

Attachment A

Recommended Conditions of Consent
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SCHEDULE 1

PART A - GENERAL CONDITIONS

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2025/920 dated 1 October 2025 and the following drawings prepared by EM BE CE Studio:

Drawing Number	Revision	Drawing Name	Date
000	C	Cover Page	23.04.26
001	B	Material Palette and Photomontage	23.04.26
002	B	BASIX and NatHERS Commitments	23.04.26
003	B	Location Context Plan	23.04.26
004	B	Site Analysis Plan	23.04.26
010	B	Proposed Site Plan	23.04.26
050	B	Demolition Plan	23.04.26
100	C	L00 Plan	23.04.26
101	B	L01 Plan	23.04.26
102	B	L02 Plan	23.04.26
103	B	L03 Plan	23.04.26
104	B	L04- L06 Plan	23.04.26
105	B	L07 Plan	23.04.26
106	B	L08 Plan	23.04.26
107	B	L09 Plan	23.04.26
108	B	L10 Plan	23.04.26
109	B	Roof Plan	23.04.26
200	B	NE Elevation	23.04.26
201	B	SW Elevation - Wyndham Street	23.04.26
202	B	NW Elevation - Through-site Link	23.04.26

Drawing Number	Revision	Drawing Name	Date
203	B	SE Elevation - McEvoy Street	23.04.26
300	B	Section AA	23.04.26
301	C	Section BB	23.04.26
510	B	Typical Apartment - 1 BED	23.04.26
511	B	Typical Apartment - 1 BED	23.04.26
512	B	Typical Apartment - 1 BED	23.04.26
513	B	Typical Apartment - 1 BED	23.04.26
514	B	Typical Apartment - 2 BED	23.04.26
515	B	Typical Apartment - 2 BED	23.04.26
516	B	Typical Apartment - 2 BED	23.04.26
517	B	Typical Apartment - 3 BED	23.04.26
520	B	Adaptable Apartment A	23.04.26
521	B	Adaptable Apartment B	23.04.26
522	B	Adaptable Apartment C	23.04.26
523	B	Adaptable Apartment D	23.04.26
2201924 SUB		Plan of Subdivision of Lot 100 DP 1320336 (prepared by Daniel Gerard Williams)	17.03.2026

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) CONSTRUCTION STAGING

The works may be carried out in stages, with relevant conditions being satisfied prior to the issue of the relevant demolition or construction certificate (as specified in the conditions of consent) for each stage detailed in the below table.

Stage	Scope of Work
Construction Certificate 1	Earthworks, excavation, and shoring
Construction Certificate 2	Structures above ground
Construction Certificate 3	Future through site link
Construction Certificate 4	Façade, fitout, finishes, and services
Construction Certificate 5	External works and public domain works

Reason

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

(3) MODIFICATION OF DEVELOPMENT CONSENT D/2023/884

Prior to the issue of Construction Certificate 1, Development Consent D/2023/884 must be modified pursuant to Section 4.17(1)(b) and (c) and Section 4.24(4) of the *Environmental Planning and Assessment Act 1979* to ensure consistency with the approved detailed development consent, including but not limited to the following conditions:

- (a) Condition (2) *APPROVED DEVELOPMENT*
- (b) Condition (5) *BUILDING HEIGHT*

Reason

To ensure the development is carried out in a manner consistent with the approved development consent, as required by Section 4.24(4) of the *Environmental Planning and Assessment Act 1979*.

(4) FLOOR SPACE RATIO

The following applies to Floor Space Ratio:

- (a) A maximum Floor Space Ratio of 3.53:1, equating to 9,664sqm of gross floor area is approved by this development consent.
 - (i) The Floor Space Ratio for the new residential development must not exceed 8,296 sqm of gross floor area (3.03:1) calculated in accordance with the Sydney Local Environmental Plan 2012, and
 - (ii) The Floor Space Ratio for the new commercial tenancies / use must not exceed 1,368 sqm of gross floor area (0.5:1) calculated in accordance with the Sydney Local Environmental Plan 2012.

- (b) Prior to the final Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use and floor plate) 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. Plans and a gross floor area schedule per floor and use must be based upon a survey being carried out and copies of the documentation submitted to Council.

Reason

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

(5) BUILDING HEIGHT

- (a) The height of the building must not exceed RL53.08m to lift overrun and RL51.9m to the parapet of the building, or as otherwise detailed on the approved elevation plans.
- (b) Prior to the final 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.

(6) LAND SUBDIVISION

Any proposal for land subdivision, including any stratum subdivision of the building to separate the commercial component of the building from the residential component, will require a separate application to Council to obtain development Subdivision Certificate under Section 6.15 of the *Environmental Planning and Assessment Act 1979*.

Reason

To ensure separate development consent is sought for land subdivision.

(7) DEDICATION FOR ROAD WIDENING

The owner must dedicate for road purposes, the parcels of land:

- (a) Proposed lot 201 at the north of the site; and
- (b) Proposed lot 202 along the McEvoy Street frontage,

as detailed in the Voluntary Planning Agreement for the site. The widening is to be detailed in a plan of subdivision of the land. This plan is to be registered at NSW Land Registry Services prior to any Occupation Certificate being issued. The area to be dedicated must be shown as a separate lot or lots and numbered as such.

Land must be dedicated unencumbered. All leases, restrictions, covenants, easements and planning agreements must be extinguished prior to, or in conjunction with the dedication of the above lots.

Public Domain works within the dedication areas must be sufficiently complete to the satisfaction of Council's Area Planning Manager or Public Domain Unit prior to issue of the subdivision certificate and dedication.

Reason

To ensure road widening is dedicated for road purposes.

(8) 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.

(9) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

- (a) Full compliance with the terms of the registered VPA and any subsequent variations in relation to terms relevant to the land dedication, to the satisfaction of Council.
- (b) Full compliance must be given to the conditions of consent contained within the Notice of Determination, relevant to the land dedication, to the satisfaction of Council.
- (c) Land to be dedicated or transferred to the City must be completed in accordance with the registered VPA.

Reason

To ensure this consent is consistent with the registered voluntary planning agreement.

(10) LAND DEDICATION AND LAND TRANSFER

- (a) Land dedicated as public road must be dedicated in compliance with the registered Planning Agreement(s) for the site and must not be encumbered by any Long-Term Environmental Management Plan.
- (b) Public domain works within the land to be dedicated must be sufficiently completed to the satisfaction of Council's Public Domain unit prior to the issue of any subdivision certificate.
- (c) Land must be dedicated unencumbered. All leases, restrictions, covenants, easements and planning agreements must be extinguished prior to, or with the dedication of land, other than those designated as permitted encumbrances in the registered VPA for the site.

Reason

To ensure land to be dedicated to the City is not encumbered.

(11) APPROVED ROOF-TOP PLANT

All roof-top plant and associated equipment must be located within the approved building envelope.

Reason

To ensure the constructed development complies with the approved height.

(12) USE – SEPARATE DA REQUIRED

No consent is granted or implied for the fit-out or specific use of the ground floor commercial tenancies. A development consent or Complying Development Certificate (as appropriate) is required to be obtained for the prior to that fitout or use commencing.

Reason

To require separate consent to be obtained for a use.

(13) DESIGN QUALITY EXCELLENCE

- (a) In order to ensure the design quality excellence of the development is retained to completion:
 - (i) The design architect *EM BE CE* are to have direct involvement in the design documentation, contract documentation and construction stages of the project including signing off any required certifications at DA, S4.55 applications, Construction Certificate and Occupation Certificate stages;
 - (ii) The design architects are to have full access to the site and are to be authorised by the applicant to respond directly to Council where information or clarification is required in resolving design issues throughout the life of the project;
 - (iii) Evidence of the design architect's commission must be provided to the Council prior to release of Construction Certificate 1.
- (b) The design architect of the project is not to be changed without prior notice and approval of the Council's Executive Director City Planning Development & Transport.

