

Attachment A

<p>Recommended Modified Conditions of Consent</p>
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SCHEDULE 1

PART A – DEFERRED COMMENCEMENT CONDITIONS

The following deferred commencement conditions must be satisfied prior to the consent becoming operative:

(A) PART A – DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

The consent is not to operate until the following condition is satisfied, within **24 months** of the date of this determination:

(1) VOLUNTARY PLANNING AGREEMENT

- (a) The infrastructure Voluntary Planning Agreement between the COUNCIL OF THE CITY OF SYDNEY and Karimbla Properties (No.60) Pty Ltd shall be exhibited, executed and submitted to Council; and
- (b) The Voluntary Planning Agreement, as executed, must be registered on the title of the land.

- (2) 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.

- (3) 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.

- (4) 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 (Once the Consent is Operational).

PART A1 – CONDITIONS OF CONSENT

(1) CONCEPT DEVELOPMENT APPLICATION

Pursuant to Division 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/2023/724 dated 17 August 2023 and the following drawings prepared by MAKO Architecture Pty Ltd:

Drawing Number	Drawing Name	Date
01100 Rev E	Setout - Blocks	23 April 2024
01110 Rev G	Setout – Public Domain	23 April 2024
03100 Rev G	Structure Plan - Staging	23 April 2024
03101 Rev E H	Structure Plan – Floor Space Allocation	23 April 2024 15 April 2025
03200 Rev E	Structure Plan – Openspace	23 April 2024
03201 Rev E F	Structure Plan – Deep Soil	23 April 2024 26 March 2025
04100 Rev E H	Setbacks – Gnd Floor	23 April 2024 24 February 2025
04200 Rev E H	Setbacks – Typical Floor	23 April 2024 13 February 2025
04700 Rev G J K	Height of Building - Storeys	26 April 2024 13 February 2025 15 April 2025

and as amended by the conditions of this consent.

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

Reason

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

(2A) AMENDED DRAWINGS

The following amended drawings are to be submitted to and approved by Council's Executive Director City Planning Development & Transport prior to the issue of any Construction Certificate for the Detailed Design development applications:

- (a) ***The 'Structure Plan – floor space allocation' is to ensure consistency with staging relating to Peters Street.***
- (b) ***The 'Setbacks - gnd floor' plan is to be amended to provide a 0.0 setback to Building S2 along Epsom Road.***
- (c) ***The 'Height of Building – Storeys' plan is to be amended to reinstate the 3m western setback for the northern portion Building H as per Rev J dated 13 February 2025.***
- (d) ***The 'Height of Building Storeys' plan is to be amended to ensure all dimensions annotated are accurate.***

Reason

To ensure consistency between the concept drawings and the detailed design development applications.

(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 residential apartments or 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.

(4) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

The terms of the planning agreement entered into in accordance with Deferred Commencement Condition 1 are to be complied with.

Reason

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

(5) BUILDING HEIGHT

- (a) Building height proposed as part of any subsequent DA for the detailed design of the building must not exceed the heights expressed as RLs (AHD) shown on drawings listed in the APPROVED DEVELOPMENT condition above.
- (b) To be clear, 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 ground level common open space areas for the purpose of landscape structures and communal facilities that do not comprise floor space (or GFA) 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 (FSR):

- (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) A maximum GFA of 81,700sqm is approved, which is to be apportioned to the approved development stages in accordance with the following table:

Development Stage	Total GFA	Residential GFA	Non-Residential GFA
Northeast	34,250sqm	31,928sqm	2,322sqm
Northwest	25,550sqm	24,693sqm 24,748sqm	857sqm 802sqm
South	21,900sqm	20,527sqm 21,009sqm	1,373sqm 891sqm

- (c) Notwithstanding the above, the development stages in a competitive process phase may be eligible 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 subsequent development application(s) for the detailed design of the buildings exhibit design excellence and is the result of a competitive design process.
- (d) Each competitive process phase will be only eligible for a maximum of an additional 10% of the floorspace apportioned to it. Additional floor space is not transferrable between Competitive Process Site. If a Competitive Process Site is not able to accommodate the full amount of additional floor space apportioned to it, the remaining balance of additional floor space cannot be transferred to another development lot set out in (a) (b).

Reason

To specify the relevant floor space ratio controls applicable to the development.

