works Agreement –Signed
- The Proposed Development will be built in consultation with Viva Energy and to Viva Energy requirements to safeguard the integrity of Pipeline.

19. Viva Energy Australia. As part of any subsequent development application/s for detailed work at the site, the land owner must at no cost to Viva Energy Australia Pty Ltd, carry out the works (whether or not within the pipeline easement) for the development and works to meet the requirements of:

- (a) Australian Standard AS2885 Pipelines – Gas and Liquid Petroleum;
- (b) Pipelines Act 1967; and
- (c) Pipeline Regulations 2013
- (d) Any actions from the completed Safety Management Study (SMS)

20. Heritage. Future development application/s for works at the site shall be accompanied by a copy of written correspondence from the Heritage Council of NSW or its delegate confirming that any relevant requirements under any *Heritage Act 1977* approval have been satisfied, if such

statutory requirements are in force at the time of the future development application.

21. **Waste Collection.** Future development applications shall include a waste management plan consistent with the Waste Management Plan prepared by MRA Consulting dated 1 April 2020. Future development applications should include provisions for bulk household waste clean-up to be presented without impeding on pedestrian access along Waterview Street.
22. **Substation Relocation.** Future development applications shall provide evidence to Council to the extent that relevant authority has no objection to relocating the substation as proposed in the Concept approval.
23. **Traffic Impact Assessment Report.** Future development applications shall include a traffic impact assessment which addresses the recommendations in the traffic assessment completed by Traffix Pty Ltd, reference 17.181r02v02, dated 15th May 2019.
24. **Harbour Flooding Details.** Future development applications shall include the design details of the measures to protect the development site from Harbour flooding, as recommended by Northrop letter, reference 170924, dated 15th May 2019.
25. **Flooding - General - Harbour Flooding Report.** Future development applications shall demonstrate compliance with the recommendations and mitigation measures to protect the development site from flooding as provided in the Harbour Flooding Report prepared by Royal Haskoning DHV dated 14/05/18.
26. **Future Stormwater Management Plan.** Future development applications shall include a stormwater management plan to be generally in accordance with the plans completed by Northrop Pty Ltd, drawing number 170924 DAC01.01, DAC02.01, DAC02.11, DAC03.01, DAC04.01, and DAC06.01, revision 1, dated 7th May 2019. The direct discharge to Sydney Harbour must be in accordance with any requirements of NSW Maritime.
27. **Water Sustainable Urban Design Strategy Plan.** To ensure that the development's stormwater management system integrates the principles of water sustainable urban design (WSUD) as required by Council's DCP and policies, as well as best practise design approach to urban stormwater management, a Water Sustainable Urban Design Strategic Plan (WSUDSP) must be prepared detailing WSUD components to be implemented throughout each stage of the development.

The WSUDSP must be prepared by a suitably qualified drainage engineer, in collaboration with a landscape architect, to implement WSUD components in the stormwater management system for the development. The plan must generally be in accordance Councils DCP Part 8.2 (Stormwater and Floodplain Management) and comply with the following:

- a) Development that does not require a BASIX certificate, must provide a rainwater tank to meet greater than the 50% of non-potable water demand.
- b) Water use within open space areas of the development (for uses such as irrigation, ponds and water features, etc) must be supplied from sources other than potable water. This may include rainwater storage tanks or treated grey-water, to meet 80% of the water use demand.
- c) To demonstrate this, the WSUDSP will be required to present a water balance model analysing such uses respective of rainfall statistics.
- d) Satisfy the requirements of a WSUD management plan as specified in the DCP Part 8.2 (Stormwater and Floodplain Management)

The WSUDSP must be submitted with any subsequent development application/s for any above ground development works. The approved WSUDSP is to be implemented for every following development application.

- 28. **Loading Bay / Service Delivery Management Plan.** Future development applications shall include (where relevant to the type of use) a Loading Bay / Service Delivery Management Plan. The Plan must specify the location of service bay areas / loading bay docks, analyse the number and frequency of service vehicle movements for the proposed commercial floor area and demonstrate that such service requirements can be satisfied on the site.
- 29. **Geotechnical Report.** Future development applications that involve subsurface structures and excavation must be accompanied by a Geotechnical Report, completed by a suitably qualified and practicing Engineer having experience in the geotechnical and hydrogeological fields.
- 30. **Access.** Future development applications for works which relate to use of buildings shall include an access report to demonstrate that the buildings have been designed and are capable of being constructed to provide access and facilities for people with a disability in accordance with the Disability Discrimination Act and Access to Premises Standards.
- 31. **Landscaping.** Future development applications shall include a detailed landscape plan consistent with the approved landscape package. The landscaping plan should also demonstrate rainwater capture and include details on where/how and for what purpose the water will be used. Consideration should also be given to the use of green walls. The landscape plan is to demonstrate planting for all rooftop and podium levels. Landscaping on the roof terraces should be limited to low shrubs at the perimeter. Any trees higher than 3 metres should be located towards the northern side of the roof terraces in order to limit the impact on the landmark qualities of the Boatshed.
- 32. **Public domain improvements.** Any future detailed development application for the site is to be accompanied by a Public Domain and Landscape Plan that demonstrates how the public domain along Waterview Street frontage is to be