The Registered Certifier and Principal Certifier must be satisfied that the above matters are complied with prior to the issue of all Construction and Occupation Certificates, in accordance with written confirmation from Council.

Reason

To ensure the development maintains design quality excellence throughout all phases of the development.

(14) RESTRICTION ON AFFORDABLE HOUSING

The following restriction applies to the approved building:

- (a) The residential portion of the building must not be developed or used for purposes other than affordable housing and ancillary services, or as approved by Council.
- (b) Any proposal for the strata subdivision of the accommodation portion of the building must obtain consent from Council.
- (c) A Restriction on the Use of Land is to be registered on the title of the development site in the above terms set out in (a) and (b). The Restriction is to be registered on title prior to any Occupation Certificate being issued or the use commencing, whichever is earlier. The Restriction must contain terms reasonably required by Council and be prepared at no cost to Council.

Reason

To ensure the residential accommodation portion of the site is used for affordable housing.

(15) FANS AND AIR CONDITIONERS GENERALLY

All apartments are to be fitted with ceiling fans. If there is to be air conditioning, no air-conditioning equipment is to be visible from the public domain. Equipment and associated wiring must:

- (a) Not be located on awnings or attached to the face of the building
- (b) Not be located on roofs in such a way that it is visible from any street, footpath or park
- (c) Be visually screened if located 1.8 metres above ground level in other locations
- (d) Wiring must be fully concealed.

Reason

To ensure the visual impact of air conditioners is minimised.

(16) 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.

(17) SECURITY GATES

Where a car park is accessed by a security gate, that gate must be located at least 6 meters within the site from the street front property boundary.

Reason

To ensure the public domain is kept free from physical obstruction.

(18) VEHICLE FOOTWAY CROSSING

A separate application is to be made to, and approved by, Council for the construction of any proposed vehicle crossing or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are no longer required.

All disused or redundant vehicle crossings and laybacks must be removed and footway, kerb, gutter and road restoration reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers. All construction and replacement works are to be completed in accordance with the approved plans prior to the issue of any Occupation Certificate.

Note: In all cases the construction materials should reinforce the priority of pedestrian movement over that of the crossing vehicle.

Reason

To ensure all relevant approvals for traffic and parking works are obtained and designed in accordance with Council requirements.

(19) SERVICE VEHICLE SIZE LIMIT

The size of space for vehicles servicing the property must be designed to accommodate a 10.6m long vehicle.

Reason

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

(20) ASSOCIATED ROADWAY COSTS

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

Reason

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

(21) CHANGES TO KERB SIDE PARKING RESTRICTIONS

A separate submission must be made to the City's Traffic Operations team to approve any changes to kerb side parking arrangements. There is no guarantee kerb side parking will be changed, or that any change will remain in place for the duration of the development use. The proposal may require a submission to the Local Pedestrian, Cycling, Traffic Calming and Transport Forum (LPCTCTF) for advice.

The submission must include two plans. One showing the existing kerb side parking restriction signs and stems, the second showing the proposed kerb side parking restriction signs and stems. Both plans must include chainages to all signs and stems from the kerb line of the nearest intersection.

All costs associated with the parking proposal will be borne by the developer.

Note: As parking in the LGA is at a premium, it is recommended that the applicant should approach the Area Traffic Engineer to discuss the proposal before making a submission.

Reason

To require separate consent to be obtained for changes to kerb side parking arrangements.

(22) 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 costs are borne by the developer.

(23) VEHICLE ACCESS

All vehicles are to enter and depart the site travelling in a forward direction.

Reason

To increase pedestrian safety at the site access.

(24) SWINGING DOORS OVER PUBLIC WAY

Any access doors to enclosures housing building services and facilities, such as hydrants and sprinkler booster assemblies or the like, must not open over the footway/roadway.

Reason

To ensure no element of the development obstructs the use of the public way.

(25) WASTE AND RECYCLING MANAGEMENT

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 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.

(26) TREES APPROVED FOR REMOVAL

Please refer to the approved Arboricultural Impact Assessment (AIA) prepared by Arterra dated 9 September 2025 for tree numbers and locations.

All trees detailed in the table below are approved for removal. Tree removal must not occur until Construction Certificate 1 has been issued.

Tree Number	Species	Location
6, 7	<i>Elaeocarpus reticulatus</i> (Blueberry Ash)	216 - 220 Wyndham Street (adjacent to south boundary)
10, 11, 12, 13, 14,	<i>Eucalyptus robusta</i> (Swamp Mahogany)	216 - 220 Wyndham Street (adjacent to west site boundary)
15	<i>Syzygium paniculatum</i> (Megenta Cherry)	216 - 220 Wyndham Street (adjacent to west site boundary)
16	<i>Casuarina cunninghamiana</i> (River She-Oak)	216 - 220 Wyndham Street (adjacent to north boundary)
17	<i>Jacaranda mimosifolia</i> (Jacaranda Tree)	Wyndham Street (street tree)

(27) TREES THAT MUST BE RETAINED

- (a) The trees 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 trees detailed in the table below, which Council has determined to be prominent landscape elements.

Tree Number	Species	Location
1 and 2	<i>Lophostemon confertus</i> (Brush Box)	McEvoy Street (street trees)
3, 4, 5, 8 & 9	Eucalyptus microcorys (Tallowood)	216-220 Wyndham Street (south area of site)
18	<i>Lophostemon confertus</i> (Brush Box)	Wyndham Street (street tree)

(28) NO OBSTRUCTIONS

All public footways and paths of travel must be free from obstructions. If services are required to be relocated to clear paths of travel, then this must be undertaken at the developer's expense. All obstructions are to be removed prior to the issue of any type of Occupation Certificate.

Reason

To ensure there are no obstructions on public footways and paths of travel.

(29) PAVING MATERIALS

The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

Reason

To ensure appropriate and safe paving materials are used.

(30) 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 the amended Preliminary Public Art Plan dated April 2026 (Council Trim reference: 2026/242517), the Sydney DCP 2012, the Public Art Policy, and the Interim Guidelines: Public art in private developments.
- (b) Artist(s) concepts will be presented to the City's Public Art team prior to issue of the Detailed Public Art Plan.
- (c) A Detailed Public Art Plan with final details of the proposed public artwork must be submitted to and approved by Council's Executive Director City Planning, Development and Transport prior to issue of Construction Certificate 2.
- (d) Public artwork must be installed to the City's satisfaction, inspected and approved.

- (e) The proponent comply with the Final Public Art Report submitted and approved by Council's Area Planning Manager prior to the issue of any Occupation Certificate.

Reason

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

(31) PROJECTIONS OVER FOOTWAYS

The architectural embellishments/ awning attached to the building, shown as overhanging the alignment on Wyndham Street, must comply with either the provisions of Schedule 4 ("Projections over or into public roads") or Section 3.2.4 ("Footpath Awnings") of the Sydney Development Control Plan 2012.

Reason

To ensure any projections over the public way are appropriately managed.

(32) ENCROACHMENTS – PUBLIC WAY

Apart from projections referred to in the condition above, no portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

Reason

To protect the public way.

(33) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

Reason

To protect neighbouring properties.

