

Resolution of Central Sydney Planning Committee

23 April 2026

Item 4

Development Application: 20-26 Bourke Road, Alexandria - D/2025/1070

Moved by the Chair (the Lord Mayor), seconded by Councillor Miller –

It is resolved that:

- (A) pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application Number D/2025/1070 subject to the conditions set out in **Attachment A** to the subject report, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

(2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2025/1070 dated 5 November 2025 and the following drawings prepared by *Bates Smart*:

Drawing Number	Drawing Name	Date
DA00.000 Rev C	Drawing List	20.03.2026
DA01.000 Rev A	Existing Site Plan	17.09.2025
DA01.002 Rev A	Proposed Site Plan	17.09.2025

Drawing Number	Drawing Name	Date
DA01.100 Rev A	Demolition Plan	17.09.2025
DA03.000 Rev B	Ground Level Plan	03.02.2026
DA03.001 Rev C	Level 01 Plan	16.03.2026
DA03.002 Rev B	Level 02 Plan	03.02.2026
DA03.003 Rev B	Level 03 Plan	03.02.2026
DA03.004 Rev B	Level 04 – 14 Plan	03.02.2026
DA03.015 Rev B	Roof Plan	03.02.2026
DA09.001 Rev A	North & South Elevation	17.09.2025
DA09.002 Rev A	East Elevation	17.09.2025
DA09.003 Rev A	West Elevation	17.09.2025
DA10.001 Rev A	Section 01	17.09.2025
DA10.002 Rev A	Section 02	17.09.2025

Drawing Number	Drawing Name	Date
DA10.010 Rev B	Façade Sections	03.02.2026
DA13.010 Rev A	1 Bed Apartment Types	17.09.2025
DA13.020 Rev C	2 Bed Apartment Types	20.03.2026
DA13.030 Rev B	3 Bed Apartment Types	03.02.2026
2400094 SUB	Plan of Proposed Subdivision (prepared by Beveridge Williams)	03.09.2025

and as amended by the conditions of this consent.

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

Staging

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

Stage	Scope of Works
Construction Certificate 1	Earthworks, Excavation and Shoring
Construction Certificate 2	Structures Above Ground
Construction Certificate 3	Façade, Fitout and Services
Construction Certificate 4	External and Public Domain Works

Reason

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

(4) RESTRICTIONS TO USER - GROSS FLOOR AREA

Prior to any Occupation Certificate, a restriction on the use of land, pursuant to Section 88B of the *Conveyancing Act, 1919* must be registered in conjunction with the subdivision. The terms of the restrictions must be to the satisfaction of Council's Area Planning Manager, and satisfy the following requirements:

- (a) A restriction on the use of land, pursuant to s88B of the *Conveyancing Act 1919* shall be created burdening Lots 4 and 5. ~~The terms of the restriction shall cap the gross floor area for the lots as per the areas outlined at Condition 2.~~ **The terms of the restriction shall cap the total gross floor area for the lots, being 12,032sqm for Lot 4 and 564sqm for Lot 5.**
- (b) A restriction on the use of land, pursuant to s88B of the *Conveyancing Act 1919* shall be created, burdening Lot 5, limiting the total Gross Floor Area of that lot, where the components of the buildings occupying Lots 4 and 5, taken together, are to be no more than that permissible for the entire site by the Sydney Local Environmental Plan 2012, or the relevant Environmental Planning Instrument in existence at the time.

Reason

To ensure the orderly development of the land and regulate GFA.

(12) DESIGN QUALITY EXCELLENCE

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

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

Reason

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

(16) DELETED

(17) DELETED

(28) TREES APPROVED FOR REMOVAL

- (a) All trees detailed in Table 1 below are approved for removal. Tree removal must not occur until the Construction Certificate **1** has been issued.

