

# **Attachment A**

<b>Recommended Conditions of Consent</b>
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## **DEFERRED COMMENCEMENT CONDITION**

This consent does not operate, and may not be acted on, until the Council is satisfied of the following matter:

### **(A) VOLUNTARY PLANNING AGREEMENT**

- (a) The Voluntary Planning Agreement between the Council of the City of Sydney, and Brightwell Real Estate Pty Ltd and Brightwell Holdings Pty Ltd, has been exhibited, executed and submitted to Council; and,
- (b) The Voluntary Planning Agreement, as executed, must be registered on the title of the land(s).

### **Reason**

To require the execution and registration of the voluntary planning agreement.

Evidence of the above relevant matter must be produced to the consent authority, within 24 months of the date of the determination, otherwise the consent will lapse.

Under section 76(4) of the EP&A Regulation, the consent authority will notify you in writing if the matters above have been satisfied and the date from which this consent operates.

The conditions of development consent below apply from the date that this consent operates.

*Note: Section 76(3) of the EP&A Regulation enables a consent authority to specify the period within which the applicant must produce evidence to the consent authority sufficient enough to enable it to be satisfied as to the relevant matter(s) that it requires before a deferred commencement consent can operate. Where a period is specified under section 76(3), a deferred commencement consent will lapse if the applicant has not produced sufficient evidence for the consent authority to be satisfied of the relevant matters on the expiration of the specified period.*

*Where the applicant produces evidence of the relevant matters in accordance with section 76(4) of the EP&A Regulation, the consent authority must notify the applicant whether or not it is satisfied as to the relevant matter(s). If the consent authority has not notified the applicant within 28 days after receiving the applicant's evidence, the consent authority is taken to have notified the applicant that it is not satisfied about the relevant matter(s) on the date on which that period expires, for the purposes of section 8.7 of the EP&A Act (see sections 76(4), (5) and (6) of the EP&A Regulation).*

## Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below in Schedules 1 to 5.

### SCHEDULE 1

#### GENERAL CONDITIONS

##### (1) CONCEPT DEVELOPMENT APPLICATION

Pursuant to Division 4.4 of the Environmental Planning and Assessment Act, 1979, and Clause 87 of the *Environmental Planning and Assessment Regulation 2021*, this Notice of Determination relates to a concept development application. A subsequent detailed design 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 any works on any part of the site.

##### (2) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

The terms of the Voluntary Planning Agreement entered into in accordance with Deferred Commencement Condition (A) are to be complied with.

##### Reason

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

##### (3) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2024/652 dated 24 October 2024 and the following drawings prepared by DKO Architecture:

Drawing No.	Rev	Drawing Name	Date
DA200	B	Envelope Plans	12/02/2025
DA300	B	N & S Elevations	12/02/2025
DA301	B	E & W Elevations	12/02/2025
DA302	B	Sections	12/02/2025
DA303	B	Sections	12/02/2025

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.

**(4) MATTERS NOT APPROVED**

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

- (a) any works, including demolition, tree removal, excavation, remediation and/or construction;
- (b) the removal or pruning of any tree on or adjoining the site;
- (c) the height in storeys, street frontage height in storeys, or floor levels of the development;
- (d) the layout and number of residential apartments or the non-residential tenancy;
- (e) the depth, extent, number, layout and design of basement levels and/or configuration of car parking;
- (f) the design and number of car parking spaces, bicycle spaces, car share or loading spaces/zones;
- (g) the precise quantum of floor space; and
- (h) any additional floor space up to 10%, pursuant to the provision of Clause 6.21D(3) of Sydney LEP 2012.

**Reason**

To ensure all parties are aware of the scope of the concept consent.

**(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 (3) above.
- (b) For clarity, 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, being a maximum total Gross Floor Area of 13,363sqm.
- (b) Notwithstanding (a) above, the proposal may be eligible for up to 10% additional floor space pursuant to the in force provisions of Clause 6.21D(3) of the Sydney Local Environmental Plan 2012 if the consent authority is satisfied that the resulting detailed design exhibits design excellence and is the result of a competitive design process.
- (c) Precise FSR details are to be submitted as part of any subsequent DA for the detailed design of the building.

