

Attachment A

Recommended Conditions of Consent
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PART A – DEFERRED COMMENCEMENT CONDITIONS

(A) The consent is not to operate until the following condition is satisfied:

(1) VOLUNTARY PLANNING AGREEMENT

- (a) The Voluntary Planning Agreement between the COUNCIL OF THE CITY OF SYDNEY and BLUESHORE DEVELOPMENT GROUP LIMITED ATF BLUESHORE DEVELOPMENT GROUP TRUST and DENNING REAL ESTATE PTY LTD that delivers public benefits associated with the approved development is publicly exhibited, executed and submitted to Council; and
- (b) The Voluntary Planning Agreement, as executed, must be registered on the title of the land.

(B) Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within **24 months** of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the Environmental Planning and Assessment Act 1979.

(C) The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.

(D) Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B - Conditions of Consent.

PART B – CONDITIONS OF CONSENT

SCHEDULE 1 – GENERAL CONDITIONS

(1) CONCEPT DEVELOPMENT APPLICATION

Pursuant to Section 4.22 of the Environmental Planning and Assessment Act 1979, this Notice of Determination relates to a concept development application. A subsequent development application (DA) is required for any works to be carried out on the site.

Reason

To specify the status of this approval as a concept development consent and that it does not authorise the carrying out of works on any part of the site.

(2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2023/1012 dated 7 November 2023 and the following drawings prepared by SJB Architects:

Drawing Number	Drawing Name	Date
A-1032, Rev F	Envelope Plan – Roof Level	21/10/2024
A-1431, Rev E	Envelope Elevation North	11/09/2024
A-1432, Rev E	Envelope Elevation East – Botany Rd	11/09/2024
A-1433, Rev E	Envelope Elevation South	11/09/2024
A-1434, Rev E	Envelope Elevation West – Botany Lane	11/09/2024

and the following drawing prepared by Landscape Design Sydney:

Drawing Number	Drawing Name	Date
Rev B	Landscape Site Plan	23/10/2024

and as amended by the conditions of this consent.

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

Reason

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

(3) MATTERS NOT APPROVED

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

- (a) any demolition, tree removal, excavation, remediation and/or construction;
- (b) the height in storeys or street frontage height in storeys of the development;
- (c) the layout and number of non-residential tenancies;
- (d) the depth, extent, number, layout and design of basement levels and/or configuration of car parking;
- (e) the number of car parking spaces, bicycle spaces, car share or loading spaces/zones;
- (f) the precise quantum of floor space; and
- (g) up to 10% design excellence uplift in floor space.

Reason

To specify the matters that are not approved by this consent and that are to be determined under a subsequent DA for the detailed design of the building.

(4) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

The terms of the planning agreement entered into in accordance with the VOLUNTARY PLANNING AGREEMENT condition contained in the Deferred Commencement Conditions at Part A of this consent must be complied with.

Reason

To ensure the development complies with all terms of the planning agreement.

(5) BUILDING HEIGHT

- (a) The building heights proposed as part of any subsequent Development Application for the detailed design of the building must not exceed the heights expressed as RLs (AHD) shown on the drawings listed in the 'Approved Development' condition of this consent.
- (b) This condition does not restrict development comprising building height:
 - (i) proposed or erected by or on behalf of a public authority on land identified in the Voluntary Planning Agreement for transfer (and/or dedication) for the purpose of public amenities such as street furniture, street lighting, landscape structures or the like;

- (ii) located in the communal open space area for the purpose of landscape structures and communal facilities that do not comprise gross floor area and do not compromise deep soil provision.

Reason

To ensure the constructed development complies with the approved height.

(6) FLOOR SPACE RATIO

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio (FSR) of development contained within the site must not exceed the maximum permitted FSR calculated in accordance with the Sydney Local Environmental Plan 2012.
- (b) Notwithstanding (a) above, the development contained within the site may be eligible for up to 10% additional floor space pursuant to the provisions of Clause 6.21D(3) of the Sydney Local Environmental Plan 2012 if the consent authority is satisfied that the subsequent Development Application for the detailed design of the building exhibits design excellence and is the result of a competitive design process.

Reason

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

(7) DEVELOPMENT TO BE CONTAINED WITHIN ENVELOPE

The detailed design of the building must be contained within the approved envelope except for footpath awnings and/or projections beyond private property boundaries over or into the public road/footpath in accordance with the requirements of Schedule 4 of the Sydney DCP 2012.

Reason

To ensure that the detailed building design is not inconsistent with the approved concept envelope.

(8) DISTRIBUTION OF FLOOR SPACE WITHIN ENVELOPE

The approved concept proposal envelope establishes the maximum parameters for the competitive design process and the future built form on the site. The maximum permissible floor space of the detailed design must be consistent with the relevant provisions of the Sydney LEP 2012, the Sydney DCP 2012 and the conditions of this consent.

