

# **Attachment A**

**Recommended Conditions of Consent**

## SCHEDULE 1

### GENERAL CONDITIONS

#### (1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2025/1198 dated 2 December 2025 and the following drawings prepared by SJB Architects:

Drawing Number	Drawing Name	Date
DA-0150 Rev 3	Site Roof Plan	31/03/2026
DA-0301 Rev 3	Demolition Roof Plan	31/03/2026
DA-0311 Rev 3	Demolition Section	31/03/2026
DA-1001 Rev 16	Floor Plan – Basement 02	31/03/2026
DA-1002 Rev 19	Floor Plan – Basement 01	15/04/2026
DA-1003 Rev 19	Floor Plan – Ground Floor	15/04/2026
DA-1004 Rev 11	Floor Plan – Level 01	15/04/2026
DA-1005 Rev 18	Floor Plan – Level 02	15/04/2026
DA-1006 Rev 5	Floor Plan – Level 03	15/04/2026
DA-1007 Rev 17	Floor Plan – Levels 04-06	15/04/2026
DA-1010 Rev 18	Floor Plan – Level 07	15/04/2026
DA-1011 Rev 15	Floor Plan – Roof Level	31/03/2026
DA-1401 Rev 11	Elevation South	31/03/2026
DA-1402 Rev 11	Elevation North	31/03/2026
DA-1403 Rev 11	Elevation East	31/03/2026
DA-1404 Rev 11	Elevation West	31/03/2026
DA-1501 Rev 15	Section A	15/04/2026
DA-1502 Rev 13	Section B	15/04/2026
DA-1503 Rev 13	Section C	15/04/2026
DA-1504 Rev 14	Section D	15/04/2026
DA-4401 Rev 8	Apartment Type Plans	15/04/2026

Drawing Number	Drawing Name	Date
DA-4402 Rev 8	Apartment Type Plans	15/04/2026
DA-4411 Rev 6	Adaptable Unit Plans	15/04/2026
DA-4421 Rev 3	Apartment Storage Schedule	15/04/2026
DA-8001 Rev 3	Materials Palette Board	31/03/2026

And the following Landscape Plans prepared by Vision Dynamics:

Drawing Number	Drawing Name	Date
25088 1-5 Rev C	Legend/ Details/ Plant Schedule	24/03/2026
25088 2-5 Rev C	Landscape Concept Plan	24/03/2026
25088 3-5 Rev C	Landscape Concept Plan	24/03/2026
25088 4-5 Rev C	Landscape Concept Plan	24/03/2026
25088 5-5 Rev C	Landscape Concept Plan	24/03/2026

And the following Subdivision Plans prepared by Warren Eldridge:

Drawing Number	Drawing Name	Date
12410-SP, Sheet 1 of 6 Rev B	Plan of Subdivision of Lot 101 in DP 1323053	29/04/2026
12410-SP, Sheet 2 of 6 Rev B	Plan of Subdivision of Lot 101 in DP 1323053	29/04/2026
12410-SP, Sheet 3 of 6 Rev B	Plan of Subdivision of Lot 101 in DP 1323053	29/04/2026
12410-SP, Sheet 4 of 6 Rev B	Plan of Subdivision of Lot 101 in DP 1323053	29/04/2026
12410-SP, Sheet 5 of 6 Rev B	Plan of Subdivision of Lot 101 in DP 1323053	29/04/2026
12410-SP, Sheet 6 of 6 Rev B	Plan of Subdivision of Lot 101 in DP 1323053	29/04/2026
12410-Stratum, Sheet 1 of 3	Plan of Subdivision of Lot 1 & 2 in DP 515656	-

Drawing Number	Drawing Name	Date
12410-Stratum, Sheet 2 of 3	Plan of Subdivision of Lot 1 & 2 in DP 515656	-
12410-Stratum, Sheet 3 of 3	Plan of Subdivision of Lot 1 & 2 in DP 515656	-

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.

**(2) BUILDING HEIGHT**

- (a) The height of the building must not exceed RL 59.78 (AHD) for the hot water plant, RL 57.48 (AHD) to the top of the building and RL 58.76 (AHD) to the parapet of the building and lift overrun.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

**Reason**

To ensure the constructed development complies with the approved height.

**(3) FLOOR SPACE RATIO**

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the business use must not exceed 4:1; calculated in accordance with the Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the Gross Floor Area is 1542.88 sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.

**Reason**

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

**(4) USE - SEPARATE DA REQUIRED**

No consent is granted or implied for the fit out or specific use of the retail tenancies located on the Ground Floor.

A development consent or Complying Development Certificate (as appropriate) is required to be obtained for the fit out and use of the retail tenancies prior to that fit out or use commencing.

**Reason**

To require separate consent to be obtained for a use.

**(5) SIGNS - SEPARATE DA REQUIRED**

A separate development application for any proposed signs additional to those approved as part of this consent (other than exempt or complying signs) must be submitted to and approved by Council prior to the erection or display of any such signs.

**Reason**

To require separate consent to be obtained for any additional signs.

**(6) EXTERNAL LIGHTING**

A separate development application is required to be lodged and approved prior to any external floodlighting or illumination of the building or site landscaping.

**Reason**

To clarify that consent has not been granted for the external floodlighting or illumination of the development.

**(7) ROOFTOP PLANT**

All rooftop plant and associated equipment must be located within the approved building envelope.

**Reason**

To ensure the roof top plant does not exceed the approved height.

**(8) SERVICE VEHICLE SIZE LIMIT**

The size of vehicles servicing the property must be a maximum length of 5.2m.

**Reason**

To maintain the orderly operation of vehicle parking and loading areas.

**(9) COST OF SIGNPOSTING**

All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

**Reason**

To ensure all associated roadway works costs are borne by the developer.

**(10) ASSOCIATED ROADWAY COSTS**

All costs associated with the construction and rectification of any road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The public domain works must be designed and constructed in accordance with the City's "Sydney Streets Technical Specification and Standard Drawings" including amendments and "Sydney Streets Design Code".

**Reason**

To ensure all roadway works are designed and constructed in accordance with Council requirements.

**(11) SIGNS AT EGRESS**

The following signs must be provided and maintained within the site at the point(s) of vehicle egress:

- (a) Compelling drivers to stop before proceeding onto the public way
- (b) Compelling drivers to "Give Way to Pedestrians" before crossing the footway; or compelling drivers to "Give Way to Pedestrians and Bicycles" before crossing a footway on an existing or identified shared path route.

**Reason**

To ensure the safety of surrounding pedestrians and cyclists.

**(12) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS**

All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary.

**Reason**

To ensure ground surface indicators, handrails and other elements required to provide access into the building/property are appropriately located.

**(13) NO AIR CONDITIONING UNITS TO FACADE OR BALCONIES OF BUILDING**

Approval is not granted for the installation of individual air conditioning units to the facade or balconies of the building.

**Reason**

To clarify the scope of the consent.

**(14) 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.

**(15) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

No portion of the proposed structure shall encroach onto the adjoining properties.

**Reason**

To protect neighbouring properties.

**(16) ENCROACHMENTS – PUBLIC WAY**

No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area. Any access doors to enclosures housing building services and facilities, such as hydrant and sprinkler booster assemblies or the like, must not open over the footway/roadway.

**Reason**

To protect the public way.

**(17) APPROVED ACOUSTIC REPORT**

The Noise Impact Assessment prepared by Rodney Stephens Acoustics reference R250431R1, Revision 2 dated 5 December 2025 (Council reference TRIM 2025/745607) is approved.

Where there is a conflict between the approved acoustic report and this development consent, this consent prevails.

**Reason**

To specify an acoustic report for reference in other noise control conditions.

**(18) TREE(S) THAT MUST BE RETAINED**

- (a) The tree(s) detailed in the table below must be retained and protected in accordance with the conditions throughout development works.

- (b) Approval is NOT granted for the removal of the tree(s) detailed in the table below, which the City of Sydney has determined to be important landscape elements.

Table [1] – Tree Retention:

<b>Tree Number</b>	<b>Species:</b>	<b>Location</b>
1	<i>Lophostemon confertus</i> (Brush Box)	Front of 10-14 Cooper Street (Street Tree)
2	<i>Platanus acerifolia</i> (London Plane)	Front of 16-22 Cooper Street (Street Tree)
3	<i>Pistacia chinensis</i> (Chinese Pistacia)	Side of 24 Cooper Street (Street tree located in Holt Street)
4	<i>Tristaniopsis laurina</i> (Water Gum)	Side of 24 Cooper Street (Street tree located in Holt Street)
5	<i>Castanospermum australe</i> (Black Bean Tree)	1-21 Holt Street (Street Tree located in O'Loughlin Street)
6	<i>Platanus acerifolia</i> (London Plane)	1-21 Holt Street (Street Tree located in O'Loughlin Street)
7	<i>Ficus elastica</i> (Rubber Tree)	1-21 Holt Street (Street Tree located in O'Loughlin Street)

### **Reason**

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

## **BUILDING WORK**

### **BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

#### **(19) AFFORDABLE HOUSING CONTRIBUTION – RESIDUAL LAND OR CENTRAL SYDNEY – PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION – PRIOR TO CONSTRUCTION CERTIFICATE**

- (a) In accordance with the City of Sydney Affordable Housing Program and prior to the issue of a Construction Certificate, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid to the City of Sydney Council.
- (b) The contribution is \$820,870.70 (indexed at 21 April 2026). This is calculated by establishing the sum of the equivalent monetary contribution \$11,223.28 multiplied by 1% of the total floor area for non-residential development (126 sqm) and the equivalent monetary contribution \$11,223.28 multiplied by 3% of the total floor area for residential development (2396 sqm).
- (c) If the contribution is paid after the indexation period in which the consent is granted, being March 2026 to February 2027, the above contribution will be adjusted according to the Sydney LGA median strata dwelling price ('MDP') using the following formula.
- (d) Contribution payable at Time of Payment =  $C \times \text{MDP2} / \text{MDP1}$ , where:
  - (i) C is the original total contribution amount payable to the City of Sydney as shown above;
  - (ii) MDP2 is the Median Strata Dwelling Price in Sydney LGA taken from the most recent NSW Government Rent and Sales Report at the time of indexation of the equivalent monetary contribution rate; and
  - (iii) MDP1 is the Median Strata Dwelling Price in Sydney LGA taken from the NSW Government Rent and Sales Report used to establish the current equivalent monetary contribution rate, being March 2026 to February 2027.

Contact Council's Planning Assessment Unit at [planningsystemsadmin@cityofsydney.nsw.gov.au](mailto:planningsystemsadmin@cityofsydney.nsw.gov.au) for written confirmation of the amount payable, with indexation as necessary, prior to payment.

#### **Reason**

To ensure development contributions are paid to contribute to the provision of essential affordable rental housing infrastructure.

#### **(20) SECTION 7.12 CONTRIBUTIONS PAYABLE – SUBMITTED AND VERIFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

A monetary contribution is payable to the City of Sydney pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979* and the *Central Sydney Development Contributions Plan 2020*.