Table 1 – Tree Removal:

Tree Number	Species	Location
1	Melaleuca quinquenervia (Broad Leaf Paperbark)	Bourke Road (street tree)

- (b) Tree removal works must be carried out by a qualified Arborist (minimum AQF Level 3)
- (c) The removal of any street tree approved by the City of Sydney Tree Team must include complete stump removal and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. These works must be completed immediately following tree removal.

Reason

To identify the trees that can be removed.

(32) PUBLIC ART

Public art must be installed to the City's satisfaction prior to the issue of any Occupation Certificate.

- (a) The public artwork must be in accordance with Preliminary Public Art Strategy V2, dated January 2026, the Sydney DCP 2012, the Public Art Policy, and the Interim Guidelines: Public art in private developments.
- (b) A Detailed Public Art Plan with final details of the proposed public artwork must be submitted to and approved by Council's Executive Director City Planning Development & Transport prior to issue of any Construction Certificate **2** for above ground works.
- (c) Public artwork must be installed to the City's satisfaction, inspected and approved and the Final Public Art Report submitted and approved by Council's Area Planning Manager prior to the issue of any Occupation Certificate.

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
www.cityofsydney.nsw.gov.au/explore/arts-and-culture/public-art

Please contact the Public Art Team at
publicartreferrals@cityofsydney.nsw.gov.au for further information.

Reason

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

(35) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

A site-specific noise management plan must be submitted to the Council for comment and approval prior to issue of ~~any~~ Construction Certificate **1**.

The Plan must be prepared by a suitably qualified acoustic consultant who is a person who possesses the qualifications to join the Australian Acoustic Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustic Consultants (grade of member firm).

The plan must include but not be limited to the following:

- (a) Identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the City of Sydney Construction Hours /Noise Code of Practice 1992 for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement (LA90, 15 minute) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.

- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

Reason

To ensure an adequate construction noise and vibration management plan is prepared.

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

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

IMPORTANT NOTE:

Any requirement detailed in the accompanying BASIX Certificate, MUST be included as a specific notation or inclusion on any future Construction Certificate plans and specification in accordance with Part 3 of Schedule 1 of the EP&A Regulation, 2021.

Reason

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

(37) PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Registered Certifier prior to a Construction Certificate **2** being issued.

Reason

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

(38) ALLOCATION OF PARKING

The number of car parking spaces to be provided for the development must comply with the table below. Details confirming the parking numbers must be

submitted to the satisfaction of the Registered Certifier prior to the issue of a Construction Certificate 2.

Car Parking Type	Number
Residential spaces	12
Accessible residential spaces	2
Motorcycle parking	2
Small Rigid Vehicle loading dock	1
10.6m waste vehicle loading dock	1

Reason

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

(39) BICYCLE PARKING AND END OF TRIP FACILITIES

- (a) The minimum number of bicycle parking spaces and end of trip facilities to be provided within the site boundary for the development must comply with the table below.

Bicycle Parking Type	Number	Requirements
Residential	161	Spaces must be Class 2 bicycle facilities
Residential visitor	16	Spaces must be Class 3 bicycle rails
Non-residential	2	Spaces must be Class 2 bicycle facilities
Non-residential visitor	3	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	1	
Personal lockers	2	

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.

- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Registered Certifier confirming prior to and form part of the Construction Certificate **2** being issued.

Reason

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

(40) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

- (a) A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate **1** being issued.
- (b) The approved plan must be complied with during any demolition and/or construction work.

Note: Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

To ensure that the impacts of construction traffic is appropriately managed.

(41) SITE AUDIT STATEMENT

- (a) Before ~~any Construction Certificate~~ **Occupation Certificate** related to the built form of the development is issued, a Section A Site Audit Statement (SAS) must be obtained from a NSW Environment Protection Authority accredited site auditor. This statement must be submitted to the Council via email hbapplications@cityofsydney.nsw.gov.au.
- (b) The SAS and accompanying site audit report must confirm that the site has been remediated in accordance with the approved Remediation Action Plan and must clearly state that the site is suitable for the proposed use.
- (c) If the SAS includes conditions requiring ongoing review by the Site Auditor or Council, these conditions must be reviewed and approved in writing by Council.
- (d) Any conditions attached to the SAS will form part of this consent. If there is any inconsistency between the SAS conditions and this consent, the development must not proceed until the inconsistency is resolved to Council's satisfaction (e.g. Section 4.55 modification under the Environmental Planning and Assessment Act 1979).
- (e) The accredited Site Auditor must provide Council with a copy of the Site Audit Report and the SAS confirming it is suitable for the proposed land use.