(34) OTHER REQUIRED APPROVALS – ROADS AND PUBLIC DOMAIN

Any structure, attachment or activity which is proposed to be undertaken in, on or above a road reserve or the public domain (including a public footway) must have separate approval(s) obtainable through the lodgement of an application under Section 68 of the Local Government Act 1993 and/or Section 138/139 of the Roads Act 1993 prior to the commencement of work/activities within the road reserve/public domain. Such activities include but not limited to:

- (a) installation of construction-related temporary structures including hoardings/scaffolding
- (b) installation and/or alterations to advertising/business signs
- (c) installation and/or alterations to street awnings
- (d) crane operation and other hoisting activities

- (e) temporary works (e.g. barricading, road openings, mobile hoisting devices)
- (f) works zones (for loading and unloading from the roadway)
- (g) temporary ground anchoring and shoring to support a roadway when excavating
- (h) any other structure or encroachment including facade elements/architectural features

Reason

To ensure use of a public place is managed appropriately.

(35) ELECTRICITY SUBSTATION

If required by the applicable energy supplier, the owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site, but not in any landscaped area or in any area visible from the public domain, to enable an electricity substation to be installed. The size and location of the substation is to be submitted for approval of Council and Ausgrid, prior to a Construction Certificate being issued or the commencement of the use, whichever is earlier.

Reason

To ensure that the provision of a substation to service the development is appropriately incorporated into the design of the building in a manner that minimises streetscape impacts.

(36) 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.

(37) SIGNAGE STRATEGY

A separate development application is to be submitted seeking approval of a signage strategy for the building. The signage strategy development application must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.

Reason

To require separate consent to be obtained for a signage strategy.

(38) SIGNS - SEPARATE DA REQUIRED

A separate development application for any proposed signs (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.

(39) 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.

PART B - BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

(40) BASIX CERTIFICATE – DETAILS TO BE LODGED WITH A CC

A copy of the required completed BASIX certificate accepted as part of this Development Consent with respect to the proposed residential building works, must be lodged with an application for Construction Certificate 3 and the items nominated as part of the subject BASIX certificate must be specified on the plans submitted with the construction certificate application. – See Note.

IMPORTANT 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 Part 3 of Schedule 1 of the EP&A Regulation, 2021.

Reason

To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 75 EP&A Regulation, 2021).

(41) APPROVED ACOUSTIC REPORT

The E-Lab Consulting report dated 16 September 2025, Reference P01891 revision 003, titled 216-220 Wyndham St, Alexandria, Noise & Natural Ventilation Impact Assessment, Trim Ref 2025/920, 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.

(42) 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 out plans comply with the relevant standards in the approved acoustic report.

(43) 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 Construction Certificate 1.

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 (LA90, 15 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.

(44) MATERIALS AND SAMPLES BOARD - MAJOR

- (a) A physical material sample board which specifies all proposed materials, finishes and colours, (including visible rainwater goods and services) keyed to each building elevation must be submitted to and approved by Council's Area Planning Manager prior to Construction Certificate 4 being issued.
- (b) The materials and samples board must not include generic material or colour descriptions or use terminology such as 'or similar'.
- (c) Glazing specifications are required. All glass is to achieve a high level of transparency to provide visual depth and have a neutrality of colour. A consistency in appearance and colour characteristics between all facades is to be achieved. The submitted details are to include physical samples of the glass types, details of the manner of assembly, and the glazing characteristics including the proposed Shading Coefficient, the Visible Light Transmission and the Reflectivity.

Reason

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

(45) LETTERBOXES

- (a) Details of the location and design of all letterboxes are to be submitted to and approved by Council's Area Planning Manager prior to the issue of Construction Certificate 4.
- (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.

(46) 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 Parking facilities Part 2: Off-commercial vehicle facilities 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 Construction Certificate 2 being issued.

Reason

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

(47) 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 Construction Certificate 2.

Car Parking Type	Number
Residential spaces	6
Accessible residential spaces	2
Commercial spaces	3
Service vehicle spaces	1
10.6m Council's waste vehicle loading dock	1

Reason

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

(48) 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	119	Spaces must be Class 1/2 bicycle facilities
Residential visitor	12	Spaces must be Class 2/3 bicycle facilities
Non-residential	9	Spaces must be Class 2 bicycle facilities
Non-residential visitor	4	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	1	
Personal lockers	17	

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 Construction Certificate 2 being issued.

Reason

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

(49) 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.

(50) SITES IN THE VICINITY OF A HERITAGE ITEM

- (a) The approved works must ensure that the Former Electric Light Substation No. 89, 212–214 Wyndham Street is to be suitably protected during the construction process. The contractor or developer must conduct consultations with the stakeholders of the neighbouring heritage site, record and monitor the conditions of the heritage building and take suitable measures to control and minimize any risks to the heritage fabric during construction.
- (b) The protection measures must be incorporated into the construction management plan.
- (c) Details of the protection plan must be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of any construction certificate.

Reason

To ensure the protection of adjacent/nearby heritage items.

(51) 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.

(52) LAND REMEDIATION (WHERE A SITE AUDITOR IS ENGAGED) – LETTER OF INTERIM ADVICE OR SECTION B SITE AUDIT STATEMENT REQUIRED

- (a) Before any above-ground work begins and before the issue of a Construction Certificate, the site must be remediated and validated in accordance with the Remediation Action Plan prepared by JBS&G, City West Housing Pty Ltd, Remedial Action Plan, 63530, 157515 rev 4 , 13 April 2026, and the Letter of Interim Advice issued by a NSW EPA accredited Site Auditor Melissa Porter, dated 20 April 2026, reference Interim Audit Advice No. 3 (IAA 3). All remediation must comply with the current guidelines under the Contaminated Land Management Act 1997.
- (b) Any changes to the approved Remediation Action Plan, including any long-term Environmental Management Plan, must be approved in writing by both the Site Auditor and Council before the work begins.

Reason

To ensure that the site is appropriately remediated.

(53) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- (a) Before the issue of a construction certificate, a construction environmental management plan (CEMP) must be prepared for the site by a suitably qualified environmental consultant and submitted to the Certifier and Council.
- (b) The CEMP must consider all potential environmental impacts from the approved works including but not limited to sediment and erosion control, contamination containment, stockpiles, noise and vibration, odours and dust emissions.
- (c) All works must be undertaken onsite in accordance with the approved CEMP.

Reason

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

(54) LANDSCAPING OF THE SITE

Updated landscape documentation and specifications by a registered landscape architect must be submitted to and approved by Council's Area Coordinator Planning Assessments/ Area Planning Manager prior to the issue of Construction Certificate 1. The plan must include:

- (a) Details and specifications of proposed structures on the site including, but not limited to, paving, walls, services, furniture, shade structures, lighting and other features;
- (b) The following updates to the planting schedule:
 - (i) Amend the planting schedule to reference the *City of Sydney Tree Species List*, ensuring species suitability, reliability, recommended usage, and alignment with mature tree dimensions to achieve a long-lived, healthy canopy
 - (ii) Specific substitutions required include:
 - a. *Banksia integrifolia* – limited use and considered unreliable on the City's Tree Species List. Substitute with a small-plus tree (minimum mature height 8 m).
 - b. *Eucalyptus* 'Scentuous' (Dwarf Lemon-Scented Gum) – small tree not listed on the City's Tree Species List and will not provide sufficient canopy. Substitute with a medium canopy tree (minimum mature height 8 m).
 - (iii) All new tree plantings must be supplied in containers of at least 100 litres at the time of planting.

- (c) Soil depth and volume diagram for each proposed tree to confirm compliance with the Sydney Landscape Code Volume 2;
- (d) Detailed grading plans around proposed trees on level 2 that ensures:
 - (i) All gradients of mounding are no steeper than 1:4
 - (ii) Raised edging are used where required to reduce mounding and achieve sufficient soil depth
- (e) Detailed drawings of the planters along the ramps between the ground floor lobby and parking area;
- (f) Details of drainage, waterproofing and watering systems;
- (g) Long term landscape maintenance plan.

Relevant drawings cross referenced in the landscape package, such as architectural details, stormwater and hydraulic plans etc, should also be submitted to demonstrate a fully coordinated design.

