

Attachment A

Recommended Conditions of Consent
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SCHEDULE 1

CONDITIONS OF CONSENT

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out in Schedules 1, 2 and 3.

PART A - GENERAL

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application D/2026/64 lodged on 3 February 2026 and the following amended drawings prepared by Madden Associates that have been stamp approved by Council:

Drawing Number	Drawing Name	Revision
783B – DA – 142K	Proposed Ground Floor Works	September 2018
783B – DA – 143J	Proposed Second Floor Works	December 2025
783B – DA – 211E	Proposed South Elevation	April 2025
783B – DA – 212C	Proposed West Elevation	April 2025
783 – WD – 300A	Cellar Access Door Details	February 2026
783B – WD – 301	Detail Sections 1 & 2	November 2020
783B – WD – 302	Detail Sections 3 & 4	November 2020
783B – WD – 305H	Toilet Block Details	October 2025
358B – 308A	Window Details	July 2025
783B – WD – 306C	Stair Details	April 2025
783B – WD – 309	Stair Details	March 2025
783B – WD – 310C	Kitchen Block – Ground Floor Plan	March 2025
783B – WD – 311A	Kitchen Stair Detail	March 2025
378B – Col – Col Sch 2	Colour scheme for toilet block	July 2025

and as amended by the conditions of this consent.

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

Reason

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

(2) DESIGN AMENDMENT – NEW SOUTH-FACING WINDOWS

The ground and first floor rear elevation (south-facing) windows of the toilet block extension shall be fitted with translucent glazing and not opaque glazing.

Details illustrating compliance with this condition shall be submitted to and approved by Council's Area Planning Manager or Area Planning Coordinator by way of amended plans prior to the issue of any Construction Certificate.

Reason

To ensure an acceptable level of privacy treatment is maintained.

(3) SECTION 7.11 CONTRIBUTIONS PAYABLE - CONTRIBUTION TOWARDS PUBLIC AMENITIES – CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 – EAST PRECINCT

Council has identified the development will increase demand for public amenities and facilities. Pursuant to Section 7.11 of the Environmental Planning and Assessment Act, 1979 (as amended), and the City of Sydney Development Contributions Plan 2015 the following monetary contributions are required towards the cost of public amenities.

<u>Contribution Category</u>	<u>Amount</u>
Open Space	\$832.76
Community Facilities	\$784.66
Traffic and Transport	\$130.55
Stormwater Drainage	\$0.00
Total	\$1,747.97

The City of Sydney will index the above contribution for inflation at the time of payment using the following formula.

$$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$$

Where:

C_{payment} = Is the contribution at time of payment;

C_{consent} = Is the contribution at the time of consent, as shown above;

CPI_{payment} = Is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment; and

CPI1consent = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being a Base CPI value of 100.38 for the December 2025 quarter.

The contribution must be paid prior to the issue of any Construction Certificate in relation to this development.

Please contact Council's Planning Administration staff at planningsystemsadmin@cityofsydney.nsw.gov.au to request a letter confirming the indexed contribution amount payable.

Once the letter confirming the indexed contribution is obtained, payment may be made at any of Council's Neighbourhood Service Centres or the One Stop Shop at Town Hall House. Acceptable payment methods are EFTPOS (debit card only), cash (up to 10K only), Credit Card (up to 50K only) or a bank cheque made payable to the City of Sydney. Personal or company cheques will not be accepted.

Reason

To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.

(4) HOUSING AND PRODUCTIVITY CONTRIBUTION

Before the issue of any Construction Certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.

Housing and productivity contribution	Amount (indexed as of 1 January 2026)
Housing and productivity contribution (base component)	\$551.48
Transport project component	\$0.00
Total housing and productivity contribution	\$551.48

The HPC must be paid using the NSW Planning Portal.

At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order).

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the Environmental Planning and Assessment Act 1979 agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the HPC Order exempts the development from the contribution.

The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2026.

Reason

To require contributions towards the provision of regional infrastructure.

(5) GENERAL HERITAGE

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the original fabric of the existing building.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to be specified in the construction management plan.
- (c) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013.
- (d) New services are to be installed with minimal impact to heritage fabric and significant spaces. Where possible new services are to use existing service runs.
- (e) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (f) The new windows and doors on the existing building must match the original material, which is timber joinery.
- (g) The face brickwork/stone/tiles must not be rendered, painted or coated.
- (h) Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.

Reason

To ensure that the development does not result in adverse heritage impacts.