- (f) ~~An **Occupation Certificate** Construction Certificate~~ must not be issued by the Certifier unless the SAS has been submitted to and approved by Council in accordance with this condition.

Reason

To ensure that the site is appropriately remediated.

(43) LAND REMEDIATION – INTERIM AUDIT ADVICE

- (a) ***Before the issue of a Construction Certificate 2 and 4, a letter of interim audit advice must be obtained from a NSW Environment Protection Authority accredited site auditor and submitted to Council via email hbapplications@cityofsydney.nsw.gov.au. The letter of interim audit advice must confirm that the works in the Remediation Action Plan have been completed up to that stage and that the site is suitable to commence above-ground works.***

- ~~(a)~~ (b) Before any aboveground work begins and before the issue of a Construction Certificate **2 and 4**, the site must be remediated and validated in accordance with the Remediation Action Plan prepared by JBS&G, dated 25th September 2025, reference: 156,927, 66304, Rev 3, and the Letter of Interim Advice or Section B Site Audit Statement issued by a NSW EPA accredited Site Auditor Rowena Salmon of Ramboll dated 26th September 2025, reference 318002266. All remediation must comply with the current guidelines under the Contaminated Land Management Act 1997.

- ~~(b)~~ (c) Any changes to the approved Remediation Action Plan, including any longterm Environmental Management Plan, must be approved in writing by both the Site Auditor and Council before the work begins.

Reason

To ensure that the site is appropriately remediated.

(44) SITE VALIDATION REPORT

- (a) Before the issue of the ~~any **Occupation Certificate** Construction Certificate associated with the built form of the development (excluding building work directly related to remediation)~~, the proponent must submit a detailed validation report to the Council and the Certifier.

- (b) The validation report must be prepared in accordance with:

- (i) Council's Contaminated Land Policy.
- (ii) NSW Contaminated Land Planning Guidelines (1998) as amended.
- (iii) Relevant EPA Guidelines, noting in particular the NSW EPA (2020) Consultants Reporting on Contaminated Land – Contaminated Land Guidelines.
- (iv) National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013).

- (v) The validation report must be prepared or reviewed and approved by an appropriately qualified and certified environmental consultant.
- (c) The validation report must be included within a Site Audit Report, verifying that the land is suitable for the proposed use(s) and that the remediation and validation of the site have been undertaken in accordance with the Remediation Action Plan prepared by *JBS&G*, dated 25th September 2025, reference: 156,927, 66304, Rev 3.

Reason

To ensure that the site is appropriately remediated.

(46) MATERIALS AND SAMPLES BOARD - MAJOR

A physical material sample board which specifies all proposed materials, finishes and colours, (including visible rainwater goods and services) keyed to each building elevation must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate **3** being issued.

The materials and samples board must not include generic material or colour descriptions or use terminology such as 'or similar'.

Reason

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

(47) LETTERBOXES

- (a) Details of the location and design of all letterboxes are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate **3**.
- (b) Letterboxes are to be discreetly located, must not obstruct and/or dominate the public way and must be of a type and specification that minimises opportunities for mail theft.
- (c) Where possible, consideration should be given to locating letterboxes within secure building lobbies.

Note: The applicant is strongly advised to contact Australia Post to discuss how the letterboxes within the lobby will be accessed.

Reason

To ensure letterboxes are located in an appropriate location on the site to prevent mail theft.