**Reason**

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

**(7) DEVELOPMENT TO BE CONTAINED WITHIN APPROVED ENVELOPES**

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

**Reason**

To ensure that the detailed building design is consistent with the approved concept envelopes.

**(8) 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 SJB Planning dated 5 March 2025; and
- (b) Prior to the lodgement of any subsequent development application 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.

**(9) 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) The design of the western extent of Buildings 1 and 2 are to incorporate external visual privacy measures to provide passive sun control and to maintain privacy for both the future residents of these buildings and the neighbouring residents at 21-25 Coulson Street.
- (b) The design of the northern extent of Building 2 is to incorporate a primarily non-habitable interface to maintain privacy for residents of Building 1.
- (c) The design of any apartments which form the perimeter of any rooftop communal open space are to incorporate a primarily non-habitable interface to maintain privacy for residents and support usable communal areas.
- (d) The design treatment of the south elevation of Building 4 is to be carefully addressed as part of the design competition to provide an appropriate backdrop to, and minimise the visual impact of the building on, the Heritage listed Former Bakewell Brothers Warehouse to its south. The design treatment should include detailed architectural articulation and modulation, and the use of appropriate materials, colours and finishes.
- (e) Design for flood planning levels, equitable access, and building services are to be high quality and well-integrated primarily within the building footprint to enable deep soil provision within setbacks, enhanced landscape presentation, and to create a high quality interface with the public domain whilst providing amenity and outlook for ground level apartments and any future terraces. Flood gates are not to be utilised.

**Reason**

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

**(10) RESIDENTIAL LAND USE**

- (a) The residential component of the development must be designed to 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 3D-1 Communal open space – with an equitable distribution of communal open spaces across all apartment buildings
  - (iii) ADG objective 4B-1 Natural ventilation;
  - (iv) ADG objective 4B-3 Natural cross ventilation;
  - (v) ADG objective 4J Noise and pollution – with noise and natural ventilation addressed firstly through siting and layout, then facade treatment and design, and lastly through attenuated passive ventilation devices.
- (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.

**(11) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES**

Any subsequent detailed design DA must demonstrate that access and facilities are provided for people with a disability in accordance with the National Construction Code.

**Reason**

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

**(12) 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 National Construction Code 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.

**(13) HERITAGE PRINCIPLES FOR THE ADAPTIVE REUSE OF THE FORMER BAKEWELL BROTHERS WAREHOUSE**

A set of Heritage Principles for the Adaptive Reuse of the Former Bakewell Brothers Warehouse are to be prepared by a suitably qualified and experienced heritage consultant. It is to address matters including:

- (a) the significance of the building and its parts

- (b) identify the spatial planning and features of the building, including the grading of fabric, elements, and spaces and which elements are to be conserved
- (c) detail the physical structure of the building and proposed methods to ensure that its stability is maintained with minimal impact on heritage fabric and spaces
- (d) outline specific conservation works
- (e) upgrade of services and spaces to support future uses
- (f) alterations and additions, including the possible enhancement of its corner presentation.
- (g) recommended management of the building.

The Heritage Principles for the Adaptive Reuse of the heritage item must be submitted to and approved by Council's Executive Director City Planning Development and Transport prior to the competitive design process, and form part of the parameters to be considered in the competition.

#### **Reason**

To identify heritage principles to guide the subsequent competitive design process and the subsequent detailed design of the buildings.

#### **(14) HERITAGE INTERPRETATION STRATEGY**

- (a) Prior to commencement of the competitive design process, a Heritage Interpretation Strategy for the site must be prepared and approved by Council's Area Planning Manager.
- (b) The strategy is to be prepared by a suitably qualified and experienced heritage practitioner or historian.
- (c) The strategy to include a concise developmental history of the site including its occupancy by Bakewell Brothers and H Brightwell and Sons.
- (d) The strategy is to outline how the information on the history and significance of the site could be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used.
- (e) The strategy should outline the indicative location, type, making materials and contents of the interpretation device being proposed.
- (f) The approved Heritage Interpretation Strategy must be included in the Design Excellence brief and implemented prior to an occupation certificate being issued for each stage of the development of the site to the satisfaction of Council's Urban Design and Heritage Manager.