(6) REPAIRS AND WORKS FOR MAKING GOOD

All new repairs and works for making good of existing building fabric are to be carried out on a like for like basis and match the existing in terms of materials, colours, finishes, sizes, profiles and properties.

Reason

To ensure repairs and works for making good are appropriate.

(7) DILAPIDATION REPORT - MINOR

Subject to the receipt of permission of the affected landowner, a dilapidation report is to be prepared by an appropriately qualified practising structural engineer. The dilapidation report shall be limited to the parts of the adjoining building at 156-164 Chalmers Street, Surry Hills, that are directly adjacent to the shared boundary where the works are proposed. Any dilapidation report prepared shall be submitted for the approval of the Registered Certifier prior to the issue of any construction certificate.

Reason

To ensure that dilapidation reports are prepared and to identify any damage to adjoining/nearby properties resulting from building work on the development site.

(8) TREES THAT MUST BE RETAINED

The trees detailed in the table below, which the City of Sydney has determined to be important landscape elements, must be retained and protected in accordance with the conditions throughout development works.

Table 1 – Tree Retention:

Tree Number	Species	Location
1	Cupressus sp (Cypress Tree)	156-164 Chalmers Street (Neighbour's tree located in right of way)
2	Cupressus sp (Cypress Tree)	156-164 Chalmers Street (Neighbour's tree located in right of way)
3	Cupressus sp (Cypress Tree)	156-164 Chalmers Street (Neighbour's tree)
4	Magnolia grandiflora (Bull Bay Magnolia)	156-164 Chalmers Street (Neighbour's tree)
5	Robinia pseudoacacia 'Frisia' (Golden Robinia)	Front of 51 Buckingham street (street tree opposite 58-60 Buckingham Street)
6	Robinia pseudoacacia 'Frisia' (Golden Robinia)	Rear of 156-164 Chalmers Street (street tree opposite 62 Buckingham Street)

Reason

To identify the trees that cannot be removed and must be retained and protected.

BUILDING WORK

PART B - BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

(9) PROTECTION OF TREE PROTECTION ZONES, PLANS AND SPECIFICATIONS

- (a) Tree Protection Zones, Plans and Specifications, prepared by a qualified Arborist (minimum AQF Level 5) and in accordance with the Australian Standard 4970 Protection of Trees on Development Sites, must be submitted and approved by the City's Tree Management Team prior to the issue of any Construction Certificate. The documentation must include:
 - (i) Tree Protection Zones (Trees 1-6), that:
 - a. are tailored to the site and the work being undertaken; and
 - b. incorporates into the TPZ an area equivalent to the encroachment to avoid a net loss of soil area and volume, unless the project arborist demonstrates that the tree will remain viable.
 - (ii) Tree Protection Specifications must:
 - a. specify, using a logical and sequential process, the measures by which the trees will be protected and managed throughout the development works; and
 - b. state any prohibitions that may be required due to the lack of detail or documentation (e.g. no trenching is allowed within the TPZ where a services plan does not exist); and
 - c. document critical stages.
 - (iii) Tree Protection Plan, including a scale or dimensions, must show:
 - a. TPZs for trees being retained, considering the matters referred to in Section 3 of AS 4970:2025 Protection Trees on Development Sites; and
 - b. the location of specified tree protection devices.
- (b) There must not be any incursion into a trees' Structural Root Zone (SRZ) or an incursion into an NRZ of any tree that exceeds 10% (a minor incursion as defined by the AS 4970:2025 Protection Trees on Development Sites). Design amendments will be required in the event any incursion enters the SRZ or this exceeds this amount, to ensure the health and condition of all trees to be retained remains viable in the long term.

- (c) Construction access and the location of the works zone must be planned to avoid adversely impacting any tree to be retained. Alternative work zone locations must be provided, and suitable size cranes/machinery/equipment utilised to minimise tree pruning requirements. Only minor pruning works will be approved by the City's Tree Management Team including to those trees to be retained including trees greater than a 40mm diameter.
- (d) Any approved pruning must be carried out by a qualified Arborist (minimum AQF Level 3) in accordance with Australian Standard 4373 'Pruning of Amenity Trees' and the SafeWork's Code of Practice - Amenity Tree Industry.

Reason

To ensure the development appropriately protects existing trees, ensuring their structural stability and long-term viability.

