

Attachment A

Recommended Conditions of Consent
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PART A – DEFERRED COMMENCEMENT CONDITIONS

(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 CITY WEST HOUSING PTY LTD, 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; and
- (d) The payment of the monetary contribution must be provided to Council in accordance with the Voluntary Planning Agreement.

(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.

PART B – CONDITIONS OF CONSENT

SCHEDULE 1 – GENERAL CONDITIONS

(1) STAGED 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 No. D/2023/884 dated 28 September 2023 and the following drawings prepared by Bates Smart:

Drawing Number	Drawing Name	Date
A02.001, Rev C	Envelope Setout Plan	11/04/2024
A02.002, Rev C	West & South Envelope Elevations	11/04/2024
A02.003, Rev B	East & North Envelope Elevations	11/04/2024

and the following drawing prepared by Nguluway DesignInc:

Drawing Number	Drawing Name	Date
Revision G	Landscape Concept Plan	11/04/2024

and as amended by the conditions of this consent.

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

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) The building heights proposed as part of any subsequent Development Application for the detailed design of the building must not exceed the heights expressed as RLs (AHD) shown on the drawings listed in the 'Approved Development' condition of this consent.
- (b) 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 communal open space area for the purpose of landscape structures and communal facilities that do not comprise gross floor area 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 Development Application for the detailed design of the building exhibits design excellence and is the result of a competitive design process.

Reason

To ensure the constructed development complies with the approved floor space ratio.

(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 DCP 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 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.

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 216-220 Wyndham Street, Alexandria prepared by Ethos Urban on behalf of City West Housing, dated 16 April 2024 (Council ref. 2024/239664); and

- (b) prior to the lodgement of a detailed (Stage 2) development application for the site.

The detailed design of the building 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) DETAILED DESIGN OF THE BUILDING

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

- (a) Any additional storeys beyond the height in storeys permitted in the SDCP 2012 are to be appropriately setback and/ or treated to minimise visual impact;
- (b) The street walls to McEvoy Street and Wyndham Street required by the SDCP 2012 are to be articulated, with any additional storeys setback to minimise visual impact;
- (c) The design of the building must minimise impacts to the heritage item at 212-214 Wyndham Street;
- (d) Any blank wall on the eastern elevation must be treated so that it does not present as a blank shear wall;
- (e) The western facade is to provide adequate solar control through passive external shading;
- (f) Apartments facing McEvoy Street and Wyndham Street must address acoustic impacts from traffic noise;
- (g) Commercial uses at the ground plane are to promote passive surveillance and street activation. Both McEvoy and Wyndham Street frontages are to be activated, including the entrance of the through-site link;
- (h) Continuous footpath awnings are to be provided to McEvoy and Wyndham Streets;
- (i) Visual privacy and overlooking are to be addressed, including the pinch-point in the L-shaped built form;

- (j) Communal open space is to be provided in an area of useable size and configuration, directly and equitably accessed from common circulation areas, entries and lobbies, and designed so that the principal communal open space area achieves minimum solar access requirements as per provision 4.2.3.8 of the SDCP 2012;
- (k) The materiality and design of the building is to satisfy the objectives and provisions of section 5.10.4.3 of the SDCP 2012;
- (l) All services including any required fire hydrants and substations must be integrated into the building;
- (m) Rooftop structures such as plant rooms, solar panels, air conditioning and ventilation systems are to be incorporated into the design of the building and concealed within the roof form or located within a well-designed, integrated roof top element; and
- (n) The design of the through site link and any adjoining buildings must prioritise pedestrian safety, passive surveillance and pedestrian amenity at the ground plane, utilising high quality materials and finishes.

Reason

To ensure the specified design requirements are addressed in the competitive design process and detailed design DA.

