

Resolution of Central Sydney Planning Committee

25 June 2026

Item 5

Development Application: 216-220 Wyndham Street, Alexandria - D/2025/920

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

It is resolved that:

- (A) the variation requested to Clause 4.3 Height of Buildings in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld; and
- (B) development consent be granted to Development Application Number D/2025/920 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~~):

(5) BUILDING HEIGHT

- a) The height of the building must not exceed ~~RL53.08m~~ ***RL53.1m*** to lift overrun and RL51.9m to the parapet of the building, or as otherwise detailed on the approved elevation plans.
- b) Prior to the final Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

Reason

To ensure the constructed development complies with the approved height.

(6) LAND SUBDIVISION

Any proposal for land subdivision, ***other than that specifically approved in this consent***, including any stratum subdivision of the building to separate the commercial component of the building from the residential component, will require a separate application to Council to obtain development Subdivision Certificate under Section 6.15 of the *Environmental Planning and Assessment Act 1979*.

Reason

To ensure separate development consent is sought for land subdivision.

(10) LAND DEDICATION AND LAND TRANSFER

- (a) Land dedicated as public road must be dedicated in compliance with the registered Planning Agreement(s) for the site and must not be encumbered by any Long-Term Environmental Management Plan.
- (b) Public domain works within the land to be dedicated must be sufficiently completed to the satisfaction of Council's Public Domain unit prior to the issue of any subdivision certificate.
- (c) Land must be dedicated unencumbered. All leases, restrictions, covenants, easements and planning agreements must be extinguished prior to, or with the dedication of land, other than those designated as permitted encumbrances in the registered ~~VPA~~ ***Planning Agreement*** for the site.
- (d) ***The developer shall transfer the future road lot to the City for one dollar when required consistent with the registered Planning Agreement for the site.***

Reason

To ensure land to be dedicated to the City is not encumbered ***and in accordance with the registered Planning Agreement.***

~~(21) CHANGES TO KERB SIDE PARKING RESTRICTIONS~~

~~A separate submission must be made to the City's Traffic Operations team to approve any changes to kerb side parking arrangements. There is no guarantee kerb side parking will be changed, or that any change will remain in place for the duration of the development use. The proposal may require a submission to the Local Pedestrian, Cycling, Traffic Calming and Transport Forum (LPCTCTF) for advice.~~

~~The submission must include two plans. One showing the existing kerb side parking restriction signs and stems, the second showing the proposed kerb side parking restriction signs and stems. Both plans must include chainages to all signs and stems from the kerb line of the nearest intersection.~~

~~All costs associated with the parking proposal will be borne by the developer.~~

~~Note: As parking in the LGA is at a premium, it is recommended that the applicant should approach the Area Traffic Engineer to discuss the proposal before making a submission.~~

Reason

~~To require separate consent to be obtained for changes to kerb side parking arrangements.~~

(36) EXTERNAL LIGHTING

~~A separate development application is required to be lodged and approved prior to any external floodlighting or illumination of the building or site landscaping.~~

Reason

~~To clarify that consent has not been granted for the external floodlighting or illumination of the development.~~

(40) 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 Construction Certificate ~~3~~ **4** and the items nominated as part of the subject BASIX certificate must be specified on the plans submitted with the construction certificate 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).

(41) APPROVED ACOUSTIC REPORT

~~The E-Lab Consulting report dated 16 September 2025, Reference P01891 revision 003, titled 216-220 Wyndham St, Alexandria, Noise & Natural Ventilation Impact Assessment, Trim Ref 2025/920, is approved.~~

~~Where there is a conflict between the approved acoustic report and this development consent, this consent prevails.~~

Reason

~~To specify an acoustic report for reference in other noise control conditions.~~

(41) DESIGN MODIFICATIONS

- (a) *The operable windows and panels for natural ventilation proposed to the bedrooms fronting McEvoy Street on Levels 2 to 8 are not approved.*
- (b) *Prior to the issue of Construction Certificate 2, revised window and ventilation details for operable bedroom windows fronting McEvoy Street, supported by a further acoustic assessment prepared by a suitably qualified acoustic consultant, including:*
 - (i) *details of how the windows respond to the City of Sydney Draft Alternative Natural Ventilation of Apartments in Noisy Environments - Performance Pathway Guideline (17 September 2018). If required, noise affected apartments may need to be replanned to achieve compliance. The documentation is to be prepared by a qualified ventilation consultant.*
 - (ii) *preparation of an effective openable area schedule for all habitable rooms, demonstrating consistency with the ADG;*
 - (iii) *preparation of a Plan of Management for the maintenance and cleaning of any alternative ventilation device, if required;*

The revised window and ventilation details are to be coordinated with plans and elevations. The revised documentation must be submitted to and approved by the Executive Director City Planning, Development and Transport, prior to the issue of Construction Certificate 2.

Reason

To ensure compliance with the Apartment Design Guide natural ventilation requirements and the City's acoustic and ventilation requirements and to provide an appropriate level of residential amenity.