(10) TREE PROTECTION ZONE (PRIVATE PROPERTY AND STREET TREES)

- (a) The TPZ's are to be established in the location and manner outlined in the Tree Protection Specifications and/or Tree Protection Plan reviewed and approved, by the City's Tree Management Team, prior to the issue of any Construction Certificate.
- (b) The following works must be excluded from within any TPZs:
 - (i) Soil cultivation, disturbance or compaction.
 - (ii) Stockpiling, storage or mixing of materials, washing and repairing of tools.
 - (iii) The parking (except existing on street parking) of vehicles, equipment and machinery.
 - (iv) The disposal of liquids and refuelling.
 - (v) The disposal of building materials.
 - (vi) Any action leading to an impact on tree health or structure.
- (c) Tree protection fencing (1.8m steel mesh fencing, secured and fastened to prevent movement) must be installed at the perimeter of the TPZs or as per the approved Tree Protection Plan and Tree Protection Specification prior to the commencement of the development works. Roots must not be damaged during the establishment or maintenance of the fencing.

- (d) Where tree protection fencing (or sections of) cannot be installed due to site constraints, written approval must be obtained from a qualified Arborist (minimum AQF Level 5) and trunk and ground protection installed as per AS4970. Compliance with this condition must be addressed in the Tree Protection Compliance Certificate prepared by the Arborist.
- (e) Tree protection fencing must not be moved or relocated unless written approval is obtained from a qualified Arborist (minimum AQF Level 5) and alternate protection measures are installed to ensure the trees the viability of the tree(s) is not impacted. Compliance with this condition must be addressed in the Tree Protection Compliance Certificate prepared by the Arborist.
- (g) Where site sheds cannot be installed outside of the TPZs due to site constraints, written approval must be obtained from a qualified Arborist (minimum AQF Level 5) and appropriate tree protection measures installed as per AS4970. Compliance with this condition must be addressed in the Tree Protection Compliance Certificate prepared by the Arborist.
- (h) Signage identifying the TPZs must be attached to the tree protection fencing. Signage must be placed in a visible position in remain in place throughout the development works.
- (i) Ground protection in accordance with AS4970 must be installed if construction access is required within the TPZs. Existing pavements and hard stand areas can be used as ground protection.
- (j) All approved work undertaken within the TPZs must be supervised by a qualified Arborist (minimum AQF Level 5).
- (k) A final Tree Protection Compliance Certificate, prepared by a qualified Arborist (AQF Level 5) demonstrating that all Tree Protection Compliance Reports have been submitted at each scheduled inspection and key milestone listed above must be completion to the satisfaction of the accredited certifier.

Note: The work within the TPZ and installation of tree protection measures is only applicable within the subject development site.

Reason

To ensure the protection and ongoing health of trees for the duration of the development.

(11) TREE PROTECTION ZONES FOR STREET TREES

Table 2 – Street Trees:

Tree no.	Species	Tree Location	TPZ radius(m) from trunk	SRZ radius(m) from trunk
5	<i>Robinia pseudoacacia</i> 'Frisia' (Golden Robinia)	Front of 51 Buckingham street (opposite 58-60 Buckingham Street)	3.7	2.2
6	<i>Robinia pseudoacacia</i> 'Frisia' (Golden Robinia)	Rear of 156-164 Chalmers Street (Opposite 62 Buckingham Street)	3.2	2.1

- (a) Tree trunk and major branch protection must be installed prior to the issue of any Construction Certificate and maintained for the duration of all construction work, and must include:
- (i) tree trunk(s) and/or major branches to a height of 2 metres protected by wrapped thick underlay carpet or similar padding material to limit damage.
 - (ii) timber planks (50mm x 100mm) placed around tree trunk(s). The timber planks must be spaced at 100mm intervals and must be fixed against the trunk with tie wire, or strapping. The thick carpet underlay or padding material and timber planks must not be fixed to the tree in any instance, or in any fashion.
 - (iii) young street trees protected by the installation of three (3) wooden stakes around the edge of the tree pits or a minimum of 1 metre from the base of the trunk. Hessian must be wrapped around the stakes. If existing stakes or a metal tree guard are already in place, these suffice as tree protection.
 - (iv) tree trunk and major branch protection must remain in place for the duration of the development works and be removed at the completion of the development works.
- (b) Materials or goods, including sheds, must not be stored or placed:
- (i) around or under the tree canopy or;
 - (ii) within two (2) metres of tree trunks or branches or any street trees.
- (c) Temporary signs or any other items must not be fixed or attached to any street tree.
- (d) Where installed, hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree pits. Supporting columns must not be placed on exposed tree roots.