The Section 7.12 levy is determined by the development cost, as per the following table:

Development cost *	Levy
* Refer to Section 2.3 of the <i>Central Sydney Development Contributions Plan 2020</i> for information on determining the development cost.	
Up to and including \$250,000	NIL
More than \$250,000, up to and including \$500,000	1%
More than \$500,000, up to and including \$1,000,000	2%
More than \$1,000,000	3%

The Section 7.12 levy is payable to the City of Sydney in accordance with the following:

- (a) Prior to a Construction Certificate being issued, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and that the levy has been paid to the Council in accordance with this condition. Payments may be made by EFTPOS (direct card only), cash (up to \$5,000 only), credit card (up to \$300,000 only) or bank cheque made payable to the City of Sydney council. Larger payments to be by direct bank transfer in consultation with the City. Direct debit, personal cheques and company cheques will not be accepted.
- (b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, one of the following must be submitted:
  - (i) **For development between \$250,000 and \$3,000,000** – the City of Sydney *Cost Summary Report* must be completed by a suitably qualified person such as the Project Architect or Project Manager and submitted to the City of Sydney together with the copies of the plans the subject of the application for the Construction Certificate. An electronic copy of the *Cost Summary Report* is available from the City's website at [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au); or

- (ii) **For development more than \$3,000,000** – The City of Sydney *Registered Quantity Surveyor's Detailed Cost Report* must be completed by a Quantity Surveyor registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate an equivalent qualification and submitted to the City of Sydney together with the copies of the plans the subject of the application for the Construction Certificate. An electronic copy of the *Registered Quantity Surveyor's Detailed Cost Report* is available from the City's website at [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au).
- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the Registered Certifier accordingly.
- (d) The development cost is to be determined in accordance with Section 2.3 of the Central Sydney Development Contributions Plan 2020, located in the version in force at the date of the grant of this consent.

Please contact Council's Planning Administration staff at [Planningsystemsadmin@cityofsydney.nsw.gov.au](mailto:Planningsystemsadmin@cityofsydney.nsw.gov.au) to request a written Statement of Contributions Owing, prior to payment.

**Reason**

To ensure development contributions are paid to support the provision of public facilities, amenities, and services in Central Sydney.

**(21) 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.

<b>Housing and productivity contribution</b>	<b>Amount</b>
Housing and productivity contribution (base component)	\$111,624.96
<b>Total housing and productivity contribution</b>	\$111,624.96

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 2025.

**Reason**

To require contributions towards the provision of regional infrastructure.

**(22) MATERIALS AND SAMPLES BOARD**

A physical material sample board which specifies all proposed materials, finishes and colours, (including privacy screens, visible rainwater goods and services) keyed to each building elevation must be submitted to and approved by the Area Planning Manager prior to a Construction Certificate being issued.

The materials and samples board is to include but not limited to the glazing for the ground level retail and the apartments (including their specifications for VLT, shading coefficient and Uvalue), the perforated metal and the density of the perforations and thickness, and new bricks, concrete etc. The materials and samples board must not include generic material or colour descriptions or use terminology such as 'or similar'.

**Reason**

To require the submission of a materials and samples board following assessment of the development.

**(23) WASTE HOLDING AREA**

The design of the building must be modified as follows:

- (a) The waste holding area on the Ground Floor at the rear of the building is to be reconfigured to allow for sufficient circulation space for each waste stream to be wheeled out and serviced independently without requiring other bins to be moved or rearranged.
- (b) To facilitate the requirements of (a), the rear external opening to the waste room/holding area is to be widened by removing or relocating the retail meter. The external wall line of the room may be setback to prevent any increase to the overall gross floor area of the building.

The modifications are to be submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of a Construction Certificate.

**Reason**

To require amendments to the approved plans and supporting documentation following assessment of the development.

## **(24) DESIGN DETAILS**

Detailed sections, plans and elevations at 1:10 are to be provided for:

- (a) the glazed green brick balustrades showing a stone or masonry capping to the top of the balustrade; and
- (b) the terrazzo window sills.

The modifications are to be submitted to and approved by Council's Area Planning Manager or prior to the issue of a Construction Certificate.

### **Reason**

To require amendments to the approved plans and supporting documentation following assessment of the development.

## **(25) SIGNAGE STRATEGY**

A signage strategy for the building is to be submitted to and approved by Council's Area Planning Manager prior to issue of a Construction Certificate.

The signage strategy must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building. All signage must comply with the relevant requirements of Section 3.16 of the Sydney Development Control Plan 2012.

### **Reason**

To require a signage strategy.

## **(26) SIGNAL SYSTEM**

A system of traffic lights and/or mirrors must be installed at the ends of any single lane or car lift entry, to indicate traffic movement on the car lift. This system must be detailed in the application for a construction certificate. Any system using traffic light signals must maintain a green signal to entering vehicles at the point of entry and must maintain a red signal when an exiting vehicle is detected upon the car lift or driveway.

The traffic light must be installed within the building and be clearly visible from the public road. Details must be submitted to, and approved by, the registered certifier before a Construction Certificate is issued.

### **Reason**

To maintain the orderly operation of vehicle parking areas.

## **(27) SMALL CAR PARKING SPACES**

- (a) The design and layout of all off-street small car parking spaces must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

- (b) All small car spaces must be clearly marked and identifiable as small car spaces. The signs or line markings must be in place and approved by the Principal Certifying Authority prior to an Occupation Certificate being issued and must be maintained in good order at all times.

**Reason**

To ensure all parking areas are designed in accordance with the requirements of the Australian Standards and Council requirements.

**(28) MECHANICAL PARKING FACILITIES**

The following details of the car lift must be submitted to and approved by the Registered Certifying Authority prior to the issue of a Construction Certificate:

- a) A comprehensive review of the proposed installation of the car lift by the manufacturer, ensuring its suitability for implementation according to the manufacturer's specifications. This includes, but is not limited to, compliance with the Preliminary Design Principles outlined in Part 2.3.1 and Part 3.5 of AS/NZS 2890.1 2004.
- b) Implementation of mechanisms to address potential safety concerns, including but not limited to:
- Noise and vibration levels as received by occupiers of the building including references to relevant Standards;
  - Lift door operation by remote key/ FoB and associated safety risks (if any).
- c) The lift must remain at street level by default to allow immediate entry, ensuring incoming vehicles do not wait on the public road.
- d) Management of the use and operation of the car stacker and car lift, covering:
- During periods of vehicle queuing and /or when the lift is occupied.
  - During any system failure.
  - Consistency with the manufacturer's specifications.
  - Manufacturer's documentation, including information on service rates.
  - Any induction training required prior to use.
- e) Any further information requested by the Registered Certifying Authority.

**Reason**

To ensure that the car lift and stacker are designed in accordance with the Australian Standards.

**(29) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION CERTIFICATE**

Prior to the issue of a relevant construction certificate, the Certifier must ensure the following:

- (a) A suitably qualified acoustic consultant must be appointed in accordance with the definition noted in the City of Sydney – Environmental Noise Technical Requirements, dated October 2025.
- (b) The consultant is required to review the relevant building plans, specifications, and associated documentation, and must:
  - (i) Verify that the construction plans, drawings, and construction methodology for the development are consistent with the approved acoustic report and comply with all relevant conditions and documentation of this consent.
  - (ii) Resolve any non-compliances through amended construction plans, drawings, and construction methodology as necessary.
  - (iii) Ensure that all requirements under this clause are completed to the written satisfaction of the Certifier.
- (c) Following completion of the above tasks, the consultant must provide written notification to the Certifier outlining any identified non-compliances.

**Reason**

To ensure detailed construction and fit plans comply with the relevant standards in the approved acoustic report.

**(30) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

A site-specific noise management plan must be submitted to the Council for comment and approval prior to issue of any Construction Certificate. The Plan must be prepared by a suitably qualified acoustic consultant who is a person who possesses the qualifications to join the Australian Acoustic Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustic Consultants (grade of member firm). The plan must include but not be limited to the following:-

- (a) identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours /Noise Code of Practice 1992* for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.

- (c) A representative background noise measurement ( $L_{A90, 15 \text{ minute}}$ ) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

**Reason**

To ensure an adequate construction noise and vibration management plan is prepared.

**(31) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

- (a) A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued.
- (b) The approved plan must be complied with during any demolition and/or construction work.

**Reason**

To ensure that the impacts of construction traffic is appropriately managed.

**(32) PARKING DESIGN**

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Registered Certifier prior to a Construction Certificate being issued.

### Reason

To ensure parking facilities are designed in accordance with the Australian Standards.

### (33) ALLOCATION OF PARKING

The number of car parking spaces to be provided for the development must comply with the table below. Details confirming the parking numbers must be submitted to the satisfaction of the Registered Certifier prior to the issue of a Construction Certificate.

Car Parking Type	Number
Residential spaces (small car)	9
Accessible residential spaces	1
Service vehicle spaces (B99)	1
Total	11

### Reason

To ensure the allocation of parking is in accordance with the Council's DCP.

### (34) BICYCLE PARKING AND END OF TRIP FACILITIES

- (a) The minimum number of bicycle parking spaces and end of trip facilities to be provided within the site boundary for the development must comply with the table below.

Bicycle Parking Type	Number	Requirements
Residential/ visitor	12	Spaces must be a class 2 bicycle facilities
Non-residential visitor	3	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	1	
Personal lockers	2	

All bicycle parking spaces and end of trip facility must be provided on private land. The public domain cannot be used to satisfy this condition.

Notes:

- (i) If a basement storage area on title that is large enough to store a bike and is no smaller than a class 1 bike locker this can be counted as a space.
- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Registered Certifier confirming prior to and form part of the Construction Certificate being issued.

**Reason**

To ensure the allocation of bicycle parking onsite that is in accordance with Australian Standards and the Council's DCP.

**(35) DEWATERING - APPROVAL NSW OFFICE OF WATER**

If any dewatering of the site is to be undertaken, a bore licence may be required from the NSW Office of Water under the provisions of Part V of the Water Act 1912. The NSW Office of Water licences dewatering to allow excavation for construction for a temporary period, usually 12 months.

*NOTE: The Department's instructions to Council are that they will not endorse the extraction of groundwater in perpetuity i.e. permanent dewatering around a development site, because it considers such development to be unsuitable. For this reason any proposed basement or other area that requires dewatering on an on-going basis may need to be fully tanked.*

**Reason**

To ensure dewatering is undertaken appropriately.

**(36) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

All works must be undertaken onsite in accordance with the approved Construction Environmental Management Plan (CEMP) prepared by EI Australia Pty Ltd dated Report Number E26821.E13\_Reve0 (Council reference: 2025/722455).

**Reason**

To ensure that construction is appropriately managed to prevent pollution impacts.