(48) FLOOR TO CEILING HEIGHT

Prior to a Construction Certificate **2** being issued, the Registered Certifier must ensure that all living rooms and bedrooms in sole occupancy units must have a minimum finished floor to ceiling height of not less than 2.7 metres.

Reason

To ensure an adequate minimum floor to ceiling height to provide an acceptable level of amenity.

(49) SYDNEY AIRPORT CORPORATION APPROVAL

An approval for the proposed height of the development must be obtained from Sydney Airport Corporation Limited in accordance with the Civil Aviation (Building Control) Regulations 1988 prior to the issue of a Construction Certificate **2**.

Reason

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

(53) PUBLIC DOMAIN LEVELS AND GRADIENTS - MAJOR

Prior to the issue of any Construction Certificate **2**, a Public Domain Levels and Gradients submission for the building and site frontages must be submitted to and approved by the City's Public Domain Unit. The submission must be prepared in accordance with the City's *Public Domain Manual* and submitted with a completed Application for *Public Domain Levels and Gradients*. Information on how to complete the submission can be downloaded from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

Any requirements to comply with Disability Discrimination Act at the entrance to a building or publicly accessible space must be resolved inside the site boundary.

Note: Public Domain Levels and Gradient plans are to be included with the Public Domain Plan – Detailed Documentation for Construction condition submission.

Reason

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

(55) STORMWATER ON-SITE DETENTION

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

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.

(56) STORMWATER QUALITY ASSESSMENT

The development must comply with the Flood Risk Assessment report prepared by *BG&E Consulting Engineers* dated August 2025 approved with this development application.

Prior to issue of ~~any~~ Construction Certificate **2** a design certification report prepared by a suitably qualified Registered Professional Civil Engineer (NER/RPENG) demonstrating compliance with approved music link targets and parameters must be submitted to and approved by the City's Public Domain Unit. The report must include a response to all stormwater quality improvement devices structural integrity, treatment train and their treatment properties demonstrating compliance with the approved MUSIC link reports.

Reason

To ensure appropriate stormwater quality on the site.

(57) FLOOD PLANNING LEVELS

The development must be constructed to comply with the recommended flood planning levels indicated in Table 5 of the Flood Risk Assessment report prepared by *BG&E Consulting Engineers* dated August 2025.

Details must be submitted to the Registered Certifier prior to the issue of ~~any~~ Construction Certificate **2** demonstrating that the development will comply with the recommended flood planning levels.

Reason

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

(58) PUBLIC DOMAIN LIGHTING UPGRADE

Prior to issue of ~~any~~ Construction Certificate **2** ~~for excavation, civil construction, drainage or building work (whichever is earlier)~~, a concept Public Domain Lighting Upgrade Plan for pedestrian and street lighting in the public domain must be submitted to and approved by City's Public Domain Unit. The Lighting Plan must be prepared in accordance with the *Sydney Streets Technical Specifications A5 and B8*, *Sydney Lights Design Code* and *Public Domain Manual*. This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

The lighting upgrade plan must cover all adjacent street frontages, being Bourke Road and shall be designed to include the following requirements; supply and install City of Sydney standard steel galvanized poles fitted with new LED luminaires and disconnect & remove redundant Ausgrid poles, and lighting to comply with requirement of AS1158.1.1 Category V5 on the roadway and AS1158.3.1 Category PP2 over the footways. All new lights must be connected to the nearest City of Sydney metered supply point or if required, supply and install a new City of Sydney 3 phase MSB. All new lights will have Schreder NEMA 7P smart controller, including mesh node and DataLift node. The smart controller will be supplied by Schreder and installed by an electrical contractor.

Advice on site specific lighting requirements must be obtained from City's Public Domain Unit before proceeding with the preparation of any final lighting design proposals.

Reason

To ensure pedestrian and street lighting in the public domain complies with Council's requirements.