All landscaping in the approved plan is to be complete prior to any Occupation Certificate being issued.

The landscape maintenance plan is to be complied with during occupation of the property.

Reason

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

(55) UPDATED LANDSCAPE PLANS

The Landscape Plans must be updated, submitted and approved by the City of Sydney Tree Team prior to the issue of Construction Certificate 1. The updated plans should reconsider the proposed mounding around trees to ensure adequate soil volume, in relations to tree's mature canopy size's and in accordance with Landscape Code Volume 2 to achieve a more even and wider profile to maximise usable soil volume and tree root space. Mounding with gradients in excess of 1:5 is acceptable.

- (a) Amend the planting schedule to reference the *City of Sydney Tree Species List*, ensuring species suitability, reliability, recommended usage, and alignment with mature tree dimensions to achieve a long-lived, healthy canopy.
- (b) All new tree plantings must be supplied in containers of at least 100 litres at the time of planting.
- (c) Footpaths around the main entry and McEvoy Street frontage should be reduced in width where possible, and the use of permeable paving in non-covered areas maximised to improve compliance with deep soil provisions.

- (d) Trees proposed within the public domain must comply with the City of Sydney Street Tree Masterplan, which identifies: Jacaranda imosifolia and Liriodendron tulipifera for Wyndham Street and Lophostemon confertus for McEvoy Street.
- (e) All new public domain trees must be a minimum of 400 litres at the time of planting.
- (f) Any design elements (awnings, street furniture, footpath upgrades etc) within the public domain must ensure appropriate setbacks are provided from the proposed and existing street trees to allow maturity of the tree to be achieved.

These amendments must be incorporated into the Landscape Plan and approved prior to the issue of Construction Certificate 1.

A qualified Arborist (minimum AQF Level 5) must assess the updated plans prior to being submitted to the City of Sydney.

Reason

To ensure a healthy, long-lived canopy for the site by providing adequate soil volume and space, selecting suitable tree species, complying with deep soil and City urban forest standards, and ensuring public domain trees and structures, including awnings, do not restrict tree growth or canopy development.

(56) PUBLIC DOMAIN TREE PLANTING AND MAINTENANCE

A minimum of 4 new tree(s) must be planted in Wyndham Street in association with the development and be included on the Public Domain Plans required to be submitted under condition tilted 'Public Domain Plan'. The Plans must also include:

- (a) The proposed through-site link and dedicated land to ensure connectivity and integration with the surrounding area and include planting/s within the northern area of the through-site link to enhance and maximise canopy cover, biodiversity, and streetscape amenity.
- (b) Tree species consistent with the City of Sydney Street Tree Master Plan (refer to relevant streets) or other relevant guidance document. Species substitutes will not be accepted;
- (c) Tree pits located and constructed in accordance with the City of Sydney Street Tree Master Plan (Technical Guidelines) or other relevant guidance document. The tree pit design must include structural soils to support pavements in accordance with the Street Tree Master Plan (Technical Guidelines);
- (d) The Applicant's nominated tree planting delivery method, being a choice of one of two options:
 - (i) Undertake all tree supply, planting, and maintenance requirements to the required standards and to the satisfaction of the City's Tree Management Officer.

OR

- (ii) Pay a fee for the City to supply, plant, and maintain each required tree on the applicant's behalf. The fee is consistent with the City's Schedule of Fees and Charges.

If the Applicant is nominating to undertake all tree supply, planting, and maintenance requirements, the following requirement must be met:

- (a) Tree(s) must be planted prior to issuing of the Occupation Certificate;
- (b) Tree(s) supplied in minimum container size of 400 litres at the time of planting;
- (c) Tree(s) grown in accordance with the Australian Standard 2303 'Tree stock for landscape use' and meet the requirements of this standard at the time of planting;
- (d) Prior to the tree(s) being planted, certification from the tree supplier submitted to the City of Sydney Tree Team and Public Domain Officer that the tree(s) have been grown and comply with the requirements of AS2303. Any new tree(s) which do not conform will be rejected by the City of Sydney;
- (e) Tree(s) planted by a qualified Horticulturist or Arborist (minimum AQF Level 3);
- (f) Tree(s) inspected and approved by the City of Sydney Tree Team (or their representative) at the following milestones: before planting with planting pits excavated; after planting; and at the end of the maintenance period;
- (g) Tree(s) maintained by a qualified Horticulturist or Arborist (minimum AQF Level 3) for a minimum period of 12 months, commencing from the date of planting. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree;
- (h) At the end of the 12 month maintenance period, written acceptance of the tree(s) obtained from the City of Sydney before release of the Public Domain Bond;
- (i) If the tree(s) fail to thrive and successfully establish during the maintenance period, then the City of Sydney will request payment for a replacement tree(s) and establishment period according to the City of Sydney Schedule of Fees and Charges.

Reason

To ensure that details of street trees to be planted are approved, the works are carried out in an appropriate manner and the trees are maintained following installation.

(57) CONSTRUCTION ACCESS

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.

Reason

To protect the health, structure, and long-term viability of trees to be retained by minimising physical damage, root disturbance, and unnecessary pruning during construction activities.

(58) DETAILED DESIGN - AWNING

Any design elements (awnings, street furniture, footpath upgrades etc) within the public domain must ensure appropriate setbacks are provided from the street tree to allow maturity of the tree to be achieved.

Reason

To allow the street trees to fully mature.

(59) DESIGN FOR ENVIRONMENTAL PERFORMANCE

- (a) Prior to the issue of Construction Certificate 4, the Registered Certifier must be satisfied that those matters listed in the following sections of the approved Design for Environmental Performance report prepared by Introba, dated 23 September 2025, 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.

(60) PUBLIC DOMAIN DAMAGE BOND

- (a) A Public Domain Damage Deposit calculated on the basis of 60 square metres of concrete site frontage 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.

(61) 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.

(62) PUBLIC DOMAIN LEVELS AND GRADIENTS

Prior to the issue of Construction Certificate 2, 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.

(63) STORMWATER DRAINAGE DESIGN

Prior to issue of any Construction Certificate a detailed stormwater management plan prepared by suitable qualified and experienced professionals must be submitted to and approved by the City's Public Domain Unit and must include:

A certified stormwater drainage design complying with:

- (a) Council's Sydney Streets Technical Specifications, Part A4 Drainage Design;
- (b) Council's Sydney Streets Technical Specifications, Standard Drawings;
- (c) Council's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction;
- (d) Council's Stormwater Drainage Manual; and
- (e) All relevant Australian Standards.

This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

Note: A Deed of Agreement (Stormwater Deed) for all proposed connections to the City's drainage system, and a Positive Covenant for all OSD systems may be required prior to issue of any Occupation Certificate.

Reason

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

(64) STORMWATER ON-SITE DETENTION

The requirements of Sydney Water with regard to the on-site detention (OSD) of stormwater must be ascertained and complied with. Evidence of the approval must be submitted to Council prior to issue of Construction Certificate 2.

Where an OSD is not required by Sydney Water one may still be required by the City.

Reason

To ensure the requirements of Sydney Water are complied with.

(65) STORMWATER QUALITY ASSESSMENT

- (a) The development must comply with "216-220 Wyndham St Civil Engineering Report" prepared by Xavier Knight report dated September 2025 approved with this development application.
- (b) Prior to issue of Construction Certificate 2, a design certification report prepared by a Registered Professional Engineer (NER/RPEng) demonstrating compliance with approved music link targets and parameters must be submitted to and approved by the City's Public Domain Unit. The report must include a response to all stormwater quality improvement devices structural integrity, treatment train and their treatment properties demonstrating compliance with the approved MUSIC link reports.

Reason

To ensure appropriate stormwater quality on the site.