- (e) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the City of Sydney Tree Team.
- (f) Any trenching works for services / hydraulics / drainage etc must not be undertaken within any Tree Protection Zone (TPZ). Alternative installation methods for services, such as directional boring/drilling, or redirection of services shall be employed.
- (g) Any damage sustained to street tree(s) as a result of any construction activities (including demolition), must be immediately reported to the City of Sydney Tree Management Team on 9265 9333. Any damage to street trees as a result of any construction activities may result in prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.
- (h) Compliance with this condition must be addressed in the Tree Protection Compliance Certificate prepared by a qualified Arborist (minimum AQF Level 5).

Note: Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

To ensure the protection and ongoing health of the street trees.

(12) BUILDING WORKS TO COMPLY WITH NCC BCA – HERITAGE BUILDINGS AND BUILDINGS WITHIN CONSERVATION AREAS

Any building works required to ensure compliance with the NCC (previously known as BCA) or new building standards not specified in the submitted/ approved plan must not damage existing fabric and building features. If such upgrading works have impact or potentially have impact on existing fabric and features, details of the works must be submitted and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of any Construction Certificate.

Reason

To ensure an appropriate heritage outcome.

PART C - BEFORE COMMENCEMENT OF BUILDING WORK

(13) APPLICATION FOR HOARDINGS AND SCAFFOLDING INSTALLED ON OR ABOVE A PUBLIC ROAD AND OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD

- (a) Where a hoarding and/or scaffolding (temporary structures) are proposed to be installed on or above a road reservation (footway and/or roadway), a separate application under Section 68 of the *Local Government Act, 1993* and Sections 138/139 of the *Roads Act, 1993* must be submitted to and approved by Council for such structures.
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding*; and the conditions of approval (Permit) granted including:
 - (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
 - (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
 - (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
 - (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
 - (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
 - (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
 - (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
 - (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
 - (ix) ensuring all required signage, artwork or historic images are provided and fully maintained to Council's requirements (Clauses 3.4, 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

If it is proposed to operate a hoisting device including a building maintenance unit above a public road which swings, hoists material/equipment and/or slews/wind vanes any part of the device over the public road, a separate application under Section 68 of the *Local Government Act, 1993* and Sections 138/139 of the *Roads Act, 1993* must be made to Council to obtain approval.

Note: 'Building maintenance unit' means a power-operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (*Work Health and Safety Regulation, 2017*).

Reason

To ensure relevant applications are made for construction works.

(14) COVERING OF LOADS

All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

Reason

To ensure loads are managed appropriately and do not impact local amenity.

(15) HAZARDOUS AND INDUSTRIAL WASTE

Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the NSW Work Cover Authority pursuant to the provisions of the following:

- (a) *Protection of the Environment Operations Act 1997*
- (b) *Protection of the Environment Operations (Waste) Regulation 2005*
- (c) *Waste Avoidance and Resource Recovery Act 2001*
- (d) *Work Health and Safety Act 2011*
- (e) *Work Health and Safety Regulation 2017.*

Reason

To ensure hazardous/ industrial waste is managed appropriately.

(16) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on-site, where possible.
- (b) If, it is not feasible for loading and unloading to take place on-site, a Works Zone on the street may be considered by Council.

- (c) A Works Zone may be required if loading and unloading is not possible on-site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate application under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993 must be submitted to and approved by Council.

Reason

To protect the amenity of the public domain.

(17) NO OBSTRUCTION OF PUBLIC WAY

Unless otherwise approved by Council, the public way must not be obstructed by any materials, vehicles, waste receptacles, skip-bins or the like. Non-compliance with this requirement may result in the issue of a notice by Council to stop all work on the site.

Reason

To protect the amenity of the public domain.

(18) WORKS REQUIRING USE OF A PUBLIC PLACE

Where construction/building works require the use of a public place including a road or footpath, a separate application under Sections 138/139 of the *Roads Act, 1993* must be submitted to and approved by Council prior to the commencement of work. Details of any barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

Reason

To protect the amenity of the public domain and obtain relevant approvals.

(19) SYDNEY WATER CERTIFICATE (TAP-IN)

- (a) The approved plans must be submitted to Sydney Water's "Tap-in" online service to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Sydney Water's "Tap-in" online service is available at www.sydneywater.com.au, (see Plumbing, Building & Development and then Sydney Water "Tap-in").
- (b) The Consent Authority or a Principal Certifier must ensure that Sydney Water has appropriately stamped the plans before the commencement of work.

Reason

To ensure the development satisfies Sydney Waters requirements.