(11) DETAILED LANDSCAPE PLAN

- (a) Any subsequent DA for the detailed design of the building must include a detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer. The plan must include:
 - (i) Details of tree protection and methodology statements;
 - (ii) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
 - (iii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;
 - (iv) Location, numbers, type and supply of plant species, with reference to the relevant Australian Standard;
 - (v) A minimum 15% canopy cover across the site, provided by trees that will reach a minimum height of eight metres;
 - (vi) Deep soil provision in accordance with the 'Deep Soil' condition of this consent;

- (vii) New tree plantings with tree species that can achieve a minimum mature height of eight metres and canopy spread of five metres. Palms, fruit trees and species recognised to have a short life span will not be accepted;
 - (viii) Tree selection shall include a diverse range of species which must be consistent with the expected mature heights and growth within the Sydney area;
 - (ix) New trees must be planted in natural ground with adequate soil volumes to allow maturity to be achieved. Planter boxes will not be accepted for tree planting;
 - (x) New trees must be appropriately located away from existing buildings and structures to allow maturity to be achieved without restriction;
 - (xi) Details of planting procedure and maintenance;
 - (xii) Details of drainage, waterproofing and watering systems.
- (b) The detailed landscape plan must address the requirements of provisions 4.2.3.5 of the Sydney DCP 2012 and the relevant guidance provided in the City of Sydney Landscape Code, Volume 2, All Development Except Single Dwellings.

Reason

To specify landscape design details to be submitted with the detailed design DA.

(12) CONNECTING WITH COUNTRY

The design brief for the competitive design process and the building design submitted as part of any subsequent Development Application for the detailed design of the building must address the Connecting with Country objectives in Section 5.10.5 of the SDCP 2012 and expand on the opportunities and framework identified in the 'Aboriginal Consultation Report' prepared by City West Housing dated November 2023 (Council ref. 2023/661558).

Reason

To ensure the detailed design incorporates a Connecting with Country approach in accordance with Section 5.10.5 of the SDCP 2012.

(13) ABORIGINAL ARCHAEOLOGY

An Aboriginal Cultural Heritage Assessment is to be submitted with any Development Application for the detailed design of the building involving any ground disturbing works, in accordance with the recommendations of the 'Aboriginal Objects Due Diligence Assessment' prepared by Curio Projects dated 9 November 2023 (Council ref. 2023/662365).

Reason

To ensure appropriate assessments are undertaken to identify and protect Aboriginal archaeological resources.

(14) DEEP SOIL

Deep soil must be provided in the locations illustrated on the drawings titled 'Envelope Setout Plan' and 'Landscape Concept Plan' specified in the 'Approved Development' condition of this consent.

Deep soil zones must be unencumbered by structures within, above or below the zone except those constructed of lightweight materials such as timber decking or water permeable paving that allow for filtration of rainwater into the ground.

Reason

To ensure deep soil is provided in the detailed building design.

(15) 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 not to exceed 30 metres;
 - (iv) maximum manual handling distance by council contractors of 10m;
 - (v) waste management and collection must be accommodated wholly within the site;
 - (vi) access for a 10.6m 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 a Waste Management Strategy is approved prior to the commencement of the competitive design process.

(16) ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Details are to be provided with the subsequent development application for the detailed design of the building to confirm that the building will deliver the sustainability targets set out in the Ecologically Sustainable Development Report prepared by E-Lab Consulting, Revision 7 and dated 16/02/2024 (Council ref. 2024/160297) including:

- (a) Meeting the legislated benchmarks in line with the State Environmental Planning Policy (Sustainable Buildings) 2022 for mid/high rise residential buildings at the time of delivery, including:
 - (i) BASIX energy score of 60%;
 - (ii) BASIX water score of 40%;
 - (iii) High level of NatHERS thermal performance rating – minimum 7 NatHERS Star average rating for the whole development and minimum 6 NatHERS star rating for individual apartments;
 - (iv) Use of low impact materials and minimisation of resources to reduce embodied emissions.
- (b) Commitment to surpass the regulated minimum score under the State Environmental Planning Policy (Sustainable Buildings) 2022 for BASIX Water by 5%;
- (c) Fossil-fuel free design to allow for carbon neutrality by 2035;
- (d) Following a range of sustainability initiatives across the site spanning energy efficiency, water efficiency, indoor environment quality, waste management and comfort;
- (e) Biophilic excellence through plants and embedding nature in the design; and
- (f) Provision of Heat Island Mitigation measures.

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

Reason

To ensure the detailed design of the building delivers the established sustainability targets.

(17) RESIDENTIAL LAND USE

- (a) The residential component of the development must be designed to comply with the principles of State Environmental Planning Policy (Housing) 2021, the guidelines of the Apartment Design Guide (the ADG), and the provisions of the Sydney DCP 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;
 - (v) DCP provision 5.10.2.3 Ground and first floor uses, active frontages and awnings; and
 - (vi) DCP provision 4.2.3.8 Amenity - Common open space – as it pertains to solar access to the principal useable common open space areas.