(66) FLOOD PLANNING LEVELS

- (a) The development must be constructed to comply with the recommended flood planning levels indicated in Figure 8 and Table 6 of the report titled "216-220 Wyndham St Civil Engineering" prepared by Xavier Knight author dated September 2025.
- (b) Details must be submitted to the Registered Certifier prior to the issue of Construction Certificate 2 demonstrating that the development will comply with the recommended flood planning levels.

Reason

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

(67) PUBLIC DOMAIN LIGHTING UPGRADE

Prior to issue of Construction Certificate 2, 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/development/public-domain-works/da-associated-works>.

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.

(68) 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.

(69) 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.

(70) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

The Operational Waste Management Plan dated April 2026 (TRIM reference 2026/242518) accompanying the Development Application has been approved by this consent responsive to architectural plans Issue C and dated 23 May 2026.

Should the architectural plans be updated, an updated Operational Waste Management Plan must be submitted to Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

Reason

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

(71) WASTE INFRASTRUCTURE – RESIDENTIAL

Prior to the issue Construction Certificate 4, detailed plans, and specifications for the construction of waste management facilities must be submitted for review by Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Manager. The waste management facilities to be provided responsive to Council's controls, policies, and guidelines, including but not limited to:

- (a) Waste and recycling stream(s) storage area(s) to be designed and constructed in accordance with Reference D of Council's Guidelines for Waste Management in New Developments. Floors to be waterproofed across all intersections that extend a minimum 1200mm high on the walls.
- (b) Integrated on-site waste collection and loading infrastructure to accommodate Council's standard 10.6m waste collection vehicle.

- (c) The residential bulky waste room must provide a minimum clear access of 1800mm.

Reason

To allow for the safe and hygienic storage of waste and recycling and support provision of a safe and efficient waste collection service.

(72) 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.

(73) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of [insert affected 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 any 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 mech reports are prepared and to identify damage to adjoining/nearby properties resulting from building work on the development site.

(74) 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 any 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.

(75) REFLECTIVITY

Prior to issue of the Construction Certificate the Registered Certifier must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20%.

Reason

To ensure the development does not result in adverse reflectivity impacts and to protect the amenity of the public domain.

(76) SYDNEY AIRPORT CORPORATION APPROVAL

An approval for the proposed height of the development must be obtained from Sydney Airport Corporation Limited in accordance with the Civil Aviation (Building Control) Regulations 1988 prior to the issue of any Construction Certificate.

Reason

To ensure the required approval is obtained from Sydney Airport Corporation Limited.

PART C - BEFORE THE COMMENCEMENT OF BUILDING WORK

(77) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

- (a) Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Principal Certifier:
 - (i) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.
 - (ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with SafeWork NSW. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
 - (iii) An Excavation Work Method Statement prepared by an appropriately qualified person.
 - (iv) A Waste and Recycling Management Plan – Demolition and Construction for the demolition and or excavation of the proposed development. The plan is to include details of materials that will be excavated and their proposed destination or reuse.
 - (v) Plans and elevations showing the location, construction and installation of temporary site fencing and any construction related temporary structures placed on and/or above roads used in connection with the development.

Note: Construction related temporary structures, including hoardings and scaffolding, proposed for erection on and/or above City-owned and controlled land (footways and roadways), and other activities, must comply with Council's Code of Practice: Construction related Temporary Structures On and Above Roads and the Code of Practice: Hoisting and Construction Activities On and Above Roads including obtaining all required approvals from Council under the provisions of the Local Government Act 1993 and the Roads Act 1993 prior to installation.

- (b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the Work, Health and Safety Act 2011 and Regulation; Council's Guidelines for Waste Management in New Developments 2018, the Waste Avoidance and Resource Recovery Act 2001, and all other relevant acts and regulations and must include provisions for:
 - (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the Waste Avoidance and Resource Recovery Act 2001.
 - (ii) The name and address of the company/contractor undertaking demolition/excavation works.

- (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
- (iv) The name and address of the transport contractor.
- (v) The type and quantity of material to be removed from site.
- (vi) Location and method of waste disposal and recycling.
- (vii) Proposed truck routes, in accordance with this development consent.
- (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
- (ix) Measures to control noise emissions from the site.
- (x) Measures to suppress odours.
- (xi) Enclosing and making the site safe.
- (xii) Induction training for on-site personnel.
- (xiii) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to SafeWork NSW.
- (xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the SafeWork NSW.
- (xv) Disconnection of utilities.
- (xvi) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
- (xvii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
- (xviii) Waterproofing of any exposed surfaces of adjoining buildings.
- (xix) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the Protection of the Environmental Operations Act 1997).
- (xx) Working hours, in accordance with this development consent.

- (xxi) Any SafeWork NSW requirements.
- (c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.
- (d) All waste records from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site. These records must be available for sighting on request by an authorised Council officer.

Reason

To ensure that impacts arising from demolition, excavation and construction are appropriately managed.

(78) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of Construction Certificate 1 a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

Reason

To ensure that utility authorities are advised of the development and their approval is obtained in connection with the relocation and/or adjustment of services affected by the development.

(79) TREE PROTECTION ZONE (FOR PRIVATE/ PROPERTY TREES)

- (a) Tree protection zones(s) (TPZs) as detailed in Appendix 4, Page 26 in the approved Arboricultural Impact Assessment (AIA) prepared by Arterra dated 9 September 2025, must be established in accordance with the Australian Standard 4970 'Protection of Trees on Development Sites' before the commencement of, and until completion of, the development works.
- (b) The following works must be excluded from within any TPZs:
 - (i) Soil cultivation, disturbance or compaction.
 - (ii) Stockpiling, storage or mixing of materials, washing and repairing of tools.

- (iii) The parking (except existing on street parking) of vehicles, equipment and machinery.
 - (iv) The disposal of liquids and refuelling.
 - (v) The disposal of building materials.
 - (vi) Any action leading to an impact on tree health or structure.
- (c) Tree protection fencing (1.8m steel mesh fencing, secured and fastened to prevent movement) must be installed at the perimeter of the TPZs or as per the approved Tree Protection Plan prior to the commencement of the development works. Roots must not be damaged during the establishment or maintenance of the fencing.
 - (d) Where tree protection fencing (or sections of) cannot be installed due to site constraints, written approval must be obtained from a qualified Arborist (minimum AQF Level 5) and trunk and ground protection installed as per AS4970. Compliance with this condition must be addressed in the Tree Protection Compliance Certificate prepared by the Arborist.
 - (e) Tree protection fencing must not be moved or relocated unless written approval is obtained from a qualified Arborist (minimum AQF Level 5) and alternate protection measures are installed to ensure the trees the viability of the tree(s) is not impacted. Compliance with this condition must be addressed in the Tree Protection Compliance Certificate prepared by the Arborist.
 - (f) Where site sheds cannot be installed outside of the TPZs due to site constraints, written approval must be obtained from a qualified Arborist (minimum AQF Level 5) and appropriate tree protection measures installed as per AS4970. Compliance with this condition must be addressed in the Tree Protection Compliance Certificate prepared by the Arborist.
 - (g) Signage identifying the TPZs must be attached to the tree protection fencing. Signage must be placed in a visible position in remain in place throughout the development works.
 - (h) Ground protection in accordance with AS4970 must be installed if construction access is required within the TPZs. Existing pavements and hard stand areas can be used as ground protection.
 - (i) All approved work undertaken within the TPZs must be supervised by a qualified Arborist (minimum AQF Level 5).

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

Reason

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

(80) STREET TREE PRUNING AND REMOVAL

- (a) The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 40mm diameter. Only minor pruning works will be approved by Council.
- (b) Any pruning that has been approved by Council, must be carried out by an arborist with a minimum AQF Level 3 qualification in arboriculture, and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.
- (c) The removal of any street tree approved by Council must include complete stump removal and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. These works must be completed immediately following the trees removal.