PART D - WHILE BUILDING WORK IS CARRIED OUT

(20) HOURS OF WORK AND NOISE – OUTSIDE CBD

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Team, prior to works proceeding.

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

Reason

To protect the amenity of the surrounding area.

(21) EROSION AND SEDIMENT CONTROL - LESS THAN 250SQM

Where less than 250 square metres are being disturbed, no formal plan is required however, the site is to be provided with sediment control measures and these must be implemented so that sediment, including soil, excavated material, building material or other materials cannot fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways.

Reason

To ensure that appropriate erosion and sediment control measures are put in place during construction to protect the environment.

PART E - BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

(22) PHOTOGRAPHIC ARCHIVAL RECORDING

A photographic archival recording must be prepared prior to the commencement of works / during works / at the completion of works. A copy of the photographic archival recording prepared in accordance with the Heritage NSW publication 'Guidelines for preparing archival recordings of heritage items as a condition of consent' (2025) is to be submitted for approval by the Area Planning Manager/Heritage and Urban Design Manager prior to issue of an Occupation Certificate.

Reason

To ensure appropriate archival documentation of the building.

(23) WASTE AND RECYCLING MANAGEMENT - GENERAL

The proposal must comply with the relevant provisions of the Sydney Development Control Plan 2012 and Council's *Guidelines for Waste Management in New Developments 2018*, which requires facilities to promote the safe and efficient storage, separation, collection and handling of waste to maximise resource recovery.

Reason

To ensure that waste and recycling is appropriately managed throughout all phases of the development.

(24) WASTE AND RECYCLING COLLECTION CONTRACT - COMMERCIAL

Prior to the issue of an Occupation Certificate or commencement of the use, whichever is earlier, the commercial building owner / commercial tenant is to ensure they are entered into a contract with a licensed waste service provider for the removal of all waste and recycling stream(s). A copy of the commercial waste and recycling contract and invoices are to be made available upon request by an authorised Council officer at any time.

Reason

To ensure arrangements are in place to manage commercial waste without reliance on public place or residential waste bins.

(25) ASBESTOS REMOVAL WORKS

All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with SafeWork NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence which ever applies.

A copy of the relevant licence must be made available to any authorised Council officer on request within 24 hours.

Reason

To ensure that the handling and removal of asbestos from the site is appropriately managed.

(26) STORMWATER AND DRAINAGE

The drainage system is to be constructed in accordance with Council's standard requirements as detailed in the City of Sydney's Stormwater Drainage Manual. The development is to be designed so that the flow of pollutants from the site due to stormwater is reduced.

Reason

To ensure stormwater and drainage meet relevant requirements.

PART F - OCCUPATION AND ONGOING USE

(27) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

Reason

To ensure the site is authorised for occupation.

(28) ENCROACHMENTS – NEIGHBOURING PROPERTIES

No portion of the proposed works can encroach onto the adjoining properties.

Reason

To ensure the proposed works do not encroach onto neighbouring properties.

(29) ENCROACHMENTS – PUBLIC WAY

No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach over the public way.

Reason

To ensure the proposed works do not encroach onto the public way.

(30) SURVEY

All footings, walls and floor slabs adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report, prepared by a Registered Surveyor, must be submitted to the Principal Certifier indicating the position of external walls in relation to the boundaries of the allotment. Any encroachments by the subject building over adjoining boundaries or roads must be removed prior to continuation of building construction work.

Reason

To ensure all proposed works are contained within the property boundaries of the subject site.

(31) SURVEY CERTIFICATE AT COMPLETION

Prior to the issue of any type of Occupation Certificate for the building, a Final Identification Survey prepared and signed by a Surveyor registered under the Surveying & Spatial Information Act 2002 must be submitted at the completion of the building work certifying the location of the building and showing offsets in relation to the boundaries of the allotment.

Any encroachments of the building including gutters and downpipes over the side boundaries or rear lane that are not approved in the DA must be removed, or where approved, appropriate easements under Section 88B of the Conveyancing Act 1919, with terms to the satisfaction of Council, must be lodged with the office of NSW Land Registry Services, and evidence of lodgement provided to the Principal Certifier prior to the issue of any type of Occupation Certificate. Encroachments upon public roads must, if supported, be approved by Council's Area Planning Manager prior to the issue of any type of Occupation Certificate.

Reason

To ensure that either the building does not encroach, or that any encroachments are formalised on title.