(7) DISTRIBUTION OF FLOOR SPACE WITHIN ENVELOPES

The approved concept proposal envelopes establish the maximum parameters for the competitive design process and the future built form on the site. The detailed design of buildings must not occupy the entirety of the envelopes. The maximum permissible floor space of any subsequent detailed design development application must be consistent with the relevant provisions of the Sydney Local Environmental Plan 2012, the Sydney Development Control Plan 2012 and the conditions of this development consent.

Reason

To specify the relevant parameters for the detailed building design.

(8) DEVELOPMENT TO BE CONTAINED WITHIN ENVELOPES

The detailed design of the buildings must be contained within the approved envelopes 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 Development Control Plan 2012.

Reason

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

(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' prepared by Meriton Property Services Pty Ltd and Karimbla Constructions Services (NSW) Pty Ltd dated 8 April 2024; and
- (b) Prior to the lodgement of any subsequent development application(s) for the detailed design of the buildings.

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

Reason

To specify the approved Design Excellence Strategy for the development.

(10) DETAILED DESIGN OF BUILDINGS

The building design submitted as part of any subsequent DA for the detailed design of the building, must address the following design requirements:

- (a) Building forms are to be appropriately modulated and articulated to maximise the available winter solar access to adjoining residential developments and residential development within the site. Tower forms should seek to optimise the number of apartments receiving winter sunlight to habitable rooms, primary windows and private open spaces with external shading from summer sunlight.
- (b) Any design for a tall building (>35m in height) is to be vertically proportioned in height, form and articulation.
- (c) The design of Block S4 is to incorporate a non-habitable interface to its western interface above four storeys to maintain privacy for residents at 10-12 Letitia Street.
- (d) The design of the south-eastern extent of Block NW-2 is to incorporate visual privacy measures to maintain privacy for residents at 8-12 Peters Street.
- (e) The floorplates of the towers are not to exceed:
 - (i) Tower A – 850sqm
 - (ii) Tower B – 750sqm
 - (iii) Tower C – 550sqm

Note, the definition of floorplate includes external walls, all space bounded by external walls, balconies and external gallery access (measured to the outside face of balustrades) and excludes sun-shading elements and vertical fin projections.

Reason

To identify particular planning requirements for the attention of the architects commissioned to undertake the detailed design of the buildings.

(11) RESIDENTIAL LAND USE

- (a) The residential component of the development must be designed to ~~comply~~ be consistent with the principles of Chapter 4 of State Environmental Planning Policy (Housing) 2021, the guidelines of the Apartment Design Guide (the ADG), and the provisions of the Sydney Development Control Plan 2012, with particular attention to the following matters:
 - (i) ADG objectives 2F Building separation and 3F-1 Visual privacy;
 - (ii) ADG objective 4B-1 Natural ventilation;
 - (iii) ADG objective 4B-3 Natural cross ventilation;
 - (iv) ADG objective 4J Noise and pollution – with noise and natural ventilation addressed through siting and layout, facade treatment and design and lastly through attenuated passive ventilation devices;
 - (v) DCP provision 3.2.3 Active frontages – with active frontages to be provided to Epsom Road, Link Road and part of Zetland Avenue and George Julius Avenue.
 - (vi) DCP provision 3.2.4 Footpath awnings – with a continuous awning to be provided to Epsom Road, Link Road and part of Zetland Avenue and George Julius Avenue.
- (b) A BASIX certificate in accordance with the requirements of State Environmental Planning Policy (Sustainable Buildings) 2022 must be submitted with any subsequent detailed design development application.

Reason

To identify particular planning requirements pertaining to residential land use for the attention of the architects commissioned to undertake the detailed design of the buildings.

(12) PRELIMINARY LOADING AND SERVICING MANAGEMENT PLAN

A preliminary Loading and Servicing Management Plan (LSMP) must be submitted with any subsequent detailed design DA. The Plan must include (but is not limited to) how the following matters are addressed:

- (a) Service vehicle (including a 10.6m Council waste vehicle) access the loading areas;
- (b) Demonstrate that the largest service vehicle can enter and exit the site in a forward direction;
- (c) Demonstrate that servicing demands on site can be satisfied at each stage of the development;
- (d) Details of anticipated service vehicle movements during the day for all tenants of the site;
- (e) Management of conflicts between cars accessing the residential and non-residential car parking areas and vehicle movements to and from the loading dock;
- (f) Management of conflicts between heavy vehicles accessing the site and pedestrian movements; and
- (g) Management of deliveries to ensure vehicles are not waiting on public streets to enter the site.

Reason

To ensure loading and servicing is managed appropriately.

