

# **Attachment A**

**Recommended Conditions of Consent**

# GENERAL CONDITIONS

## (1) CONCEPT DEVELOPMENT APPLICATION

Pursuant to Division 4.4 of the Environmental Planning and Assessment Act 1979 and Clause 100 of the Environmental Planning and Assessment Regulation 2000, this Notice of Determination relates to a concept development application, and a subsequent development application (detailed design) is required for any work on the site.

### Reason

To ensure all parties are aware of the status and application of concept development applications.

## (2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2024/179 dated 14 March 2024 and the following drawings prepared by Andrew Burns Architecture and Tasman Storey Architects:

Drawing Number	Revision	Drawing Name	Date
2111-S1DA100	A	Lower Ground Floor Plan	31 May 2024
2111-S1DA101	A	Ground Floor Plan	31 May 2024
2111-S1DA102	A	First Floor Plan	31 May 2024
2111-S1DA103	A	Roof Terrace Plan	31 May 2024
2111-S1DA104	A	Roof Plan	31 May 2024
2111-S1DA200	A	Elevations – Sheet 1	31 May 2024
2111-S1DA201	A	Elevations – Sheet 2	31 May 2024
2111-S1DA300	A	Sections – Sheet 1	31 May 2024
2111-S1DA700	N/A	Deep Soil Diagram	31 May 2024

and as amended by the conditions of this consent.

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

### Reason

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

## (3) MATTERS NOT APPROVED IN CONCEPT PROPOSAL DEVELOPMENT CONSENT

The following matters are **not** approved and do not form part of this concept development consent:

- (a) Any works, including demolition, excavation and/or construction.
- (b) The precise total quantum of floor space.

- (c) The indicative floor layouts of building.
- (d) The floor levels of each storey.
- (e) The number and configuration of car parking spaces.
- (f) The removal or pruning of any tree within or adjoining the site.

**Reason**

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

**(4) COMPLIANCE WITH CONCEPT ENVELOPE HEIGHTS AND SETBACKS**

Any subsequent detailed design application must comply with the building height and setbacks established by this consent.

**Reason**

To ensure the requirements of Section 4.24 of the Environmental Planning and Assessment Act 1979 are complied with.

**(5) DETAILED DESIGN TO BE CONTAINED WITHIN APPROVED ENVELOPE**

Subject to the other conditions of this consent, the building envelope is only approved on the basis that the ultimate detailed design development application for the buildings on the site, including articulation, balconies, terraces, services, privacy treatments and other projections will be entirely contained within the approved building footprint and envelope, and comply with the relevant planning controls.

**Reason**

To ensure the requirements of Section 4.24 of the Environmental Planning and Assessment Act 1979 are complied with.

**(6) LAND CONTAMINATION**

- (a) The Detailed Design Development Application must include documentation that demonstrates the requirements of Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards) 2021 are addressed.
- (b) To address the requirements of the SEPP, the hierarchy of assessment may include but not be limited to the following:
  - (i) Preliminary Environmental Site Assessment
  - (ii) Detailed Environmental Site Assessment
  - (iii) Remediation Action plan
  - (iv) Review by NSW EPA Site Auditor

(v) Site Validation Report

(vi) Site Audit Statement

**Reason**

To ensure that the change of land use will not increase the risk to health, particular in circumstances where a more sensitive land use is proposed.

**(7) FLOODING AND FLOOD PLANNING LEVELS**

A flood assessment must be carried out to determine the flood planning levels to comply with Council's Interim Floodplain Management Policy and must be submitted with the Detailed Design Development Application.

**Reason**

To ensure flood risk management measures are complied with.

**(8) EXISTING AND PROPOSED EASEMENTS**

Any Detailed Design Development Application is to provide details how the various existing easements and rights of access (which burden the subject land and benefit other parties) are to be treated in the new development. The application should show whether these easements and rights of access are to be maintained, varied or extinguished, and how the rights of other parties to use the easements and rights of access will be protected.

**Reason**

To ensure the future development is designed in consideration of any easements that burden the site.

**(9) COMPLIANCE WITH APPROVAL GRANTED UNDER THE HERITAGE ACT 1977**

The development must be carried out in accordance with the Section 60 approval issued by Heritage NSW on 10 October 2023.

**Reason**

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

**(10) ARCHAEOLOGICAL ASSESSMENT**

An archaeological assessment undertaken by a suitably qualified archaeologist must be submitted with any future Detailed Design Development Application. The report must assess whether the proposed works have the potential to disturb any archaeological remains and the need for any archaeological investigation prior to commencement of any works on site. The report should also recommend measures and documentation to be undertaken during the process of demolition and excavation work.

Recommendations by the archaeological assessment are to be implemented during the process of demolition and excavation work.

Should the assessment report suggest the site may contain relics and the proposed work may disturb them, council may request the applicant to amend the proposal so that the relics are properly protected or interpreted.

**Reason**

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

**(11) USE OF HERITAGE CONSULTANT**

A heritage consultant experienced in heritage restoration and renovation works is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The heritage consultant is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

**Reason**

To ensure that the implementation of the approved development is carried out in a manner that does not have adverse heritage impacts.

**(12) BASIX**

A BASIX Certificate in accordance with the requirements of the State Environmental Planning Policy (Sustainable Buildings) 2022 must be submitted with the Detailed Design Development Application.

**Reason**

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