Reason

To ensure that approval is obtained for any pruning works to, or removal of, street trees and that such works are carried out in an appropriate manner.

(81) TREE TRUNK PROTECTION (FOR PRIVATE/ PROPERTY TREES)

Refer to the approved Arboricultural Impact Assessment (AIA) prepared by Arterra dated 9 September 2025- Appendix 4, (Page 26) - Tree Assessment Schedule Table.

- (a) Trees 3, 4, 5, 8 & 9 must have trunk and major branch protection installed prior to the issuing of any Construction Certificate.
- (b) Tree trunk(s) and/or major branches to a height of two metres must be protected by wrapped thick underlay carpet or similar padding material to limit damage;
- (c) Timber planks (50mm x 100mm) must be placed around tree trunk(s), spaced at 100mm intervals, and 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;
- (d) 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;
- (e) Certification of this condition must be submitted to the Principal Certifying Authority for approval.

Reason

To ensure the protection and ongoing health of trees.

(82) TREE PROTECTION ZONES (FOR STREET TREES)

Refer to Appendix 4 (page 26) - Tree Assessment Schedule Table in approved Arboricultural Impact Assessment (AIA) prepared by Arterra dated 9 September 2025

- (a) All street trees located McEvoy Street must be retained and protected in accordance with Australian Standard 4970 'Protection of trees on development sites' and as follows:
- (b) Tree trunk and major branch protection must be installed prior to the issuing of any Construction Certificate, 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.
- (c) Materials or goods, including site 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.
- (d) Temporary signs or any other items must not be fixed or attached to any street tree.
- (e) 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.
- (f) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the City of Sydney Tree Team.

- (g) Any damage sustained to street tree(s) as a result of any construction activities (including demolition), must be immediately reported to the City of Sydney Tree Team on 9265 9333. Any damage to street trees as a result of any construction activities may result in prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.
- (h) Compliance with this condition must be addressed in the Tree Protection Compliance Certificate prepared by a qualified Arborist (minimum AQF Level 5).

Reason

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

(83) PUBLIC DOMAIN WORKS - CONSTRUCTION APPROVAL UNDER SECTION 138 ROADS ACT 1993

Prior to the construction of any public domain 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.

(84) 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.

PART D - WHILE BUILDING WORK IS BEING CARRIED OUT

(85) 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.

(86) COMPLIANCE WITH DEMOLITION, EXCAVATION AND 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 submitted Demolition, Excavation and Construction Management Plan.

- (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)
- (c) 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.

(87) 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.

(88) 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.

(89) 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.

(90) 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.

(91) 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.

(92) 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.

(93) 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 bunded 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.
- (e) Contaminated soil stockpiles must be stored in a secure area and covered if they remain onsite for more than 24 hours.

Reason

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

(94) 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 2017* 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.

(95) 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.

(96) COVERING OF LOADS

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

Reason

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

(97) VEHICLE CLEANSING

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

Reason

To ensure sediment is not tracked onto the roadway.

(98) 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.

(99) ACCESS DRIVEWAYS TO BE CONSTRUCTED

Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

Reason

To allow adequate vehicular access to the site.

(100) 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.

(101) COMPLIANCE WITH ARBORISTS REPORT

- (a) All recommendations, Tree Protection Plans and Methodology Statements contained in the approved Arboricultural Impact Assessment (AIA) prepared by Arterra dated 9 September 2025 must be implemented during the demolition, construction and use of the development:
- (b) Demolition and Construction Requirements:
Demolition must be carried out carefully and incrementally, protecting both the overhead canopy and ground surfaces beneath slabs. Machinery should operate on existing pavements or slabs, and spoil must be removed without disturbing soil within the TPZs.

- (c) Roots greater than 40 mm in diameter must be retained and protected. Tree Protection Zones (TPZs) must be temporarily fenced prior to demolition and reinstated as semi-permanent chain link fencing immediately after works.
- (d) Project Arborist Supervision:
The Project Consulting Arborist must oversee all demolition works within TPZs. Close supervision is essential during demolition and construction due to works occurring within the NRZs. The Arborist must inspect and certify the correct reinstatement of TPZ fencing.

Reason

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

(102) TREE SENSITIVE EXCAVATION

- (a) Excavation within the Tree Protection Zone(s) (TPZs) as detailed in Appendix 4 (page 26) - Tree Assessment Schedule Table in the approved Arboricultural Impact Assessment (AIA) prepared by Arterra dated 9 September 2025 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 must be used for hydrovac excavation with the bark remaining intact.
- (b) Excavation must not occur within the SRZ. If excavation is proposed within this zone, the 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.
- (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'.
- (f) 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.

(103) 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 fortnightly 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) Excavation and trenching within the TPZs;
 - (iv) Landscape works within the TPZs;
 - (v) Other times as specified in the Arboricultural Impact Assessment Report, Tree Protection Plan 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 Area Planning Coordinator or Area Planning Manager. 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.
- (e) A final Tree Protection Compliance Certificate demonstrating that all Tree Protection Compliance Reports have been submitted at each scheduled inspection and key milestone listed above must be submitted and approved by the City of Sydney Area Planning Manager prior to the issue of any Occupational Certificate.

Reason

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

(104) STREET TREE PROTECTION

All street trees located directly outside the site must be retained and protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. All street trees must be protected during the construction works as follows:

- (a) Tree trunk and major branch protection must be undertaken prior to the commencement of any works (including demolition). The protection must be installed and certified by an arborist with a minimum AQF Level 5 qualification in arboriculture and must include:
 - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches and trucks at all times;
 - (ii) Tree trunk/s and/or major branches to a height of two metres, must be protected by wrapped thick underlay carpet or similar padding material to limit damage, and
 - (iii) Timber planks (50mm x 100mm or similar) must be 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 underlay carpet or similar padding material and timber planks must not be fixed to the tree in any instance, or in any fashion
 - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
- (c) All 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 any tree roots that are exposed.
- (d) Young street trees must be protected by installing 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.
- (e) Materials or goods, including site 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
- (f) Any excavation within any area known to or suspected of having tree roots greater than 40mm diameter must be undertaken by hand;

- (g) Any trenching works for services, hydraulics, drainage etc. must not be undertaken within two metres of the trunk of any street tree. Alternate installation methods for services such as directional boring/drilling or redirection of services must be employed where roots greater than 40mm diameter are encountered during installation of any services;
- (h) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the Council's Tree Management Officer;
- (i) Any damage sustained to street tree/s as a result of any construction activities (including demolition), must be immediately reported to the Council's Tree Management Officer 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.

Reason

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

(105) TREE PRUNING - FURTHER APPROVAL REQUIRED

- (a) Consent from Council's Tree Management Officer must be obtained prior to undertaking the pruning of any tree to be retained, including tree 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.
- (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.

Reason

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

(106) PROTECTION OF NATIVE WILDLIFE

- (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.

Reason

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

(107) SLAB DEMOLITION

- (a) The demolition and construction of the slab within the Tree Protection Zone(s) (TPZs) must be supervised by a qualified Arborist (minimum AQF Level 5).
- (b) Demolition works within the TPZs are to be undertaken using hand-operated tools (i.e pneumatic/electric breaker). Where this is not possible, the lightest machine practically possible to complete the task must be used.
- (c) Machinery must operate from the existing slabs, pavements or areas of ground protection in accordance with AS4970.
- (d) Machinery must work in conjunction with a spotter to ensure adequate clearance to the tree is maintained at all times.
- (e) Excavation work must be undertaken using hand tools only.
- (f) Wherever possible, footings/structures below grade must be retained in-situ to minimise disturbance to roots.
- (g) Roots greater than 40mm in diameter must be retained and protected.
- (h) Final slab levels must accommodate roots greater than 40mm in diameter if encountered during excavations.