(48) 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	119	Spaces must be Class 1/2 bicycle facilities
Residential visitor	12	Spaces must be Class 2/3 bicycle facilities
Non-residential	9	Spaces must be Class 2 bicycle facilities

Bicycle Parking Type	Number	Requirements
Non-residential visitor	4	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	1	
Personal lockers	17	

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.~~
- (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 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.

(54) LANDSCAPING OF THE SITE

Updated landscape documentation and specifications by a registered landscape architect must be submitted to and approved by Council's Area Coordinator Planning Assessments/ Area Planning Manager prior to the issue of Construction Certificate ~~1~~ **2**. The plan must include:

- (a) Details and specifications of proposed structures on the site including, but not limited to, paving, walls, services, furniture, shade structures, lighting and other features;
- (b) The following updates to the planting schedule:
 - (i) Amend the planting schedule to reference the *City of Sydney Tree Species List*, ensuring species suitability, reliability, recommended usage, and alignment with mature tree dimensions to achieve a long-lived, healthy canopy
 - (ii) Specific substitutions required include:

- a. *Banksia integrifolia* – limited use and considered unreliable on the City's Tree Species List. Substitute with a small-plus tree (minimum mature height 8 m).
 - b. *Eucalyptus 'Scentuous'* (Dwarf Lemon-Scented Gum) – small tree not listed on the City's Tree Species List and will not provide sufficient canopy. Substitute with a medium canopy tree (minimum mature height 8 m).
- (iii) All new tree plantings must be supplied in containers of at least 100 litres at the time of planting.
- (c) Soil depth and volume diagram for each proposed tree to confirm compliance with the Sydney Landscape Code Volume 2;
- (d) Detailed grading plans around proposed trees on level 2 that ensures:
 - (i) All gradients of mounding are no steeper than 1:4
 - (ii) Raised edging are used where required to reduce mounding and achieve sufficient soil depth
- (e) Detailed drawings of the planters along the ramps between the ground floor lobby and parking area;
- (f) Details of drainage, waterproofing and watering systems;
- (g) Long term landscape maintenance plan.

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.

All landscaping in the approved plan is to be complete prior to any Occupation Certificate being issued.

The landscape maintenance plan is to be complied with during occupation of the property.

Reason

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

(55) ~~UPDATED LANDSCAPE PLANS~~

~~The Landscape Plans must be updated, submitted and approved by the City of Sydney Tree Team prior to the issue of Construction Certificate 1. The updated plans should reconsider the proposed mounding around trees to ensure adequate soil volume, in relations to tree's mature canopy size's and in accordance with Landscape Code Volume 2 to achieve a more even and wider profile to maximise usable soil volume and tree root space. Mounding with gradients in excess of 1:5 is acceptable.~~

- (a) ~~Amend the planting schedule to reference the *City of Sydney Tree Species List*, ensuring species suitability, reliability, recommended usage, and alignment with mature tree dimensions to achieve a long-lived, healthy canopy.~~
- (b) ~~All new tree plantings must be supplied in containers of at least 100 litres at the time of planting.~~
- (c) ~~Footpaths around the main entry and McEvoy Street frontage should be reduced in width where possible, and the use of permeable paving in non-covered areas maximised to improve compliance with deep soil provisions.~~
- (d) ~~Trees proposed within the public domain must comply with the City of Sydney Street Tree Masterplan, which identifies: *Jacaranda imosifolia* and *Liriodendron tulipifera* for Wyndham Street and *Lophostemon confertus* for McEvoy Street.~~
- (e) ~~All new public domain trees must be a minimum of 400 litres at the time of planting.~~
- (f) ~~Any design elements (awnings, street furniture, footpath upgrades etc) within the public domain must ensure appropriate setbacks are provided from the proposed and existing street trees to allow maturity of the tree to be achieved.~~

~~These amendments must be incorporated into the Landscape Plan and approved prior to the issue of Construction Certificate 1.~~

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

(56) PUBLIC DOMAIN TREE PLANTING AND MAINTENANCE

A minimum of 4 new tree(s) must be planted in Wyndham Street in association with the development and be included on the Public Domain Plans required to be submitted under condition tilted 'Public Domain Plan'. The Plans must also include:

- (a) ~~The proposed through-site link and dedicated land to ensure connectivity and integration with the surrounding area and include planting/s within the northern area of the through-site link to enhance and maximise canopy cover, biodiversity, and streetscape amenity.~~
- (b) Tree species consistent with the City of Sydney Street Tree Master Plan (refer to relevant streets) or other relevant guidance document. Species substitutes will not be accepted;
- (c) Tree pits located and constructed in accordance with the City of Sydney Street Tree Master Plan (Technical Guidelines) or other relevant guidance document. The tree pit design must include structural soils to support pavements in accordance with the Street Tree Master Plan (Technical Guidelines);
- (d) The Applicants nominated tree planting delivery method, being a choice of one of two options:

- (i) Undertake all tree supply, planting, and maintenance requirements to the required standards and to the satisfaction of the City's Tree Management Officer.