### **(37) LANDSCAPE OF THE SITE**

- (a) The landscape plans by Vision Dynamics Revision C dated 24 March 2026, referenced in Condition (1) of this consent must be updated and submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of a Construction Certificate. These amendments must include:
  - (i) Delete one of the Tuckeroo trees planted in the deep soil area to ensure that proposed trees have sufficient space to develop a full mature canopy. The remaining Tuckeroo tree is to centrally located within the deep soil area.
  - (ii) Increase the soil depth of the inaccessible green roof to 300 millimetres.
  - (iii) Revise the inaccessible green roof plant species to include a high diversity of native grasses and groundcovers suitable for green roofs. Shade tolerant species should be specified for areas underneath the solar panels.
  - (iv) Provide for a maintenance access path between the planting on the inaccessible green roof.
- (b) Prior to the issue of an Occupation Certificate an ongoing landscape maintenance plan must be submitted to and approved by the Principal Certifying Authority.
- (c) All landscaping in the approved plan is to be complete prior to any Occupation Certificate being issued.
- (d) The landscape maintenance plan is to be complied with during occupation of the property.

#### **Reason**

To ensure the development is supported by a good quality, buildable landscape scheme that meets the City's controls.

### **(38) PUBLIC DOMAIN DAMAGE BOND**

- (a) A Public Domain Damage Deposit calculated on the basis of 63 square metres of asphalt along Cooper Street and 21 square metres of concrete site frontage along O'Loughlin Street must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The bond must be provided as security for repairing any damage to the public domain in the vicinity of the site.
- (b) The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The Bond must be lodged with the City prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier.
- (c) The bond in this condition will be released in full when the Public Domain Works Security Bond is lodged with the City.

### **Reason**

To allow for the appropriate management and rectification of damage to the public domain.

### **(39) PUBLIC DOMAIN LEVELS AND GRADIENTS**

Prior to the issue of any Construction Certificate, a Public Domain Levels and Gradients submission for the building and site frontages must be submitted to and approved by the City's Public Domain Unit. The submission must be prepared in accordance with the City's *Public Domain Manual* and submitted with a completed Application for *Public Domain Levels and Gradients*. Information on how to complete the submission can be downloaded from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

Any requirements to comply with Disability Discrimination Act at the entrance to a building or publicly accessible space must be resolved inside the site boundary.

Note: Public Domain Levels and Gradient plans are to be included with the Public Domain Plan – Detailed Documentation for Construction condition submission.

### **Reason**

To ensure public domain levels and gradients comply with Council's requirements.

### **(40) PUBLIC DOMAIN LIGHTING UPGRADE**

Prior to issue of any Construction Certificate for excavation, civil construction, drainage or building work (whichever is earlier), a concept Public Domain Lighting Upgrade Plan for pedestrian and street lighting in the public domain must be submitted to and approved by City's Public Domain Unit. The Lighting Plan must be prepared in accordance with the *Sydney Streets Technical Specifications A5 and B8*, *Sydney Lights Design Code* and *Public Domain Manual*. This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/public-domain-works>

The lighting upgrade plan must cover all adjacent street frontages, being along Holt Street, O'Loughlin Street and Cooper Street and shall be designed to include the following requirements:

- Upgrade existing Ausgrid streetlights using Ausgrid network standard LED luminaires to achieve the lighting compliance and consider installing suitable glare shields to avoid glare issues for neighbouring properties (if required)
- Holt Street: Lighting shall comply with requirement of AS 1158.3.1 Category PR2 on the roadway and PP3 on the footways.
- O'Loughlin Street: Lighting shall comply with requirement of AS 1158.3.1 Category PR3.
- Obtrusive lighting assessment shall comply with requirement of AS 4282.

Advice on site specific lighting requirements must be obtained from City's Public Domain Unit before proceeding with the preparation of any final lighting design proposals.

**Reason**

To ensure pedestrian and street lighting in the public domain complies with Council's requirements.

**(41) DILAPIDATION REPORT - PUBLIC DOMAIN**

Prior to an approval for demolition and preparatory works being granted or the issue of any Construction Certificate, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared as described in the Public Domain Manual and submitted for approval by Council's Public Domain Unit. The City's *Public Domain Manual* is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/>

The submission is to include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

**Reason**

To establish and document the condition of the public domain for comparison as building work progresses and is completed.

**(42) SURVEY INFRASTRUCTURE – IDENTIFICATION AND RECOVERY**

Under Section 24 of the Surveying and Spatial Information Act 2002, it is an offence to remove, damage, destroy, displace, obliterate or deface any survey mark unless authorised to do so by the Surveyor-General. Accordingly, the applicant must, where possible, ensure the preservation of existing survey infrastructure undisturbed and in its original state or else provide evidence of the Surveyor-General's authorisation to remove or replace marks.

Prior to the issue of any Construction Certificate, documentary evidence must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include either:

- (a) A copy of any Surveyor-General's Approval for Survey Mark Removal granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the survey mark audit schedule, strategy plan and strategy report); or
- (b) A letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all investigations required under Surveyor-General's Direction No.11 have been made for the subject site and that no survey infrastructure will be affected by the proposal.

Council's Principal Surveyor may request further information and/or add conditions to any Surveyor-General's Approval at their discretion.

Note: Refer to Clause 4.7 in the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

**Reason**

To ensure the preservation of existing survey infrastructure.

**(43) PUBLIC DOMAIN CONCEPT PLAN**

A public domain concept plan, showing all the site frontages and extending a minimum of 5m past the boundary and to the road centreline, must be prepared in accordance with the City's *Public Domain Manual* and *Sydney Streets Code*. It must be submitted to and approved by the City's Public Domain Unit prior to the issue of any Construction Certificate for the development other than for demolition or excavation.

Note: A detailed Public Domain Plan will be required prior to construction (refer to Public Domain Plan Detailed Documentation for Construction condition).

**Reason**

To ensure public domain works comply with Council's requirements.

**(44) PROTECTION OF STONE KERBS**

- (a) The existing stone kerbs along the Holt Street frontage of the site and No.24 Cooper Street are to be retained and properly protected during demolition, excavation and construction works.
- (b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled.
- (c) Note the following:
  - (i) all costs associated with the works are to be borne by the developer.
  - (ii) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
  - (iii) Where new vehicle crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
  - (iv) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers.
  - (v) Council approval is required before kerbs are removed.

- (vi) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.
- (vii) Stone kerbs and gutters may be bonded in accordance with the City of Sydney's adopted Schedule of Fees and Charges. If so, this will be included with the Public Domain Damage Bond.
- (viii) Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

**Reason**

To ensure the protection of stone kerbs.

**(45) STORMWATER DRAINAGE DESIGN FOR OTHER AUTHORITIES**

A detailed stormwater management plan prepared by suitably qualified and experienced Civil Engineer and complying with Council's Sydney Streets Technical Specifications, Part A4 Stormwater Drainage Design must be submitted to and approved by Sydney Water prior to issue of any Construction Certificate other than demolition. Evidence of this approval must be submitted to Council.

**Reason**

To ensure stormwater drainage design complies with owner's requirements.

**(46) MECHANICAL VENTILATION**

- (a) The premises must be ventilated in accordance with the *Building Code of Australia* and *AS1668.1 and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with *AS1668.1 and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*, the *Building Code of Australia* and relevant Australian Standards must be prepared and certified in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, to the satisfaction of the Registered Certifier prior to the issue of a Construction Certificate.
- (c) Prior to issue of any Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, must be submitted to the Principal Certifier.

**Reason**

To ensure the ventilation complies with relevant standards.

#### **(47) EXTERNAL WALLS AND CLADDING FLAMMABILITY**

The external walls of the building including attachments must comply with the relevant requirements of the *Building Code of Australia*. Prior to the issue of any Construction Certificate and Occupation Certificate the Registered Certifier and the Principal Certifier must:

- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the BCA; and
- (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the BCA as proposed and as built.

#### **Reason**

To ensure the external walls and cladding comply with relevant requirements.

#### **(48) LETTERBOXES**

- (a) Details of the location and design of all letterboxes are to be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of a Construction Certificate.
- (b) Letterboxes are to be discreetly located, must not obstruct and/or dominate the public way and must be of a type and specification that minimises opportunities for mail theft.
- (c) Where possible, consideration should be given to locating letterboxes within secure building lobbies.

Note: The applicant is strongly advised to contact Australia Post to discuss how the letterboxes within the lobby will be accessed.

#### **Reason**

To ensure letterboxes are located in an appropriate location on the site to prevent mail theft.

#### **(49) DESIGN FOR ENVIRONMENTAL PERFORMANCE**

- (a) Prior to the issue of any Construction Certificate, the Registered Certifier must be satisfied that those matters listed in the following sections of the approved Design for Environmental Performance report prepared by Mahnoor Khan dated Monday, April 13, 2026 (Council Ref: 2026/207249) are incorporated into the relevant construction plans and accompanying documentation:

(i) Section 3 – BASIX

A copy of the required completed BASIX certificate(s) accepted as part of this consent/as amended above must be lodged with an application for a construction certificate and the items nominated as part of the subject BASIX certificate(s) must be specified on the plans submitted with the Construction Certificate application.

Note: Any requirement detailed in the accompanying BASIX Certificate must be included as a specific notation or inclusion on any future Construction Certificate plans and specification in accordance with Division 1 of Part 6 of the EP&A Regulation, 2021.

(ii) Section 4 – Energy Efficiency and Greenhouse Gas Emissions Abatement

(iii) Section 5 – Passive Design for Thermal Performance – Building Envelope Design

(iv) Section 6 – On site Renewable Energy Generation and Storage

(v) Section 7 – Design for Resilience to Climate Change

(vi) Section 8 – Designing for mains potable water savings and water efficiency

(vii) Section 9 – Storm water quality

(viii) Section 10 – City Greening

(ix) Section 11 – Promoting Active Transport and Reducing Transport Emissions

(x) Section 12 – Materials, Embodied Carbon and Circularity

(xi) Section 13 – Waste Management and Resource Recovery

(xii) Section 14 – Third Party Certification and Design, Construction or Technology Innovations

- (b) Changes to any commitments as listed in the approved Design for Environmental Performance report must be submitted to and approved by Council's Area Planning Manager/Coordinator prior to the issue of any relevant Construction Certificate.

### **Reason**

To ensure the environmental performance of the development.

### **(50) WASTE AND RECYCLING MANAGEMENT – COMMERCIAL**

The Operational Waste Management Plan accompanying this Development Application has not been approved by this consent.

An Operational Waste Management Plan is to be submitted to Council's City Cleansing & Resource Recovery unit and approved by Council's Area Planning Manager prior to the issue of a **Construction Certificate**. The plan must comply with Council's Development Control Plan and *Guidelines for Waste Management in New Developments*. The plan must address:

- (a) Food waste must not be stored in bins larger than 240L;
- (b) Inconsistencies to be resolved in residential food organics bin quantities, collection frequencies and retail GFA figures to align with the architectural plans;
- (c) Details must be provided to demonstrate safe and efficient transfer of residential bins via the car lift, including contingency measures for lift unavailability; and
- (d) The residential waste holding area must provide sufficient space for each waste stream to be independently serviced.

### **Reason**

To document agreed waste management facilities and arrangements and ensure good waste management outcomes.