Reason

To specify the relevant parameters for the detailed building design.

(9) COMPETITIVE DESIGN PROCESS

A competitive design process shall be conducted in accordance with the provisions of the Sydney Local Environmental Plan 2012 and:

- (a) in accordance with the Design Excellence Strategy for 158 Botany Road, Alexandria prepared by Ethos Urban on behalf of Blueshore Development Group, dated 25 October 2024 (Council ref. 2024/617362); and
- (b) prior to the lodgement of a detailed (Stage 2) development application for the site.

The detailed design of the building must exhibit design excellence, in accordance with Clause 6.21C of Sydney Local Environmental Plan 2012.

Reason

To specify the approved Design Excellence Strategy for the development.

(10) DETAILED DESIGN OF THE BUILDING

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

- (a) The street wall height to Botany Road is to be consistent with the desired future character of the locality and provisions 5.10.4.1(2) and 5.10.4.2(4) of the SDCP 2012;
- (b) Ground floor uses must address the objectives and provisions of section 5.10.2.3 of the SDCP 2012;
- (c) Any ground floor entrance from Botany Road must be designed to provide inviting and universal access for pedestrians;
- (d) A continuous footpath awning is to be provided to the Botany Road frontage;
- (e) The materiality and design of the building is to satisfy the objectives and provisions of section 5.10.4.3 of the SDCP 2012;
- (f) A green roof must be provided in accordance with section 5.10.4.4 of the SDCP 2012;
- (g) All services including any required fire hydrants and substations must be integrated into the building;
- (h) Rooftop structures such as plant rooms, solar panels, air conditioning and ventilation systems are to be incorporated into the design of the building and concealed within the roof form or located within a well-designed, integrated roof top element;
- (i) The location of tree planting must consider any future vehicle access location from the laneway to avoid tree removal in the future; and
- (j) Basement walls and piles must not encroach any deep soil zones.

Reason

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

(11) VEHICLE ACCESS

The design brief for the competitive design process and any future detailed design DA is to address the provisions in section 5.10.3.2 of the SDCP 2012 relating to vehicle access and incorporate adaptability to allow for future conversion of any temporary vehicle access. Specifically:

- (a) Temporary vehicle access arrangements may be provided if the laneway will not provide access at the time of development completion;
- (b) Any temporary vehicle access must be designed to be capable of future conversion to vehicle access via the planned laneway and for permanent closure of the temporary access arrangement; and
- (c) The area used for temporary vehicle access must be capable of conversion to another use.

The detailed building design must allow for all vehicles to enter and depart the site in a forward direction.

Reason

To ensure vehicle access is provided from the planned laneway network.

(12) TRANSPORT IMPACT ASSESSMENT

A detailed Transport Impact Study is to be prepared in accordance with the provisions of Section 7.4 of the Sydney Development Control Plan 2012 and submitted with any future detailed design DA. The Transport Impact Study must:

- (a) Detail and assess both temporary and final vehicle access locations respectively along Botany Road and Botany Lane; and
- (b) Detail how the site will be managed during ground and basement construction works associated with revising the vehicle access from Botany Road to Botany Lane, as it relates to parking, access and servicing.

Reason

To ensure an acceptable Transport Impact Study is submitted with any future detailed design DA.

(13) SERVICE VEHICLES

Any future detailed design DA must address the following for both temporary and future vehicle access locations:

- (a) Demonstrate that adequate spaces are provided to allow manoeuvring and turning of different sized vehicles. The design, layout, signage, line marking, lighting and physical controls for all service vehicles must comply with the minimum requirements of Australian Standard AS 2890.2 – 2002 Off Street Parking Part 2: Commercial vehicle facilities;
- (b) Include a swept path assessment for the largest vehicle to access the proposed servicing area; and

- (c) Demonstrate that waste and service vehicles can access the basement.

Reason

To ensure vehicle manoeuvring is addressed as part of any future detailed design DA.

(14) 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.

Compliance with the above is to be demonstrated for any temporary and future vehicle access location arrangements as part of any detailed design DA.

Reason

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

(15) BICYCLE PARKING AND END OF TRIP FACILITIES

Any future detailed design DA must address the following for both temporary and future vehicle access location arrangements:

- (a) Provide details of the location, number and class of bicycle parking spaces;
- (b) The minimum number of bicycle parking spaces and end of trip facilities to be provided within the site boundary is to be in accordance with the rates specified in Section 3.11.3 of the SDCP 2012;
- (c) All bicycle parking spaces and end of trip facilities must be provided on private land and not be located within the public domain;
- (d) All visitor bicycle parking is to be provided at grade in an easily accessible and visible location and must not obstruct any pedestrian entrance or commercial lobby; and
- (e) 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.