(59) LANDSCAPE OF THE SITE

- (a) A detailed landscape design including plans and details drawn to scale, and technical specification, by a registered landscape architect, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate **1**. These documents 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) 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.
 - (iv) 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.
 - (v) Details of drainage, waterproofing and watering systems.
 - (vi) Landscape maintenance plan. This plan is to be complied with during occupation of the property.
- (b) Relevant drawings cross referenced in the landscape package, such as architectural details, stormwater and hydraulic plans etc, should also be submitted to demonstrate a fully coordinated design.
- (c) All landscaping in the approved plan is to be complete prior to any Occupation Certificate being issued.
- (d) The landscape maintenance plan is to be complied with during occupation of the property.

Reason

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

(60) PUBLIC DOMAIN TREE PLANTING AND MAINTENANCE (PLAN PRIOR TO CC)

- (a) A Tree Planting Plan must be submitted and approved by the City of Sydney Public Domain Unit prior to the issuing of ~~any~~ Construction Certificate 2. The approved Tree Planting Plan must:
- (i) Four trees to be planted on Bourke Road. Tree species shall be consistent with the City's Street Tree Master Plan (refer to relevant precinct plans) or other relevant guidance document. Species substitutes will not be accepted.
 - (ii) Tree pits must be located and constructed in accordance with the City's Street Tree Master Plan (Technical Guidelines) or other relevant guidance document. The tree pit design must include structural soils or structural cells to support pavements in accordance with the Street Tree Master Plan (Technical Guidelines).
 - (iii) Indicate the chosen tree planting arrangement, being a choice of one of two options, being:
 - (iv) Undertake all tree supply, planting, and maintenance requirements to the required standards and to the satisfaction of the City's Tree Management.

OR

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

- (b) If the applicant is nominating to undertake all tree supply, planting, and maintenance requirements, the following requirements must be met:
- (i) Tree(s) must be planted prior to issuing of the Occupation Certificate;
 - (ii) Tree(s) supplied in minimum container size of 200 litres, at the time of planting;
 - (iii) Tree(s) grown in accordance with the Australian Standard 2303 'Tree stock for landscape use' and meet the requirements of this standard at the time of planting;
 - (iv) Prior to the tree(s) being planted, certification from the tree supplier submitted to the City of Sydney Tree Team and Public Domain Officer that the tree(s) have been grown and comply with the requirements of AS2303. Any new tree(s) which do not conform will be rejected by the City of Sydney;
 - (v) Tree(s) planted by a qualified Horticulturist or Arborist (minimum AQF Level 3);
 - (vi) Tree(s) inspected and approved by the City of Sydney Tree Team (or their representative) at the following milestones: before planting with planting pits excavated; after planting; and at the end of the maintenance period;

- (vii) Tree(s) maintained by a qualified Horticulturist or Arborist (minimum AQF Level 3) for a minimum period of 12 months, commencing from the date of planting. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree;
- (viii) At the end of the 12 month maintenance period, written acceptance of the tree(s) obtained from the City of Sydney before release of the Public Domain Bond;
- (ix) If the tree(s) fail to thrive and successfully establish during the maintenance period, then the City of Sydney will request payment for a replacement tree(s) and establishment period according to the City of Sydney Schedule of Fees and Charges.

Reason

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

(61) UPDATED LANDSCAPE PLANS

The Landscape Plans must be updated, submitted and approved by the City of Sydney Tree Team prior to the issue of any Construction Certificate. The amended plan must address the following:

- (a) Planting Schedule Revision – the **tree** planting schedule must be revised to **include only canopy tree species in accordance with the City of Sydney Tree Species List. The *Melaleuca nodosa* species must be removed and replaced with a species** ~~all species not recommended for planting within the City of Sydney LGA, including but not limited to: *Raphiolepis indica* (listed as a weed), and *Banksia integrifolia* (listed as “not reliable” and “limit use” in the City of Sydney Tree Species List). All replacement species must be selected from the City of Sydney Tree Species List.~~
- (b) Deep Soil Planting Requirements – the number of palm trees proposed within the deep soil zone must be reduced. Deep soil areas are required to prioritise medium to large canopy trees to maximise longterm canopy cover. A minimum of two (2) *Livistona australis* proposed within the central courtyard must be substituted with suitable medium to large canopy tree species selected from the City of Sydney Tree Species List. Palms and fruit trees will only be accepted where site constraints limit the use of medium or large canopy species. Their placement must be justified on the amended Landscape Plan.
- (c) Tree Species Selection Criteria – all tree species must be selected in accordance with the City of Sydney Tree Species List, including:
 - Height and canopy spread classifications, and
 - Reliability rating, and
 - Recommended usage for urban conditions.