### **Reason**

To ensure that the heritage of the site is appropriately interpreted and incorporated into the development.

## **(15) ARCHAEOLOGICAL ASSESSMENT**

An archaeological assessment undertaken by a suitably qualified archaeologist must be submitted to with any subsequent detailed design DA. 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.

The approved Archaeological Assessment is to be included as a background document for the design competition.

### **Reason**

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

## **(16) PRELIMINARY LOADING AND SERVICING MANAGEMENT PLAN**

A Draft Loading Dock Management Plan must be submitted with any subsequent detailed design DA. The Plan must include (but is not limited to) the following information:

- (a) Details of anticipated service vehicle movements during a typical week for all uses at the site;
- (b) Details of transfer routes for bins, deliveries, etc to and from the loading bay for all uses at the;
- (c) Management of deliveries to ensure there is no requirement for any service vehicles to wait on public streets to enter the site;
- (d) Contingency measures in the event that the turntable is not operational.

It should be noted that unimpeded access will need to be provided for residential collection vehicles to set down within 10 meters of waste storage area(s) between 6am and 6pm on collection day(s) or until all scheduled residential waste collections have been completed for the day.

### **Reason**

To ensure loading and servicing is managed appropriately.

## **(17) 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.

### **Reason**

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

## **(18) 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.

## **(19) 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: 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.

## **(20) 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.

## **(21) 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.

## **(22) WASTE AND RECYCLING MANAGEMENT**

- (a) Prior to the commencement of any competitive design process for the site, a Waste Management Strategy (WMS) must be submitted to and approved by Council's Area Planning Manager and which once approved, may be appended to the design brief for the competitive design process. The WMS must address the following requirements:
  - (i) estimates of waste streams (waste, recycling and food waste) that will be generated and the number of bins and collection frequency to manage the waste generated calculated in accordance with the rates specified in the City's Guidelines for Waste Management in New Developments;
  - (ii) the minimum spatial requirements (minimum room sizes, minimum door sizes, manoeuvring space, size of bin holding areas etc) for waste management systems and facilities based on the estimated waste generation of the ongoing operation of the development and must account for specified bin sizes;
  - (iii) safe and convenient access to waste facilities for residents with a maximum 30m walking distance from any entrance of a residential dwelling to the waste and recycling storage area and residential chute systems contained within accessible chute rooms;
  - (iv) waste holding area adjacent to proposed loading area permitting safe and convenient access for waste collection staff including a maximum manual handling distance by council contractors of 10m;
  - (v) waste management and collection must be accommodated wholly within the site;
  - (vi) access for a 10.6m long Council garbage truck and vertical clearance of 4 metres clear of all ducts, pipes and other services;
  - (vii) waste collection vehicles to be able to enter and exit the premises in a forward direction;
  - (viii) waste management systems and facilities that promote safe and convenient stage of the development should be designed to allow for independent residential waste servicing;
  - (ix) separate waste storage area for residential and commercial aspects of developments. Commercial tenants must not have access to residential waste storage areas.

- (b) Any subsequent detailed design DA must include details to demonstrate that adequately sized waste management facilities including waste storage areas and truck access and loading is provided in accordance with the relevant requirements of the Sydney DCP 2012 and the City's Guidelines for Waste Management in New Developments.

**Reason**

To ensure the provision of adequate waste and recycling facilities.

**(23) LAND CONTAMINATION**

- (a) Any subsequent detailed design DA 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) *Detailed Site Investigation (63684/149,320 Rev 3)* prepared by JBS&G Australia Pty Ltd and dated 7 August 2024 (council's reference 2024/466600).
  - (ii) *Remedial Action Plan (JBS&G 67361 | 160,420)* prepared by JBS&G Australia Pty Ltd and dated 30 July 2024 (council's reference 2024/454343).
  - (iii) *Site Audit Report - 7-19 Coulson St, 5 Goddard St and 23 Eve St, Erskineville (reference 318002060)* prepared by Tom Onus of Ramboll Australia Pty Ltd and dated 13 August 2024 (council's reference 2024/466601).
- (c) Any land that is to be dedicated to the City under the voluntary planning agreement entered into in accordance with the deferred commencement condition (A) of this consent must not be encumbered by an Environmental Management Plan or Long-Term Environmental Management Plan.