Reason

To ensure the residential development complies with the relevant planning controls.

(18) 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 City Model Unit.
- (b) The data required to be submitted within the surveyed location must include and identify:
 - (i) envelope design above 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.
- (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.
- (d) 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>
- (e) 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 an electronic CAD model is submitted prior to the commencement of the competitive design process.

(19) PUBLIC ART

- (a) The Preliminary Public Art Plan prepared by Amanda Sharrad, dated November 2023, has not been approved by this consent.
- (b) The Preliminary Public Art Plan must be modified to address the following:
 - (i) The public art context is to reference existing public artworks in Green Square, Redfern, Danks Street South Precinct and Waterloo Metro Precinct to provide greater context for the public art objectives for the site;
 - (ii) It is recommended that an indigenous cultural consultant be engaged to work as part of the team providing guidance and culturally relevant advice on consultation, involvement in the development of the artist briefs and participation on the evaluation panel and other relevant professional deliberations;
 - (iii) To achieve the criteria listed on p14 and in line with the Aboriginal Consultation Report, further information is required on the process, consultation methodology and program. This is to include how intended outcomes will be integrated into building programs and encourage a consultative approach, given the participatory aspect of the public art;
 - (iv) The budget must be amended to be commensurate with the development, in line with the Guidelines for Public Art in Private Developments;
 - (v) It is recommended that marketing and publicity costs be diverted to the development's overall marketing and publicity budget;

- (vi) The future through site link as an opportunity site would require the City's approval as landowner. The Plan is to acknowledge this process and clearly illustrate the land to be dedicated to the City;
 - (vii) The public art budget cannot be used to fund artworks or portions of artwork located wholly within the development site;
 - (viii) Consider the public experience of the artwork at both day and night;
 - (ix) Confirm whether the public art offer will be intended exclusively for First nations artists;
 - (x) Confirm whether the procurement of artists includes collaborative teams;
 - (xi) Confirm the deaccessioning process for the existing street art murals by Scottie Marsh;
 - (xii) Confirm the approach to ICIP;
 - (xiii) Confirm the lifespan of the artwork; Confirm the approach to the longevity, care and maintenance of artwork elements; and
 - (xiv) Consider opening up the brief to allow artists to consider the whole site, including nominated locations, allowing the successful artist(s) to work closely with the professional design teams.
- (c) An amended Preliminary Public Art Plan addressing the requirements of (b) above must be submitted to and approved by Council's Area Planning Manager prior to the commencement of the competitive design process. The approved Plan must be incorporated into the competitive design process brief.

Reason

To ensure a Preliminary Public Art Plan satisfying the requirements of the City's Interim Guidelines for Public Art in Private Development is approved prior to the commencement of the competitive design process.

(20) TREES IDENTIFIED FOR REMOVAL

- (a) For the purposes of the competitive design process and subsequent detailed development application, the following trees are identified for removal as shown on the 'Envelope Setout Plan' approved under the 'Approved Development' condition of this consent and as identified in the Preliminary Arboricultural Assessment prepared by Arterra dated 21/04/2023:
 - (i) T6, T7, T10, T11, T12, T13, T14, T15, T16.
- (b) No consent is granted or implied for any tree removal works under this consent. Consent for tree removal must be sought under a subsequent DA for the detailed design of the building.

Reason

To confirm the trees identified for removal for the purposes of the competitive design process.

(21) TREES IDENTIFIED FOR RETENTION

(a) For the purposes of the competitive design process and subsequent detailed development application, the following trees are identified for retention as shown on the 'Envelope Setout Plan' approved under the 'Approved Development' condition of this consent and as identified in the Preliminary Arboricultural Assessment prepared by Arterra dated 21/04/2023:

- (i) T1, T2, T3, T4, T5, T8, T9.

Reason

To confirm the trees identified for retention for the purposes of the competitive design process.

(22) STREET TREES

- (a) All street trees surrounding the site must be included for retention in any 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 detailed design DA 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 (Transport and Infrastructure) 2021.

Reason

To ensure the detailed design of the building adequately addresses the relevant provisions relating to acoustic amenity.

(24) LAND DEDICATION – NO LONG TERM ENVIRONMENTAL MANAGEMENT PLAN

Any land that is to be dedicated to the City as part of the associated Voluntary Planning Agreement must not be encumbered by an Environmental Management Plan or Long Term Environmental Management Plan.