Reason

To protect retained trees from damage during demolition and construction works within the Tree Protection Zones, ensuring minimal root disturbance, safe operation of machinery, and long-term tree health and stability in accordance with AS4970.

(108) 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 the 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.

(109) 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.

(110) 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/da-associated-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.

(111) HOLD POINTS

Prior to an approval being issued for the construction of public domain and / or planning agreement works, including civil, drainage and subsurface works, a set of hold points will be provided by the City's Public Domain Unit in accordance with the City's Public Domain Manual and Sydney Streets Technical Specification. The list of hold point inspections will be included in the Public Domain works approval letter.

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 Principal Certifier.

Reason

To ensure hold points are adhered to during construction works.

(112) 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.

(113) 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.

(114) 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 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.

PART E – BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

(115) REGISTRATION OF COVENANT - EMP/LEMP

Before the issue of any occupation certificate, the applicant must register a covenant on the land title under the Conveyancing Act 1919, indicating that contaminated material has been contained onsite. The covenant must nominate Council as the sole authority with the power to release, vary, or modify its terms.

The covenant must bind the current and future registered owners to the ongoing responsibility for maintenance, monitoring, and rehabilitation works, as required under any active or passive Environmental Management Plan. This includes managing any encapsulated or residual contamination, preventing the discharge of contaminants, and undertaking any works required by the NSW EPA.

A copy of the updated certificate of title, showing the registered covenant, must be submitted to Council and the Certifier before the issue of any Occupation certificate.

Reason

To ensure that contamination is appropriately managed.

(116) LAND REMEDIATION - SITE AUDIT STATEMENT (STAGED)

- (a) Before the issue of any Occupation certificate related to the built form of the development (excluding works directly associated with remediation), a Section A Site Audit Statement (SAS) must be obtained from a NSW Environment Protection Authority accredited Site Auditor. This statement must be submitted to the Council's Area Planning Manager via email hbapplications@cityofsydney.nsw.gov.au
- (b) The SAS must confirm that the site has been remediated in accordance with the approved Remediation Action Plan and must clearly state that the site is suitable for the proposed use.
- (c) If the SAS includes conditions requiring ongoing review by the Auditor or Council, these conditions must be reviewed and approved in writing by Council before the statement is issued.
- (d) If any conditions of the SAS are inconsistent with this development consent, the development must not proceed until the inconsistency is resolved to Council's satisfaction (e.g. Section 4.55 modification under the Environmental Planning and Assessment Act 1979).
- (e) A Certifier must not issue an Occupation certificate unless the SAS has been submitted to and approved by Council in accordance with this condition.

Reason

To ensure that the site is appropriately remediated.

(117) SITE AUDIT STATEMENT - ENVIRONMENTAL MANAGEMENT PLAN

- (a) Where the ongoing suitability of the land and the issuance of the final Section A Site Audit Statement is dependent on the implementation of an Environmental Management Plan (EMP) or Long Term Environmental Management Plan (LTEMP) for managing residual contamination, the EMP must be approved by the Site Auditor. A copy of the approved EMP must be submitted to Council before the release of the final Site Audit Statement.
- (b) The EMP must be prepared, or reviewed and approved, by an appropriately qualified and certified environmental consultant.
- (c) The EMP must comply with the relevant EPA guidelines for Site Auditors. It must clearly describe the nature and location of the residual contamination, outline the long-term management and monitoring measures, identify responsible parties, and specify the legal mechanism by which the plan will be enforced.
- (d) The EMP must also include a contingency plan detailing the actions to be taken in the event of failure of any containment or management systems for the residual contamination.

Reason

To ensure that contamination is appropriately managed.

(118) 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 acoustic Construction Certificate(s), the approved acoustic report, 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.

(119) NOISE - VERIFICATION OF ACOUSTIC WORK AND CONTINUED INTEGRITY 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 the development and ensure that:
 - (i) The completed building works are reviewed for compliance with the relevant Construction Certificate(s) and supporting documentation.
 - (ii) The premises remains capable of complying with all noise-related conditions approved under development consent D/2025/920.
 - (iii) The development has not compromised the functionality or reduce the effectiveness of any existing noise mitigation measures at the premises.
 - (iv) The premises remains capable of ongoing compliance with the noise-related conditions of this consent.
 - (v) Recommendations are provided to address and rectify any identified non-compliances in the construction.
 - (vi) All of the above requirements are completed to the written satisfaction of the Certifier.
- (c) After completing (b) above, 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.

(120) WASTE AND RECYCLING COLLECTION CONTRACT – COMMERCIAL

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

Reason

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

(121) 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 Council's 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 Council's 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.

(122) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

Prior to the issue of an Occupation Certificate, the Principal Certifier is to ensure all waste management, collection, loading and supporting infrastructure is provided in accordance with the stamped plans, approved Operational Waste Management Plan and specifications approved at the Construction Certificate.

Reason

To ensure all on-site infrastructure has been provided to support scheduled collections responsive to the Council endorsed OWMP and requirements of the Guidelines for waste management in new developments 2018.

(123) 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.

(124) 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.

(125) 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 systems.

(126) CONSTRUCTED FLOOR LEVELS

A certification report prepared by a Registered Professional Civil Engineer (NER/RPEng) must be submitted to the Principal Certifier prior to issue of any Occupation certificate stating that the development has been constructed and the required levels achieved in accordance with the recommendations of the report titled *"216-220 Wyndham St Civil Engineering"* prepared by Xavier Knight dated September 2025.

Reason

To ensure the development achieves the required floor levels.

(127) SURVEY CERTIFICATE AT COMPLETION

A Survey Certificate prepared by a Registered Surveyor must be submitted to the Principal Certifier at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment.

Reason

To ensure the development does not encroach onto neighbouring properties.

(128) BASIX

All commitments listed in each relevant BASIX Certificate for the development must be fulfilled prior to any Occupation Certificate being issued.

Reason

To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 75 EP&A Regulation 2021).

(129) 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 <https://www.cityofsydney.nsw.gov.au/design-codes-technical-specifications/requirements-scale-models> 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.

(130) 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 <https://www.cityofsydney.nsw.gov.au/design-codes-technical-specifications/requirements-scale-models> 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.

PART F – OCCUPATION AND ONGOING USE

(131) 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.

(132) 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.

(133) 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.

(134) 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.

(135) LOADING AND SERVING MANAGEMENT PLAN

A Loading and Servicing 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, the following:

- (a) Management of deliveries to ensure vehicles are not waiting on public streets (including the through-site link and future shared zone) to enter the site
- (b) Ensuring that the loading bay will be kept clear for Council waste collection vehicles between 6am – 6pm on collection days
- (c) Measures for pedestrian safety along the vehicular access and within the loading area.

The plan is to be prepared and submitted to and approved by Council's Area Coordinator Planning Assessments or 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.

(136) SCHEDULED COLLECTIONS - COMMERCIAL

- (a) Commercial waste collection arrangement(s) are to be conducted in accordance with the approved Operational Waste Management Plan, Council's Guidelines for Waste Management in New Developments, the City of Sydney's DCP, the developments Conditions of Consent and Local Approvals Policy for Managing Waste in Public Places.
- (b) In accordance with the approved waste management plan, waste and recycling stream(s) bins must not be placed on the street for collection. Waste collection will occur within the site at all times. Unimpeded access must be provided to the waste and recycling stream(s) storage area(s) at all times.
- (c) Unobstructed access is to be provided for waste collection vehicles to set down within 10m of the waste storage and collection area(s) during zone collection times on collection days.
- (d) The collection of waste and recycling stream(s) is to only occur during designated zone collection times outlined within the Local Approvals Policy for Managing Waste in Public Places to minimise impacts to residential amenity.