(13) SECURITY GATES

If any detailed building design submitted as part of any subsequent DA incorporates a car park accessed by a security gate, then that gate must be located at least 6 metres within the site from the property boundary with the street, ***except for Building S2 where the security gate must be located at least 3 metres within the site from the property boundary.***

Reason

To ensure any subsequent detailed building design provides adequate space between security gates and the street.

(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*.

Reason

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

(15) BICYCLE 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 should be in accordance with the rates specified at Section 3.11.3 of the Sydney Development Control Plan 2012.
- (b) 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.
- (c) 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 a compliant quantum of bicycle and end of trip facilities are provided.

(16) VEHICLE ACCESS

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

Reason

To optimise traffic and pedestrian safety on and around the site.

(17) ON SITE LOADING AREAS AND OPERATION

The detailed building design must provide for all loading, unloading and servicing operations to be carried out within the confines of the site and so there is no obstruction of other properties/units or the public way.

Reason

To ensure any subsequent detailed design for the building is able to accommodate all loading activities within the site.

(18) WASTE INFRASTRUCTURE AND SERVICING

- (a) Each stage of the development should be designed to allow for independent residential waste servicing.
- (b) Any subsequent detailed design DA must incorporate waste management facilities, vehicle access and loading in accordance with the relevant requirements of the Sydney Development Control Plan 2012 and the City's Guidelines for Waste Management in New Developments. The architectural drawings and Waste Management Plan must address the following requirements including but not limited to:

- (i) Waste management and collection must be accommodated wholly within the buildings on the site with the exception of block S3;
- (ii) Access for a 10.6m Council waste collection vehicle and vertical clearance of 4 metres clear of all ducts, pipes and other services;
- (iii) Waste collection vehicles to be able to enter and exit the premises in a forward direction; and
- (iv) Waste management infrastructure and storage areas designed in accordance with the provisions specified in the City's Guidelines for Waste Management in New Developments.

Reason

To permit safe and efficient scheduled residential waste collection activities.

(19) ACOUSTIC REPORT

An Acoustic Impact Assessment must be undertaken by a suitably qualified acoustic consultant and submitted with any subsequent 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 specify that an acoustic report must be submitted as part of any subsequent detailed design development application.

(20) DEEP SOIL

Deep soil must be provided within each development stage as per the approved stamped plan titled Structure Plan – Deep Soil, drawing number 03201 Revision E (dated 23 April 2024) as follows:

- (a) Northeast Stage: 527sqm
- (b) Southern Stage: ~~3,541sqm~~ **3,429sqm**
- (c) Northwestern Stage: ~~1,018sqm~~ **1,200sqm**

All deep soil areas should be designed to incorporate only permeable surfaces, maximise canopy trees and other planting, and be designed in accordance with the Sydney Development Control Plan 2012 and the Sydney Landscape Code Volume 2.

Reason

To ensure adequate deep soil is allowed for in the development.

(21) LANDSCAPE DESIGN

Any future detailed design DA must:

- (a) ~~Incorporate a 2m landscape setback to all ground floor residential apartments. This should be provided as deep soil wherever possible.~~
- (b) Demonstrate a coordinated approach to mitigating adverse wind conditions that ensures landscape is only used for this purpose where it is practical, feasible, and results in a high-quality design outcome, and that architectural or site planning solutions are used in all other situations.
- (c) Demonstrate that 1.5m of clean fill/VENM is available to any landscaped spaces above capped areas of contamination.

Reason

To ensure the provision of a high-quality landscape design and outdoor amenity.

(22) LAND CONTAMINATION

- (a) 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.
- (b) The relevant reports and documentation may include but are not limited to the following:
 - (i) *Epsom and Link Rd, Zetland Site – Framework Remedial Action Plan* prepared by Ramboll dated 15 March 2022.
 - (ii) *Endorsement of Data Gap Investigation, 118-130 Epsom Road & 905 Link Road, Zetland NSW* prepared by Geosyntec Consultants dated 25 March 2022.
 - (iii) *Data Gap Investigation – 118-130 Epsom Road & 905 Link Road, Zetland NSW 2017 (Version 2)* prepared by Trinitas dated 3 April 2024.
 - (iv) *Interim Advice IA05: Endorsement of Data Gap Investigation, 118-130 Epsom Road & 905 Link Road, Zetland NSW* prepared by Geosyntec Consultants dated 4 April 2024.

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.

(23) LAND DEDICATION – NO LONG-TERM ENVIRONMENTAL MANAGEMENT PLAN

Any land that is to be dedicated to the City under 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 not be encumbered by an Environmental Management Plan or Long-Term Environmental Management Plan.