**Reason**

To advise the documentation required to demonstrate site suitability and to ensure future public land is not encumbered by onerous ongoing land contamination management requirements.

**(24) 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.

## **(25) WIND ASSESSMENT**

- (a) Prior to the lodgement of any subsequent detailed design 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 subsequent 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.

## **(26) ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

Details are to be provided with the subsequent DA for the detailed design of the building to confirm that the building has adopted the ESD targets specified in the Design Excellence Strategy referred to in Condition (8) above. The specified ESD targets are to be carried through the competition phase, design development and construction, to the completion of the project.

### **Reason**

To ensure parties are aware of the relevant ESD targets.

## **(27) PUBLIC ART**

- (a) The Preliminary Public Art Plan – Concept DA prepared by Cultural Capital (Revision C) dated April 2025 (Council reference 2025/223471) must be included as an appendix to any competitive design process brief.
- (b) A further Preliminary Public Art Plan, based upon the strategy 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](mailto: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 detailed design DA.

Tree No.	Species	Location
7	Norfolk Island pine ( <i>Araucaria heterophylla</i> )	23 Eve St
8	Mexican Fan Palm ( <i>Washingtonia robusta</i> )	

### Reason

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

## (29) TREES THAT MUST BE RETAINED

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 No.	Species	Location
1	Port Jackson Fig ( <i>Ficus rubiginosa</i> )	5 Goddard St
2	Tallowwood ( <i>Eucalyptus microcorys</i> )	7-19 Coulson St
3	Large Leaf Privet ( <i>Ligustrum lucidum</i> )	21-25 Coulson St
4, 5	Silky Oak ( <i>Grevillea robusta</i> )	7-19 Coulson St
6	Lemon Scented Gum ( <i>Corymbia citrodora</i> )	23 Eve St
12	Yucca ( <i>Yuccas spp</i> )	21-25 Coulson St

### 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 required for any subsequent detailed design DA.

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

- (a) An Arboricultural Impact Assessment (AIA) 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, including any land remediation required, 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 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 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;



**Reason**

To identify the information relating to trees that needs to accompany any future detailed design DA.

**(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 "Flood Assessment Report" prepared by Northrop Consulting dated 6 March 2025.

**Reason**

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

**(33) PUBLIC DOMAIN CONCEPT PLAN**

A public domain concept plan, showing all the existing site frontages, extending a minimum of 5m past the boundary and to the road centreline, and the dedication land to the City, must be prepared in accordance with the City's Public Domain Manual and Sydney Streets Code and be submitted with any future detailed design DA.

The Public Domain Concept Plan must address the following issues:

- (a) The turning circle for garbage truck access to basement from Goddard St must be reviewed and resolved and avoid the turning paths encroaching on the footpath and street trees.
- (b) Design for Goddard St must comply with the City's DCP, Street Code and Sydney Street Technical Specifications and Standards.
- (c) The 2.5m footpath widening on Coulson St must be integrated with the Goddard St design.
- (d) The basement tunnel crossing Goddard St must maintain a clearance of 1.5m below the gutter invert levels.
- (e) According to the City's Canopy coverage targets by 2050, Carter Park must achieve 70% canopy coverage with primarily soft planting in deep soil areas. Lighting and basic park furniture, including bench seats, a bin enclosure, must be provided. Lawn or play equipment are not required. Outdoor dining or sitting areas associated with commercial use are not supported within Carter's Park.
- (f) All required bicycle parking for the development must be located outside the future public domain areas.
- (g) Clear demarcation is required between private and public domains around Carter's Park.

- (h) Traffic calming solutions must be implemented to ensure safe pedestrian access, including a Continuous Footpath Treatment (CFT) at the end of Goddard St and a potential raised pedestrian crossing on Coulson St connecting Bamal Way and Carter's Park.