upgraded in accordance with City of Ryde DCP 2014 Part 8.3 driveways, Part 8.5 - Public Civil Works, and DCP 2014 Part 8.2 - Stormwater Management. The plan is to show works that will be undertaken including road and footpath paving, improvements to street lights, installation of public furniture, landscaping and the undergrounding of telecommunications and utilities along the development frontage of the site 20 Waterview Street.

33. **Publicly Accessible Pedestrian Link.** With the exception of the link between the residential flat buildings (which is not public), all pedestrian links within the site shall incorporate a minimum of 2.0m wide accessible paved footpath or (where necessary or appropriate) raised boardwalk providing connectivity to Waterview Street, Bennelong Park, Crown land adjacent to Settlers Park, and any future Marina. The pedestrian links shall be constructed by the Developer at no cost to Council. Public pedestrian access shall be available at all times over all public pedestrian links through the site, other than the link through the boatshed which shall be required only between 8am and 10pm. The paving of all pedestrian links is to be in accordance with Council's standards and specifications.

Full construction details demonstrating compliance with the BCA and NCC specifications shall be submitted to Council's City Works Directorate with the lodgement of the public domain design submission for any subsequent development application/s for detailed work at the site.

The submission shall include the following details:

- (a) Dimensions and specifications for all elements (footpath, kerb & gutter, grass verge, street lights, fence, etc.) including the width of the pedestrian links, landscaping areas and transitions to adjacent areas;
 - (b) Lighting for illumination of the footpath and adjacent internal roads to ensure safety and security of the users during the night time. The lighting shall achieve vehicular luminance category V5 and pedestrian luminance category P2 according to Australian Standards AS/NZS 1158 Set: 2010 Lighting for Roads and Public Spaces.
 - (c) Certification demonstrating compliance with the Disability Discrimination Act and the relevant Disability Standards and Guidelines.
34. **Construction Staging.** Future development applications which propose any staging of the public domain works, shall be submitted with a detailed construction management and staging plan.
35. **Ausgrid.** Future development applications shall demonstrate consultation with Ausgrid to ensure that technical and statutory requirements in regard to the safe and reliable operation and maintenance of the Ausgrid's network is maintained.
36. **Crime Prevention Through Environmental Design.** Any subsequent development application/s for detailed works at the site are to comply with the principles of Crime Prevention Through Environmental Design.

37. **Draft Construction Pedestrian and Traffic Management Plan.** Future development applications for detailed works at the site, shall include a draft Construction Pedestrian and Traffic Management Plan (CPTMP). The CPTMP needs to specify, but not be limited to the following:
- Location of all proposed work zones.
 - Proposed crane locations and methods of erection and dismantling.
 - Haulage routes.
 - Construction vehicle access arrangements.
 - Proposed construction hours.
 - Details of any required hoardings.
 - Estimated number and type of construction vehicle movements including morning and afternoon peak and off peak movements.
38. **Creation of the Right of Way over the Publicly Accessible Walkway and Links.** To facilitate public access a 2m wide Right of Way (ROW) for the pedestrian links through the site, providing connectivity between Waterview Street, Bennelong Park, Settlers Park, and any future Marina, and the foreshore walkway shall be created and registered on the titles of the subject property over the 2m wide footpath. The terms of the ROW shall be to Council's satisfaction and shall provide for, but not be limited to the following:
- a) To be publicly accessible at all times, with the exception of the link through the boatshed which shall be required to allow public access only between 8am and 10pm;
 - b) Maintenance of the R.O.W to ensure safe, unobstructed access to the public at all times with all costs of maintenance being borne by the registered proprietor of the land; and
 - c) The registered proprietor of the land shall maintain public liability insurance in a sum of \$20, 000, 000 in respect of or in relation to the use of the ROW by the users.

The terms of the R.O.W shall be submitted to Council for assessment and approval and will need to be registered at the Lands and Property Management Authority, prior to issue of Occupation Certificate.

End of Conditions

Advisory Notes:

- 1. Note only: BASIX.** 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/s for detailed work at the site.
- 2. Note only: SEPP 65.** The residential flat building components of the development must be designed to comply with the principles of "State

Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development" and the accompanying Apartment Design Guide.