OR

- (ii) 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.

If the Applicant is nominating to undertake all tree supply, planting, and maintenance requirements, the following requirement must be met:

- (a) Tree(s) must be planted prior to issuing of the Occupation Certificate;
- (b) Tree(s) supplied in minimum container size of 400 litres at the time of planting;
- (c) 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;
- (d) 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;
- (e) Tree(s) planted by a qualified Horticulturist or Arborist (minimum AQF Level 3);
- (f) 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;
- (g) 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;
- (h) 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;
- (i) 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.

(59) DESIGN FOR ENVIRONMENTAL PERFORMANCE

- (a) Prior to the issue of Construction Certificate 4, the Registered Certifier must be satisfied that those matters listed in the following sections of the approved Design for Environmental Performance report prepared by Introba, dated 23 September 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 **4** application.

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 Division 1 of Part 6 of the EP&A Regulation, 2021.

- (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

- (b) 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/Coordinator prior to the issue of ~~any relevant~~ Construction Certificate **4**.

Reason

To ensure the environmental performance of the development.

(64) 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 Construction Certificate 2.

~~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.

(67) PUBLIC DOMAIN LIGHTING UPGRADE

Prior to issue of Construction Certificate ~~2~~ **3**, 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>. 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.

(70) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

The Operational Waste Management Plan dated April 2026 (TRIM reference 2026/242518) accompanying the Development Application has been approved by this consent responsive to architectural plans Issue C and dated 23 May 2026.

Should the architectural plans be updated, an updated Operational Waste Management Plan must be submitted to Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Manager prior to the issue of ~~any~~ Construction Certificate **3**.

Reason

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

(73) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of **204-218 Botany Road and 212- 214 Wyndham Street** (and any other properties identified by the qualified structural engineer engaged to undertake the report) are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Registered Certifier and the Council prior to the issue of ~~any~~ Construction Certificate **2**.

UPON COMPLETION OF EXCAVATION/DEMOLITION

- (b) A second Dilapidation Report/s, including a photographic survey must then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report/s, together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Principal Certifier and the Council prior to the issue of any Occupation Certificate.

Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.

Note: Prior to the commencement of the building surveys, the applicant/owner must advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information must be submitted to Council.

Reason

To ensure that mech reports are prepared and to identify damage to adjoining/nearby properties resulting from building work on the development site.

(74) MECHANICAL VENTILATION

- ~~(a) The premises must be ventilated in accordance with the *Building Code of Australia* and *AS1668.1* and *AS1668.2 – The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings*.~~
- ~~(b) Details of any mechanical ventilation and/or air conditioning system complying with *AS1668.1* and *AS1668.2 – The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings*, the *Building Code of Australia* and relevant Australian Standards must be prepared and certified in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, to the satisfaction of the Registered Certifier prior to the issue of any Construction Certificate.~~
- ~~(c) Prior to issue of any Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, must be submitted to the Principal Certifier.~~

(142) AFFORDABLE HOUSING PROVISION

A minimum of 10% of the total number of dwellings is to be provided for Aboriginal and Torres Strait Islander housing.

Reason

To ensure compliance with Section 5.10.2.2.2(1) of the Sydney Development Control Plan 2012

Conditions to be renumbered accordingly.

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 applicant has demonstrated that compliance with the height of buildings development standard in clause 4.3 of the SLEP 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 SLEP;
 - (ii) the proposed development has been assessed against the aims and objectives of the relevant planning controls including; SLEP, Sydney Development Control Plan 2012 (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;
 - (iii) the development achieves a high standard of architectural design, materials and detailing, and will contribute positively to the public domain. The development achieves the principles of ecologically sustainable development and has an acceptable environmental impact with regard to the amenity of the surrounding area and future occupants. The development therefore exhibits design excellence in accordance with Clause 6.21C of the SLEP;
 - (iv) the proposal is in the public interest because it is consistent with the objectives of the MU1 Mixed Use 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) Condition 10 was amended to include part (d) regarding the timing of the transfer as required by the executed Planning Agreement on the site.
- (D) Condition 41 was added to require details demonstrating the satisfactory resolution of the ventilation and acoustic performance of the windows facing McEvoy Street to be submitted to the Executive Director City Planning, Development and Transport for

approval prior to the issue of a Construction Certificate for above ground works. This condition replaces the Approved Acoustic Report condition.

- (E) Condition 142 was added to require a minimum of 10% of the total number of dwellings to be provided for Aboriginal and Torres Strait Islander housing.
- (F) Other condition amendments and deletions, as outlined in the subject Information Relevant To memorandum dated 25 June 2026, from the Executive Director City Planning, Development and Transport, were made in line with requests made by the applicant.

Carried unanimously.

D/2025/920