Note: A detailed Public Domain Plan will be required prior to construction.

**Reason**

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

**(34) STORMWATER DRAINAGE DESIGN**

Any future detailed design DA must be supported by the following:

- (a) A detailed concept stormwater management plan prepared by suitable qualified and experienced professionals must be submitted with any future detailed design DA and must include 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
  - (iv) Construction;
  - (v) Council's Stormwater Drainage Manual; and
  - (vi) All relevant Australian Standards

This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/development/publicdomainworks/daaassociatedworks>.

- (b) A design certification report prepared by a suitably qualified practitioner engineer (NPER) demonstrating compliance with approved music link targets and parameters. The report must include a response to all stormwater quality improvement devices structural integrity, treatment train and their treatment properties.

**Reason**

To ensure stormwater drainage design complies with Council's requirements and appropriate stormwater quality on the site.

**(35) STORMWATER ONSITE DETENTION**

The requirements of Sydney Water with regard to the onsite detention (OSD) of stormwater must be ascertained and complied with.

Note: 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.

**(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.
- (f) The data is to comply with all the conditions of the Development Consent.

**Reason**

To require the submission of a CAD model to reflect the amended concept envelope and to facilitate the subsequent competitive design process.

## **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**

#### **CONDITIONS OF CONSENT – SYDNEY AIRPORT**

The conditions of consent as advised by Sydney Airport are as follows:

##### **(37) SYDNEY AIRPORT CONDITIONS**

- (a) Any future detailed design of buildings must not exceed a maximum height of RL 34.00 metres AHD, this includes all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.
- (b) If the height of any temporary structure and/or equipment be greater than 15.24 metres above existing ground height (AEGH), a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.
- (c) Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations. Approval to operate construction equipment (I.e. cranes) should be obtained prior to any commitment to construct.

## **SCHEDULE 4**

### **CONDITIONS OF CONSENT – AUSGRID**

The conditions of consent as advised by Ausgrid are as follows:

#### **(38) UNDERGROUND CABLES**

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 Before You Dig Australia (BYDA)

In addition to BYDA the proponent should refer to the following documents to support safety in design and construction:

- (a) SafeWork Australia – Excavation Code of Practice.
- (b) Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.

The following points should also be taken into consideration.

- (a) Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.
- (b) Should ground levels change above Ausgrid's underground cables in areas such as footpaths and driveways, Ausgrid must be notified, and written approval provided prior to the works commencing.
- (c) Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

#### **(39) OVERHEAD POWERLINES**

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 be entering and leaving the site.

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

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

**(40) 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.

**(41) 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](http://www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries).

## **SCHEDULE 5**

### **CONDITIONS OF CONSENT – TRANSPORT FOR NSW (TfNSW)**

The conditions of consent as advised by TfNSW are as follows:

The proposed development will need to take the following documents into consideration for incorporating into the lodgement of any future detailed Development Applications:

- Department of Planning and Environment's 'Developments near Rail Corridors and Busy Roads – Interim Guideline' 2008.
- TfNSW Asset Management Branch Standard 'Airspace and External Developments - T HR CI 12090 ST' dated 1 June 2021.

No works are permitted within the Rail Corridor, or TAHE (Transport Asset Holding Entity) land or airspace, including craneage or other aerial operations.

Due to the proximity of the works proposed in the Concept Plans to the rail corridor and TAHE (Transport Asset Holding Entity) land and assets, the Applicant is requested to consult with Sydney Trains prior to lodgement of any future development applications.

As part of the lodgement of any future Stage 2 Development Application(s), the Applicant/Developer shall prepare and submit to Sydney Trains, the following rail specific with the Development Application(s) for Sydney Train's review, comment, and written endorsement:

1. Geotechnical and Structural report/drawings that meet Sydney Trains' requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.
2. Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
3. Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and/or structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
4. Detailed Survey Plan showing the relationship of the proposed development with respect to Sydney Trains' easement and rail corridor land.
5. If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.
6. If required by Sydney Trains, a Monitoring Plan (including instrumentation and the monitoring regime during excavation and construction phases).