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

Reason

To ensure suitable species selection and maximise longterm canopy cover in accordance with Council's requirements and the City of Sydney Tree Species List.

(63) DESIGN FOR ENVIRONMENTAL PERFORMANCE

- (a) Prior to the issue of ~~any~~ Construction Certificate **3**, the Registered Certifier must be satisfied that those matters listed in the following sections of the approved Design for Environmental Performance report prepared by Jarrod Parker dated September 23, 2025, are incorporated into the relevant construction plans and accompanying documentation:
 - (i) Section 3 – BASIX

A copy of the required completed BASIX certificate(s) accepted as part of this consent/as amended above must be lodged with an application for a construction certificate and the items nominated as part of the subject BASIX certificate(s) must be specified on the plans submitted with the Construction Certificate **3** application.
 - (ii) Section 4 – Energy Efficiency and Greenhouse Gas Emissions Abatement
 - (iii) Section 5 – Passive Design for Thermal Performance – Building Envelope Design
 - (iv) Section 6 – On site Renewable Energy Generation and Storage
 - (v) Section 7 – Design for Resilience to Climate Change
 - (vi) Section 8 – Designing for mains potable water savings and water efficiency
 - (vii) Section 9 – Storm water quality
 - (viii) Section 10 – City Greening
 - (ix) Section 11 – Promoting Active Transport and Reducing Transport Emissions
 - (x) Section 12 – Materials, Embodied Carbon and Circularity
 - (xi) Section 13 – Waste Management and Resource Recovery
 - (xii) Section 14 – Third Party Certification and Design, Construction or Technology Innovations
- (c) Changes to any commitments as listed in the approved Design for Environmental Performance report must be submitted to and approved by Council's Area Planning Manager prior to the issue of ~~any relevant~~ Construction Certificate **3**.

Reason

To ensure the environmental performance of the development.

(64) WASTE AND RECYCLING MANAGEMENT – COMMERCIAL

The Operational Waste Management Plan accompanying this Development Application has not been approved by this consent. An Operational Waste Management Plan is to be submitted to Council's City Cleansing & Resource Recovery unit and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate **3**. The plan must comply with Council's Development Control Plan and *Guidelines for Waste Management in New Developments*. The plan must address:

- (a) bin storage;
- (b) bin travel paths from storage to collection;
- (c) collection point;

Reason

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

(65) WASTE AND RECYCLING MANAGEMENT – RESIDENTIAL

The Operational Waste Management Plan accompanying this Development Application has not been approved by this consent. An Operational Waste Management Plan is to be submitted to Council's City Cleansing & Resource Recovery unit and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate **3**. The plan must comply with Council's Development Control Plan and *Guidelines for Waste Management in New Developments*. The plan must address:

- (a) bin storage;
- (b) bin travel paths from storage to collection;
- (c) collection point;

Reason

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

(66) WASTE INFRASTRUCTURE – RESIDENTIAL

Prior to the issue of Construction Certificate **3**, detailed plans, and specifications for the construction of waste management facilities must be submitted for review by Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Manager. The waste management facilities to be provided responsive to Council's controls, policies, and guidelines, including but not limited to:

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

Reason

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

(68) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

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

Reason

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

(91) LAND DEDICATION – REMEDIATION CAPPING LAYER

Any contaminants remaining on land to be dedicated to Council must be covered by a marker layer and be capped by a minimum 1.5m depth of clean fill below the top most surface of the future road, pathway or landscaping.