Reason

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

(16) ON SITE LOADING AREAS AND OPERATION

Any future detailed design DA is to demonstrate that all loading and unloading operations associated with servicing the site will be carried out within 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.

(17) GREEN TRAVEL PLAN

A Green Travel Plan is to be submitted as part of any detailed design DA.

Reason

To ensure sustainable transport modes are incorporated into the design of the building.

(18) DETAILED LANDSCAPE PLAN

- (a) Any subsequent DA for the detailed design of the building must include a detailed landscape plan, drawn to scale, by a registered landscape architect. The plan must include:
- (i) Location of existing and proposed planting on the site including existing and proposed trees, planting in natural ground, and planting on structure;
 - (ii) Location and details of existing and proposed structures on the site including, but not limited to, paving walls, services, furniture, shade structures, lighting and other features;
 - (iii) Minimum 15% canopy cover across the site, provided by medium or large canopy trees identified in the City of Sydney Tree Species List. This must be achieved for any temporary and future vehicle access location arrangement;
 - (iv) Details of earthworks and soil depths including finished levels and any mounding. The minimum soil depths for planting on structure must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers;
 - (v) Details of deep soil in accordance with the plans approved under the 'Approved Development' condition of this consent. Where relatively natural soil does not exist or the land is contaminated, provide details of clean fill including topsoil and topsoil layers in accordance with a Remediation Action Plan;
 - (vi) Cross sectional detail of extensive green roofs;
 - (vii) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity;

- (viii) Landscape maintenance plan that addresses how planting on structure are accessed for maintenance and identifies access points and safety equipment required as part of the building design;
 - (ix) Details of drainage, waterproofing and watering systems.
- (b) The detailed landscape plan must address the requirements of provisions 4.2.3.5 of the Sydney DCP 2012 and the relevant guidance provided in the City of Sydney Landscape Code, Volume 2, All Development Except Single Dwellings.

Reason

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

(19) DEEP SOIL

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

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

Reason

- (a) To ensure deep soil is provided in the detailed building design.

(20) CONNECTING WITH COUNTRY

The design brief for the competitive design process and the building design submitted as part of any subsequent Development Application for the detailed design of the building must address the Connecting with Country objectives in Section 5.10.5 of the SDCP 2012.

Reason

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

(21) ABORIGINAL ARCHAEOLOGY

The recommendations of the 'Aboriginal Due Diligence Assessment' prepared by Unearthed Archaeology & Heritage dated October 2023 (Council ref. 2023/637955) are to be addressed and submitted with any future detailed design DA involving ground disturbing works.

Reason

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

(22) WASTE AND RECYCLING MANAGEMENT

- (a) 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.
- (b) The Operational Waste Management Plan dated September 2024 (Council ref. 2024/546909) is to be appended to the design brief for the competitive design process.

Reason

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

(23) ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Details are to be provided with the subsequent development application for the detailed design of the building to confirm that the building will deliver the sustainability targets set out in the Design Excellence Strategy dated 25 October 2024.

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

Reason

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

(24) PUBLIC ART

- (a) The public artwork must be in accordance with the Public Art Strategy dated September 2024 (Council ref. 2024/546911), the Sydney DCP 2012, the Public Art Policy, and the Interim Guidelines: Public art in private developments. The Public Art Strategy must be incorporated into the competitive design process brief.
- (b) A Preliminary Public Art Plan must be submitted with any future detailed design DA.

Reason

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

(25) ACOUSTIC REPORT

An Acoustic Impact Assessment must be undertaken by a suitably qualified acoustic consultant and submitted with any detailed design DA in accordance with the provisions of the Sydney Local Environmental Plan 2012, Sydney Development Control Plan 2012, the NSW Government's Development near Rail Corridors and Busy Roads - Interim Guideline and the State Environmental Planning Policy (Transport and Infrastructure) 2021.

Reason

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

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

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

Reason

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

(27) FLOOD PLANNING LEVELS

- (a) Any future detailed design DA must comply with the recommended flood planning levels indicated in Table 1 of the report titled Stormwater and Flood Assessment Report prepared by Smart Structures Australia dated 8 April 2024 (Council ref. 2024/234992).
- (b) An addendum report is to be submitted to and approved by Council's Area Planning Manager prior to the commencement of any competitive design process that addresses the potential flood impacts for both the temporary and future vehicle access locations. The approved report must be incorporated into the competitive design process brief.

Reason

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

(28) PUBLIC DOMAIN CONCEPT PLAN

A public domain concept plan, showing all site frontages, including areas extending a minimum of 5m either side of the site boundary and to the road centreline, is to be prepared in accordance with the *Public Domain Manual* and the City's *Sydney Streets Code*. This must be submitted with any detailed design DA.