### **(51) PROVISION OF TREE PROTECTION SPECIFICATIONS**

- (a) Tree Protection Specifications must be provided in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. This documentation, must be submitted and approved by the City of Sydney Urban Forest Team prior to the issue of a Construction Certificate, and must:
  - a. specify, using a logical and sequential process, the measures by which the trees will be protected and managed throughout the development works. This is specifically to address root protection requirements during demolition of the retaining wall and installation of the permit retention system that will impact trees 1 and 2;
  - b. document critical stages.
- (b) 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 Urban Forest Team.

### **Reason**

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

### **(52) TREE PRUNING SPECIFICATION**

- (a) A Pruning Specification Report prepared by a qualified Arborist (minimum AQF Level 5) must be submitted to and approved by the City of Sydney Urban Forest Team prior to the issue of a Construction Certificate. The report must include:
  - (i) Branch numbers, orientation, diameter, and percentage of canopy to be pruned (maximum 5% canopy and 100mm branch diameter);
  - (ii) Photographs clearly marking individual branches recommended for pruning/removal (single vertical line markings will not be accepted);
  - (iii) Pruning specifications in accordance with *AS 4373 Pruning of Amenity Trees*;
  - (iv) No tree removal may be recommended in the report.
- (b) All approved pruning must be undertaken by a qualified Arborist (minimum AQF Level 3) in accordance with SafeWork NSW Code of Practice – Amenity Tree Industry.
- (c) Any pruning works carried out under this consent must not result in the death of the tree, the creation of a hazard or in excessive or inappropriate amounts of pruning.
- (d) Consent from Council's Tree Management Officer is required prior to any additional pruning works beyond the approved report, including pruning of tree roots greater than 40mm in diameter.

### **Reason**

To ensure the development appropriately protects existing trees, ensuring any pruning undertaken does not impact the trees structural stability and long-term viability.

### **(53) TREE BOND**

- (a) A \$30,000.00 unconditional bond for Tree No.2 must be submitted and approved by the City of Sydney to ensure the retention and protection of the tree(s) prior to the issuing of any Construction Certificate(s).
- (b) The following formula will be used for the retention of all or part of the bond(s):
  - (i) An initial failure to comply with any tree protection condition – 20% of the bond for each tree.
  - (ii) A second of continuing failure to comply with any tree protection condition – 40% of the bond for each tree.

- (iii) If after 40% of the bond is retained, further failure to comply with the tree protection conditions occur, the City of Sydney may instigate legal proceedings for the cessation of all works on the site.
  - (iv) Death of tree(s) due to non-compliance with the tree protection conditions – Total 100% of the bond and possible legal action by the City of Sydney.
- (c) The unconditional bond will be retained by the City of Sydney for a minimum period of 12 months from the date of the issue of the Occupation Certificate. An Arboricultural Report prepared by a qualified Arborist (minimum AQF Level 5) must be submitted to the City of Sydney at the expiry of each bond period and prior to the bond being refunded. If the report indicates that the tree(s) require remedial works, the bond may be held until the satisfactory completion of the remedial work by the City of Sydney Urban Forest Team has been undertaken and the trees return to good health.

**(54) REDEFINITION PLAN - SOME COMPONENTS PRIOR TO CONSTRUCTION CERTIFICATE**

- (a) Prior to demolition or issue of any Construction Certificate, whichever is earliest, the initial boundary definition survey work necessary for the preparation of a Redefinition Plan, redefining the boundaries of the subject site shall be carried out by a surveyor registered under the Surveying and Spatial Information Act, 2002. The registered surveyor shall provide a letter or email to the Principal Certifier certifying that the initial survey work and calculations to define the subject boundaries has been completed, prior to the issue of the Construction Certificate.
- (b) Where the registered surveyor has provided an opinion in writing or by email that it is necessary to register the Redefinition Plan first, due to variations in the title dimensions, the potential for disagreement with the boundary fixation, and the risk that NSW Land Registry Services will require the boundary definition to be altered, a copy of the new title(s) issued after registration of the Redefinition Plan must be provided to the Principal certifier prior to the issue of the Construction Certificate.
- (c) A plan or CAD file showing the redefined boundaries shall be provided to the project architect, who shall certify in writing that the proposed additions as designed will fit within the redefined boundaries, without causing any encroachment of the proposed additions or any overhangs attached to the proposed additions. This written confirmation shall be provided to the PCA and Council prior to the issue of a Construction Certificate.

**Reason**

To ensure the orderly operation of the development.

## BEFORE BUILDING WORK COMMENCES

### (55) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of adjoining properties (and any other properties identified by the qualified structural engineer engaged to undertake the report) are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Registered Certifier and the Council prior to the issue of a Construction Certificate.

#### UPON COMPLETION OF EXCAVATION/DEMOLITION

- (b) A second Dilapidation Report/s, including a photographic survey must then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report/s, together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Principal Certifier and the Council prior to the issue of any Occupation Certificate.

Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.

Note: Prior to the commencement of the building surveys, the applicant/owner must advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information must be submitted to Council.

#### Reason

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

### (56) TEMPORARY DEWATERING DURING CONSTRUCTION

Prior to discharging any water collected during excavation and construction into the City's stormwater drainage system, approval must be sought from the City's Public Domain Unit. A dewatering management plan must be submitted with an *Application for Temporary Dewatering* available to download on the City's website.

Other options for dewatering include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

#### Reason

To ensure dewatering is managed appropriately.

**(57) RODENT TREATMENT PROGRAMME – PRE DEMOLITION AND/OR EXCAVATION**

- (a) Prior to the commencement of any demolition and/or excavation works, a programme of baiting and monitoring of rodent activity is to be put in place at the site.
- (b) A licensed Pest Control Operative must carry out all pest control work and prepare a report, confirming that there is no evidence of any rodent activity at the site prior to the commencement of any works on site. The report must be submitted to and be approved/endorsed by Council's Area Coordinator Planning Assessments/Area Planning Manager.

**Reason**

To ensure that the potential impact of rodents during the demolition, excavation and construction phase is appropriately managed.

**(58) HAZARDOUS MATERIALS SURVEY REQUIRED**

A Hazardous Materials Survey Report must be prepared by a certified Occupational Hygienist (*Australia Institute of Occupational Hygienists*) and submitted to the satisfaction of Council's Area Coordinator Planning Assessments / Area Planning Manager prior to any demolition work commencing at the site. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to their safe management and/or removal to ensure the site is made safe for demolition, construction and future use/occupation.

**Reason**

To ensure that hazardous materials on the site are identified and appropriately managed.

**(59) RUN-OFF, EROSION AND SEDIMENT CONTROL**

- (a) Before the commencement of any works, all sediment and erosion controls must be implemented and maintained in accordance with the document titled *Managing Urban Stormwater Soils & Construction Volume 1* (Landcom, 2004).
- (b) Sediment control structures must be maintained throughout remediation works to prevent runoff of any potentially contaminated water or soil to the surrounding environment.

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

**Reason**

To ensure that construction is appropriately managed to prevent pollution impacts.

**(60) PUBLIC DOMAIN WORK – CONSTRUCTION APPROVAL UNDER SECTION 138 ROADS ACT 1993**

Prior to the construction of any public domain works, including stormwater drainage works, approval under Section 138 / 139 of the Roads Act 1993 must be issued by the City's Public Domain Unit.

**Reason**

To ensure relevant approvals for public domain work are obtained.

**(61) ROAD OPENING APPLICATION**

A separate road opening application under Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council prior to the commencement of any:

- (a) excavation in or disturbance of a public way, or
- (b) excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).

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

**Reason**

To ensure that approval under the Roads Act is obtained.

**(62) TREE PROTECTION ZONES (FOR STREET TREES)**

- (a) Tree Protection Zone(s) (TPZs) must be established in accordance with Australian Standard 4970 'Protection of trees on development sites' before the commencement of and until completion of the development works.
- (b) The TPZ's are to be established in the location and manner outlined in the approved Arboricultural Impact Assessment (AIA), prepared by Redgum dated 17 April 2026.

Table [2]- Tree Protection Zones

<b>Tree No.</b>	<b>Species</b>	<b>Tree Location</b>	<b>TPZ radius(m) from truck</b>	<b>SRZ radius (m) from trunk</b>
1	<i>Lophostemon confertus</i> (Brush Box)	Front of 10-14 Cooper Street (Street Tree)	3.6	2.0
2	<i>Platanus acerifolia</i> (London Plane)	Front of 16-22 Cooper Street (Street Tree)	7.8	2.8

Tree No.	Species	Tree Location	TPZ radius(m) from truck	SRZ radius (m) from trunk
3	<i>Pistacia chinensis</i> (Chinese Pistacia)	Side of 24 Cooper Street (Street tree located in Holt Street)	2.0	1.5
4	<i>Tristaniopsis laurina</i> (Water Gum)	Side of 24 Cooper Street (Street tree located in Holt Street)	2.0	1.5
5	<i>Castanospermum australe</i> (Black Bean Tree)	1-21 Holt Street (Street Tree located in O'Loughlin Street)	3.6	2.0
6	<i>Platanus acerifolia</i> (London Plane)	1-21 Holt Street (Street Tree located in O'Loughlin Street)	5.9	2.5

- (c) Tree trunk and major branch protection must be installed prior to the issuing 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 two 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.
- (d) 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.
- (e) Temporary signs or any other items must not be fixed or attached to any street tree.

- (f) 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.
- (g) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the City of Sydney Tree Team.
- (h) 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.
- (i) 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 Urban Forest 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.
- (j) 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.

**(63) STRATA TERMINATION – PRIOR TO DEMOLITION**

- (a) Prior to any demolition works, an application must be made pursuant to Section 142 of the Strata Schemes Development Act 2015 to terminate the existing strata scheme SP 65207.
- (b) An application should be made through the Department of Planning's Planning Portal to terminate the strata plan, which will require advertising the proposed termination for two weeks and payment of all debts. A NSW-LRS form 15ST must be executed by council and the Owners Corporation prior to lodgement through the Planning Portal.
- (c) Evidence must be provided to the Principal Certifier in the form of a current title, less than 6 months old, for the underlying lot, prior to issuing any approval for demolition.

**Reason**

The building defines the existing strata title boundaries. These boundaries should be extinguished prior to demolition.

**(64) SURVEY SETOUT**

Prior to the commencement of construction, all footings, walls and floor slabs adjacent to a boundary must be set out by a registered surveyor.

The building shall be sufficiently set back to ensure that no component of the building (such as the roof, guttering, or downpipes) encroach upon or overhang the boundaries of the site.

The registered surveyor shall provide a survey and report to the Principal Certifier indicating the position of the footings, walls and floor slabs in relation to the boundaries of the allotment.

**Reason**

To ensure the development does not encroach onto neighbouring properties.

## **DURING BUILDING WORK**

### **(65) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**

A site notice is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:

- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
- (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
- (d) The approved hours of work, the Principal Certifier including contact address and certification details, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint, and the estimated date of completion of the project are to be displayed on the site notice;
- (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is also to state that unauthorised entry to the site is not permitted.
- (f) All notices and signs must be displayed in locations as specified in the City's Code of Practice: Construction related Temporary Structures On and Above Roads.