Reason

To ensure future public land is not encumbered by onerous ongoing land contamination management requirements.

(24) WIND ASSESSMENT

- (a) Prior to the lodgement of any subsequent detailed DA, the design must be subject to wind tunnel testing to ascertain the impacts of the development on the wind environment and conditions within the publicly accessible pedestrian space, the surrounding streets, neighbouring buildings, and communal external areas and private open space areas within the subject development.
- (b) Any recommendations of this wind tunnel testing and wind assessment report required by (a) above must be incorporated into and submitted with any detailed design DA.

Reason

To specify the matters that have been identified through the concept development application assessment as requiring further resolution through the detailed design development stages.

(25) COMMUNAL OPEN SPACE

Any subsequent detailed design DA involving the development of a residential flat building or mixed-use building is required to provide an area equal to 25% of the development block site area as communal open space.

Reason

To ensure an adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.

(26) ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Details are to be provided with any subsequent detailed design DA to confirm that the building/s has adopted the following ecologically sustainable development (ESD) targets:

- (a) Energy
 - (i) Low Rise (3 Storey Multi-Units): 67
 - (ii) High Rise (6-20 Storey Multi Units): 60
 - (iii) High Rise (20 Storey Multi Units): 63
- (b) Water
 - (i) 40

(c) Thermal Loads:

(i) Low Rise (3 Storey Multi Units)

Maximum Allowable Thermal Loads (MJ/m²/year)	Individual Dwellings	Average of all Dwellings
Heating	32.9	29.7
Cooling	20.4	21.2

(ii) High Rise (6-20 Storey Multi Units) & High Rise (20 Storey Multi Units and Higher)

Maximum Allowable Thermal Loads (MJ/m²/year)	Individual Dwellings	Average of all Dwellings
Total	38	30
Heating	34.4	28.1
Cooling	21.4	20

In the case of an inconsistency between the above Environmental Performance targets and the new State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP), the Sustainable Buildings SEPP prevails.

The ESD targets are to 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 specify the ESD target benchmarks for the development.

(27) PUBLIC ART

- (a) The Public Art Strategy prepared by Aileen Sage dated 19 December 2023 (Council reference TRIM 2023/731918) must be included as an appendix to any competitive design process brief as per Section 3.3.7 of Sydney Development Control Plan 2012.
- (b) A Detailed Public Art Plan, based upon the preliminary plan referred to in (a) above, must be prepared and submitted with any subsequent detailed design DA.

- (c) All public artworks must be in accordance with the relevant objectives and provisions of the Sydney Development Control Plan 2012, the Public Art Policy, and the Interim Guidelines: Public art in private developments.

Note: Public Art must be reviewed and endorsed by the City's Public Art Team and/or the Public Art Advisory Panel prior to submission for Council approval. Further information is available online at

<http://www.cityofsydney.nsw.gov.au/explore/arts-and-culture/public-art>.

Please contact the Public Art Team for further information at:

publicartreferrals@cityofsydney.nsw.gov.au

Reason

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

(28) TREES IDENTIFIED FOR REMOVAL

- (a) For the purposes of the competitive design processes and any subsequent detailed design DA, the trees detailed in the table below are identified for removal.
- (b) No consent is granted or implied for any tree removal works under this consent. Consent for tree removal must be sought under a subsequent development application.

Tree Number	Species	Location
15,16, 16A, 17A, 17, 26, 28, 29 36, 36A, 36B, 37 - 80 80A, 80B, 81 & 82 – 95	Various species	Within the site

Reason

To identify trees that may be removed subject to any subsequent detailed design development application.

(29) TREES THAT MUST BE RETAINED

- (a) For the purposes of the competitive design processes and any subsequent detailed design DA, the trees detailed in the table below are identified for retention.

Tree Number	Species	Location
1A, 1, 2, 2A, 3, 4, 5, 6, 6A, 7, 8, 9, 9A, 9B, 9C, 10, 11, 17A, 17, 18A, 18, 19, 20, 21, 22, 23, 24 & 25.	Various species	Within the site

Reason

To identify trees that must be retained.

(30) STREET TREES AND DETAILED DESIGN DEVELOPMENT APPLICATIONS

- (a) All street trees surrounding the site must be included for retention in any subsequent detailed design DA.
- (b) 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.
- (c) The location of any new driveways must not require the removal of any existing street trees. The driveway must be appropriately set back so it does not have adverse impacts both below and above ground upon any existing street trees.