Reason

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

(29) PUBLIC DOMAIN LEVELS AND GRADIENTS

A Public Domain Levels and Gradients submission for the building and site frontages must be submitted with any future detailed design DA. 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.

Reason

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

(30) STORMWATER DRAINAGE DESIGN

A detailed concept stormwater management plan prepared by suitable qualified and experienced professionals must be submitted with any future detailed design DA and is to include:

- (a) A certified stormwater drainage design complying with:
 - (i) Council's Sydney Streets Technical Specifications, Part A4 Drainage Design;
 - (ii) Council's Sydney Streets Technical Specifications, Standard Drawings;
 - (iii) Council's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction;
 - (iv) Council's Stormwater Drainage Manual; and
 - (v) 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>.

Reason

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

(31) 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.

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.

(32) NEW ROAD DESIGN

- (a) Liaison with other authorities - Preparation of the detailed design and construction documentation for the proposed public road system must include all necessary liaison with, and requirements of, all relevant public utility authorities, Roads and Maritime Services, the City of Sydney, the Local Pedestrian Cycling and Traffic Calming Committee and its nominated consultants in order to achieve design approvals and construction compliance. Written evidence of approval from relevant authorities must be submitted to the City with the road design submission.
- (b) Design package and accompanying documentation – A design package must be prepared based on the requirements outlined in Council's Public Domain Manual. A design report for the road works must be prepared by an appropriately qualified civil engineer certifying that the design complies with the City of Sydney's policies, standards and specifications and those of all other relevant authorities as applicable. All engineering plans and calculations must be checked, signed and certified by a suitably qualified practicing professional engineer and included in the report. The design package and report must be submitted with any future detailed design DA.

Reason

To ensure the new road design complies with Council's policies, standards and specifications and those of all other relevant authorities.

(33) STORMWATER DRAINAGE DESIGN FOR STATE ROADS/ OTHER AUTHORITIES

A detailed stormwater management plan prepared by suitably qualified and experienced professional and complying with Council's Sydney Streets Technical Specifications, Part A4 Stormwater Drainage Design must be submitted to and approved by TfNSW. Evidence of this approval must be submitted to Council with any future detailed design DA.

Reason

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

(34) LAND CONTAMINATION

Any subsequent DA for the detailed design of the building must include reports and documentation to address the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land.

Reason

To advise as to the documentation to be provided as part of any subsequent DA for the detailed design of the building to demonstrate site suitability.

SCHEDULE 2

CONDITIONS OF CONSENT FROM EXTERNAL AGENCIES

The following conditions have been recommended by NSW State Agencies.

SYDNEY WATER

Prior to the issue of an Occupation/Subdivision Certificate:

Section 73 Compliance Certificate

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

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

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

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

Building Plan Approval (including Tree Planting Guidelines)

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.

Trade Wastewater Requirements

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

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

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

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

Trade Wastewater Requirements

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

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

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

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

Backflow Prevention Requirements

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

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

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

Before you install a backflow prevention device:

1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.

2. Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

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

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

Water Efficiency Recommendations

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

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

- Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
- Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <https://www.sydneywater.com.au/your-business/managing-your-water-use/water-efficiency-tips.html>
- Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- Develop a water efficiency plan for your business.

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

Contingency Plan Recommendations

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

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

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

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

For further information please visit the Sydney Water website at:

<https://www.sydneywater.com.au/your-business/managing-trade-wastewater/commercial->

[trade-wastewater.html](#) or contact Business Customer Services on 1300 985 227 or businesscustomers@sydneywater.com.au.

TRANSPORT FOR NSW

1. All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are to be wholly within the freehold property unlimited in height or depth along the Botany Road boundary and shall be clear of the area affected by a Road Widening Order under Section 25 of the Roads Act 1993 as published in Government Gazette of 30 August 1940, and shown by pink colour on the aerial provided at **Attachment A**.
2. The redundant driveways on the Botany Road boundary shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and guttering and new gutter crossing on Botany Road shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to developerworks.sydney@transport.nsw.gov.au.

Detailed design plans of the proposed gutter crossing and kerb and guttering are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. 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.

3. All vehicles must enter and exit the site in a forward direction and are to be wholly contained on site before being required to stop.
4. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system that impact upon Botany Road are to be submitted to TfNSW for approval, prior to the commencement of any works. 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.

5. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au.

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

6. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Botany Road during construction activities. A ROL can be obtained through

<https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

- Any proposed 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 any 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.

Attachment A



Note: there is a current misalignment with the NSW cadastre and TfNSW property data, therefore, the above aerial should only be used as an indicative representation of the area affected by Road Widening Order.

AUSGRID

Ausgrid Overhead Powerlines are in the vicinity of the development.

The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase. Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected to be entering and leaving the site.

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

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.

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.

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>. Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets - Clearances”. This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

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.