#### **Reason**

Prescribed condition EP&A Regulation 2021, Section 70.

### **(66) 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 (eg. 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*.

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

**Reason**

To protect the amenity of the surrounding area.

**(67) COMPLIANCE WITH DEMOLITION, EXCAVATION & CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

- (a) All works conducted on site which form part of this development must be carried out in accordance with the Demolition, Excavation and Construction Management Plan approved by Council.
- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. (Use where respite periods not specified under the approved DEC NMP)

Such periods must be set and agreed to by Council's Health and Building Unit.

**Reason**

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

## **(68) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION**

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*.
- (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the issue of any Occupational Certificate.
- (d) If the discovery is on Council's land, Council must be informed.

### **Reason**

To ensure that the archaeology of the site is appropriately managed and protected.

## **(69) ASBESTOS REMOVAL WORKS**

- (a) 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.

- (b) Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All work must be carried out in accordance with the *Work Health and Safety Regulation 2025* and the NSW Government and SafeWork NSW document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW) December 2011* and the *City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines*.

- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance.
- (f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the written approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

- (i) contact person for the site;
- (ii) telephone and facsimile numbers and email address; and
- (iii) site activities and time frames.

**Reason**

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

**(70) NOTIFICATION – NEW CONTAMINATION EVIDENCE**

- (a) Council and the Certifier (AND/OR ACCREDITED SITE AUDITOR IF REQUIRED) must be notified immediately of any new information which arising during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination.
- (b) Once identified, remediation, demolition or construction work must immediately cease.

- (c) A certified environmental consultant must be appointed to undertake an assessment of the potential contaminants and works required to make the site safe from potential human health and environmental harm.
- (d) If the duty to report contamination to the NSW EPA under Section 60 of the Contaminated Land Management Act 1997 is triggered, the NSW EPA and Council must be notified immediately.

**Reason**

To ensure that any new contamination evidence or unexpected finds is reported and the site is appropriately remediated.

**(71) IMPORTED FILL MATERIALS**

- (a) All fill material imported to the site must be certified and validated by a certified environmental consultant. It should be accompanied by documentation from the consultant that confirms its classification and suitability for the intended use. The fill must also be compatible with the existing soil characteristics to support site drainage.
- (b) Imported fill must be limited to the following:
  - (i) Virgin excavated natural material (VENM), classified in accordance with the Protection of the Environment Operations Act 1997.
  - (ii) Excavated natural material (ENM), certified in accordance with the Protection of the Environment Operations (Waste) Regulation 2014.
  - (iii) Waste-derived materials subject to a Resource Recovery Exemption under Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 and recognised by the NSW EPA as “fit for purpose” for the proposed development.
- (c) Any waste-derived material received under a resource recovery exemption must be accompanied by documentation from the NSW EPA confirming compliance with the exemption conditions. This documentation must be provided to the Certifier and Council:
  - (i) Upon request.
  - (ii) Before the commencement of works under the Protection of the Environment Operations Act.
  - (iii) Before the issue of a construction certificate or occupation certificate or
  - (iv) As part of the validation report for the remediation, as applicable.
- (d) All imported fill must be accompanied by certification from the supplier confirming the material is not contaminated, based on analysis of the source site’s history and/or sampling and analysis must be conducted in accordance with the NSW EPA (2022) Sampling Design Guidelines.

- (e) Any existing soils proposed for reuse onsite must be analysed and classified by a suitably qualified and experienced environmental consultant. This assessment must follow the relevant NSW EPA guidelines and the National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended in 2013), to confirm suitability for the proposed land use. The results must be included in the validation report for the remediation

**Reason**

To ensure that imported fill is not contaminated.

**(72) CLASSIFICATION OF WASTE**

- (a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility or otherwise lawfully managed.
- (b) The classification, and the volume of material removed, and the receival facility's details must be reported to the Certifier or Council (where a Certifier is not required).

**Reason**

To ensure that waste from site is classified and disposed of appropriately.

**(73) STOCKPILES**

- (a) Soil or other materials must not be stockpiled on footpaths or nature strips without prior written approval from Council.
- (b) All stockpiles must be managed to prevent contamination of the underlying soil.
- (c) Potentially contaminated soil must be stockpiled on a hardstand surface or over polyethylene sheeting.
- (d) Stockpiles must:
  - (i) Be banded to prevent runoff of potentially contaminated materials.
  - (ii) Be stabilised through compaction and contouring to minimise wind exposure and allow access for water trucks.
  - (iii) Not exceed the height of perimeter fencing to assist in controlling dust and odour emissions.
  - (iv) Be clearly labelled with a unique identification number and include records of the soil's volume and origin to enable tracking from excavation to final disposal or reuse.

**Reason**

To ensure that stockpiles of soil or other materials are appropriately managed.

**(74) DISCHARGE OF CONTAMINATED GROUNDWATER**

- (a) Contaminated groundwater must not be discharged into the City's stormwater drainage system.
- (b) Options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by an EPA NSW licensed liquid waste contractor and disposed of by transporter to an appropriate licensed waste treatment/processing facility.

**Reason**

To ensure that the discharge of ground water is appropriately managed.

**(75) PUBLIC DOMAIN WORKS SECURITY BOND**

A Public Domain Works Security Bond will be required for the public domain works and for repairing damage that may be caused to the public domain in the vicinity of the site, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual.

The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The bond must be lodged with the City prior to an approval being issued for the approval of the Public Domain Plan.

The bond will be retained in full until all public domain works, including rectification of damage to the public domain, are completed to City's standards and approval and the required works-as-executed documentation are approved. On satisfying the above requirements, and the issue of the Public Domain Works Letter of Completion Operational Acceptance by the City, 90% of the bond will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

**Reason**

To ensure public domain works are completed and any damage to the public domain is rectified.

**(76) DRAINAGE AND SERVICE PIT LIDS**

All existing or proposed drainage and service pit lids throughout the public domain must be to City of Sydney specifications and heel/bicycle safe, slip resistant, infill with material to match surrounding surface, finished flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Infill pit lids are to be detailed where specified by Council's Public Domain Officer. Private pits are not permitted within the public domain. All details of pit lids must be shown on the public domain plan and must be approved by the City's Public Domain Unit prior to the issue of an approval for public domain works.

**Reason**

To ensure drainage and service pit lids within the public domain are appropriately designed and installed.

**(77) PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION**

A detailed public domain plan and all relevant documentation must be submitted to and approved by City's Public Domain Unit prior to the construction of any public domain works. This Plan must document all works required to ensure that the public domain upgrade work complies with the City's specifications and requirements, as outlined in documents such as City of Sydney's *Public Domain Manual*, *Sydney Streets Code*, *Sydney Street Tree Masterplan*, *Sydney Lights: Public Domain Design Code* and *Sydney Streets Technical Specification*. The documentation must be *checked, accurate, and comply with specified requirements*. Plans must be based on an accurate survey prepared, signed and dated by a registered surveyor, to scale and fully coordinated across all disciplines and submissions. The supplied documentation must be for Construction issue and will be approved under Section 138 of the Roads Act.

The Public Domain Manual and all other relevant documents are available for download from Council's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/detailed-works>.

The Public Domain Plan documentation must be submitted with an Application for Public Domain Plan Assessment and include the approved Public Domain Levels and Gradients documentation. If the proposed detailed design of the public domain requires changes to any previously approved levels, details must be submitted for approval with the public domain plan and additional fees may apply.

**Reason**

To ensure the public domain complies with Council's requirements.

**(78) HOLD POINTS**

A set of hold point inspections will be included in the Public Domain works approval letter for the construction of public domain and / or planning agreement works, including civil, drainage and subsurface works.

These hold point inspections must be adhered to during construction works. Prior to the issue of any Occupation Certificate, confirmation from the City's Public Domain Unit, that hold point inspections have been completed and works have been accepted by the City must be provided to the Accredited Certifier.

**Reason**

To ensure hold points are adhered to during construction works.

**(79) PUBLIC DOMAIN LIGHTING RETICULATION**

Prior to the issue of any relevant approval for the construction of public domain works, a detailed Public Domain Lighting Reticulation Plan for pedestrian and street lighting in the public domain must be submitted to and approved by the City's Public Domain Unit in accordance with the City's *Sydney Lights Design Code*, *Sydney Streets Code*, *Sydney Streets Technical Specification* and *Public Domain Manual*.

The Public Domain Manual and all other relevant documents are available for download from Council's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

If applicable, this public domain lighting documentation must include pole footing locations and structural details, location and details of underground electrical reticulation including connections and conduits, pit cabling and certifications as described in the City's *Public Domain Manual*. The public domain lighting is to be superimposed on the public domain plan to show any conflicts between lighting and the proposed landscape design.

**Reason**

To ensure the public domain lighting documentation complies with Council requirements.

**(80) STORMWATER DRAINAGE CONNECTION**

For approval of a connection into the City of Sydney's drainage system an "*Application for Approval of Stormwater Drainage Connections*" must be submitted to the City, together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges. This must be approved prior to approval being issued for the construction of public domain work.

**Reason**

To ensure approval of connection into the Council's drainage system is sought.

**(81) 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.

**(82) 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.

**(83) USE OF MOBILE CRANES**

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) 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, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) 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 approved hours of construction 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.

**Reason**

To ensure mobile cranes are used appropriately.

**(84) EROSION AND SEDIMENT CONTROL**

The Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) which has been approved by the Principal Certifier must be implemented in full during the construction period.

During the construction period:-

- (a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- (b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and

- (c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

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

**Reason**

To ensure no substance other than rainwater enters the stormwater system and waterways.

**(85) COMPLIANCE WITH ARBORIST'S REPORT**

All recommendations, Tree Protection Plans and Methodology Statements contained in the approved Arboricultural Report prepared by Redgum, dated 17th April 2026 (Council ref: 2026/220321) and the approved Tree Protection Specifications, must be implemented during the demolition, construction and use of the development.

**Reason**

To ensure that works affecting trees are carried out in an appropriate manner and in accordance with the approved arborist's report.

**(86) TREE SENSITIVE EXCAVATION**

- (a) Excavation within the Tree Protection Zone(s) (TPZs) as detailed in Arboricultural Impact Assessment (AIA), Tree Protection Specifications and/or Tree Protection Plan prepared by Redgum dated 17th April must be undertaken using tree sensitive methods (i.e hand/air space/hydrovac) and supervised by a qualified Arborist (minimum AQF Level 5). To prevent root damage, low pressures (i.e. 900 maximum) must be used for hydrovac excavation with the bark remaining intact.
- (b) Excavation must not occur within the SRZ (except for the approved building footprint). If additional excavation is proposed within this zone, Council's Tree Management Officer must be contacted immediately, and the excavation must be carried out in accordance with Council's direction.
- (c) Roots greater than 40mm must not be severed or damaged within the TPZ without written approval from the City of Sydney Tree Team. As required, tree sensitive construction/installation methods (i.e. directional boring, redirection of services, pier and beam footings) must be used to ensure the retention and protection of roots greater than 40mm diameter.