SCHEDULE 2

TERMS OF APPROVAL

The Terms of Approval for Integrated Development as advised by the Heritage Council of NSW are as follows:

APPROVED DEVELOPMENT

(1) Development must be in accordance with:

(a) Architectural drawings, prepared by Madden Associates as listed below:

Project Name: Cleveland House

Dwg No	Dwg Title	Date	Rev
783B-DA-142K	Proposed Ground Floor works	1/26	K
783B-DA-143J	Proposed Second Floor works	12/25	J
783-WD-300	Cellar Access Door Details	Nov 2020	
783B-WD-301	Details Sections 1 & 2	Nov 2020	
783B-WD-302	Details Sections 3 & 4	Nov 2020	
783B-WD-305H	Toilet Block Details	10/25	H
783b-WD-306C	Stair Details	4/25	C
783b-WD-310C	Kitchen Block – Ground floor plan	3/25	C
783b-WD-311A	Kitchen Stair Detail	3/25	A
358B-308A	Window Details	7/25	A
783-WD-309	Stair Details	3/25	

(b) Engineering drawings, prepared by Shreeji consultant as listed below:

Project Name: Cleveland House

Dwg No	Dwg Title	Date	Rev
11.28.02	Building Plan		
11.28.03	Typical Verandah Footing		
11.28.04	Toilet Block Details		
11.28.05	Toilet Block Details		
11.28.06	Details		
11.28.07	Details		
11.28.08	Typical Sections		

(c) Report: SOHI, prepared by Jeff Madden and Associates, dated 2026

(d) Report: SoEE, prepared by Jeff Madden and Associates, dated 12/01/2026

(e) Supplementary Materials board drawing, dated February 2026, unauthored.

EXCEPT AS AMENDED by the General Terms of Approval:

Works not Approved

- (2) Modifications to the internal walls of Rooms 2.4, 2.5, 2.6, 3.9 and 3.10 are not approved as part of this application.

Reason: The applicant provided clarification that these works are not proposed as part of the current application and therefore they have not been assessed.

Heritage consultant

- (3) A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.

Specialist tradespersons

- (4) All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.

Reason: So that the construction, conservation and repair of significant fabric follows best heritage practice.

Site protection

- (5) Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

Reason: To ensure significant fabric including vegetation is protected during construction.

Heritage Interpretation Plan

- (6) An interpretation plan must be prepared in accordance with the Heritage NSW publication 'Interpreting Heritage Places and Items Guidelines' (2005) and submitted for approval to the Heritage Council of NSW (or delegate) prior to the issue of a Construction Certificate/ Government certification.
- (7) The interpretation plan must detail how information on the history and significance of name of item will be provided for the public, and make recommendations regarding public accessibility, signage and lighting. The plan must identify the types, locations, materials, colours, dimensions, fixings and text of interpretive devices that will be installed as part of this project.
- (8) The approved interpretation plan must be implemented prior to the issue of an Occupation Certificate.

Reason: Interpretation is an important part of every proposal for works at heritage places.

Photographic Archival Recording

- (9) A photographic archival recording (if necessary, specify elements or parts of structure/complex to be recorded) must be prepared prior to the commencement of works /during works /at the completion of works. This recording must be prepared in accordance with the Heritage NSW publication 'Guidelines for preparing archival recordings of heritage items as a condition of consent' (2025). Only the digital copy of the archival record must be submitted electronically to Heritage NSW. The required format and specifications of the record are published on the Heritage NSW website.

Reason: To capture the condition and appearance of the place prior to, and during, modification of the site which impacts significant fabric.

Unexpected finds

- (10) The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics or any other buried fabric, are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Reason: All significant fabric within a State Heritage Register curtilage should be managed according to its significance. This is a standard condition to identify to the applicant how to proceed if historical archaeological relics, or other unexpected buried discoveries such as works are identified during the approved project.

Aboriginal objects

- (11) Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the National Parks and Wildlife Act 1974. Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the National Parks and Wildlife Act 1974.

Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.

Compliance

- (12) If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

Section 60 application

- (13)** An application under section 60 of the Heritage Act 1977 must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

Reason: To meet legislative requirements.

SCHEDULE 3

Prescribed Conditions

The applicant must comply with all relevant conditions contained in Part 4, Division 2, Subdivision 1 of the *Environmental Planning and Assessment Regulation 2021* which apply to the development:

Refer to the NSW State legislation for full text of the clauses under Part 4, Division 2, Subdivision 1 of the *Environmental Planning and Assessment Regulation 2021*. This can be accessed at: <http://www.legislation.nsw.gov.au>

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.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

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.