Reason

To minimise the impacts on amenity and safety caused by the presentation and collection of commercial waste.

(137) 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 walled 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.

(138) SCHEDULED COLLECTIONS - RESIDENTIAL

- (a) Scheduled collections and waste management arrangements of Council's residential waste stream(s) is to be conducted in accordance with the stamped plans, approved Operational Waste Management Plan the developments Conditions of Consent and the City's Local Approvals Policy Managing Waste in Public Spaces.
- (b) Council's Domestic Waste Charge is applied to all residential rate accommodation properties in accordance with section 496 of the *Local Government Act 1993*. Residential accommodation is defined in accordance with the *Sydney Local Environmental Plan 2012* dictionary.

- (c) Council's Domestic Waste Charge is applied to all residential rate accommodation properties in accordance with section 496 of the *Local Government Act 1993*. Residential accommodation is defined in accordance with the *Sydney Local Environmental Plan 2012* dictionary.
- (d) Unobstructed access to be provided for Councils standard waste collection vehicles to access the waste and recycling storage area(s), loadings bays and supporting infrastructure between the hours 6am and 6pm on collection day(s) to support the provision of a safe and efficient waste collection service to the site.

Reason

To support the safe and efficient scheduled residential waste collection service and minimise the impacts on public amenity and safety.

(139) ONGOING WASTE MANAGEMENT - COMMERCIAL

- (a) The ongoing use of development/tenancy 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 materials emanating from the premises must be stored in the designated waste storage area(s), must not be stored outside the premises (including the public domain) at any time.
- (c) All waste and recycling stream(s) storage area(s) are to only be used for the purposes of storing waste and recycling from the premises in accordance with the original consent and approved Operational Waste Management Plan and not be converted to a different use.
- (d) Scheduled collections and waste management arrangements of the development/tenancy is the responsibility of the business owner or property manager and are to be conducted in accordance with the stamped plans, approved Operational Waste Management Plan and this consent. These arrangements include:
 - (i) arranging an adequate number of bins and the servicing regime matched to the needs of the premises.
 - (ii) actively managing waste streams and supporting infrastructure to ensure bins are not overflowing, damaged or leaking and lids are fully closed at all times.
 - (iii) routine cleaning and maintenance of waste storage area(s) to inhibit the permeation of odour and prevent litter and pests.
 - (iv) the installation and maintenance of all education signage for the respective waste stream(s) as requested by the City of Sydney.
- (e) 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.

Reason

To promote good waste management arrangements and minimise the impacts on amenity and safety caused by the presentation and collection of commercial waste.

(140) MAINTENANCE OF TREES ON SITE

- (a) Tree maintenance must be implemented and complied with immediately following the tree planting, and until the tree reaches the required minimum height limit of six metres in height and five metres canopy width.
- (b) The newly planted tree on site must be appropriately maintained on an on-going basis.
- (c) Maintenance includes watering, weeding, removal of rubbish from tree bases, pruning (in accordance with AS4373-2007), fertilizing, pest and disease control and any other operations required to maintain a healthy robust tree.
- (d) If the newly planted tree fails to establish or does not reach a height of six metres and canopy width of five metres it must be replaced with a tree of comparable qualities and container size of 100 litres.
- (e) The conditions of this consent will apply to all replacement trees, including the maintenance and reporting which re-starts at each replanting event.

Reason

To ensure the ongoing maintenance of trees planted on the site.

(141) 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.

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>

SCHEDULE 3

GOVERNMENT AGENCY CONDITIONS

A. Transport for New South Wales

- (142) All buildings and structures together with any improvements integral to the future use of the site (apart from kerb and gutter replacement, stormwater/drainage works, pedestrian footpath awnings, and required public utility works) are to be wholly within the freehold property unlimited in height or depth along the McEvoy Street boundary and be clear of the SP2 zoned land.
- (143) The removal of the redundant stormwater drainage outlets, reconstruction of kerb and associated works on McEvoy Street shall be in accordance with TfNSW requirements. Detailed design plans are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works.
- (144) Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.
- (145) Any public utility adjustment/relocation works on the state road network will require detailed civil design plans for road opening /underboring to be submitted to TfNSW for review and acceptance prior to the commencement of any works. The developer must also obtain necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.
- (146) A Road Occupancy Licence (ROL) shall be obtained from the Transport Management Centre for any works that may impact on traffic flows on the state road network during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

B. Sydney Water

(147) Section 73 Compliance Certificate

Prior to the issue of an Occupation/Subdivision Certificate:

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

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

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

(148) Building Plan Approval (including Tree Planting Guidelines)

Prior to the issue of a Construction Certificate/Complying Development Certificate:

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

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

Tree Planting

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

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

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

C. Ausgrid

(149) Ausgrid Underground Cables are in the vicinity of the development

There are existing underground electricity network assets along Wyndham St and McEvoy St, furthermore there are existing transmission cables and transmission Pit SY56055 in the footpath on McEvoy St.

Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.

It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD).

(150) Ausgrid Overhead Poles are in the vicinity of the development

There is existing street light poles SY3174 on Wyndham St and SY25866 on McEvoy St.

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.

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.

(151) 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.

(152) New or modified connection

To apply to connect or modify a connection for a 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>

(153) Ausgrid Kiosk Substation in the vicinity of the development

There is existing Ausgrid substation S1253 near the development site at 212-214 Wyndham St that may be impacted by the proposed construction.

Subsidence and vibration must be minimised at the substation site. The use of ground anchors under a substation is generally not permitted due to the presence of underground cabling and earthing conductors which may be more than 10m deep. A further area of exclusion may be required in some circumstances.

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust

openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.

Any portion of a building other than a BCA class 10a structure constructed from noncombustible materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120. Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a non-ignitable blast resisting barrier.

The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHz) (ICNIRP 2010).

For further details on fire segregation requirements refer to Ausgrid's Network Standard 141. Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24-hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.

D. Flysafe Airspace Protection

- (154)** The Proponent must ensure that all persons involved in carrying out the controlled activity comply with the conditions of this approval.
- (155)** The building must not exceed a maximum height of 53.8 metres AHD, including all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
- (156)** The Proponent must notify SACL, in writing, within five business days of substantial building, engineering or construction work relating to the building having been physically commenced at the site. This controlled activity approval, for the construction of a building, will lapse on 30 June 2031 unless substantial building, engineering or construction work relating to the building has been physically commenced at the site. For the purposes of this condition, substantial work is not taken to have been physically commenced merely by the doing of one or more of the following -
- (a) creating a bore hole for soil testing,
 - (b) removing water or soil for testing,
 - (c) carrying out survey work, including the placing of pegs or other survey equipment,
 - (d) acoustic testing,
 - (e) removing vegetation as an ancillary activity,
 - (f) marking the ground to indicate how land will be developed.

Note:

If this approval lapses, the Applicant must reapply under the Regulations prior to carrying out the controlled activity. To avoid doubt, a lapsed approval, does not pre-empt or affect the ultimate determination of a new application by the Secretary (or delegate) - The Secretary (or delegate) still has the discretion to ultimately refuse new or subsequent applications.

- (157)** The Proponent must advise SACL at least seven business days prior to the constructed height of the building reaching 51 metres AHD.
- (158)** Within five working days after the completion of construction of the building the Proponent must provide SACL with a written report from a certified surveyor on the finished height of the building.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf). <https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf> The consent should be read together with the *Conditions of development consent advisory notes* to ensure the development is carried out lawfully.

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

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

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

Dictionary

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

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

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

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

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

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

Council means the City of Sydney.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

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

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

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

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

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

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

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

Stormwater drainage system means all works and facilities relating to:
the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

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

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

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