Reason

To ensure land dedicated to the City is not encumbered by an environmental management plan.

(25) FLOOD PLANNING LEVELS

Any future detailed design development application must demonstrate compliance with the recommended flood planning levels indicated in Table 32 of the report titled 'Flood Risk Assessment 216-220 Wyndham Street, Alexandria' prepared by BG&E consulting engineers dated September 2023.

Reason

To ensure the development complies with the recommended flood planning levels.

(26) LAND CONTAMINATION

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.

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.

(27) 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 DCP 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.

(28) 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.

(29) REDEFINITION PLAN

A Redefinition Plan prepared by a registered surveyor is to be lodged with the office of NSW Land Registry Services prior to the lodgement of any subsequent DA for the detailed design of the building. The boundaries of the registered Redefinition Plan must be used for the architectural design of the building.

Reason

To ensure the orderly development of the land, with redefined boundaries consistent and not conflicting with the design of the building, as the building envelopes have no setback to boundaries in some locations.

SCHEDULE 2

CONDITIONS OF CONSENT FROM EXTERNAL AGENCIES

The following conditions have been recommended by NSW State Agencies.

SYDNEY WATER

Recommended Development Conditions

1. Section 73 Compliance Certificate

A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Our assessment will determine the availability of water and wastewater services, which may require extensions, adjustments, or connections to our mains. Make an early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained before an Occupation or Subdivision Certificate will be issued.

Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to the Sydney Water website or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

2. Building Plan Approval

The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to Sydney Water Tap in@ to apply.

Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

3. Tree Planting

Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.

For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.

For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant trees near our assets, see Diagram 5 – Planting Trees within Sydney Water's Technical guidelines – Building over and adjacent to pipe assets.

Requirements for Commercial and Industrial Developments (for proponent's information)

4. Trade Wastewater Requirements

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

The permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

5. Backflow Prevention Requirements

Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
2. Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website:

<https://www.sydneywater.com.au/plumbing-building-developing/plumbing/backflow-prevention.html>

6. Water Efficiency Recommendations

Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.

Some water efficiency measures that can be easily implemented in your business are:

Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>

Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <https://www.sydneywater.com.au/your-business/managing-your-water-use/water-efficiency-tips.html>

Install water-monitoring devices on your meter to identify water usage patterns and leaks.

Develop a water efficiency plan for your business.

It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

7. Contingency Plan Recommendations

Under Sydney Water's [customer contract](#) Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.

Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.

Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.

Have you thought about a contingency plan for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.

For further information please visit the Sydney Water website at: <https://www.sydneywater.com.au/your-business/managing-trade-wastewater/commercial-trade-wastewater.html> or contact Business Customer Services on 1300 985 227 or businesscustomers@sydneywater.com.au.

TRANSPORT FOR NSW

1. 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 McEvoy Street property boundaries and clear of the SP2 land reserved for future road widening.
2. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, minimum sight lines for pedestrian safety, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distance requirements at the vehicular access driveway.
3. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works affecting McEvoy Street. 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.

4. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on McEvoy Street construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

SYDNEY METRO

1. Sydney Metro requests the Applicant complies with the provisions of the Sydney Metro Underground Corridor Protection Guidelines (as applicable and available from <https://www.sydneymetro.info/>) for the Concept DA and any subsequent development applications.
2. Where proposed, Sydney Metro requests the Applicant separately provide Sydney Metro with details of any proposed penetrative subsurface investigations (e.g. boreholes) 2m or deeper to be drilled within the first or second protection reserve before the commencement of any such drilling. The Applicant is not to commence drilling without confirmation from Sydney Metro that it has no objection to the proposed boreholes.
3. Sydney Metro considers it appropriate for the Applicant to engage in ongoing discussions with Sydney Metro in relation to the location and nature of any subsurface structures to support a future building to be constructed within the subject envelope, without adversely affecting the safety and structural integrity of Sydney Metro infrastructure.
4. Sydney Metro encourages the Applicant to provide information about the location of Sydney Metro infrastructure for consideration in any future design competition.

AUSGRID

1. The design submission must comply with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets.
2. 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.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [*Conditions of development consent: advisory notes*](#).

<https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf>

The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means the City of Sydney.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means the City of Sydney Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:
the collection of stormwater,
the reuse of stormwater,
the detention of stormwater,
the controlled release of stormwater, and
connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.