The Site Auditor is required to submit an interim report to Council for approval after the remediation has been completed and prior to the construction of the public domain works confirming the depth and the placement of the marker layer.

Reason

To ensure remediation has been satisfactorily completed.

(103) REGISTRATION OF COVENANT – EMP/LTEMP

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

- (b) The covenant must bind the current and future registered owners to the ongoing responsibility for maintenance, monitoring, and rehabilitation works, as required under any active or passive Environmental Management Plan. This includes managing any encapsulated or residual contamination, preventing the discharge of contaminants, and undertaking any works required by the NSW EPA.
- (c) A copy of the updated certificate of title, showing the registered covenant, must be submitted to Council and the Certifier before the issue of any Occupation certificate.

Reason

To ensure that contamination is appropriately managed.

(110) UTILITY SERVICES

Prior to the issue of a subdivision certificate, the applicant must provide written confirmation from the relevant telecommunications provider (e.g. Telstra, Optus, or NBN Co.) that satisfactory arrangements have been made for the provision of telecommunications services, including broadband internet, to ~~each~~ lot **4 and 5** in the subdivision. The applicant must provide written confirmation from the relevant electricity supply authority (e.g. Ausgrid or Endeavour Energy) that satisfactory arrangements have been made for the provision of electricity supply to ~~each~~ lot **4 and 5** in the subdivision.

Reason

To ensure that utility authorities are advised of the development and their approval is obtained in connection to the subdivision.

(114) AERIAL BUNDLING OF WIRES

Overhead wires ***at the frontage of the subject site*** along Bourke Road must be converted to aerial bundled conductors (ABC) or relocated underground. The works must be completed prior to the issuing of any Occupation Certificate. The City of Sydney must be notified in writing once the approval of Ausgrid has been given and once the bundling works have been completed.

Reason

To ensure the protection of street trees.

Condition to be renumbered accordingly.

- (B) the requirement under Clause 6.21D of the Sydney Local Environmental Plan 2012 requiring a competitive design process be waived as it is unreasonable or unnecessary in the circumstances;
- (C) the requirement under Clause 7.20(3) of the Sydney Local Environmental Plan 2012 requiring the preparation of a development control plan is unreasonable or unnecessary in the circumstances;

- (D) the variation requested (Attachment C of the subject report) to Clause 4.3 Height of Buildings, is in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld; and
- (E) the variation requested (Attachment D of the subject report) to Clause 4.4 Floor Space Ratio, is in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld.

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposed development satisfies the objectives of the Environmental Planning and Assessment Act 1979 in that, subject to conditions of consent, it achieves the objectives of the planning controls for the site for the reasons outlined in this report.
- (B) Based upon the material available to the Committee at the time of determining this application, the Committee is satisfied that:
 - (i) the proposed development exhibits design excellence pursuant to Clause 6.21C of the Sydney Local Environmental Plan 2012;
 - (ii) the applicant has demonstrated that compliance with the Clause 4.3 Height of Buildings and Clause 4.4 Floor Space Ratio development standards of the SLEP 2012 is unreasonable or unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify the contravention of the development standard in accordance with the requirements of clause 4.6(3) of the Sydney LEP 2012;
 - (iii) the proposed development has been assessed against the aims and objectives of the relevant planning controls including; SLEP 2012, SDCP 2012, the Planning Proposal amendments to the SLEP and the SDCP, and the State Environmental Planning Policy (Housing) 2021. Where non-compliances exist, they have been demonstrated in this report to be acceptable in the circumstances of the case; and
 - (iv) the proposed development is in the public interest because it is consistent with the objectives of the E3 Productivity Support zone; and
 - (v) the proposed development will provide affordable housing in perpetuity, managed by a registered Tier 1 Community Housing Provider under the National Regulatory System for Community Housing.
- (C) Conditions have been amended in line with requests made by the applicant.

Carried unanimously.

D/2025/1070