Reason

To specify that retention of street trees is to be considered during design development.

(31) TREE INFORMATION REQUIRED FOR ANY FUTURE DETAILED DESIGN DEVELOPMENT APPLICATION

- (a) An Arboricultural Impact Assessment Report (AIAR) must be submitted with any subsequent detailed design DA. The report must be prepared by a qualified Arborist with a minimum Australian Qualification Framework (AQF) of Level 5 in Arboriculture, and written in accordance with the Australian Standard AS 4970-2009 Protection of Trees on Development Sites (AS4970).
- (b) The report must provide the following details:
 - (i) Provide an assessment detailed in a tree schedule / table for each tree surveyed that includes:
 - a. the common and full botanical name
 - b. the age class
 - c. the (estimated) height
 - d. the trunk diameter measured at 1.4 metres height
 - e. the canopy spread to the four cardinal points
 - f. a summary of the trees' health, vigour and structural condition
 - g. an estimation of the trees useful life expectancy using appropriate industry methods
 - h. list / appendix of plans and documents used to inform report

- (ii) An assessment and discussion of the likely impacts the development will have on the trees to be retained. This should include above and below ground constraints on trees that should be retained.
- (iii) Any excavation beyond the existing footing, exploratory root investigation is required to determine the exact location of existing roots. This shall consist of an 'air knife' / soil vacuum / hand-digging, gently removing the soil to expose the existing tree roots where construction is likely to impact on the tree/s or require root pruning to achieve the proposed development design. An assessment of tree root size, number and condition must be provided (including photos). No roots over 40mm will be permitted for removal.
- (iv) Recommendations of any design modifications to the wall, construction techniques and/or other protection methods required to minimise adverse impact on trees that should be retained during the demolition, excavation and construction works, and into the long term. Note: particular attention must be paid to the existing soil levels, required development levels to integrate to the existing building, and the required tree protection measures.
- (v) If any design modifications are recommended for the demolition, excavation or construction of the wall (including its footings), updated plans, elevations and/or sections are to be provided reflecting the Arborist's advice.
- (vi) Any excavation within the TPZ must be undertaken using non-destructive methods (such as by hand). All new footings within the TPZ of trees to be retained shall be relocated / realigned if any tree root greater than 40mm in diameter. A minimum of 150mm clearance shall be provided between the tree root and footing.
- (vii) Details of the tree protection measures in accordance with AS4970-2009 Protection of trees on development site.
- (viii) Provide a scaled Tree Protection Plan of 1:100 / 1:200, showing the tree protection zones, structural root zones, canopy and incursion within these zones of existing trees.
- (ix) Details of pruning must be provided (including marked up photos/tree roots). Only minor pruning with a maximum of 5% canopy removal and maximum of 50mm diameter branches / 40mm diameter roots will be permitted by Council. All proposed pruning works must be specified in accordance with Australian Standard 4373–2007, Pruning of Amenity Trees.

Note: reports which include photos with a single vertical line as the area recommended for pruning will not be accepted.

- (x) Information on the Arborist's involvement during the works is also required.
- (xi) Any other works that must be prohibited throughout construction and development on site.

- (xii) Refer to Council's (weblink below) 'Tree Guidelines for Pruning, Reporting and Using an Arborist' for guidance on information that must be provided in an Arboricultural Impact Assessment Report, including tree pruning specification and exploratory root investigation; <https://www.cityofsydney.nsw.gov.au/property-tree-maintenance/apply-prune-remove-tree>

Reason

To ensure any future detailed design DA is accompanied by adequate information relating to trees.

(32) FLOOD PLANNING LEVELS

Details must be submitted with any subsequent detailed design DA to demonstrate compliance with the recommended flood planning levels indicated in the report titled "*Concept and Planning Proposal Flood Assessment and Storm Water Management Report*" prepared by TTW Consulting dated 22 June 2023.

Reason

To ensure the detailed design of the building addresses flood risk.

(33) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

Any future detailed design DA must demonstrate access and facilities are provided for people with a disability in accordance with the Building Code of Australia.

Reason

To ensure the detailed design of the building provides access for people of all abilities.

(34) ADAPTABLE HOUSING

Any subsequent detailed design DA is to provide the required number of residential units that are able to be adapted for people with a disability in accordance with provision 3.12.2 of the Sydney Development Control Plan 2012, the Building Code of Australia and Australian Standard AS4299.

Reason

To ensure the detailed design of the building provides apartments that can be easily adapted for people with a disability.