Footings shall be relocated / realigned if any tree root greater than 40mm in diameter is encounter during excavations. A minimum of 150mm clearance shall be provided between the tree root and footing.

- (d) Trenching must be backfilled as soon as possible, and exposed roots must be covered with mulch or a geotextile fabric and kept in a moist condition and prevented from drying out.

- (e) Any approved root pruning must be carried out by a qualified Arborist (minimum AQF Level 5) in accordance with Australian Standard 4373 'Pruning of Amenity Trees'.
- (g) Compliance with this condition must be addressed in the Tree Protection Compliance Certificate prepared by a qualified Arborist (minimum AQF Level 5).

**Reason**

To ensure that excavation works to trees are carried out in an appropriate manner.

**(87) SITE SUPERVISION AND REPORTING**

- (a) A qualified Arborist (minimum AQF Level 5) must oversee various stages of work within the Tree Protection Zone(s) (TPZs) of any tree listed for retention.
- (b) The Arborist must undertake every two months inspections through the development works.
- (c) The Arborist must certify compliance with each key milestone detailed below:
  - (i) Installation of tree protection measures (i.e. tree protection fencing, trunk and branch protection, ground protection, tree protection signage) prior to the commencement of the development works;
  - (ii) Demolition of ground surface materials (pavers, concrete, grass etc.) or inground structures within the TPZs of any tree to be retained;
  - (iii) Demolition of retaining wall within TPZ and SRZ of Tree 2 under arborist supervision including documentation of how roots were retained and protected throughout this process and for installation of perimeter retention system.
  - (iv) Excavation and trenching within the TPZs;
  - (v) Construction of perimeter retention system and building;
  - (vi) Landscape works within the TPZs;
  - (vii) Other times as specified in the Arboricultural Impact Assessment Report, Tree Protection Specifications (TPS) and Tree Protection Plan (TPP) or these conditions.
- (d) A Tree Protection Compliance Report, which includes photographic evidence and provides details on the health and structure of tree(s), must be submitted within one week following each scheduled inspection and key milestone listed above. The report is to be submitted to, and acknowledged, by the City of Sydney Urban Forest Team. The Tree Protection Compliance Report must include:

- (i) Confirmation that the tree protection measures have been installed in accordance with these conditions;
- (ii) Details of any additional tree protection recommendations and subsequent implementation to ensure the tree(s) remain in a healthy condition;
- (iii) Details of works undertaken on any tree to be retained or any works within the TPZs.

**Reason**

To ensure the protection and ongoing health of trees on the site.

**(88) TREE PRUNING APPROVED**

- (a) The trees detailed in the table below are approved for pruning.

Table [3] – Tree Pruning

Tree No.	Species
2	<i>Platanus acerifolia</i> (London Plane)

- (b) All pruning must be carried out by an arborist (minimum AQF Level 3) in accordance with Australian Standard AS4373 'Pruning of Amenity Trees' and the SafeWork's Code of Practice – Amenity Tree Industry.
- (c) Only pruning as detailed in the Pruning Specification that is required as outlined in the tree pruning specification condition is permitted.
- (d) Any pruning works carried out under this condition must not adversely impact tree health, structure or form.

**Reason**

To ensure that pruning works to trees are carried out in an appropriate manner.

**(89) TREE PRUNING – FURTHER APPROVAL REQUIRED**

- (a) Consent from the City of Sydney Urban Forest Team must be obtained prior to undertaking any further pruning of any tree to be retained, including trees roots greater than 40mm diameter.
- (b) 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 Urban Forest Team.
- (c) 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.

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

**Reason**

To ensure that pruning works to trees are carried out in an appropriate manner.

**(90) PROTECTION OF NATIVE WILDLIFE IN TREES**

- (a) In the event that wildlife is found during the course of tree removal works, work must stop until a trained wildlife handler attends the site or the animal relocates itself. In regards to tree pruning, works may only proceed if the animals will not come into direct harm.
- (b) In the event that the tree(s) have nesting birds or native animals, works must be delayed until after the nesting period has been completed, unless in the event of an emergency.

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

**Reason**

To ensure that wildlife is adequately protected during tree removal / pruning works.

**(91) CHECK SURVEYS DURING CONSTRUCTION**

Prior to the concrete pour of the main slab at each level, a survey shall be made by a surveyor registered under the Surveying and Spatial Information Act, 2002, confirming that the formwork adjacent to existing or proposed boundaries is clear of those existing or proposed boundaries and is in accordance with approved setbacks and levels. This survey shall be provided to the Principal Certifier prior to the concrete pour. The concrete pour must not take place until the Principal Certifier receives a survey proving that the formwork has been constructed within the existing and proposed boundaries of the site, and is compliant with the setbacks and levels approved under this consent.

**Reason**

To ensure the development does not encroach onto neighbouring properties.

## BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

### (92) PUBLIC ART

Public art must be installed to the City's satisfaction prior to the issue of any Occupation Certificate.

- (a) The public artwork must be in accordance with Preliminary Public Art Plan Rev 03 dated 09 April 2026, the *Sydney DCP 2012*, the *Public Art Policy*, and the *Interim Guidelines: Public art in private developments*.
- (b) A Detailed Public Art Plan with final details of the proposed public artwork must be submitted to and approved by Council's Area Planning Manager prior to issue of any Construction Certificate for above ground works.
- (c) Public artwork must be installed to the City's satisfaction, inspected and approved and the Final Public Art Report submitted and approved by Council's Area Planning Manager prior to the issue of any Occupation Certificate.

Note: Public Art must be reviewed and endorsed by the City's Public Art Team and/or the Public Art Advisory Panel prior to submission for Council approval. Further information is available online at <https://www.cityofsydney.nsw.gov.au/public-art> please contact the Public Art Team at [publicartreferrals@cityofsydney.nsw.gov.au](mailto:publicartreferrals@cityofsydney.nsw.gov.au) for further information.

#### Reason

To ensure public art is installed to the City's satisfaction.

### (93) VERIFICATION OF ACOUSTIC REPORT PRIOR TO OCCUPATION CERTIFICATE

Prior to the issue of any occupation certificate, the Certifier must ensure the following:

- (a) A suitably qualified acoustic consultant must be appointed in accordance with the definition noted in the City of Sydney - Environmental Noise Technical Requirements, dated October 2025.
- (b) The consultant must inspect and review the completed development and ensure that:
  - (i) The final building work is assessed for compliance with the relevant Construction Certificate(s), the approved acoustic report prepared by Rodney Stephens Acoustics reference R250431R1 Revision 2 dated 5 December 2025 (Council reference: 2025/745607), and all applicable noise-related conditions and documentation of this consent.
  - (ii) Any non-compliances identified under (i) above are documented in writing, with specific reference to the relevant acoustic criteria, and must include a scope of work necessary to rectify the issues and achieve compliance.

- (iii) All requirements under this clause are completed to the written satisfaction of the Certifier.
- (c) Following completion of item (b), the consultant must notify the Certifier in writing of any identified non-compliances.

**Reason**

To ensure the development complies with construction and fit out plans and the relevant standards in the approved acoustic report.

**(94) SITE VALIDATION REPORT**

Before the issue of any Occupation certificate, a Site validation report must be submitted to Council. The validation report is to be prepared by a suitably qualified environmental consultant with experience in land contamination and in accordance with the EPA NSW contaminated land legislation and guidelines including the Contaminated Land Management Act 1997. The report is to satisfactorily document the following:

- (a) The extent of validation sampling, and the results of the validation testing.
- (b) That the remediation and validation of the site has been undertaken.
- (c) That the site is suitable for the proposed use.

**Reason**

To ensure that the site is appropriately remediated.

**(95) COMPLIANCE WITH HAZARDOUS MATERIALS SURVEY REPORT**

All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the approved Hazardous Materials Survey Report must be complied with.

Prior to the issue of any Occupation Certificate, certification must be submitted to the Principal Certifier from a certified Occupational Hygienist (*Australia Institute of Occupational Hygienists*) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations given in the approved Hazardous Materials Survey Report and that the site is safe for future occupation in accordance with the approved use.

**Reason**

To ensure that hazardous materials on the site are appropriately managed.

**(96) PUBLIC DOMAIN WORKS COMPLETION**

The Public Domain works are to be constructed in accordance with the Public Domain Works Approval letter, stamped plans for Public Domain Levels and Gradients, Stormwater, Public Domain Lighting, the City's *Public Domain Manual*, *Stormwater Drainage Manual*, *Sydney Lights Design Code* and *Sydney Streets Technical Specification*.

The public domain work must be inspected and a Public Domain Work Letter of Completion Operational Acceptance must be issued by Council's Public Domain Officer prior to the issue of any Occupation Certificate or before the commencement of use, whichever is earlier.

**Reason**

To ensure the public domain works are completed in accordance with the approved documents and Council's requirements.

**(97) PUBLIC DOMAIN COMPLETION – WORK AS EXECUTED DOCUMENTATION**

Prior to a Public Domain Works Letter of Completion Operational Acceptance being issued for public domain works, works-as-executed (As-Built) plans and documentation, must be submitted to and accepted by the City of Sydney for all public domain works, including where required Stormwater, Public Domain Lighting and road construction. These works must be certified by a suitably qualified, independent professional. Details of the documentation required for approval will be advised by the City's Public Domain Unit.

**Reason**

To ensure Council receives works-as-executed documentation for public domain works.

**(98) STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT**

Prior to the issue of any Occupation Certificate:

- (a) The Owner is required to enter into a Deed of Agreement (Stormwater Deed) with the City of Sydney and obtain registration of Title of a Positive Covenant for all proposed connections to the City's underground drainage system. The deed and positive covenant will contain terms reasonably required by the City and will be drafted by the City's Legal Services Unit at the cost of the applicant, in accordance with the City's Fees and Charges.
- (b) A Positive Covenant must be registered on the property title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection. The positive covenant will contain terms reasonably required by the City and will be drafted by the City's solicitor at the cost of the applicant, in accordance with the City's Fees and Charges.

**Reason**

To protect underground drainage system.

**(99) SURVEY INFRASTRUCTURE – RESTORATION**

- (a) Prior to any Occupation Certificate being issued for the development, documentary evidence of restoration must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include:

- (i) Certification that all requirements requested under the Surveyor-General's Approval for Survey Mark Removal or by the City's Principal Surveyor under condition "Survey Infrastructure – Identification and Recovery" have been complied with;
- (ii) Certification that all requirements requested under any Surveyor-General's Approval for Deferment of Survey Marks from condition "Survey Infrastructure – Pre Subdivision Certificate works" have been complied with and;
- (iii) Time-stamped photographic records of all new survey infrastructure relating to the site clearly showing the mark itself and sufficient context to aid in identifying the mark on site.

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

**Reason**

To ensure all requirements for survey mark removal are complied with.

**(100) COMPLETION OF LANDSCAPE WORKS**

Prior to the issue of an Occupation certificate, all landscaping on the site must be completed in accordance with the approved landscape plans.

**Reason**

To ensure that all approved landscape works are completed before occupation.

**(101) LOADING DOCK MANAGEMENT PLAN**

A Loading Dock Management Plan is to be prepared for distribution to relevant tenants outlining how the loading dock will be managed and used by all relevant tenants. The Plan must include, but is not limited to, management of deliveries to ensure vehicles are not waiting on public streets to enter the site.

The plan is to be prepared and submitted to and approved by Council's Area Planning Manager prior to issue of an Occupation Certificate.

Once approved, this management plan is to be provided to all relevant tenants and external users of the loading area.

**Reason**

To ensure that the loading dock is appropriately managed.

**(102) PHYSICAL MODELS**

- (a) Prior to the issue of any Occupation Certificate an accurate 1:500 scale model of the development as constructed must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager for the City Model in Town Hall House.

Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's modellers must be consulted prior to construction of the model.
- (ii) The models are to comply with all of the conditions of the Development Consent.
- (iii) The models must be amended to reflect any further modifications to the approval (under Section 4.55 of the *Environmental Planning and Assessment Act*) that affect the external appearance of the building.

**Reason**

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

**(103) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION CERTIFICATE**

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

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

- (c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

**Reason**

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

**(104) SURVEY CERTIFICATE AT COMPLETION**

Prior to the issuance of any Occupation Certificate, a Final Survey Plan and Certificate prepared and signed by a Surveyor registered under the Surveying & Spatial Information Act 2002, must be submitted to Council upon completion of the building works. This documentation shall certify the location and height of all new building works, including offsets relative to the allotment boundaries.

**Reason**

To ensure the development does not encroach onto neighbouring properties and is in accordance with the approved plans.

**(105) EASEMENT FOR END OF TRIP AND GARBAGE ROOM**

An easement for end of trip access and garbage room is to be created over proposed lot 102 benefiting proposed lot 101 with appropriate rights relating to storage of waste and access, and limited in stratum. This easement must be registered prior to the issue of an Occupation Certificate and to Council's satisfaction and must include Council as an authority whose consent is required to release, vary or modify the terms of the easement.

**Reason**

To ensure the development site has unrestricted rights at all times to the end of trip and garbage room.

**(106) SYDNEY WATER CERTIFICATE**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to Council or the Principal Certifier prior to any Occupation Certificate or subdivision/strata certificate being issued.

**Reason**

To ensure the requirements of Sydney Water are met.

## **(107) WASTE AND RECYCLING MANAGEMENT – RESIDENTIAL**

- (a) Prior to the issue of an **Occupation Certificate**, Council’s review and written approval of the as-built waste infrastructure, facilities, and vehicle access is required. The City Cleansing & Resource Recovery Unit of Council must be satisfied that:
  - (i) All waste management facilities, storage, and collection infrastructure comply with the stamped plans, approved Operational Waste Management Plan and Council’s *Guidelines for Waste Management in New Developments*, the City of Sydney’s DCP, and the developments Conditions of Consent.
  - (ii) All waste rooms, corridors, doors, and gates to be accessed by Councils collection contractor(s) are to be fitted and accessible via Council’s master key system. Specifications of locks, barrels, and supporting infrastructure are to be submitted to Council’s City Cleansing & Resource Recovery Unit.
- (b) Site inspections are to be conducted by Council’s City Cleansing & Resource Recovery Unit to review the site on-site waste collection, storage and loading bay infrastructure prior to the issue of an **Occupation Certificate**. The inspections are to be conducted a minimum 6-months prior to projects anticipated construction completion. Prior to the inspection an electronic copy of the latest architectural plans are to be submitted.
- (c) An updated Operational Waste Management Plan is to be submitted to Council’s City Cleansing & Resource Recovery Unit that aligns with the latest version of architectural plans and waste related updates identified during the site inspections. The plan is to be reviewed by Council’s City Cleansing & Resource Recovery Unit and approved by Council’s Area Planning Manager prior to the issue of an **Occupation Certificate**.
- (d) The developer is to enter into a formal agreement with the City of Sydney Council for the utilisation of Councils Waste Collection Service. A signed agreement is to be submitted to Council’s City Cleansing & Resource Recovery unit prior to the issue of an **Occupation Certificate**.
- (e) The assigned strata manager for the development and direct contact details are to be provided to Council’s City Cleansing & Resource Recovery Unit prior to the issue of an **Occupation Certificate**.

### **Reason**

To ensure that facilities and arrangements are in place to enable the provision of a safe and efficient waste collection service responsive to Council’s policies and contractual service provisions.

## **(108) ADVANCE TREE PLANTING**

- (a) Tree planting within the property must be to satisfaction of the City of Sydney Urban Forest Team prior to the issuing of any Occupation Certificate and in accordance with the following:

- (i) The planting locations, container size and species selection in the approved landscape / tree planting plan are to be adhered to.
- (ii) The new tree(s) must be planted at the completion of all construction works.
- (iii) The tree(s) must be grown in accordance with Australian Standard 2303 'Trees stock for landscape use'.
- (iv) The new tree(s) must be planted by a qualified Horticulturalist or Arborist (minimum AQF Level 3) and in such a manner as to promote good health during the establishment period, and must be maintained, as far as practicable to ensure tree growth into maturity.
- (v) Prior to the issuing of any Occupation Certificate, suitable documentation (including a written statement and photographic evidence) is to be submitted to the City of Sydney for review and written confirmation is to be obtained from the City of Sydney Area Planning Coordinator or Area Planning Manager confirming all trees have been planted to their satisfaction (excluding tree maintenance).
- (vi) Any newly planted tree(s) which fail to establish within 2 years of the initial planting date must be replaced with tree(s) of comparable qualities, and maintained until it reaches a minimum height of 5 metres.

**Reason**

To ensure the provision and maintenance of adequate tree planting on site.

## **OCCUPATION AND ONGOING USE**

### **(109) 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.

### **(110) MANAGING NOISE**

The premises must be operated and managed in accordance with the approved acoustic report for this consent.

All physical aspects of the building's structure must be installed to meet performance parameters in accordance with this condition, and requirements of this consent, must be maintained and correctly used at all times. Where there is a conflict with the approved acoustic report and a requirement of this development consent, this consent prevails.

#### **Reason**

To protect the amenity of the local area.

### **(111) COMMERCIAL AND INDUSTRIAL DEVELOPMENT NOISE**

During ongoing use of the premises, the cumulative emission of noise from commercial and industrial activities must comply with Requirement 4 – *NOISE FROM COMMERCIAL AND INDUSTRIAL ACTIVITIES*, as specified in the City of Sydney – Environmental Noise Technical Requirements, dated October 2025.

#### **Reason**

To protect the acoustic amenity of surrounding properties.

### **(112) ON SITE LOADING AREAS AND OPERATION**

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

#### **Reason**

To maintain the orderly operation of vehicle parking areas and to ensure the public domain is kept free from physical obstructions.

### **(113) ONGOING WASTE MANAGEMENT – RESIDENTIAL**

- (a) The ongoing use of development must be in accordance with the approved Operational Waste Management Plan, Council's *Guidelines for Waste Management in New Developments*, the City of Sydney's DCP, and the developments Conditions of Consent.
- (b) All general waste and recycling stream(s) materials emanating from the premises must be stored in the designated waste storage area(s) integrated within the built form and must not be stored outside the premises (including any public place) at any time.
- (c) The property manager is responsible for lodging requests for damaged/broken bins, managing the rotation of bins, ensuring the full allocation of relevant bins are available for scheduled collections, management of odour and the routine cleaning and maintenance of all waste storage areas.
- (d) Contracts (or agreements) with cleaners, building managers and tenants must clearly outline the waste management and collection arrangements, identifying clear roles and responsibilities outlined within the approved Operational Waste Management Plan.
- (e) The property manager is responsible for the installation and maintenance of all education signage for the respective waste stream(s) as requested by the City of Sydney Council responsive to the approved Operational Waste Management plan.
- (f) Commercial waste and recycling stream(s) and supporting infrastructure to be stored in a separate lockable, enclosed, and caged area free from the residential waste and recycling stream(s) rooms. The residential rooms to have relevant locks to inhibit commercial tenants access to Councils residential waste streams.

#### **Reason**

To support the safe and efficient scheduled Council waste collection service and ensure the impacts of waste management on the public domain and public health are minimised.

### **(114) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS**

All works to the City's public domain, including rectification of identified defects, are subject to a 6 month defects liability period from the date of Completion. The date of Completion will be nominated by Council on the Public Domain Works – Letter of Completion Operational Acceptance.

#### **Reason**

To ensure all works to the City's public domain are protected under a liability period.

# LAND SUBDIVISION

## **(115) LAND SUBDIVISION – SUBDIVISION CERTIFICATE**

A separate application must be made to Council to obtain the approval of the plan of subdivision and issue of a Subdivision Certificate under Section 6.15 of the *Environmental Planning and Assessment Act 1979*.

A separate application must be made to Council or a Registered Strata Certifier to issue a Strata Certificate under the *Strata Schemes Development Act 2015*.

### **Reason**

To ensure separate development consent is for the plan of subdivision and issue of a Subdivision Certificate.

## **(116) EASEMENTS UNDER SEC 196 CONVEYANCING ACT**

Documentary reciprocal easements for services, drainage, support and shelter, and emergency egress, affecting the whole/part of each lot if so desired, must be created over the lots in the subdivision, pursuant to Section 88B of the *Conveyancing Act 1919* and to Council's satisfaction.

### **Reason**

To ensure the orderly operation of the building.

## **(117) EASEMENTS FOR ACCESS**

Appropriate Easements for Access (or similar) are to be created over any required corridors, passages, traffic aisles, stairs and lifts, within the development that are needed to provide access from (or across) one lot to another, pursuant to Section 88B of the *Conveyancing Act 1919*. The Easements are to be reciprocal in nature (where applicable), granting rights of access to persons and/or vehicles, and are to be created in appropriate terms acceptable to Council, with the Council being the authority to release, vary or modify the easement.

### **Reason**

To ensure the orderly development of the property.

## **(118) RIGHTS OF CARRIAGEWAY OVER SHARED DRIVEWAY AREAS**

All shared driveway areas must be covered by dimensioned rights of carriageway on the subdivision plan, in stratum if appropriate, pursuant to Section 88B of the *Conveyancing Act, 1919*. Global rights of carriageway must not be used for the shared driveway areas.

### **Reason**

To ensure clarity in relation to the driveway areas and the orderly operation of the buildings.

### **(119) ADDITIONAL EASEMENTS**

Any other documentary easements or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision must be created over appropriate lots in the subdivision, pursuant to Section 88B of the *Conveyancing Act 1919* and to Council's satisfaction.

#### **Reason**

For the orderly operation of the buildings.

### **(120) BUILDING/STRATA MANAGEMENT STATEMENT**

The Building/Strata Management Statement must adequately address the ongoing maintenance, upgrading, redevelopment and structural adequacy of each stratum lot to Council's satisfaction, and be submitted with the subdivision application.

- (a) Shared driveways and loading docks must be covered by suitable easements defined on the subdivision plan to the satisfaction of Council, and not be dealt with only by means of an SMS or BMS.
- (b) Garbage rooms must be covered by suitably dimensioned easements shown on the plan to Council's satisfaction, unless fully enclosed by walls, and garbage room doors kept closed at all times unless personnel are present
- (c) The Building / Strata Management Statement must not prevail over any easement, restriction on the use of land, or positive covenant that benefits Council

#### **Reason**

For the orderly operation of the buildings, and clarity for owners and purchasers of future lots.

### **(121) COMPLIANCE WITH REG 63 OF THE SURVEYING AND SPATIAL INFORMATION REGULATION 2024**

The subdivision plan must show offsets where appropriate to the final surfaces of the major structural components of the building that are located within one metre of any proposed or existing vertical, horizontal or inclined boundary or easement, sufficient to satisfy sub-clauses (i), (j), (k) & (l) of Reg 63 of the *Surveying and Spatial Information Regulation 2024* and to the satisfaction of Council. All structural components of the buildings located within one metre of any proposed or existing boundary must be fully completed, with their final surfaces applied or constructed, prior to the subdivision plan being finalised.

#### **Reason**

To ensure the integrity of the Cadastre, compliance with the Regulation, and to inform lot owners and other stakeholders.

## **(122) STREET ADDRESSES OF LOTS**

In accordance with Clause 61 of the *Surveying and Spatial Information Regulation 2024*, the street addresses for each lot must be shown on the Administration Sheet for the final plan of subdivision. An application must be made to Council's Spatial Information Systems Team, by email, prior to the lodgement of the subdivision application, to obtain the correct street address for each lot.

The street addresses allocated by Council must be provided to the Registered Surveyor by the applicant for inclusion in a schedule on the Administration Sheet.

### **Reason**

To ensure street addresses are appropriately allocated, and subsequently issued to the State's emergency services divisions, police departments and postal service.

## **(123) SURVEY INFRASTRUCTURE**

Prior to the issue of the subdivision certificate, sufficient survey infrastructure, including reference marks and permanent marks, must remain in place in order to satisfy the requirements of the *Surveying and Spatial Information Regulation 2024*, and to the satisfaction of Council.

### **Reason**

To ensure the integrity of the Cadastre.

## **(124) RESTRICTION ON USE OF CAR SPACES AND STORAGE SPACES**

The following conditions apply to car parking:

- (a) The on-site car parking spaces (including car lifts) and/or storage spaces, exclusive of service and visitor car spaces, are not to be used other than by an owner, occupant, tenant or resident of the subject lot.
- (b) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary Restriction on the Use of Land, is to be registered on the Title of the development site pursuant to Section 88E of the *Conveyancing Act 1919*, to the effect of (a) above. The Restriction is to be created to the benefit of Council, at no cost to and to the satisfaction of Council.
- (c) If the building is to be strata subdivided, all car parking spaces and/or storage spaces, exclusive of service and visitor car spaces, must be allocated to a residential or commercial lot (as the case may be), consistent with planning controls, within the Strata Scheme.
- (d) If the building is to be strata subdivided, a Restriction on the Use of Land must be created burdening all lots containing car parking spaces in the Strata Scheme, pursuant to section 88B of the *Conveyancing Act 1919*, to the effect of (a) above. The Restriction is to be created to the benefit of Council, at no cost to and to the satisfaction of Council.

**Reason**

To ensure the on-site car parking spaces and/or storage spaces, exclusive of service and visitor car spaces, are not to be used other than by an occupant, tenant or resident of the building.

**(125) SECTION 88B INSTRUMENT**

The terms within the Section 88B must ensure that easements prevail over any building management statement.

**Reason**

To ensure easements have certainty.

**(126) UTILITY SERVICES**

Prior to the issue of a subdivision certificate, the applicant must provide written confirmation from the relevant telecommunications provider (e.g. Telstra, Optus, or NBN Co.) that satisfactory arrangements have been made for the provision of telecommunications services, including broadband internet, to each lot in the subdivision. The applicant must provide written confirmation from the relevant electricity supply authority (e.g. Ausgrid or Endeavour Energy) that satisfactory arrangements have been made for the provision of electricity supply to each lot in the subdivision.

**Reason**

To ensure that utility authorities are advised of the development and their approval is obtained in connection to the subdivision.

**(127) ENCROACHING AND/OR SHARED SERVICES**

All pipes, service lines and the like servicing each lot shall be contained within their respective lots or, if any service lines encroach upon adjoining lots within or adjoining the subdivision, or are shared by more than one lot, appropriate easements must be created, pursuant to Section 88B of the *Conveyancing Act 1919*, over the service lines where any such encroachment or shared situation occurs.

In particular, the location of any water, electrical, sewerage or stormwater drainage lines must be determined and, if necessary, a suitable easement must be created where any such encroachment or shared situation occurs.

Prior to the issue of a subdivision certificate, the registered surveyor must provide a report (to be submitted with the final plan of subdivision) confirming all such service lines are either located within their respective allotments or will be addressed by an appropriate easement, which will also be shown on the final plan of subdivision.

**Reason**

To ensure that existing services do not encroach, or alternatively that any encroachments are formalised on title by appropriate easement.

**(128) STRATA SUBDIVISION – APPROVAL OF STRATA PLAN REQUIRED**

A separate application must be made to Council or an Registered Strata Certifier to obtain approval of the Strata Plan and issue of a Strata Certificate under the Strata Schemes Development Act 2015.

**Reason**

To ensure separate approval is obtained for approval of the Strata Plan.

**(129) CAR LIFT**

The car lift contained within the strata scheme must be designated as common property.

**Reason**

To ensure that the car stacker is appropriately managed.

**(130) RESTRICTION ON RESIDENTIAL DEVELOPMENT**

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building must be used as permanent residential accommodation only and not for the purpose of a boarding house or hostel, hotel or motel accommodation, serviced apartments, tourist and visitor accommodation or any other use.
- (b) A Restriction on the Use of Land is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from “residential” as defined Sydney Local Environmental Plan 2012. The restriction is to be registered on title prior to any type of Occupation Certificate being issued or the use commencing, whichever is earlier. The covenant restriction must contain terms reasonably required by Council and will be drafted by Council’s solicitor, at the cost of the applicant, in accordance with the City’s Fees and Charges, or included with a Section 88B Instrument for the future strata plan and burdening all residential strata lots where no subdivision will occur.
- (c) If a lot contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (d) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation.

**Reason**

To ensure the residential accommodation portion of the site is used for permanent residential purposes.

### **(131) USE OF COMMON AREAS AND FACILITIES**

The ground floor communal areas and any common areas or common facilities must be available for the use of all residents of the building and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

#### **Reason**

To ensure designated areas within the residential development are maintained as common property.

### **(132) RESTRICTION ON THE USE OF LAND - PARKING ON COMMON PROPERTY AREAS**

No part of the common property apart from the service vehicle space which is to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats. Future strata subdivisions of the residential component of the site are to include an appropriate documentary restriction on the use of land pursuant to Section 88B of the *Conveyancing Act 1919*, so burdening common property, with the Council being the authority to release, vary or modify the restriction.

#### **Reason**

To prevent obstruction of common property areas.

### **(133) RESTRICTION ON USE OF CAR & STORAGE SPACES**

All parking spaces and storage areas other than service spaces must form part of a residential or commercial strata unit in any future strata subdivision. No parking spaces or storage spaces are to have their own individual strata title.

The following conditions apply to car parking and storage spaces:

- (a) The on-site car parking & storage spaces, exclusive of service and visitor car spaces, are not to be used other than by an occupant, tenant or resident of the subject building.
- (b) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary Restriction on the Use of Land, is to be registered on the Title of the development site pursuant to Section 88E of the *Conveyancing Act 1919*, to the effect of (a) above. The Restriction is to be created to the benefit of Council, at no cost to and to the satisfaction of Council.
- (c) Any future strata subdivision shall provide for a Restriction on the use of Land to be registered of all lots with car & storage spaces, pursuant to Section 88B of the *Conveyancing Act 1919*, to the effect of (a) above. The covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.

A restriction burdening common property in a future strata plan only, shall not satisfy this condition.

#### **(134) STREET ADDRESS – PRIOR TO STRATA CERTIFICATE**

In accordance with Clause 61 of the *Surveying and Spatial Information Regulation 2024*, the street address for the lot must be shown on the Administration Sheet for the strata plan. An application must be made to Council's Spatial Services Unit prior to the lodgement of any strata certificate application, to obtain the correct street address for the lot. The street address allocated by Council must be provided to the registered surveyor for inclusion in a schedule on the Administration Sheet.

#### **Reason**

To ensure compliance with the provisions of the *Surveying & Spatial Information Regulation 2024*.

## **Water NSW Conditions**

The following conditions have been imposed by Water NSW:

### **(135) CONSTRUCTION DEWATERING**

Before undertaking construction dewatering, the following approvals must be obtained from Water NSW:

- water supply work approval
- water access licence (WAL) - unless the project qualifies for an exemption
- water use approval - unless there is a development application from a local government authority

As part of the application process, the applicant will need to provide:

- a copy of the Development Consent
- written consent from Council or Sydney Water to discharge water into their stormwater system
- a dewatering management plan which includes the volume of water to be extracted & the duration of the water take for dewatering & method of measuring the water take and recording
- an Acid Sulphate Soil Management Plan (if relevant)
- and architectural plans and/or elevations

All applications are assessed in accordance with the Water Management Act 2000, and associated Water Sharing Plans and are subject to rigorous impact assessments and if impacts are deemed to be greater than minimal the application may be refused as a result.

[https://publications.water.nsw.gov.au/watergroupjspui/bitstream/100/792/1/Minimum\\_requirements\\_for\\_building\\_site\\_groundwater\\_investigations\\_and\\_reporting.pdf](https://publications.water.nsw.gov.au/watergroupjspui/bitstream/100/792/1/Minimum_requirements_for_building_site_groundwater_investigations_and_reporting.pdf)

## **Ausgrid Conditions**

The following conditions have been imposed by Ausgrid:

### **(136) AUSGRID OVERHEAD POWERLINES ARE IN THE VICINITY OF THE DEVELOPMENT**

The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected to be entering and leaving the site.

The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website at [www.ausgrid.com.au](http://www.ausgrid.com.au).

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer’s cost.

### **(137) NEW DRIVEWAYS – PROXIMITY TO EXISTING POLES**

Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets - Clearances”. This document can be found by visiting the following Ausgrid website:

[www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquire](http://www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquire)

### **(138) NEW OR MODIFIED CONNECTION**

To apply to connect or modify a connection for residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable.

Visit the Ausgrid website for further details;

<https://www.ausgrid.com.au/Connections/Get-connected>

## **SCHEDULE 2**

### **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>