(35) SIGNAGE STRATEGY

A detailed signage strategy must be submitted with any subsequent detailed design DA or a condition of consent requiring the submission of a detailed signage strategy is to be imposed on any consent for a subsequent detailed design development application which involves non-residential development. The signage strategy must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.

Reason

To require signage to be considered as part of any subsequent detailed building design.

(36) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO COMPETITIVE DESIGN PROCESS

- (a) Prior to the commencement of any competitive design process, an accurate 1:1 electronic CAD model of the envelope approved by this consent must be submitted to and approved by Council's City Model Unit.
- (b) The data required to be submitted within the surveyed location must include and identify:
 - (i) envelope design above in accordance with the development consent;
 - (ii) 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.
- (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.
- (d) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements>
- (e) Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all the conditions of the Development Consent.

(37) NEW ROAD DESIGN

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, Transport for NSW, 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.

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, Austroads 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 subsequent detailed design DA for building construction.

Reason

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

PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

There are no conditions relevant to Part B.

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

There are no conditions relevant to Part C.

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

There are no conditions relevant to Part D.

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

There are no conditions relevant to Part E.

PART F – OCCUPATION AND ONGOING USE

There are no conditions relevant to Part F.

SCHEDULE 2

PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2021* apply:

- Clause 69 Compliance with *National Construction Code* (previously known as *Building Code of Australia*) and insurance requirements under the *Home Building Act 1989*
- Clause 70 Erection of signs
- Clause 71 Notification of *Home Building Act 1989* requirements
- Clause 72 Conditions relating to entertainment venues
- Clause 73 Conditions relating to maximum capacity signage
- Clause 74 Conditions relating to shoring and adequacy of adjoining property

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

IMPORTANT ADDITIONAL INFORMATION

Advisory notes:

1. It is advised that the City of Sydney Neighbourhood Parking Policy may apply to this development. Eligibility for parking permits for residents or users of the development will be determined by the terms of this policy or subsequent future policies.

The Environmental Planning and Assessment Act 1979 requires you to:

1. Obtain a **Construction Certificate** prior to the commencement of any works. An application may be lodged with Council, or you may apply to a private accredited certifier for a Construction Certificate. An accredited certifier **must obtain Council's approval** to certain conditions of this development consent, where indicated before issuing the Construction Certificate.
2. ***It is compulsory to lodge digital copies of applications, including plans and documentation if lodging an application with Council. Please refer to Council's website for any further information about digital requirements and electronic files.***

Note: All applications must be lodged via the NSW Planning Portal.

3. Nominate a **Principal Certifier** which may be either Council or a registered certifier and notify Council of that appointment. You **cannot lawfully** commence works without complying with this requirement. Appointment must be made through the Planning Portal <https://www.planningportal.nsw.gov.au/>.
4. Give Council at least two days notice of your intention to commence the erection of a building **before** commencing construction works. You cannot lawfully commence works without complying with this requirement.
5. Obtain an **Occupation Certificate** before commencing occupation or commencing to use the building or on the completion of other works including the erection of a sign. You cannot lawfully commence occupation or the use of a building without complying with this requirement.

You may also need to:

6. Obtain approval through the lodgement of an application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* for an activity which is proposed to be undertaken in, on or above a road reservation (including footways). Such activities include:
 - (a) building elements/façade features;
 - (b) installation of hoardings/scaffolding;
 - (c) installation and/or alterations to advertising/business signs and street awnings;
 - (d) crane operation and other hoisting activities;
 - (e) temporary works (e.g.: barricading, road openings, mobile hoisting devices);
 - (f) works zone (for loading and unloading from the roadway); and
 - (g) temporary ground anchoring and shoring to support a roadway when excavating.Application forms are available on the City's website.
7. Lodge an **Application for Subdivision** to obtain a **Subdivision Certificate** if a land (including stratum) subdivision is proposed and an Application for Subdivision to obtain **Strata Title Subdivision** under the relevant Strata Titles Act if strata title of the development is proposed.
8. Comply with the Food Act 2003, the Australia New Zealand Food Standards Code, Australian Standard 4674 – 2004, and register the business with Council if the premises is used for the manufacture, preparation, packing, storing, conveying or delivering of food or beverage for sale.
9. Contact Sydney Water regarding the water and sewerage services to this development. For further information go to www.sydneywater.com.au.

Carry out critical stage inspections in accordance with Section 6.5 of the EP&A Act 1979 and clauses 61, 63 and 65 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation.