

10 June 2026

At 5.00 pm

Local Planning Panel



Agenda

- 1. Disclosures of Interest**
- 2. Confirmation of Minutes**
- 3. Development Application: 16-22 Cooper Street, Surry Hills - D/2025/1198**
- 4. Development Application: 41 and 43 Albion Street, Surry Hills - D/2026/262**



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1. Register to speak by calling Secretariat on 9265 9702 or emailing secretariat@cityofsydney.nsw.gov.au before 10.00am on the day of the meeting.
2. Check the recommendation in the LPP report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.
3. Note that there is a three minute time limit for each speaker and prepare your presentation to cover your major points within that time.
4. Avoid repeating what previous speakers have said and focus on issues and information that the LPP may not already know.
5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.

At the start of each LPP meeting, the Chair may re-order agenda items so that those items with speakers can be dealt with first.

LPP reports are on line at www.cityofsydney.nsw.gov.au

Item 1.

Disclosures of Interest

In accordance with section 4.9 of the Code of Conduct for Local Planning Panel Members, all Panel members are required to sign a declaration of interest in relation to each matter on the agenda.

Pursuant to the provisions of Clause 15 of Schedule 4B of the Environmental Planning and Assessment Act 1979, members of the Local Planning Panel are required to disclose pecuniary interests in any matter on the agenda for this meeting of the Local Planning Panel.

Panel members are also required to disclose any non-pecuniary interests in any matter on the agenda for this meeting of the Local Planning Panel.

In both cases, the nature of the interest must be disclosed.

Item 2.

Confirmation of Minutes

Minutes of the following meeting of the Local Planning Panel, which have been endorsed by the Panel Members and Chair of that meeting, are submitted for noting:

Meeting of 20 May 2026

Item 3.**Development Application 16-22 Cooper Street, Surry Hills - D/2025/1198****File Number:** D/2025/1198**Summary****Date of Submission:** 2 December 2025

Final amended plans received on 15 April 2026

Applicant: Michael Stokes**Architect/Designer:** SJB Architects**Owner:** STRATA PLAN No 65207**Planning Consultant:** Principle Planning**Cost of Works:** \$10,542,945.00

Zoning: The site is located within the MU1 - Mixed Use zone. The use is defined as a "residential flat building", with "retail premises", and is permissible with consent within the zone.

Proposal Summary: Approval is sought for the demolition of the existing building, and construction of an 8-storey mixed-use development comprising retail tenancies on the ground floor, 2 levels of basement carparking, 10 residential apartments and associated landscaping.

The application is being reported to the Local Planning Panel for determination as the development is for a new residential flat building and does not comply with the maximum building height development standard by 10%.

The application seeks a variation to the maximum building height development standard under the Sydney Local Environmental Plan 2012. A maximum building height of 27m is permitted under clause 4.3 of the Sydney Local Environmental Plan 2012. A maximum height of 29.7m is proposed for the development, which represents an exceedance of 10% over the control. The application seeks a variation to the height control under clause 4.6. The proposed variation to the development standard has merit and is supported.

The requirement under Clause 6.21D of the Sydney Local Environmental Plan 2012 requiring a competitive design process is recommended to be waived on the basis that it is unreasonable or unnecessary in the circumstances, given the proportion of the building which exceeds the 25m threshold of the control is limited to the uppermost level and rooftop structures (which do not comprise gross floor area), the proposal achieves design excellence, is of a scale and form appropriate within context of the site, and that amendments to the LEP which raise the minimum threshold for requiring a site specific DCP or Competitive Design process to 35m have been endorsed by Council and received Gateway approval.

The proposal was presented to the City's Design Advisory Panel Residential Subcommittee on 27 January 2026.

Following a preliminary review of the application and comments and recommendations provided by DAPRS, the applicant amended the proposal to improve the amenity of the ground level communal open space, provide an inaccessible green roof, incorporate back of house access within the ground floor, and improve the Cooper Street facade articulation.

Amended plans and updated consultant reports were submitted on 1 April 2026, with the last amendments submitted on 30 April 2026. Amendments to the proposal include architectural alterations to the Cooper Street facade, the addition of a non-trafficable green roof, providing additional sun shading to the Level 7 apartment balconies, and minor amendments to the ground floor communal open space, waste storage, bike parking configuration and amended draft subdivision plans.

The application was notified for a period of 21 days from 4 December 2025 to 24 January 2026 (not including extended notification period from 20 December 2025 and 10 January 2026).

The amended plans submitted on 15 April 2026 were not re-notified, as the amendments to the design, which were generally requested by Council, did not result in any significant increases to the proposed building envelope, and did not result in any significant additional environmental impacts, or significantly intensify the proposed use of the site.

Eleven (11) submissions were received which raised concerns relating to the bulk and scale of the proposal, adverse impacts to the amenity of surrounding properties (including impacts from any construction works) and overshadowing impacts on the proposed development

from any future development of the open carpark directly north of the site.

The bulk and scale of the proposal responds satisfactorily to surrounding development context, does not result in any unreasonable adverse amenity impacts, provides new housing helping meet the needs of the community and is consistent with the desired future character of the area. The proposal is in the public interest.

The proposal is generally consistent with the relevant objectives and provisions of the Sydney LEP 2012, as well as the SEPP (Housing) and Apartment Design Guide.

Subject to the recommended conditions at Attachment A, the development application is recommended for approval.

Summary Recommendation: The development application is recommended for approval, subject to conditions.

Development Controls:

- (i) Environmental Planning and Assessment Act 1979
- (ii) SEPP (Housing) 2021
- (iii) SEPP (Resilience and Hazards) 2021
- (iv) SEPP (Industry and Employment) 2021
- (v) SEPP (Transport and Infrastructure) 2021
- (vi) SEPP (Biodiversity and Conservation) 2021
- (vii) SEPP (Sustainability) 2022
- (viii) Sydney Local Environmental Plan 2012
- (ix) Sydney Development Control Plan 2012

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Clause 4.6 Variation - Height of Buildings
- D. Submissions

Recommendation

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;
- (B) the requirement under Clause 6.21D of the Sydney Local Environmental Plan 2012 requiring a competitive design process is unreasonable or unnecessary in the circumstances;
- (C) the requirement under Clause 7.20 of the Sydney Local Environmental Plan 2012 requiring the preparation of a development control plan is unreasonable or unnecessary in the circumstances; and
- (D) consent be granted to Development Application Number D/2025/1198 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposed development is consistent with the objectives of the MU1 Mixed Use zone.
- (B) The proposed development generally satisfies the relevant provisions of the State Environmental Planning Policy (Housing) 2021 and is generally consistent with the Apartment Design Guide.
- (C) The proposed development satisfies the relevant objectives and provisions of the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (D) Having considered the matters in Clause 6.21C of the Sydney LEP 2012, the proposal exhibits design excellence.
- (E) Based upon the material available to the Panel at the time of determining this application, the Panel is satisfied that:
 - (i) the applicant has demonstrated that compliance with the height of buildings development standard in Clause 4.3 of the Sydney Local Environmental Plan 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 Local Environmental Plan 2012; and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the MU1 Mixed Use zone and the height of buildings development standard.

Background

The Reason the Application is Reported to the Local Planning Panel

1. The application is reported to the Local Planning Panel for determination as it is identified in Schedule 3 of the Local Planning Panels Direction of 3 March 2024 as being within the following category(s):
 - Departure from Development Standards
 - Sensitive Development
2. The development application falls within the category of Departure from Development Standard as the proposal is for purposes other than a "dwelling house", "dual occupancy" or "attached dwelling", and contravenes the "maximum building height" development standard imposed by the *Sydney Local Environmental Plan 2012*, by 10%.
3. The development application falls within the category of Sensitive Development as it is development to which *State Environmental Planning Policy (Housing) 2021*, Chapter 4 (Design of residential apartment) applies and is 4 or more storeys in height.

The Site and Surrounding Development

4. The site has a legal description of Lots 1 and 2 in DP 515656, known as 16-22 Cooper Street, Surry Hills. It is rectangular in shape with area of approximately 384 sqm. It has a primary street frontage of 19.825m to Cooper Street and a secondary street frontage of 19.565m to O'Loughlin Street. The site is located close to the intersection of Cooper Street and Holt Street. Levels on the site fall by approximately 800mm from Cooper Street frontage (south) to O'Loughlin Street frontage (north).
5. The site contains a part 2/3 storey commercial building with frontages to both Cooper Street and O'Loughlin Street.
6. The surrounding area is characterised by a mixture of land uses. The immediate surrounding context consists of the following:
 - Immediate north - The site is bound by O'Loughlin Street to the immediate North. On the northern side of O'Loughlin Street is a private, open air car park associated with the commercial building to the north-east at 2 Holt Street, with the main tenant being "News Corp".
 - Immediate east - To the immediate east of the site is the adjoining property at 24 Cooper Street which is a small, wedged shape lot of approximately 80sqm. The site comprises a 2-storey building with a retail food and drink premises at ground floor.
 - Immediate south - The site is bound by Cooper Street to the immediate south. On the opposite side of Cooper Street is 1-31 Cooper Street which is an existing 3 storey commercial building with ground floor retail tenancies.

- Immediate west - Immediately west of the site is the adjoining property at 10-14 Cooper Street which is an eight-storey mixed use building comprising of a ground floor retail tenancy and 19 apartments with basement car parking. Further west of the site on Cooper Street is a 7 storey residential flat building at 8 Cooper Street and the 'Evening Star Hotel' at 360-370 Elizabeth Street.
7. The site is not identified as a heritage item and is not located within a heritage conservation area.
 8. The site is located within the Surry Hills Central locality and is not identified as being subject to flooding.
 9. A site visit was carried out on 5 December 2025. Photos of the site and surrounds are provided below:
 10. Photos of the site and surrounds are provided below.

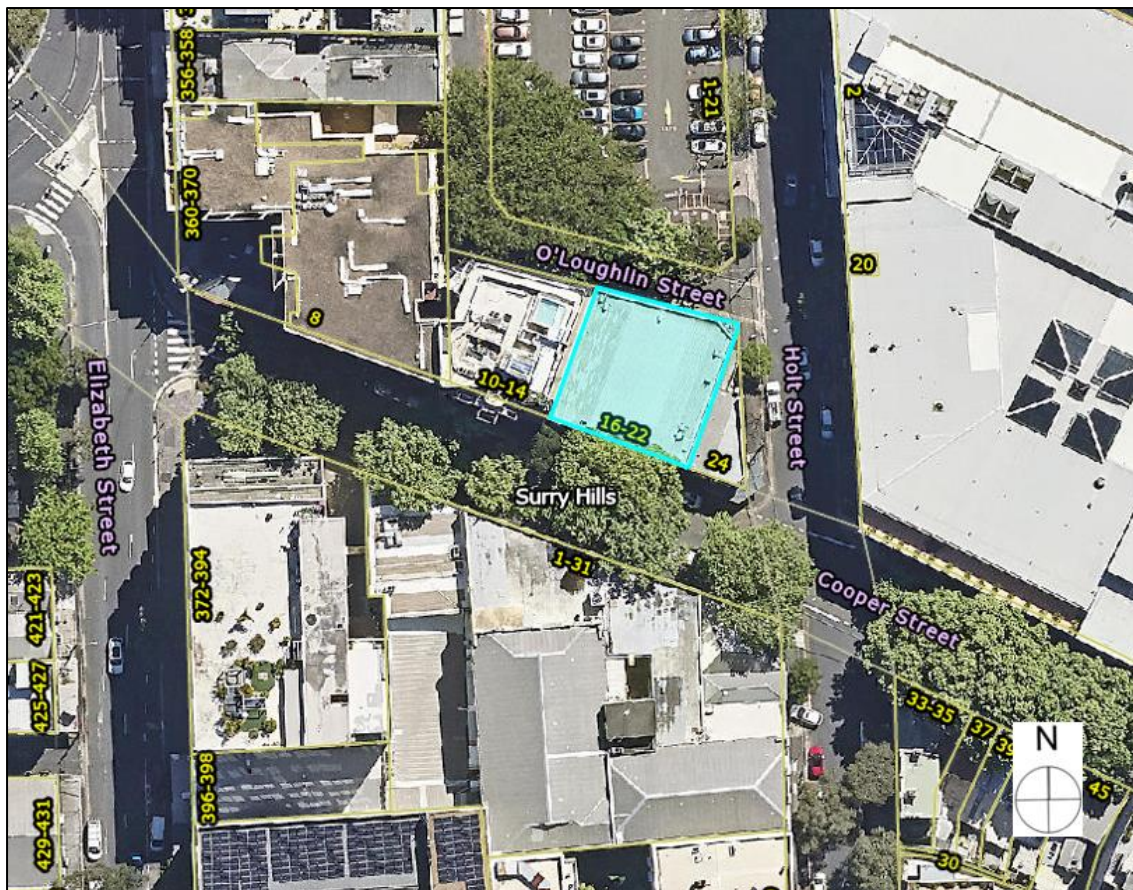


Figure 1: Aerial view of site and surrounds



Figure 2: Site viewed from Cooper Street



Figure 3: Site viewed from the corner of Cooper Street and Holt Street



Figure 4: Site viewed from Cooper Street looking north-east



Figure 5: Site viewed from Holt Street looking west



Figure 6: Site viewed from open carpark on the opposite side of O'Loughlin Street



Figure 7: Site viewed from Holt Street looking south-west

History Relevant to the Development Application

Development Applications

11. The following applications are relevant to the current proposal:

- **D/1965/554** – Development consent was granted on 9 September 1965 for the construction of a 2-storey building with lower ground floor car parking and loading facilities. The building was approved for use as factory units for industrial purposes.
- **D/1999/746** – Development consent was granted on 8 October 1999 for the use and fit out of levels 1 and 2 as an educational establishment.
- **D/2008/2149** – Development consent was granted on 29 January 2009 for the change of use and fitout of the premises as a dance studio.
- **D/2020/426** – Development consent was granted on 9 June 2020 for the use and fitout of suite 1 as an office with a retail space and coffee bar.
- **D/2023/904** – Development consent was granted on 5 June 2024 for the demolition of existing structure and construction of a 6-7 storey commercial building. It should be noted that the proposed scheme before the LPP is generally consistent with the envelope and architectural detailing of the approved commercial building. This consent has not been activated.
- **PDA/2025/33** – Pre-DA written advice was given on 4 April 2025 relating to the demolition of the existing building and construction of an 8-storey shop-top housing development on the subject site. The following advice was provided by the Chief Planner / Executive Director City Planning Development and Transport:
 - While the pre-DA scheme largely replicates the bulk, scale and materiality of that approved under D/2023/904, the conversion of the commercial office floors to residential apartments raises a number of key amenity issues including the provision of genuine communal open space. Any future development application must conform within the approved height established by D/2023/904 and the SLEP 2012 FSR control.
 - The location of communal open space on the roof is preferred, however, the maximum building height must not exceed 29.67m (approved height of the building envelope approved under D/2023/33).
 - Given the existing approval and neighbouring site context, a 3-storey street frontage is not required to Cooper Street.
 - The south-western balconies at all levels are positioned both forward and higher than the adjacent building and should be deleted to minimise bulk.

- Any future development application based on the pre-DA scheme should include an acoustic report, an updated Detailed Environmental Site Investigation (DESI), detailed landscape plans, an Arboricultural Impact Assessment (AIA) report (to assess impact to street trees) and a concept stormwater plan.
- The deep soil zone should match the deep soil zone of the commercial building approval (D/2023/904).
- The use of a mechanical car lift is discouraged, as car lifts are generally only considered appropriate for development involving the adaptive reuse of existing buildings, particularly when site or building constraints prohibit standard parking arrangements without causing inconvenience.
- A public art offering similar to that approved by way of D/2023/904 should be provided.
- A Preliminary Public Art Plan should be provided in any new application.

The proposed scheme submitted as part of the subject application is based on the pre-DA scheme and subsequent advice from Council.

Amendments

12. Following a preliminary assessment of the proposed development by Council Officers, a request for additional information and amendments was sent to the applicant on 10 February 2026. The following additional information and amendments were requested:

- The communal open space area is to be relocated from the ground floor to the roof to provide improved amenity for the communal space and a genuinely open area.
- A back of house area is required to allow waste to be transferred directly from the retail tenancies to the waste storage area.
- Clarification of the materiality of the full height metal mesh to the lift lobby areas on each level.
- Incorporate sun shading devices to the north facing windows.
- Further refinement to the Cooper Street facade.
- Amended stormwater concept plan and public domain levels and gradients plan to resolve minor technical issues.
- A construction methodology and amended Arborist Report to confirm the continued viability of the street tree to the Cooper Street frontage.
- Reconsider the provision and location of proposed canopy trees to ensure they have sufficient soil volumes, and sufficient clearance is provided from the parapets of the building.

13. The applicant responded to the request on 1 April 2026, and submitted revised architectural and landscaping plans, and updated consultant reports including updated Waste Management Plan, Updated Arborist Report, updated Traffic Report and updated draft subdivision plans. The submitted amendments and additional information generally address Council's concerns. The following amendments to the design were made:
- Amend the Cooper Street facade to better reinforce the 3 storey street wall height, incorporate greater setback to the western portion of the upper levels and redesign the lower level balconies.
 - Amend the layout of the ground floor to incorporate back of house access for waste management.
 - Minor amendments to the ground floor communal areas to provide a kitchenette within the indoor area and raise the level of the outdoor landscaped area to provide level access between the indoor and outdoor areas.
 - Slight increases to the size of the north facing apartment balconies and providing an overhang and sun shading to the Level 7 apartment balconies.
 - Amend the Level 7 rooftop to incorporate a non-trafficable green roof.
 - Provision of a bike storage area in the basement and converting one resident car space into a service vehicle space.

Proposed Development

14. The application seeks consent for the demolition of the existing building and construction of an 8-storey mixed-use development comprising retail tenancies on the ground floor fronting Cooper Street, 2 levels of basement carparking, 10 residential apartments and associated rooftop mechanical plant equipment, inaccessible green roof, and ground floor landscaped communal open space fronting O'Loughlin Street. Consent is also sought for strata and stratum subdivision. The proposed development consists of:

Basement Level 01 and 02

- 10 car spaces, 1 service vehicle space, bike storage areas, waste storage areas, building services and a car lift to O'Loughlin Street

Ground Level

- 2 separate retail tenancies fronting Cooper Street
- commercial waste storage area and bin room
- internal and external communal areas and associated landscaping fronting O'Loughlin Street
- main residential lobby to Cooper Street

Level 1

- 2 residential apartments comprising 1 x 2 bedroom unit and 1 x 3 bedroom unit

Levels 2-3

- 2 residential apartments comprising 1 x 2 bedroom unit and 1 x 3 bedroom unit on each level

Levels 4-6

- One x 4 bedroom residential apartment on each level

Level 7

- One x 3 bedroom residential apartment

Roof Level

- mechanical plant equipment, solar panels, and an inaccessible green roof

15. Plans and elevations of the proposed development are provided below.

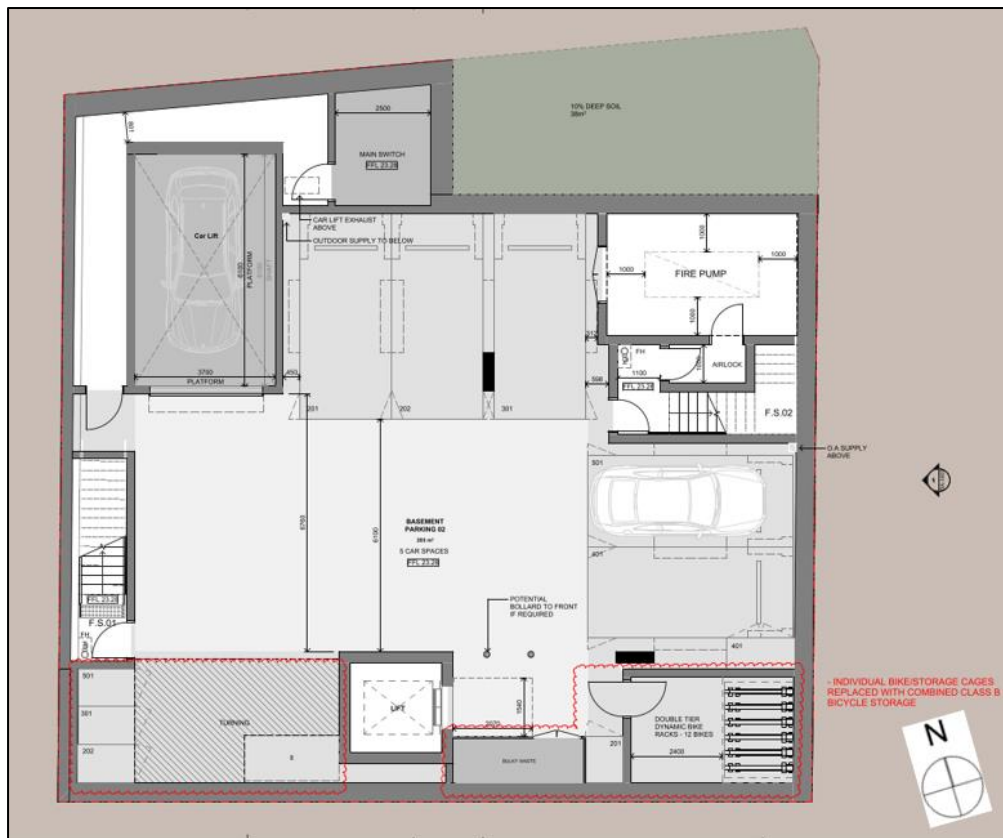


Figure 8: Proposed basement level 2 plan

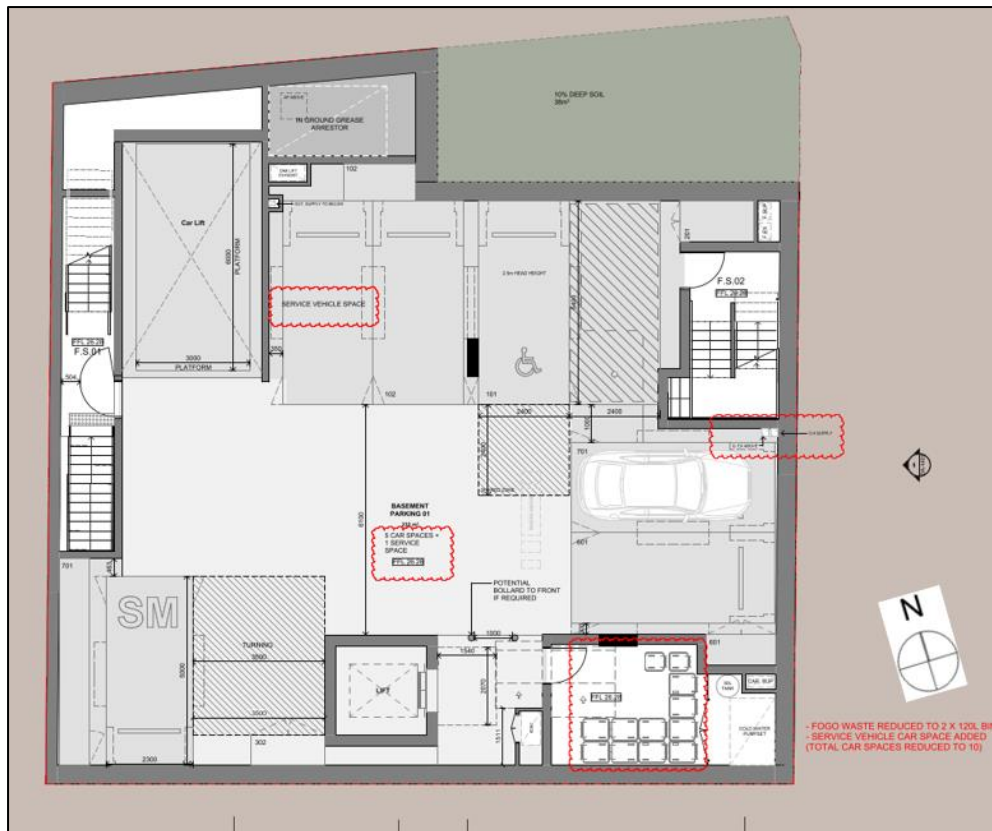


Figure 9: Proposed basement level 1 plan

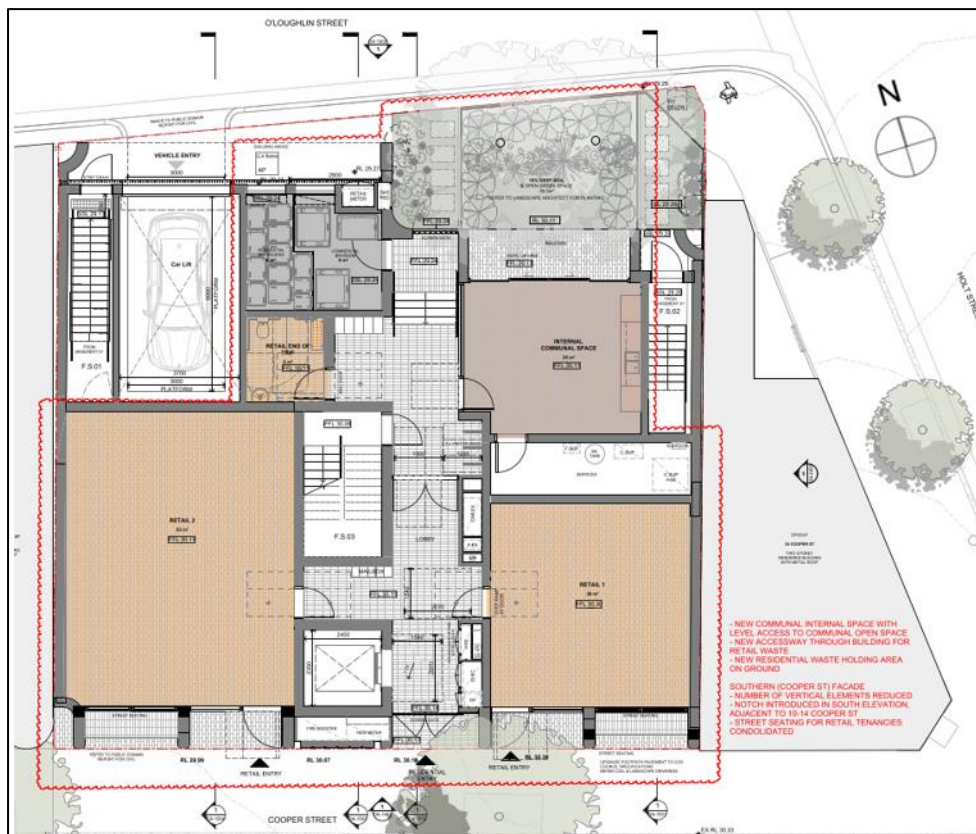


Figure 10: Proposed ground floor plan



Figure 11: Proposed Levels 1-3 typical floor plan

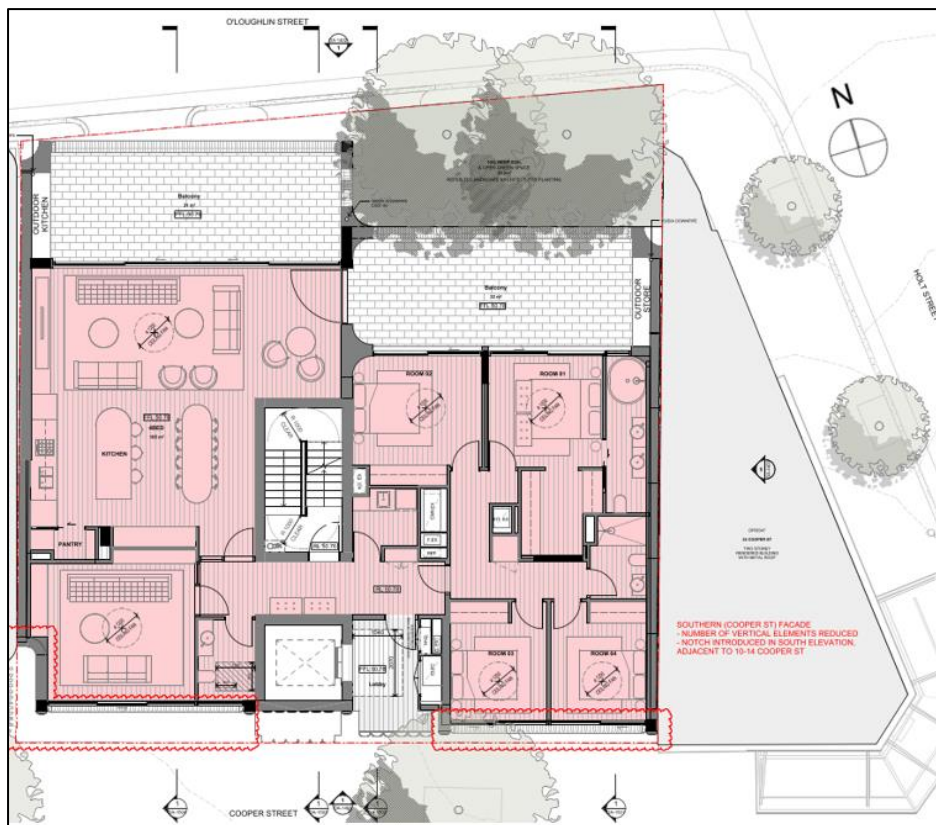


Figure 12: Proposed Levels 4-6 typical floor plan

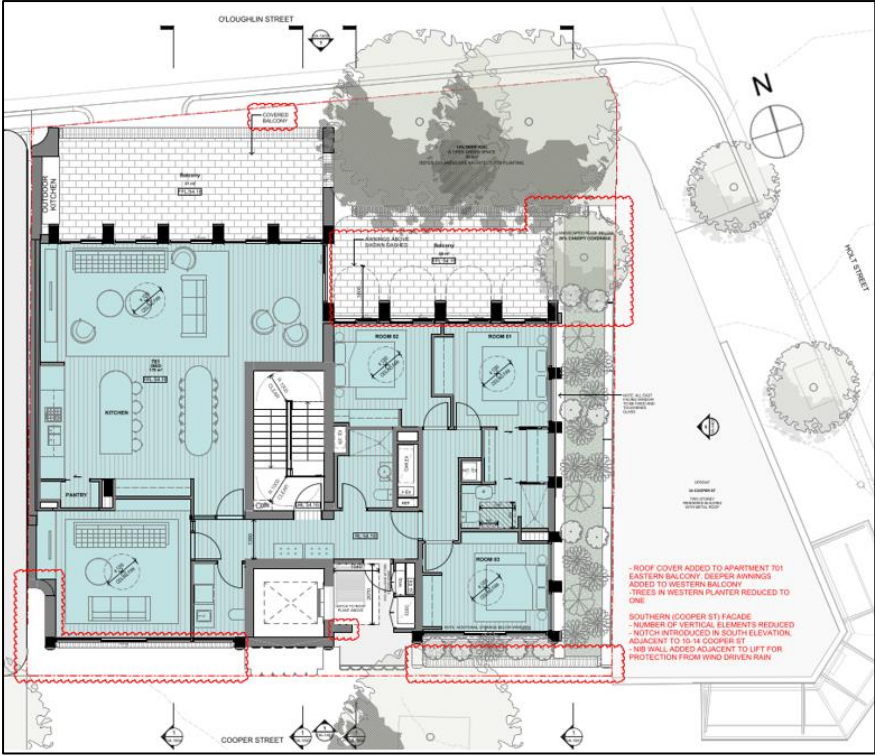


Figure 13: Proposed Level 7 floor plan

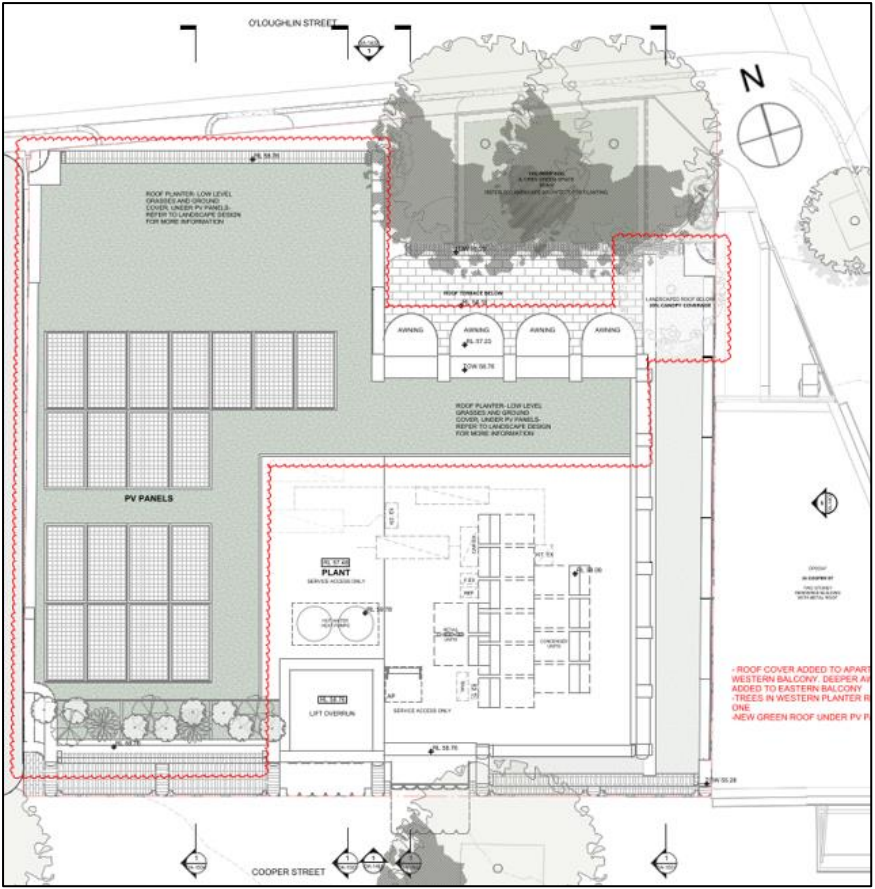


Figure 14: Proposed roof plan

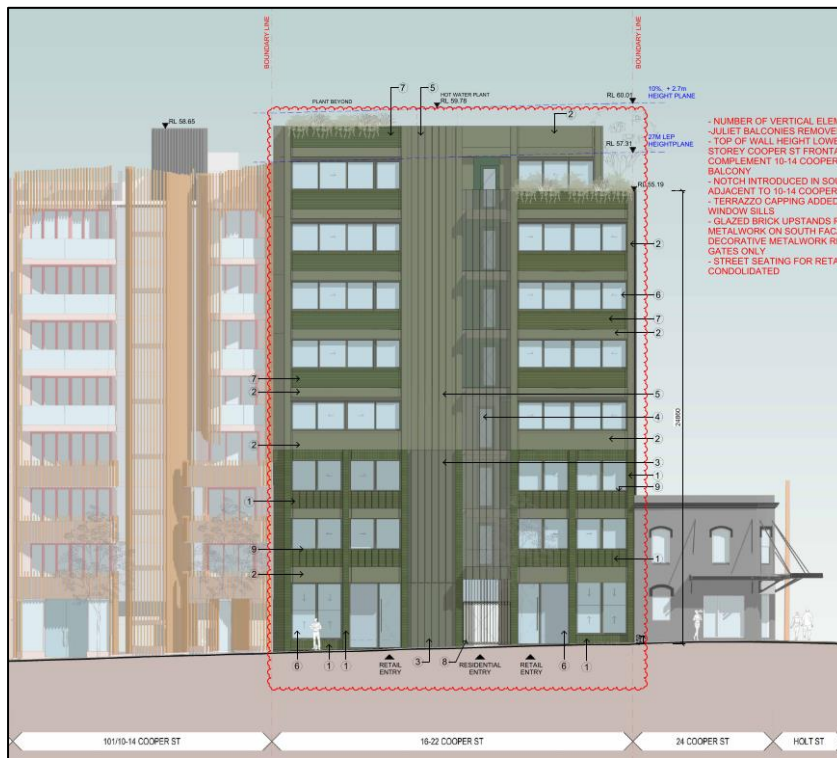


Figure 15: Proposed south (Cooper Street) elevation

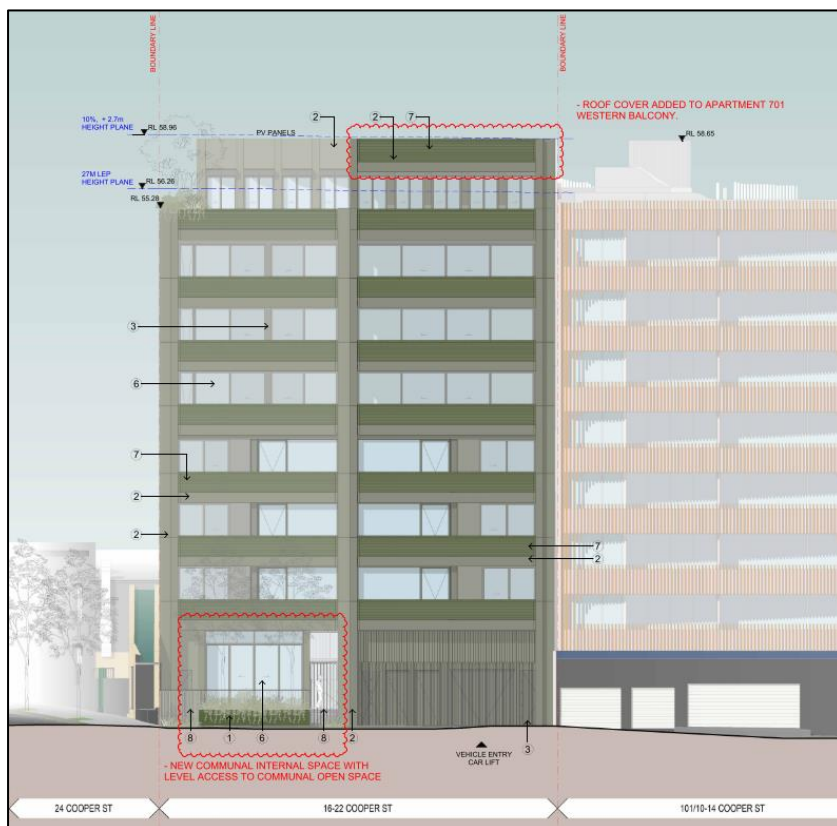


Figure 16: Proposed north (O'Loughlin Street) elevation

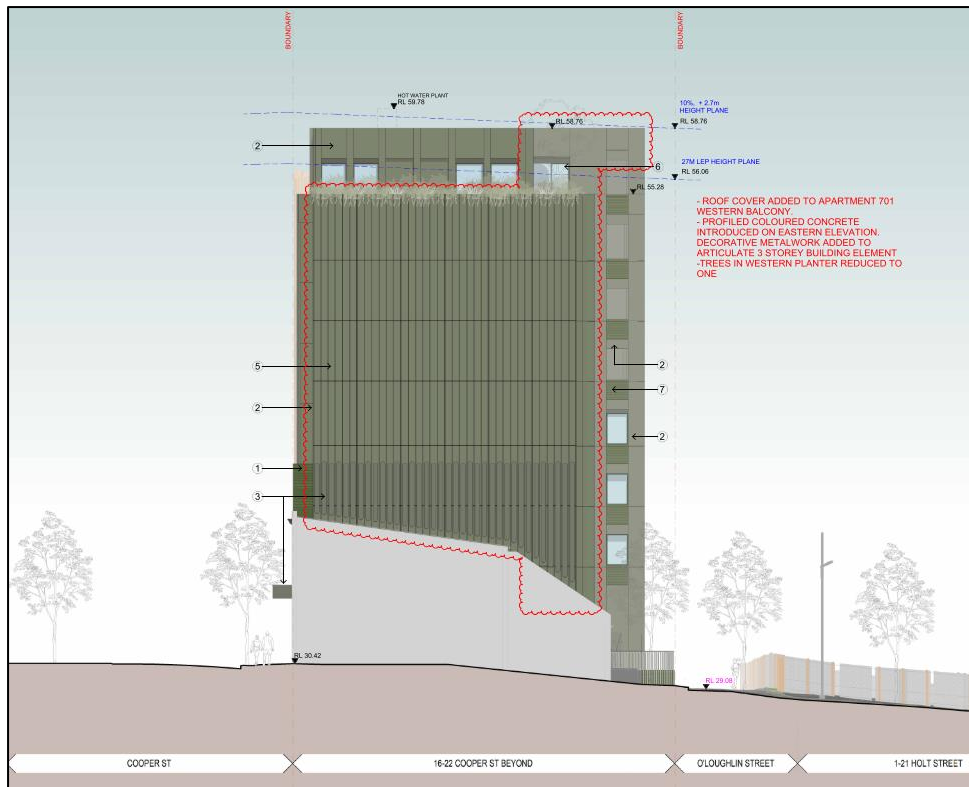


Figure 17: Proposed east elevation

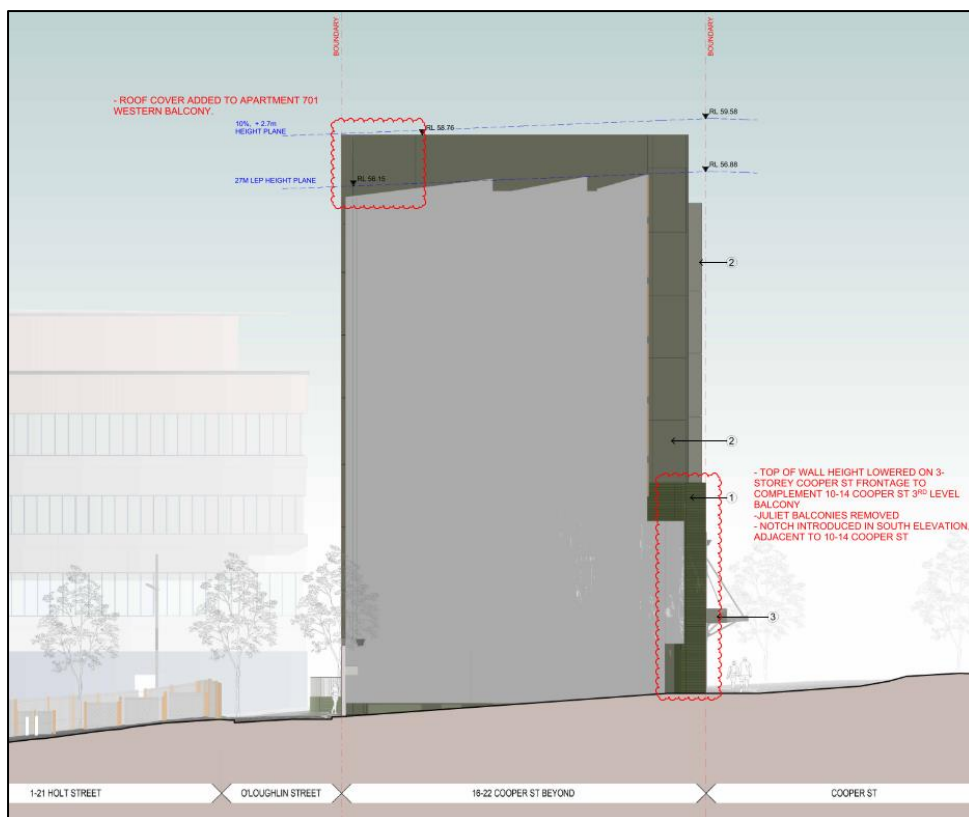


Figure 18: Proposed west elevation

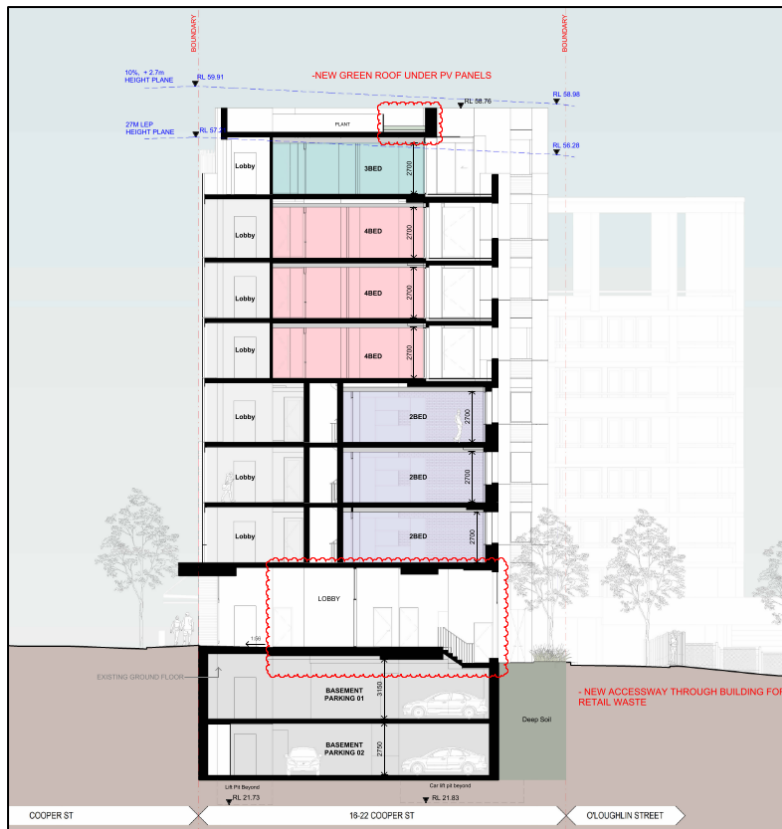


Figure 19: Proposed section plan



Figure 20: 3D perspective of the proposed development from Cooper Street looking north



Figure 21: 3D perspective of the proposed development from Cooper Street looking north-east



Figure 22: 3D perspective of the proposed development from Holt Street looking south-west

Assessment

16. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Water Management Act 2000

17. The subject application has not been nominated as integrated development. The application was referred to WaterNSW, who responded, advising that the proposed development requires separate approval for dewatering under Section 60 of the Water Management Act 2000. Therefore, conditions of consent are recommended to ensure that the relevant dewatering approvals are obtained from WaterNSW prior to construction works commencing.

State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4

Remediation of Land

32. The aim of SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
33. A Detailed Site Inspection (DSI) dated 13 March 2024, was undertaken as part of the previous development application (D/2023/904) for a commercial building on the site. The DSI has been peer reviewed by a Site Auditor (dated 21 November 2025). The findings indicate the site can be made suitable for the proposed residential use, noting the limited access to soil samples. The Site Auditor recommended that a Hazardous Material Survey be undertaken, as well as additional soil and ground water investigations to address data gaps, and a subsequent Dewatering Management Plan (DMP) be prepared prior to excavation works.
34. The Council's Health Unit has reviewed the information provided and is satisfied that the site can be made suitable for the proposed uses subject to recommended conditions of consent.
35. Standard conditions of consent are recommended to mitigate potential risks of contamination as a result of the proposed works, including requiring the recommendations of the Site Auditor to be carried out, all imported fill to be validated, and for Council to be notified of any new evidence of contamination during building works.
36. The consent authority may be satisfied that, subject to conditions, that the site can be made suitable for the proposed uses.

State Environmental Planning Policy (Housing) 2021

37. The aim of SEPP (Housing) 2021 is to provide a consistent planning regime for the provision and maintenance of affordable rental housing and to facilitate the delivery of new affordable rental housing.

38. Section 7.32 of the EP&A Act and states that where the consent authority is satisfied that the development meets certain criteria, and a Local Environmental Plan authorises an affordable housing condition to be imposed, such a condition should be imposed so that mixed and balanced communities are created.
39. Clause 7.13 (Contribution for purpose of affordable housing) of the Sydney Local Environmental Plan 2012 allows for circumstances where an affordable housing contribution may be levied for development of land in residual lands being land outside of the Central Sydney, Ultimo-Pyrmont, and Green Square areas where an affordable housing contribution also applies.
40. This matter is discussed in further detail under the heading Financial Contributions below.

Chapter 4 - Design of Residential Apartment Development

41. The aim of Chapter 4 is to improve the design quality of residential apartment development in New South Wales.
42. When determining an application for a residential flat development of 3 or more floors and containing 4 or more apartments, the SEPP requires the consent authority take into consideration design quality, including the design quality principles as set out in Schedule 9.
43. The applicant has submitted a design verification statement and design report prepared by Adam Haddow of SJB Architects, registration number: 7188 (NSW), with the application, addressing the design quality principles and the objectives of parts 3 and 4 of the Apartment Design Guide. The statement is deemed to satisfy Clause 29 of the Environmental Planning and Assessment Regulation 2021.
44. An assessment of the proposal against the design quality principles is provided as follows:

(a) Principle 1: Context and Neighbourhood Character

The proposed development is compatible with the context and neighbourhood character of the Surry Hills Central locality. In considering the context and neighbourhood character, the current need for additional housing is relevant to the context, not just within Surry Hills but more broadly. The development is largely consistent with the scale of immediately surrounding 3 to 8 storey residential and commercial buildings along Cooper Street.

(b) Principle 2: Built Form and Scale

The scale, bulk and height are appropriate having regard to the desired future character of the neighbourhood and context. The built form and modulation of the new building seeks to maximise internal amenity while responding to various constraints of the site, and to the existing adjoining residential apartment building to the east at No.10-14.

(c) Principle 3: Density

The proposed development provides additional diverse housing options within the locality and is generally consistent with density permitted by the relevant development controls for the site. The dwelling mix provides housing options, including 2, 3 and 4 bedroom apartments.

Notwithstanding the increased density, the proposed development achieves reasonable amenity and is further maximised through the provision of shared communal facilities and open space.

(d) Principle 4: Sustainability

The proposed development provides adequate internal residential amenity. Natural cross ventilation has been maximised to all apartments. The orientation of the upper levels has been designed to maximise solar access to habitable rooms and private balconies of the apartments.

Sustainability measures are also incorporated into the proposed development, including solar panels on the roof.

(e) Principle 5: Landscape

The proposal provides sufficient landscaping, including a genuine deep soil zone with new canopy tree planting adjoining the ground floor communal area, and planting on structures, which contribute to urban greening, offering an improvement over the existing development on the site which provides no landscaping.

(f) Principle 6: Amenity

The proposed development provides diverse apartment typologies. The internal layouts have been designed to provide flexibility and maximise amenity through cross-ventilation and generously sized private balconies with direct solar access.

The proposed development achieves reasonable levels of residential amenity, having regard to the design guidance in the ADG, and is further maximised through the provision of shared communal facilities adjoining landscaped open space.

(g) Principle 7: Safety

The development has been designed to appropriately separate residential and commercial uses. The proposed development minimises the opportunity for crime through principles of passive surveillance and active retail frontages at ground level.

Communal open space, and retail frontages are generally located at ground level, with private balconies and living room windows overlooking the street frontages. Separate retail and residential entrances are provided and are clearly identified along the building frontages. All apartments have secure lift access.

(h) Principle 8: Housing Diversity and Social Interaction

The development includes a mix of 2, 3 and 4 bedroom apartments, which contributes to housing diversity within the LGA providing much needed housing opportunities. The design of the building includes indoor and outdoor communal areas which provide a desirable environment for social interaction and will foster community.

(i) Principle 9: Aesthetics

The external appearance of the building is largely informed by the envelope and architectural design of the previously approved commercial building, using similar materials and facade detailing, with a 3 storey street wall to Cooper Street, and appropriate articulation to the interface with the adjoining mixed-use building to the east at No.10-14.

45. The development is acceptable when assessed against the SEPP including the above stated principles and the associated Apartment Design Guide (ADG). These controls are generally replicated within the apartment design controls under the Sydney Development Control Plan 2012. Consequently, compliance with the SEPP generally implies compliance with Council's own controls. A detailed assessment of the proposal against the ADG is provided below.

3D Communal and Public Open Space	Consistency	Comment
Communal open space has a minimum area equal to 25% of the site.	No	The proposal provides a total of 53 sqm of communal area at ground level, which comprises 25 sqm internal area and 28 sqm external area. This equates to 14% of the site area. Refer to "discussion" section of this report for detailed assessment of the amenity of the communal areas.
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of two (2) hours between 9am and 3pm on 21 June (midwinter).	Yes	The development achieves over 2 hours of direct sunlight to at least 50% of the usable areas of communal open space on 21 June and complies, noting that any future redevelopment of the open carpark directly north of the site will likely reduce the solar access achieved by the communal areas. Refer to "discussion" section of this report for detailed assessment of the amenity of the communal areas.

3E Deep Soil Zones	Consistency	Comment
Deep soil zones are to have a minimum area equivalent to 7% of the site.	Yes	The proposal provides a deep soil area of 38sqm, equivalent to 10% of the site area, which includes new canopy tree planting.

3F Visual Privacy	Consistency	Comment
Up to 4 storeys (12 metres): 6m between habitable rooms / balconies 3m between non-habitable rooms 5 to 8 storeys (25 metres): 9m between habitable rooms / balconies 4.5m between non-habitable rooms	Yes	The residential component of the development is up to 8 storeys and provides separation distances of 15m across Cooper Street, and approximately 8m across O'Loughlin Street to the open carpark. It is noted that any future redevelopment of the carpark will likely incorporate a setback from O'Loughlin Street frontage to mitigate any impacts to the existing street trees.
Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas.	Yes	Apartment configuration provides appropriate separation between private habitable rooms and circulation spaces.

4A Solar and Daylight Access	Consistency	Comment
70% of units to receive a minimum of 2 hours of direct sunlight in midwinter to living rooms and private open spaces.	Yes	10 of 10 (100%) of apartments achieve the minimum 2 hours' direct sunlight at mid-winter to living rooms and private open spaces.
Maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at midwinter.	Yes	None of the apartments receive no direct sunlight at mid-winter.

4B Natural Ventilation	Consistency	Comment
All habitable rooms are naturally ventilated.	Yes	All habitable rooms have a window to an external space and are therefore naturally ventilated.

4B Natural Ventilation	Consistency	Comment
Minimum 60% of apartments in the first 9 storeys of the building are naturally cross ventilated.	Yes	10 of 10 (100%) apartments are naturally cross-ventilated.
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Yes	None of the apartments exceeds 18m in depth.

4C Ceiling Heights	Consistency	Comment
Habitable rooms: 2.7m Non-habitable rooms: 2.4m	Yes	All apartments achieve a 2.7m floor to ceiling height.
If located in mixed use areas – 3.3m for ground and first floor to promote future flexibility of use.	Partial	The site is zoned MU1 Mixed-Use. Floor-to-ceiling heights of 3.4 and 3.6m are provided for the ground floor retail tenancies fronting Cooper Street, and 3.87m for the ground floor lobby and communal indoor space. The first floor is proposed to be used exclusively for residential accommodation, and has a floor to ceiling height of 2.7m.

4D Apartment Size and Layout	Consistency	Comment
Minimum unit sizes: • Studio: 35sqm • 1 bed: 50sqm • 2 bed: 70sqm • 3 bed: 90sqm The minimum internal areas include only one bathroom. Additional bathrooms increase	Yes	All apartment sizes are compliant with the minimum unit size requirements of the ADG.

4D Apartment Size and Layout	Consistency	Comment
the minimum internal area by 5sqm each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12sqm each.		
Every habitable room is to have a window in an external wall with a minimum glass area of 10% of the floor area of the room.	Yes	All habitable rooms are naturally ventilated.
Habitable room depths are to be no more than 2.5 x the ceiling height.	Yes	All habitable rooms other than open plan layouts meet the minimum room depth requirement based on 2.7m ceiling heights.
8m maximum depth for open plan layouts.	Yes	All open plan living/dining/kitchen areas of the apartments do not exceed 8m in depth (excluding hallways and pantries).
Minimum area for bedrooms (excluding wardrobes): • master bedroom: 10sqm • all other bedrooms: 9sqm Minimum dimension of any bedroom is 3m (excluding wardrobes).	Yes	All bedrooms are compliant with the minimum room size and minimum dimension requirements.
Living and living/dining rooms minimum widths: • Studio and one-bedroom: 3.6m • 2-bedroom or more: 4m	Yes	All living room and dining room areas are compliant with the minimum room width requirements.
4m minimum width for cross over and cross through apartments.	Yes	All dual aspect apartments have minimum widths greater than 4m.

4E Private Open Space and Balconies	Consistency	Comment
Studio apartments are to have a minimum balcony area of 4sqm with a minimum depth of 1m. One bed apartments are to have a minimum balcony area of 8sqm with a minimum depth of 2m. 2 bed apartments are to have a minimum balcony area of 10sqm with a minimum depth of 2m. 3 bed apartments are to have a minimum balcony area of 12sqm with a minimum depth of 2.4m.	Yes	All apartments comply with the minimum balcony size requirements in terms of overall area and depths.

4F Common Circulation and Spaces	Consistency	Comment
The maximum number of apartments off a circulation core on a single level is 8.	Yes	No more than 2 apartments are provided at each level, served by the central circulation core.
Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled.	Yes	Appropriate separation is generally provided between bedroom and living room windows and common circulation areas.
Daylight and natural ventilation are provided to all common circulation spaces.	Yes	Perforated screening is provided to the lift lobby on each of the residential levels, in order to provide natural ventilation and daylight with appropriate weather protection.

4G Storage	Consistency	Comment
Minimum storage provision facilities: • Studio: 4m³ • 1 bed: 6m³ • 2 bed: 8m³ • 3 bed: 10m³ (Minimum 50% storage area located within unit)	Yes	Adequate storage space is provided in each apartment and in within the basement car parking area.

4J Noise and Pollution	Consistency	Comment
Have noise and pollution been adequately considered and addressed through careful siting and layout of buildings?	Yes	The site is not located on a noisy road and is not significantly affected by vehicle noise and pollution. An acoustic report submitted with the application concludes that internal noise levels can be met provided acoustic treatment is provided to windows. This treatment forms part of the recommended conditions of consent.

State Environmental Planning Policy (Sustainable Buildings) 2022

46. The aims of this Policy are as follows—

- (a) to encourage the design and delivery of sustainable buildings
- (b) to ensure consistent assessment of the sustainability of buildings
- (c) to record accurate data about the sustainability of buildings, to enable improvements to be monitored
- (d) to monitor the embodied emissions of materials used in construction of buildings
- (e) to minimise the consumption of energy
- (f) to reduce greenhouse gas emissions
- (g) to minimise the consumption of mains-supplied potable water
- (h) to ensure good thermal performance of buildings

Chapter 2 Standards for residential development - BASIX

47. A NatHERS Certificate (Certificate No. 0012396490) and a BASIX Certificate (Certificate No. 1822567M_02) have been submitted with the development application.
48. The BASIX and NatHERS certificates lists measures to satisfy BASIX and energy efficiency requirements which have been incorporated into the proposal. The final set of architectural plans has also been stamped by the NatHERS assessor and achieves a 7.3 thermal performance star rating. A condition of consent is recommended ensuring the measures detailed in the BASIX certificate are implemented.

Chapter 3 Standards for non-residential development

49. Chapter 3 of the SEPP applies to development, other than development for the purposes of residential accommodation, that involves:
 - (a) the erection of a new building, if the development has an estimated development cost of \$5 million or more or
 - (b) alterations, enlargement or extension of an existing building, if the development has an estimated development cost of \$10 million or more

Section 3.2 Development Consent for non-residential development

50. Section 3.2 Development consent for non-residential development provides that:
 - (1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—
 - (a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,
 - (b) a reduction in peak demand for electricity, including through the use of energy efficient technology,
 - (c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,
 - (d) the generation and storage of renewable energy,
 - (e) the metering and monitoring of energy consumption,
 - (f) the minimisation of the consumption of potable water.
 - (2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.
51. With regard to the above matters the applicant has submitted a City of Sydney Design for Environmental Performance report template to address the above. The template identifies design and technology responses for environmental performance that the applicant proposes to be incorporated in the development. This includes the installation of energy efficient appliances and solar panels on the roof.

52. With regard to section (2) above the applicant has adequately quantified the embodied emissions attributable to the development.

State Environmental Planning Policy (Transport and Infrastructure) 2021

53. The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

Division 5, Subdivision 2: Development likely to affect an electricity transmission or distribution network

Clause 2.48 Determination of development applications – other development

54. The application is subject to Clause 2.48 of the SEPP as the development will be carried out within 5m of an exposed overhead electricity power line.
55. As such, the application was referred to Ausgrid for a period of 21 days and a response was received, which recommended standard consent conditions requiring SafeWork procedures to be complied with, and appropriate clearances from existing power poles and infrastructure.

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6 Water Catchments

56. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SEPP. The SEPP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.
57. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SEPP are not applicable to the proposed development.
58. The proposal is not anticipated to have any adverse impacts on stormwater quality and runoff from the site, subject to appropriate conditions of consent for erosion and sediment control measures to be implemented during building works, and for the stormwater drainage system to be designed in accordance with Council's Stormwater Drainage Manual.

Local Environmental Plans

Sydney Local Environmental Plan 2012

59. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the MU1 Mixed Use zone. The proposed development is defined as a mixed-use development comprising a "residential flat building" and "retail premises" and is permissible with consent in the zone. The proposal generally meets the objectives of the zone.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	No	A maximum building height of 27m is permitted. A maximum height of 29.7m is proposed to the top of the lift overrun and roof parapet. The proposed development does not comply with the maximum height of buildings development standard. A request to vary the height of buildings development standard in accordance with Clause 4.6 has been submitted. See further details in the 'Discussion' section below.
4.4 Floor space ratio	Yes	A maximum floor space ratio of 4:1 or 1542.88 sqm is permitted. A floor space ratio of 4:1 or 1542 sqm is proposed. The proposed development complies with the maximum floor space ratio development standard.
4.6 Exceptions to development standards	Yes	The proposed development seeks to vary the development standard prescribed under Clause 4.3 "Height of Buildings". A Clause 4.6 variation request has been submitted with the application. See further details in the 'Discussion' section below.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	The site is not identified as a heritage item, is not located within a heritage conservation area, and does not directly adjoin any heritage items. The proposed development will not have a detrimental impact on the heritage significance of any nearby heritage items.
5.21 Flood planning	Yes	The site is not identified as being subject to flooding.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
6.21C Design excellence 6.21D Competitive design process	Assessed as acceptable	Under cl 6.21D, a competitive design process is required as the proposal exceeds 25m in height and is located outside Central Sydney. The applicant has requested that the consent authority waive the requirement for a competitive design process on the grounds that this would be unreasonable or unnecessary in the circumstances. Under the circumstances, this request is supported, for the following reasons: - Due to the sloping topography of the site, the proposal has a maximum height of 29.7m for the lift overrun and rooftop mechanical plant screening, and only the non-trafficable green roof and part of Level 7 exceed 25m in height. - The height of the proposed development is generally consistent with the previously approved building envelope for the site under D/2023/904, which had an approved maximum height of 29.67m.

Provision	Compliance	Comment
	Yes	- The proposal is of an appropriate massing and form, responds to the constraints and conditions of the site, and provides a high level of architectural detailing whilst providing a suitable level of amenity to future occupants. - A competitive design process in this instance is not considered to add any significant value to understanding the site constraints or informing a suitable building envelope and is therefore considered unnecessary. Furthermore, the City has noted that it is unreasonable or unnecessary for developments such as this to be subject to the creation of a site specific DCP or a competitive design process, and as such an amendment to the relevant Clauses of the LEP has been endorsed by Council. This amendment involves the relevant development trigger, being development in respect of a building that had a height above ground level of 25 metres on any other land, is to be amended to 35 metres per the Policy and Housekeeping Amendments 2023 (PP-2024-709) which received Gateway approval in October 2024, pending Gazettal. With regard to design excellence considerations under cl 6.21C, the proposed development is of a high standard and uses materials and detailing which are compatible with the existing development along the street and will contribute positively to the character of the area. The proposal responds to the site constraints while providing an appropriate form and massing with a high level of architectural design and detailing, that is considered to provide sufficient amenity to the proposed residential apartments whilst adequately

Provision	Compliance	Comment
		mitigating any adverse impacts to the surrounding properties. The development achieves the principle 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 achieves design excellence.

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
7.5 Residential flat buildings, dual occupancies and multi dwelling housing 7.7 Retail premises	Yes	A maximum of 10 car parking spaces are permitted (9 spaces for the residential uses of the development and 1 space for the retail uses, rounded to the nearest whole number). The proposed development includes 10 car parking spaces and complies with the relevant development standards.
Division 3 Affordable housing		
7.13 Contribution for affordable housing	Yes	The site is identified as being on 'residual lands' under this clause. Clause 7.13(1) of the LEP advises that where there is a change of use of existing floor area from other than residential accommodation to residential accommodation, or for alterations and additions to an existing building that result in the creation of more than 200 sqm of GFA for residential accommodation, a contribution is required to be made for the purpose of affordable housing. The proposal involves the creation of over 200 sqm of GFA for the purpose of residential accommodation. As such, a contribution is required under this clause.

Provision	Compliance	Comment
		See "financial contributions" section of this report below for details as to how the contribution is calculated.
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	The site is located on land with class 5 Acid Sulfate Soils (ASS). The submitted Geotechnical Report identifies that there is a low probability of ASS occurrence on the site, and that there is no mapped occurrence of ASS risk within 500m of the site. Therefore, the proposed works do not require the preparation of an Acid Sulfate Soils Management Plan.
7.20 Development requiring or authorising preparation of a development control plan	Yes	As the proposal results in a building that exceeds 25m in height and is located outside Central Sydney, a site specific development control plan is required under the control. In this instance the preparation of a site specific development control plan is unreasonable and unnecessary in the circumstances. Refer to assessment against CI 6.21 of the SLEP above.
7.26 Public art	Yes	Refer to Section 3.1 of the SDCP compliance table below.

Development Control Plans

Sydney Development Control Plan 2012

60. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 2 – Locality Statements

61. The site is located within the Surry Hills Central locality. The proposed development is in keeping with the unique character and the design principles of the Surry Hills Central locality. The proposed development provides active retail uses to Cooper Street, reinforcing the retail centre of Surry Hills, whilst providing additional residential accommodation.

Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements	Yes	<i>Public Art:</i> As the estimated cost of works exceeds \$10 million, public art is required to be provided in accordance with the City of Sydney Guidelines for Public Art in Private Development and the Public Art Policy. A Preliminary Public Art Plan prepared by SJB Architecture has been submitted and identifies opportunities for public art on the external eastern boundary wall of the development, and the lobby entrance from Cooper Street. The potential public art opportunities include integrating decorative artwork into the entry gate to the lobby and improving the presentation of the blank eastern facade wall through decorative textural design. The preliminary public art plan is supported by Council's Public Art team subject to appropriate conditions requiring a detailed public art plan be submitted to and approved by Council prior to issue of a construction certificate.
3.2. Defining the Public Domain	Yes	Whilst none of the street frontages of the site are identified as requiring active frontages under the DCP controls, the proposal provides active retail uses to the Cooper Street frontage, with separate entrances to the retail tenancies. A separate entry lobby to the residential portion of the development is also provided to Cooper Street. Footpath awnings are not required by the DCP controls to either of the street frontages. A solid awning is proposed to the Cooper Street lobby entrance. The awning is of a sufficient height above the footpath (3.5m), is sufficiently setback from the nearby street tree, and generally complies with the DCP controls. The retail entrances to Cooper

Provision	Compliance	Comment
		Street are recessed to provide weather protection. The proposal is supported by Council's Public Domain team subject to recommended conditions of consent to ensure the public domain is appropriately protected and upgraded in accordance with Council's Public Domain Policies and technical specifications, to improve pedestrian and public access and remove hazards.
3.3 Design Excellence and Competitive Design Processes	Assessed as acceptable	Under clause 6.21D of the SLEP, a competitive design process is required as the proposal exceeds 25m in height and is located outside Central Sydney. The applicant has requested that Council waive the requirement for a competitive design process, and this waiver is supported on the grounds that this would be unreasonable or unnecessary in the circumstances. Refer to assessment against CI 6.21 of the SLEP in the SLEP compliance table above.
3.5 Urban Ecology	Yes	Minor pruning of the street tree directly fronting the site along Cooper Street is required to facilitate the proposed building envelope. An Engineers Report has been submitted which outlines the construction methodology for the excavation for the proposed basement and how the soil profile will be retained to protect the existing tree roots during construction, demolition and excavation works. The submitted Engineers Report and Arborist Report have been peer reviewed by Council's Tree Management Officer, who raise concerns that although the submitted reports have outlined the excavation sequencing and required protection measures, they do not address how the roots will be protected when encountered during the demolition of the existing retaining wall and subsequent installation of a perimeter retention system. A condition of consent is therefore recommended to require an updated Arborist Report be

Provision	Compliance	Comment
		submitted and approved by Council prior to issue of a construction certificate, which outlines the methodology of root protection during the demolition of the retaining wall and installation of the perimeter retention system that is outlined in the Engineer's Report. In addition to the above, appropriate conditions of consent are recommended to ensure the protection and retention of the existing street trees along the Cooper Street and O'Loughlin Street frontages from any adverse impacts as a result of construction activities, and to ensure that the roots of the existing street tree along the Cooper Street frontage is adequately protected from the proposed works to facilitate the new basement levels.
3.6 Ecologically Sustainable Development	Yes	A BASIX and NatHERS certificate, and Design for Environmental Performance report, have been submitted as part of the application to demonstrate compliance with the relevant energy performance requirements of BASIX and the National Construction Code under Section J. The proposal satisfies BASIX and environmental requirements. Refer to SEPP (Sustainable Buildings) as well as the DCP controls. In addition, the proposal includes several positive measures relating to sustainability, including the rooftop solar panels, and the installation of energy efficient appliances. Council's Environmental Projects team supports the proposal, noting that the BASIX Certificate identifies an all-electric development in operation. Consent conditions are recommended to ensure that the development incorporates energy and water efficient appliances, and for the measures outlined in the submitted Design for Environmental Performance report to be incorporated into the relevant construction drawings.

Provision	Compliance	Comment
		Refer to SEPP (Sustainable Buildings) section of this report above.
3.7 Water and Flood Management	Yes	The site is not identified as being on flood prone land. Concept Stormwater Drainage plans have been submitted, and confirmation from Sydney Water has been provided to demonstrate that On Site Detention (OSD) is not required. Conditions of consent are recommended to ensure that the drainage system is constructed in accordance with the City's Stormwater Drainage Manual.
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	The proposed development includes strata and stratum subdivision of the retail and residential portions of the development. The application was referred to Council's Specialist Surveyor, who supported the proposal, subject to conditions of consent requiring various restrictions and easements be registered to ensure the orderly operation of the land and appropriate use of the subject lots. A separate application must be made to obtain any Subdivision or Strata Certificate.
3.9 Heritage	Yes	The site is not identified as a heritage item and is not located within a heritage conservation area.
3.11 Transport and Parking	Yes	<i>Bike parking</i> The DCP requires a minimum of 11 bike spaces for the residential component (10 spaces for residents and 1 space for visitors), and 3 bike spaces for the retail uses (1 spaces for employees and 2 spaces for customers) for a total of 14 bike spaces to be provided. Personal lockers are required as well as shower and change facilities. A total of 15 bike spaces are provided for the development (12 spaces for the residential component and 3 visitor

Provision	Compliance	Comment
		spaces for the retail component). The residential bike spaces are located in a consolidated area within the basement, while the visitor spaces are provided within the entrance lobby adjacent to the end of trip facilities. The overall bike parking location and configuration are considered acceptable. <i>Car parking and loading</i> The proposed development provides one space for service vehicles within the basement car parking area, which is accessed from O'Loughlin Street via a car lift. The proposed development is acceptable, subject to recommended conditions to manage the operation of the loading dock and car lift, including requiring traffic signals to be installed, and a Loading Dock Management Plan to be approved by the Principal Certifier and made available to all residents and tenants of the building.
3.12 Accessible Design	Yes	Accessible design requirements must be complied with at the certification stages. An Access Report prepared by Vista Access Architects has been submitted to demonstrate that the proposal can comply with the accessibility requirements of the Disability Discrimination Act 1992 (DDA), National Construction Code and Australian Standards. Appropriate accessible facilities are provided within the development including an accessible car space, as well as an adaptable apartment. This satisfactorily addresses this control.
3.13 Social and Environmental Responsibilities	Yes	The proposal includes active retail uses to the Cooper Street frontage, which includes large glazed entrance doors and shopfront windows to ensure passive surveillance to the street. The communal open space area at ground level for the residents of the building will

Provision	Compliance	Comment
		provide passive surveillance to O'Loughlin Street. The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.
3.14 Waste	Partial compliance	A Waste Management Plan (WMP) has been submitted in accordance with Council requirements. The proposal includes separate waste storage areas for the residential and retail components of the development (including bulky waste storage), within the basement levels and ground floor with back of house access to the collection point at the rear of the site. The proposal has been reviewed by Council's Cleansing and Waste team, who generally support the proposal, noting the location of the waste holding area at the rear of the building at ground level is acceptable, however, concern is raised that the space provided is insufficient to allow the bins to be accessed individually and wheeled out, as the waste streams will not be serviced simultaneously. A condition is recommended for waste holding area to be reconfigured to improve the functionality of the space. Refer to "discussion" section for details. Consent conditions are recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development, and for an updated WMP to be submitted to and approved by Council prior to issue of a construction certificate.
3.15 Late Night Trading Management	Yes	No proposed trading hours are provided for the retail tenancies. The site is located within a "Local Centre" late-night trading area under the DCP. The DCP permits base indoor trading hours between 7am to 11pm for Category B low impact premises, and

Provision	Compliance	Comment
		between 7am to 2am (the following day) for Category C (unlicensed retail) premises. As no specific use is proposed for the retail tenancies, a condition of consent is recommended to clarify that consent is not given or implied for the specific use and operation of the retail tenancies, and that separate future development applications or complying development certificates (if applicable) for the fit out and use of the retail tenancies will be required. It is noted that the standard operating hours for a commercial premises under complying development are between 7am to 10pm, Monday to Saturday, and 7am to 8pm on Sunday and public holidays.
3.16 Signage and Advertising	Yes	Signage has not been proposed as part of this application. As the proposal includes 2 separate commercial tenancies, a signage strategy is required. Although signage zones have been indicated on the submitted architectural plans, insufficient details have been provided to confirm the type of signage proposed. Therefore, a condition of consent is recommended to require a separate signage strategy to be submitted and approved by Council prior to issue of a construction certificate.
3.17 Contamination	Yes	The proposal is not considered to result in any significant risk of contamination subject to appropriate conditions of consent. Refer to above discussion under SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land.
3.18 Acoustic Amenity	Yes	Although the proposal involves new residential accommodation, the site is not on land identified as "Sensitive receivers - Radius 1 or 2" on the

Provision	Compliance	Comment
		Entertainment Sound Management Map, and the site does not have uninterrupted exposure (direct line of site) to any mapped "existing live music and performance venue". Therefore, the provisions of this section of the DCP do not apply.

Section 4 – Development Types

4.2 Residential Flat, Commercial and Mixed Use Developments

Provision	Compliance	Comment
4.2.1 Building height		
4.2.1.1 Height in storeys and street frontage height in storeys	Partial compliance	The site is permitted a maximum building height of 8 storeys, is subject to a 3 storey street frontage height to Cooper Street and an 8 storey street frontage height to O'Loughlin Street. The proposed development is 8 storeys in height and complies with the DCP height control. While the proposed development does not provide a substantial setback above the 3 storey street wall to the full length of the Cooper Street frontage, the proposal does provide a visual distinction between the lower 3 storeys and the upper levels, through changes in the materiality of the facade, and setting back the western portion of the facade from Levels 3 to 7 by approximately 1m from the boundary by deleting some of the front apartment balconies to the upper levels. This provides an appropriate interface with the adjoining apartment building at No.10-14 Cooper Street. See further details under the 'Discussion' section below, relating to clause 4.6 variation to the LEP height control and recommendations from the Design Advisory Panel Residential Subcommittee.

Provision	Compliance	Comment
4.2.1.2 Floor to ceiling heights and floor to floor heights	Yes	The proposed development achieves the minimum floor to floor height of 4.5m at ground floor for the retail tenancies and residential lobby and communal area. Residential apartments on the levels above are provided with minimum 3.2m floor to floor heights that will achieve 2.7m ceiling heights in accordance with the ADG and DCP controls. Refer to ADG compliance table under SEPP (Housing) 2021, above.
4.2.2 Building setbacks	Yes	The site is not identified as requiring specific setbacks as shown on the "Building Setbacks and alignment map" under the DCP. The DCP specifies that "(1) where no setback or alignment is shown on the map, the setback and alignment must be consistent with adjoining buildings". The proposed development has stepped setbacks to both street frontages. This, is generally consistent with the envelope of the previously approved commercial building (D/2023/904) and provides visual interest and articulation to the design of the new building. The proposed street setbacks also correspond with the existing setbacks of the adjoining mixed-use building at No.10-14 Cooper Street and provides an appropriate visual transition from the adjoining building.
4.2.3 Amenity		
4.2.3.1 Solar access	Yes	Shadow diagrams submitted with the application have been assessed against and meet the provisions of the ADG regarding achieving adequate solar access to the residential apartments and communal open space area. The proposed development does not result in any unreasonable overshadowing to neighbouring properties, noting that additional

Provision	Compliance	Comment
		overshadowing from the proposal generally falls onto commercial buildings to the south along Cooper Street from 9am to 2pm mid-winter, with some additional overshadowing to the existing boarding house to the south-east at No.33-35 Cooper Street from 3pm mid-winter. The proposal is acceptable in that adequate solar access and natural light will be provided to the subject site and adjoining sites. Refer to ADG compliance table under SEPP (Housing) 2021, above, and "discussion" section below relating to solar access to the communal areas.
4.2.3.3 Internal common areas	Yes	Lift lobbies have access to natural daylight via perforated screens to the Cooper Street façade and achieve the minimum 2m width requirement.
4.2.3.4 Design features to manage solar access	Yes	Awnings are provided to the north-eastern balcony of the Level 7 apartment to provide appropriate protection from direct sunlight in summer. The overhang of the apartments directly above, provide sufficient sun protection to the balconies of the apartments below.
4.2.3.5 Landscaping	Yes	The proposed development provides deep soil landscaped area within the setback to O'Loughlin Street within the communal open space area, as well as landscaping on structures along the eastern boundary at Level 7, and an inaccessible green roof. The landscaping elements of the proposal are generally supported by Council's Landscape team, subject to recommended conditions of consent for minor amendments to the plant selection to include more native species, increased soil depth for the green roof,

Provision	Compliance	Comment
		and additional details of the planters and green roof (including maintenance strategy, and structural and waterproofing certification) to be submitted to and approved by the Certifier prior to issue of a construction certificate.
4.2.3.6 Deep Soil	Yes	The deep soil requirements of the SEPP (Housing) 2021 and ADG prevail over the DCP controls. The proposal provides a deep soil area of 38 sqm (10% of the site) within the setback to O'Loughlin Street. Adequate canopy trees are provided within the deep soil area. Refer to ADG compliance table under SEPP (Housing) 2021, above.
4.2.3.7 Private open space and balconies	Yes	All apartments are provided with private open space that meets the minimum requirements of the ADG. The private open spaces are directly accessible from the living areas of the dwellings. Refer to ADG compliance table under SEPP (Housing) 2021, above.
4.2.3.8 Common open space	Partial compliance	Communal open space is provided on the ground level at the rear of the development which incorporates landscaping. The communal area is orientated to the north to achieve sufficient sunlight and will provide sufficient amenity for future residents. Refer to "discussion" section below for detailed assessment of the communal areas against the DCP controls and design criteria of the ADG.
4.2.3.9 Ventilation	Yes	All apartments are naturally cross-ventilated. Refer to ADG compliance table under SEPP (Housing) 2021, above.

Provision	Compliance	Comment
4.2.3.10 Outlook	Yes	All apartments are provided with a reasonable outlook and will not result in any unreasonable impacts to outlook from any neighbouring properties.
4.2.3.11 Acoustic privacy	Yes	An acoustic report prepared by Rodney Stevens Acoustics has been submitted to demonstrate that the proposed development can achieve compliance with the noise criteria outlined in Section 4.2.3.11 of the DCP, as well as Council's noise policy (NSW EPA Noise Policy for Industry 2017), subject to recommend acoustic treatment to glazing. Whilst it is noted that the specifications for the rooftop mechanical plant have not been selected, it is noted that based on the proposed location of the mechanical plant area on the roof, potential noise mitigation measures including acoustic screening and treatment can be implemented to achieve compliance with the required noise criteria. It should be noted that any future acoustic screening to the rooftop plant is unlikely to be visible from the public domain or significantly contribute to the bulk and scale of the development, as the parapet at a height of approximately 1.3m above the roof level will provide additional screening. The acoustic report was reviewed by Council's Environmental Health Officer team, who advised that the noise assessment is generally satisfactory. Standard noise conditions are recommended to ensure compliance with Council's noise policy, and for the recommendations of the acoustic report to be implemented.
4.2.3.12 Flexible housing and dwelling mix	Yes	The development provides a range of dwelling types, comprising 3 x 2 bedroom apartments (30%), 4 x 3

Provision	Compliance	Comment
		bedroom apartments (40%), and 3 x 4 bedroom apartments (30%). The proposed dwelling mix is acceptable given that less than 20 total dwellings are proposed, and one adaptable apartment is provided. The design of the larger apartments on Levels 4-7 can allow these apartments to be flexibly converted to different apartment configurations in the future.
4.2.4 Fine grain, architectural diversity and articulation	Yes	The development provides appropriate articulation through the use of varying materiality, architectural elements including balconies and perforated metalwork, facade indentations and staggered setbacks. The scale, modulation and facade articulation of the development responds suitably to its context.
4.2.6 Waste and recycling Management	Yes	All apartments have adequate space to manage waste, and residential and commercial waste storage areas are separated. A suitably sized separate bulky waste storage area is also provided. Refer to Section 3.14 above of the DCP compliance table. A condition is recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.
4.2.7 Heating and cooling infrastructure	Yes	The mechanical plant and services are generally located within consolidated areas on the roof level. Standard consent conditions are recommended for the operation of the mechanical plant equipment to comply with the City's Noise Policy.
4.2.8 Letterboxes	Yes	The letterboxes are provided within the residential lobby of the building, and a

Provision	Compliance	Comment
		condition has been recommended to ensure that they are installed with non-master key locks for security.
4.2.9 Non-residential development in the B4 Mixed Uses Zone	Yes	The site is located within the MU1 Mixed Use zone, which is equivalent to the former B4 Mixed Use zone. Subject to conditions, the development will not adversely impact the amenity of neighbouring residential properties.

Discussion

Clause 4.6 Request to Vary a Development Standard - Building Height

62. The site is subject to a maximum height control of 27m.
63. The proposed development exceeds the height control, with a maximum height of 29.7m above existing ground level to the top of the lift overrun and roof parapet (RL 58.76), resulting in a variation of 2.7m or 10% from the development standard.

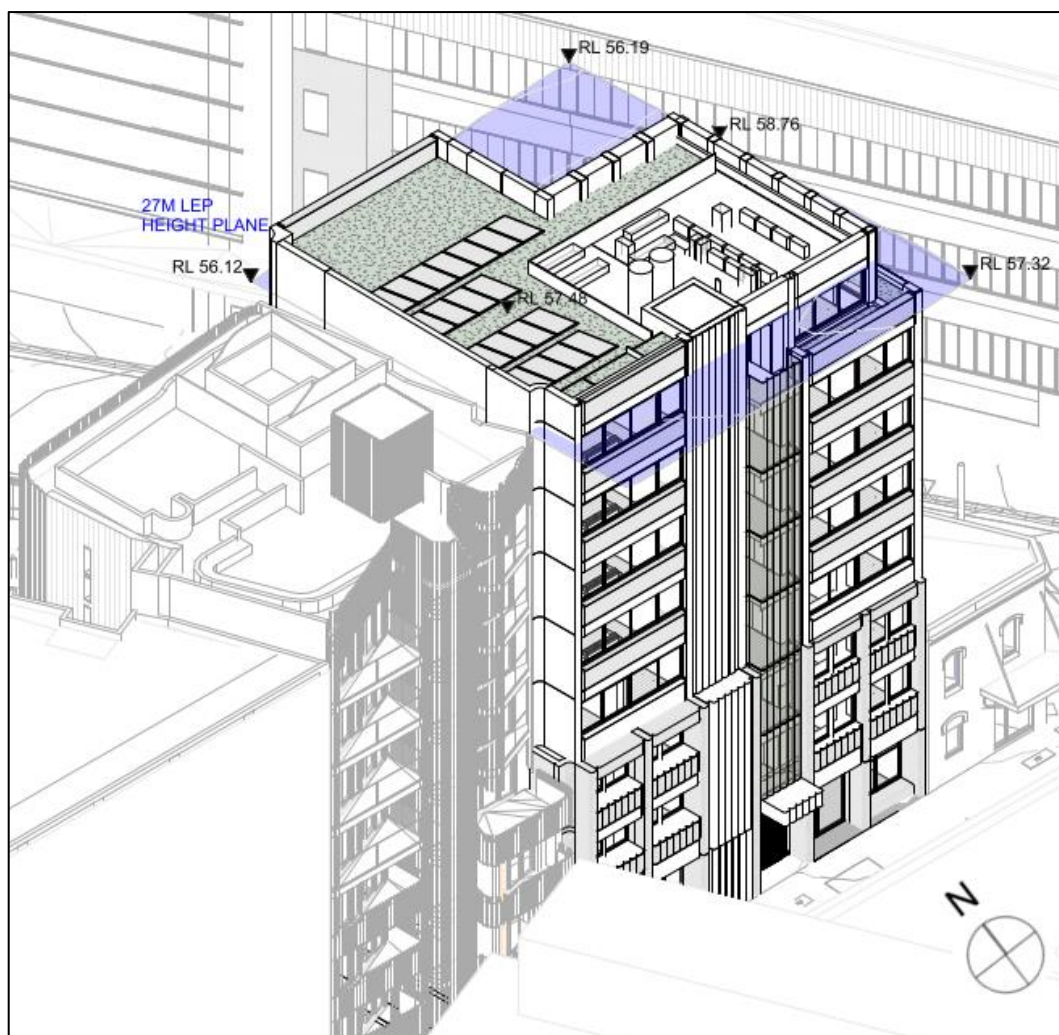


Figure 23: 3D perspective of the proposed development showing the 27m height plane

64. Pursuant to the requirements of Regulation 35B of the Environmental Planning and Assessment Regulation 2021, the application has been accompanied by a document setting out the grounds on which the applicant seeks to demonstrate:
- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
 - (b) That there are sufficient environmental planning grounds to justify contravening the standard;

Applicant's regulation 35B document

65. The applicant seeks to justify the contravention of the building height development standard on the following basis:
- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) The proposal meets the objectives of the building height standard in that the height of proposed development is appropriate within the context of the site, noting there are several developments in close proximity to the site which are a similar height to the proposal, including 10-14 Cooper Street and 360-370 Elizabeth Street x 8 Cooper Street.
 - (ii) The exceedance relates to parapets and services which are set within the roof top level. This minimises their visibility and reinforces the overall heights appropriateness.
 - (iii) There are no significant private or public views across the site that would be impacted by the portion of the building exceeding the height limit.
 - (iv) The part of the building exceeding the height is setback from the prominent frontages of the site and will not be readily perceptible in the surrounding public domain. The proposed height variation does not interrupt the nominated height transitions from Central Sydney towards Surry Hills, ensuring that these appropriate transitions are maintained.
 - (b) That there are sufficient environmental planning grounds to justify contravention of the standard:
 - (i) The proposal does not result in any unreasonable environmental impacts. In particular, there are no unreasonable view, privacy, overshadowing or traffic impacts;
 - (ii) The extent of the non-compliance, being the equivalent to no more than 10% of the standard, is minor;
 - (iii) The majority of the roof top level is for environmentally sustainable measures such as photovoltaic panels hot water heat pumps, as well as roof top landscaping; and
 - (iv) the proposal satisfies the relevant objectives of the subject MU1-Mixed Use zone.

Precondition to granting consent where a development standard has been contravened.

66. Where a development standard has been contravened, development consent must not be granted unless the consent authority is satisfied that the applicant has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard.

67. The applicant has demonstrated that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the standard for the following reasons:

- (a) The overall height of the proposal is appropriate within the context of the site and surrounding development, including adjoining the 8 storey mixed-use building at 10-14 Cooper Street (approved by the LEC under D/2016/684), and the 9 storey mixed-use building further west on the corner of Cooper Street and Elizabeth Street. It is noted that although the overall height of the proposed development is similar to the height of the neighbouring properties at No.10-14, and No.8, the RLs of the proposal are higher due to the slope of the street falling to the west. The context of the surrounding buildings is shown in the below figure.

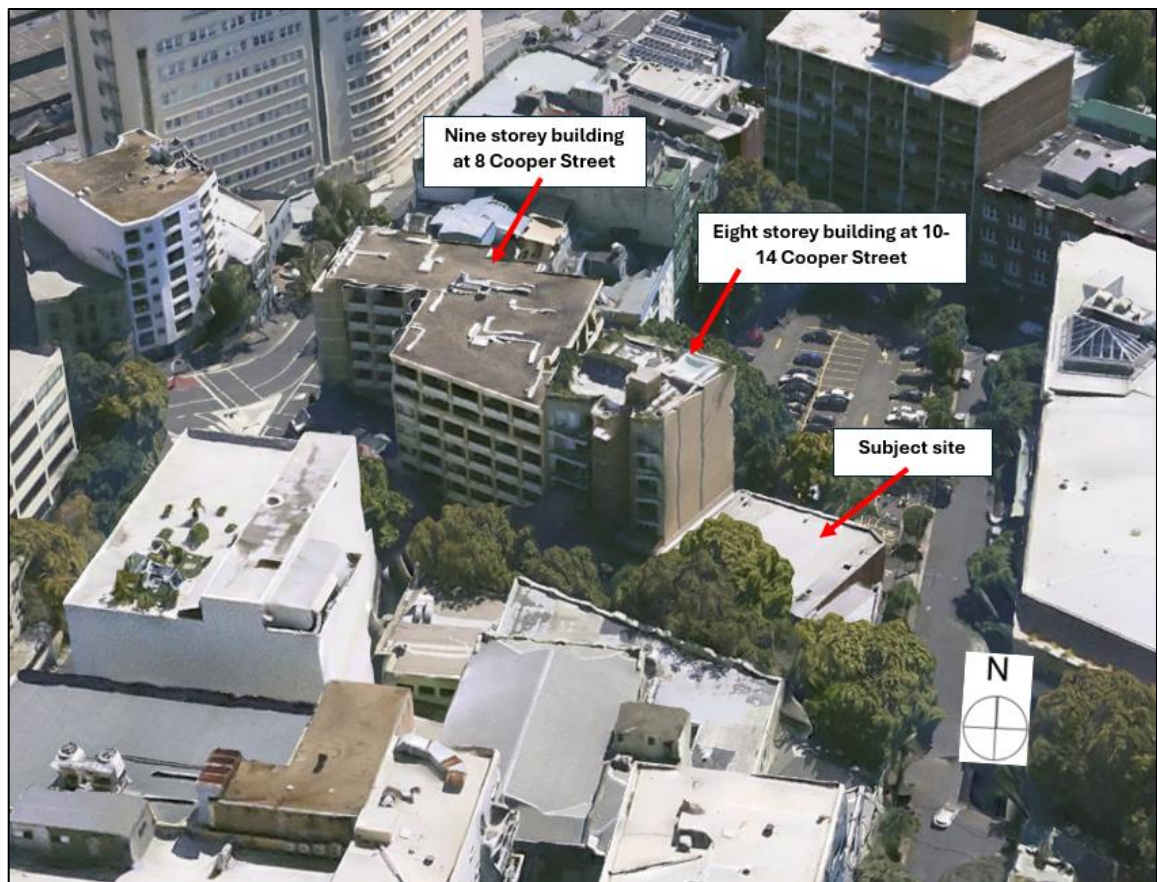


Figure 24: 3D aerial view of surrounding context

- (b) The overall height of the proposed development is generally consistent with the previously approved building envelope for a commercial building on the site under D/2023/904, which has a maximum approved height of 29.67m. A visual comparison of the proposed scheme against the approved building is provided in the below figure.

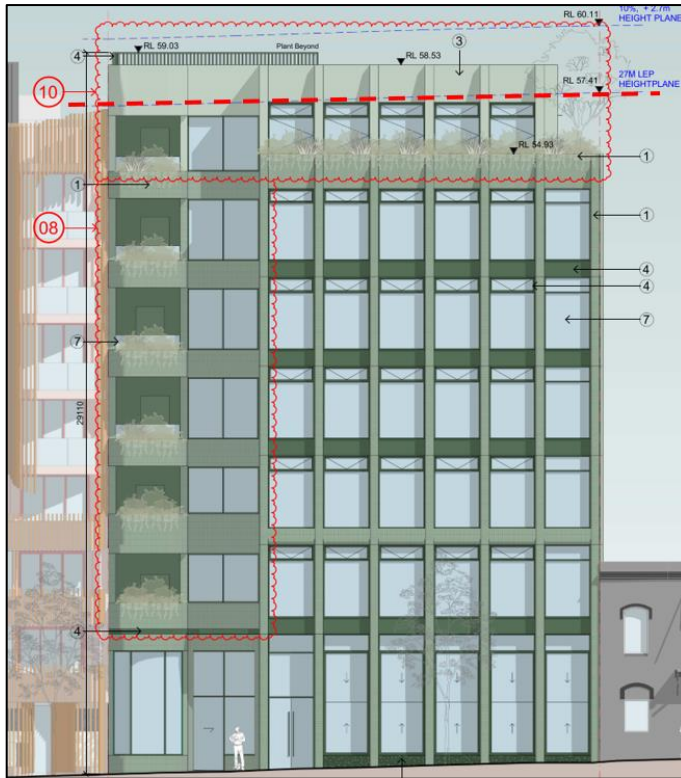


Figure 25: Cooper Street elevation of the approved commercial building under D/2023/904 showing the 27m height control in red dash



Figure 26: Cooper Street elevation of the proposed building showing the 27m height control in red dash

- (c) The portion of the development which breaches the height control comprises the non-trafficable green roof, rooftop plant, solar panels and building services which are screened behind the roof parapet, and will not be visible from the public domain, and will not result in any unreasonable overshadowing or visual privacy impacts to surrounding properties.
- (d) The proposal does not obstruct any significant views from surrounding properties.
- (e) The proposal provides an appropriate transition from the taller buildings along Elizabeth Street and around Central Station to the west, to the 5 storey Newscorp building and residential terraces further east along Cooper Street.
- (f) The proposal is in keeping with the objectives of the MU1 Mixed Use Zone, as it will provide residential accommodation with ancillary retail uses within an accessible area.
- (g) The proposal is of an appropriate bulk and scale within the context of the site and surrounding development and complies with maximum permitted FSR for the site and generally complies with the minimum floor to ceiling heights of the ADG and DCP.

Conclusion

68. For the reasons provided above the requested variation to the height of buildings development standard is supported as the applicant has demonstrated the matters required to be addressed by cl 4.6 of the Sydney Local Environmental Plan 2012.

Communal Open Space

69. Part 3D of Apartment Design Guide (ADG) requires that an area of communal open space be provided for the residential portion of the development, with a minimum area equal to 25% of the site and which achieves 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm mid-winter. The objectives of Section 3D of the ADG are to ensure that:
- (a) "an adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping",
 - (b) "Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting"; and
 - (c) "Communal open space is designed to maximise safety".

70. In addition to the ADG requirements for communal open space, the SDCP includes controls for communal open space under Section 4.2.3.8, which generally replicate the ADG controls, with additional requirements, including:
- (6) *unpaved soft landscaping area must comprise a minimum of 50% of the total area of common open space", and that the*
 - (5) *Common open space is to be located and designed to: (a) be seen from the street between buildings; (b) have a northerly aspect where possible; (c) be additional to public and common thoroughfares; (d) be clearly demarcated as a private area for use by residents only; (e) include passive surveillance from adjacent internal living areas or pathways; (f) provide for active and passive recreation needs of all residents; and (g) provide soft landscaping".*
71. The proposed development includes a communal area at ground floor level in the north-eastern portion of the site. The communal area comprises an internal space of 25 sqm, and a landscaped outdoor area of 28 sqm, for a total area of 53 sqm, which equates to 14% of the site area. This area is outlined in the below figure.

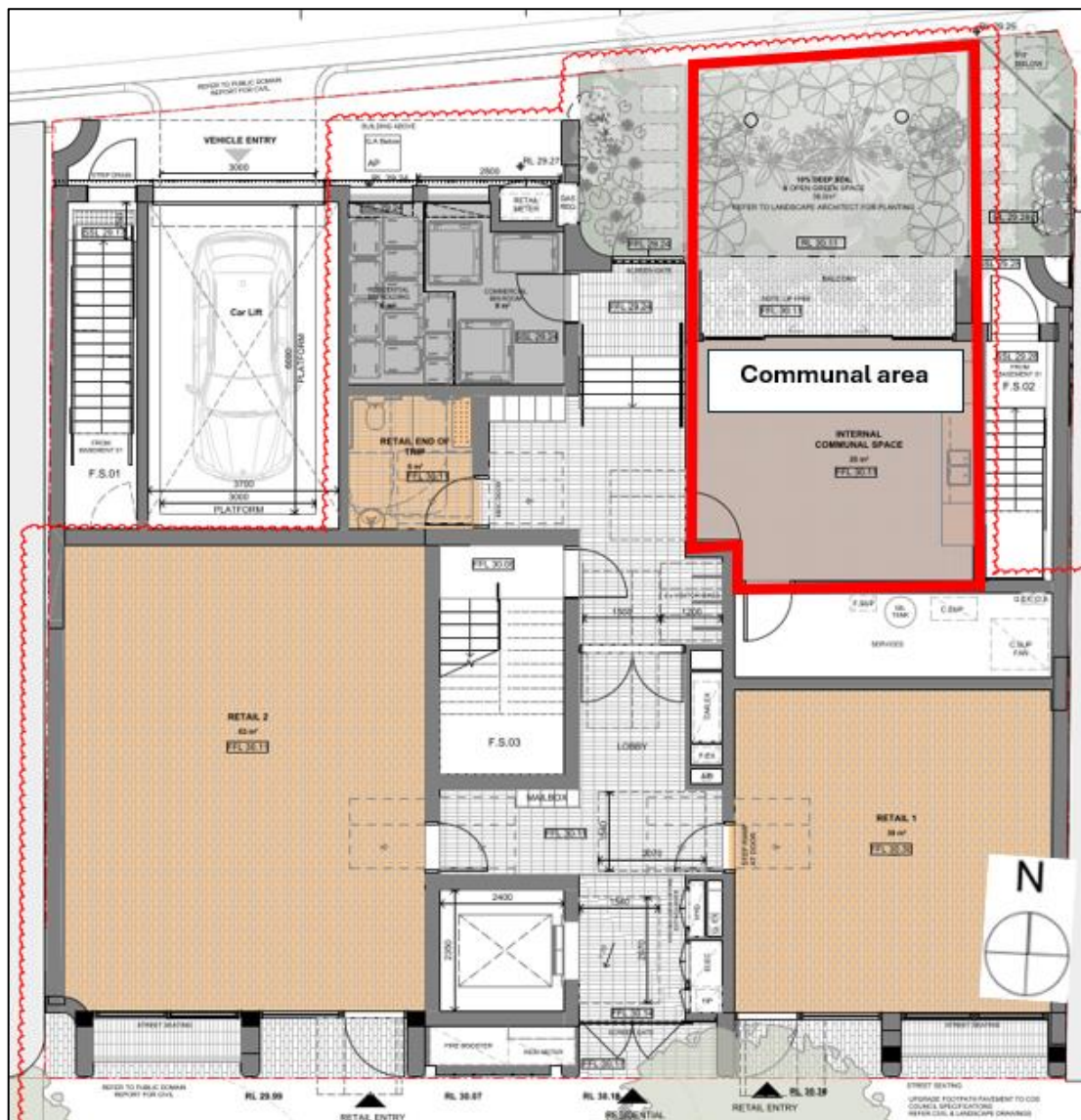


Figure 27: Ground floor plan showing the location of the communal area



Figure 28: 3D render of the communal area viewed from Holt Street

72. The submitted shadow diagrams indicate that the communal area will receive direct sunlight to at least 50% of both the indoor and outdoor space from 11am to 2pm mid-winter. Whilst this strictly complies with ADG requirements for solar access, it is noted that any future development of the open carpark to the north will reduce the amount of direct sunlight to the communal areas. This is demonstrated in the below figures.

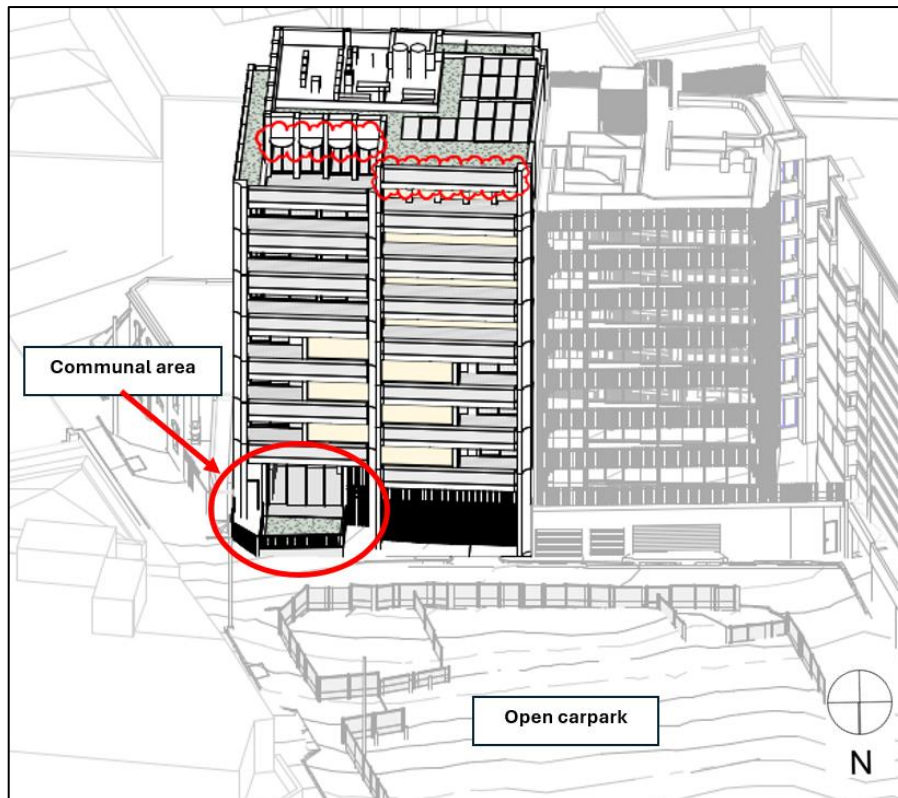


Figure 29: View from the sun diagram at 11am mid-winter

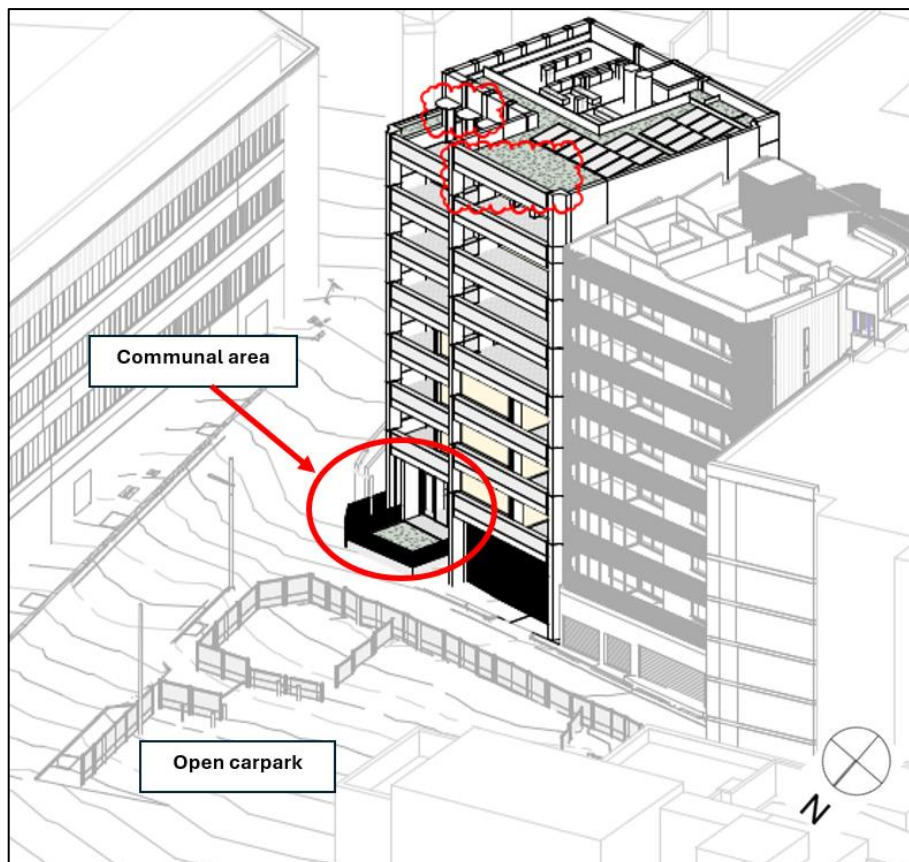


Figure 30: View from the sun diagram at 2pm mid-winter

73. It should however also be noted that any future redevelopment of the carpark is likely to include setbacks to O'Loughlin Street and Holt Street in order to provide sufficient clearances from the existing street trees along Holt Street and O'Loughlin Street.
74. Notwithstanding the above, the location of the communal area generally meets the design guidance of Section 3D of the ADG, which recommends that "communal open space be co-located with deep soil areas" and where development is unable to achieve the design criteria (solar access and minimum area), other measures should be considered to improve amenity for residents including providing a common room, or providing larger private balconies for apartments.
75. Whilst the proposed communal area is under the minimum area required by the ADG by 43.5 sqm, the outdoor area incorporates landscaped deep soil area and includes an internal common room which features kitchen facilities and is directly adjacent to the accessible bathroom on the ground floor. In addition, all apartments feature private balconies that exceed the minimum area requirements of the ADG by between 4 and 45 sqm. The DCP controls also encourage communal open space at ground level, and only permit communal open space above ground level where it is not possible to provide ground level communal open space due to the site constraints, and where the proposed communal open space will achieve a similar amenity as at ground level and will not result in any significant loss of privacy to surrounding properties.
76. Furthermore, whilst relocating the communal open space to the roof was explored by the applicant during the assessment of the current application, the amended design retains the location of the communal area at ground floor, with minor amendments to improve the amenity and functionality of the communal area, including incorporating a kitchenette into the internal space, and raising the external landscaped area to be level with the internal floor level.
77. Within the context of the subject site, the proposed location and configuration of the communal open space area is on balance acceptable as the communal area is consistent with the DCP controls and meets the objectives of Section 3D of the ADG, in that it enhances residential amenity through incorporating landscaping, provides an indoor weather protected area with kitchen facilities that is designed to allow for a range of activities, and maximises safety through passive surveillance.

Waste Holding Area

78. The proposed development includes separate waste storage areas for residential and commercial waste, and a waste holding area at ground level at the rear of the building, adjacent to the collection area along O'Loughlin Street.
79. Council's Cleansing and Waste Management Team have advised that whilst the location of the waste holding area is acceptable, the space provided is insufficient to allow each waste stream to be wheeled out independently. As the 3 waste streams will not be serviced simultaneously, each stream must be able to be serviced independently without requiring bins to be moved or rearranged. A condition of consent is recommended requiring the waste holding area to be reconfigured and for the rear external opening to be widened by removing or relocating the retail meter, to allow for improved access and sufficient circulation space for each waste stream to be wheeled out and serviced independently. See below figure.

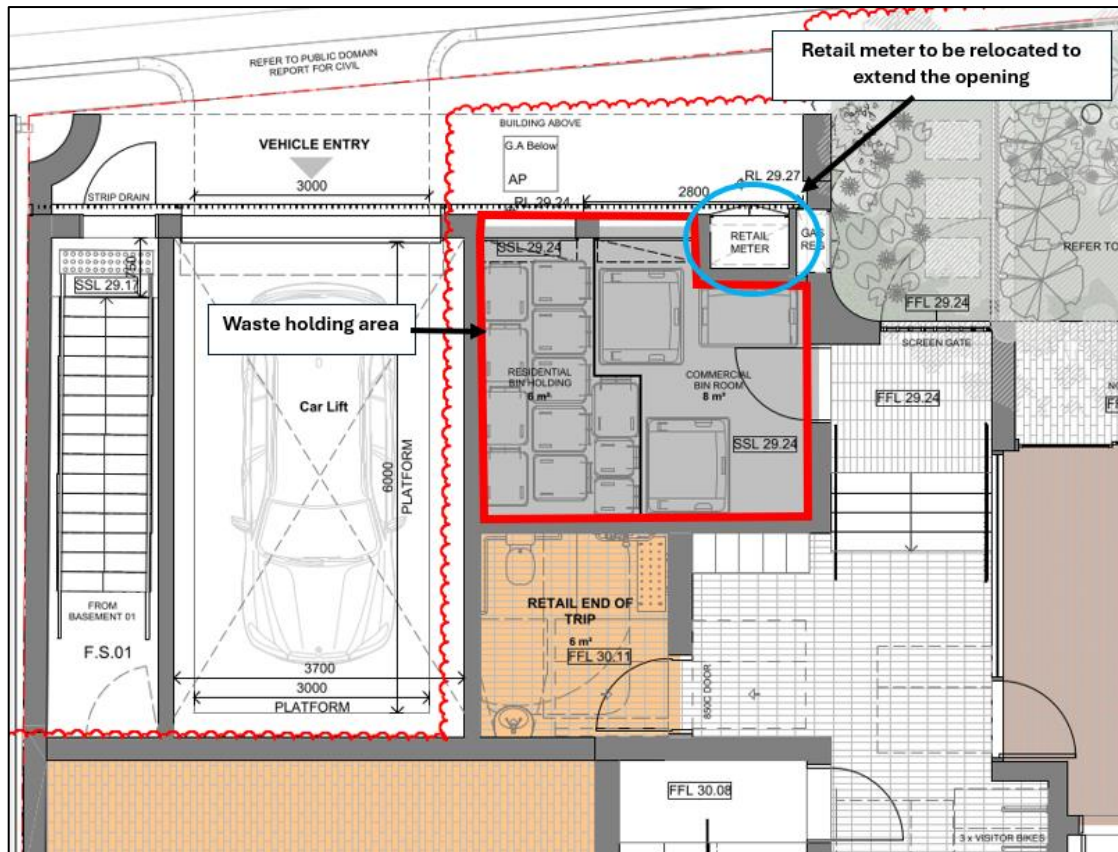


Figure 31: Ground floor waste holding area fronting O'Loughlin Street

80. The transfer paths for the commercial waste are acceptable as they are all internal, and the transfer paths for the residential bins in the basement to the waste holding area on ground floor via the car lift is acceptable subject to a recommended consent condition requiring an updated Waste Management Plan being submitted which includes adequate management procedures to demonstrate safe and efficient transfer of residential bins via the car lift, including contingency measures for lift unavailability.

Design Advisory Panel Residential Subcommittee

81. The proposed scheme was presented to the City's Design Advisory Panel Residential Subcommittee for review and comments on 27 January 2026. The panel was generally supportive of the proposed scheme overall design of the building. Amendments were subsequently made to the proposed scheme which address and respond to the Panel's recommendations and comments, which are summarised as follows:
- (a) *The Apartment Design Guide (ADG) implications of any future development on the adjacent Newscorp carpark site to the north should be considered. It is understood that significant existing trees on this site may necessitate increased setbacks for any future development on the Newscorp site.*

Response: Refer to ADG compliance table and "discussion" section above regarding assessment of the proposal and communal open space in relation to potential future development of the carpark to the north. Whilst the north facing apartment balconies and communal open space rely on some borrowed amenity across the carpark, the location of the primary balconies and common open space are considered appropriate, as the common open space is consistent with the design guidance of the ADG, and relocating the private balconies to the Cooper Street frontage would result in these balconies receiving no direct solar access mid-winter. Sufficient separation distances are also achieved across O'Loughlin Street to adequately mitigate any potential visual privacy impacts from future redevelopment of the carpark.

- (b) *Further detail is required regarding proposed material and detail.*

Response: An updated external materials and finishes schedule has been submitted with the amended architectural drawings and provides additional clarity regarding the materiality of the perforated metal screen to the lift lobbies, glazed brick, terrazzo capping and coloured concrete. The proposed materials are generally supported by Council's Urban Designer, subject to a condition requiring a physical materials and samples board to be submitted and approved by Council prior to issue of a construction certificate.

- (c) *The depth of the north-facing balconies on the upper levels may adversely affect winter solar access.*

Response: The updated view from the sun diagrams demonstrate that the living room and bedroom glazing to the upper level balconies receive sufficient direct sunlight during mid-winter, consistent with the ADG requirements.

- (d) *The absence of overhangs to the north-facing openings on the uppermost level limits passive solar control and weather protection. An awning/overhang with weather protection should be added.*

Response: The amended design incorporates awnings to the eastern balcony of the Level 7 apartments, and the roof has been extended to overhang the western balcony of the Level 7 apartment.

- (e) *The façade rhythm to Cooper Street appears complex and does not achieve the façade depth of the previously approved commercial building. Generally, the proposal for a fine vertical expression is supported; however, the façade design to Cooper Street should be further developed.*

Response: The materiality and architectural expression of the Cooper Street facade has been amended to better acknowledge the 3 storey street wall DCP control and respond to the street setbacks of the neighbouring building at 10-14 Cooper Street. The western portion of the Cooper Street facade is setback 1m from the street boundary above the 3 storey street wall and features a splayed interface with No.10-14 Cooper Street. This is demonstrated in the below figures.

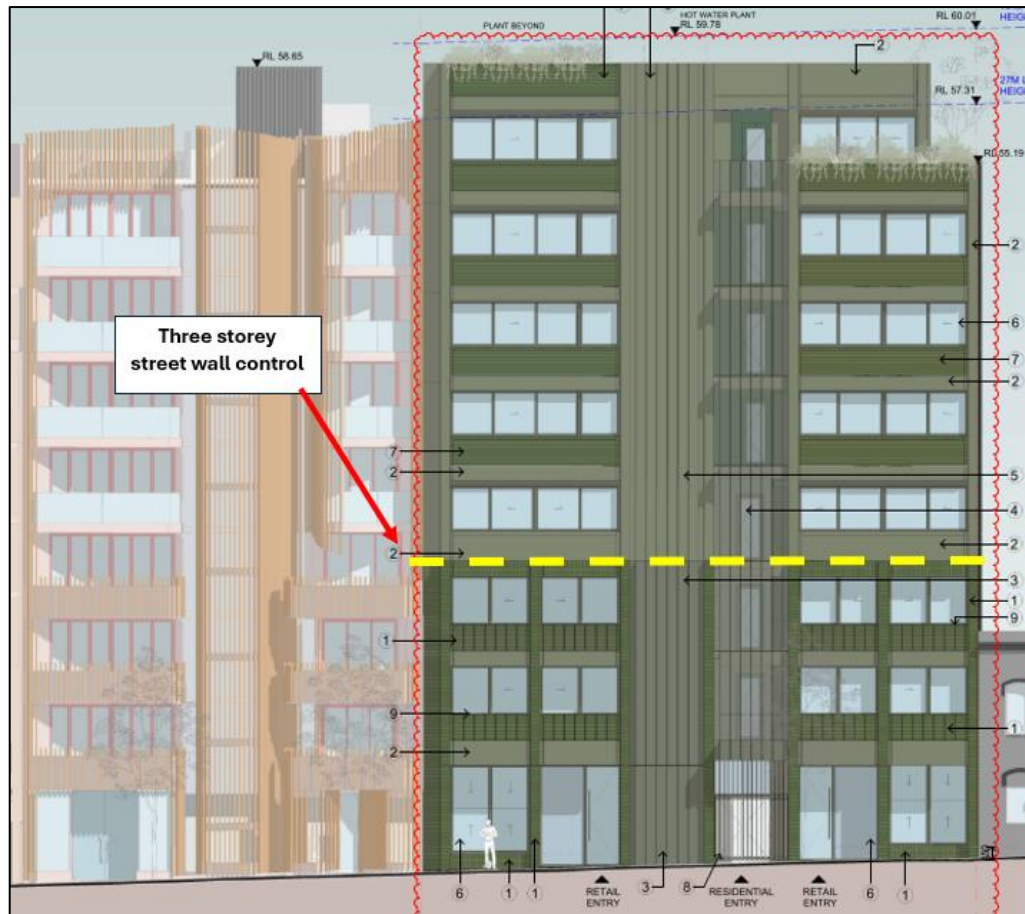


Figure 32: Cooper Street elevation, showing the change in architectural expression above and below the street wall

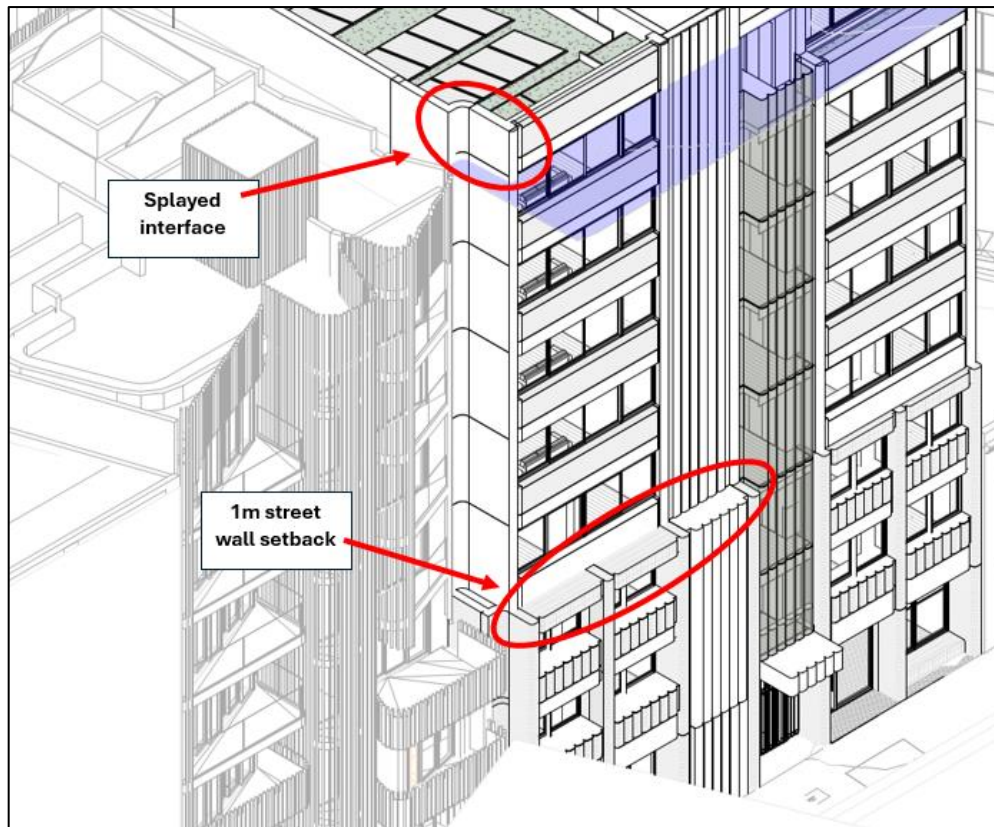


Figure 33: 3D perspective of the Cooper Street elevation, showing the setback above the street wall, and splayed interface to No.10-14 Cooper Street

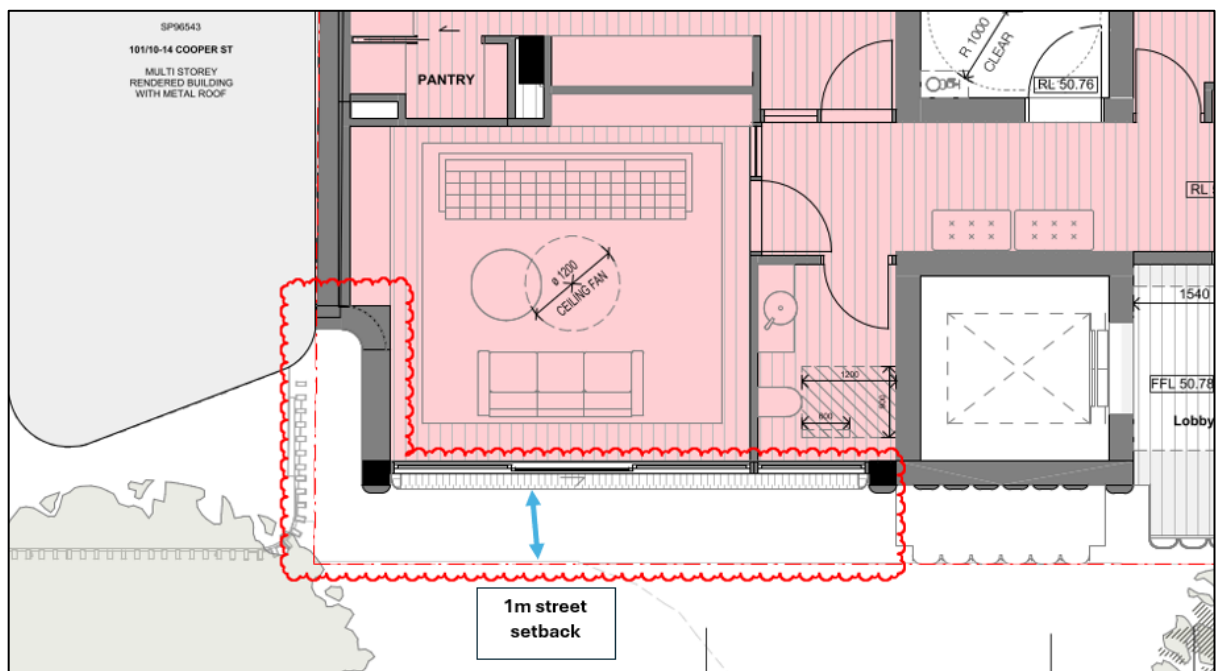


Figure 34: South-western corner of the typical Levels 4-6 floor plan showing splayed interface to No.10-14 Cooper Street

Council's Urban Designer supports the facade design, subject to additional details being provided for the terrazzo window sills, and for the glazed green brick balustrades to incorporate a stone or masonry capping to the top of the balustrade. A condition of consent is recommended to capture these recommendations.

The Cooper Street facade appropriately addresses the 3 storey DCP street wall control, responds to the return form of No.10-14 Cooper Street, and provides appropriate articulation and visual interest.

- (f) *It is understood that the proposed public art to the eastern wall will be a painted treatment. A solution that investigates other, more substantive architectural treatments of this large flat beyond painting its surface is encouraged, given that it is likely to be in place for an extended period of time. The proposed artwork should consider the future development potential of the adjacent corner shop building to the east, particularly in relation to its materiality and long-term durability and maintenance.*

Response: The blank eastern boundary wall has been redesigned to incorporate textured concrete materiality to improve the architectural expression and visual interest of the blank wall without relying on a public art mural. This response is supported by Council's Public Art Team.

- (g) *The location of the communal open space area compromises amenity value. At 13 metres deep, in an undercroft and enclosed on 3 sides, it will not function as a true outdoor area. The space may be more viable in the long term if repurposed as commercial floor space with access to the ground floor deep soil area, potentially delivering improved public domain outcomes and street activation. A well-designed rooftop outdoor space would be a superior outcome and would provide access to winter sun, which will be particularly important when the site to the north is redeveloped.*

Response: Amendments have been made to the ground floor communal area to improve the function, amenity and usability of the space, which now include a kitchenette into the indoor space, and raising the level of the outdoor space so that it is level with the floor level of the indoor space an balcony in order to provide better connection and integration between the indoor and outdoor spaces. Refer to "discussion" section above for detailed assessment of the communal open space area.

- (h) *Overlooking from the cantilevered Cooper St balconies to the adjacent property may be an issue. The extent of the cantilevers, balustrade design and likely balcony usage should be subject to further review and refinement.*

Response: The cantilevered balconies to Cooper Street of the lower levels have been redesigned so that the glass line has been pushed back further into the building envelope to mitigate any potential privacy and security impacts to the front balconies of the adjoining apartments at 10-14 Cooper Street. The Cooper Street balconies of the proposal are also designed as non-trafficable Juliette balconies with balustrades flush against the facade.

Consultation

Internal Referrals

82. The application was discussed with Council's:
- (a) Health and Building Unit
 - (b) Heritage and Urban Design Unit
 - (c) Public Domain Unit
 - (d) Surveyor
 - (e) Transport and Access Unit
 - (f) Environmental Projects Unit
 - (g) Landscaping Unit
 - (h) Tree Management Unit
 - (i) Cleansing and Waste Management Unit
83. The above advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Notice of Determination.

External Referrals

Ausgrid

84. Pursuant to Section 2.48 of the SEPP (Transport and Infrastructure) 2021, the application was referred to Ausgrid for comment.
85. A response was received raising no objections to the proposed development subject to appropriate clearances from Ausgrid infrastructure and SafeWork standards and practices being adhered to during construction works.

Water NSW

86. Pursuant to Section 60 of the Water Management Act 2000, the application was referred to Water NSW for comment.
87. WaterNSW, advised that the proposed development requires separate approval for dewatering under Section 60 of the Water Management Act 2000. Therefore, conditions of consent are recommended to ensure that the relevant dewatering approvals are obtained from WaterNSW prior to construction works commencing. These advisory conditions have been included in the schedules within the recommended conditions of consent.

Advertising and Notification

88. In accordance with the City of Sydney Community Participation Plan 2024, the proposed development was notified for a period of 21 days between 4 December 2025 and 24 January 2026 (not including extended notification period from 20 December 2025 and 10 January 2026). A total of 467 properties were notified and 11 submissions were received.

89. The submissions raised the following issues:

- (a) **Issue:** Cumulative impacts from construction works on the amenity of neighbouring residential properties, as well as disruptions to the operation of nearby local businesses (including the NewsCorp office building to the north-west).

Response: Appropriate conditions of consent are recommended to mitigate any adverse impacts as a result of construction works, including requiring a Construction Noise and Vibration Management Plan and Traffic Management Plan to be submitted and approved by Council prior to issue of a construction certificate, requiring dilapidation reports to be prepared for adjoining properties, and for any construction works to be within the hours permitted by the *City of Sydney Code of Practice for Construction Hours/Noise 1992*. It should be noted that potential economic impacts to surrounding businesses as a result of construction activities is not a planning consideration for the purpose of assessment of the development application.

- (b) **Issue:** Impacts from the overall bulk and scale of the development, including overshadowing and loss of outlook, and appropriateness within the context of the streetscape and neighbouring properties.

Response: Notwithstanding the non-compliance with the 27m LEP height control, the bulk and scale of the proposed development is generally consistent with the building envelope of the previously approved commercial building on the site, and is also of a comparable scale with neighbouring 8 and 9 storey buildings along Cooper Street, including the adjoining 8 storey mixed-use building at 10-14 Cooper Street. The proposal is not considered to result in any unreasonable overshadowing impacts or impacts to outlook from neighbouring properties. Refer to assessment of the CI 4.6 variation to the height control, above.

- (c) **Issue:** The proposal does not specify operational details of the intended commercial uses at ground floor.

Response: Consent is not being sought for specific retail or commercial uses of the ground floor tenancies. A separate development application or complying development certificate (if applicable) will be required for the specific use (included operational details such as trading hours) and fitout of these tenancies.

- (d) **Issue:** The proposal provides a full-height wall to Cooper Street, with no meaningful upper level setback to manage bulk, and is inconsistent with the DCP street wall controls.

Response: Amendments have been made to the Cooper Street facade to provide more meaningful distinction of the 3 storey street wall height, through the addition of horizontal datums to the 3 storey component, and changes in materiality. The setbacks to the south-western corner of the Cooper Street facade have been adjusted on Levels 4 to 7 to better relate to the articulation and setbacks of the neighbouring building at 10-14 Cooper Street. Refer to discussion under "Design Advisory Panel Residential Subcommittee" above.

- (e) **Issue:** It is unclear whether the Juliet balconies on Levels 1-3 of the Cooper Street frontage are intended to be trafficable or only used for ventilation.

Response: These Juliet balconies are intended to be non-trafficable for internal amenity only and have been redesigned to delete the cantilevered balconies.

- (f) **Issue:** The proposed development heavily relies on borrowed amenity (solar access) through the undeveloped NewsCorp carpark to the north. It should be acknowledged that the proposed development is not to constrain any future redevelopment of the carpark.

Response: Whilst it is acknowledged that any redevelopment of the neighbouring carpark on the opposite side of O'Loughlin Street is likely to reduce direct solar access to the north facing apartment balconies and glazing, as well as the ground floor communal open space, it is noted that any future built form on the carpark site is likely to incorporate setbacks to preserve the existing street trees along O'Loughlin Street and Holt Street. Notwithstanding the implications potential future redevelopment of the carpark, the location of primary balconies and the communal open space on the northern portion of the site are considered appropriate within the context of the site, noting that the northern elevation is the only street facing elevation that will achieve any direct sunlight.

- (g) **Issue:** Whilst the proposal seeks a waiver for the requirement to undertake a design competition, the absence of such a process increases the risk that the built form has been optimised for the subject site only, without sufficient consideration of how it interacts with future development scenarios on adjoining land, such as the NewsCorp car park.

Response: The applicant has requested that Council waive the requirement for a competitive design process, and this waiver is supported on the grounds that this would be unreasonable or unnecessary in the circumstances, noting that an amendment to the relevant Clauses of the LEP has been endorsed by Council, which increases the threshold requirement for a design competition to be undertaken from 25m to 35m and is pending Gazettal. Refer to Clause 6.21 of the LEP compliance table above.

Financial Contributions

Levy under Section 7.12 of the Environmental Planning and Assessment Regulation 2000

90. The Central Sydney Development Contributions Plan 2020 applies to the site. The cost of the development is over \$250,000. The development is therefore subject to a s7.12 contribution under this Plan. A condition relating to this contribution has been included in the recommended conditions. The condition requires the contribution to be paid prior to the issue of a construction certificate.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

91. Section 7.32 of the Act outlines that the consent authority may grant consent to a development application subject to a condition requiring dedication of part of the land for the purpose of providing affordable housing, or payment of a monetary contribution to be used for the purpose of providing affordable housing where the section of the Act applies.
92. The Act applies with respect to a development application for consent to carry out development within an area if a State Environmental Planning Policy identifies that there is a need for affordable housing within the area. Clause 14 of the Housing SEPP identifies that there is a need for affordable housing within each area of the State.
93. An affordable housing condition may be reasonably imposed under Section 7.32(3) of the Act subject to consideration of the following:
 - (a) the condition complies with all relevant requirements made by a State environmental planning policy with respect to the imposition of conditions under this section, and
 - (b) the condition is authorised to be imposed by a local environmental plan, and is in accordance with a scheme for dedications or contributions set out in or adopted by such a plan, and
 - (c) the condition requires a reasonable dedication or contribution, having regard to the following -
 - (i) any other dedication or contribution required to be made by the applicant under this section or section 7.11.
94. The site is located within the residual lands affordable housing contribution area. As the proposed development involves the erection of a new building with a gross floor area of more than 200 sqm, a contribution is required.
95. For the purpose of calculating affordable housing contributions, Total Floor Area (TFA) plans have been submitted by the applicant. TFA of 2,522 sqm has been calculated for the development based on the definition of TFA contained in Clause 7.13 of the SLEP.
96. Having regard to the provisions of Section 7.32 of the Act, the imposition of an affordable housing contribution is reasonable. A condition of consent is recommended requiring the payment of an affordable housing contribution prior to the issue of a construction certificate.

Housing and Productivity Contribution

97. The development is subject to a Housing and Productivity Contribution (Base component) under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.
98. The site is located with the Greater Sydney region, the development is a type of residential and commercial development to which the Housing and Productivity Contribution applies, and the development is not of a type that is exempt from paying a contribution.
99. A condition relating to the Housing and Productivity Contribution has been included in the recommended conditions of consent.

Relevant Legislation

100. Environmental Planning and Assessment Act 1979.

Conclusion

101. The application seeks approval for the demolition of the existing building, and construction of an 8-storey mixed-use development with retail tenancies on the ground floor, basement carparking, 10 residential apartments, and associated landscaping.
102. The non compliances with the building height development standard (Clause 4.3 of the Sydney LEP 2012), is supported.
103. The proposed development is not considered to have any unreasonable adverse impact in terms of overshadowing or visual privacy and is of an appropriate bulk and scale within the context of the subject site and streetscape.
104. The proposed residential apartments are generally consistent with the Apartment Design Guide and are considered suitable within the context of the site and desired future character of the area and responds to the demand for housing.
105. The proposed development is considered to exhibit design excellence in accordance with the provisions of Clause 6.21C of the Sydney LEP 2012.
106. It is recommended that the Panel support the request to waive the requirements for a competitive design process under Clause 6.21D and the preparation of a site-specific development control plan requirement of Clause 7.20 of the Sydney LEP 2012 as it is considered to be unreasonable and unnecessary for the reasons outlined in the body of the report.
107. Subject to conditions, the development is in the public interest and recommended for approval.

NICOLA REEVE

Acting Executive Manager Planning and Development

Nick Reid, Specialist Planner

Attachment A

Recommended Conditions of Consent
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SCHEDULE 1

GENERAL CONDITIONS

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2025/1198 dated 2 December 2025 and the following drawings prepared by SJB Architects:

Drawing Number	Drawing Name	Date
DA-0150 Rev 3	Site Roof Plan	31/03/2026
DA-0301 Rev 3	Demolition Roof Plan	31/03/2026
DA-0311 Rev 3	Demolition Section	31/03/2026
DA-1001 Rev 16	Floor Plan – Basement 02	31/03/2026
DA-1002 Rev 19	Floor Plan – Basement 01	15/04/2026
DA-1003 Rev 19	Floor Plan – Ground Floor	15/04/2026
DA-1004 Rev 11	Floor Plan – Level 01	15/04/2026
DA-1005 Rev 18	Floor Plan – Level 02	15/04/2026
DA-1006 Rev 5	Floor Plan – Level 03	15/04/2026
DA-1007 Rev 17	Floor Plan – Levels 04-06	15/04/2026
DA-1010 Rev 18	Floor Plan – Level 07	15/04/2026
DA-1011 Rev 15	Floor Plan – Roof Level	31/03/2026
DA-1401 Rev 11	Elevation South	31/03/2026
DA-1402 Rev 11	Elevation North	31/03/2026
DA-1403 Rev 11	Elevation East	31/03/2026
DA-1404 Rev 11	Elevation West	31/03/2026
DA-1501 Rev 15	Section A	15/04/2026
DA-1502 Rev 13	Section B	15/04/2026
DA-1503 Rev 13	Section C	15/04/2026
DA-1504 Rev 14	Section D	15/04/2026
DA-4401 Rev 8	Apartment Type Plans	15/04/2026

Drawing Number	Drawing Name	Date
DA-4402 Rev 8	Apartment Type Plans	15/04/2026
DA-4411 Rev 6	Adaptable Unit Plans	15/04/2026
DA-4421 Rev 3	Apartment Storage Schedule	15/04/2026
DA-8001 Rev 3	Materials Palette Board	31/03/2026

And the following Landscape Plans prepared by Vision Dynamics:

Drawing Number	Drawing Name	Date
25088 1-5 Rev C	Legend/ Details/ Plant Schedule	24/03/2026
25088 2-5 Rev C	Landscape Concept Plan	24/03/2026
25088 3-5 Rev C	Landscape Concept Plan	24/03/2026
25088 4-5 Rev C	Landscape Concept Plan	24/03/2026
25088 5-5 Rev C	Landscape Concept Plan	24/03/2026

And the following Subdivision Plans prepared by Warren Eldridge:

Drawing Number	Drawing Name	Date
12410-SP, Sheet 1 of 6 Rev B	Plan of Subdivision of Lot 101 in DP 1323053	29/04/2026
12410-SP, Sheet 2 of 6 Rev B	Plan of Subdivision of Lot 101 in DP 1323053	29/04/2026
12410-SP, Sheet 3 of 6 Rev B	Plan of Subdivision of Lot 101 in DP 1323053	29/04/2026
12410-SP, Sheet 4 of 6 Rev B	Plan of Subdivision of Lot 101 in DP 1323053	29/04/2026
12410-SP, Sheet 5 of 6 Rev B	Plan of Subdivision of Lot 101 in DP 1323053	29/04/2026
12410-SP, Sheet 6 of 6 Rev B	Plan of Subdivision of Lot 101 in DP 1323053	29/04/2026
12410-Stratum, Sheet 1 of 3	Plan of Subdivision of Lot 1 & 2 in DP 515656	-

Drawing Number	Drawing Name	Date
12410-Stratum, Sheet 2 of 3	Plan of Subdivision of Lot 1 & 2 in DP 515656	-
12410-Stratum, Sheet 3 of 3	Plan of Subdivision of Lot 1 & 2 in DP 515656	-

and as amended by the conditions of this consent.

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

Reason

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

(2) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 59.78 (AHD) for the hot water plant, RL 57.48 (AHD) to the top of the building and RL 58.76 (AHD) to the parapet of the building and lift overrun.
- (b) Prior to an 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.

(3) FLOOR SPACE RATIO

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the business use must not exceed 4:1; calculated in accordance with the Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the Gross Floor Area is 1542.88 sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.

Reason

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

(4) USE - SEPARATE DA REQUIRED

No consent is granted or implied for the fit out or specific use of the retail tenancies located on the Ground Floor.

A development consent or Complying Development Certificate (as appropriate) is required to be obtained for the fit out and use of the retail tenancies prior to that fit out or use commencing.

Reason

To require separate consent to be obtained for a use.

(5) SIGNS - SEPARATE DA REQUIRED

A separate development application for any proposed signs additional to those approved as part of this consent (other than exempt or complying signs) must be submitted to and approved by Council prior to the erection or display of any such signs.

Reason

To require separate consent to be obtained for any additional signs.

(6) 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.

(7) ROOFTOP PLANT

All rooftop plant and associated equipment must be located within the approved building envelope.

Reason

To ensure the roof top plant does not exceed the approved height.

(8) SERVICE VEHICLE SIZE LIMIT

The size of vehicles servicing the property must be a maximum length of 5.2m.

Reason

To maintain the orderly operation of vehicle parking and loading areas.

(9) COST OF SIGNPOSTING

All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

Reason

To ensure all associated roadway works costs are borne by the developer.

(10) ASSOCIATED ROADWAY COSTS

All costs associated with the construction and rectification of any road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The public domain works must be designed and constructed in accordance with the City's "Sydney Streets Technical Specification and Standard Drawings" including amendments and "Sydney Streets Design Code".

Reason

To ensure all roadway works are designed and constructed in accordance with Council requirements.

(11) SIGNS AT EGRESS

The following signs must be provided and maintained within the site at the point(s) of vehicle egress:

- (a) Compelling drivers to stop before proceeding onto the public way
- (b) Compelling drivers to "Give Way to Pedestrians" before crossing the footway; or compelling drivers to "Give Way to Pedestrians and Bicycles" before crossing a footway on an existing or identified shared path route.

Reason

To ensure the safety of surrounding pedestrians and cyclists.

(12) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS

All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary.

Reason

To ensure ground surface indicators, handrails and other elements required to provide access into the building/property are appropriately located.

(13) NO AIR CONDITIONING UNITS TO FACADE OR BALCONIES OF BUILDING

Approval is not granted for the installation of individual air conditioning units to the facade or balconies of the building.

Reason

To clarify the scope of the consent.

(14) WASTE AND RECYCLING MANAGEMENT - GENERAL

The proposal must comply with the relevant provisions of the Sydney Development Control Plan 2012 and Council's *Guidelines for Waste Management in New Developments 2018*, which requires facilities to promote the safe and efficient storage, separation, collection and handling of waste to maximise resource recovery.

Reason

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

(15) ENCROACHMENTS – NEIGHBOURING PROPERTIES

No portion of the proposed structure shall encroach onto the adjoining properties.

Reason

To protect neighbouring properties.

(16) ENCROACHMENTS – PUBLIC WAY

No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area. Any access doors to enclosures housing building services and facilities, such as hydrant and sprinkler booster assemblies or the like, must not open over the footway/roadway.

Reason

To protect the public way.

(17) APPROVED ACOUSTIC REPORT

The Noise Impact Assessment prepared by Rodney Stephens Acoustics reference R250431R1, Revision 2 dated 5 December 2025 (Council reference TRIM 2025/745607) 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.

(18) TREE(S) THAT MUST BE RETAINED

- (a) The tree(s) detailed in the table below must be retained and protected in accordance with the conditions throughout development works.

- (b) Approval is NOT granted for the removal of the tree(s) detailed in the table below, which the City of Sydney has determined to be important landscape elements.

Table [1] – Tree Retention:

Tree Number	Species:	Location
1	<i>Lophostemon confertus</i> (Brush Box)	Front of 10-14 Cooper Street (Street Tree)
2	<i>Platanus acerifolia</i> (London Plane)	Front of 16-22 Cooper Street (Street Tree)
3	<i>Pistacia chinensis</i> (Chinese Pistacia)	Side of 24 Cooper Street (Street tree located in Holt Street)
4	<i>Tristanopsis laurina</i> (Water Gum)	Side of 24 Cooper Street (Street tree located in Holt Street)
5	<i>Castanospermum australe</i> (Black Bean Tree)	1-21 Holt Street (Street Tree located in O'Loughlin Street)
6	<i>Platanus acerifolia</i> (London Plane)	1-21 Holt Street (Street Tree located in O'Loughlin Street)
7	<i>Ficus elastica</i> (Rubber Tree)	1-21 Holt Street (Street Tree located in O'Loughlin Street)

Reason

To identify the trees that cannot be removed and must be retained and protected.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

(19) AFFORDABLE HOUSING CONTRIBUTION – RESIDUAL LAND OR CENTRAL SYDNEY – PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION – PRIOR TO CONSTRUCTION CERTIFICATE

- (a) In accordance with the City of Sydney Affordable Housing Program and prior to the issue of a Construction Certificate, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid to the City of Sydney Council.
- (b) The contribution is \$820,870.70 (indexed at 21 April 2026). This is calculated by establishing the sum of the equivalent monetary contribution \$11,223.28 multiplied by 1% of the total floor area for non-residential development (126 sqm) and the equivalent monetary contribution \$11,223.28 multiplied by 3% of the total floor area for residential development (2396 sqm).
- (c) If the contribution is paid after the indexation period in which the consent is granted, being March 2026 to February 2027, the above contribution will be adjusted according to the Sydney LGA median strata dwelling price ('MDP') using the following formula.
- (d) Contribution payable at Time of Payment = $C \times \text{MDP2} / \text{MDP1}$, where:
 - (i) C is the original total contribution amount payable to the City of Sydney as shown above;
 - (ii) MDP2 is the Median Strata Dwelling Price in Sydney LGA taken from the most recent NSW Government Rent and Sales Report at the time of indexation of the equivalent monetary contribution rate; and
 - (iii) MDP1 is the Median Strata Dwelling Price in Sydney LGA taken from the NSW Government Rent and Sales Report used to establish the current equivalent monetary contribution rate, being March 2026 to February 2027.

Contact Council's Planning Assessment Unit at planningsystemsadmin@cityofsydney.nsw.gov.au for written confirmation of the amount payable, with indexation as necessary, prior to payment.

Reason

To ensure development contributions are paid to contribute to the provision of essential affordable rental housing infrastructure.

(20) SECTION 7.12 CONTRIBUTIONS PAYABLE – SUBMITTED AND VERIFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

A monetary contribution is payable to the City of Sydney pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979* and the *Central Sydney Development Contributions Plan 2020*.

The Section 7.12 levy is determined by the development cost, as per the following table:

Development cost *	Levy
* Refer to Section 2.3 of the <i>Central Sydney Development Contributions Plan 2020</i> for information on determining the development cost.	
Up to and including \$250,000	NIL
More than \$250,000, up to and including \$500,000	1%
More than \$500,000, up to and including \$1,000,000	2%
More than \$1,000,000	3%

The Section 7.12 levy is payable to the City of Sydney in accordance with the following:

- (a) Prior to a Construction Certificate being issued, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and that the levy has been paid to the Council in accordance with this condition. Payments may be made by EFTPOS (direct card only), cash (up to \$5,000 only), credit card (up to \$300,000 only) or bank cheque made payable to the City of Sydney council. Larger payments to be by direct bank transfer in consultation with the City. Direct debit, personal cheques and company cheques will not be accepted.
- (b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, one of the following must be submitted:
 - (i) **For development between \$250,000 and \$3,000,000** – the City of Sydney *Cost Summary Report* must be completed by a suitably qualified person such as the Project Architect or Project Manager and submitted to the City of Sydney together with the copies of the plans the subject of the application for the Construction Certificate. An electronic copy of the *Cost Summary Report* is available from the City's website at www.cityofsydney.nsw.gov.au; or

- (ii) **For development more than \$3,000,000** – The City of Sydney *Registered Quantity Surveyor's Detailed Cost Report* must be completed by a Quantity Surveyor registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate an equivalent qualification and submitted to the City of Sydney together with the copies of the plans the subject of the application for the Construction Certificate. An electronic copy of the *Registered Quantity Surveyor's Detailed Cost Report* is available from the City's website at www.cityofsydney.nsw.gov.au.
- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the Registered Certifier accordingly.
- (d) The development cost is to be determined in accordance with Section 2.3 of the Central Sydney Development Contributions Plan 2020, located in the version in force at the date of the grant of this consent.

Please contact Council's Planning Administration staff at Planningsystemsadmin@cityofsydney.nsw.gov.au to request a written Statement of Contributions Owing, prior to payment.

Reason

To ensure development contributions are paid to support the provision of public facilities, amenities, and services in Central Sydney.

(21) HOUSING AND PRODUCTIVITY CONTRIBUTION

Before the issue of any Construction Certificate the housing and productivity contribution (HPC) set out in the table below is required to be made.

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	\$111,624.96
Total housing and productivity contribution	\$111,624.96

The HPC must be paid using the NSW planning portal.

At the time of payment, the amount of the HPC is to be adjusted in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* (HPC Order).

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the *Environmental Planning and Assessment Act 1979* agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the HPC Order exempts the development from the contribution.

The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.

Reason

To require contributions towards the provision of regional infrastructure.

(22) MATERIALS AND SAMPLES BOARD

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

The materials and samples board is to include but not limited to the glazing for the ground level retail and the apartments (including their specifications for VLT, shading coefficient and Uvalue), the perforated metal and the density of the perforations and thickness, and new bricks, concrete etc. 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.

(23) WASTE HOLDING AREA

The design of the building must be modified as follows:

- (a) The waste holding area on the Ground Floor at the rear of the building is to be reconfigured to allow for sufficient circulation space for each waste stream to be wheeled out and serviced independently without requiring other bins to be moved or rearranged.
- (b) To facilitate the requirements of (a), the rear external opening to the waste room/holding area is to be widened by removing or relocating the retail meter. The external wall line of the room may be setback to prevent any increase to the overall gross floor area of the building.

The modifications are to be submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of a Construction Certificate.

Reason

To require amendments to the approved plans and supporting documentation following assessment of the development.

(24) DESIGN DETAILS

Detailed sections, plans and elevations at 1:10 are to be provided for:

- (a) the glazed green brick balustrades showing a stone or masonry capping to the top of the balustrade; and
- (b) the terrazzo window sills.

The modifications are to be submitted to and approved by Council's Area Planning Manager or prior to the issue of a Construction Certificate.

Reason

To require amendments to the approved plans and supporting documentation following assessment of the development.

(25) SIGNAGE STRATEGY

A signage strategy for the building is to be submitted to and approved by Council's Area Planning Manager prior to issue of a Construction Certificate.

The signage strategy must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building. All signage must comply with the relevant requirements of Section 3.16 of the Sydney Development Control Plan 2012.

Reason

To require a signage strategy.

(26) SIGNAL SYSTEM

A system of traffic lights and/or mirrors must be installed at the ends of any single lane or car lift entry, to indicate traffic movement on the car lift. This system must be detailed in the application for a construction certificate. Any system using traffic light signals must maintain a green signal to entering vehicles at the point of entry and must maintain a red signal when an exiting vehicle is detected upon the car lift or driveway.

The traffic light must be installed within the building and be clearly visible from the public road. Details must be submitted to, and approved by, the registered certifier before a Construction Certificate is issued.

Reason

To maintain the orderly operation of vehicle parking areas.

(27) SMALL CAR PARKING SPACES

- (a) The design and layout of all off-street small car parking spaces must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

- (b) All small car spaces must be clearly marked and identifiable as small car spaces. The signs or line markings must be in place and approved by the Principal Certifying Authority prior to an Occupation Certificate being issued and must be maintained in good order at all times.

Reason

To ensure all parking areas are designed in accordance with the requirements of the Australian Standards and Council requirements.

(28) MECHANICAL PARKING FACILITIES

The following details of the car lift must be submitted to and approved by the Registered Certifying Authority prior to the issue of a Construction Certificate:

- a) A comprehensive review of the proposed installation of the car lift by the manufacturer, ensuring its suitability for implementation according to the manufacturer's specifications. This includes, but is not limited to, compliance with the Preliminary Design Principles outlined in Part 2.3.1 and Part 3.5 of AS/NZS 2890.1 2004.
- b) Implementation of mechanisms to address potential safety concerns, including but not limited to:
- Noise and vibration levels as received by occupiers of the building including references to relevant Standards;
 - Lift door operation by remote key/ FoB and associated safety risks (if any).
- c) The lift must remain at street level by default to allow immediate entry, ensuring incoming vehicles do not wait on the public road.
- d) Management of the use and operation of the car stacker and car lift, covering:
- During periods of vehicle queuing and /or when the lift is occupied.
 - During any system failure.
 - Consistency with the manufacturer's specifications.
 - Manufacturer's documentation, including information on service rates.
 - Any induction training required prior to use.
- e) Any further information requested by the Registered Certifying Authority.

Reason

To ensure that the car lift and stacker are designed in accordance with the Australian Standards.

(29) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION CERTIFICATE

Prior to the issue of a relevant construction certificate, the Certifier must ensure the following:

- (a) A suitably qualified acoustic consultant must be appointed in accordance with the definition noted in the City of Sydney – Environmental Noise Technical Requirements, dated October 2025.
- (b) The consultant is required to review the relevant building plans, specifications, and associated documentation, and must:
 - (i) Verify that the construction plans, drawings, and construction methodology for the development are consistent with the approved acoustic report and comply with all relevant conditions and documentation of this consent.
 - (ii) Resolve any non-compliances through amended construction plans, drawings, and construction methodology as necessary.
 - (iii) Ensure that all requirements under this clause are completed to the written satisfaction of the Certifier.
- (c) Following completion of the above tasks, the consultant must provide written notification to the Certifier outlining any identified non-compliances.

Reason

To ensure detailed construction and fit plans comply with the relevant standards in the approved acoustic report.

(30) 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. 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 ($L_{A90, 15 \text{ minute}}$) 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.

(31) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

Reason

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

(32) 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 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 being issued.

Reason

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

(33) 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.

Car Parking Type	Number
Residential spaces (small car)	9
Accessible residential spaces	1
Service vehicle spaces (B99)	1
Total	11

Reason

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

(34) 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/ visitor	12	Spaces must be a 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.

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 the Construction Certificate being issued.

Reason

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

(35) DEWATERING - APPROVAL NSW OFFICE OF WATER

If any dewatering of the site is to be undertaken, a bore licence may be required from the NSW Office of Water under the provisions of Part V of the Water Act 1912. The NSW Office of Water licences dewatering to allow excavation for construction for a temporary period, usually 12 months.

NOTE: The Department's instructions to Council are that they will not endorse the extraction of groundwater in perpetuity i.e. permanent dewatering around a development site, because it considers such development to be unsuitable. For this reason any proposed basement or other area that requires dewatering on an on-going basis may need to be fully tanked.

Reason

To ensure dewatering is undertaken appropriately.

(36) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

All works must be undertaken onsite in accordance with the approved Construction Environmental Management Plan (CEMP) prepared by EI Australia Pty Ltd dated Report Number E26821.E13_Reve0 (Council reference: 2025/722455).

Reason

To ensure that construction is appropriately managed to prevent pollution impacts.

(37) LANDSCAPE OF THE SITE

- (a) The landscape plans by Vision Dynamics Revision C dated 24 March 2026, referenced in Condition (1) of this consent must be updated and submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of a Construction Certificate. These amendments must include:
 - (i) Delete one of the Tuckeroo trees planted in the deep soil area to ensure that proposed trees have sufficient space to develop a full mature canopy. The remaining Tuckeroo tree is to centrally located within the deep soil area.
 - (ii) Increase the soil depth of the inaccessible green roof to 300 millimetres.
 - (iii) Revise the inaccessible green roof plant species to include a high diversity of native grasses and groundcovers suitable for green roofs. Shade tolerant species should be specified for areas underneath the solar panels.
 - (iv) Provide for a maintenance access path between the planting on the inaccessible green roof.
- (b) Prior to the issue of an Occupation Certificate an ongoing landscape maintenance plan must be submitted to and approved by the Principal Certifying Authority.
- (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.

(38) PUBLIC DOMAIN DAMAGE BOND

- (a) A Public Domain Damage Deposit calculated on the basis of 63 square metres of asphalt along Cooper Street and 21 square metres of concrete site frontage along O'Loughlin Street must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The bond must be provided as security for repairing any damage to the public domain in the vicinity of the site.
- (b) The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The Bond must be lodged with the City prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier.
- (c) The bond in this condition will be released in full when the Public Domain Works Security Bond is lodged with the City.

Reason

To allow for the appropriate management and rectification of damage to the public domain.

(39) PUBLIC DOMAIN LEVELS AND GRADIENTS

Prior to the issue of any Construction Certificate, 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.

(40) PUBLIC DOMAIN LIGHTING UPGRADE

Prior to issue of any Construction Certificate 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/public-domain-works>

The lighting upgrade plan must cover all adjacent street frontages, being along Holt Street, O'Loughlin Street and Cooper Street and shall be designed to include the following requirements:

- Upgrade existing Ausgrid streetlights using Ausgrid network standard LED luminaires to achieve the lighting compliance and consider installing suitable glare shields to avoid glare issues for neighbouring properties (if required)
- Holt Street: Lighting shall comply with requirement of AS 1158.3.1 Category PR2 on the roadway and PP3 on the footways.
- O'Loughlin Street: Lighting shall comply with requirement of AS 1158.3.1 Category PR3.
- Obtrusive lighting assessment shall comply with requirement of AS 4282.

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.

(41) DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to an approval for demolition and preparatory works being granted or the issue of any Construction Certificate, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared as described in the Public Domain Manual and submitted for approval by Council's Public Domain Unit. The City's *Public Domain Manual* is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/>

The submission is to include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

Reason

To establish and document the condition of the public domain for comparison as building work progresses and is completed.

(42) SURVEY INFRASTRUCTURE – IDENTIFICATION AND RECOVERY

Under Section 24 of the Surveying and Spatial Information Act 2002, it is an offence to remove, damage, destroy, displace, obliterate or deface any survey mark unless authorised to do so by the Surveyor-General. Accordingly, the applicant must, where possible, ensure the preservation of existing survey infrastructure undisturbed and in its original state or else provide evidence of the Surveyor-General's authorisation to remove or replace marks.

Prior to the issue of any Construction Certificate, documentary evidence must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include either:

- (a) A copy of any Surveyor-General's Approval for Survey Mark Removal granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the survey mark audit schedule, strategy plan and strategy report); or
- (b) A letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all investigations required under Surveyor-General's Direction No.11 have been made for the subject site and that no survey infrastructure will be affected by the proposal.

Council's Principal Surveyor may request further information and/or add conditions to any Surveyor-General's Approval at their discretion.

Note: Refer to Clause 4.7 in the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

To ensure the preservation of existing survey infrastructure.

(43) PUBLIC DOMAIN CONCEPT PLAN

A public domain concept plan, showing all the site frontages and extending a minimum of 5m past the boundary and to the road centreline, must be prepared in accordance with the City's *Public Domain Manual* and *Sydney Streets Code*. It must be submitted to and approved by the City's Public Domain Unit prior to the issue of any Construction Certificate for the development other than for demolition or excavation.

Note: A detailed Public Domain Plan will be required prior to construction (refer to Public Domain Plan Detailed Documentation for Construction condition).

Reason

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

(44) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs along the Holt Street frontage of the site and No.24 Cooper Street are to be retained and properly protected during demolition, excavation and construction works.
- (b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled.
- (c) Note the following:
 - (i) all costs associated with the works are to be borne by the developer.
 - (ii) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
 - (iii) Where new vehicle crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
 - (iv) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers.
 - (v) Council approval is required before kerbs are removed.

- (vi) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.
- (vii) Stone kerbs and gutters may be bonded in accordance with the City of Sydney's adopted Schedule of Fees and Charges. If so, this will be included with the Public Domain Damage Bond.
- (viii) Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

To ensure the protection of stone kerbs.

(45) STORMWATER DRAINAGE DESIGN FOR OTHER AUTHORITIES

A detailed stormwater management plan prepared by suitably qualified and experienced Civil Engineer and complying with Council's Sydney Streets Technical Specifications, Part A4 Stormwater Drainage Design must be submitted to and approved by Sydney Water prior to issue of any Construction Certificate other than demolition. Evidence of this approval must be submitted to Council.

Reason

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

(46) 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 a 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.

Reason

To ensure the ventilation complies with relevant standards.

(47) EXTERNAL WALLS AND CLADDING FLAMMABILITY

The external walls of the building including attachments must comply with the relevant requirements of the *Building Code of Australia*. Prior to the issue of any Construction Certificate and Occupation Certificate the Registered Certifier and the Principal Certifier must:

- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the BCA; and
- (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the BCA as proposed and as built.

Reason

To ensure the external walls and cladding comply with relevant requirements.

(48) LETTERBOXES

- (a) Details of the location and design of all letterboxes are to be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of a Construction Certificate.
- (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.

(49) DESIGN FOR ENVIRONMENTAL PERFORMANCE

- (a) Prior to the issue of any Construction Certificate, the Registered Certifier must be satisfied that those matters listed in the following sections of the approved Design for Environmental Performance report prepared by Mahnoor Khan dated Monday, April 13, 2026 (Council Ref: 2026/207249) 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 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.

Reason

To ensure the environmental performance of the development.

(50) 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**. The plan must comply with Council's Development Control Plan and *Guidelines for Waste Management in New Developments*. The plan must address:

- (a) Food waste must not be stored in bins larger than 240L;
- (b) Inconsistencies to be resolved in residential food organics bin quantities, collection frequencies and retail GFA figures to align with the architectural plans;
- (c) Details must be provided to demonstrate safe and efficient transfer of residential bins via the car lift, including contingency measures for lift unavailability; and
- (d) The residential waste holding area must provide sufficient space for each waste stream to be independently serviced.

Reason

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

(51) PROVISION OF TREE PROTECTION SPECIFICATIONS

- (a) Tree Protection Specifications must be provided in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. This documentation, must be submitted and approved by the City of Sydney Urban Forest Team prior to the issue of a Construction Certificate, and must:
 - a. specify, using a logical and sequential process, the measures by which the trees will be protected and managed throughout the development works. This is specifically to address root protection requirements during demolition of the retaining wall and installation of the permit retention system that will impact trees 1 and 2;
 - b. document critical stages.
- (b) Construction access and the location of the works zone must be planned to avoid adversely impacting any tree to be retained. Alternative work zone locations must be provided, and suitable size cranes/machinery/equipment utilised to minimise tree pruning requirements. Only minor pruning works will be approved by the City's Urban Forest Team.

Reason

To ensure the development appropriately protects existing trees, ensuring their structural stability and long-term viability.

(52) TREE PRUNING SPECIFICATION

- (a) A Pruning Specification Report prepared by a qualified Arborist (minimum AQF Level 5) must be submitted to and approved by the City of Sydney Urban Forest Team prior to the issue of a Construction Certificate. The report must include:
 - (i) Branch numbers, orientation, diameter, and percentage of canopy to be pruned (maximum 5% canopy and 100mm branch diameter);
 - (ii) Photographs clearly marking individual branches recommended for pruning/removal (single vertical line markings will not be accepted);
 - (iii) Pruning specifications in accordance with *AS 4373 Pruning of Amenity Trees*;
 - (iv) No tree removal may be recommended in the report.
- (b) All approved pruning must be undertaken by a qualified Arborist (minimum AQF Level 3) in accordance with SafeWork NSW Code of Practice – Amenity Tree Industry.
- (c) Any pruning works carried out under this consent must not result in the death of the tree, the creation of a hazard or in excessive or inappropriate amounts of pruning.
- (d) Consent from Council's Tree Management Officer is required prior to any additional pruning works beyond the approved report, including pruning of tree roots greater than 40mm in diameter.

Reason

To ensure the development appropriately protects existing trees, ensuring any pruning undertaken does not impact the trees structural stability and long-term viability.

(53) TREE BOND

- (a) A \$30,000.00 unconditional bond for Tree No.2 must be submitted and approved by the City of Sydney to ensure the retention and protection of the tree(s) prior to the issuing of any Construction Certificate(s).
- (b) The following formula will be used for the retention of all or part of the bond(s):
 - (i) An initial failure to comply with any tree protection condition – 20% of the bond for each tree.
 - (ii) A second or continuing failure to comply with any tree protection condition – 40% of the bond for each tree.

- (iii) If after 40% of the bond is retained, further failure to comply with the tree protection conditions occur, the City of Sydney may instigate legal proceedings for the cessation of all works on the site.
- (iv) Death of tree(s) due to non-compliance with the tree protection conditions – Total 100% of the bond and possible legal action by the City of Sydney.
- (c) The unconditional bond will be retained by the City of Sydney for a minimum period of 12 months from the date of the issue of the Occupation Certificate. An Arboricultural Report prepared by a qualified Arborist (minimum AQF Level 5) must be submitted to the City of Sydney at the expiry of each bond period and prior to the bond being refunded. If the report indicates that the tree(s) require remedial works, the bond may be held until the satisfactory completion of the remedial work by the City of Sydney Urban Forest Team has been undertaken and the trees return to good health.

(54) REDEFINITION PLAN - SOME COMPONENTS PRIOR TO CONSTRUCTION CERTIFICATE

- (a) Prior to demolition or issue of any Construction Certificate, whichever is earliest, the initial boundary definition survey work necessary for the preparation of a Redefinition Plan, redefining the boundaries of the subject site shall be carried out by a surveyor registered under the Surveying and Spatial Information Act, 2002. The registered surveyor shall provide a letter or email to the Principal Certifier certifying that the initial survey work and calculations to define the subject boundaries has been completed, prior to the issue of the Construction Certificate.
- (b) Where the registered surveyor has provided an opinion in writing or by email that it is necessary to register the Redefinition Plan first, due to variations in the title dimensions, the potential for disagreement with the boundary fixation, and the risk that NSW Land Registry Services will require the boundary definition to be altered, a copy of the new title(s) issued after registration of the Redefinition Plan must be provided to the Principal certifier prior to the issue of the Construction Certificate.
- (c) A plan or CAD file showing the redefined boundaries shall be provided to the project architect, who shall certify in writing that the proposed additions as designed will fit within the redefined boundaries, without causing any encroachment of the proposed additions or any overhangs attached to the proposed additions. This written confirmation shall be provided to the PCA and Council prior to the issue of a Construction Certificate.

Reason

To ensure the orderly operation of the development.

BEFORE BUILDING WORK COMMENCES

(55) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of adjoining properties (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 a Construction Certificate.

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

(56) TEMPORARY DEWATERING DURING CONSTRUCTION

Prior to discharging any water collected during excavation and construction into the City's stormwater drainage system, approval must be sought from the City's Public Domain Unit. A dewatering management plan must be submitted with an *Application for Temporary Dewatering* available to download on the City's website.

Other options for dewatering include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

Reason

To ensure dewatering is managed appropriately.

(57) RODENT TREATMENT PROGRAMME – PRE DEMOLITION AND/OR EXCAVATION

- (a) Prior to the commencement of any demolition and/or excavation works, a programme of baiting and monitoring of rodent activity is to be put in place at the site.
- (b) A licensed Pest Control Operative must carry out all pest control work and prepare a report, confirming that there is no evidence of any rodent activity at the site prior to the commencement of any works on site. The report must be submitted to and be approved/endorsed by Council's Area Coordinator Planning Assessments/Area Planning Manager.

Reason

To ensure that the potential impact of rodents during the demolition, excavation and construction phase is appropriately managed.

(58) HAZARDOUS MATERIALS SURVEY REQUIRED

A Hazardous Materials Survey Report must be prepared by a certified Occupational Hygienist (*Australia Institute of Occupational Hygienists*) and submitted to the satisfaction of Council's Area Coordinator Planning Assessments / Area Planning Manager prior to any demolition work commencing at the site. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to their safe management and/or removal to ensure the site is made safe for demolition, construction and future use/occupation.

Reason

To ensure that hazardous materials on the site are identified and appropriately managed.

(59) RUN-OFF, EROSION AND SEDIMENT CONTROL

- (a) Before the commencement of any works, all sediment and erosion controls must be implemented and maintained in accordance with the document titled Managing Urban Stormwater Soils & Construction Volume 1 (Landcom, 2004).
- (b) Sediment control structures must be maintained throughout remediation works to prevent runoff of any potentially contaminated water or soil to the surrounding environment.

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

Reason

To ensure that construction is appropriately managed to prevent pollution impacts.

(60) PUBLIC DOMAIN WORK – CONSTRUCTION APPROVAL UNDER SECTION 138 ROADS ACT 1993

Prior to the construction of any public domain works, including stormwater drainage works, approval under Section 138 / 139 of the Roads Act 1993 must be issued by the City's Public Domain Unit.

Reason

To ensure relevant approvals for public domain work are obtained.

(61) ROAD OPENING APPLICATION

A separate road opening application under Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council prior to the commencement of any:

- (a) excavation in or disturbance of a public way, or
- (b) excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).

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

Reason

To ensure that approval under the Roads Act is obtained.

(62) TREE PROTECTION ZONES (FOR STREET TREES)

- (a) Tree Protection Zone(s) (TPZs) must be established in accordance with Australian Standard 4970 'Protection of trees on development sites' before the commencement of and until completion of the development works.
- (b) The TPZ's are to be established in the location and manner outlined in the approved Arboricultural Impact Assessment (AIA), prepared by Redgum dated 17 April 2026.

Table [2]- Tree Protection Zones

Tree No.	Species	Tree Location	TPZ radius(m) from truck	SRZ radius (m) from trunk
1	<i>Lophostemon confertus</i> (Brush Box)	Front of 10-14 Cooper Street (Street Tree)	3.6	2.0
2	<i>Platanus acerifolia</i> (London Plane)	Front of 16-22 Cooper Street (Street Tree)	7.8	2.8

Tree No.	Species	Tree Location	TPZ radius(m) from truck	SRZ radius (m) from trunk
3	<i>Pistacia chinensis</i> (Chinese Pistacia)	Side of 24 Cooper Street (Street tree located in Holt Street)	2.0	1.5
4	<i>Tristanopsis laurina</i> (Water Gum)	Side of 24 Cooper Street (Street tree located in Holt Street)	2.0	1.5
5	<i>Castanospermum australe</i> (Black Bean Tree)	1-21 Holt Street (Street Tree located in O'Loughlin Street)	3.6	2.0
6	<i>Platanus acerifolia</i> (London Plane)	1-21 Holt Street (Street Tree located in O'Loughlin Street)	5.9	2.5

- (c) Tree trunk and major branch protection must be installed prior to the issuing of any Construction Certificate and maintained for the duration of all construction work, and must include:
- (i) Tree trunk(s) and/or major branches to a height of two metres protected by wrapped thick underlay carpet or similar padding material to limit damage.
 - (ii) Timber planks (50mm x 100mm) placed around tree trunk(s). The timber planks must be spaced at 100mm intervals and must be fixed against the trunk with tie wire, or strapping. The thick carpet underlay or padding material and timber planks must not be fixed to the tree in any instance, or in any fashion.
 - (iii) Young street trees protected by the installation of three (3) wooden stakes around the edge of the tree pits or a minimum of 1 metre from the base of the trunk. Hessian must be wrapped around the stakes. If existing stakes or a metal tree guard are already in place, these suffice as tree protection.
 - (iv) Tree trunk and major branch protection must remain in place for the duration of the development works and be removed at the completion of the development works.
- (d) Materials or goods, including sheds, must not be stored or placed:
- (i) around or under the tree canopy or;
 - (ii) within two (2) metres of tree trunks or branches or any street trees.
- (e) Temporary signs or any other items must not be fixed or attached to any street tree.

- (f) Where installed, hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree pits. Supporting columns must not be placed on exposed tree roots.
- (g) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the City of Sydney Tree Team.
- (h) Any trenching works for services / hydraulics / drainage etc must not be undertaken within any Tree Protection Zone (TPZ). Alternative installation methods for services, such as directional boring/drilling, or redirection of services shall be employed.
- (i) Any damage sustained to street tree(s) as a result of any construction activities (including demolition), must be immediately reported to the City of Sydney Urban Forest Team on 9265 9333. Any damage to street trees as a result of any construction activities may result in prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.
- (j) Compliance with this condition must be addressed in the Tree Protection Compliance Certificate prepared by a qualified Arborist (minimum AQF Level 5).

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

Reason

To ensure the protection and ongoing health of the street trees.

(63) STRATA TERMINATION – PRIOR TO DEMOLITION

- (a) Prior to any demolition works, an application must be made pursuant to Section 142 of the Strata Schemes Development Act 2015 to terminate the existing strata scheme SP 65207.
- (b) An application should be made through the Department of Planning's Planning Portal to terminate the strata plan, which will require advertising the proposed termination for two weeks and payment of all debts. A NSW-LRS form 15ST must be executed by council and the Owners Corporation prior to lodgement through the Planning Portal.
- (c) Evidence must be provided to the Principal Certifier in the form of a current title, less than 6 months old, for the underlying lot, prior to issuing any approval for demolition.

Reason

The building defines the existing strata title boundaries. These boundaries should be extinguished prior to demolition.

(64) SURVEY SETOUT

Prior to the commencement of construction, all footings, walls and floor slabs adjacent to a boundary must be set out by a registered surveyor.

The building shall be sufficiently set back to ensure that no component of the building (such as the roof, guttering, or downpipes) encroach upon or overhang the boundaries of the site.

The registered surveyor shall provide a survey and report to the Principal Certifier indicating the position of the footings, walls and floor slabs in relation to the boundaries of the allotment.

Reason

To ensure the development does not encroach onto neighbouring properties.

DURING BUILDING WORK

(65) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

A site notice is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:

- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
- (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
- (d) The approved hours of work, the Principal Certifier including contact address and certification details, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint, and the estimated date of completion of the project are to be displayed on the site notice;
- (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is also to state that unauthorised entry to the site is not permitted.
- (f) All notices and signs must be displayed in locations as specified in the City's Code of Practice: Construction related Temporary Structures On and Above Roads.

Reason

Prescribed condition EP&A Regulation 2021, Section 70.

(66) HOURS OF WORK AND NOISE – OUTSIDE CBD

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Team, prior to works proceeding.

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

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

Reason

To protect the amenity of the surrounding area.

(67) COMPLIANCE WITH DEMOLITION, EXCAVATION & CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

- (a) All works conducted on site which form part of this development must be carried out in accordance with the Demolition, Excavation and Construction Management Plan approved by Council.
- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. (Use where respite periods not specified under the approved DEC NMP)

Such periods must be set and agreed to by Council's Health and Building Unit.

Reason

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

(68) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*.
- (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the issue of any Occupational Certificate.
- (d) If the discovery is on Council's land, Council must be informed.

Reason

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

(69) ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Safework NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence which ever applies.

A copy of the relevant licence must be made available to any authorised Council officer on request within 24 hours.

- (b) Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All work must be carried out in accordance with the *Work Health and Safety Regulation 2025* and the NSW Government and SafeWork NSW document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW)* December 2011 and the *City of Sydney Managing Asbestos Policy* dated 21 October 2013 and associated guidelines.

- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance.
- (f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the written approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

- (i) contact person for the site;
- (ii) telephone and facsimile numbers and email address; and
- (iii) site activities and time frames.

Reason

To ensure that the handling and removal of asbestos from the site is appropriately managed.

(70) NOTIFICATION – NEW CONTAMINATION EVIDENCE

- (a) Council and the Certifier (AND/OR ACCREDITED SITE AUDITOR IF REQUIRED) must be notified immediately of any new information which arising during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination.
- (b) Once identified, remediation, demolition or construction work must immediately cease.

- (c) A certified environmental consultant must be appointed to undertake an assessment of the potential contaminants and works required to make the site safe from potential human health and environmental harm.
- (d) If the duty to report contamination to the NSW EPA under Section 60 of the Contaminated Land Management Act 1997 is triggered, the NSW EPA and Council must be notified immediately.

Reason

To ensure that any new contamination evidence or unexpected finds is reported and the site is appropriately remediated.

(71) IMPORTED FILL MATERIALS

- (a) All fill material imported to the site must be certified and validated by a certified environmental consultant. It should be accompanied by documentation from the consultant that confirms its classification and suitability for the intended use. The fill must also be compatible with the existing soil characteristics to support site drainage.
- (b) Imported fill must be limited to the following:
 - (i) Virgin excavated natural material (VENM), classified in accordance with the Protection of the Environment Operations Act 1997.
 - (ii) Excavated natural material (ENM), certified in accordance with the Protection of the Environment Operations (Waste) Regulation 2014.
 - (iii) Waste-derived materials subject to a Resource Recovery Exemption under Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 and recognised by the NSW EPA as “fit for purpose” for the proposed development.
- (c) Any waste-derived material received under a resource recovery exemption must be accompanied by documentation from the NSW EPA confirming compliance with the exemption conditions. This documentation must be provided to the Certifier and Council:
 - (i) Upon request.
 - (ii) Before the commencement of works under the Protection of the Environment Operations Act.
 - (iii) Before the issue of a construction certificate or occupation certificate or
 - (iv) As part of the validation report for the remediation, as applicable.
- (d) All imported fill must be accompanied by certification from the supplier confirming the material is not contaminated, based on analysis of the source site’s history and/or sampling and analysis must be conducted in accordance with the NSW EPA (2022) Sampling Design Guidelines.

- (e) Any existing soils proposed for reuse onsite must be analysed and classified by a suitably qualified and experienced environmental consultant. This assessment must follow the relevant NSW EPA guidelines and the National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended in 2013), to confirm suitability for the proposed land use. The results must be included in the validation report for the remediation

Reason

To ensure that imported fill is not contaminated.

(72) CLASSIFICATION OF WASTE

- (a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility or otherwise lawfully managed.
- (b) The classification, and the volume of material removed, and the receival facility's details must be reported to the Certifier or Council (where a Certifier is not required).

Reason

To ensure that waste from site is classified and disposed of appropriately.

(73) STOCKPILES

- (a) Soil or other materials must not be stockpiled on footpaths or nature strips without prior written approval from Council.
- (b) All stockpiles must be managed to prevent contamination of the underlying soil.
- (c) Potentially contaminated soil must be stockpiled on a hardstand surface or over polyethylene sheeting.
- (d) Stockpiles must:
 - (i) Be bunded to prevent runoff of potentially contaminated materials.
 - (ii) Be stabilised through compaction and contouring to minimise wind exposure and allow access for water trucks.
 - (iii) Not exceed the height of perimeter fencing to assist in controlling dust and odour emissions.
 - (iv) Be clearly labelled with a unique identification number and include records of the soil's volume and origin to enable tracking from excavation to final disposal or reuse.

Reason

To ensure that stockpiles of soil or other materials are appropriately managed.

(74) DISCHARGE OF CONTAMINATED GROUNDWATER

- (a) Contaminated groundwater must not be discharged into the City's stormwater drainage system.
- (b) Options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by an EPA NSW licensed liquid waste contractor and disposed of by transporter to an appropriate licensed waste treatment/processing facility.

Reason

To ensure that the discharge of ground water is appropriately managed.

(75) PUBLIC DOMAIN WORKS SECURITY BOND

A Public Domain Works Security Bond will be required for the public domain works and for repairing damage that may be caused to the public domain in the vicinity of the site, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual.

The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The bond must be lodged with the City prior to an approval being issued for the approval of the Public Domain Plan.

The bond will be retained in full until all public domain works, including rectification of damage to the public domain, are completed to City's standards and approval and the required works-as-executed documentation are approved. On satisfying the above requirements, and the issue of the Public Domain Works Letter of Completion Operational Acceptance by the City, 90% of the bond will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

Reason

To ensure public domain works are completed and any damage to the public domain is rectified.

(76) DRAINAGE AND SERVICE PIT LIDS

All existing or proposed drainage and service pit lids throughout the public domain must be to City of Sydney specifications and heel/bicycle safe, slip resistant, infill with material to match surrounding surface, finished flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Infill pit lids are to be detailed where specified by Council's Public Domain Officer. Private pits are not permitted within the public domain. All details of pit lids must be shown on the public domain plan and must be approved by the City's Public Domain Unit prior to the issue of an approval for public domain works.

Reason

To ensure drainage and service pit lids within the public domain are appropriately designed and installed.

(77) PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION

A detailed public domain plan and all relevant documentation must be submitted to and approved by City's Public Domain Unit prior to the construction of any public domain works. This Plan must document all works required to ensure that the public domain upgrade work complies with the City's specifications and requirements, as outlined in documents such as City of Sydney's *Public Domain Manual*, *Sydney Streets Code*, *Sydney Street Tree Masterplan*, *Sydney Lights: Public Domain Design Code* and *Sydney Streets Technical Specification*. The documentation must be *checked, accurate, and comply with specified requirements*. Plans must be based on an accurate survey prepared, signed and dated by a registered surveyor, to scale and fully coordinated across all disciplines and submissions. The supplied documentation must be for Construction issue and will be approved under Section 138 of the Roads Act.

The Public Domain Manual and all other relevant documents are available for download from Council's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

The Public Domain Plan documentation must be submitted with an Application for Public Domain Plan Assessment and include the approved Public Domain Levels and Gradients documentation. If the proposed detailed design of the public domain requires changes to any previously approved levels, details must be submitted for approval with the public domain plan and additional fees may apply.

Reason

To ensure the public domain complies with Council's requirements.

(78) HOLD POINTS

A set of hold point inspections will be included in the Public Domain works approval letter for the construction of public domain and / or planning agreement works, including civil, drainage and subsurface works.

These hold point inspections must be adhered to during construction works. Prior to the issue of any Occupation Certificate, confirmation from the City's Public Domain Unit, that hold point inspections have been completed and works have been accepted by the City must be provided to the Accredited Certifier.

Reason

To ensure hold points are adhered to during construction works.

(79) PUBLIC DOMAIN LIGHTING RETICULATION

Prior to the issue of any relevant approval for the construction of public domain works, a detailed Public Domain Lighting Reticulation Plan for pedestrian and street lighting in the public domain must be submitted to and approved by the City's Public Domain Unit in accordance with the City's *Sydney Lights Design Code*, *Sydney Streets Code*, *Sydney Streets Technical Specification* and *Public Domain Manual*.

The Public Domain Manual and all other relevant documents are available for download from Council's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

If applicable, this public domain lighting documentation must include pole footing locations and structural details, location and details of underground electrical reticulation including connections and conduits, pit cabling and certifications as described in the City's *Public Domain Manual*. The public domain lighting is to be superimposed on the public domain plan to show any conflicts between lighting and the proposed landscape design.

Reason

To ensure the public domain lighting documentation complies with Council requirements.

(80) STORMWATER DRAINAGE CONNECTION

For approval of a connection into the City of Sydney's drainage system an "*Application for Approval of Stormwater Drainage Connections*" must be submitted to the City, together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges. This must be approved prior to approval being issued for the construction of public domain work.

Reason

To ensure approval of connection into the Council's drainage system is sought.

(81) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site, where possible.
- (b) If, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate application under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993 must be submitted to and approved by Council.

Reason

To protect the amenity of the public domain.

(82) NO OBSTRUCTION OF PUBLIC WAY

Unless otherwise approved by Council, the public way must not be obstructed by any materials, vehicles, waste receptacles, skip-bins or the like. Non-compliance with this requirement may result in the issue of a notice by Council to stop all work on the site.

Reason

To protect the amenity of the public domain.

(83) USE OF MOBILE CRANES

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) The use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of approved hours of construction can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

Reason

To ensure mobile cranes are used appropriately.

(84) EROSION AND SEDIMENT CONTROL

The Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) which has been approved by the Principal Certifier must be implemented in full during the construction period.

During the construction period:-

- (a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- (b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and

- (c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

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

Reason

To ensure no substance other than rainwater enters the stormwater system and waterways.

(85) COMPLIANCE WITH ARBORIST'S REPORT

All recommendations, Tree Protection Plans and Methodology Statements contained in the approved Arboricultural Report prepared by Redgum, dated 17th April 2026 (Council ref: 2026/220321) and the approved Tree Protection Specifications, must be implemented during the demolition, construction and use of the development.

Reason

To ensure that works affecting trees are carried out in an appropriate manner and in accordance with the approved arborist's report.

(86) TREE SENSITIVE EXCAVATION

- (a) Excavation within the Tree Protection Zone(s) (TPZs) as detailed in Arboricultural Impact Assessment (AIA), Tree Protection Specifications and/or Tree Protection Plan prepared by Redgum dated 17th April must be undertaken using tree sensitive methods (i.e hand/air space/hydrovac) and supervised by a qualified Arborist (minimum AQF Level 5). To prevent root damage, low pressures (i.e. 900 maximum) must be used for hydrovac excavation with the bark remaining intact.
- (b) Excavation must not occur within the SRZ (except for the approved building footprint). If additional excavation is proposed within this zone, Council's Tree Management Officer must be contacted immediately, and the excavation must be carried out in accordance with Council's direction.
- (c) Roots greater than 40mm must not be severed or damaged within the TPZ without written approval from the City of Sydney Tree Team. As required, tree sensitive construction/installation methods (i.e. directional boring, redirection of services, pier and beam footings) must be used to ensure the retention and protection of roots greater than 40mm diameter.

Footings shall be relocated / realigned if any tree root greater than 40mm in diameter is encountered during excavations. A minimum of 150mm clearance shall be provided between the tree root and footing.

- (d) Trenching must be backfilled as soon as possible, and exposed roots must be covered with mulch or a geotextile fabric and kept in a moist condition and prevented from drying out.

- (e) Any approved root pruning must be carried out by a qualified Arborist (minimum AQF Level 5) in accordance with Australian Standard 4373 'Pruning of Amenity Trees'.
- (g) Compliance with this condition must be addressed in the Tree Protection Compliance Certificate prepared by a qualified Arborist (minimum AQF Level 5).

Reason

To ensure that excavation works to trees are carried out in an appropriate manner.

(87) SITE SUPERVISION AND REPORTING

- (a) A qualified Arborist (minimum AQF Level 5) must oversee various stages of work within the Tree Protection Zone(s) (TPZs) of any tree listed for retention.
- (b) The Arborist must undertake every two months inspections through the development works.
- (c) The Arborist must certify compliance with each key milestone detailed below:
 - (i) Installation of tree protection measures (i.e. tree protection fencing, trunk and branch protection, ground protection, tree protection signage) prior to the commencement of the development works;
 - (ii) Demolition of ground surface materials (pavers, concrete, grass etc.) or inground structures within the TPZs of any tree to be retained;
 - (iii) Demolition of retaining wall within TPZ and SRZ of Tree 2 under arborist supervision including documentation of how roots were retained and protected throughout this process and for installation of perimeter retention system.
 - (iv) Excavation and trenching within the TPZs;
 - (v) Construction of perimeter retention system and building;
 - (vi) Landscape works within the TPZs;
 - (vii) Other times as specified in the Arboricultural Impact Assessment Report, Tree Protection Specifications (TPS) and Tree Protection Plan (TPP) or these conditions.
- (d) A Tree Protection Compliance Report, which includes photographic evidence and provides details on the health and structure of tree(s), must be submitted within one week following each scheduled inspection and key milestone listed above. The report is to be submitted to, and acknowledged, by the City of Sydney Urban Forest Team. The Tree Protection Compliance Report must include:

- (i) Confirmation that the tree protection measures have been installed in accordance with these conditions;
- (ii) Details of any additional tree protection recommendations and subsequent implementation to ensure the tree(s) remain in a healthy condition;
- (iii) Details of works undertaken on any tree to be retained or any works within the TPZs.

Reason

To ensure the protection and ongoing health of trees on the site.

(88) TREE PRUNING APPROVED

- (a) The trees detailed in the table below are approved for pruning.

Table [3] – Tree Pruning

Tree No.	Species
2	<i>Platanus acerifolia</i> (London Plane)

- (b) All pruning must be carried out by an arborist (minimum AQF Level 3) in accordance with Australian Standard AS4373 'Pruning of Amenity Trees' and the SafeWork's Code of Practice – Amenity Tree Industry.
- (c) Only pruning as detailed in the Pruning Specification that is required as outlined in the tree pruning specification condition is permitted.
- (d) Any pruning works carried out under this condition must not adversely impact tree health, structure or form.

Reason

To ensure that pruning works to trees are carried out in an appropriate manner.

(89) TREE PRUNING – FURTHER APPROVAL REQUIRED

- (a) Consent from the City of Sydney Urban Forest Team must be obtained prior to undertaking any further pruning of any tree to be retained, including trees roots greater than 40mm diameter.
- (b) Construction access and the location of the works zone must be planned to avoid adversely impacting any tree to be retained. Alternative work zone locations must be provided and suitable size cranes/machinery/equipment utilised to minimise tree pruning requirements. Only minor pruning works will be approved by the City's Urban Forest Team.
- (c) Any approved pruning must be carried out by a qualified Arborist (minimum AQF Level 3) in accordance with Australian Standard 4373 'Pruning of Amenity Trees' and the SafeWork's Code of Practice - Amenity Tree Industry.

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

Reason

To ensure that pruning works to trees are carried out in an appropriate manner.

(90) PROTECTION OF NATIVE WILDLIFE IN TREES

- (a) In the event that wildlife is found during the course of tree removal works, work must stop until a trained wildlife handler attends the site or the animal relocates itself. In regards to tree pruning, works may only proceed if the animals will not come into direct harm.
- (b) In the event that the tree(s) have nesting birds or native animals, works must be delayed until after the nesting period has been completed, unless in the event of an emergency.

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

Reason

To ensure that wildlife is adequately protected during tree removal / pruning works.

(91) CHECK SURVEYS DURING CONSTRUCTION

Prior to the concrete pour of the main slab at each level, a survey shall be made by a surveyor registered under the Surveying and Spatial Information Act, 2002, confirming that the formwork adjacent to existing or proposed boundaries is clear of those existing or proposed boundaries and is in accordance with approved setbacks and levels. This survey shall be provided to the Principal Certifier prior to the concrete pour. The concrete pour must not take place until the Principal Certifier receives a survey proving that the formwork has been constructed within the existing and proposed boundaries of the site, and is compliant with the setbacks and levels approved under this consent.

Reason

To ensure the development does not encroach onto neighbouring properties.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

(92) 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 Plan Rev 03 dated 09 April 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 Area Planning Manager prior to issue of any Construction Certificate 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 <https://www.cityofsydney.nsw.gov.au/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.

(93) VERIFICATION OF ACOUSTIC REPORT PRIOR TO OCCUPATION CERTIFICATE

Prior to the issue of any occupation certificate, the Certifier must ensure the following:

- (a) A suitably qualified acoustic consultant must be appointed in accordance with the definition noted in the City of Sydney - Environmental Noise Technical Requirements, dated October 2025.
- (b) The consultant must inspect and review the completed development and ensure that:
 - (i) The final building work is assessed for compliance with the relevant Construction Certificate(s), the approved acoustic report prepared by Rodney Stephens Acoustics reference R250431R1 Revision 2 dated 5 December 2025 (Council reference: 2025/745607), and all applicable noise-related conditions and documentation of this consent.
 - (ii) Any non-compliances identified under (i) above are documented in writing, with specific reference to the relevant acoustic criteria, and must include a scope of work necessary to rectify the issues and achieve compliance.

- (iii) All requirements under this clause are completed to the written satisfaction of the Certifier.
- (c) Following completion of item (b), the consultant must notify the Certifier in writing of any identified non-compliances.

Reason

To ensure the development complies with construction and fit out plans and the relevant standards in the approved acoustic report.

(94) SITE VALIDATION REPORT

Before the issue of any Occupation certificate, a Site validation report must be submitted to Council. The validation report is to be prepared by a suitably qualified environmental consultant with experience in land contamination and in accordance with the EPA NSW contaminated land legislation and guidelines including the Contaminated Land Management Act 1997. The report is to satisfactorily document the following:

- (a) The extent of validation sampling, and the results of the validation testing.
- (b) That the remediation and validation of the site has been undertaken.
- (c) That the site is suitable for the proposed use.

Reason

To ensure that the site is appropriately remediated.

(95) COMPLIANCE WITH HAZARDOUS MATERIALS SURVEY REPORT

All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the approved Hazardous Materials Survey Report must be complied with.

Prior to the issue of any Occupation Certificate, certification must be submitted to the Principal Certifier from a certified Occupational Hygienist (*Australia Institute of Occupational Hygienists*) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations given in the approved Hazardous Materials Survey Report and that the site is safe for future occupation in accordance with the approved use.

Reason

To ensure that hazardous materials on the site are appropriately managed.

(96) PUBLIC DOMAIN WORKS COMPLETION

The Public Domain works are to be constructed in accordance with the Public Domain Works Approval letter, stamped plans for Public Domain Levels and Gradients, Stormwater, Public Domain Lighting, the City's *Public Domain Manual*, *Stormwater Drainage Manual*, *Sydney Lights Design Code* and *Sydney Streets Technical Specification*.

The public domain work must be inspected and a Public Domain Work Letter of Completion Operational Acceptance must be issued by Council's Public Domain Officer prior to the issue of any Occupation Certificate or before the commencement of use, whichever is earlier.

Reason

To ensure the public domain works are completed in accordance with the approved documents and Council's requirements.

(97) PUBLIC DOMAIN COMPLETION – WORK AS EXECUTED DOCUMENTATION

Prior to a Public Domain Works Letter of Completion Operational Acceptance being issued for public domain works, works-as-executed (As-Built) plans and documentation, must be submitted to and accepted by the City of Sydney for all public domain works, including where required Stormwater, Public Domain Lighting and road construction. These works must be certified by a suitably qualified, independent professional. Details of the documentation required for approval will be advised by the City's Public Domain Unit.

Reason

To ensure Council receives works-as-executed documentation for public domain works.

(98) STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT

Prior to the issue of any Occupation Certificate:

- (a) The Owner is required to enter into a Deed of Agreement (Stormwater Deed) with the City of Sydney and obtain registration of Title of a Positive Covenant for all proposed connections to the City's underground drainage system. The deed and positive covenant will contain terms reasonably required by the City and will be drafted by the City's Legal Services Unit at the cost of the applicant, in accordance with the City's Fees and Charges.
- (b) A Positive Covenant must be registered on the property title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection. The positive covenant will contain terms reasonably required by the City and will be drafted by the City's solicitor at the cost of the applicant, in accordance with the City's Fees and Charges.

Reason

To protect underground drainage system.

(99) SURVEY INFRASTRUCTURE – RESTORATION

- (a) Prior to any Occupation Certificate being issued for the development, documentary evidence of restoration must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include:

- (i) Certification that all requirements requested under the Surveyor-General's Approval for Survey Mark Removal or by the City's Principal Surveyor under condition "Survey Infrastructure – Identification and Recovery" have been complied with;
- (ii) Certification that all requirements requested under any Surveyor-General's Approval for Deferment of Survey Marks from condition "Survey Infrastructure – Pre Subdivision Certificate works" have been complied with and;
- (iii) Time-stamped photographic records of all new survey infrastructure relating to the site clearly showing the mark itself and sufficient context to aid in identifying the mark on site.

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

Reason

To ensure all requirements for survey mark removal are complied with.

(100) COMPLETION OF LANDSCAPE WORKS

Prior to the issue of an Occupation certificate, all landscaping on the site must be completed in accordance with the approved landscape plans.

Reason

To ensure that all approved landscape works are completed before occupation.

(101) LOADING DOCK MANAGEMENT PLAN

A Loading Dock Management Plan is to be prepared for distribution to relevant tenants outlining how the loading dock will be managed and used by all relevant tenants. The Plan must include, but is not limited to, management of deliveries to ensure vehicles are not waiting on public streets to enter the site.

The plan is to be prepared and submitted to and approved by Council's Area Planning Manager prior to issue of an Occupation Certificate.

Once approved, this management plan is to be provided to all relevant tenants and external users of the loading area.

Reason

To ensure that the loading dock is appropriately managed.

(102) PHYSICAL MODELS

- (a) Prior to the issue of any Occupation Certificate an accurate 1:500 scale model of the development as constructed must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager for the City Model in Town Hall House.

Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's modellers must be consulted prior to construction of the model.
- (ii) The models are to comply with all of the conditions of the Development Consent.
- (iii) The models must be amended to reflect any further modifications to the approval (under Section 4.55 of the *Environmental Planning and Assessment Act*) that affect the external appearance of the building.

Reason

To ensure the provision of an appropriate physical model of the development.

(103) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION CERTIFICATE

- (a) Prior to any Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed development must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager for the electronic Visualisation City Model.
- (b) The data required to be submitted within the surveyed location must include and identify:
 - (i) building design above and below ground in accordance with the development consent;
 - (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
 - (iii) 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.

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.

- (c) 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> Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

Reason

To ensure the provision of an appropriate electronic model of the development.

(104) SURVEY CERTIFICATE AT COMPLETION

Prior to the issuance of any Occupation Certificate, a Final Survey Plan and Certificate prepared and signed by a Surveyor registered under the Surveying & Spatial Information Act 2002, must be submitted to Council upon completion of the building works. This documentation shall certify the location and height of all new building works, including offsets relative to the allotment boundaries.

Reason

To ensure the development does not encroach onto neighbouring properties and is in accordance with the approved plans.

(105) EASEMENT FOR END OF TRIP AND GARBAGE ROOM

An easement for end of trip access and garbage room is to be created over proposed lot 102 benefiting proposed lot 101 with appropriate rights relating to storage of waste and access, and limited in stratum. This easement must be registered prior to the issue of an Occupation Certificate and to Council's satisfaction and must include Council as an authority whose consent is required to release, vary or modify the terms of the easement.

Reason

To ensure the development site has unrestricted rights at all times to the end of trip and garbage room.

(106) SYDNEY WATER CERTIFICATE

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to Council or the Principal Certifier prior to any Occupation Certificate or subdivision/strata certificate being issued.

Reason

To ensure the requirements of Sydney Water are met.

(107) WASTE AND RECYCLING MANAGEMENT – RESIDENTIAL

- (a) Prior to the issue of an **Occupation Certificate**, Council's review and written approval of the as-built waste infrastructure, facilities, and vehicle access is required. The City Cleansing & Resource Recovery Unit of Council must be satisfied that:
 - (i) All waste management facilities, storage, and collection infrastructure comply with the stamped plans, approved Operational Waste Management Plan and Council's *Guidelines for Waste Management in New Developments*, the City of Sydney's DCP, and the developments Conditions of Consent.
 - (ii) All waste rooms, corridors, doors, and gates to be accessed by Council's collection contractor(s) are to be fitted and accessible via Council's master key system. Specifications of locks, barrels, and supporting infrastructure are to be submitted to Council's City Cleansing & Resource Recovery Unit.
- (b) Site inspections are to be conducted by Council's City Cleansing & Resource Recovery Unit to review the site on-site waste collection, storage and loading bay infrastructure prior to the issue of an **Occupation Certificate**. The inspections are to be conducted a minimum 6-months prior to projects anticipated construction completion. Prior to the inspection an electronic copy of the latest architectural plans are to be submitted.
- (c) An updated Operational Waste Management Plan is to be submitted to Council's City Cleansing & Resource Recovery Unit that aligns with the latest version of architectural plans and waste related updates identified during the site inspections. The plan is to be reviewed by Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Manager prior to the issue of an **Occupation Certificate**.
- (d) The developer is to enter into a formal agreement with the City of Sydney Council for the utilisation of Council's Waste Collection Service. A signed agreement is to be submitted to Council's City Cleansing & Resource Recovery unit prior to the issue of an **Occupation Certificate**.
- (e) The assigned strata manager for the development and direct contact details are to be provided to Council's City Cleansing & Resource Recovery Unit prior to the issue of an **Occupation Certificate**.

Reason

To ensure that facilities and arrangements are in place to enable the provision of a safe and efficient waste collection service responsive to Council's policies and contractual service provisions.

(108) ADVANCE TREE PLANTING

- (a) Tree planting within the property must be to satisfaction of the City of Sydney Urban Forest Team prior to the issuing of any Occupation Certificate and in accordance with the following:

- (i) The planting locations, container size and species selection in the approved landscape / tree planting plan are to be adhered to.
- (ii) The new tree(s) must be planted at the completion of all construction works.
- (iii) The tree(s) must be grown in accordance with Australian Standard 2303 'Trees stock for landscape use'.
- (iv) The new tree(s) must be planted by a qualified Horticulturalist or Arborist (minimum AQF Level 3) and in such a manner as to promote good health during the establishment period, and must be maintained, as far as practicable to ensure tree growth into maturity.
- (v) Prior to the issuing of any Occupation Certificate, suitable documentation (including a written statement and photographic evidence) is to be submitted to the City of Sydney for review and written confirmation is to be obtained from the City of Sydney Area Planning Coordinator or Area Planning Manager confirming all trees have been planted to their satisfaction (excluding tree maintenance).
- (vi) Any newly planted tree(s) which fail to establish within 2 years of the initial planting date must be replaced with tree(s) of comparable qualities, and maintained until it reaches a minimum height of 5 metres.

Reason

To ensure the provision and maintenance of adequate tree planting on site.

OCCUPATION AND ONGOING USE

(109) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

Reason

To ensure the site is authorised for occupation.

(110) MANAGING NOISE

The premises must be operated and managed in accordance with the approved acoustic report for this consent.

All physical aspects of the building's structure must be installed to meet performance parameters in accordance with this condition, and requirements of this consent, must be maintained and correctly used at all times. Where there is a conflict with the approved acoustic report and a requirement of this development consent, this consent prevails.

Reason

To protect the amenity of the local area.

(111) COMMERCIAL AND INDUSTRIAL DEVELOPMENT NOISE

During ongoing use of the premises, the cumulative emission of noise from commercial and industrial activities must comply with Requirement 4 – *NOISE FROM COMMERCIAL AND INDUSTRIAL ACTIVITIES*, as specified in the City of Sydney – Environmental Noise Technical Requirements, dated October 2025.

Reason

To protect the acoustic amenity of surrounding properties.

(112) ON SITE LOADING AREAS AND OPERATION

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

Reason

To maintain the orderly operation of vehicle parking areas and to ensure the public domain is kept free from physical obstructions.

(113) ONGOING WASTE MANAGEMENT – RESIDENTIAL

- (a) The ongoing use of development must be in accordance with the approved Operational Waste Management Plan, Council's *Guidelines for Waste Management in New Developments*, the City of Sydney's DCP, and the developments Conditions of Consent.
- (b) All general waste and recycling stream(s) materials emanating from the premises must be stored in the designated waste storage area(s) integrated within the built form and must not be stored outside the premises (including any public place) at any time.
- (c) The property manager is responsible for lodging requests for damaged/broken bins, managing the rotation of bins, ensuring the full allocation of relevant bins are available for scheduled collections, management of odour and the routine cleaning and maintenance of all waste storage areas.
- (d) Contracts (or agreements) with cleaners, building managers and tenants must clearly outline the waste management and collection arrangements, identifying clear roles and responsibilities outlined within the approved Operational Waste Management Plan.
- (e) The property manager is responsible for the installation and maintenance of all education signage for the respective waste stream(s) as requested by the City of Sydney Council responsive to the approved Operational Waste Management plan.
- (f) Commercial waste and recycling stream(s) and supporting infrastructure to be stored in a separate lockable, enclosed, and caged area free from the residential waste and recycling stream(s) rooms. The residential rooms to have relevant locks to inhibit commercial tenants access to Councils residential waste streams.

Reason

To support the safe and efficient scheduled Council waste collection service and ensure the impacts of waste management on the public domain and public health are minimised.

(114) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

All works to the City's public domain, including rectification of identified defects, are subject to a 6 month defects liability period from the date of Completion. The date of Completion will be nominated by Council on the Public Domain Works – Letter of Completion Operational Acceptance.

Reason

To ensure all works to the City's public domain are protected under a liability period.

LAND SUBDIVISION

(115) LAND SUBDIVISION – SUBDIVISION CERTIFICATE

A separate application must be made to Council to obtain the approval of the plan of subdivision and issue of a Subdivision Certificate under Section 6.15 of the *Environmental Planning and Assessment Act 1979*.

A separate application must be made to Council or a Registered Strata Certifier to issue a Strata Certificate under the *Strata Schemes Development Act 2015*.

Reason

To ensure separate development consent is for the plan of subdivision and issue of a Subdivision Certificate.

(116) EASEMENTS UNDER SEC 196 CONVEYANCING ACT

Documentary reciprocal easements for services, drainage, support and shelter, and emergency egress, affecting the whole/part of each lot if so desired, must be created over the lots in the subdivision, pursuant to Section 88B of the *Conveyancing Act 1919* and to Council's satisfaction.

Reason

To ensure the orderly operation of the building.

(117) EASEMENTS FOR ACCESS

Appropriate Easements for Access (or similar) are to be created over any required corridors, passages, traffic aisles, stairs and lifts, within the development that are needed to provide access from (or across) one lot to another, pursuant to Section 88B of the *Conveyancing Act 1919*. The Easements are to be reciprocal in nature (where applicable), granting rights of access to persons and/or vehicles, and are to be created in appropriate terms acceptable to Council, with the Council being the authority to release, vary or modify the easement.

Reason

To ensure the orderly development of the property.

(118) RIGHTS OF CARRIAGEWAY OVER SHARED DRIVEWAY AREAS

All shared driveway areas must be covered by dimensioned rights of carriageway on the subdivision plan, in stratum if appropriate, pursuant to Section 88B of the *Conveyancing Act, 1919*. Global rights of carriageway must not be used for the shared driveway areas.

Reason

To ensure clarity in relation to the driveway areas and the orderly operation of the buildings.

(119) ADDITIONAL EASEMENTS

Any other documentary easements or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision must be created over appropriate lots in the subdivision, pursuant to Section 88B of the *Conveyancing Act 1919* and to Council's satisfaction.

Reason

For the orderly operation of the buildings.

(120) BUILDING/STRATA MANAGEMENT STATEMENT

The Building/Strata Management Statement must adequately address the ongoing maintenance, upgrading, redevelopment and structural adequacy of each stratum lot to Council's satisfaction, and be submitted with the subdivision application.

- (a) Shared driveways and loading docks must be covered by suitable easements defined on the subdivision plan to the satisfaction of Council, and not be dealt with only by means of an SMS or BMS.
- (b) Garbage rooms must be covered by suitably dimensioned easements shown on the plan to Council's satisfaction, unless fully enclosed by walls, and garbage room doors kept closed at all times unless personnel are present
- (c) The Building / Strata Management Statement must not prevail over any easement, restriction on the use of land, or positive covenant that benefits Council

Reason

For the orderly operation of the buildings, and clarity for owners and purchasers of future lots.

(121) COMPLIANCE WITH REG 63 OF THE SURVEYING AND SPATIAL INFORMATION REGULATION 2024

The subdivision plan must show offsets where appropriate to the final surfaces of the major structural components of the building that are located within one metre of any proposed or existing vertical, horizontal or inclined boundary or easement, sufficient to satisfy sub-clauses (i), (j), (k) & (l) of Reg 63 of the *Surveying and Spatial Information Regulation 2024* and to the satisfaction of Council. All structural components of the buildings located within one metre of any proposed or existing boundary must be fully completed, with their final surfaces applied or constructed, prior to the subdivision plan being finalised.

Reason

To ensure the integrity of the Cadastre, compliance with the Regulation, and to inform lot owners and other stakeholders.

(122) STREET ADDRESSES OF LOTS

In accordance with Clause 61 of the *Surveying and Spatial Information Regulation 2024*, the street addresses for each lot must be shown on the Administration Sheet for the final plan of subdivision. An application must be made to Council's Spatial Information Systems Team, by email, prior to the lodgement of the subdivision application, to obtain the correct street address for each lot.

The street addresses allocated by Council must be provided to the Registered Surveyor by the applicant for inclusion in a schedule on the Administration Sheet.

Reason

To ensure street addresses are appropriately allocated, and subsequently issued to the State's emergency services divisions, police departments and postal service.

(123) SURVEY INFRASTRUCTURE

Prior to the issue of the subdivision certificate, sufficient survey infrastructure, including reference marks and permanent marks, must remain in place in order to satisfy the requirements of the *Surveying and Spatial Information Regulation 2024*, and to the satisfaction of Council.

Reason

To ensure the integrity of the Cadastre.

(124) RESTRICTION ON USE OF CAR SPACES AND STORAGE SPACES

The following conditions apply to car parking:

- (a) The on-site car parking spaces (including car lifts) and/or storage spaces, exclusive of service and visitor car spaces, are not to be used other than by an owner, occupant, tenant or resident of the subject lot.
- (b) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary Restriction on the Use of Land, is to be registered on the Title of the development site pursuant to Section 88E of the *Conveyancing Act 1919*, to the effect of (a) above. The Restriction is to be created to the benefit of Council, at no cost to and to the satisfaction of Council.
- (c) If the building is to be strata subdivided, all car parking spaces and/or storage spaces, exclusive of service and visitor car spaces, must be allocated to a residential or commercial lot (as the case may be), consistent with planning controls, within the Strata Scheme.
- (d) If the building is to be strata subdivided, a Restriction on the Use of Land must be created burdening all lots containing car parking spaces in the Strata Scheme, pursuant to section 88B of the *Conveyancing Act 1919*, to the effect of (a) above. The Restriction is to be created to the benefit of Council, at no cost to and to the satisfaction of Council.

Reason

To ensure the on-site car parking spaces and/or storage spaces, exclusive of service and visitor car spaces, are not to be used other than by an occupant, tenant or resident of the building.

(125) SECTION 88B INSTRUMENT

The terms within the Section 88B must ensure that easements prevail over any building management statement.

Reason

To ensure easements have certainty.

(126) 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 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 in the subdivision.

Reason

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

(127) ENCROACHING AND/OR SHARED SERVICES

All pipes, service lines and the like servicing each lot shall be contained within their respective lots or, if any service lines encroach upon adjoining lots within or adjoining the subdivision, or are shared by more than one lot, appropriate easements must be created, pursuant to Section 88B of the *Conveyancing Act 1919*, over the service lines where any such encroachment or shared situation occurs.

In particular, the location of any water, electrical, sewerage or stormwater drainage lines must be determined and, if necessary, a suitable easement must be created where any such encroachment or shared situation occurs.

Prior to the issue of a subdivision certificate, the registered surveyor must provide a report (to be submitted with the final plan of subdivision) confirming all such service lines are either located within their respective allotments or will be addressed by an appropriate easement, which will also be shown on the final plan of subdivision.

Reason

To ensure that existing services do not encroach, or alternatively that any encroachments are formalised on title by appropriate easement.

(128) STRATA SUBDIVISION – APPROVAL OF STRATA PLAN REQUIRED

A separate application must be made to Council or an Registered Strata Certifier to obtain approval of the Strata Plan and issue of a Strata Certificate under the Strata Schemes Development Act 2015.

Reason

To ensure separate approval is obtained for approval of the Strata Plan.

(129) CAR LIFT

The car lift contained within the strata scheme must be designated as common property.

Reason

To ensure that the car stacker is appropriately managed.

(130) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building must be used as permanent residential accommodation only and not for the purpose of a boarding house or hostel, hotel or motel accommodation, serviced apartments, tourist and visitor accommodation or any other use.
- (b) A Restriction on the Use of Land is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from “residential” as defined Sydney Local Environmental Plan 2012. The restriction is to be registered on title prior to any type of Occupation Certificate being issued or the use commencing, whichever is earlier. The covenant restriction must contain terms reasonably required by Council and will be drafted by Council’s solicitor, at the cost of the applicant, in accordance with the City’s Fees and Charges, or included with a Section 88B Instrument for the future strata plan and burdening all residential strata lots where no subdivision will occur.
- (c) If a lot contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (d) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation.

Reason

To ensure the residential accommodation portion of the site is used for permanent residential purposes.

(131) USE OF COMMON AREAS AND FACILITIES

The ground floor communal areas and any common areas or common facilities must be available for the use of all residents of the building and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

Reason

To ensure designated areas within the residential development are maintained as common property.

(132) RESTRICTION ON THE USE OF LAND - PARKING ON COMMON PROPERTY AREAS

No part of the common property apart from the service vehicle space which is to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats. Future strata subdivisions of the residential component of the site are to include an appropriate documentary restriction on the use of land pursuant to Section 88B of the *Conveyancing Act 1919*, so burdening common property, with the Council being the authority to release, vary or modify the restriction.

Reason

To prevent obstruction of common property areas.

(133) RESTRICTION ON USE OF CAR & STORAGE SPACES

All parking spaces and storage areas other than service spaces must form part of a residential or commercial strata unit in any future strata subdivision. No parking spaces or storage spaces are to have their own individual strata title.

The following conditions apply to car parking and storage spaces:

- (a) The on-site car parking & storage spaces, exclusive of service and visitor car spaces, are not to be used other than by an occupant, tenant or resident of the subject building.
- (b) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary Restriction on the Use of Land, is to be registered on the Title of the development site pursuant to Section 88E of the *Conveyancing Act 1919*, to the effect of (a) above. The Restriction is to be created to the benefit of Council, at no cost to and to the satisfaction of Council.
- (c) Any future strata subdivision shall provide for a Restriction on the use of Land to be registered of all lots with car & storage spaces, pursuant to Section 88B of the *Conveyancing Act 1919*, to the effect of (a) above. The covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.

A restriction burdening common property in a future strata plan only, shall not satisfy this condition.

(134) STREET ADDRESS – PRIOR TO STRATA CERTIFICATE

In accordance with Clause 61 of the *Surveying and Spatial Information Regulation 2024*, the street address for the lot must be shown on the Administration Sheet for the strata plan. An application must be made to Council's Spatial Services Unit prior to the lodgement of any strata certificate application, to obtain the correct street address for the lot. The street address allocated by Council must be provided to the registered surveyor for inclusion in a schedule on the Administration Sheet.

Reason

To ensure compliance with the provisions of the *Surveying & Spatial Information Regulation 2024*.

Water NSW Conditions

The following conditions have been imposed by Water NSW:

(135) CONSTRUCTION DEWATERING

Before undertaking construction dewatering, the following approvals must be obtained from Water NSW:

- water supply work approval
- water access licence (WAL) - unless the project qualifies for an exemption
- water use approval - unless there is a development application from a local government authority

As part of the application process, the applicant will need to provide:

- a copy of the Development Consent
- written consent from Council or Sydney Water to discharge water into their stormwater system
- a dewatering management plan which includes the volume of water to be extracted & the duration of the water take for dewatering & method of measuring the water take and recording
- an Acid Sulphate Soil Management Plan (if relevant)
- and architectural plans and/or elevations

All applications are assessed in accordance with the Water Management Act 2000, and associated Water Sharing Plans and are subject to rigorous impact assessments and if impacts are deemed to be greater than minimal the application may be refused as a result.

https://publications.water.nsw.gov.au/watergroupjspui/bitstream/100/792/1/Minimum_requirements_for_building_site_groundwater_investigations_and_reporting.pdf

Ausgrid Conditions

The following conditions have been imposed by Ausgrid:

(136) AUSGRID OVERHEAD POWERLINES ARE IN THE VICINITY OF THE DEVELOPMENT

The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.

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

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

(137) 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.

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-enquirie

(138) NEW OR MODIFIED CONNECTION

To apply to connect or modify a connection for 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>

SCHEDULE 2

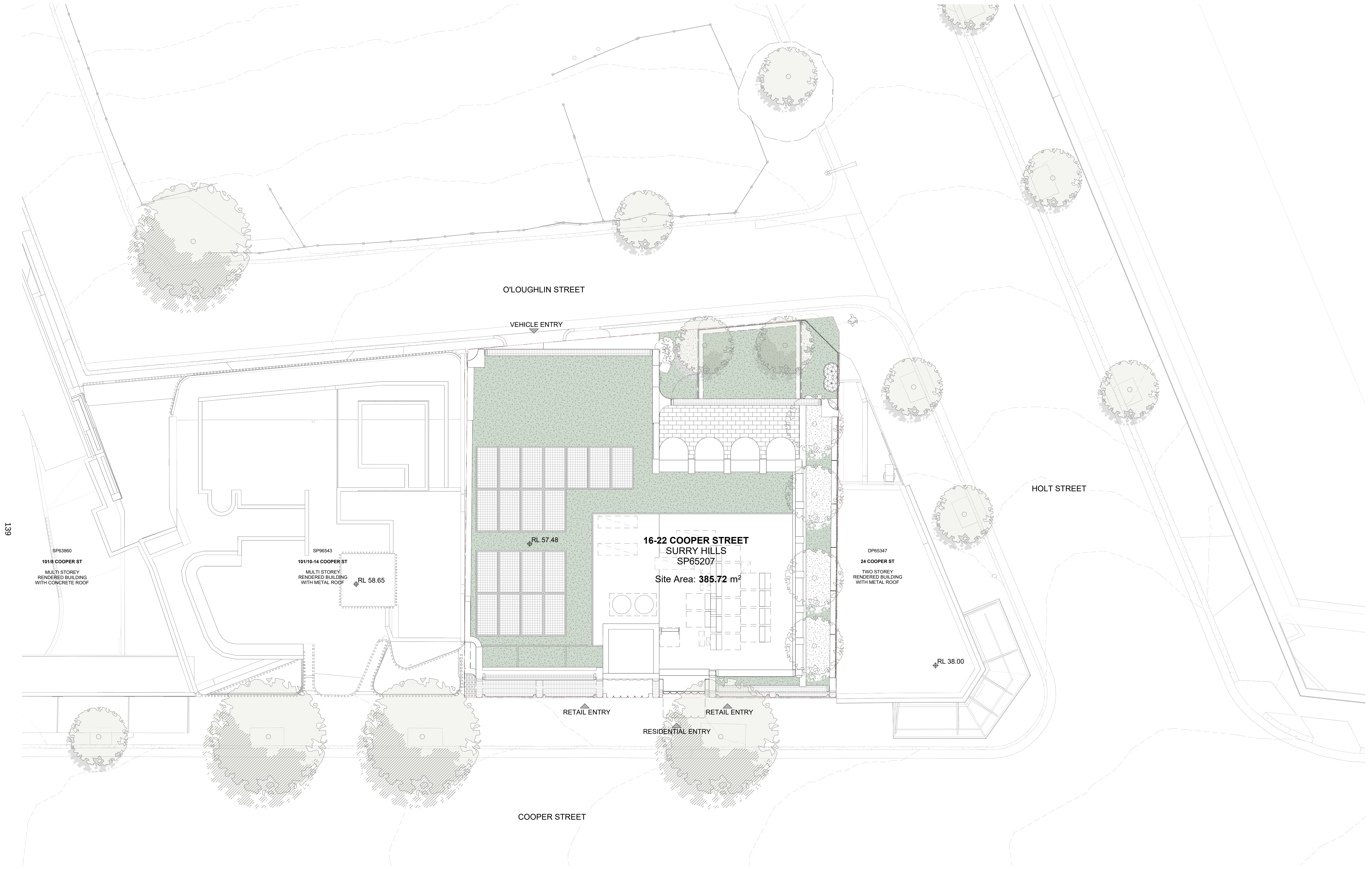
PRESCRIBED CONDITIONS

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>

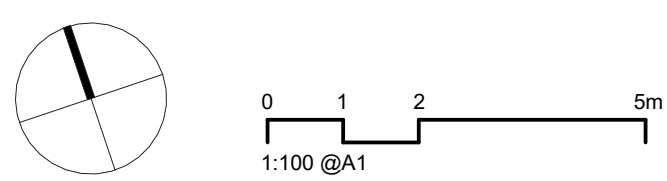
Attachment B

Selected Drawings



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Nominated Architects: Adam Haddow-7188 | John Pradel-7004



Rev	Date	Revision	By	Chk.
1	2025/11/05	FOR INFORMATION	MM	SH
2	2025/11/17	FOR APPROVAL	MM	SH
3	2025/03/31	FOR APPROVAL	HJ	SH

Client

JASARA MANAGEMENT Pty Ltd

Project

**COOPER ST
16-22 COOPER STREET SURRY HILLS**

Drawing Name

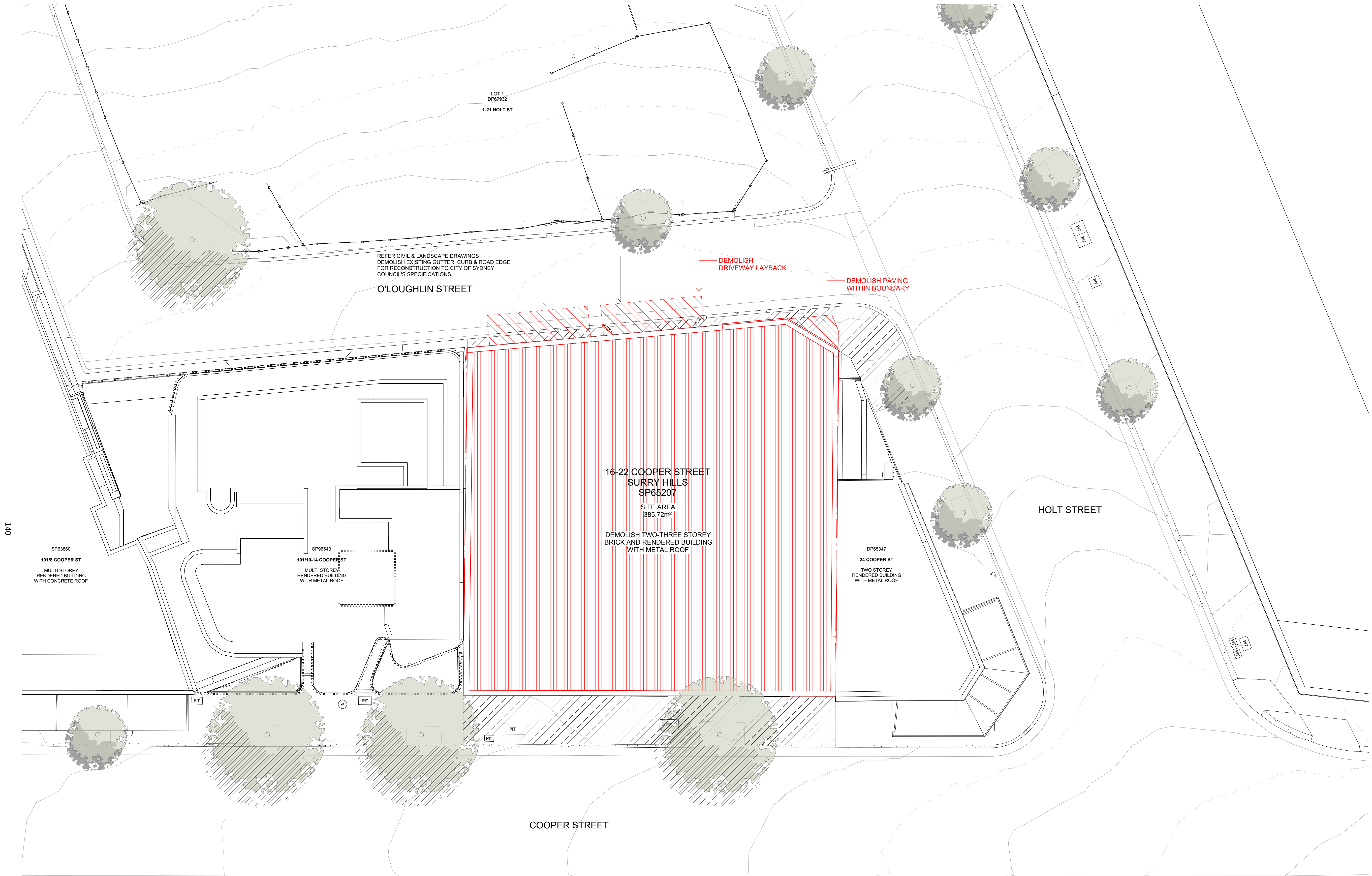
SITE ROOF PLAN

Date	Scale	Sheet Size
2026/03/31	1 : 100	@ A1
Drawn	Chk.	Job No.
MM	SH	7138
Drawing No.	Revision	
DA-0150	/ 3	

FOR APPROVAL

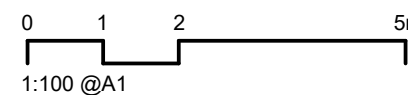
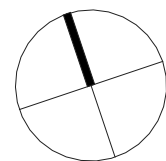
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2	2025/11/17	FOR APPROVAL	MM	SH
3	2025/03/31	FOR APPROVAL	HJ	SH

Client
JASARA MANAGEMENT Pty Ltd

Project
**COOPER ST
16-22 COOPER STREET SURRY HILLS**

Drawing Name
DEMOLITION ROOF PLAN

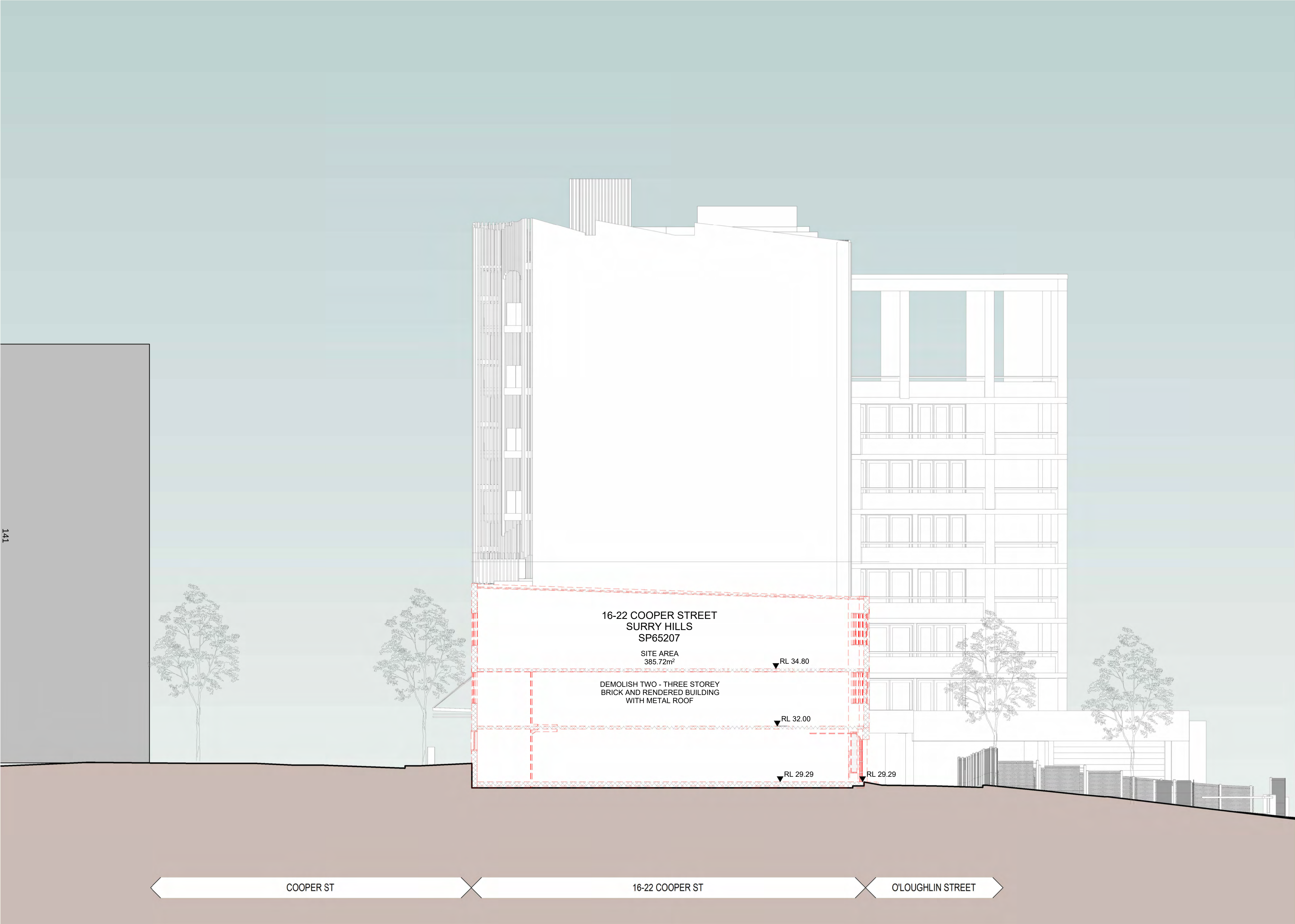
Date	Scale	Sheet Size
2026/03/31	As indicated	@ A1
Drawn	Chk.	Job No.
EA	SH	7138
Drawing No.	Revision	
DA-0301	/ 3	

LEGEND

- EXISTING
- ELEMENTS DEMOLISHED
- ELEMENTS TO BE REFURBISHED OR TEMPORARILY REMOVED AND REINSTALLED
- PUBLIC DOMAIN WORKS TO PAVEMENT TO CIVIL DETAILS

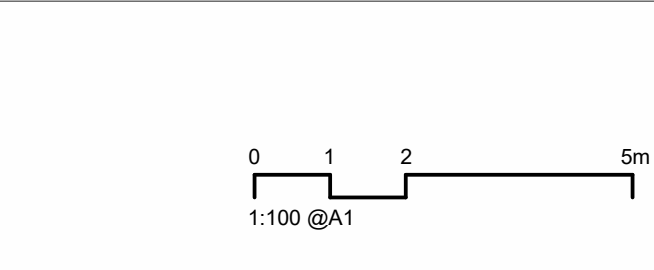
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2	2025/11/17	FOR APPROVAL	MM	SH
3	2025/03/31	FOR APPROVAL	HJ	SH

Client
JASARA MANAGEMENT Pty Ltd

Project
**COOPER ST
16-22 COOPER STREET SURRY HILLS**

Drawing Name
DEMOLITION SECTION

Date	Scale	Sheet Size
2026/03/31	1 : 100	@ A1
Drawn	Chk.	Job No.
MM	SH	7138
Drawing No.	Revision	
DA-0311	/ 3	

FOR APPROVAL

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Parking

Basement 02	5
Basement 01	5 (+ 1 SERVICE SPACE)

Total 11

Bike Parking

Basement 02	12
Basement 01	0
Ground	3 x Visitor

Total 12 Residential
3 Visitor

Deep Soil & Open Green Space

Site Area	385.72m²
Required	38m² (10%)

Provided 38m² (10%)

Communal Space

Site Area	385.72m²
Required	96.5m² (25%)

Internal Provided 25m²

External Provided 28m²

Total Provided 53m² (14% of Site Area)

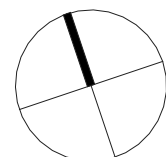
Legend

A	Adaptable Unit
	Retail
	Internal Communal Open Space
	2 Bed
	3 Bed
	4 Bed
	Car Park
	Landscaping
	Deep Soil
- - -	Site Boundary
	Neighbouring Buildings
	New Built Fabric

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Nominated Architects: Adam Haddow-7188 | John Pradel-7004

0 500 1000 2500mm
1:50 @A1

Rev	Date	Revision	By	Chk.
7	2025/10/16	FOR INFORMATION	MM	SH
8	2025/10/22	FOR INFORMATION	MM	SH
9	2025/10/28	FOR INFORMATION	MM	SH
10	2025/11/06	FOR INFORMATION	MM	SH
11	2025/11/10	FOR INFORMATION	MM	SH
12	2025/11/17	FOR APPROVAL	MM	SH
13	2026/03/16	FOR INFORMATION	HJ	SH
14	2026/03/20	FOR INFORMATION	HJ	SH
15	2026/03/27	FOR INFORMATION	HJ	SH
16	2026/03/31	FOR APPROVAL	HJ	SH

Client

JASARA MANAGEMENT Pty Ltd

Project

COOPER ST
16-22 COOPER STREET SURRY HILLS

Drawing Name

FLOOR PLAN - BASEMENT 02

Date

2026/03/31 1 : 50

Drawn

MM

Chk.

SH

Drawing No.

DA-1001

Sheet Size

@ A1

Job No.

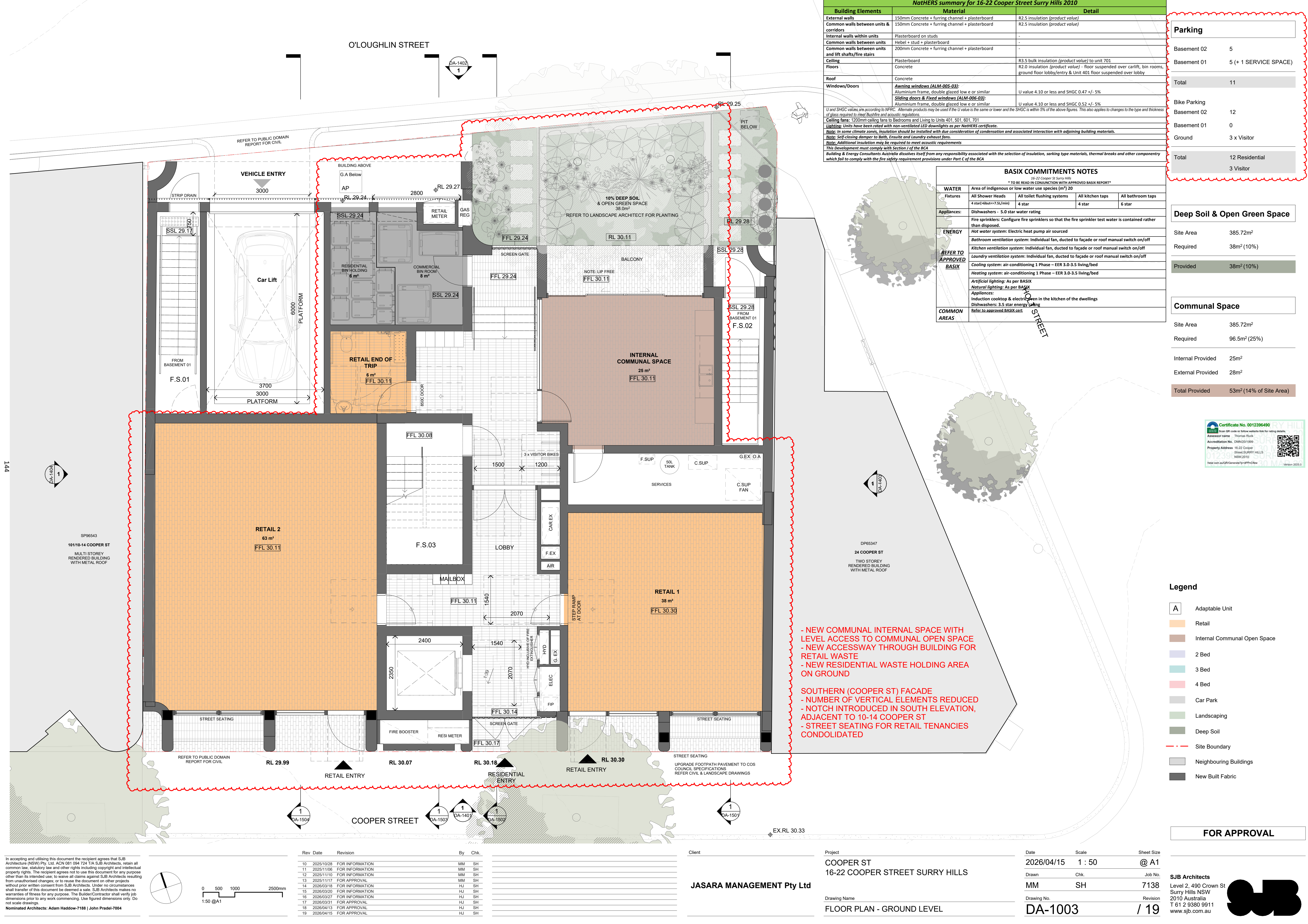
7138

Revision

/ 16

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NatHERS summary for 16-22 Cooper Street Surry Hills 2010		
Building Elements	Material	Detail
External walls	150mm Concrete + furring channel + plasterboard	R2.5 insulation (product value)
Common walls between units & corridors	150mm Concrete + furring channel + plasterboard	R2.5 insulation (product value)
Internal walls within units	Plasterboard on studs	-
Common walls between units	Hebel + stud + plasterboard	-
Common walls between units and lift shafts/fire stairs	200mm Concrete + furring channel + plasterboard	-
Ceiling	Plasterboard	R3.5 bulk insulation (product value) to unit 701
Floors	Concrete	R2.0 insulation (product value) - floor suspended over carlift, bin rooms, ground floor lobby/entry & Unit 401 floor suspended over lobby
Roof	Concrete	
Windows/Doors	Awning windows (ALM-005-03): Aluminium frame, double glazed low e or similar Sliding doors & Fixed windows (ALM-006-03): Aluminium frame, double glazed low e or similar	
		U value 4.10 or less and SHGC 0.47 +/- 5%
		U value 4.10 or less and SHGC 0.52 +/- 5%
U and SHGC values are according to NFRC. Alternate products may be used if the U value is the same or lower and the SHGC is within 5% of the above figures. This also applies to changes to the type and thickness of glass required to meet Bushfire and acoustic regulations.		
Ceiling fans: 1200mm ceiling fans to Bedrooms and Living to Units 401, 501, 601, 701		
Lighting: Units have been rated with non-ventilated LED downlights as per NatHERS certificate.		
Note: In some climate zones, insulation should be installed with due consideration of condensation and associated interaction with adjoining building materials.		
Note: Self-closing damper to Bath, Ensuite and Laundry exhaust fans.		
Note: Additional insulation may be required to meet acoustic requirements		
This Development must comply with Section J of the BCA		
Building & Energy Consultants Australia dissolves itself from any responsibility associated with the selection of insulation, sarking type materials, thermal breaks and other componentry which fall to comply with the fire safety requirement provisions under Part C of the BCA		

BASIX COMMITMENTS NOTES				
* TO BE READ IN CONJUNCTION WITH APPROVED BASIX REPORT *				
16-22 Cooper St Surry Hills				
WATER	Area of indigenous or low water use species (m²) 20			
Fixtures	All Shower Heads	All toilet flushing systems	All kitchen taps	All bathroom taps
	4 star (4bat<=7.5L/min)	4 star	4 star	6 star
Appliances:	Dishwashers - 5.0 star water rating			
	Fire sprinklers: Configure fire sprinklers so that the fire sprinkler test water is contained rather than disposed.			
ENERGY	Hot water system: Electric heat pump air sourced			
	Bathroom ventilation system: Individual fan, ducted to façade or roof manual switch on/off			
	Kitchen ventilation system: Individual fan, ducted to façade or roof manual switch on/off			
	Laundry ventilation system: Individual fan, ducted to façade or roof manual switch on/off			
	Cooling system: air-conditioning 1 Phase - EER 3.0-3.5 living/bed			
	Heating system: air-conditioning 1 Phase - EER 3.0-3.5 living/bed			
	Artificial lighting: As per BASIX			
	Natural lighting: As per BASIX			
	Appliances: Induction cooktop & electric oven in the kitchen of the dwellings			
	Dishwashers: 3.5 star energy rating			
	Refer to approved BASIX cert			
COMMON AREAS				

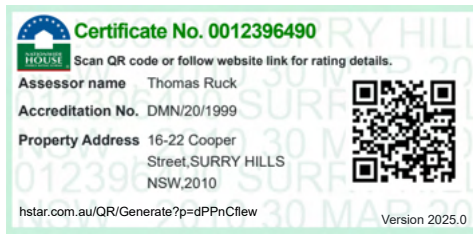
Parking	
Basement 02	5
Basement 01	5 (+ 1 SERVICE SPACE)
Total	11
Bike Parking	
Basement 02	12
Basement 01	0
Ground	3 x Visitor
Total	12 Residential 3 Visitor

Deep Soil & Open Green Space

Site Area	385.72m²
Required	38m² (10%)
Provided	38m² (10%)

Communal Space

Site Area	385.72m²
Required	96.5m² (25%)
Internal Provided	25m²
External Provided	28m²
Total Provided	53m² (14% of Site Area)



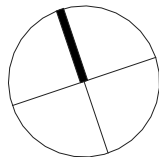
Legend

- A Adaptable Unit
- Retail
- Internal Communal Open Space
- 2 Bed
- 3 Bed
- 4 Bed
- Car Park
- Landscaping
- Deep Soil
- Site Boundary
- Neighbouring Buildings
- New Built Fabric

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Nominated Architects: Adam Haddow-7188 | John Pradel-7004



0 500 1000 2500mm
1:50 @A1

Rev	Date	Revision	By	Chk.
10	2025/10/28	FOR INFORMATION	MM	SH
11	2025/11/08	FOR INFORMATION	MM	SH
12	2025/11/10	FOR INFORMATION	MM	SH
13	2025/11/17	FOR APPROVAL	MM	SH
14	2026/03/18	FOR INFORMATION	HJ	SH
15	2026/03/20	FOR INFORMATION	HJ	SH
16	2026/03/27	FOR INFORMATION	HJ	SH
17	2026/03/31	FOR APPROVAL	HJ	SH
18	2026/04/13	FOR APPROVAL	HJ	SH
19	2026/04/15	FOR APPROVAL	HJ	SH

Client
JASARA MANAGEMENT Pty Ltd

Project
**COOPER ST
16-22 COOPER STREET SURRY HILLS**

Drawing Name
FLOOR PLAN - GROUND LEVEL

Date
2026/04/15

Scale
1 : 50

Sheet Size
@ A1

Drawn
MM

Chk.
SH

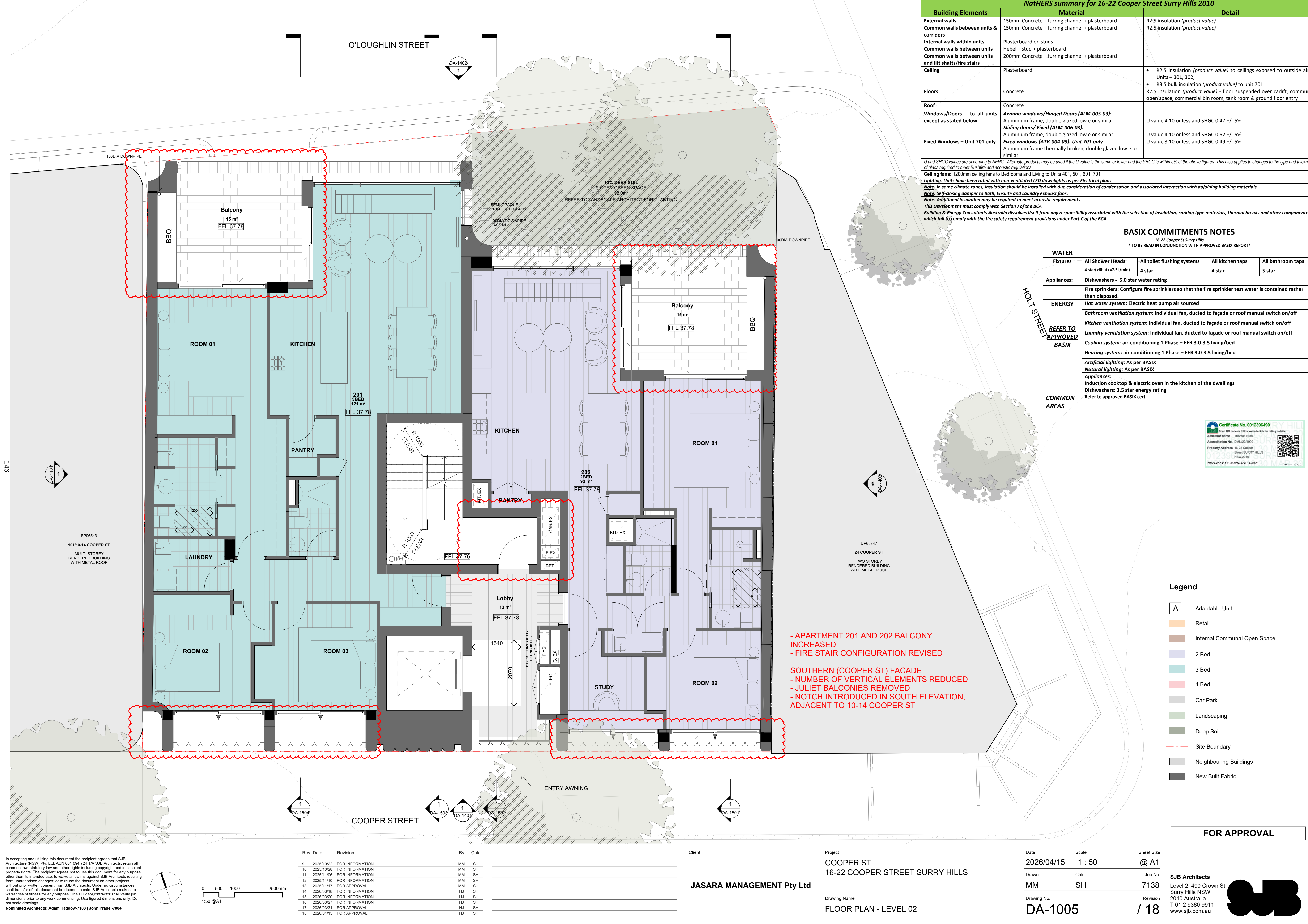
Revision
7138

Drawing No.
DA-1003

Revision
/ 19

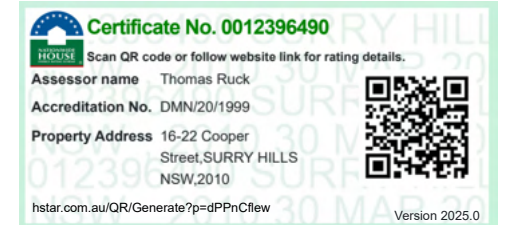
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NatHERS summary for 16-22 Cooper Street Surry Hills 2010		
Building Elements	Material	Detail
External walls	150mm Concrete + furring channel + plasterboard	R2.5 insulation (product value)
Common walls between units & corridors	150mm Concrete + furring channel + plasterboard	R2.5 insulation (product value)
Internal walls within units	Plasterboard on studs	-
Common walls between units	Hebel + stud + plasterboard	-
Common walls between units and lift shafts/fire stairs	200mm Concrete + furring channel + plasterboard	-
Ceiling	Plasterboard	- R2.5 insulation (product value) to ceilings exposed to outside air – Units – 301, 302, - R3.5 bulk insulation (product value) to unit 701
Floors	Concrete	R2.5 insulation (product value) - floor suspended over carlift, communal open space, commercial bin room, tank room & ground floor entry
Roof	Concrete	
Windows/Doors – to all units except as stated below	Awning windows/Hinged Doors (ALM-005-03): Aluminium frame, double glazed low e or similar Sliding doors/ Fixed (ALM-006-03): Aluminium frame, double glazed low e or similar	U value 4.10 or less and SHGC 0.47 +/- 5%
Fixed Windows – Unit 701 only	Fixed windows (ATB-004-03): Unit 701 only Aluminium frame thermally broken, double glazed low e or similar	U value 4.10 or less and SHGC 0.52 +/- 5% U value 3.10 or less and SHGC 0.49 +/- 5%
U and SHGC values are according to NHERC. Alternate products may be used if the U value is the same or lower and the SHGC is within 5% of the above figures. This also applies to changes to the type and thickness of glass required to meet Bushfire and acoustic regulations.		
Ceiling fans: 1200mm ceiling fans to Bedrooms and Living to Units 401, 501, 601, 701		
Lighting: Units have been rated with non-ventilated LED downlights as per Electrical plans.		
Note: In some climate zones, insulation should be installed with due consideration of condensation and associated interaction with adjoining building materials.		
Note: Self-closing damper to Bath, Ensuite and Laundry exhaust fans.		
Note: Additional insulation may be required to meet acoustic requirements		
This Development must comply with Section J of the BCA		
Building & Energy Consultants Australia dissolves itself from any responsibility associated with the selection of insulation, sarking type materials, thermal breaks and other componentry which fail to comply with the fire safety requirement provisions under Part C of the BCA		

BASIX COMMITMENTS NOTES				
16-22 Cooper St Surry Hills				
* TO BE READ IN CONJUNCTION WITH APPROVED BASIX REPORT*				
WATER				
Fixtures	All Shower Heads	All toilet flushing systems	All kitchen taps	All bathroom taps
	4 star(>6but<=7.5L/min)	4 star	4 star	5 star
Appliances:				
Dishwashers - 5.0 star water rating				
Fire sprinklers: Configure fire sprinklers so that the fire sprinkler test water is contained rather than disposed.				
ENERGY				
Hot water system: Electric heat pump air sourced				
Bathroom ventilation system: Individual fan, ducted to façade or roof manual switch on/off				
Kitchen ventilation system: Individual fan, ducted to façade or roof manual switch on/off				
Laundry ventilation system: Individual fan, ducted to façade or roof manual switch on/off				
Cooling system: air-conditioning 1 Phase – EER 3.0-3.5 living/bed				
Heating system: air-conditioning 1 Phase – EER 3.0-3.5 living/bed				
Artificial lighting: As per BASIX				
Natural lighting: As per BASIX				
Appliances:				
Induction cooktop & electric oven in the kitchen of the dwellings				
Dishwashers: 3.5 star energy rating				
COMMON AREAS				
Refer to approved BASIX cert				



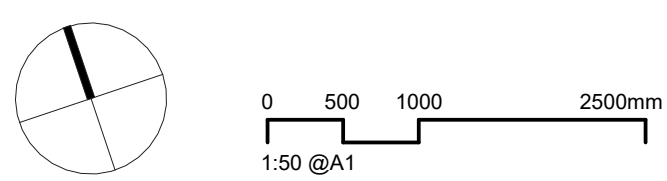
Legend

- A Adaptable Unit
- Retail
- Internal Communal Open Space
- 2 Bed
- 3 Bed
- 4 Bed
- Car Park
- Landscaping
- Deep Soil
- Site Boundary
- Neighbouring Buildings
- New Built Fabric

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Nominated Architects: Adam Haddow-7188 | John Pradel-7004



Rev	Date	Revision	By	Chk.
9	2025/10/22	FOR INFORMATION	MM	SH
10	2025/10/28	FOR INFORMATION	MM	SH
11	2025/11/08	FOR INFORMATION	MM	SH
12	2025/11/10	FOR INFORMATION	MM	SH
13	2025/11/17	FOR APPROVAL	MM	SH
14	2026/03/18	FOR INFORMATION	HJ	SH
15	2026/03/20	FOR INFORMATION	HJ	SH
16	2026/03/27	FOR INFORMATION	HJ	SH
17	2026/03/31	FOR APPROVAL	HJ	SH
18	2026/04/15	FOR APPROVAL	HJ	SH

Client	Project
JASARA MANAGEMENT Pty Ltd	COOPER ST 16-22 COOPER STREET SURRY HILLS
Drawing Name	FLOOR PLAN - LEVEL 02

Date	Scale	Sheet Size
2026/04/15	1 : 50	@ A1
Drawn	Chk.	Job No.
MM	SH	7138
Drawing No.	Revision	
DA-1005	/ 18	

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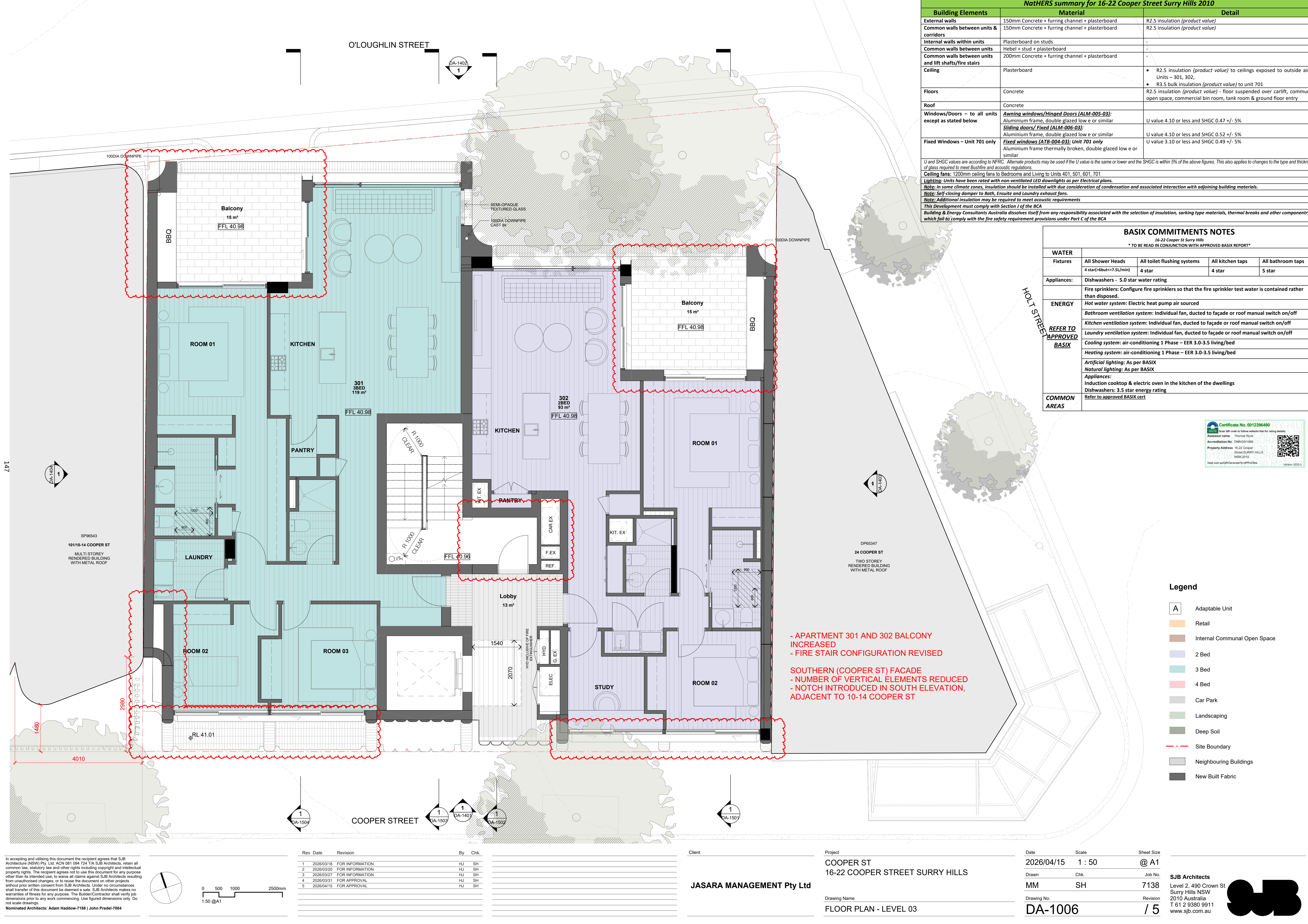
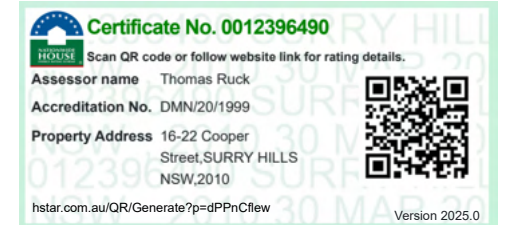
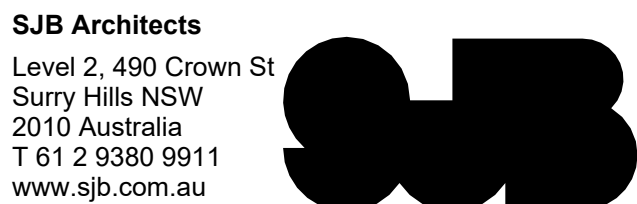


Table with 3 columns: Building Elements, Material, and Detail. It lists specifications for walls, ceilings, floors, roofs, windows, and doors, including insulation values and material types.

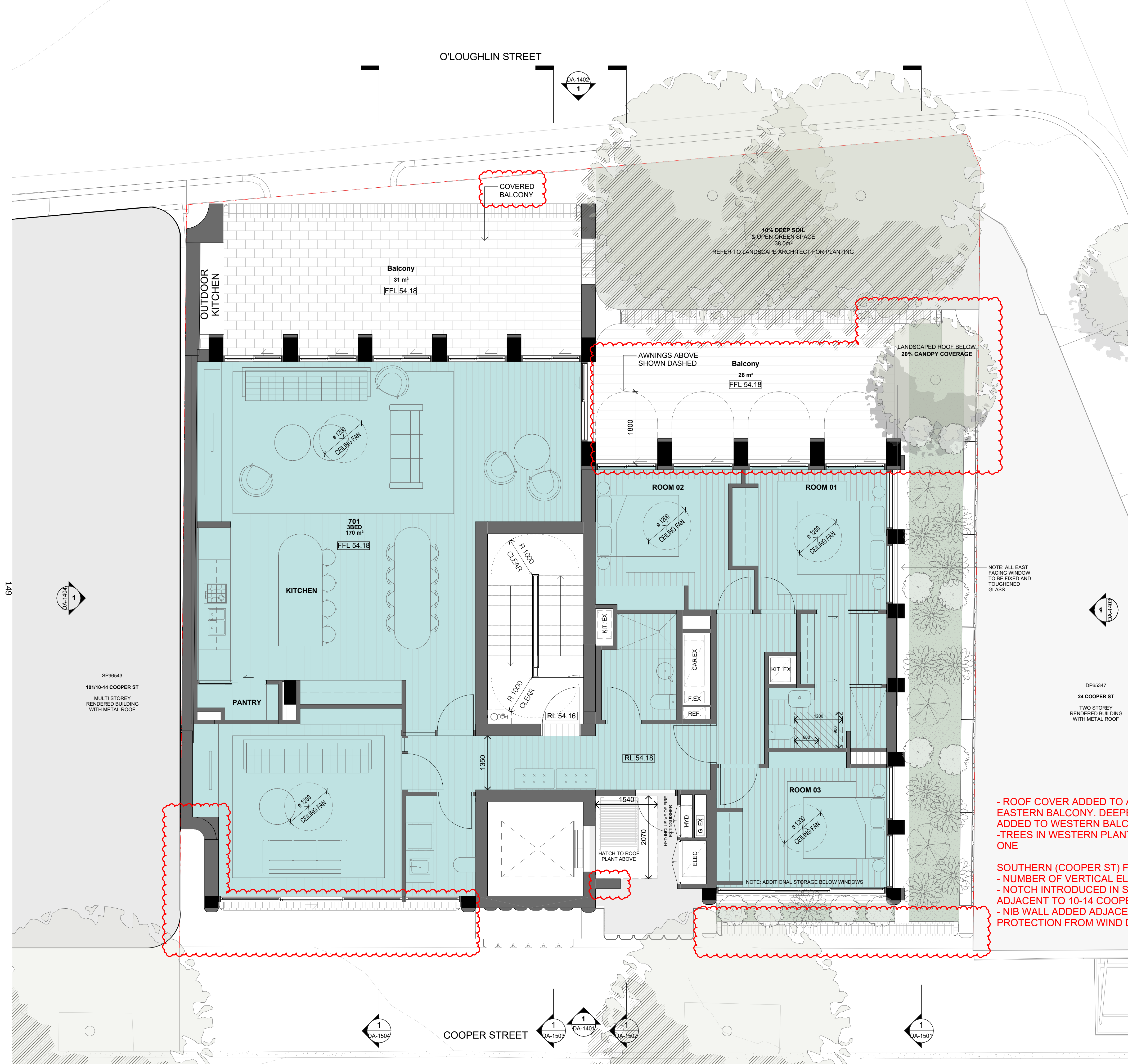
Table titled 'BASIX COMMITMENTS NOTES' for 16-22 Cooper St Surry Hills. It details commitments for water, appliances, energy, and common areas, including fixture specifications and system requirements.



- Legend: A list of symbols and colors used in the floor plan, including Adaptable Unit, Retail, Internal Communal Open Space, 2 Bed, 3 Bed, 4 Bed, Car Park, Landscaping, Deep Soil, Site Boundary, Neighbouring Buildings, and New Built Fabric.

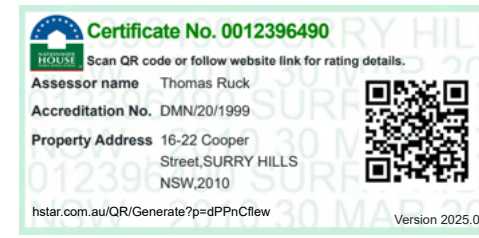


- ### Legend
- | | |
|---|------------------------------|
|  | Adaptable Unit |
|  | Retail |
|  | Internal Communal Open Space |
|  | 2 Bed |
|  | 3 Bed |
|  | 4 Bed |
|  | Car Park |
|  | Landscaping |
|  | Deep Soil |
|  | Site Boundary |
|  | Neighbouring Buildings |
|  | New Built Fabric |



NatHERS summary for 16-22 Cooper Street Surry Hills 2010		
Building Elements	Material	Detail
External walls	150mm Concrete + furring channel + plasterboard	R2.5 insulation (product value)
Common walls between units & corridors	150mm Concrete + furring channel + plasterboard	R2.5 insulation (product value)
Internal walls within units	Plasterboard on studs	-
Common walls between units	Hebel + stud + plasterboard	-
Common walls between units and lift shafts/fire stairs	200mm Concrete + furring channel + plasterboard	-
Ceiling	Plasterboard	- R2.5 insulation (product value) to ceilings exposed to outside air – Units – 301, 302, - R3.5 bulk insulation (product value) to unit 701
Floors	Concrete	R2.5 insulation (product value) - floor suspended over carlift, communal open space, commercial bin room, tank room & ground floor entry
Roof	Concrete	
Windows/Doors – to all units except as stated below	Awning windows/Hinged Doors (ALM-005-03): Aluminium frame, double glazed low e or similar Sliding doors/ Fixed (ALM-006-03): Aluminium frame, double glazed low e or similar	U value 4.10 or less and SHGC 0.47 +/- 5%
Fixed Windows – Unit 701 only	Fixed windows (ATB-004-03): Unit 701 only Aluminium frame thermally broken, double glazed low e or similar	U value 4.10 or less and SHGC 0.52 +/- 5% U value 3.10 or less and SHGC 0.49 +/- 5%
U and SHGC values are according to NHERC. Alternate products may be used if the U value is the same or lower and the SHGC is within 5% of the above figures. This also applies to changes to the type and thickness of glass required to meet Bushfire and acoustic regulations.		
Ceiling fans: 1200mm ceiling fans to Bedrooms and Living to Units 401, 501, 601, 701		
Lighting: Units have been rated with non-ventilated LED downlights as per Electrical plans.		
Note: In some climate zones, insulation should be installed with due consideration of condensation and associated interaction with adjoining building materials.		
Note: Self-closing damper to Bath, Ensuite and Laundry exhaust fans.		
Note: Additional insulation may be required to meet acoustic requirements		
This Development must comply with Section J of the BCA		
Building & Energy Consultants Australia dissolves itself from any responsibility associated with the selection of insulation, sarking type materials, thermal breaks and other componentry which fail to comply with the fire safety requirement provisions under Part C of the BCA		

BASIX COMMITMENTS NOTES				
16-22 Cooper St Surry Hills				
* TO BE READ IN CONJUNCTION WITH APPROVED BASIX REPORT*				
WATER	Fixtures	All Shower Heads	All toilet flushing systems	All kitchen taps
		4 star(>6but<=7.5L/min)	4 star	4 star
Appliances:	Dishwashers - 5.0 star water rating			
	Fire sprinklers: Configure fire sprinklers so that the fire sprinkler test water is contained rather than disposed.			
ENERGY	Hot water system: Electric heat pump air sourced			
	Bathroom ventilation system: Individual fan, ducted to façade or roof manual switch on/off			
REFER TO APPROVED BASIX	Kitchen ventilation system: Individual fan, ducted to façade or roof manual switch on/off			
	Laundry ventilation system: Individual fan, ducted to façade or roof manual switch on/off			
COMMON AREAS	Cooling system: air-conditioning 1 Phase – EER 3.0-3.5 living/bed			
	Heating system: air-conditioning 1 Phase – EER 3.0-3.5 living/bed			
COMMON AREAS	Artificial lighting: As per BASIX			
	Natural lighting: As per BASIX			
COMMON AREAS	Appliances: Induction cooktop & electric oven in the kitchen of the dwellings			
	Dishwashers: 3.5 star energy rating			
COMMON AREAS	Refer to approved BASIX cert			



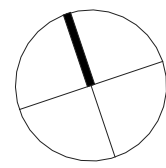
Legend

- A Adaptable Unit
- Retail
- Internal Communal Open Space
- 2 Bed
- 3 Bed
- 4 Bed
- Car Park
- Landscaping
- Deep Soil
- Site Boundary
- Neighbouring Buildings
- New Built Fabric

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Nominated Architects: Adam Haddow-7188 | John Pradel-7004



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Rev	Date	Revision	By	Chk.
9	2025/10/22	FOR INFORMATION	MM	SH
10	2025/10/28	FOR INFORMATION	MM	SH
11	2025/11/08	FOR INFORMATION	MM	SH
12	2025/11/10	FOR INFORMATION	MM	SH
13	2025/11/17	FOR APPROVAL	MM	SH
14	2026/03/18	FOR INFORMATION	HJ	SH
15	2026/03/20	FOR INFORMATION	HJ	SH
16	2026/03/27	FOR INFORMATION	HJ	SH
17	2026/03/31	FOR APPROVAL	HJ	SH
18	2026/04/15	FOR APPROVAL	HJ	SH

Client
JASARA MANAGEMENT Pty Ltd

Project
**COOPER ST
16-22 COOPER STREET SURRY HILLS**

Drawing Name
FLOOR PLAN - LEVEL 07

Date
2026/04/15

Scale
1 : 50

Sheet Size
@ A1

Drawn
MM

Chk.
SH

Job No.
7138

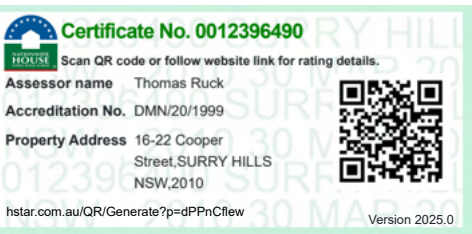
Drawing No.
DA-1010

Revision
/ 18

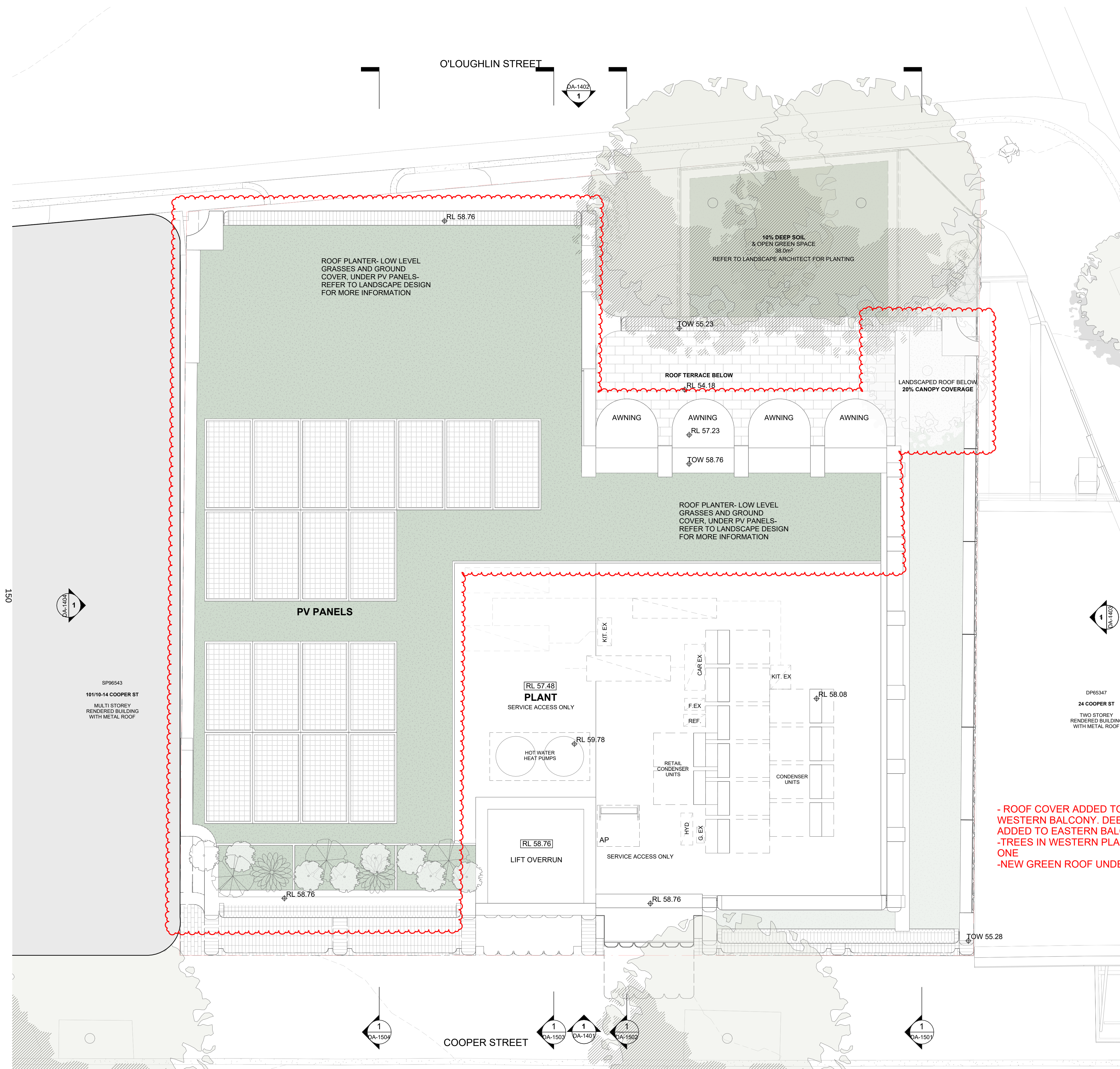
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NathERS summary for 16-22 Cooper Street Surry Hills 2010			
Building Elements	Material		Detail
External walls	150mm Concrete + furring channel + plasterboard		R2.5 insulation (<i>product value</i>)
Common walls between units & corridors	150mm Concrete + furring channel + plasterboard		R2.5 insulation (<i>product value</i>)
Internal walls within units	Plasterboard on studs	-	
Common walls between units	Hebel + stud + plasterboard	-	
Common walls between units and lift shafts/fire stairs	200mm Concrete + furring channel + plasterboard	-	
Ceiling	Plasterboard		- R2.5 insulation (<i>product value</i>) to ceilings exposed to outside air – Units – 301, 302, - R3.5 bulk insulation (<i>product value</i>) to unit 701
Floors	Concrete		R2.5 insulation (<i>product value</i>) - floor suspended over carlift, communal open space, commercial bin room, tank room & ground floor entry
Roof	Concrete		
Windows/Doors – to all units except as stated below	<u>Awning windows/Hinged Doors (ALM-005-03):</u> Aluminium frame, double glazed low e or similar <u>Sliding doors/ Fixed (ALM-006-03):</u> Aluminium frame, double glazed low e or similar	U value 4.10 or less and SHGC 0.47 + /- 5% U value 4.10 or less and SHGC 0.52 + /- 5%	
Fixed Windows – Unit 701 only	<u>Fixed windows (ATB-004-03): Unit 701 only</u> Aluminium frame thermally broken, double glazed low e or similar	U value 3.10 or less and SHGC 0.49 + /- 5%	
<i>U and SHGC values are according to NFRCC. Alternate products may be used if the U value is the same or lower and the SHGC is within 5% of the above figures. This also applies to changes to the type and thickness of glass required to meet Bushfire and acoustic regulations.</i>			
Ceiling fans: 1200mm ceiling fans to Bedrooms and Living to Units 401, 501, 601, 701			
Lighting: Units have been rated with non-ventilated LED downlights as per Electrical plans.			
<i>Note: in some climate zones, insulation should be installed with due consideration of condensation and associated interaction with adjoining building materials.</i>			
Note: Self-closing damper to Bath, Ensuite and Laundry exhaust fans.			
Note: Additional insulation may be required to meet acoustic requirements			
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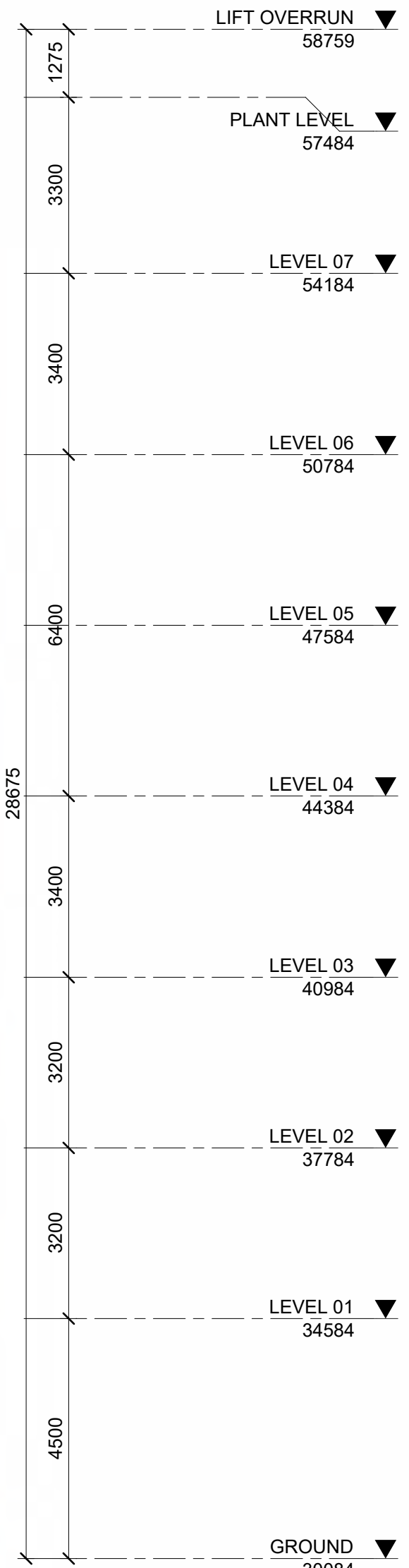
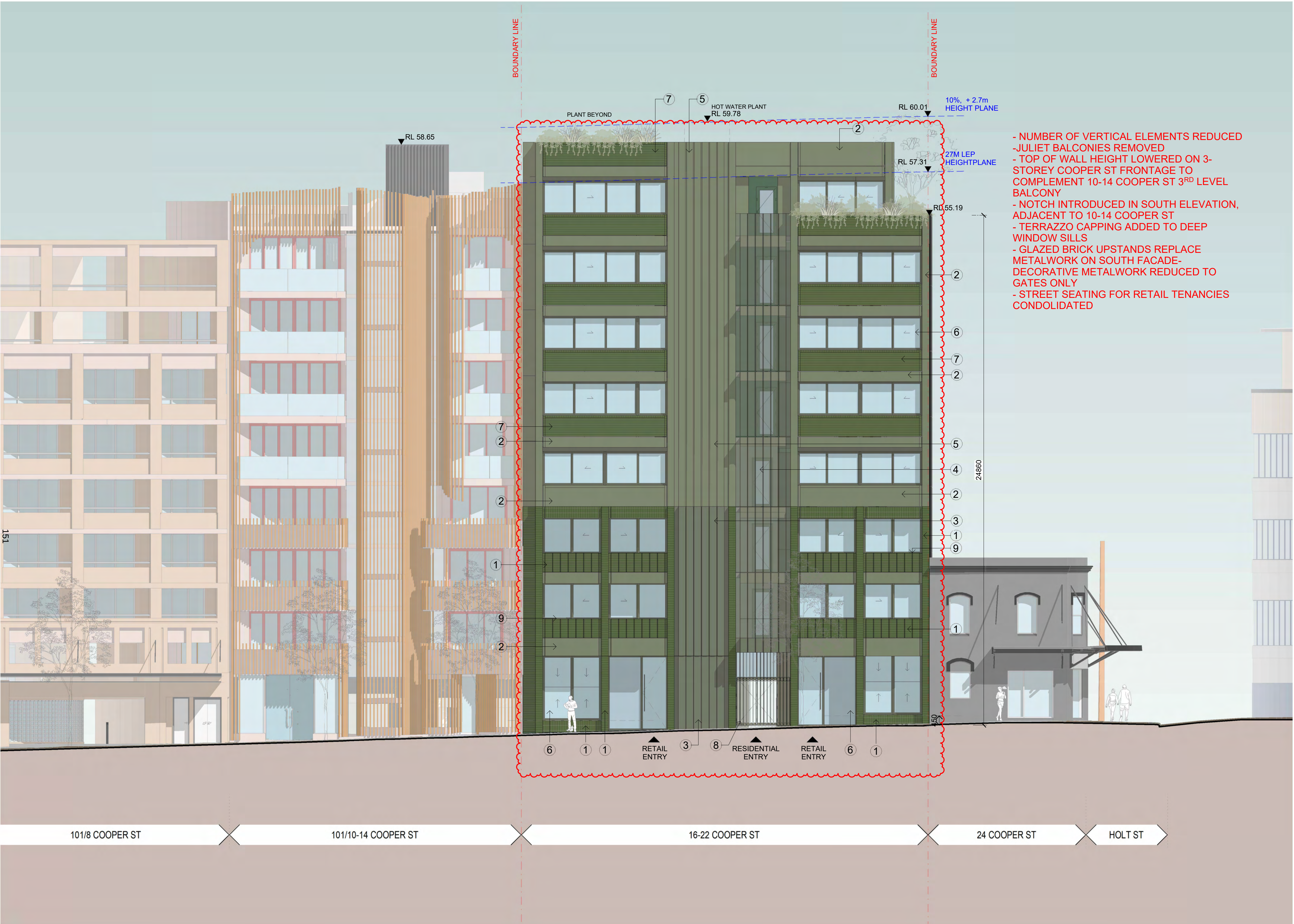


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6	2025/10/22	FOR INFORMATION	MM	SH
7	2025/10/28	FOR INFORMATION	MM	SH
8	2025/11/05	FOR INFORMATION	MM	SH
9	2025/11/10	FOR INFORMATION	MM	SH
10	2025/11/17	FOR APPROVAL	MM	SH
11	2026/03/04	FOR APPROVAL	HJ	SH
12	2026/03/18	FOR INFORMATION	HJ	SH
13	2026/03/20	FOR INFORMATION	HJ	SH
14	2026/03/27	FOR INFORMATION	HJ	SH
15	2028/03/31	FOR APPROVAL	HJ	SH

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MM	SH	7138
Drawing No.	Revision	
DA-1011	/ 15	

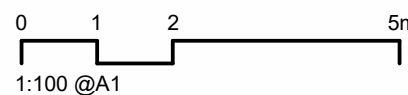


Legend

- 1 Glazed Green Brick
- 2 Keim Mineral Paint to Concrete
- 3 Metalwork and Metal Cladding
- 4 Profiled Perforated Metal Screen
- 5 Profiled Coloured Concrete
- 6 Clear Glass
- 7 Profiled Glazed Green Brick
- 8 Decorative Metalwork Gates
- 9 Terrazzo Capping to Window Sill

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5	2025/11/06	FOR INFORMATION	MM	SH
6	2025/11/10	FOR INFORMATION	MM	SH
7	2025/11/17	FOR APPROVAL	MM	SH
8	2026/03/15	FOR INFORMATION	HJ	SH
9	2026/03/20	FOR INFORMATION	HJ	SH
10	2026/03/27	FOR INFORMATION	HJ	SH
11	2026/03/31	FOR APPROVAL	HJ	SH

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Project

COOPER ST
16-22 COOPER STREET SURRY HILLS

Drawing Name

ELEVATION SOUTH

Date

2026/03/31

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SH

Job No.

7138

Drawing No.

DA-1401

Revision

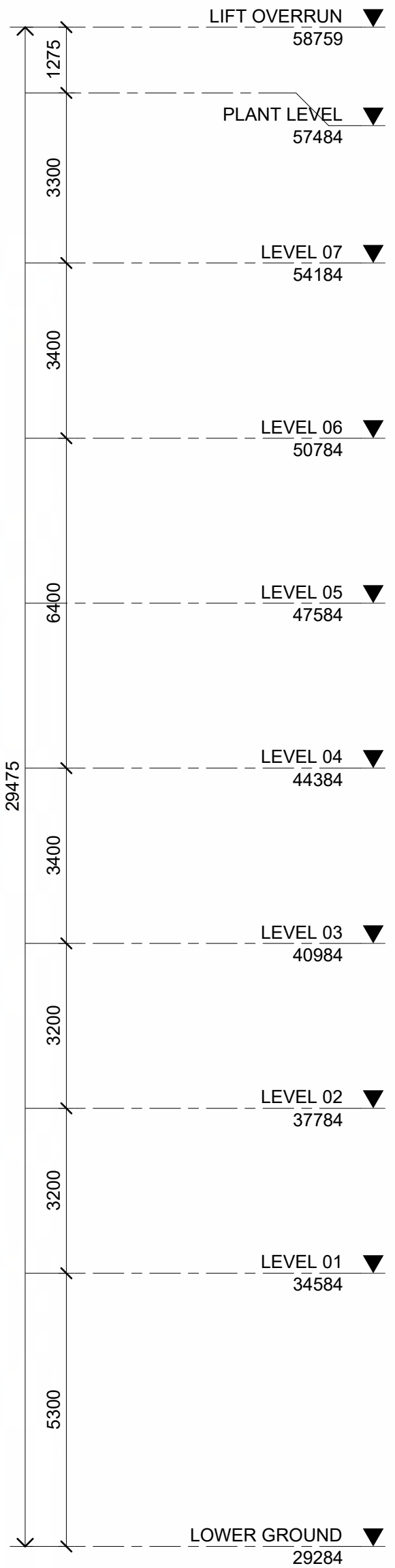
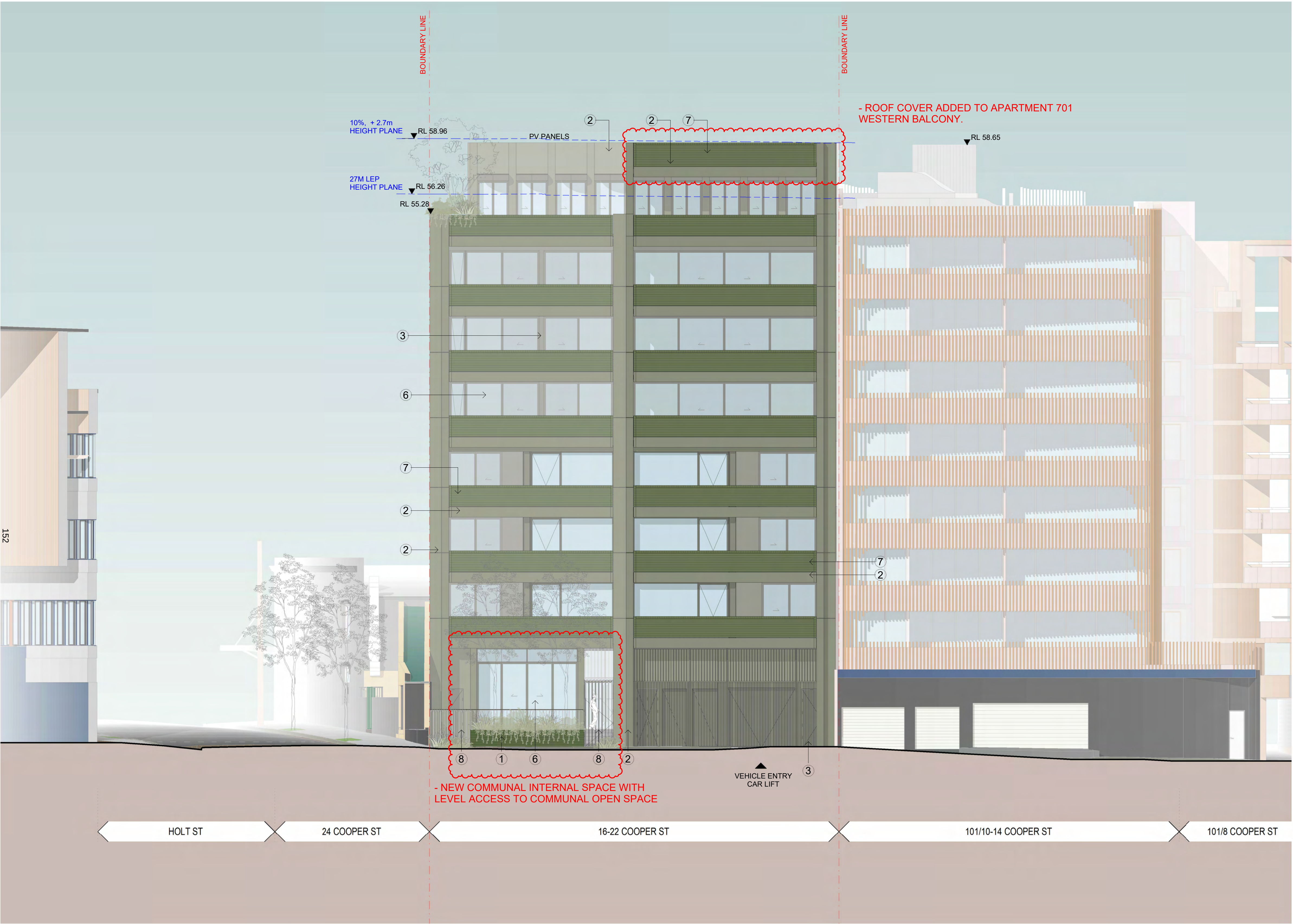
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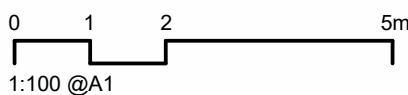


Legend

- 1 Glazed Green Brick
- 2 Keim Mineral Paint to Concrete
- 3 Metalwork and Metal Cladding
- 4 Profilled Perforated Metal Screen
- 5 Profilled Coloured Concrete
- 6 Clear Glass
- 7 Profilled Glazed Green Brick
- 8 Decorative Metalwork Gates
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6	2025/11/10	FOR INFORMATION	MM	SH
7	2025/11/17	FOR APPROVAL	MM	SH
8	2026/03/15	FOR INFORMATION	HJ	SH
9	2026/03/20	FOR INFORMATION	HJ	SH
10	2026/03/27	FOR INFORMATION	HJ	SH
11	2026/03/31	FOR APPROVAL	HJ	SH

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COOPER ST
16-22 COOPER STREET SURRY HILLS

Drawing Name

ELEVATION NORTH

Date

2026/03/31

Scale

As indicated

Sheet Size

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Drawn

EA

Chk.

SH

Job No.

7138

Drawing No.

DA-1402

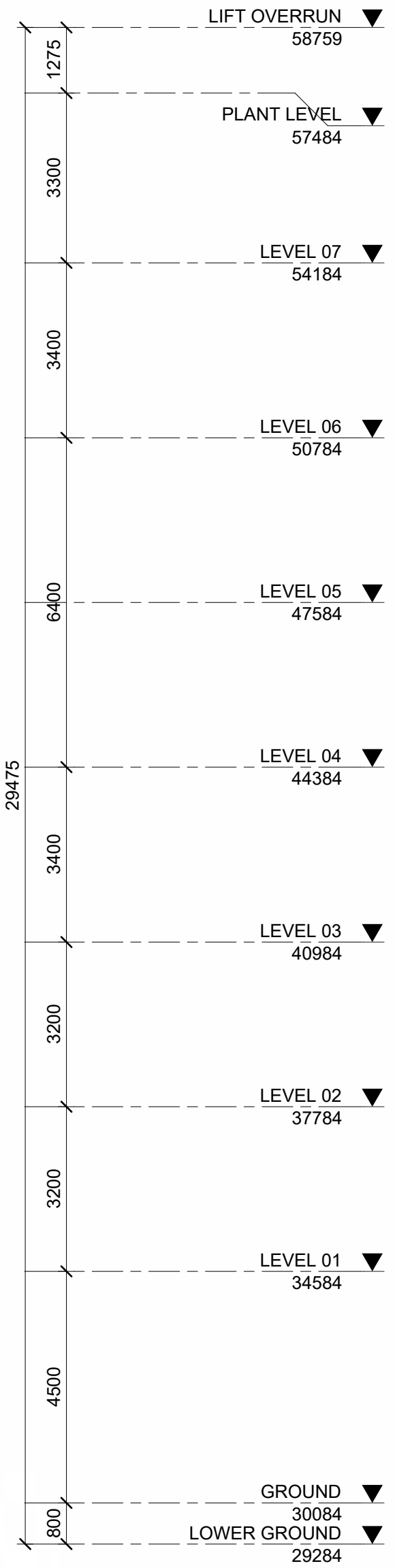
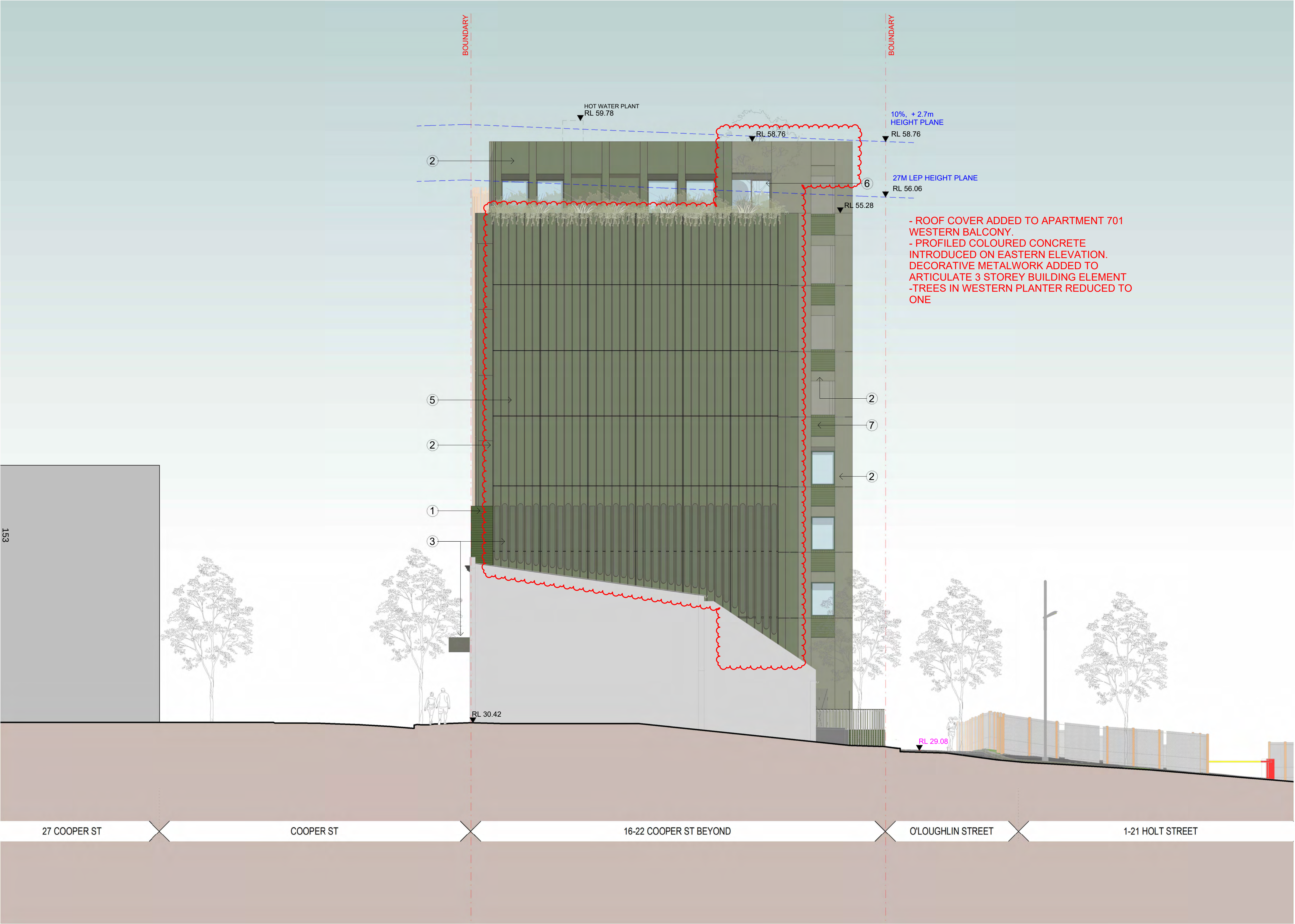
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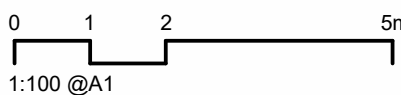


Legend

- 1 Glazed Green Brick
- 2 Keim Mineral Paint to Concrete
- 3 Metalwork and Metal Cladding
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7	2025/11/17	FOR APPROVAL	MM	SH
8	2026/03/15	FOR INFORMATION	HJ	SH
9	2026/03/20	FOR INFORMATION	HJ	SH
10	2026/03/27	FOR INFORMATION	HJ	SH
11	2026/03/31	FOR APPROVAL	HJ	SH

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COOPER ST
16-22 COOPER STREET SURRY HILLS

Drawing Name

ELEVATION EAST

Date

2026/03/31

Scale

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Job No.

7138

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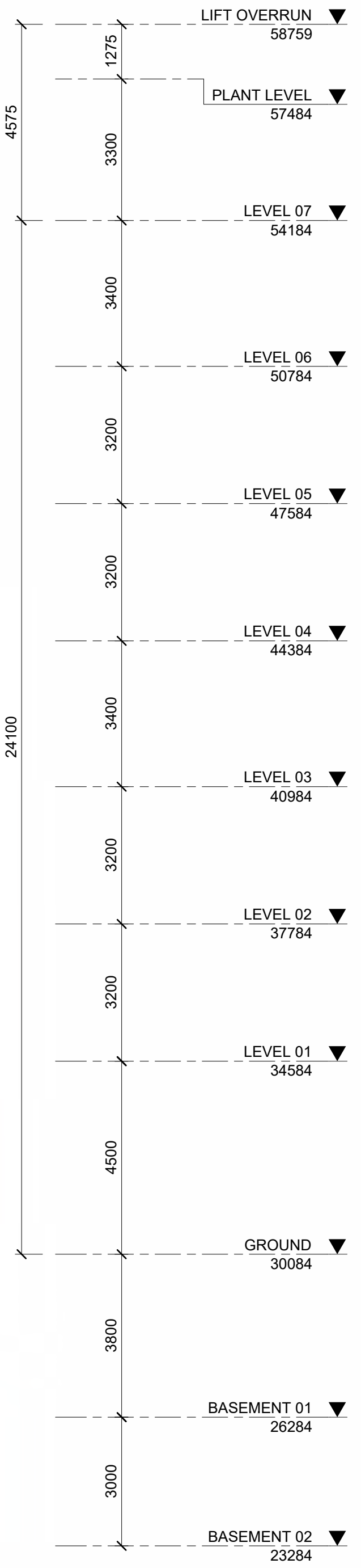
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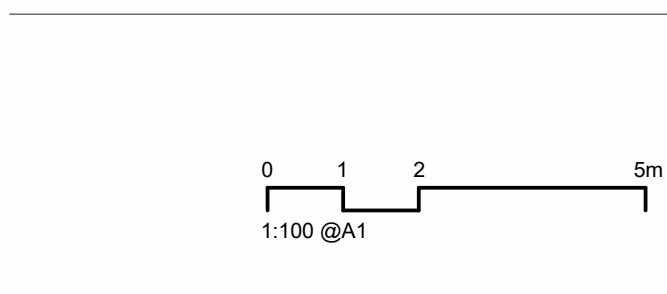


Legend

- A Adaptable Unit
- Retail
- Internal Communal Open Space
- 2 Bed
- 3 Bed
- 4 Bed
- Car Park
- Landscaping
- Deep Soil
- Site Boundary
- Neighbouring Buildings
- New Built Fabric

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12	2026/03/27	FOR INFORMATION	HJ	SH
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COOPER ST
16-22 COOPER STREET SURRY HILLS

Drawing Name

SECTION A

Date

2026/04/15

Scale

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Job No.

7138

Drawing No.

DA-1501

Revision

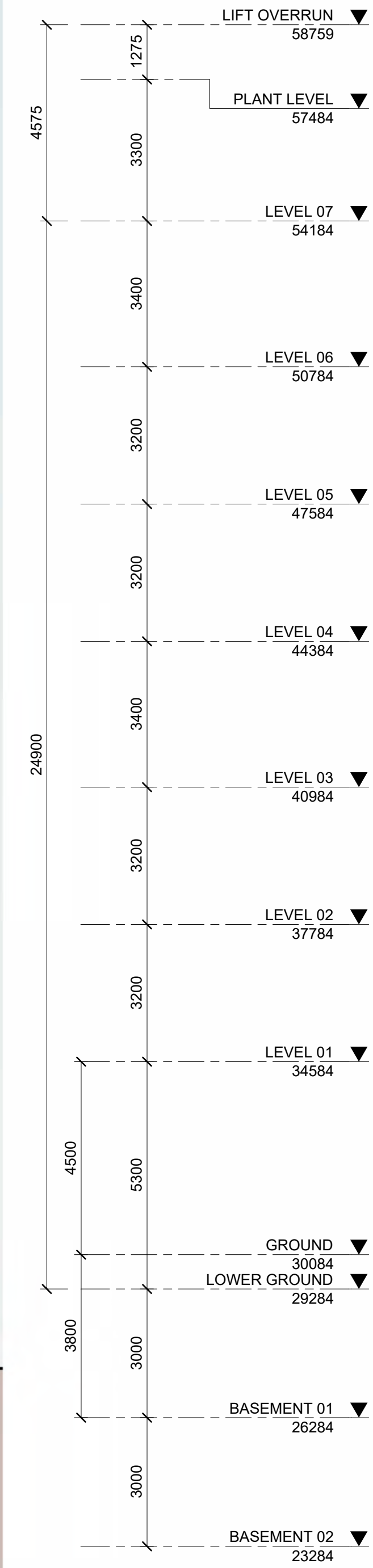
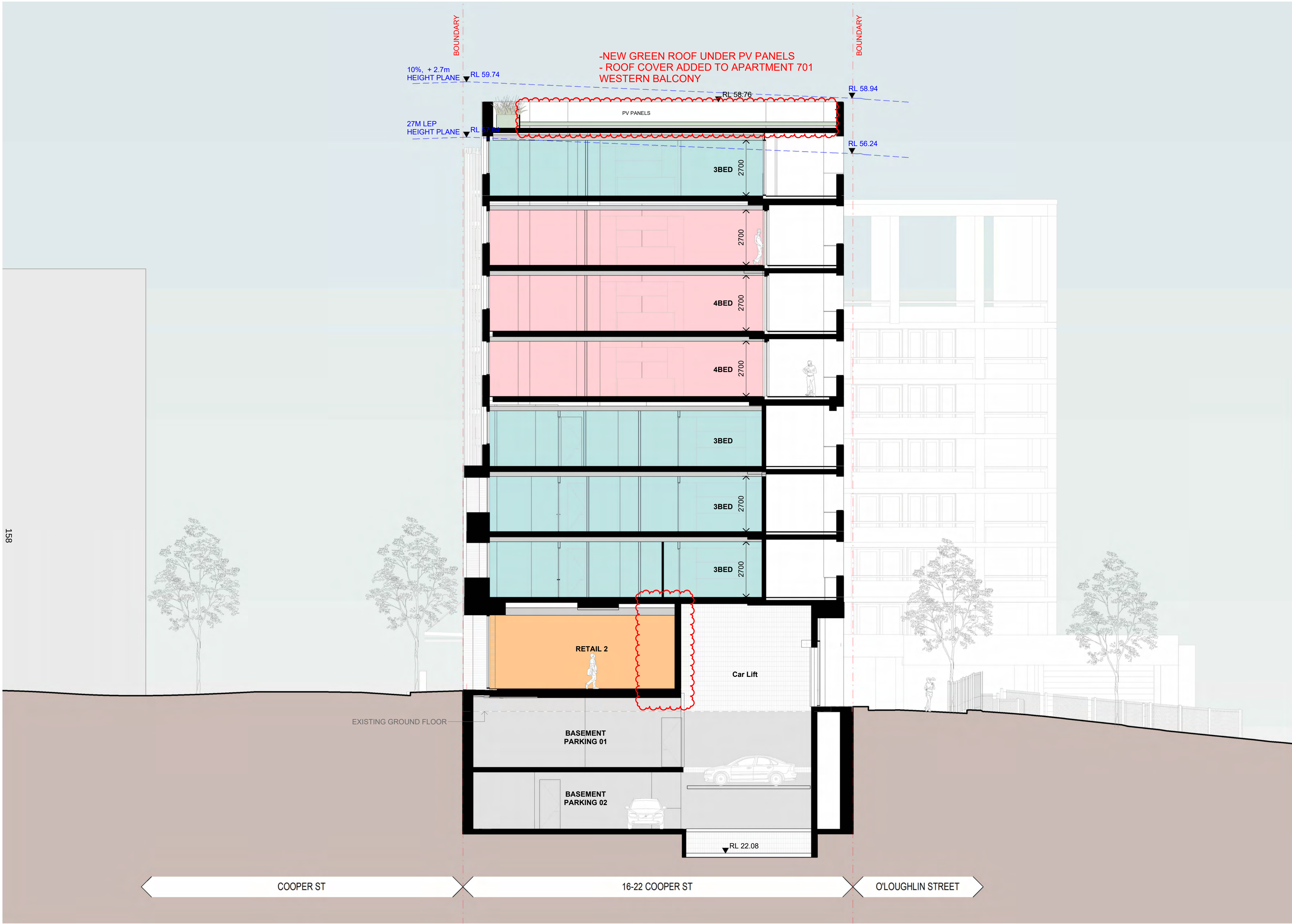
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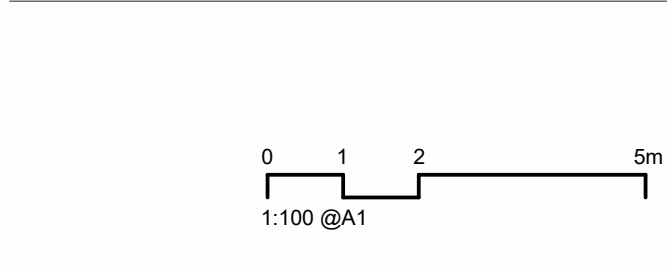


Legend

- A Adaptable Unit
- Retail
- Internal Communal Open Space
- 2 Bed
- 3 Bed
- 4 Bed
- Car Park
- Landscaping
- Deep Soil
- - - Site Boundary
- Neighbouring Buildings
- New Built Fabric

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7	2025/11/10	FOR INFORMATION	MM	SH
8	2025/11/17	FOR APPROVAL	MM	SH
9	2026/03/18	FOR INFORMATION	HJ	SH
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Project

**COOPER ST
16-22 COOPER STREET SURRY HILLS**

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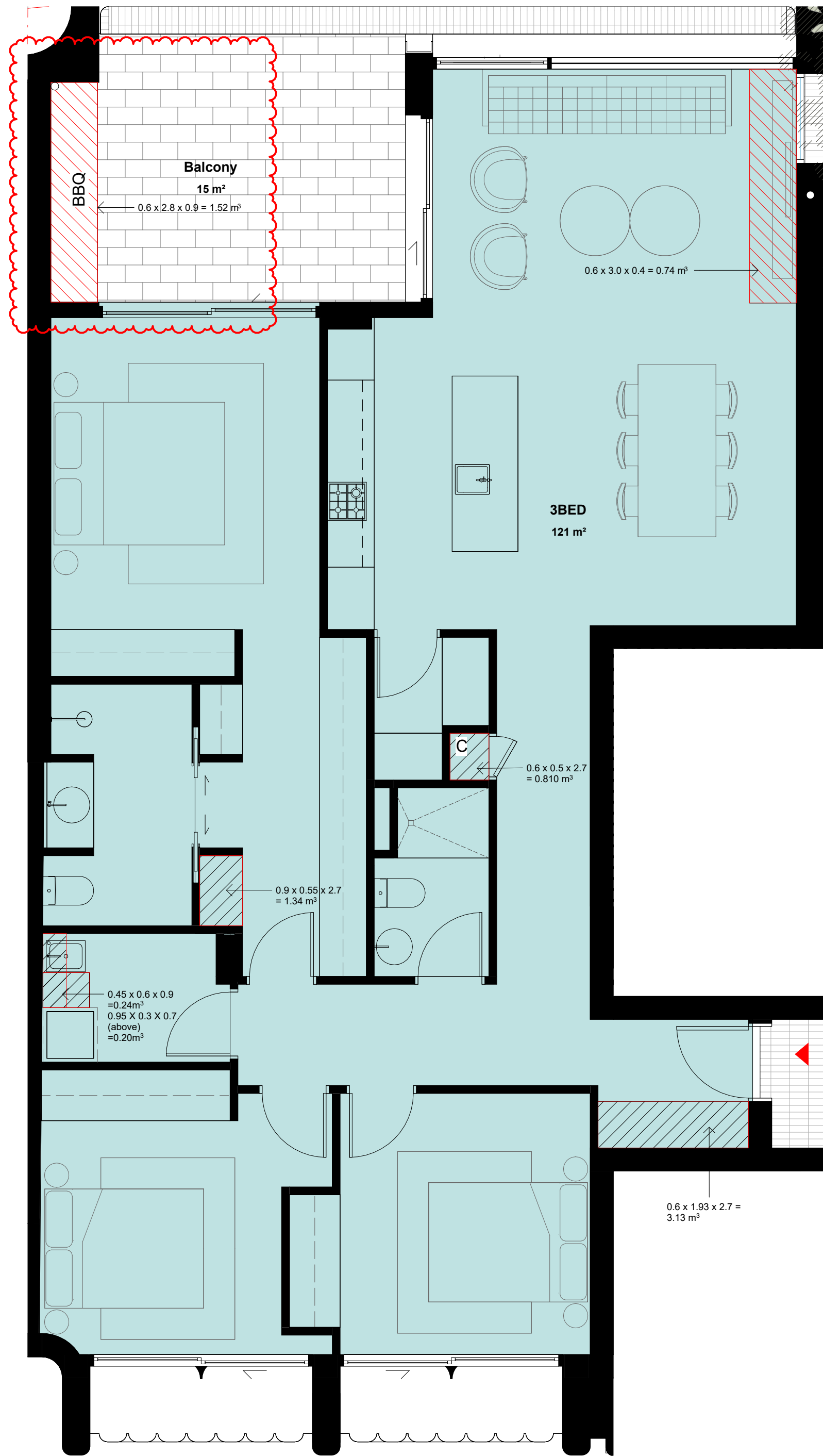
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Author	Checker	7138
Drawing No.	Revision	
DA-1504	/ 14	

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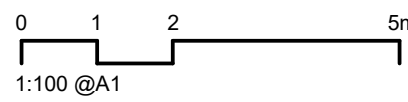
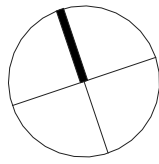




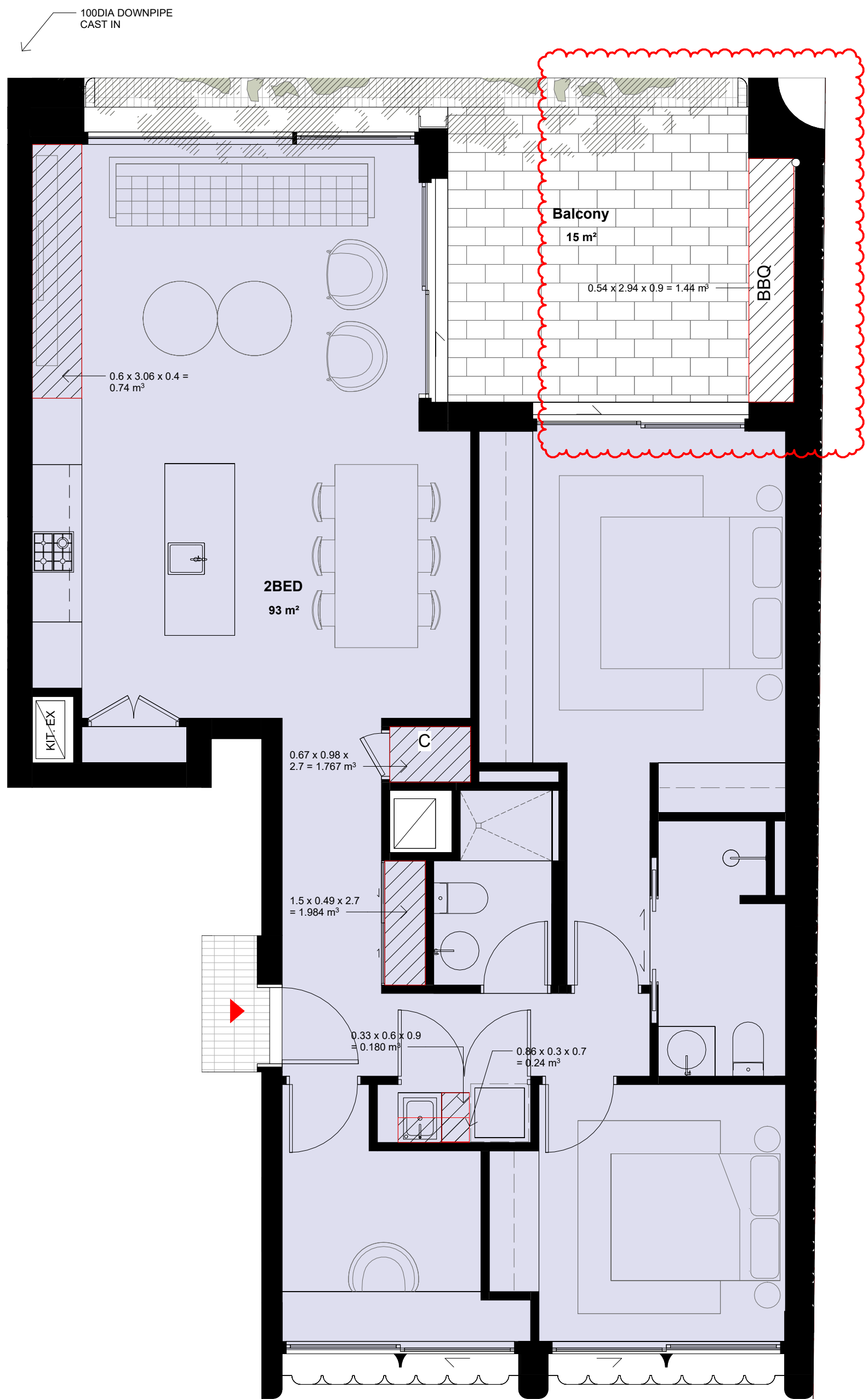
Apartment Type	Mark	Location	Storage Volume
3 BED - TYPE A	2A-ST01	Internal Storage	3.13 m³
3 BED - TYPE A	2A-ST02	Internal Storage	0.81 m³
3 BED - TYPE A	2A-ST03	Internal Storage	0.24 m³
3 BED - TYPE A	2A-ST04	Internal Storage	0.74 m³
3 BED - TYPE A	2A-ST05	Internal Storage	1.34 m³
3 BED - TYPE A	2A-ST06	Internal Storage	0.20 m³
			6.46 m³ = > 50% of 10m³
3 BED - TYPE A	2A-ST07	External Storage	5.14 m³
3 BED - TYPE A	2A-ST08	External Storage	1.52 m³
			6.66 m³
Grand total: 8			13.12 m³
Note: External Storage for this unit type includes 2.90-5.14m³ storage cage in basement			
Minimum 3 Bed = 10m³ = compliant			

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6	2025/11/17	FOR APPROVAL	MM	SH
7	2026/03/31	FOR APPROVAL	HJ	SH
8	2026/04/15	FOR APPROVAL	HJ	SH



Apartment Type	Mark	Location	Storage Volume
2 BED - TYPE A	2B-ST01	Internal Storage	1.98 m³
2 BED - TYPE A	2B-ST02	Internal Storage	1.77 m³
2 BED - TYPE A	2B-ST03	Internal Storage	0.18 m³
2 BED - TYPE A	2B-ST04	Internal Storage	0.24 m³
2 BED - TYPE A	2B-ST05	Internal Storage	0.74 m³
			4.91 m³ = > 50% of 8m³
2 BED - TYPE A	2B-ST06	External Storage	1.44 m³
2 BED - TYPE A	2B-ST07	External Storage	3.60 m³
			5.04 m³
Grand total: 7			9.94 m³
Note: Basement External Storage for all units of this type = 3.6-4.49m³ storage cage in basement			
Minimum 2 Bed = 8m³ = compliant			

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COOPER ST
16-22 COOPER STREET SURRY HILLS

Drawing Name

APARTMENT TYPE PLANS

Date

2026/04/15

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Sheet Size

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Job No.

7138

Drawing No.

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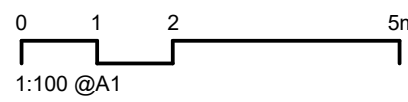
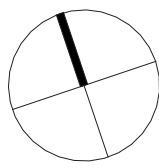
Apartment Type	Mark	Location	Storage Volume
4 BED - TYPE A	4A-ST01	Internal Storage	1.10 m³
4 BED - TYPE A	4A-ST02	Internal Storage	1.72 m³
4 BED - TYPE A	4A-ST03	Internal Storage	2.75 m³
4 BED - TYPE A	4A-ST04	Internal Storage	0.46 m³
4 BED - TYPE A	4A-ST05	Internal Storage	0.93 m³
4 BED - TYPE A	4A-ST06	Internal Storage	0.60 m³
			7.56 m³ = > 50% of 10m³
4 BED - TYPE A	4A-ST07	External Storage	1.44 m³
4 BED - TYPE A	4A-ST08	External Storage	1.35 m³
4 BED - TYPE A	4A-ST09	External Storage	3.56 m³
			6.36 m³
Grand total: 9			13.92 m³

Note: External Storage this unit type includes = ~3.55m³ storage cage in basement

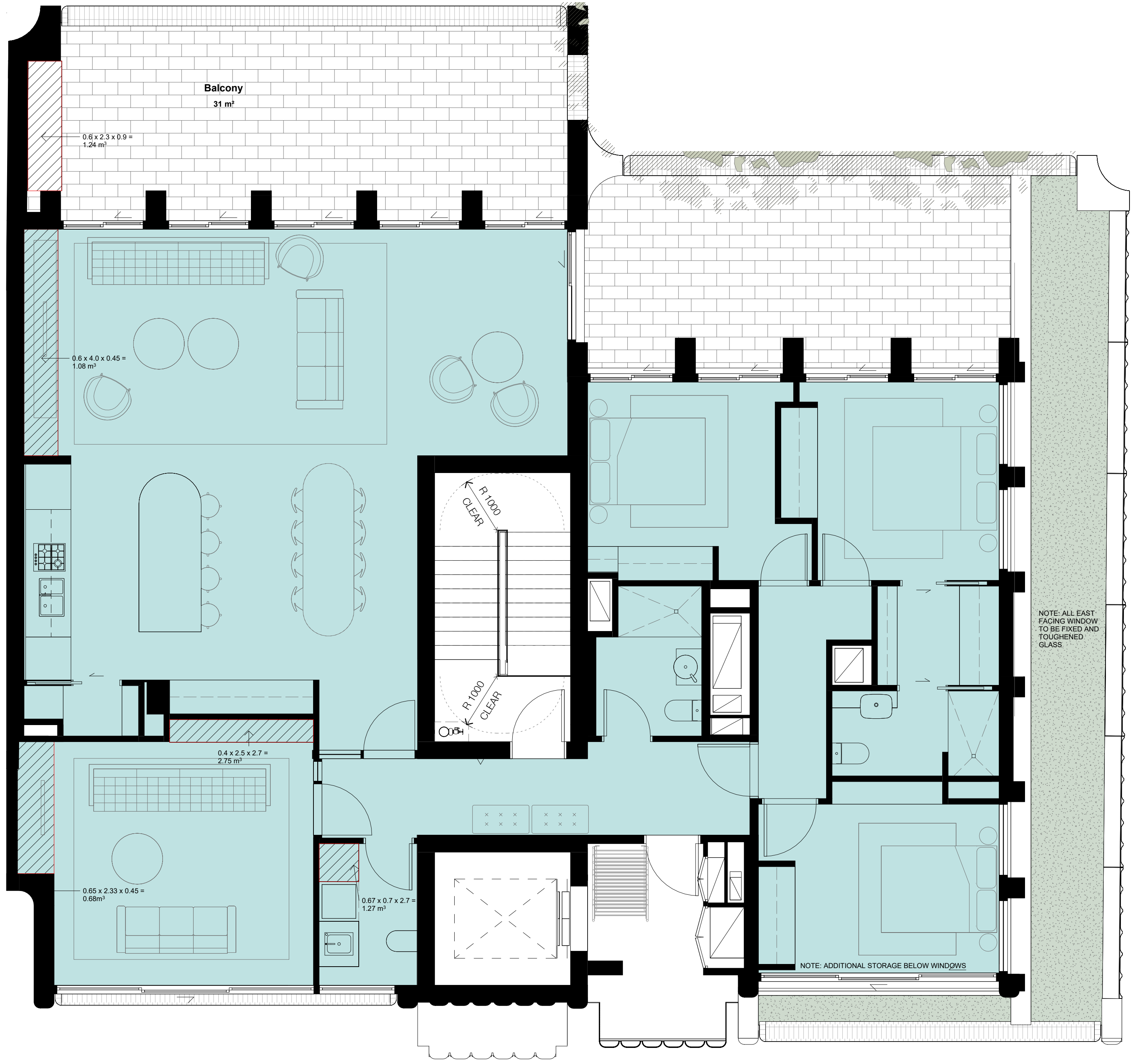
Minimum 4 Bed = 10m³ = compliant

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6	2025/11/17	FOR APPROVAL	MM	SH
7	2026/03/31	FOR APPROVAL	HJ	SH
8	2026/04/15	FOR APPROVAL	HJ	SH



Apartment Type	Mark	Location	Storage Volume
3 BED - TYPE B	7A-ST01	Internal Storage	2.75 m³
3 BED - TYPE B	7A-ST02	Internal Storage	0.68 m³
3 BED - TYPE B	7A-ST03	Internal Storage	1.27 m³
3 BED - TYPE B	7A-ST04	Internal Storage	1.08 m³
			5.77 m³ = > 50% of 10m³
3 BED - TYPE B	7A-ST05	External Storage	1.24 m³
3 BED - TYPE B	7A-ST06	External Storage	10.49 m³
			11.73 m³
Grand total: 6			17.50 m³

Note: External Storage for this unit type includes 10.49 m³ storage cage in basement

Minimum 3 Bed = 10m³ = compliant

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COOPER ST
16-22 COOPER STREET SURRY HILLS

Drawing Name

APARTMENT TYPE PLANS

Date

2026/04/15

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Drawing No.

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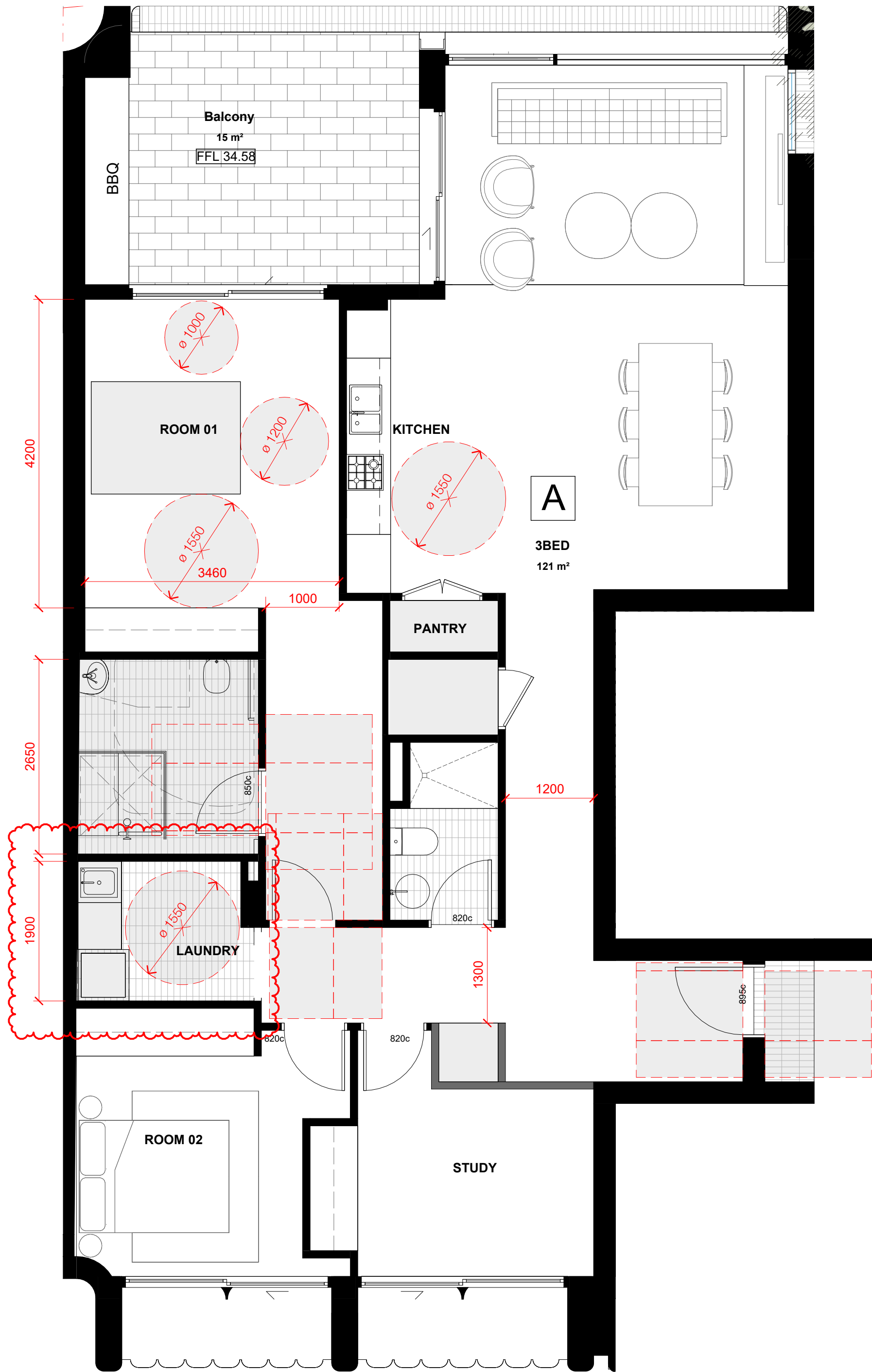
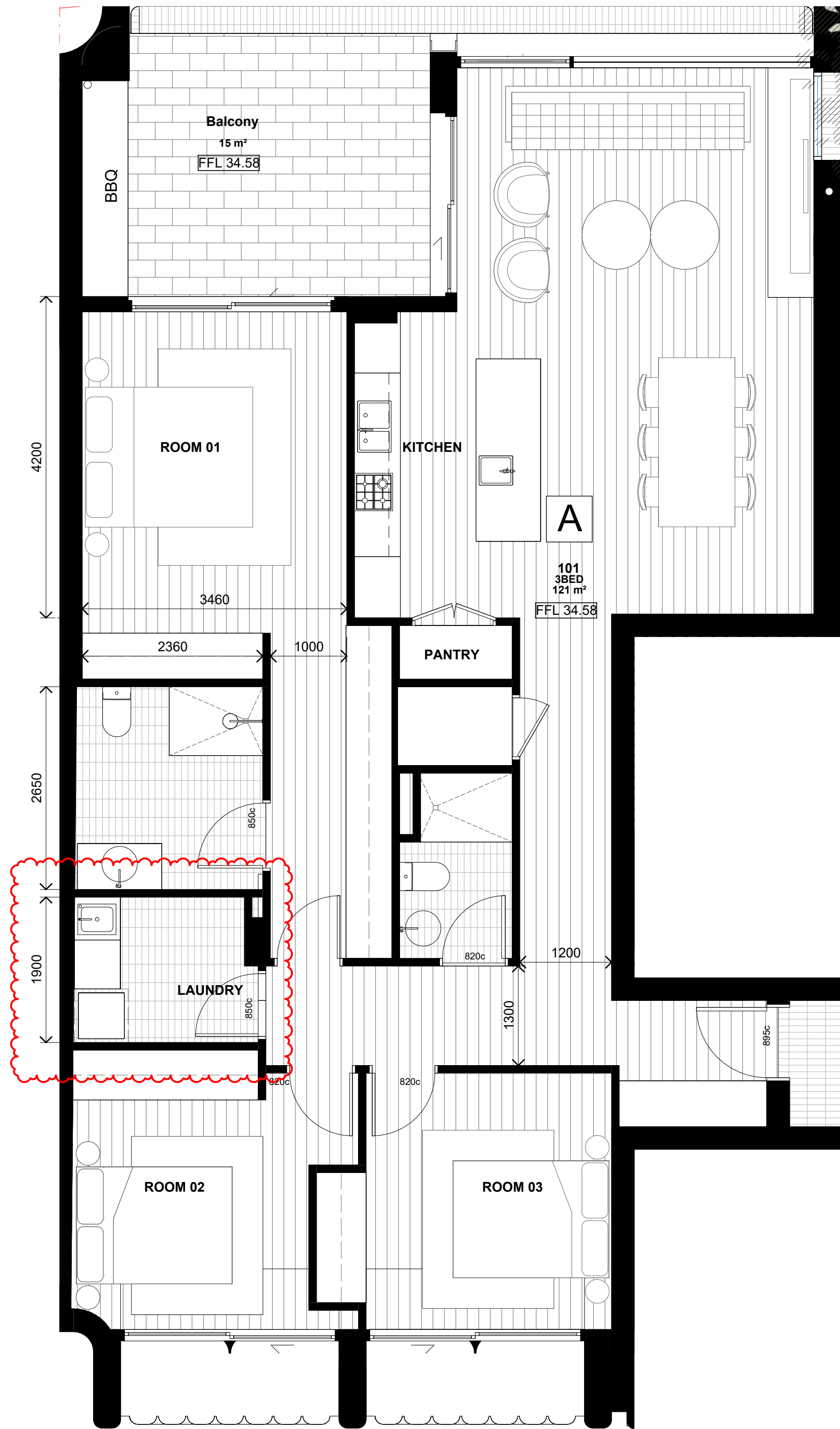
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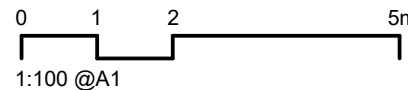
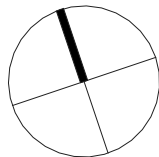
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850c = 850mm CLEAR OPENING DOOR
820c = 820mm CLEAR OPENING DOOR

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4	2025/11/17	FOR APPROVAL	MM	SH
5	2026/03/31	FOR APPROVAL	HJ	SH
6	2026/04/15	FOR APPROVAL	HJ	SH

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**COOPER ST
16-22 COOPER STREET SURRY HILLS**

Drawing Name
ADAPTABLE UNIT PLANS

Date	Scale	Sheet Size
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MM	SH	7138
Drawing No.	Revision	
DA-4411	/ 6	

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APARTMENT - 101

Level	Apartment Type	Mark	Location	Storage Volume
LEVEL 01	3 BED - TYPE A	1A-ST01	Internal Storage	3.13 m³
LEVEL 01	3 BED - TYPE A	1A-ST02	Internal Storage	4.16 m³
LEVEL 01	3 BED - TYPE A	1A-ST03	Internal Storage	0.35 m³
LEVEL 01	3 BED - TYPE A	1A-ST04	Internal Storage	0.74 m³
LEVEL 01	3 BED - TYPE A	1A-ST05	Internal Storage	0.27 m³
				8.64 m³
BASEMENT 02	3 BED - TYPE A	1A-ST06	External Storage	2.90 m³
LEVEL 01	4 BED - TYPE A	1A-ST07	External Storage	1.52 m³
				4.43 m³
				13.07 m³

Minimum 3 Bed = 10m³ < 50% External

APARTMENT - 102

Level	Apartment Type	Mark	Location	Storage Volume
LEVEL 01	2 BED - TYPE A	1B-ST01	Internal Storage	1.98 m³
LEVEL 01	2 BED - TYPE A	1B-ST02	Internal Storage	0.21 m³
LEVEL 01	2 BED - TYPE A	1B-ST03	Internal Storage	1.77 m³
LEVEL 01	2 BED - TYPE A	1B-ST04	Internal Storage	0.29 m³
LEVEL 01	2 BED - TYPE A	1B-ST05	Internal Storage	0.76 m³
				5.01 m³
LEVEL 01	2 BED - TYPE A	1B-ST06	External Storage	1.44 m³
BASEMENT 01	2 BED - TYPE A	1B-ST07	External Storage	4.49 m³
				5.93 m³
				10.93 m³

Minimum 2 Bed = 8m³ < 50% External

APARTMENT - 401

Level	Apartment Type	Mark	Location	Storage Volume
LEVEL 04	4 BED - TYPE A	4A-ST01	Internal Storage	1.10 m³
LEVEL 04	4 BED - TYPE A	4A-ST02	Internal Storage	1.72 m³
LEVEL 04	4 BED - TYPE A	4A-ST03	Internal Storage	2.75 m³
LEVEL 04	4 BED - TYPE A	4A-ST04	Internal Storage	0.46 m³
LEVEL 04	4 BED - TYPE A	4A-ST05	Internal Storage	0.93 m³
LEVEL 04	4 BED - TYPE A	4A-ST06	Internal Storage	0.60 m³
				7.56 m³
LEVEL 04	4 BED - TYPE A	4A-ST07	External Storage	1.44 m³
LEVEL 04	4 BED - TYPE A	4A-ST08	External Storage	1.35 m³
BASEMENT 02	4 BED - TYPE A	4A-ST09	External Storage	3.56 m³
				6.36 m³
				13.92 m³

Minimum 4 Bed = 10m³ < 50% External

APARTMENT - 501

Level	Apartment Type	Mark	Location	Storage Volume
LEVEL 05	4 BED - TYPE A	5A-ST01	Internal Storage	1.10 m³
LEVEL 05	4 BED - TYPE A	5A-ST02	Internal Storage	1.72 m³
LEVEL 05	4 BED - TYPE A	5A-ST03	Internal Storage	2.75 m³
LEVEL 05	4 BED - TYPE A	5A-ST04	Internal Storage	0.46 m³
LEVEL 05	4 BED - TYPE A	5A-ST05	Internal Storage	0.93 m³
LEVEL 05	4 BED - TYPE A	5A-ST06	Internal Storage	0.60 m³
				7.56 m³
LEVEL 05	4 BED - TYPE A	5A-ST07	External Storage	1.44 m³
BASEMENT 02	4 BED - TYPE A	5A-ST07	External Storage	3.55 m³
LEVEL 05	4 BED - TYPE A	5A-ST08	External Storage	1.35 m³
				6.34 m³
				13.90 m³

Minimum 4 Bed = 10m³ < 50% External

APARTMENT - 201

Level	Apartment Type	Mark	Location	Storage Volume
LEVEL 02	3 BED - TYPE A	2A-ST01	Internal Storage	3.13 m³
LEVEL 02	3 BED - TYPE A	2A-ST02	Internal Storage	0.81 m³
LEVEL 02	3 BED - TYPE A	2A-ST03	Internal Storage	0.24 m³
LEVEL 02	3 BED - TYPE A	2A-ST04	Internal Storage	0.74 m³
LEVEL 02	3 BED - TYPE A	2A-ST05	Internal Storage	1.34 m³
LEVEL 02	3 BED - TYPE A	2A-ST06	Internal Storage	0.20 m³
				6.46 m³
BASEMENT 01	3 BED - TYPE A	2A-ST07	External Storage	5.14 m³
LEVEL 02	3 BED - TYPE A	2A-ST08	External Storage	1.52 m³
				6.66 m³
				13.12 m³

Minimum 2 Bed = 8m³ < 50% External

APARTMENT - 202

Level	Apartment Type	Mark	Location	Storage Volume
LEVEL 02	2 BED - TYPE A	2B-ST01	Internal Storage	1.98 m³
LEVEL 02	2 BED - TYPE A	2B-ST02	Internal Storage	1.77 m³
LEVEL 02	2 BED - TYPE A	2B-ST03	Internal Storage	0.18 m³
LEVEL 02	2 BED - TYPE A	2B-ST04	Internal Storage	0.24 m³
LEVEL 02	2 BED - TYPE A	2B-ST05	Internal Storage	0.74 m³
				4.91 m³
LEVEL 02	2 BED - TYPE A	2B-ST06	External Storage	1.44 m³
BASEMENT 02	2 BED - TYPE A	2B-ST07	External Storage	3.60 m³
				5.04 m³
				9.94 m³

Minimum 2 Bed = 8m³ < 50% External

APARTMENT - 601

Level	Apartment Type	Mark	Location	Storage Volume
LEVEL 06	4 BED - TYPE A	6A-ST01	Internal Storage	1.10 m³
LEVEL 06	4 BED - TYPE A	6A-ST02	Internal Storage	1.72 m³
LEVEL 06	4 BED - TYPE A	6A-ST03	Internal Storage	2.75 m³
LEVEL 06	4 BED - TYPE A	6A-ST04	Internal Storage	0.46 m³
LEVEL 06	4 BED - TYPE A	6A-ST05	Internal Storage	0.93 m³
LEVEL 06	4 BED - TYPE A	6A-ST06	Internal Storage	0.60 m³
				7.56 m³
LEVEL 06	4 BED - TYPE A	6A-ST07	External Storage	1.44 m³
LEVEL 06	4 BED - TYPE A	6A-ST08	External Storage	1.35 m³
BASEMENT 01	4 BED - TYPE A	6A-ST09	External Storage	3.55 m³
				6.34 m³
				13.90 m³

Minimum 4 Bed = 10m³ < 50% External

APARTMENT - 701

Level	Apartment Type	Mark	Location	Storage Volume
LEVEL 07	3 BED - TYPE B	7A-ST01	Internal Storage	2.75 m³
LEVEL 07	3 BED - TYPE B	7A-ST02	Internal Storage	0.68 m³
LEVEL 07	3 BED - TYPE B	7A-ST03	Internal Storage	1.27 m³
LEVEL 07	3 BED - TYPE B	7A-ST04	Internal Storage	1.08 m³
				5.77 m³
LEVEL 07	3 BED - TYPE B	7A-ST05	External Storage	1.24 m³
BASEMENT 01	3 BED - TYPE B	7A-ST06	External Storage	10.49 m³
				11.73 m³
				17.50 m³

Minimum 3 Bed = 10m³ < 50% External

APARTMENT - 301

Level	Apartment Type	Mark	Location	Storage Volume
LEVEL 03	3 BED - TYPE A	3A-ST01	Internal Storage	3.13 m³
LEVEL 03	3 BED - TYPE A	3A-ST02	Internal Storage	0.81 m³
LEVEL 03	3 BED - TYPE A	3A-ST03	Internal Storage	0.41 m³
LEVEL 03	3 BED - TYPE A	3A-ST04	Internal Storage	0.74 m³
LEVEL 03	3 BED - TYPE A	3A-ST05	Internal Storage	1.09 m³
				6.18 m³
LEVEL 03	3 BED - TYPE A	3A-ST06	External Storage	1.52 m³
BASEMENT 02	3 BED - TYPE A	3A-ST07	External Storage	3.55 m³
				5.07 m³
				11.25 m³

Minimum 3 Bed = 10m³ < 50% External

APARTMENT - 302

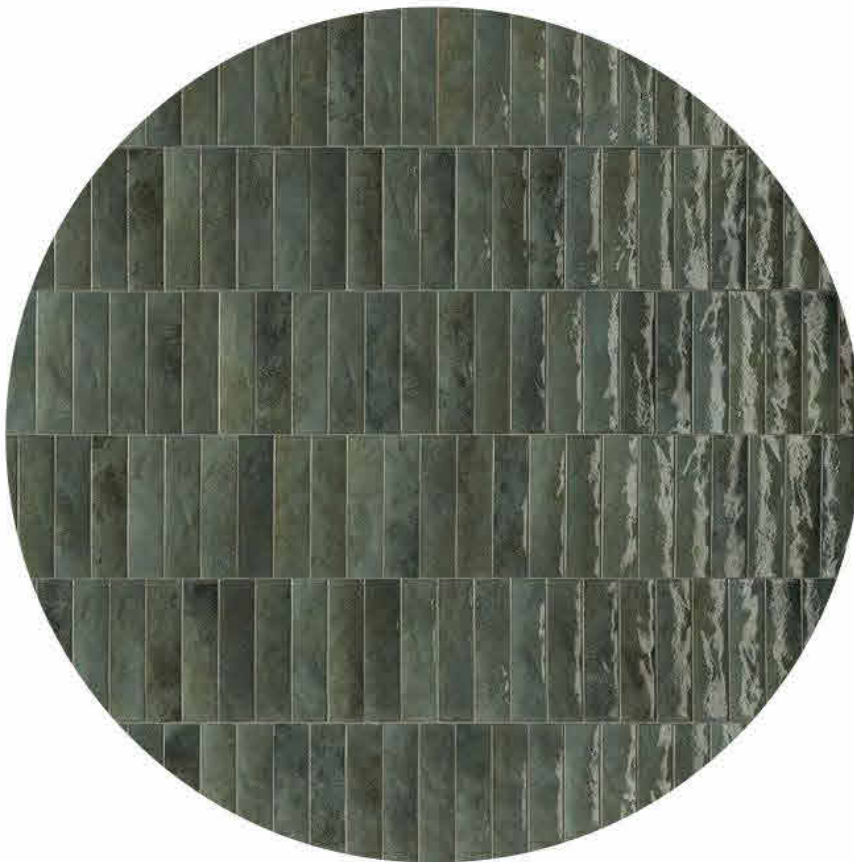
Level	Apartment Type	Mark	Location	Storage Volume
LEVEL 03	2 BED - TYPE A	3B-ST01	Internal Storage	1.98 m³
LEVEL 03	2 BED - TYPE A	3B-ST02	Internal Storage	1.77 m³
LEVEL 03	2 BED - TYPE A	3B-ST03	Internal Storage	0.18 m³
LEVEL 03	2 BED - TYPE A	3B-ST04	Internal Storage	0.29 m³
LEVEL 03	2 BED - TYPE A	3B-ST05	Internal Storage	0.76 m³
				4.98 m³
LEVEL 03	2 BED - TYPE A	3B-ST06	External Storage	1.44 m³
BASEMENT 01	2 BED - TYPE A	3B-ST07	External Storage	3.74 m³
				5.18 m³
				10.16 m³

Minimum 2 Bed = 8m³ < 50% External



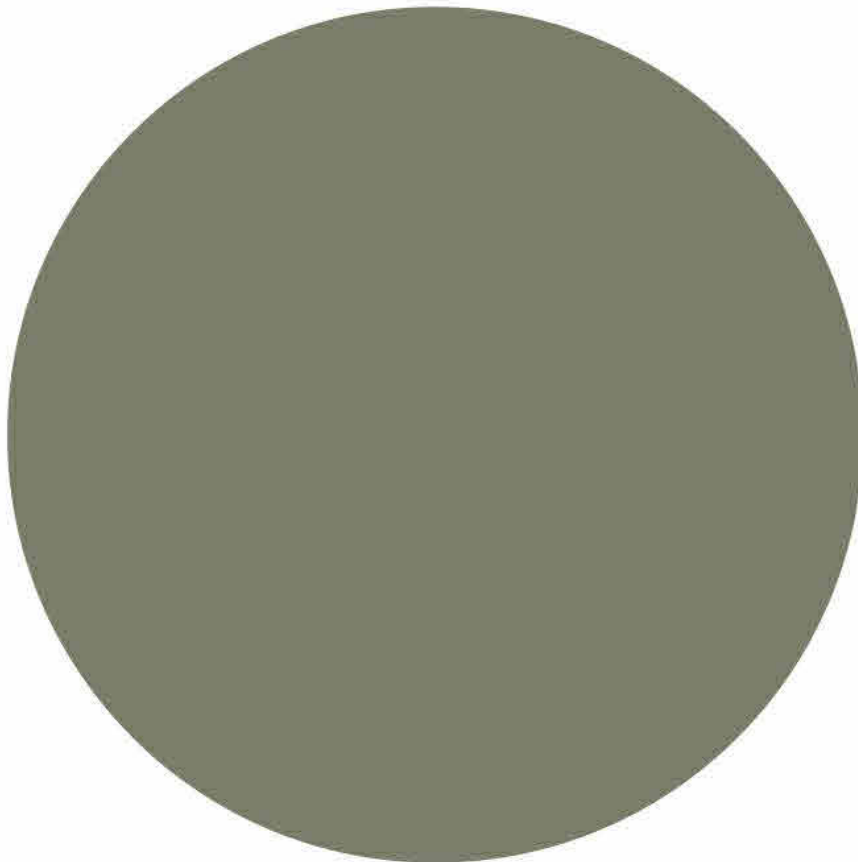
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GLAZED GREEN BRICK



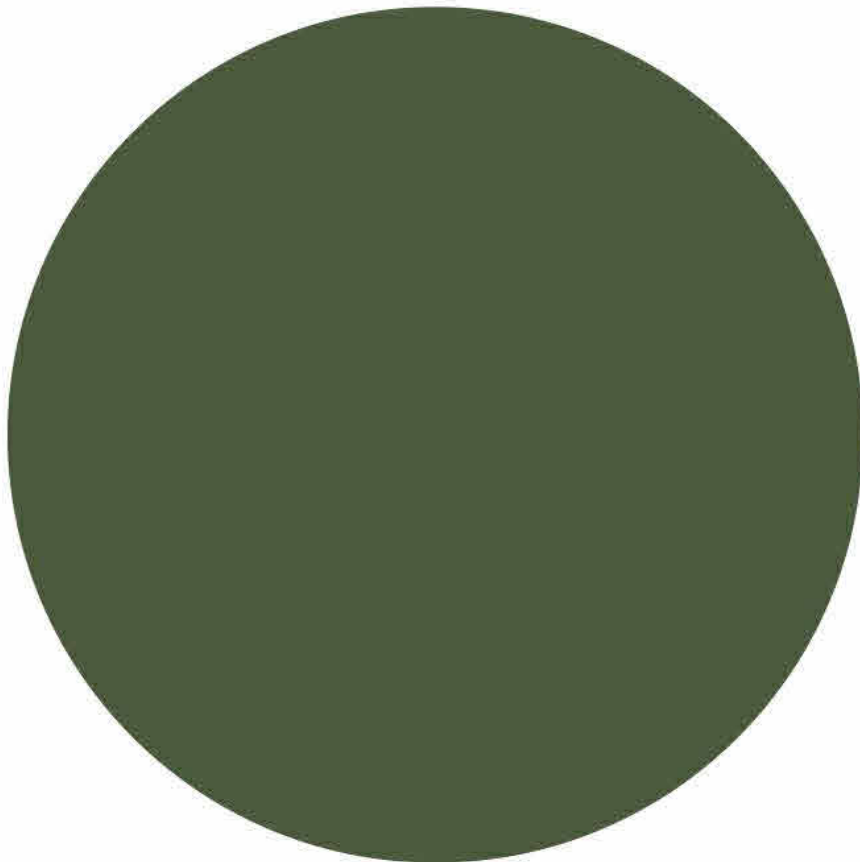
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KEIM MINERAL PAINT TO CONCRETE



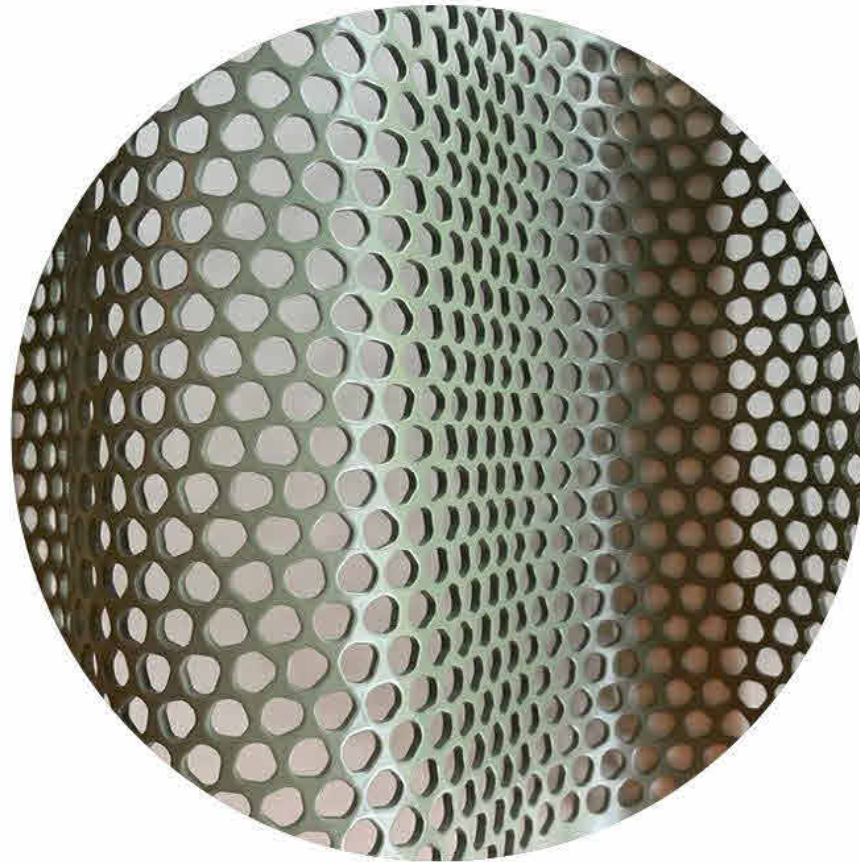
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METALWORK



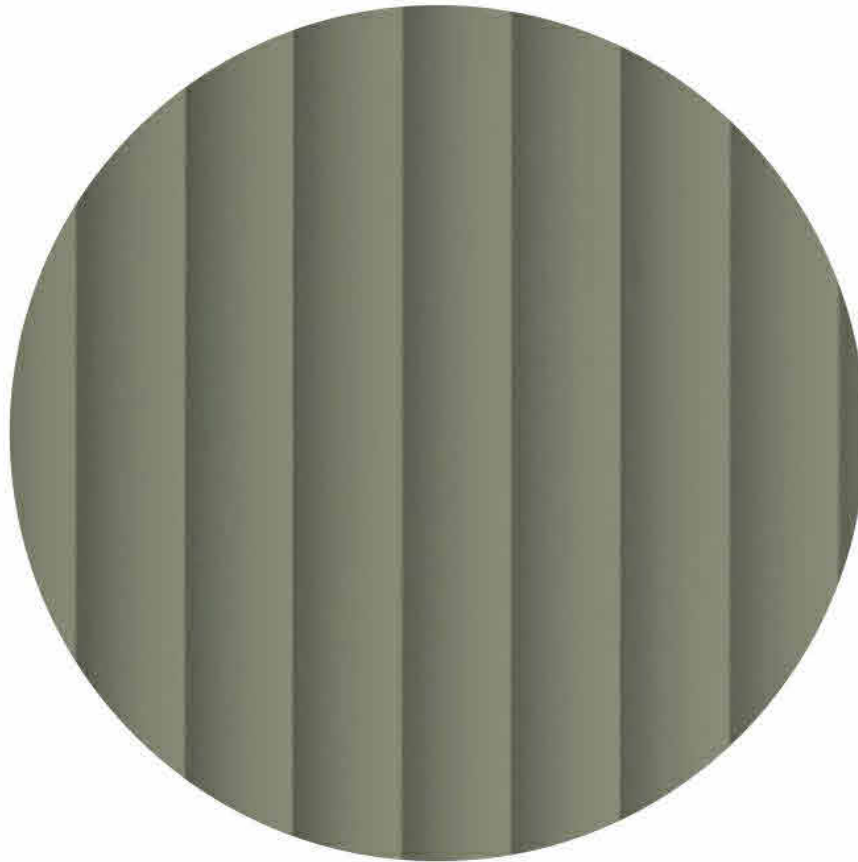
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PROFILED PERFORATED METAL SCREEN



5

PROFILED COLOURED CONCRETE



6

GLAZING



7

PROFILED GLAZED GREEN BRICK



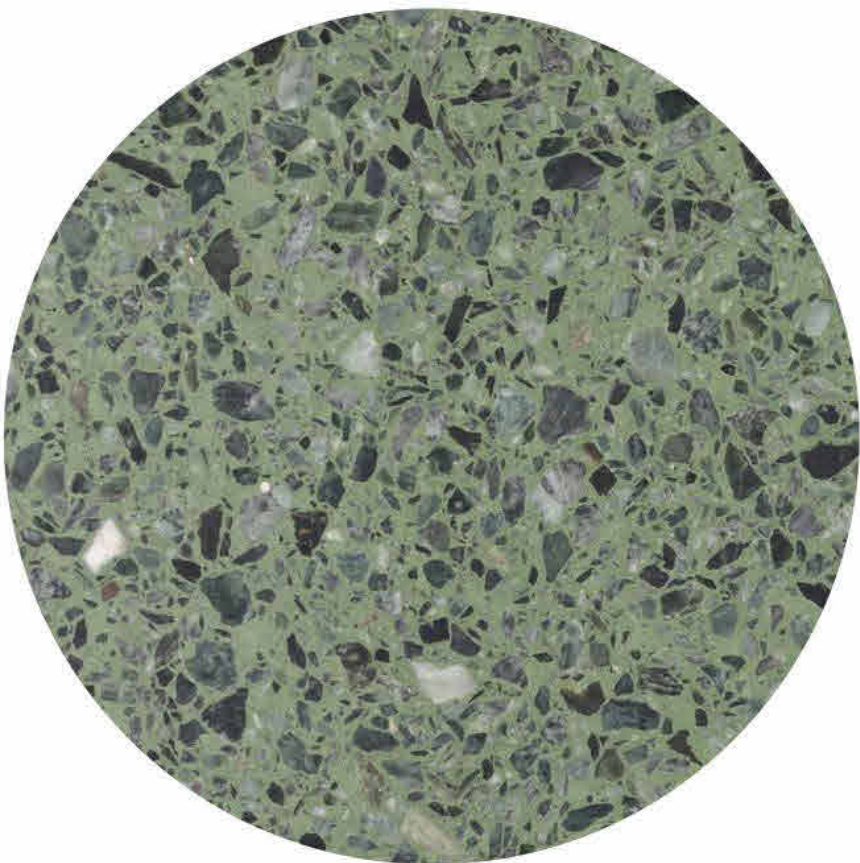
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DECORATIVE METALWORK GATES



9

TERRAZZO CAPPING TO WINDOW SILL



- PERFORATED METAL SCREEN TO LOBBY-
20% OPEN AREA (note 54% open area shown in
image)
- PROFILED COLOURED CONCRETE TO
EASTERN ELEVATION
- TERRAZZO CAPPING ADDED TO DEEP
WINDOW SILLS
- GLAZED BRICK UPSTANDS REPLACE
METALWORK ON SOUTH FACADE-
DECORATIVE METALWORK REDUCED TO
GATES ONLY

Rev	Date	Revision	By	Chk.
1	2025/10/28	FOR INFORMATION	MM	SH
2	2025/11/17	FOR APPROVAL	MM	SH
3	2026/03/31	FOR APPROVAL	HJ	SH

Client
JASARA MANAGEMENT Pty Ltd

Project
**COOPER ST
16-22 COOPER STREET SURRY HILLS**

Drawing Name
MATERIALS PALETTE BOARD

Date	Scale	Sheet Size
2026/03/31		@ A1
Drawn	Chk.	Job No.
EA	SH	7138
Drawing No.	Revision	
DA-8001	/ 3	

FOR APPROVAL



LEGEND / FINISHES SCHEDULE

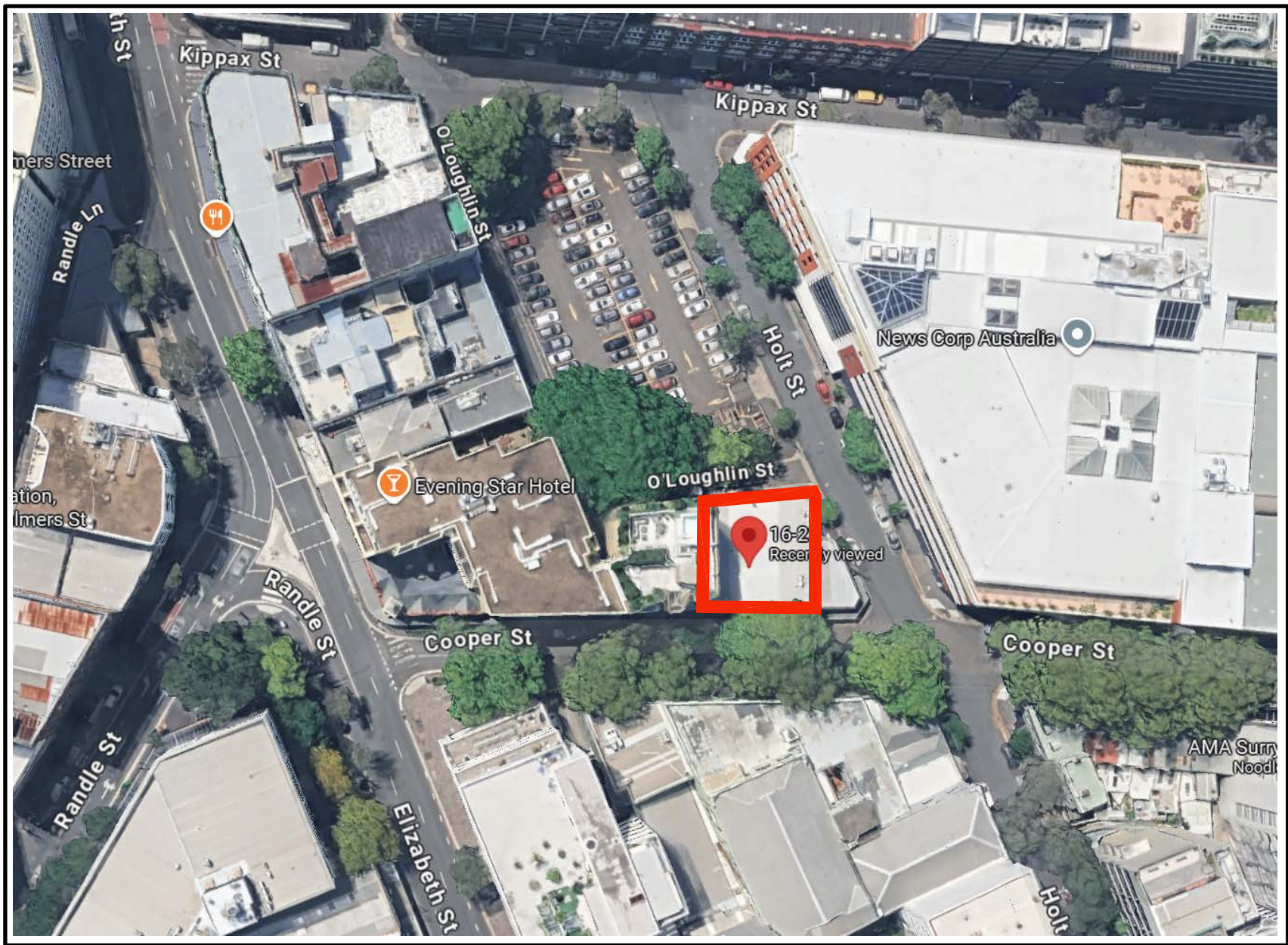
	EXISTING RL EXISTING TREE TO BE REMOVED NOTE: All noxious weeds on the site shall be removed and destroyed as per their classification under the noxious weeds Act. EXISTING TREE TO BE RETAINED AND SHALL BE PROTECTED DURING CONSTRUCTION IN ACCORDANCE WITH AS 4970:2009 TREE PRUNING SHALL BE IN ACCORDANCE WITH AS 4373 PROPOSED TREES, SHRUBS & GROUND COVER (REFER NO. TO PLANT SCHEDULE) TREE STOCK FOR LANDSCAPE USE SHALL BE IN ACCORDANCE WITH AS 2303 REFER TO DETAIL 1 SELECTED RETAINING WALL / OSD WALL ALL RETAINING WALL HEIGHT SHALL BE CONFIRM ON SITE AND TO - TO ENGINEER DETAIL & TO BCA REQUIREMENTS DEEP SOIL TERRACE SELECTED TILES - Slip Resistance: slip resistance rating to meet relevant Australian Standards. COMMON OPEN SPACE SELECTED TILES - Slip Resistance: slip resistance rating to meet relevant Australian Standards. SELECTED DECOMPOSED GRANITE (COMPACTED) -100 DEPTH STEPPING STONES SELECTED CONC. STEPPING STONES SET WITHIN MULCHED / LAWN AREA DRAINAGE REFER TO ENGINEER PLANS FOR DETAILS NOTE: PROVIDE SELECTED HEEL GUARD GRATES TO PITS ON TRAFFICABLE AREAS - TO MANUF. DETAIL																						
<table><tr><th>ITEM</th><th>MATERIAL</th></tr><tr><td>SOIL</td><td>NOTE: ALL SOIL TYPE AS PER BENEDICT LANDSCAPE SUPPLY OR EQUIVALENT AND SHALL BE IN ACCORDANCE WITH AS 4419 AND AS 4454 FOR SOIL CONDITIONERS AND COMPOST'S</td></tr><tr><td>LAWN AREA</td><td>1st QUALITY TOP SOIL</td></tr><tr><td>NATIVE GARDEN BED</td><td>NATIVE GARDEN MIX</td></tr><tr><td>EXOTIC GARDEN BED</td><td>ORGANIC GARDEN MIX</td></tr><tr><td>MULCH</td><td>SELECTED HARD WOOD CHIP SHALL BE IN ACCORDANCE WITH AS 4454</td></tr><tr><td>GROUND LEVEL</td><td>SELECTED DECORATIVE SCORIA SHALL BE IN ACCORDANCE WITH AS 4454</td></tr><tr><td>ROOF LEVEL</td><td>SELECTED DECORATIVE SCORIA SHALL BE IN ACCORDANCE WITH AS 4454</td></tr><tr><td>PLANT MATERIAL</td><td>AS PER PLANT SCHEDULE REFER TO DETAIL 2</td></tr><tr><td>PLANTER BOX</td><td>PLANTER BOX MIX IN ACCORDANCE WITH AS4419:1998 & AS3743 BENEDICT SMARTMIX LIGHTWEIGHT PLANTER BOX MIX OR SIMILAR -REFER TO PLANTER DETAIL NOTE: PROVIDE DRAINAGE CELLS OR SIMILAR UNDER AND INTERNAL SIDES OF PLANTER BOX OVER PODIUM SLABS. REFER TO DETAIL 2 1200 PLANTER WITH 800 PLANTER SOIL DEPTH AND IRRIGATION 1100 PLANTER WITH 950 PLANTER SOIL DEPTH AND IRRIGATION 200 PLANTER SOIL DEPTH AND IRRIGATION</td></tr><tr><td>IRRIGATION</td><td>PROVIDE AUTOMATIC DRIP IRRIGATION SYSTEM TO ALL PLANTER BOXES IN ACCORDANCE WITH AS3500 AND SYDNEY WATER CODE IRRIGATION SHALL BE DESIGNED & INSTALLED BY QUALIFIED IRRIGATION CONTRACTORS.</td></tr></table>	ITEM	MATERIAL	SOIL	NOTE: ALL SOIL TYPE AS PER BENEDICT LANDSCAPE SUPPLY OR EQUIVALENT AND SHALL BE IN ACCORDANCE WITH AS 4419 AND AS 4454 FOR SOIL CONDITIONERS AND COMPOST'S	LAWN AREA	1st QUALITY TOP SOIL	NATIVE GARDEN BED	NATIVE GARDEN MIX	EXOTIC GARDEN BED	ORGANIC GARDEN MIX	MULCH	SELECTED HARD WOOD CHIP SHALL BE IN ACCORDANCE WITH AS 4454	GROUND LEVEL	SELECTED DECORATIVE SCORIA SHALL BE IN ACCORDANCE WITH AS 4454	ROOF LEVEL	SELECTED DECORATIVE SCORIA SHALL BE IN ACCORDANCE WITH AS 4454	PLANT MATERIAL	AS PER PLANT SCHEDULE REFER TO DETAIL 2	PLANTER BOX	PLANTER BOX MIX IN ACCORDANCE WITH AS4419:1998 & AS3743 BENEDICT SMARTMIX LIGHTWEIGHT PLANTER BOX MIX OR SIMILAR -REFER TO PLANTER DETAIL NOTE: PROVIDE DRAINAGE CELLS OR SIMILAR UNDER AND INTERNAL SIDES OF PLANTER BOX OVER PODIUM SLABS. REFER TO DETAIL 2 1200 PLANTER WITH 800 PLANTER SOIL DEPTH AND IRRIGATION 1100 PLANTER WITH 950 PLANTER SOIL DEPTH AND IRRIGATION 200 PLANTER SOIL DEPTH AND IRRIGATION	IRRIGATION	PROVIDE AUTOMATIC DRIP IRRIGATION SYSTEM TO ALL PLANTER BOXES IN ACCORDANCE WITH AS3500 AND SYDNEY WATER CODE IRRIGATION SHALL BE DESIGNED & INSTALLED BY QUALIFIED IRRIGATION CONTRACTORS.	
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LANDSCAPE PLAN

PROPOSED MIXED USE DEVELOPMENT (Development Application)

DRAWING SCHEDULE

DRAWING NO:		DRAWING TITLE
25088 DA 1 - 5		LEGEND / DETAILS / PLANT SCHEDULE
25088 DA 2 - 5	GROUND LEVEL	LANDSCAPE CONCEPT PLAN
25088 DA 3 - 5	LEVEL 7	LANDSCAPE CONCEPT PLAN
25088 DA 4 - 5	ROOF LEVEL	LANDSCAPE CONCEPT PLAN
25088 DA 5 - 5		LANDSCAPE CONCEPT PLAN

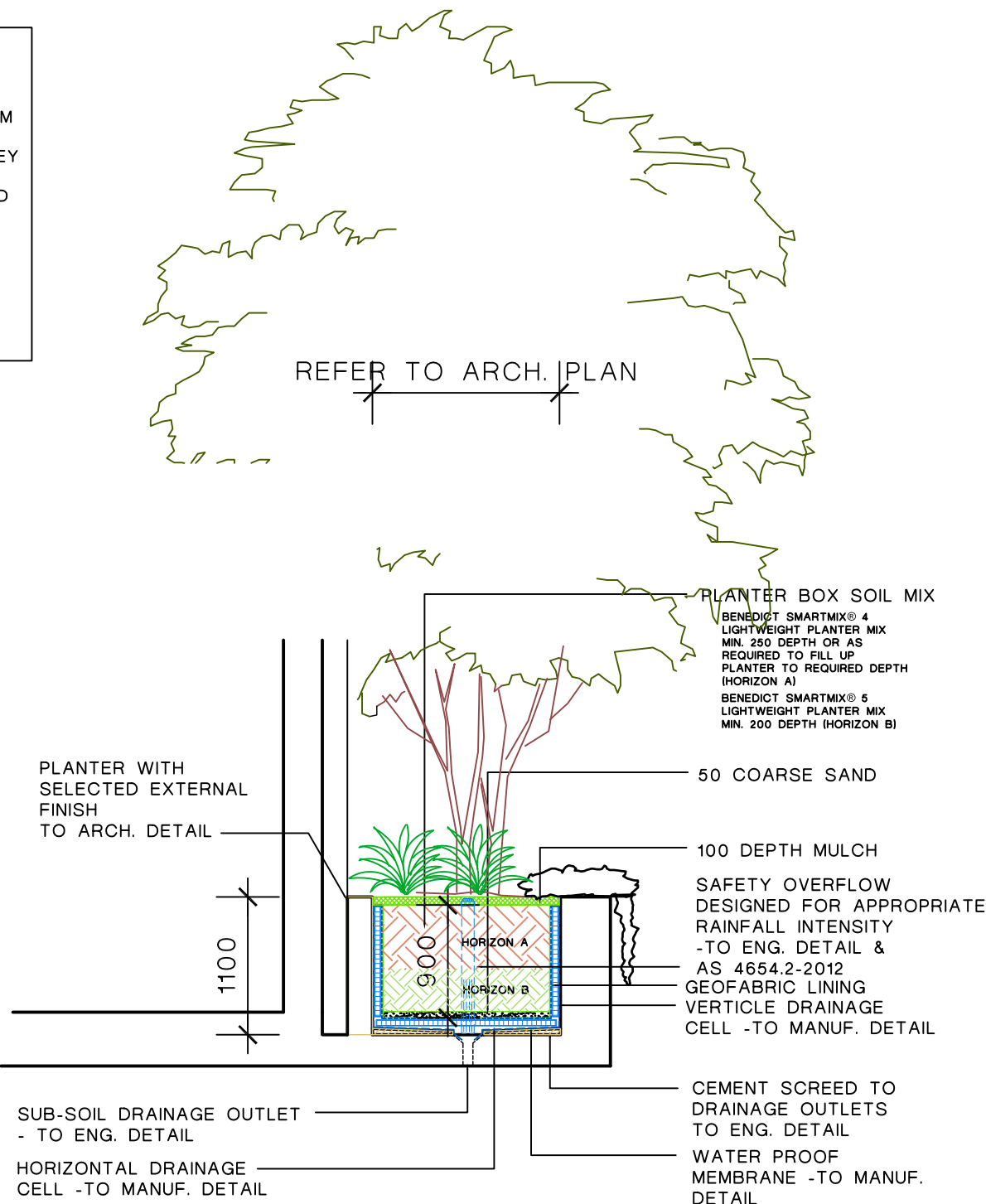


SITE LOCATION

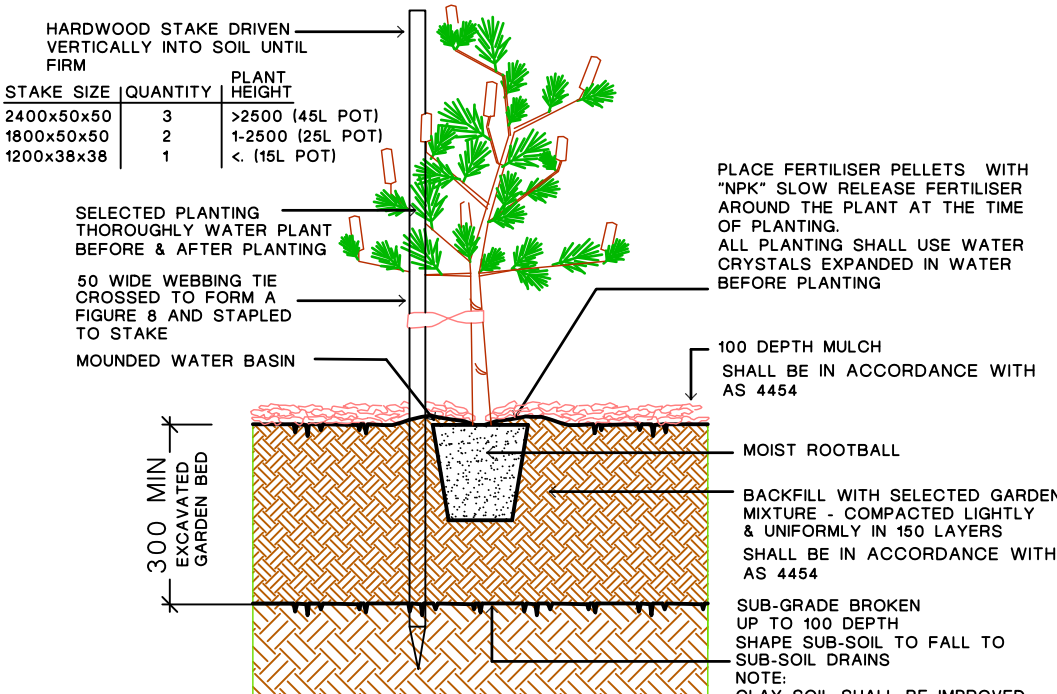
NOTE

IRRIGATION:
PROVIDE AUTOMATIC IRRIGATION SYSTEM TO ALL PLANTER BOXES SHALL BE IN ACCORDANCE WITH AS3500 AND SYDNEY WATER CODE
IRRIGATION SYSTEM SHALL BE DESIGNED & INSTALLED BY QUALIFIED IRRIGATION CONTRACTORS.

WATERPROOFING:
WATERPROOFING SHALL BE IN ACCORDANCE WITH WATER PROOF CONSULTANTS REPORT AND DETAILS



2. TYPICAL TERRACE / PODIUM EDGE PLANTER BOX DETAIL



1. TREE & SHRUB PLANTING IN GARDEN BED @

NOTE :
DO NOT PLANT IN UNSUITABLE WEATHER CONDITIONS SUCH AS EXTREME HEAT, COLD, WIND OR RAIN. CLAY SOIL IS TO BE TREATED WITH CLAY BREAKER AND ORGANIC COMPOST
ALL SOIL TYPE AS PER AUST. NATIVE LANDSCAPE SUPPLY OR EQUIVALENT AND SHALL BE IN ACCORDANCE WITH AS 4419

PROPOSED PLANT SCHEDULE					
IN ACCORDANCE WITH AS 2303: 2015					
CODE	BOTANICAL NAME	COMMON NAME	APPROX MATURED HEIGHT	POT SIZE	QUANTITY
GROUND COVER / BOARDER					
3	Dichondra repens	Kidney Weed	0.1	150mm	30
4	Liriope muscari 'Pink Pearl'	Pink Pearl Liriope	0.25	150mm	23
8	Dichondra Silver Falls	Silver Falls	0.1	150mm	24
10	Casuarina 'Cousin It'	Cousin It	0.3	150mm	19
LOW SHRUBS					
13	Philodendron Xanadu	Xanadu	0.7	200mm	30
TALL SHRUBS					
27	Tibouchina granulosa	Purple Glory Tree	3	200mm	3
30	Syzygium Aussie Compact	Aussie Compact Lilly Pilly	3	200mm	11
FEATURE SHRUBS					
31	Agave 'Blue Glow'	Agave 'Blue Glow'	1	200mm	3
33	Yucca rostrata 'Sapphire Skies'	Blue yucca	2	25 L	3
TREES					
47	Cupaniopsis anacardioides	Tuckeroo	h:10/s:8	75 L	2
48	Magnolia Little Gem	Little Gem Magnolia	h:8/s:4	75 L	1
SEDUM					
a	Sedum album	White Stonecrop	0.15	100mm	79
b	Sedum acre	Goldmoss Stonecrop	0.10	100mm	73
c	Sedum rupestre 'Angelina'	Sedum 'Angelina'	0.15	100mm	81
d	Sedum spurium	Two-row Stonecrop	0.10	100mm	77
e	Sedum pulchellum	Widow's Cross	0.25	100mm	79

NOTE:

THE TREES SHALL COMPLY WITH NATSPEC SPECIFYING TREES:
A GUIDE TO ASSESSMENT OF TREE QUALITY OR AUSTRALIAN STANDARD AS 2303:2015 TREE STOCK FOR LANDSCAPE USE.

HEIGHT AND SPAN ARE INDICATIVE ONLY.SUBJECT TO ON SITE ENVIRONMENTAL FACTORS.
USE ONLY AS A GUIDE.

REV	DESCRIPTION	REVISION DATE
C	AMEND AS PER COUNCIL MEETING & ARCH. CHG.	24.3.26
B	AMEND AS PER COUNCIL RFI	2.3.26
A	DA ISSUE	19/11/25

NOTE:

- In the event of any inconsistency between the architectural plans and stormwater plans, The architectural plan shall prevail to the extent of the inconsistency
- All landscape works shall be carried out by members of the LANDSCAPE CONTRACTORS ASSOCIATION OF AUSTRALIA.
- Contractors must verify all dimensions at the site before commencing any work or making any shop drawings which must be approved before manufacturing.
- Do not scale drawing, if in doubt - ASK
- This drawing is to be read in conjunction with Architectural, Hydraulic and survey plans
- All Existing trees to remain shall be protected as per arborist report & council requirements
- All pruning shall be in accordance with the AS 4373
- Thoroughly eradicate weeds from all garden areas.
- No variation to the works to be carried out without prior approval from owner.
- All materials to be the best of their respective kinds and shall comply with approved sample type submitted or specified.
- Substitution of plant species or varieties will not be permitted.
- Unless otherwise specified or directed, all instructions are to be issued by the consulting landscape designer.
- All storm water outlets & surface run off shall be to Hydraulic Engineers detail.
- Provide sub-soil drainage to garden beds & lawn areas where required - To be confirmed on site.
- Refer to survey plan for position of all existing services.
- Refer to Architectural elevations & Sections for existing and proposed ground lines.
- All landscape works shall comply with all councils DA & CC conditions and all relevant "AUSTRALIAN STANDARDS" and AUS SPEC NO.1 Specification C273-Landscaping.
- Irrigation system - If required, shall be designed & installed to comply with AS 2698, AS 2698.1-1994, AS 2698.2-1985, AS 2698.3-1990, water board and other relevant authority regulations.
- Landscaping is to be installed in accordance with the approved landscape plan.
All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate. The landscaping shall be maintained for the life of the development.

MAINTENANCE
- All landscape works are to be maintained for a period of 12 months (or as required by council DA Consent) by landscape contractor after final completion AND shall be maintained at all times in a suitable manner. Replace all plants which have failed with the same species. Mulch is to be maintained at specified depth. All plants and turf shall be watered on a regular basis to maintain moisture levels required for optimum growth. All garden areas are to be maintained free from weeds.

"For Approval"

PROPOSED MIXED USE DEVELOPMENT

**16-22 Cooper Street
Surry Hills**

ARCHITECT:

CLIENT:

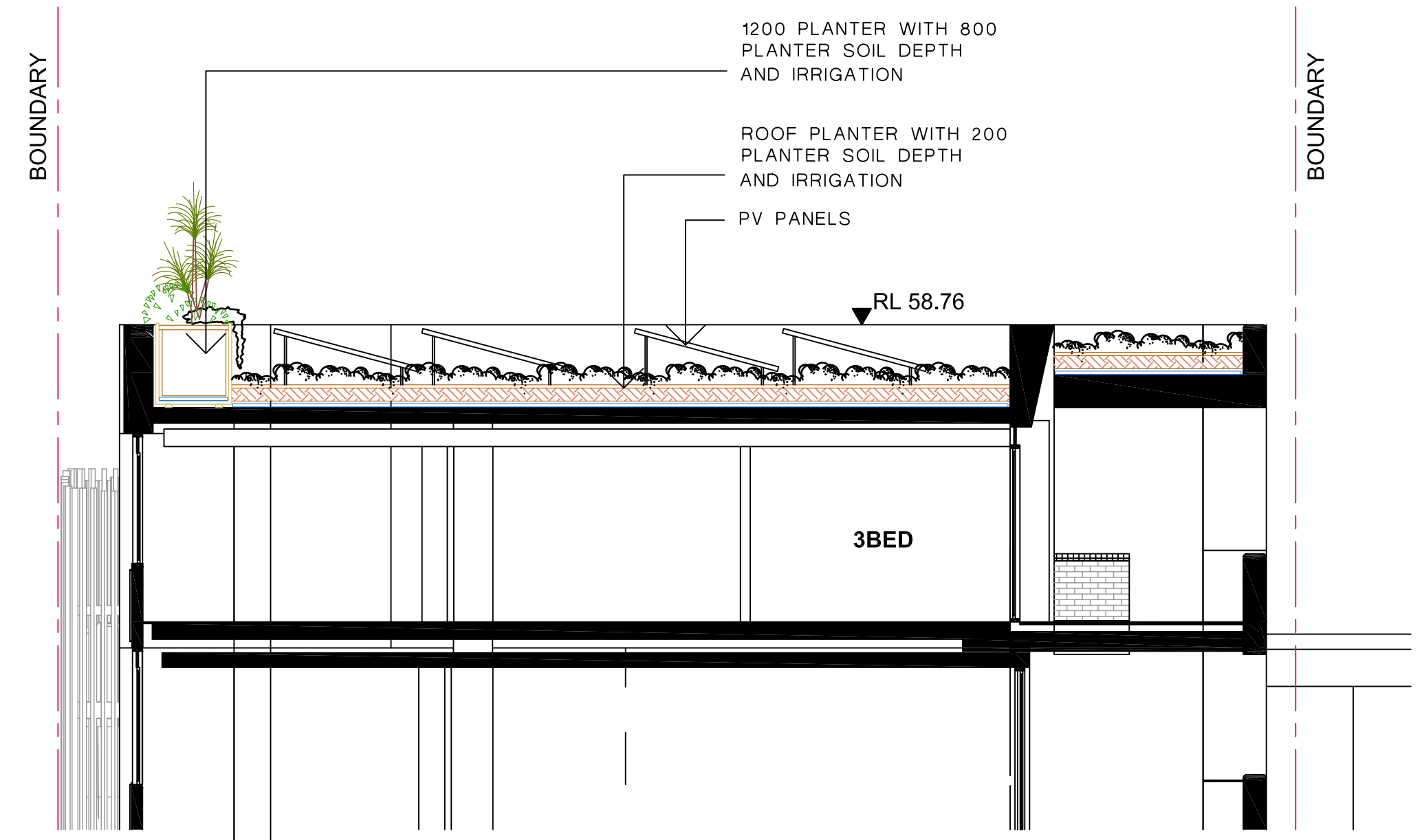
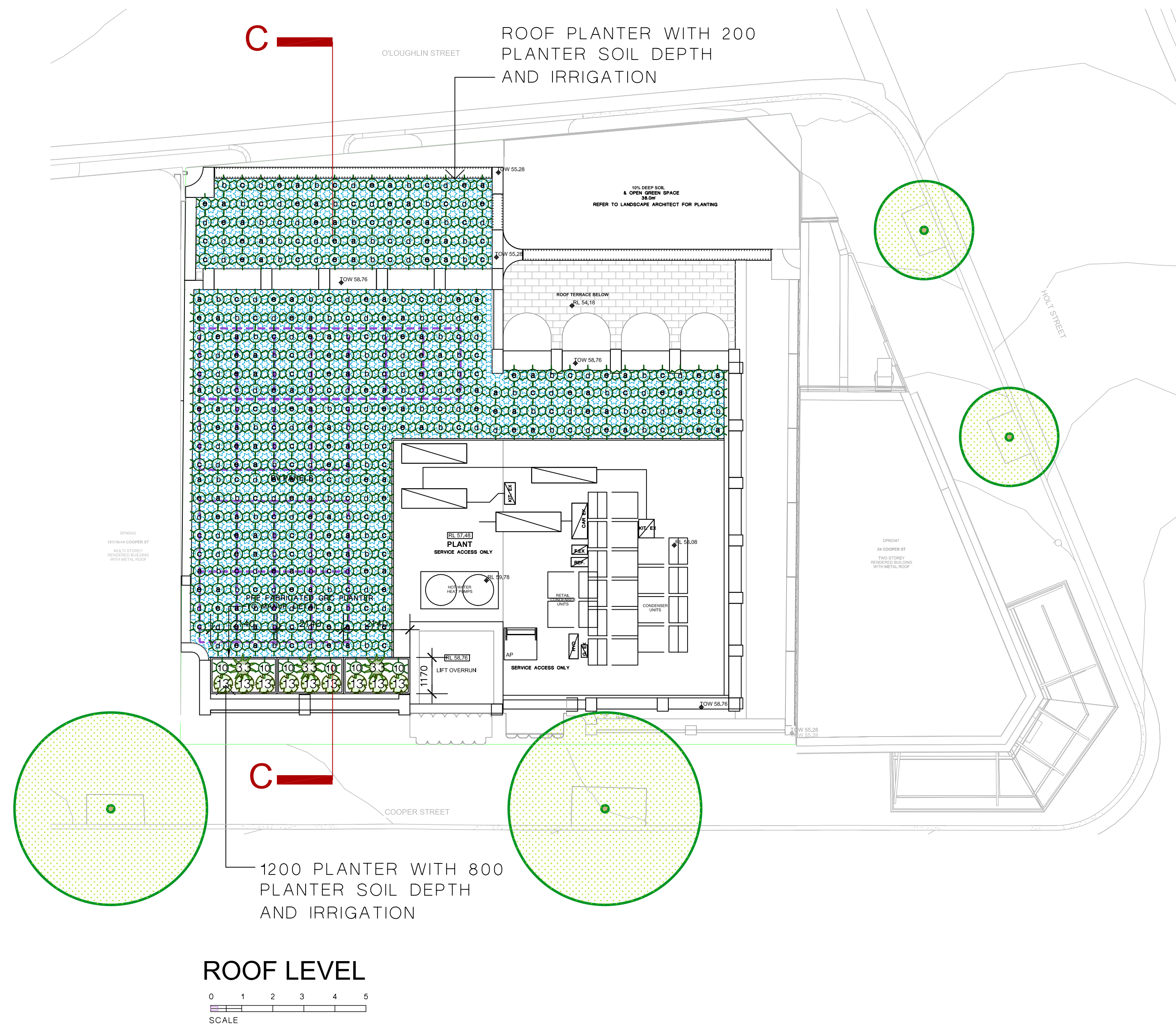
JASARA MANAGEMENT PTY LTD

vision dynamics
landscape design
m: 0412 282 888
Ph: (02) 9499 8888
em : visiondynamics @ westnet.com.au

DRAWING TITLE
LEGEND / DETAILS / PLANT SCHEDULE

DRAWN	FF	SCALE	1:100@A1 OR 1:200@A3	REV.	
DRAWING NUMBER	25088 DA 1 - 5				C

Professional Member



SECTION C-C

REV	DESCRIPTION	REVISION DATE
C	AMEND AS PER COUNCIL MEETING & ARCH. CHG.	24.3.26
B	AMEND AS PER COUNCIL RFI	2.3.26
A	DA ISSUE	19/11/25

“For Approval”

PROPOSED MIXED USE DEVELOPMENT

16-22 Cooper Street
Surry Hills

ARCHITECT: **SJB Architects**

CLIENT: **JASARA MANAGEMENT PTY LTD**

vision dynamics pty ltd. landscape design
m: 0412 282 888
Ph: (02) 9499 8888
em : visiondynamics @ westnet.com.au

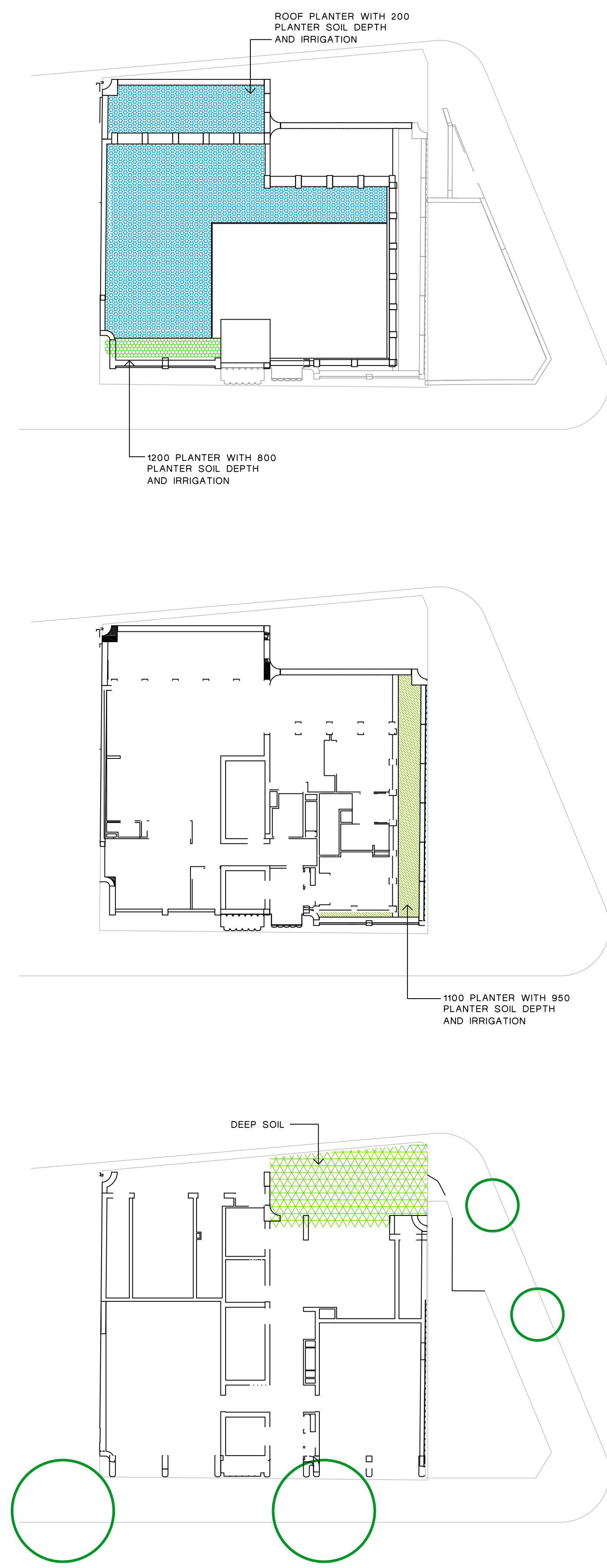
DRAWING TITLE: **LANDSCAPE CONCEPT PLAN**

DRAWN	FF	SCALE	1:100@A1 OR 1:200@A3	REV.
DRAWING NUMBER	25088	DA	4 - 5	C

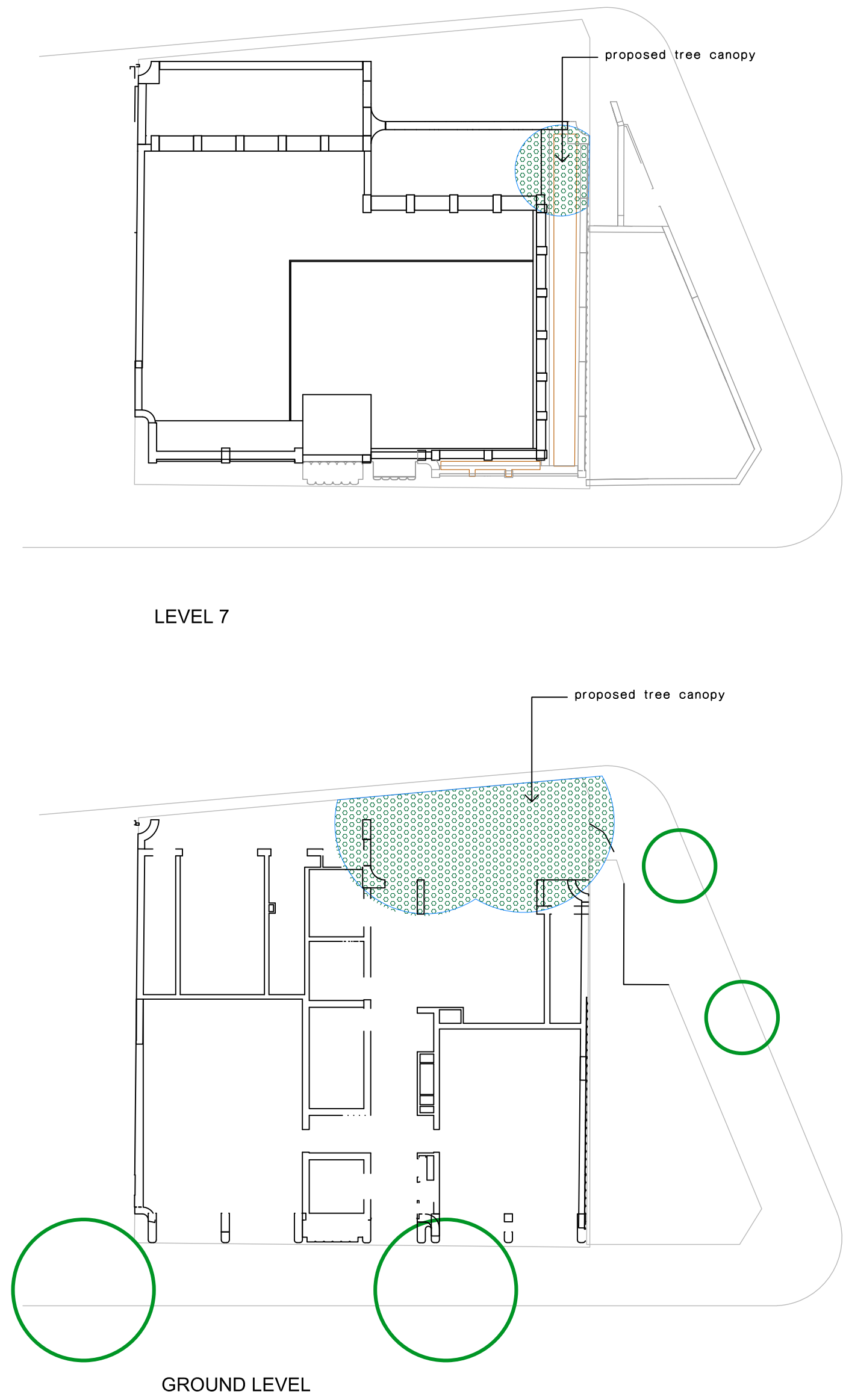
Landscapes Design Institute Professional Member

NORTH

DEEP SOIL / PLANTER BOX



PROPOSED TREE CANOPY



site area	385.72 m ²
proposed tree canopy area required (15% of site area)	57.85 m ²
Tree canopy provided at maturity (18% provided)	70.70 m ²

REV	DESCRIPTION	REVISION DATE
C	AMEND AS PER COUNCIL MEETING & ARCH. CHG.	24.3.26
B	AMEND AS PER COUNCIL RFI	2.3.26
A	DA ISSUE	19/11/25

“For Approval”

PROPOSED MIXED USE DEVELOPMENT

16-22 Cooper Street
Surry Hills

ARCHITECT: 
SJB Architects

CLIENT: 
JASARA MANAGEMENT PTY LTD

 **vision dynamics**
pty ltd.
landscape design
m: 0412 282 888
Ph: (02) 9499 8888
em : visiondynamics @ westnet.com.au

DRAWING TITLE
LANDSCAPE CONCEPT PLAN

DRAWN	FF	SCALE	1:100@A1 OR 1:200@A3	REV.	
DRAWING NUMBER	25088 DA 5-5			C	

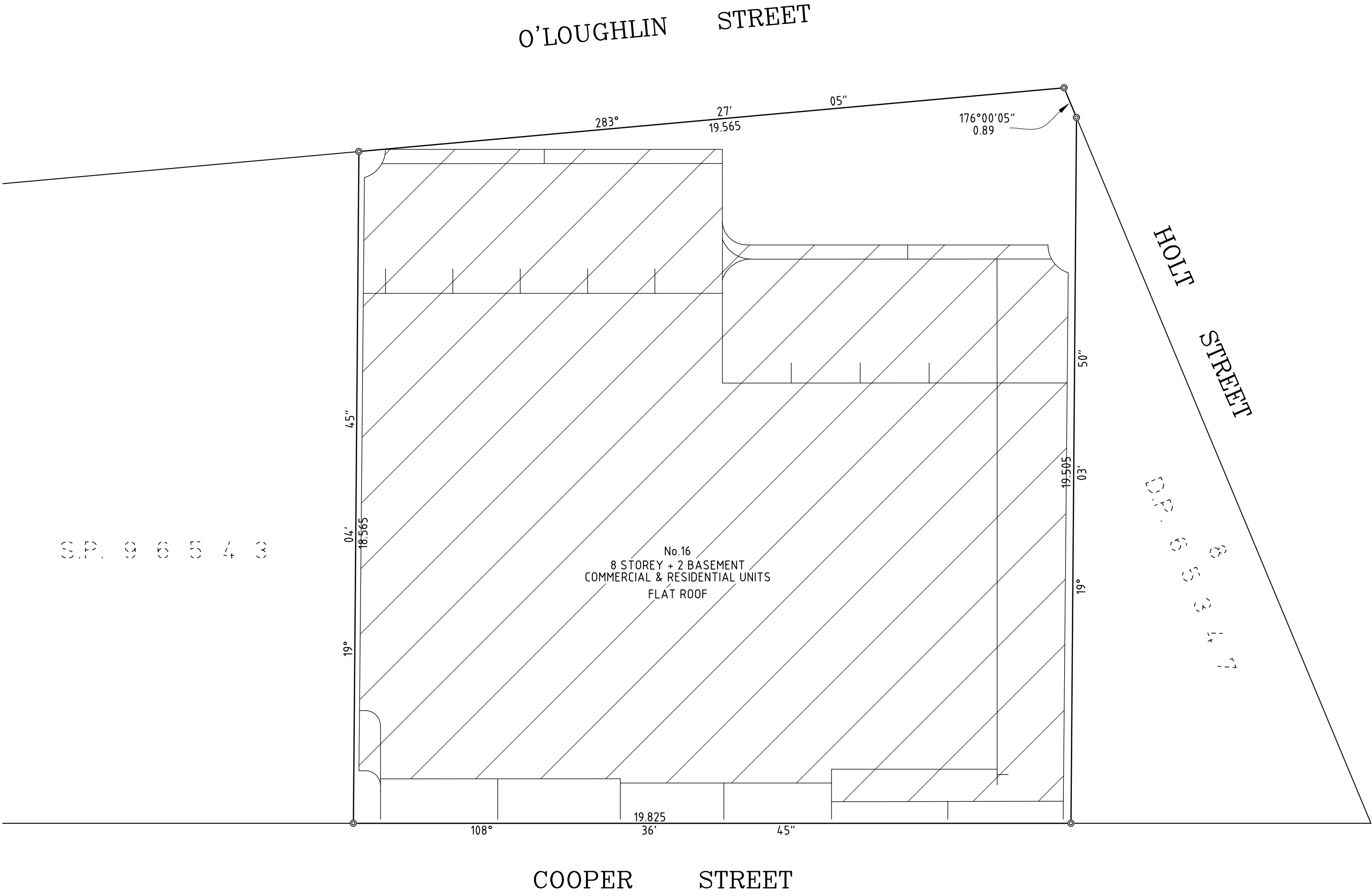
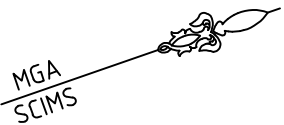
 Landscape Design Institute
Professional Member

 NORTH

NOTE:
THIS IS A PRELIMINARY DRAFT STRATUM PLAN. THE LOTS SHOWN
HEREON HAVE NOT BEEN FULLY SURVEYED AND ALL DIMENSIONS
AND AREAS SHOWN ARE SUBJECT TO FINAL SURVEY.

NOTES:
EASEMENTS AFFECTING LOTS 101,102:
-EASEMENT FOR SUPPORT & SHELTER AFFECTING THE WHOLE OF THE LOT
-EASEMENT FOR EMERGENCY INGRESS AFFECTING THE WHOLE OF THE LOT
-EASEMENT FOR SERVICES AFFECTING THE WHOLE OF THE LOT
-RIGHT OF ACCESS AFFECTING THE WHOLE OF THE LOT
-EASEMENT TO DRAIN WATER AFFECTING THE WHOLE OF THE LOT

LOCALITY
THIS SHEET DETAILS THE SURROUND SURVEY



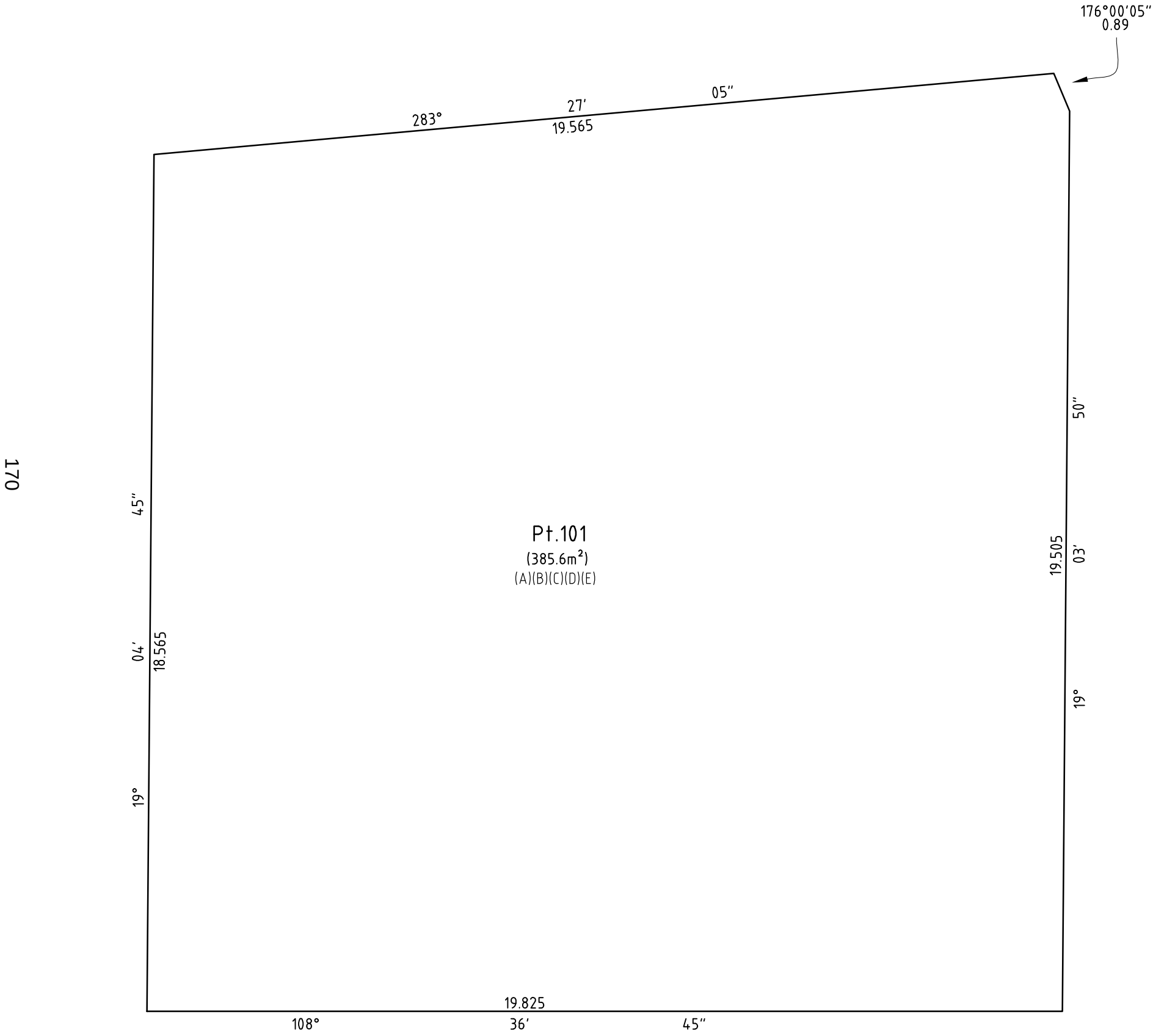
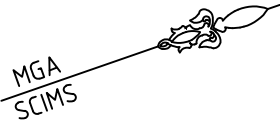
TOTAL AREA LOT101 : 4119.3 m²
TOTAL AREA LOT102 : 122.3 m²

ALL LEVELS RELATED TO AHD

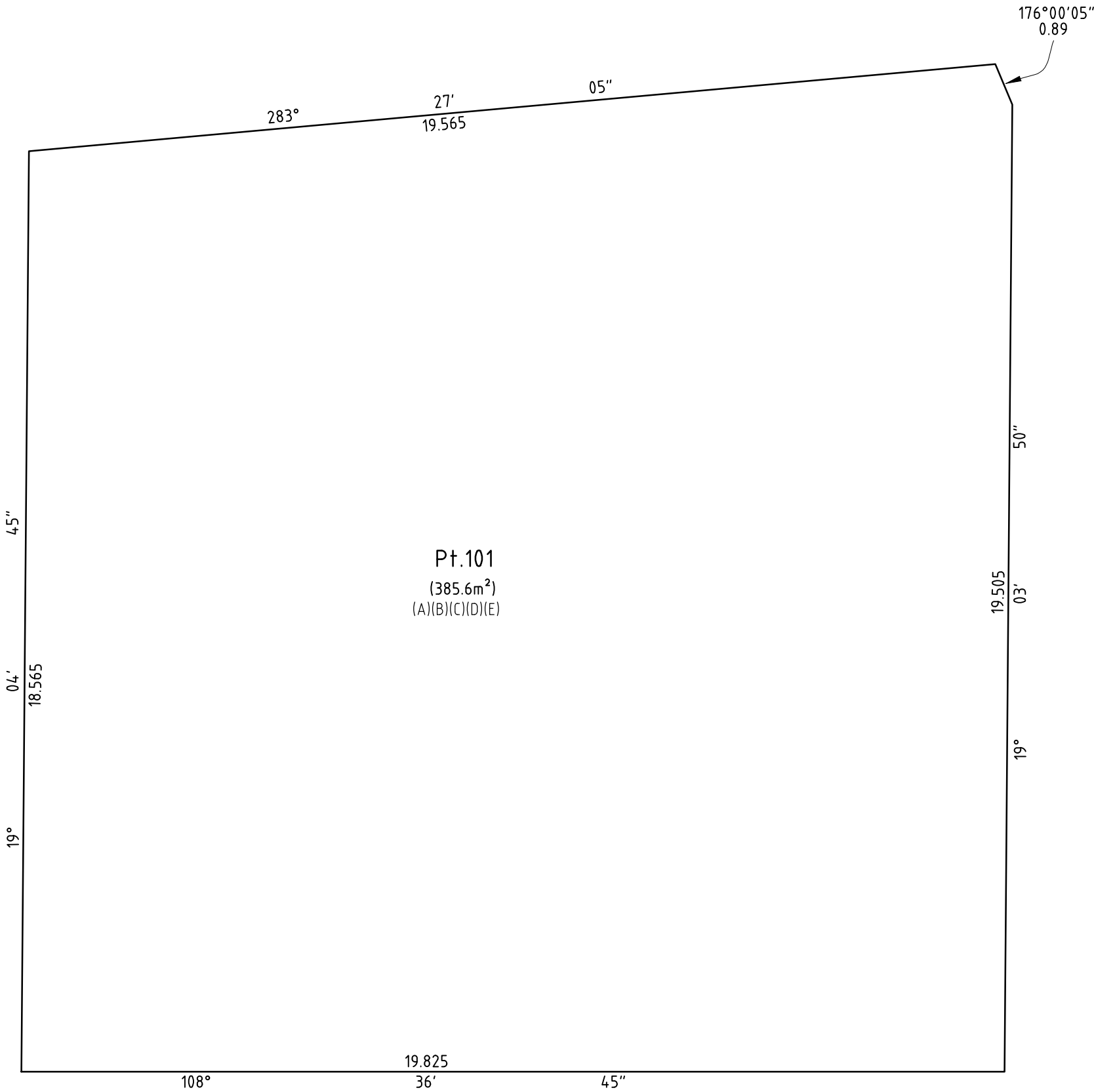
SURVEYOR Name: WARREN ALAN ELDRIDGE Date of Survey: Reference: 12410-STRATUM	PLAN OF SUBDIVISION OF LOT 1 & 2 IN DP515656	L.G.A.: SYDNEY Locality: SURRY HILLS Reduction Ratio: 1: 100 Lengths are in metres	Registered	DP1323053
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NOTE:
THIS IS A PRELIMINARY DRAFT STRATUM PLAN. THE LOTS SHOWN
HEREON HAVE NOT BEEN FULLY SURVEYED AND ALL DIMENSIONS
AND AREAS SHOWN ARE SUBJECT TO FINAL SURVEY.

NOTES:
(A) -EASEMENT FOR SUPPORT & SHELTER AFFECTING THE WHOLE OF THE LOT
(B) -EASEMENT FOR EMERGENCY INGRESS AFFECTING THE WHOLE OF THE LOT
(C) -EASEMENT FOR SERVICES AFFECTING THE WHOLE OF THE LOT
(D) -RIGHT OF ACCESS AFFECTING THE WHOLE OF THE LOT
(E) -EASEMENT TO DRAIN WATER AFFECTING THE WHOLE OF THE LOT



LOT 101
UNLIMITED IN DEPTH
LIMITED IN HEIGHT TO RL.26.28
BASEMENT 2



LOT 101
LIMITED IN DEPTH TO RL.26.28
LIMITED IN HEIGHT TO RL.29.24
BASEMENT 1

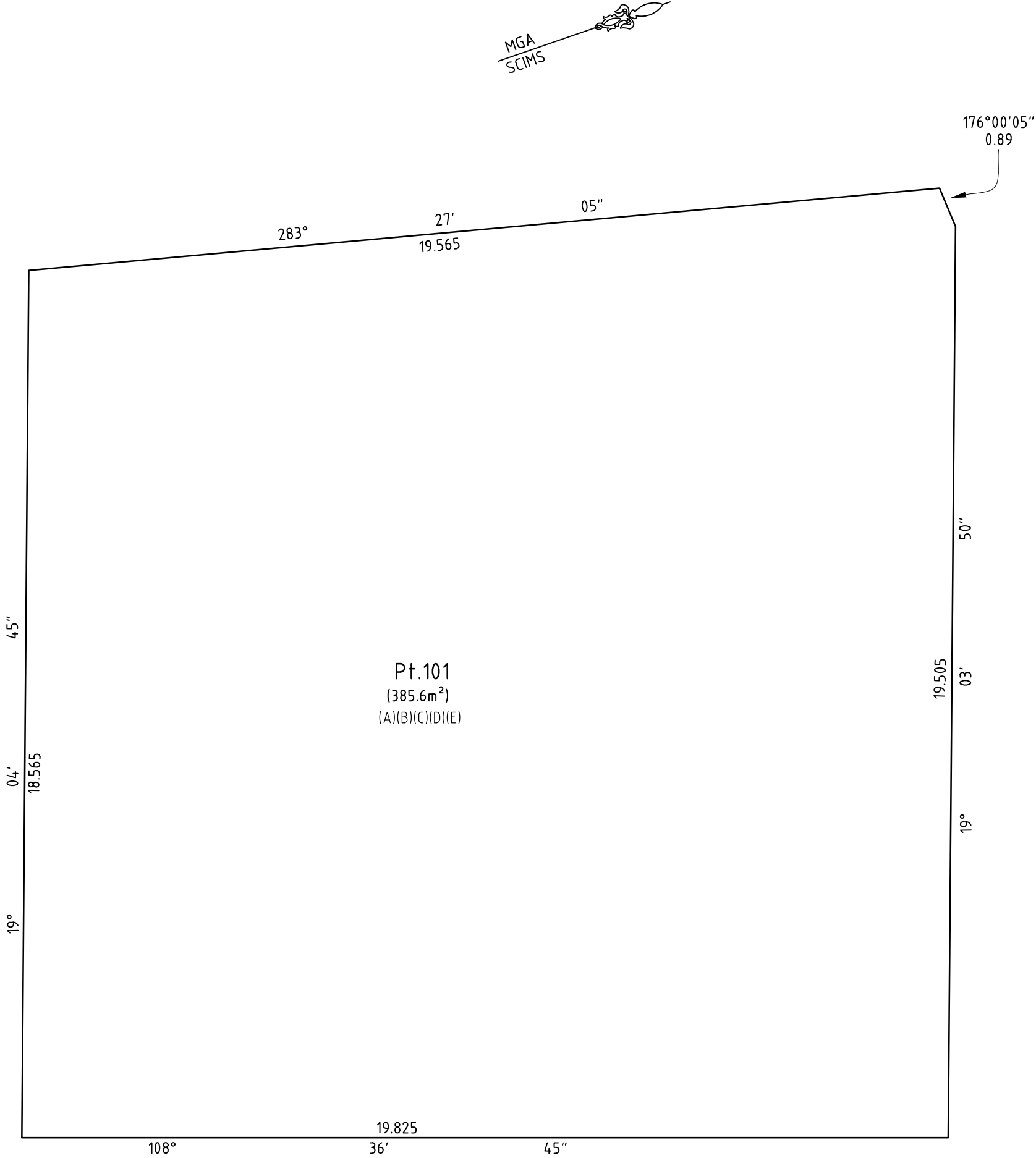
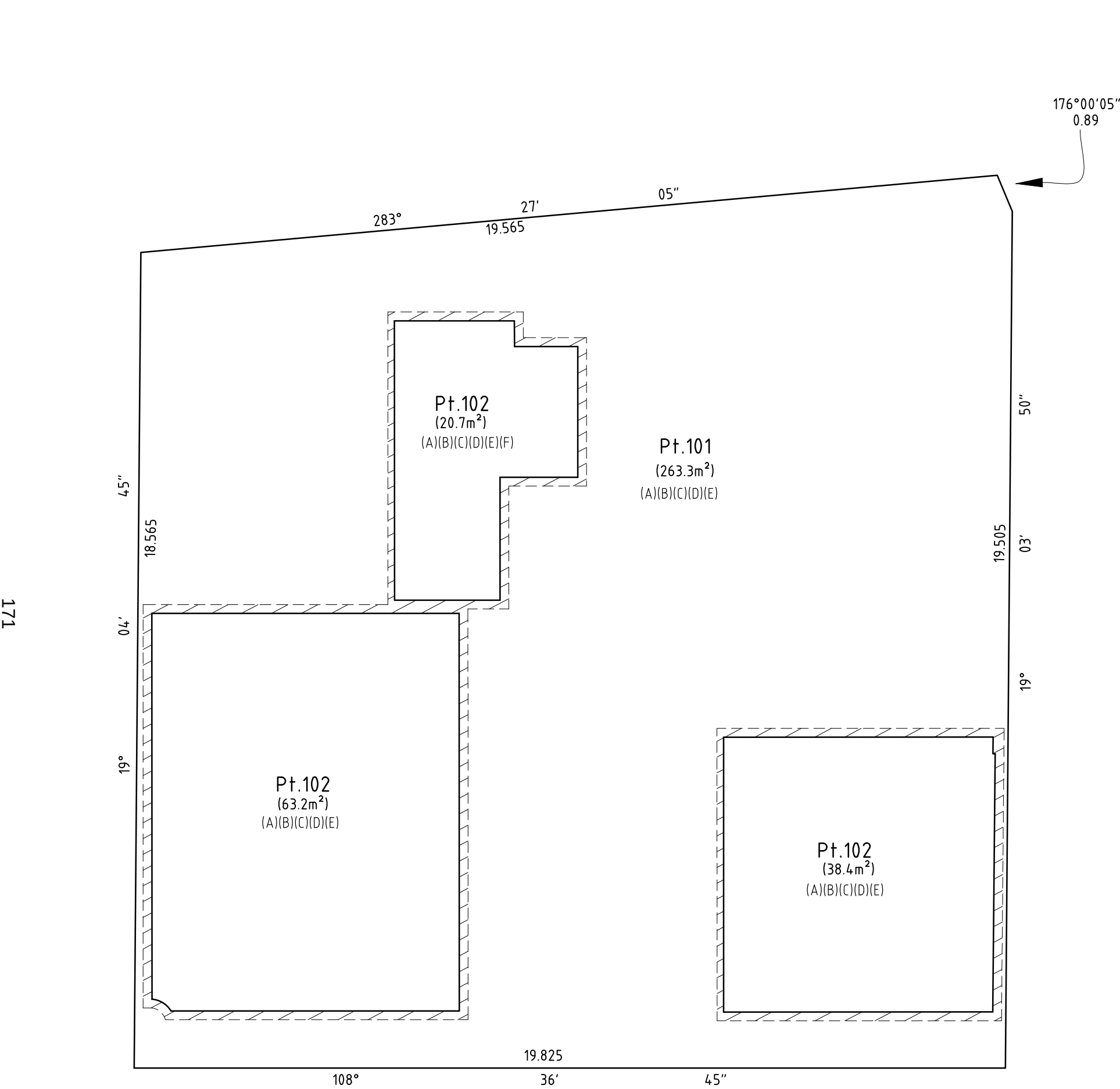
ALL LEVELS RELATED TO AHD

- NOTE
STRATUM BASED ON ARCHITECTURE PLAN
BY SJB ARCHITECTS
- DRAWING No. DA-1001 & DA-1002 REV.16&19

SURVEYOR Name: WARREN ALAN ELDRIDGE Date of Survey: Reference: 12410-STRATUM	PLAN OF SUBDIVISION OF LOT 1 & 2 IN DP515656	L.G.A.: SYDNEY Locality: SURRY HILLS Reduction Ratio: 1: 100 Lengths are in metres	Registered	DP1323053
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NOTE:
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AND AREAS SHOWN ARE SUBJECT TO FINAL SURVEY.

NOTES:
(A) -EASEMENT FOR SUPPORT & SHELTER AFFECTING THE WHOLE OF THE LOT
(B) -EASEMENT FOR EMERGENCY INGRESS AFFECTING THE WHOLE OF THE LOT
(C) -EASEMENT FOR SERVICES AFFECTING THE WHOLE OF THE LOT
(D) -RIGHT OF ACCESS AFFECTING THE WHOLE OF THE LOT
(E) -EASEMENT TO DRAIN WATER AFFECTING THE WHOLE OF THE LOT



LOT101
LIMITED IN DEPTH TO RL.29.24
LIMITED IN HEIGHT TO RL.34.58
LOT102
LIMITED IN DEPTH TO RL.29.24
LIMITED IN HEIGHT TO RL.34.58

LOT101
LIMITED IN DEPTH TO RL.34.58
UNLIMITED IN HEIGHT

LEVEL 1 AND ABOVE

ALL LEVELS RELATED TO AHD

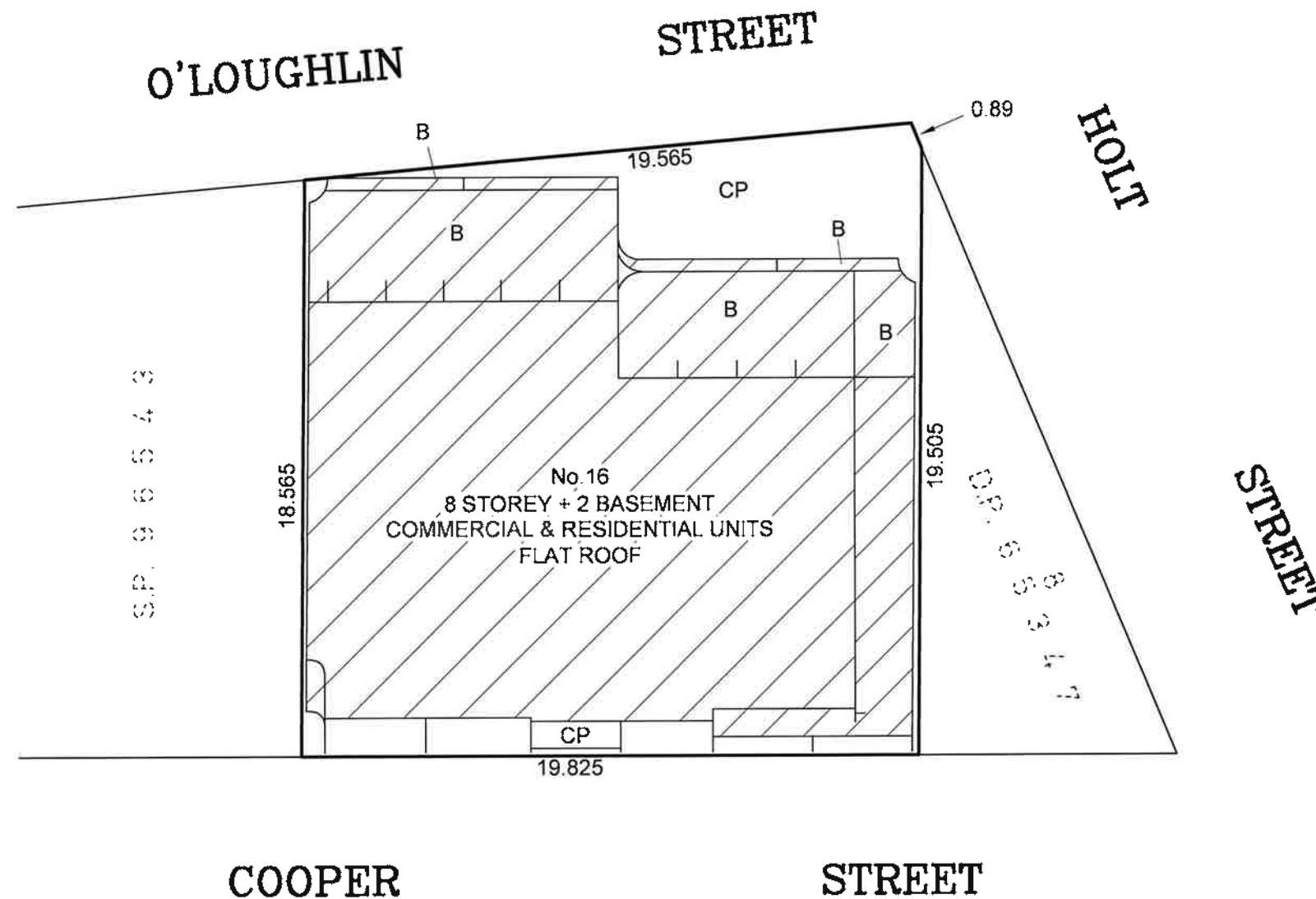
- NOTE
STRATUM BASED ON ARCHITECTURE PLAN
BY SJB ARCHITECTS
- DRAWING No. DA-1003 & DA-1004 REV.19 & REV.11

SURVEYOR Name: WARREN ALAN ELDRIDGE Date of Survey: Reference: 12410-STRATUM	PLAN OF SUBDIVISION OF LOT 1 & 2 IN DP515656	L.G.A.: SYDNEY Locality: SURRY HILLS Reduction Ratio: 1: 100 Lengths are in metres	Registered	DP1323053
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NOTE:
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APPROXIMATE AND SUBJECT TO SURVEY AND
REGISTRATION OF THE FINAL STRATA PLAN AT LAND
AND PROPERTY INFORMATION.

NOTES:
1. CP DENOTES COMMON PROPERTY
B. DENOTES BALCONY

172



LOCATION PLAN

SURVEYOR
Name: WARREN ELDRIDGE
Date: 29/04/2026
Reference: 12410-SP

PLAN OF SUBDIVISION OF LOT 101 IN
DP 1323053

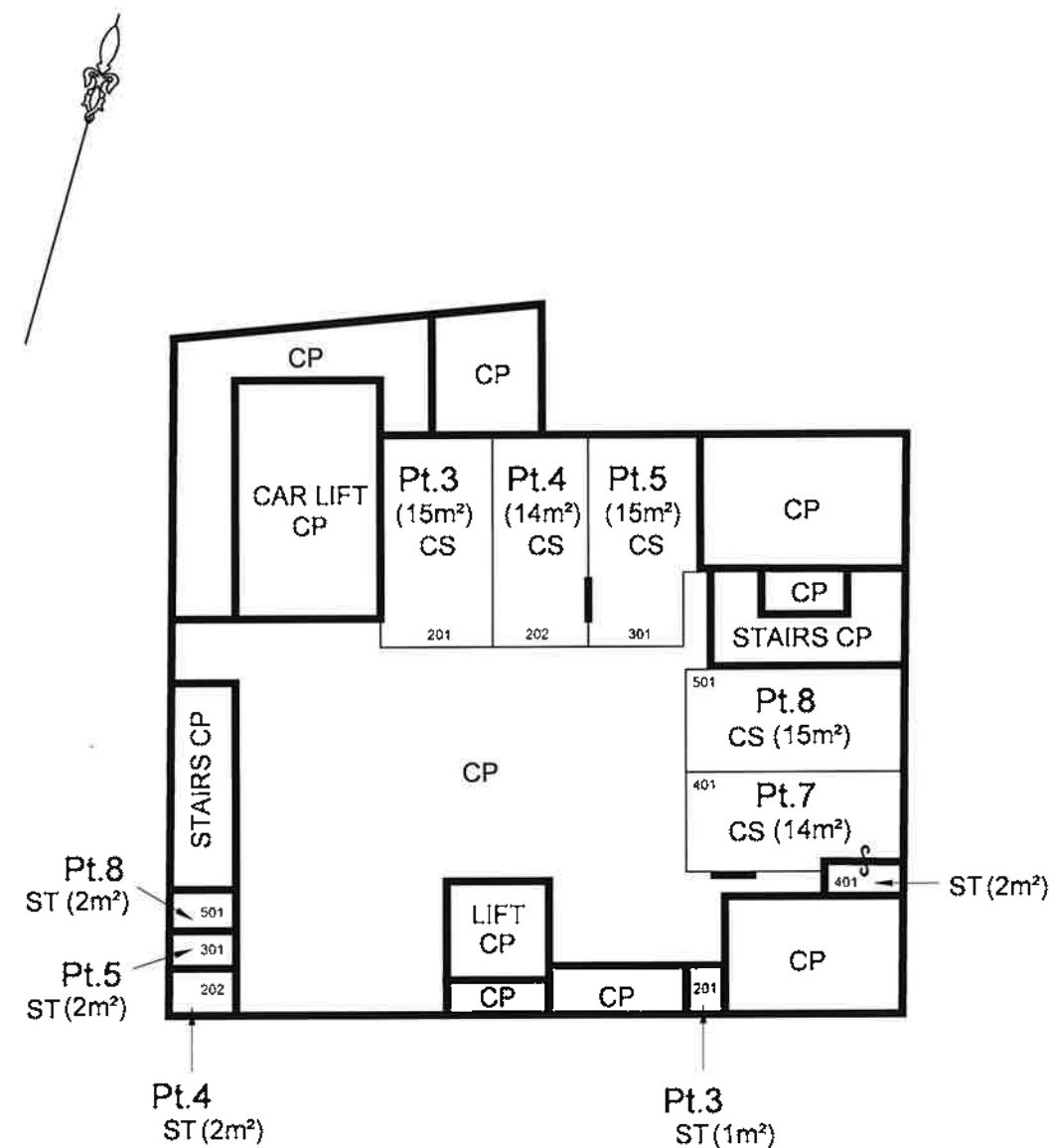
L.G.A.: SYDNEY
Locality: SURRY HILLS
Reduction Ratio: 1:200
Lengths are in metres

Registered

ISSUE B

NOTE:

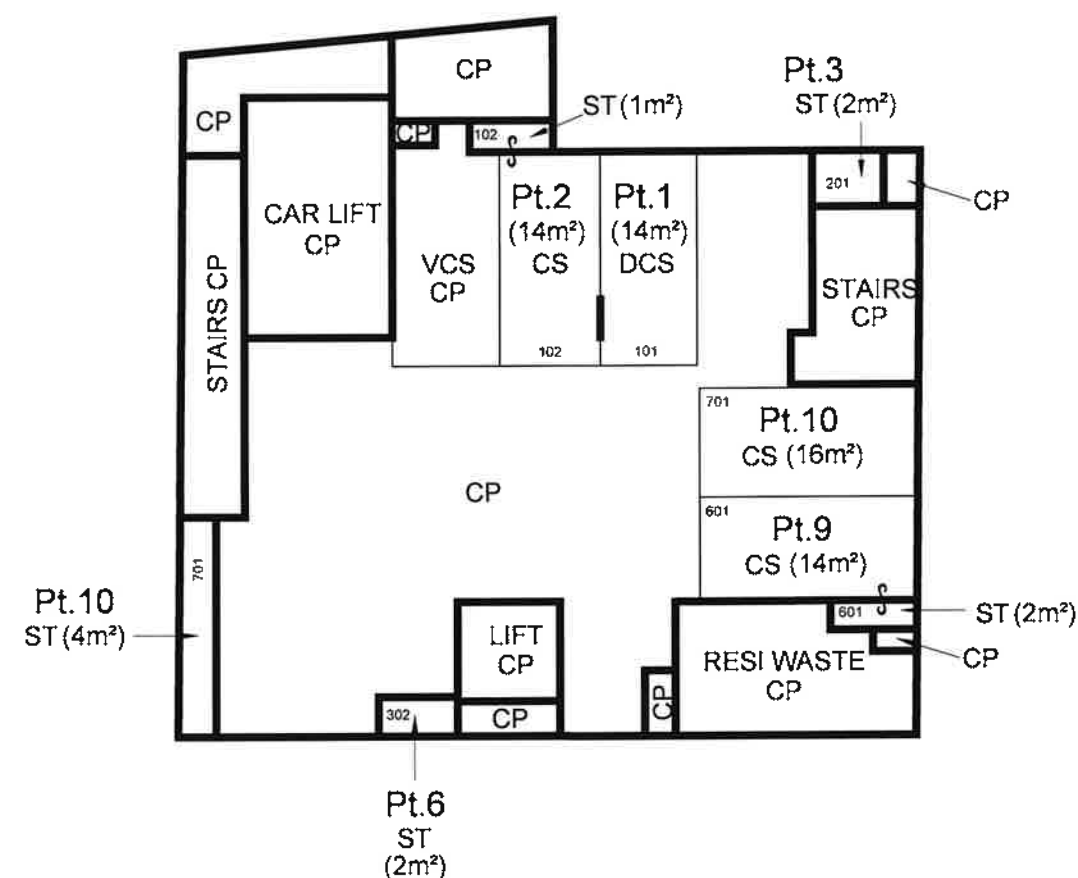
THIS IS A PRELIMINARY DRAFT STRATA PLAN. THE LOTS SHOWN HEREON HAVE NOT BEEN SURVEYED AND ALL DIMENSIONS AND/OR AREAS SHOWN ARE APPROXIMATE AND SUBJECT TO SURVEY AND REGISTRATION OF THE FINAL STRATA PLAN AT LAND AND PROPERTY INFORMATION.



BASEMENT 2

NOTES:

1. ALL AREAS ARE APPROXIMATE
2. CP DENOTES COMMON PROPERTY
CS DENOTES CARSPACE
DCS DENOTES DISABLED CARSPACE
VCS DENOTES VISITOR CARSPACE
ST DENOTES STORAGE



BASEMENT 1

NOTE

- STRATA BASED ON ARCHITECTURE PLAN BY SJB ARCHITECTS
- DRAWING N.: DA-1001 REV.16 & DA-1002 REV.19
- ISSUE DATE: 31/3/2026 & 15/4/2026

SURVEYOR

Name: WARREN ELDRIDGE

Date: 29/04/2026

Reference: 12410-SP

PLAN OF SUBDIVISION OF LOT 101 IN
DP 1323053

L.G.A.: SYDNEY

Locality: SURRY HILLS

Reduction Ratio: 1:200

Lengths are in metres

Registered

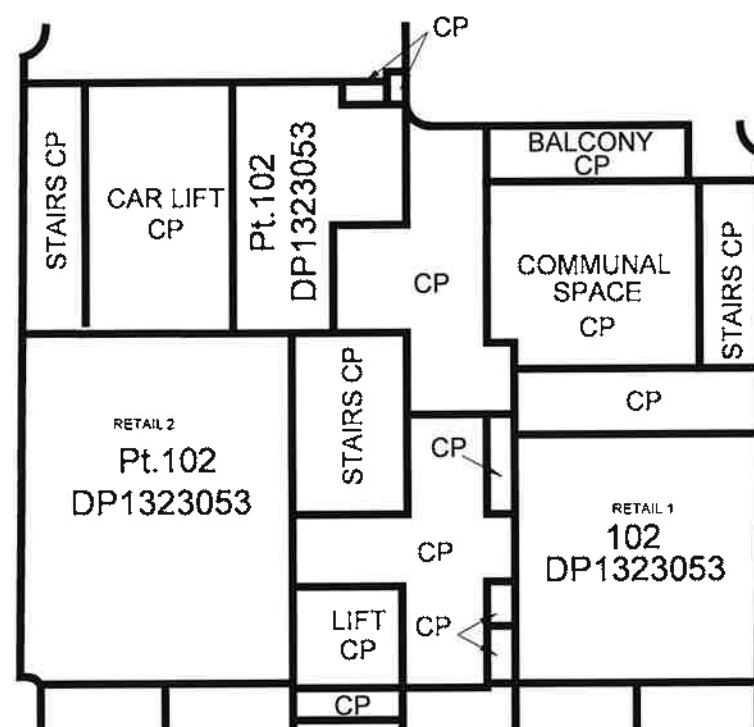
ISSUE B

NOTE:

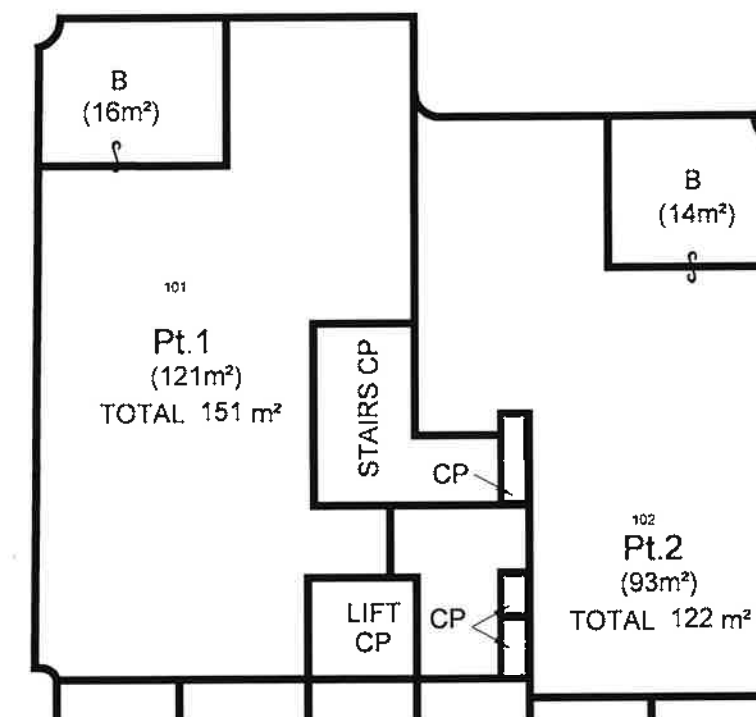
THIS IS A PRELIMINARY DRAFT STRATA PLAN. THE LOTS SHOWN HEREON HAVE NOT BEEN SURVEYED AND ALL DIMENSIONS AND/OR AREAS SHOWN ARE APPROXIMATE AND SUBJECT TO SURVEY AND REGISTRATION OF THE FINAL STRATA PLAN AT LAND AND PROPERTY INFORMATION.

NOTES:

1. ALL AREAS ARE APPROXIMATE
2. CP DENOTES COMMON PROPERTY
- B. DENOTES BALCONY



GROUND FLOOR



LEVEL 1

NOTE

- STRATA BASED ON ARCHITECTURE PLAN BY SJB ARCHITECTS
- DRAWING N.: DA-1003 REV.19 & DA-1004 REV.11
- ISSUE DATE: 15/4/2026

SURVEYOR

Name: WARREN ELDRIDGE

Date: 29/04/2026

Reference: 12410-SP

PLAN OF SUBDIVISION OF LOT 101 IN
DP 1323053

L.G.A.: SYDNEY

Locality: SURRY HILLS

Reduction Ratio: 1:200

Lengths are in metres

Registered

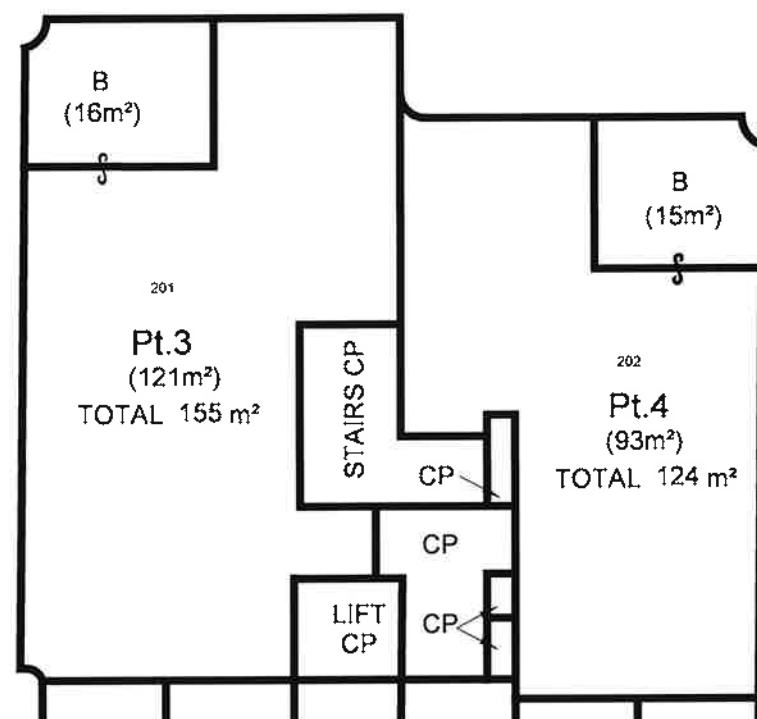
ISSUE B

NOTE:

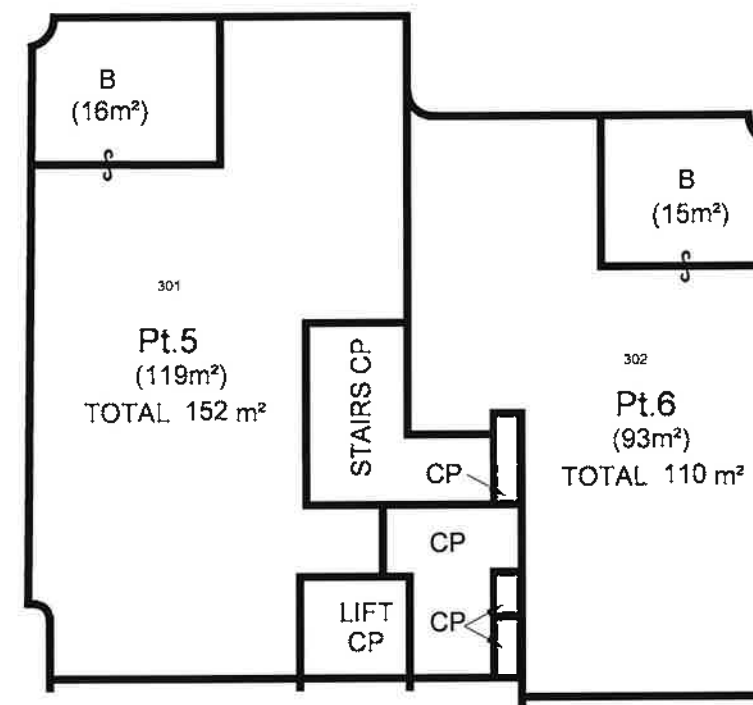
THIS IS A PRELIMINARY DRAFT STRATA PLAN. THE LOTS SHOWN HEREON HAVE NOT BEEN SURVEYED AND ALL DIMENSIONS AND/OR AREAS SHOWN ARE APPROXIMATE AND SUBJECT TO SURVEY AND REGISTRATION OF THE FINAL STRATA PLAN AT LAND AND PROPERTY INFORMATION.

NOTES:

1. ALL AREAS ARE APPROXIMATE
2. CP DENOTES COMMON PROPERTY
B. DENOTES BALCONY



LEVEL 2



LEVEL 3

NOTE

- STRATA BASED ON ARCHITECTURE PLAN BY SJB ARCHITECTS
- DRAWING N.: DA-1005 REV.18 & DA-1006 REV.5
- ISSUE DATE: 15/4/2026

SURVEYOR

Name: WARREN ELDRIDGE

Date: 29/04/2026

Reference: 12410-SP

PLAN OF SUBDIVISION OF LOT 101 IN
DP 1323053

L.G.A.: SYDNEY

Locality: SURRY HILLS

Reduction Ratio: 1:200

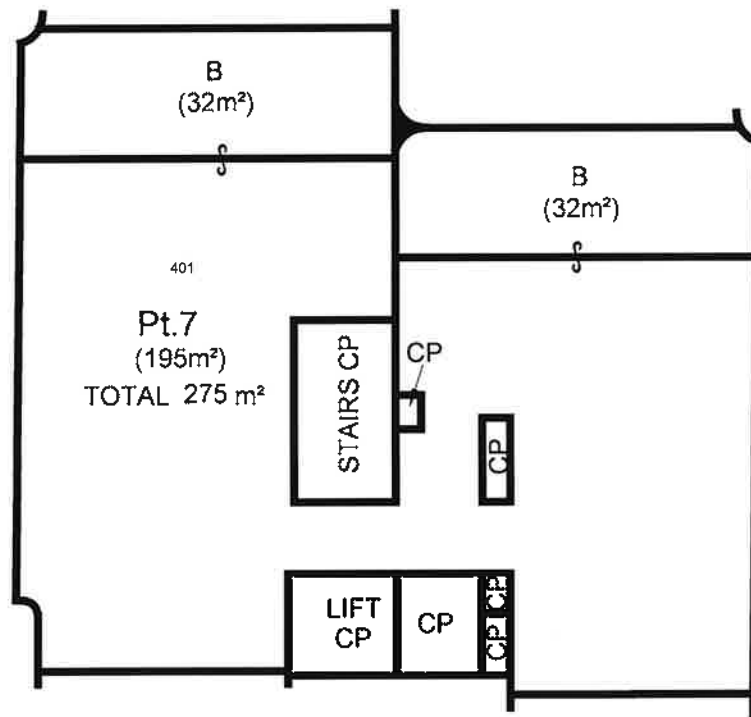
Lengths are in metres

Registered

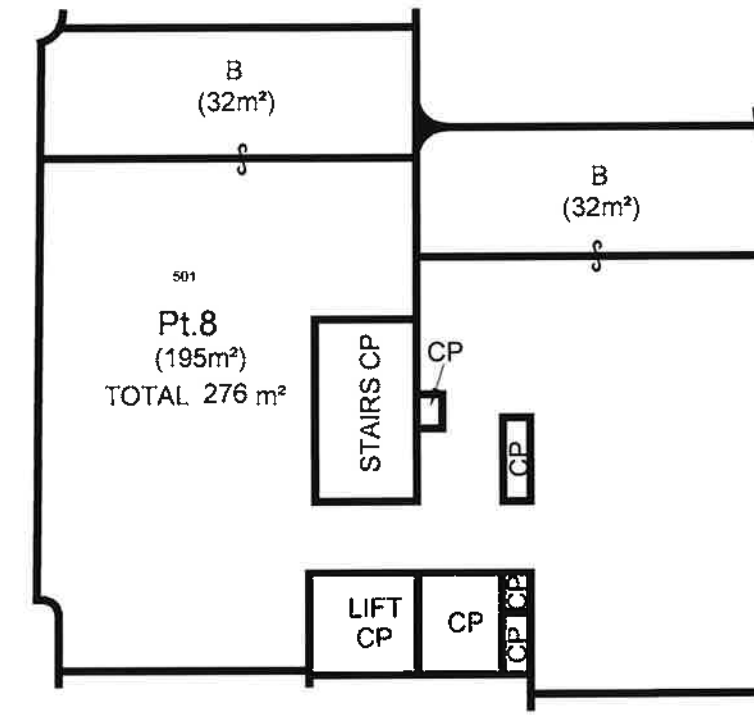
ISSUE B

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AND PROPERTY INFORMATION.

NOTES:
1. ALL AREAS ARE APPROXIMATE
2. CP DENOTES COMMON PROPERTY
B. DENOTES BALCONY



LEVEL 4



LEVEL 5

NOTE
• STRATA BASED ON ARCHITECTURE PLAN BY
SJB ARCHITECTS
• DRAWING N.: DA-1007 REV.17
• ISSUE DATE: 15/4/2026

SURVEYOR
Name: WARREN ELDRIDGE
Date: 29/04/2026
Reference: 12410-SP

PLAN OF SUBDIVISION OF LOT 101 IN
DP 1323053

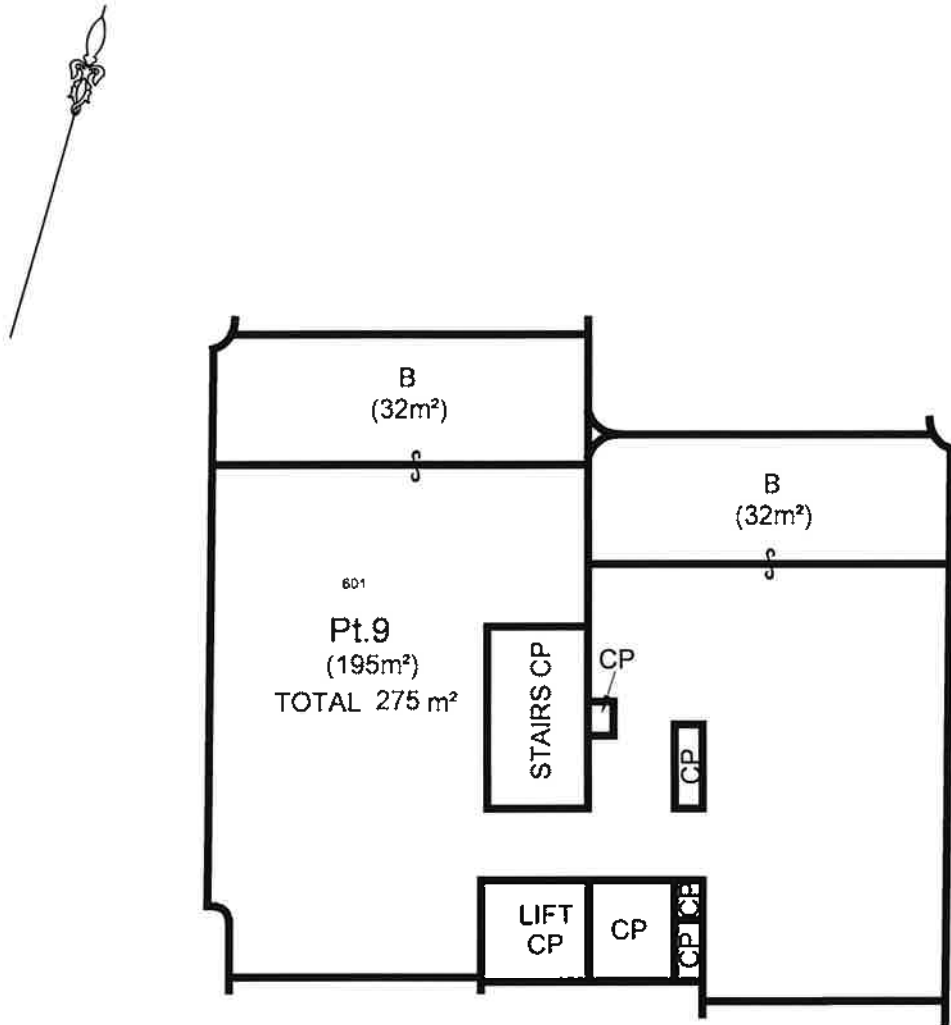
L.G.A.: SYDNEY
Locality: SURRY HILLS
Reduction Ratio: 1:200
Lengths are in metres

Registered

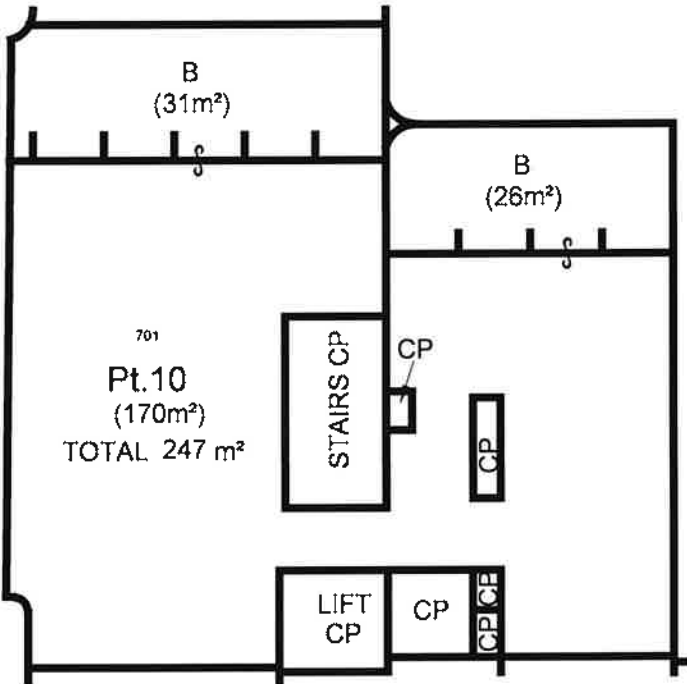
ISSUE B

NOTE:
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REGISTRATION OF THE FINAL STRATA PLAN AT LAND
AND PROPERTY INFORMATION.

NOTES:
1. ALL AREAS ARE APPROXIMATE
2. CP DENOTES COMMON PROPERTY
B. DENOTES BALCONY



LEVEL 6



LEVEL 7

NOTE
• STRATA BASED ON ARCHITECTURE PLAN BY
SJB ARCHITECTS
• DRAWING N.: DA-1007 REV.17 & DA-1010 REV.18
• ISSUE DATE: 15/4/2026

SURVEYOR
Name: WARREN ELDRIDGE
Date: 29/04/2026
Reference: 12410-SP

PLAN OF SUBDIVISION OF LOT 101 IN
DP 1323053

L.G.A.: SYDNEY
Locality: SURRY HILLS
Reduction Ratio: 1:200
Lengths are in metres

Registered

ISSUE B

Attachment C

Clause 4.6 Variation – Height of Buildings

20 NOVEMBER 2025

CLAUSE 4.6 VARIATION REQUEST – HEIGHT OF BUILDINGS - CLAUSE 4.3(2)

16-22 COOPER STREET, SURRY HILLS

Introduction

This Clause 4.6 Variation Request as well as accompanying architectural plans (prepared by SJB Architects, dated 20 November 2025) accompanies the Statement of Environmental Effects for the subject Development Application (DA). This request supports the proposal for the construction of a shop top housing development at 16-22 Cooper Street, Surry Hills (subject site).

Clause 4.3(2) of the Sydney Local Environmental Plan 2012 (SLEP 2012) prescribes a 27m Height of Building (HoB) standard for the subject site. The subject DA proposes a maximum height of 29.7m. Therefore, a variation of 2.7m (equivalent to 10%) is sought from the development standard.

This request demonstrates that compliance with the development standard relating to building height is unreasonable or unnecessary in the circumstances of the case and establishes that there are sufficient environmental planning grounds to justify contravening the development standard, satisfying Clause 4.6(3) of the SLEP 2012.

This written request adequately addresses the matters required under subclause (3) and demonstrates consistency with the objectives of the development standard and the objectives for the subject MU1 – Mixed Use zone as prescribed by the SLEP 2012. On this basis, the variation request can be supported.

The variation can also be supported given City of Sydney (CoS) Council supported an almost identical request as part of Development Consent 2023/904 which was issued on 5 June 2024.

Standard to be varied and permissible floor space ratio

Clause 4.3(2) of the SLEP 2012 prescribes a 27m height of building standard for the subject site, as demonstrated in the mapping extract on the following page.

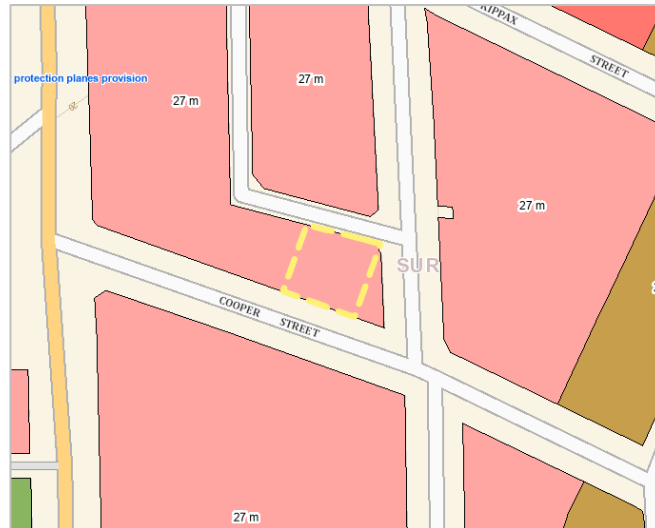


Figure 1: Extract of HoB map with subject site outlined yellow (Source: SLEP 2012/PPUD)

Extent of variation

The proposal includes an overall HoB of 29.7m. This represents a 2.7m exceedance of the HoB standard (which is equivalent to 10%).

Unreasonable or unnecessary

In this section it is demonstrated why compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by Clause 4.6(3)(a) of the SSLEP 2012.

The NSW Land and Environment Court (Court) held that there are at least five (5) different ways, and possibly more, through which an applicant might establish that compliance with a development standard is unreasonable or unnecessary. See *Wehbe v Pittwater Council* [2007] NSWLEC 827 (*Wehbe*).

The five (5) ways of establishing that compliance is unreasonable or unnecessary are:

1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard; (First Test)
2. The underlying objectives or purpose is not relevant to the development with the consequence that compliance is unnecessary; (Second Test)
3. The objectives would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable; (Third Test)
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granted consents departing from the standard hence the standard is unreasonable and unnecessary; (Fourth Test) and
5. The zoning of the land is unreasonable or inappropriate. (Fifth Test)

It is sufficient to demonstrate only one of these ways to satisfy Clause 4.6(3)(a) (*Wehbe v Pittwater Council* [2007] NSWLEC 827, *Initial Action Pty Limited v Woollahra Municipal Council* [2018] NSWLEC 118 at [22] and *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130 at [28]) and *SJD DB2 Pty Ltd v Woollahra Municipal Council* [2020] NSWLEC 1112 at [31]).

Nonetheless, we have considered each of the ways as follows.

First Test

The objectives of the development standard are achieved notwithstanding non-compliance with the standard.

Each objective of the Clause is provided below, after which is discussion as to whether it is satisfied.

- *to ensure the height of development is appropriate to the condition of the site and its context*

Given that the subject site is in close proximity to Central Station, as well as the core of the Central Business District (CBD) within which there are multiple towers, the proposed height is considered appropriate. There are also several developments in close proximity to the subject site, including 10-14 Cooper Street and 360-370 Elizabeth Street x 8 Cooper Street, which are a similar height to the proposal and rely on similar exceedances (up to 2.35m above the 27m HoB standard).

Along the frontage, the proposal complies with the HoB standard in fact. The exceedance relates to parapets and services which are set within the roof top level. This minimises their visibility and reinforces the overall heights appropriateness.

On this basis, this objective is satisfied.

- *to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas*

The subject site is not within a heritage conservation area. The nearest heritage item is located at 8 Cooper Street x 360-370 Elizabeth Street (The Evening Star Hotel). This item is equivalent to 3 storeys in height. However, a 9 storey residential flat building is located at 362 Elizabeth Street and 17 Cooper Street, which is located between the subject site and the heritage item. Therefore, there is no or little relationship between the proposal and the heritage item in question. This ensures appropriate transition is achieved between the proposal and the broader context, including The Evening Star heritage item.

On this basis, this objective is satisfied.

- *to promote the sharing of views outside Central Sydney,*

There are no significant private or public views across the site that would be impacted by the portion of the building exceeding the height limit.

In this case, this objective is not applicable.

- *to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas,*

The site's context is characterised by range of building heights and varied topography. A short distance to the north, buildings start scaling up toward the high rise of Central Sydney. The part of the building exceeding the height is setback from the prominent frontages of the site and will not be readily perceptible in the surrounding public domain. The proposed height variation does not interrupt the nominated height transitions from Central Sydney towards Surry Hills, ensuring that these appropriate transitions are maintained.

On this basis, this objective is satisfied.

- *in respect of Green Square—*
 - (i) *to ensure the amenity of the public domain by restricting taller buildings to only part of a site, and*
 - (ii) *to ensure the built form contributes to the physical definition of the street network and public spaces.*

The subject site is located within Surry Hills, which is a substantial distance from Green Square. In this case, this objective does not apply in this case.

As demonstrated above, the objectives of Clause 4.3 – Height of Building are satisfied. In accordance with the decision in *Wehbe v Pittwater Council* [2007] NSWLEC 827, *Initial Action Pty Limited v Woollahra Municipal Council* [2018] NSWLEC 118, *Al Maha Pty Ltd v Huajun Investments Pty Ltd* (2018) 233 LGERA 170; [2018] NSWCA 245 and *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130 and *SJD DB2 Pty Ltd v Woollahra Municipal Council* [2020] NSWLEC 1112 at [31], therefore, compliance with the HoB standard is demonstrated to be unreasonable or unnecessary and the requirements of Clause 4.6(3)(a) have been met on this way alone.

Second Test

The underlying objectives or purpose is not relevant to the development with the consequence that compliance is unnecessary.

The underlying objectives or purpose is relevant to the development and therefore, this test is not relied upon.

Third Test

The objective would be defeated or thwarted if compliance was required with the consequence that compliance is unnecessary.

The objective would not be defeated or thwarted if compliance was required. Therefore, this test is not relied upon.

Fourth Test

The development standard has been virtually abandoned or destroyed by Council's own actions in granting consents departing from the standard and hence the standard is unreasonable and unnecessary.

The standard has not been entirely abandoned by Council; however, it is worth noting that a substantial number of height related variations pursuant to Clause 4.6 have been issued, as summarised below:

- Consent 2023/195. 27 Hansard Street, Zetland.
- Consent 2022/195. 3 Joynton Avenue, Zetland.
- Consent 2020/93. 888 Bourke Street, Zetland.

Fifth Test

The zoning of the land is unreasonable or inappropriate.

The zoning of the land is reasonable and appropriate and therefore this reason is not relied upon.

Sufficient environmental planning grounds

In *Initial Action Pty Ltd v Woollahra Council [2018] NSWLEC 118*, Preston CJ observed that in order for there to be 'sufficient' environmental planning grounds to justify a written request under Clause 4.6 to contravene a development standard, the focus must be on the aspect or element of the development that contravenes the development standard, not on the development as a whole.

In *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*, Plain J observed that it is within the discretion of the consent authority to consider whether the environmental planning grounds relied on are particular to the circumstances of the proposed development on the particular site.

The environmental planning grounds to justify the departure from the HoB standard are as follows:

- Ordinarily, the floor space associated with the height breach would have been located at ground level, in the north eastern corner of the site. Rather, deep soil landscaping, connected to which is the proposal communal open space (CoS), is provided in this area as it was considered that this would provide an improved urban design and street scape outcome to this corner. It provides much needed 'green' visual relief, much needed deep soil, and provides a CoS are within high internal and external amenity. The floor space which would have been located in this corner, has been repositioned above, which results in the subject height variation.

- The proposal does not result in any unreasonable environmental impacts as demonstrated by the associated Statement of Environmental Effects. In particular, there are no unreasonable view, privacy, overshadowing or traffic impacts.
- The extent of the non-compliance, being the equivalent to no more than 10% of the standard, is minor.
- The majority of the roof top level is for environmentally sustainable measures such as photovoltaic panels hot water heat pumps, as well as roof top landscaping.
- The SEE to which this variation request relates has demonstrated that the proposal satisfies the relevant objectives of the subject MU1-Mixed Use zone.

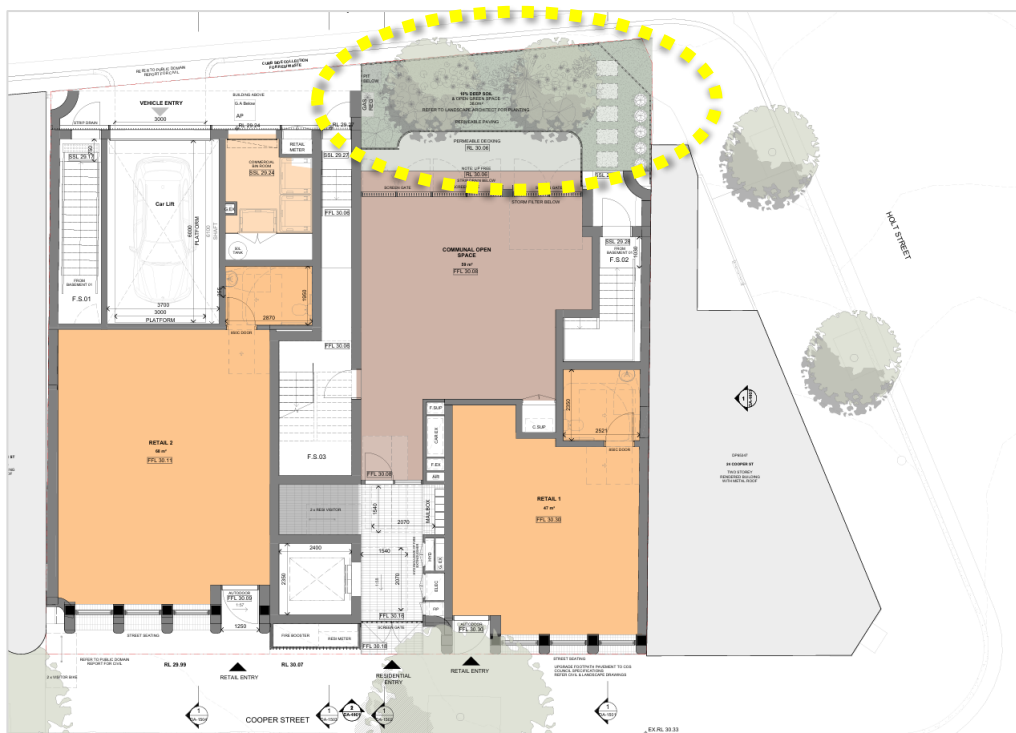


Figure 2: Extract of site plan demonstrating proposed deep soil area which would ordinarily be GFA (Source: SJB/PPUD)

Conclusion

This Clause 4.6 variation request demonstrates that:

- Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this development. This is largely because it has been demonstrated that the objectives of the HoB standard are satisfied, despite the non-compliance.
- There are sufficient environmental planning grounds to support the variation. In summary, those grounds are that the proposal does not result in any unreasonable environmental impacts, the objectives of the standard are met, a better streetscape

outcome is achieved in that additional deep soil provisions are provided, and that the objectives of the zone are satisfied.

It is also important to note that Council supported an almost identical HoB variation request as part of Development Consent 2023/904 which was issued on 5 June 2024.

Given the above, the consent authority can be satisfied that the written request has adequately addressed the matters required to be demonstrated by subclause (3).

Attachment D

Submissions

From: Bonny Morlak <[REDACTED]> on behalf of Bonny Morlak
<[REDACTED]> <Bonny Morlak <[REDACTED]>

Sent on: Friday, January 2, 2026 1:52:26 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2025/1198 - 16-22 Cooper Street SURRY HILLS NSW 2010 - Attention Nick Reid

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

City of Sydney

I am a resident living directly adjacent to the proposed development, on the 4th floor of the neighbouring building. I am generally supportive of thoughtful urban development, however I have significant concerns about cumulative construction impacts, building scale, and how this proposal will integrate with the existing residential environment.

1. Cumulative construction impact (noise, dust, amenity)

Over the past years, residents in this immediate area have experienced sustained disruption from multiple major construction projects. Our own building underwent extensive renovations for more than ten months. Canva is currently constructing a new headquarters across the street, and News Corp is also undertaking significant renovation works. The combined effect has been prolonged noise, dust, vibration, and general loss of residential amenity.

Given this context, I am concerned about the additional burden created by demolition and rebuilding under this application. I request clear and enforceable details on:

- Noise mitigation measures during demolition and construction
- Dust control and air quality management
- Site cleanliness, debris containment, and vehicle movements
- Ongoing communication with neighbouring residents

Residents have already absorbed a disproportionate level of disruption, and this proposal should acknowledge and respond to that reality.

2. Construction hours, especially early mornings and weekends

Early start times and weekend works are a major concern. Nearby developments, including the Canva site, regularly conduct loud works on Saturdays, which has had a significant negative impact on residents' wellbeing.

While I understand standard construction hours, I question whether they are appropriate in this highly residential context, especially given the cumulative impact of multiple concurrent projects. Many residents would find works limited to approximately 8am–4pm on weekdays far more tolerable. A 7am start and Saturday works significantly erode any remaining quiet time and recovery from weekday noise.

I ask the City to consider imposing stricter conditions on:

- Early morning works
- Saturday works involving high-noise activities
- Any out-of-hours exemptions

If possible, I strongly support restricting loud works to times when most residents are likely to be at work, to preserve a basic level of residential amenity.

3. Building height and relationship to neighbouring roof terraces

I seek clarification on why the proposed building needs to be two storeys higher than our existing roof terrace. This additional height materially affects outlook, perceived scale, and the character of the immediate environment.

In particular, I request further detail on:

- The design treatment of the elevation facing our roof terrace
- How overshadowing, visual bulk, and loss of outlook are being mitigated
- In what way the building is intended to blend organically and pleasantly into the existing rooftop landscape

At present, the proposal appears visually dominant and already compromises views. I am concerned that insufficient attention has been given to how this building will be experienced from neighbouring residential spaces, not just from the street.

4. Commercial uses at ground level

I would also appreciate clarity on the intended commercial uses. Specifically:

- What types of shops or commercial activities are envisaged
- Whether these uses will generate additional noise, deliveries, or late trading
- How impacts on nearby residents will be managed

The nature of the commercial tenancy will materially affect livability for adjacent residents and should be clearly defined.

Conclusion

I am not opposed to development in principle. However, given the intense and prolonged construction activity already affecting this area, I believe this application requires stronger conditions and clearer justification, particularly around construction impacts, height, design integration, and ongoing amenity for neighbours.

I respectfully request that the City carefully consider these issues and, where appropriate, impose conditions that meaningfully protect the rights of existing residents to a quiet, safe, and clean living environment.

Thank you for considering this submission.

Best,
Bonny

Bonny Morlak (he|him)

2nd floor, 63 Dixon St, Haymarket, Sydney, NSW 2000

I acknowledge the Traditional Custodians of the Country on which I work and pay my respects to Elders both past and present.

From: Matt Lippiatt <[REDACTED]> on behalf of Matt Lippiatt <[REDACTED]> <Matt Lippiatt <[REDACTED]>
Sent on: Wednesday, January 7, 2026 7:56:05 AM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Submission - D/2025/1198 - 16-22 Cooper Street SURRY HILLS NSW 2010 - Attention Nick Reid

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

This submission is made by the owner of Unit 403 at 10–14 Cooper Street, an adjoining residential apartment directly affected by Development Application D/2025/1198 for 16–22 Cooper Street, Surry Hills.

I am not opposed to redevelopment of the site in principle and support high-quality, well-designed renewal in Surry Hills. My objection is limited to the scale and built form impacts of the proposal as currently designed, particularly at the south-west corner fronting Cooper Street, and the overall height exceedance sought under Clause 4.6.

The proposal presents as a full-height wall built hard to the boundary at the south-west corner, with no meaningful upper-level setback to manage bulk. This results in an unreasonable loss of outlook, sky view and daylight access to my Level 4 balcony, **replacing an open streetscape outlook with a near-field wall condition**. The outcome is inconsistent with the intent of the DCP street wall controls, Apartment Design Guide amenity principles (as a benchmark), and reasonable expectations of adjoining development.

Further, the proposal seeks to exceed the 27m LEP height control by up to 29.7m. This additional height compounds the bulk and amenity impacts at the immediate residential interface. In circumstances where alternative compliant design outcomes are achievable, the Clause 4.6 variation is not sufficiently justified.

I do not object to a development that mirrors the general profile of my building and finishes in line with my Level 4 balcony. I object to the building extending beyond that line and presenting as an unrelieved wall directly opposite my apartment.

I respectfully request that Council:

1. Refuse the application unless amended to introduce a meaningful upper-level setback or step at the Cooper Street south-west corner to reduce bulk and protect adjoining residential amenity; and
2. Refuse the Clause 4.6 height variation and require compliance with the 27m LEP height limit.

Alternatively, should Council be minded to consider approval, I request that further neighbour-specific impact analysis be required prior to determination, including verified visual, sky view, daylight and privacy impacts from Level 4 of 10–14 Cooper Street.

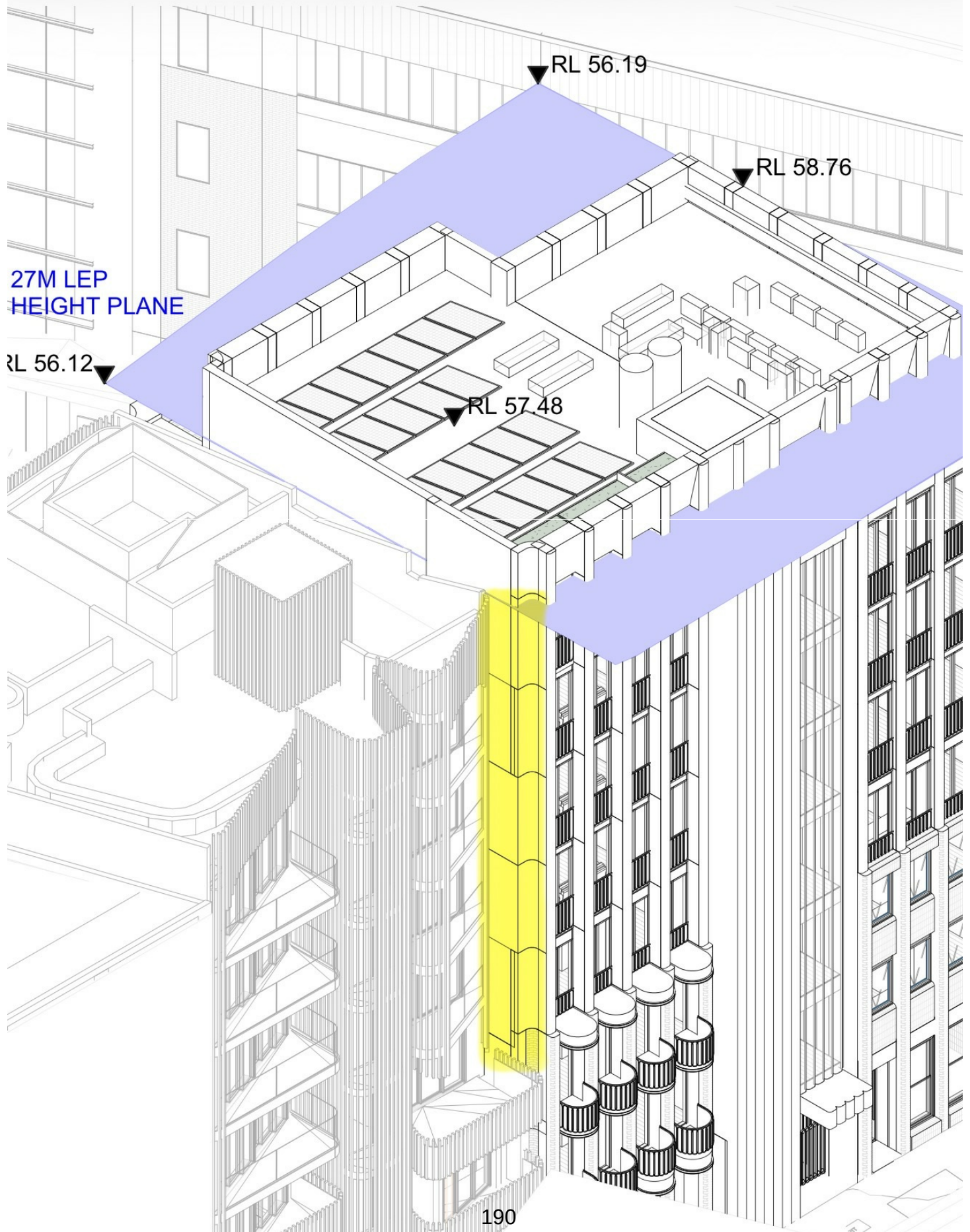
This submission does not seek to prevent redevelopment of the site. It seeks a better-balanced built form outcome that respects the amenity of adjoining residents and aligns with the intent of the City's planning controls.

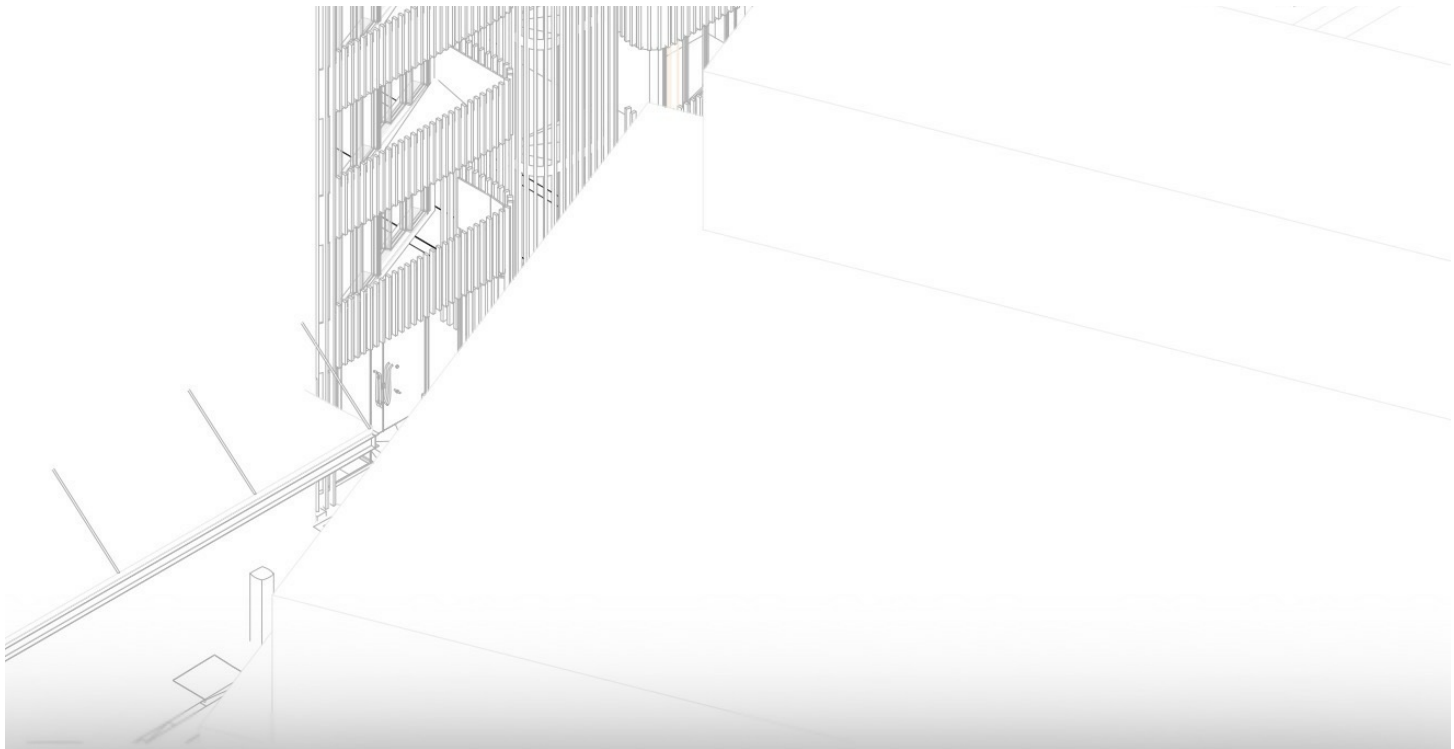
The changes requested are reasonable, achievable, and consistent with established City of Sydney planning practice. I appreciate Council's consideration of this submission and would welcome the opportunity to discuss the impacts further if required.

Attachments:

1. Photos of impacted interface (south-west corner highlighted)

11:57





tyofsydney.nsw.gov.au



11:58



80



JASAR

45 of 47





From: Adam Pillidge <[REDACTED]> on behalf of Adam Pillidge
<[REDACTED]> <Adam Pillidge <[REDACTED]>
Sent on: Saturday, January 10, 2026 10:29:25 AM
To: DASubmissions <dasubmissions@cityofsydney.nsw.gov.au>
Subject: D/2025/1198
Attachments: Screenshot 2026-01-10 at 7.14.19 am.png (1.95 MB)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

To Whom it May Concern,

I am writing to you in regards to DA D/2025/1198 located at 16-22 Cooper Street Surry Hills as a resident of 10-14 Cooper Street.

We note we provided comments on the previous DA D/2023/904 for the location. When reviewing the application we now see the previous DA which was approved for commercial usages has been amended to incorporate seven residential addresses in lieu of the commercial functions of the building.

To understand and provide further comments on the proposal could we please request confirmation that the Juliet balconies located on Levels one - three on the Cooper Street side of the building are full balconies or only windows which open for ventilation, I have provided an attached screenshot for ease of viewing.

Many Thanks,
Adam Pillidge



From: Chiara Amitrano <[REDACTED]> on behalf of Chiara Amitrano
<[REDACTED]> <Chiara Amitrano <[REDACTED]>

Sent on: Thursday, January 15, 2026 12:15:17 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2025/1198 - 16-22 Cooper Street SURRY HILLS NSW 2010 - Attention Nick Reid

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Sir/Madam,

I write to lodge a formal objection to Development Application D/2025/1198, submitted by The Trustee for Riley St Developments Trust, for the site at 16–22 Cooper Street, Surry Hills NSW 2010, and to incorporate additional information contained within the applicant's own acoustic documentation.

This submission should be read as a consolidated objection and addendum, addressing both the identified construction noise non-compliance at my business Cafe and Cucina, located at 24 Cooper St, Surry Hills NSW 2010, (C1) and the inadequacy of the proposed mitigation measures relied upon by the applicant.

1. Unacceptable and Non-Compliant Construction Noise, Vibration, Dust Impacts
(Sydney DCP2012 – Section 3.10 Amenity; Section 3.4 Construction Management)

The applicant's Acoustic & Vibration Assessment – Construction Noise & Vibration Management Plan explicitly identifies Receiver C1 (my address / adjoining café) as non-compliant with the applicable construction noise criteria.

Table 6-3 of the report states:

- Predicted construction noise at C1: 78 dB LAeq (15 min)
- Standard hours criterion: 63 dB
- Highly noise-affected criterion: 75 dB
- Compliance outcome: No

This represents:

- An exceedance of 15 dB above the standard criterion, and
- An exceedance of 3 dB above even the relaxed "highly noise-affected" criterion

This is a material exceedance, not a marginal or technical breach. A 3 dB increase represents approximately double the acoustic energy, and a **15 dB exceedance is substantial**.

Importantly, this finding is made by the applicant's own expert consultant, not by an objector.

Additionally, the acoustic documentation relies on monitoring and compliance measures; however, the **example sound level meter calibration certificate provided is dated June 2023**. Best practice under IEC 61672 and NSW regulatory expectations requires annual laboratory calibration. As such, the **documentation does not demonstrate that monitoring equipment will be current or compliant at the time of works**, further undermining the reliability of the proposed mitigation framework

—

2. Obstruction and Disruption of Pedestrian Access

The café relies almost entirely on **pedestrian foot traffic and clear street-level visibility**.

Sydney DCP2012 **Section 4.2.1 and 4.2.2 (Pedestrian Movement and Public Domain)** requires development to:

- Maintain safe, convenient, and continuous pedestrian access
- Protect active street frontages
- Avoid disruption to existing pedestrian desire lines

Any obstruction, narrowing, redirection, or visual masking of the café entrance during demolition or construction would:

-

Reduce customer access and visibility

-

Deter walk-in trade

-

Cause immediate and measurable financial loss

Prolonged disruption to pedestrian access effectively amounts to **temporary closure of the business**, which is an unreasonable outcome for an adjoining lawful use.

—

3. Adverse Economic Impact on an Existing Small Business

Sydney LEP 2012 **Clause 1.2 (Aims of Plan)** and **Clause 5.10 (Heritage Conservation – where applicable)** emphasise:

-

Supporting economic vitality

-

Encouraging active street frontages

-

Protecting established local character and uses

Additionally, Sydney DCP 2012 **Section 2.1 and 3.9 (Local Character and Social Impact)** require consideration of:

-

Economic impacts on existing businesses

-

Social and economic sustainability of development outcomes

The café is an established contributor to:

-

Local employment

-

Street activation and passive surveillance

-

The local economy and community life

The proposal places the **full economic burden of development** on an adjacent small business without adequate mitigation. A development that undermines the viability of an existing business in order to facilitate new development fails the test of **balanced and sustainable urban growth**.

—

4. Inadequate Construction Management Provisions

Sydney DCP 2012 **Section 3.4 (Construction Management Plans)** requires that development:

-

Minimises disruption to adjoining uses

-

Addresses noise, dust, access, and safety impacts

-

Provides clear staging and mitigation measures

Based on the information available, the proposal lacks enforceable detail regarding:

-

Guaranteed, uninterrupted pedestrian access to the café

-

Noise and vibration limits appropriate for a hospitality use

-

Construction hours that protect daytime trade

-

Dust control suitable for a food preparation environment

-

Staging that avoids prolonged frontage disruption

Without **specific, binding conditions**, the adverse impacts described above are not speculative — they are inevitable.

—

5. Request for Refusal or Substantial Amendment

For the reasons outlined, I submit that the Development Application should **not be approved in its current form**.

At a minimum, any approval must be subject to **strict and enforceable conditions**, including but not limited to:

-
- Continuous, clearly signed, and unobstructed pedestrian access to the café at all times
-
- Noise and vibration controls specifically calibrated for adjacent hospitality use
-
- Updated Noise and vibration report using recently calibrated equipment
-
- Restrictions on demolition and construction activities during peak trading hours
-
- Detailed construction staging plans addressing frontage impacts
-
- Ongoing monitoring, compliance, and enforcement mechanisms

Absent these measures, the proposal represents an **unreasonable and disproportionate impact** on a neighbouring small business and is inconsistent with the objectives of the Sydney LEP and Sydney DCP.

—

Thank you for considering this submission. I request that it be formally recorded and given full weight in the assessment of this Development Application.

Yours sincerely,
Francesco Amitrano
Owner
Cafe & Cucina



Sent from my iPhone

From: Sofia Logiuoco <[REDACTED]> on behalf of Sofia Logiuoco
<[REDACTED]> <Sofia Logiuoco <[REDACTED]>

Sent on: Friday, January 16, 2026 5:36:07 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2025/1198 - 16-22 Cooper Street SURRY HILLS NSW 2010 - Attention Nick Reid

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Urgent Concerns Regarding Ongoing Construction at 8 Cooper Street

Dear City Planners,

Since our move in September 2024, we have been forced to endure relentless construction noise and vibrations from surrounding developments. This situation has been completely unforeseen and has severely impacted our quality of life. The constant disturbances have caused significant stress, disrupted our sleep, and negatively affected our mental health, leaving us shocked and disheartened that we chose to live here.

Moreover, the news of additional construction projects only heightens our frustration, as we already pay a substantial weekly rent expecting peace and comfort. The continuous noise not only undermines our well-being but also diminishes the value of our living conditions. It is crucial that the city takes these impacts seriously and ensures that future developments do not compromise the health and peace of current residents.

We strongly urge the city to address these urgent concerns and to prioritize the well-being of all residents.

Thank you for your immediate attention.

Sincerely,

Sofia Logiuoco

104/8 Cooper Street, Surry Hills.

From: Ryan Thomson <[REDACTED]> on behalf of Ryan Thomson
<[REDACTED]> <Ryan Thomson <[REDACTED]>

Sent on: Saturday, January 17, 2026 4:06:42 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2025/1198 - 16-22 Cooper Street SURRY HILLS NSW 2010 - Attention Nick Reid

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hello,

As a resident of 8 Cooper Street, I'm concerned about the cumulative impact of the proposed demolition and basement excavation at 16–22 Cooper Street. This comes after the extended period of defect remediation work already undertaken in our building. Furthermore, the high-risk construction activity immediately adjacent raises concerns about vibration, ground movement and the potential activation or creation of latent defects. I'm also worried about the duration and intensity of the works and whether the proposed mitigation measures adequately address these risks. I request that the Council carefully assess whether the proposal is a reasonable outcome for neighbouring properties given the existing conditions.

Kind regards,
Ryan Thomson

From: Lily Iqbal (Lily) <[REDACTED]> on behalf of Lily Iqbal (Lily)

<[REDACTED]> <Lily Iqbal (Lily) <[REDACTED]>

Sent on: Thursday, January 22, 2026 6:27:54 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2025/1198 - 16-22 Cooper Street SURRY HILLS NSW 2010 - Attention Nick Reid

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

As a regular user of One Playground Pilates at 16 Cooper Street, I am concerned about the impacts of the proposed demolition and construction on the ongoing operation of this established local health and wellbeing facility.

Access to this studio has enabled me to manage and reduce an ongoing injury, supporting my ability to function at home, remain engaged at work, and participate in the community. Many other members also rely on this facility to maintain their physical health, manage injuries, and engage in regular exercise.

As an occupational therapist, I am particularly concerned that the prolonged displacement of this service imposes unnecessary barriers to accessibility and participation. Facilities that support regular, localised exercise play an important role in injury prevention, functional capacity, and health promotion, particularly for individuals managing pain, disability, or reduced mobility.

The scale and duration of the proposed demolition and basement excavation works would require the studio to cease operating at this location for an extended period, effectively displacing an established health-focused use with no clear provision for continuity or mitigation.

I ask you to carefully consider whether the cumulative amenity, accessibility, and health impacts of the proposal represent a reasonable outcome for the local community.

Kind Regards,

A long time member of One Playground

From: Stewart Doran <[REDACTED]> on behalf of Stewart Doran
<[REDACTED]> <Stewart Doran <[REDACTED]>
Sent on: Friday, January 23, 2026 1:41:58 PM
To: dasubmissions@cityofsydney.nsw.gov.au
CC: Hamaiel, Lil <[REDACTED]> Harley Lockhart <[REDACTED]>
Subject: Submission - D/2025/1198 - 16-22 Cooper Street SURRY HILLS NSW 2010 - Attention Nick Reid
Attachments: Letter_to_City_of_Sydney_D_2025_1198_230126_signed.pdf (2.2 MB)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hi Nick,

On behalf of NewsCorp Australia, please see attached submission in relation to D/2025/1198.

The attached submission outlines key matters for the City's consideration. If you could please confirm receipt, that would be greatly appreciated.

Should you require any further information, please reach out.

Thanks,
Stewart

Stewart Doran

Associate Director

d. [REDACTED]
m. [REDACTED]
e. [REDACTED]

We are an urban consultancy.
Inspiring and creating solutions
for a changing world.



Angel Place, Level 8, 123 Pitt Street
Sydney NSW 2000 Australia (Gadigal Country)
Direct. +61 2 8233 9900

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Learn more about our [Reconciliation Action Plan](#).

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23 January 2026

Nick Reid – Specialist Planner
City of Sydney
Town Hall House, Level 2, 456 Kent Street
Sydney, NSW 2000
Via email: dasubmissions@cityofsydney.nsw.gov.au

Dear Nick,

D/2025/1198 – 16-22 Cooper Street, Surry Hills – Public Exhibition Submission

This letter has been prepared by NewsCorp Australia (NewsCorp), the owners of 2 Holt Street and 1-21 Holt Street, Surry Hills (being the NewsCorp Sydney Offices and adjacent private car park, respectively), in response to the proposed mixed-use development at 16-22 Cooper Street, Surry Hills, under D/2025/1198, which is currently on exhibition by the City of Sydney (Council) until 27 January 2026.

The Development Application (DA) seeks approval for:

Demolition of existing buildings, construction of an eight-storey mixed-use building over two levels of basement car parking, comprising of ground level retail and ten residential apartments at Level 1 to Level 7, landscaping and associated infrastructure, Stratum Subdivision into three Stratum lots and then Strata Subdivision of the Residential Stratum into ten Strata Lots.

This submission provides a formal objection to the proposed DA, on the basis that the proposed development is reliant on and may impact the future development of NewsCorp's car park site, as well as impact existing operations of the NewsCorp Holt Street Offices. The reasons for this objection are detailed below.

We hope these matters can be addressed during Council's assessment process to ensure neighbourhood amenity is considered and that the proposal does not generate any adverse environmental impacts.

Figure 1 overleaf illustrates NewsCorp's assets in relation to the subject DA

Figure 1 NewsCorp Assets in Relation to Subject Development (Source: Nearmap)



Issue 1: Solar Access and Relationship with 1-21 Holt Street (NewsCorp Car Park)

The proposed development appears to heavily rely on the continued availability of solar access afforded by the lack of built form on the NewsCorp car park (located north of the subject proposal), in order to achieve compliance with the Apartment Design Guide (ADG) solar access requirements.

A review of the exhibited architectural plans illustrates that apartments across each level utilise the north-facing aspect to achieve solar to private open space (balconies) and primary living rooms. In addition, communal open space and deep soil is located on the ground floor to this orientation. Refer extract of architectural plans in **Figure 2** below.

Figure 2 Ground Floor and Levels 02-03 Extract (source: SJB)



The ADG provides the following design criteria with respect to solar and daylight access:

4A Solar and daylight access

Objective 4A-1

Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter in the Sydney Metropolitan Area...

In addition, the following is detailed for communal open space:

3D Communal and public open space

Objective 3D-1

Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)

The applicant's Statement of Environmental Effects (SEE) details full compliance with the ADG objectives, with 100% of apartments and open space meeting these criteria. However, this assessment is undertaken on the assumption that the adjoining car park remains undeveloped in its current low-scale form. The DA documentation does not meaningfully acknowledge that the car park is a legitimate redevelopment site with potential to accommodate additional built form consistent with the LEP controls, primarily being a building height of 27m and an FSR of 4:1.

This omission is significant. If the car park were to be redeveloped in the future, the solar access currently relied upon by the proposed development could be reduced, potentially undermining the current level of ADG compliance. In practical terms, approval of a development that is designed around borrowed amenity from adjoining land creates a risk that future redevelopment of that land (in this case, the car park) would be constrained, either through pressure to increase setbacks, reduce height, or otherwise modify built form to preserve the amenity of the approved apartments at 16-22 Cooper Street.

Such an outcome would be inconsistent with established planning principles, which aim to ensure that developments are designed to be reasonably self-sufficient in amenity terms and not rely on the ongoing undeveloped state of neighbouring land. The current proposal appears to externalise these solar amenity requirements onto the car park site, with no clear mitigation strategy should that site be redeveloped.

Accordingly, the proposal's reliance on uninterrupted solar access across the car park site represents a risk to NewsCorp's asset and future development potential, without demonstration of ADG compliance through modelling of a reasonable built form outcome over the car park site.

This issue should be explicitly acknowledged and addressed in the design response and any consent, including through design amendments, revised modelling, or conditions that make clear that future redevelopment of the car park site is not to be constrained by the approved development.

Issue 2: Design Competition Waiver and Height Variation

The DA seeks a waiver from the requirement to undertake a design competition and includes a Clause 4.6 variation to exceed the 27m height standard by approximately 2.7m. While it is noted that City of Sydney officers have previously advised that a competition waiver would be supported, this does not diminish the relevance of the issue from an adjoining landowner and interface perspective.

In the context of a constrained inner-city site adjoining a key redevelopment site, a design competition or Concept DA process would ordinarily provide a more robust mechanism to test alternative built form outcomes, particularly in relation to height, massing, articulation, and interface with neighbouring sites.

The absence of such a process increases the risk that the built form has been optimised for the subject site only, without sufficient consideration of how it interacts with future development scenarios on adjoining land, such as the NewsCorp car park.

A Concept DA and competitive design process could have explored alternative configurations that reduce reliance on adjoining sites for amenity, better resolve interface issues, and provide greater certainty that future redevelopment of neighbouring land would not be compromised. We request that

the interface issues detailed above are better resolved considering future development of the car park site.

Issue 3: Construction Impacts

Noise, vibration and operational impacts

The proposed construction hours (7:00am–5:00pm Monday to Friday and 8:00am–1:00pm Saturday) coincide with NewsCorp's core operational hours. NewsCorp operates a live newsroom and Sky News broadcast facilities from its Holt Street office building during these times.

Construction noise, vibration and structural reverberation have the potential to materially disrupt live broadcasting, recording activities and newsroom operations. Even intermittent or low-frequency noise can have disproportionate impacts on broadcast environments, where acoustic control is critical.

The Construction Noise and Vibration Management Plan predicts that daytime construction noise levels at several nearby receivers will exceed the NSW EPA 'noise affected' management level, including at commercial premises in close proximity. While the Holt Street offices (OF1) receiver is expected to comply with adopted commercial criteria during standard hours, other nearby commercial receivers are predicted to experience exceedances. Broadcasting operations are particularly sensitive to intrusive noise and vibration, and impacts could arise if high-noise plant or vibration-intensive works occur nearby. Mitigation measures are proposed, but their effectiveness will rely on strict adherence and ongoing monitoring throughout the construction period.

The DA documentation does not adequately address how construction impacts on sensitive adjoining commercial uses will be managed. If consent is granted, strict conditions should be imposed requiring:

- Additional mitigation measures implemented through the Construction Environmental Management Plan (CEMP) tailored to the operational sensitivities at NewsCorp offices;
- Restrictions on particularly noisy or vibration-intensive works during critical broadcast periods; and
- Real-time monitoring and enforceable response protocols where impacts exceed agreed thresholds

Security, access and traffic impacts

The Holt Street offices accommodate a high volume of staff, guests and clients, including VIP and high-profile visitors, some of whom attend with security detail. The NewsCorp building is also a high-profile commercial premises and potential focus for demonstrations or other security-sensitive activity.

According to the applicant's preliminary Construction Traffic Management Plan (CTMP) and CEMP, construction will introduce additional personnel, increased heavy vehicle movements between 2-3 per day and up to 40-50 per day during large concrete pours, and introduce temporary changes to traffic and parking conditions in the immediate vicinity. Any obstruction of traffic flow, informal loading, loss of kerbside access, or changes to pedestrian movement patterns has the potential to adversely affect both operational efficiency and security arrangements for the building.

It is critical that construction traffic, parking and site management plans:

- Ensure no obstruction of Holt Street or surrounding streets;
- Protect existing no-parking zones and security buffers;
- Maintain clear and predictable access for vehicles and pedestrians.

We request that the above is addressed in any determination for the proposal.

Concluding Statement

For the reasons outlined in this submission, the proposed development at 16-22 Cooper Street has not adequately considered the operations and future development potential of NewsCorp's assets and further design resolution and mitigation measures are required.

Notwithstanding the above, the most critical issue for the purposes of this submission is the need to clearly establish that the NewsCorp car park site is capable of future redevelopment and that approval of the subject DA must not prejudice or constrain that outcome.

Any determination should make it clear that there is not an expectation of ongoing solar access, outlook or amenity across adjoining land and no reliance should be placed on the approved development to limit reasonable future built form on neighbouring sites.

Absent such clarity, there is a real risk that the proposed development would have long-term and unintended consequences for the redevelopment potential and operations of NewsCorp's assets.

Regards,

DocuSigned by:



4FA9DFF90D23462...

Lil Hamaiel

General Manager - Strategic Property & Facilities

From: Daman Kapoor <[REDACTED]> on behalf of Daman Kapoor <[REDACTED]>
<Daman Kapoor <[REDACTED]>
Sent on: Saturday, January 24, 2026 10:43:30 PM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Submission - D/2025/1198 - 16-22 Cooper Street SURRY HILLS NSW 2010 - Attention Nick Reid

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Mr Reid,

I am an owner of a property identified as **R1** (10-14 Cooper St.) in the submitted impact assessments and wish to lodge an objection to DA **D/2025/1198**.

I note that the applicant's acoustic assessment predicts **construction noise levels of up to 78 dB LAeq(15min) at R1**, exceeding the applicable **63 dB criterion by approximately 15 dB**. This exceedance is significant and, given the proximity of R1 to the site, raises concern regarding the **intensity, frequency, and duration** of noise impacts associated with demolition and deep basement excavation works.

In addition, R1 has already been subject to an extended period of **defect remediation works**. The proposed demolition and excavation immediately adjacent to the building introduces a heightened risk of **vibration and ground movement**, with the potential to activate **latent defects or cause new defects**. These cumulative impacts do not appear to be addressed through sufficiently detailed or site-specific mitigation measures.

In my view, the proposal fails to demonstrate that construction impacts on R1 will be **reasonable or acceptable**, having regard to cumulative noise impacts, building integrity risks, and residential amenity. I respectfully request that Council carefully consider whether the proposal satisfies the relevant planning controls and whether approval would result in unreasonable impacts on adjoining properties.

Kind regards,

Damon K

Owner – R1

10-14 Cooper St.

From: Dawid Dul <[REDACTED]> on behalf of Dawid Dul <[REDACTED]> <Dawid Dul
<[REDACTED]>
Sent on: Saturday, January 24, 2026 11:12:16 PM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Submission - D/2025/1198 - 16-22 Cooper Street SURRY HILLS NSW 2010 - Attention Nick Reid

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Mr Reid,

As an owner at 10–14 Cooper Street, I am concerned about the cumulative impact of the proposed demolition and basement excavation at 16–22 Cooper Street, particularly following the extended period of defect remediation works already undertaken in our building.

Any more high-risk construction activity immediately adjacent is going to affect ground movement, and the potential activation of latent defects or creation of new ones.

I am also concerned about the duration and intensity of works, and whether the proposed mitigation measures adequately address these cumulative risks. A few of my neighbors work from home, and we cannot endure any more 7am to 5pm construction schedule as it impacts work activity within our homes. We have every right to a peaceful environment, and any more construction on this street will be met with vehement opposition given how poor our quality of life has been. To subject us to more auditory and sensory torture is inhumane.

I request that the panel carefully assess whether the proposal represents a reasonable outcome for neighbouring properties given existing conditions.

Kind regards,

Dawid

Owner, 10-14 Cooper St.

From: J Dimovski <[REDACTED]> on behalf of J Dimovski <[REDACTED]> <J Dimovski <[REDACTED]>>
Sent on: Saturday, January 24, 2026 6:08:54 PM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Submission - D/2025/1198 - 16-22 Cooper Street SURRY HILLS NSW 2010 - Attention Nick Reid

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

To whom it may concern,

As owner and resident of 8 Cooper Street, I wish to raise my concerns about the cumulative impact of the proposed demolition and basement excavation at 16–22 Cooper Street.

I have had remediation works for almost 8 months next door to me - including scaffolders on my property without notice (which involved property damage), constant noise, workers on ropes with clear view into properties, and timelines constantly blowing out. In addition to this, at the end of the back alley crossing Kippax street, there is a massive project that has been going on for almost a year - months of constant jackhammering, dust and noise for many hours a day. This will still continue for a long time as I understand. With these factors, we also have dogs barking constantly, disturbing the peace, and making it difficult to even enjoy the balcony with the doors open as there is constant, penetrating noise, and if you do go out it is covered in dust.

To have this building go up, the thought of jackhammering that close to us, knowing how it was 80 metres down the road, will be severe disturbance to the building and its occupants. We will have workers and machines in the alley with direct view into our apartments, dust everywhere, and that is before we even consider the construction of the seven levels above the carpark. I have deep concerns about this never ending construction around us, and its implications to residents, owners looking to sell, pets and visitors. I also understand the "Surry Hills to Central quietway" has been approved, so we will also in time be faced with construction and disruption across Cooper Street itself, which will eventually be one way traffic only from that corner (where Holt Street is) to Elizabeth street.

(Details: <https://www.cityofsydney.nsw.gov.au/proposed-works-maintenance/your-feedback-designs-surry-hills-central-quietway>)

I also have concerns about the vibrations from the work as the buildings are all effectively connected physically, as well as the age of the Icon Building at 8 Cooper street, and things we have to deal with already (maintenance, repair works, strata costs etc.) If we encounter a serious issue or any defects are created or amplified in magnitude, it could add severe financial strain onto our strata/building.

We can also only access our carpark by rounding that corner into the small alleyway (one way street) - having workers, large machinery, blockades etc. will almost certainly impact this, as they will surely be needing access in that alleyway (O'Loughlin Street).

Finally, I am generally concerned about the duration and intensity of the works - regarding the two works above, 6-12 months of jackhammering, scaffolding two metres from my property and constant work/noise have negatively impacted the way I live in my own home, especially considering I am often working from home during the day and have to take meetings. Having to spend years keeping windows/doors closed to keep out noise, and having blinds always down so that workers aren't staring into my living space when I wake up is not something I wish to do.

I truly appreciate you taking the time to read my statement and hope you can consider it as part of your planning process.

Many thanks and kind regards,
Jamie

Item 4.**Development Application: 41 and 43 Albion Street Surry Hills - D/2026/262****File Number:** D/2026/262**Summary****Date of Submission:** 27 March 2026**Applicant:** Sheila Liew**Architect/Designer:** Vie Studio**Owner:** ANALISA 41 PTY LTD**Planning Consultant:** Myriad Consulting**Cost of Works:** \$90,000.00

Zoning: The site is located within the MU1 - Mixed Use zone. The use is defined as a Sex Services Premises and is permissible with consent within the zone.

Proposal Summary: The application involves the change of use of No.41 from a residential dwelling into a sex services premises (Brothel) and alterations and additions.

No. 41 will be consolidated with No.43 Albion Street, which currently operates as a Sex Services Premises (Brothel), with both sites operating as sex services premises. This results in an increase from 6 to a total of 8 sex worker rooms.

Works include creation of a new 2.2m wide connection between No.41 and 43 Albion Street through the existing party wall between the 2 terraces, internal reconfiguration of rooms, partitions and doorways to include 8 service rooms and staff rooms.

The application is reported to the Local Planning Panel for determination as it involves sensitive development, being development for the purposes of a sex services premises.

Summary Recommendation: The development application is recommended for approval, subject to conditions.

Development Controls:

- (i) Environmental Planning and Assessment Act 1979
- (ii) SEPP (Biodiversity and Conservation) 2021
- (iii) SEPP (Resilience and Hazards) 2021
- (iv) Sydney Local Environmental Plan 2012
- (v) Sydney Development Control Plan 2012

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Submissions
- D. Development Consent D/1999/303/C (as modified)
- E. Development Consent D/2020/485

Recommendation

It is resolved that consent be granted to Development Application Number D/2026/262 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The site is located within a locality that provides a broad mix of commercial uses. The development is consistent with the objectives of the MU1 Mixed Use Zone in that it provides for a diversity of business land uses and in accordance with an submitted plan of management, minimises conflict between the site and land uses within the adjoining R1 General Residential zone. The plan of management ensures the use continues to be managed in an appropriate manner in accordance safe practices and the procedures.
- (B) The proposal generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012 including Clause 7.21 (Location of Sex Services Premises), and, subject to conditions, will not create adverse amenity impacts nor cause disturbance in the neighbourhood.
- (C) The proposed development intends to utilise an existing 'primary' entry to the premises from Albion Street and proposes to limit the use of the rear lane for access as an accessible entry and client room for patrons with accessibility requirements.
- (D) The proposal is generally consistent with the objectives of section 4.4.6 Sex industry premises and adult entertainment in the Sydney Development Control Plan 2012 for sex services premises.
- (E) The proposed development does not seek to increase the approved hours of operation for the premises at No.43 Albion Street, noting this part of the subject site has been used as a sex services premises since 1996. No complaints have been logged in the City's records system during the previous 5 years.
- (F) Subject to the recommended conditions of consent, the proposed development will maintain an acceptable level of residential amenity for the locality.

Background

The Reason the Application is Reported to the Local Planning Panel

1. The application is reported to the Local Planning Panel for determination as it is identified in Schedule 3 of the Local Planning Panels Direction of 3 March 2024 as being within the following category:
 - (a) Sensitive Development
2. The development application falls within the category of Sensitive Development as it involves the change of use of one of the terraces to a sex services premises.

The Site and Surrounding Development

3. The site has a legal description of Lot 1 in DP 842198 and Lot 1 DP 780913 known as Nos. 41 and 43 Albion Street, respectively. It is rectangular in shape with area of approximately 255sqm. It has a primary street frontage of 10.65m to Albion Street and a secondary street frontage of 10.25m to Albion Way. The site is located close to the intersection of Albion and Commonwealth Streets. Levels on the site fall 0.58m to the north from Albion Way towards Albion Street. Albion Street falls approximately 0.5m to the west across the site frontage.
4. The site contains 2 late Victorian terrace houses, each 2 storeys in height and forming a row from 39-43 Albion Street.
5. The surrounding area is characterised by a mixture of land uses, primarily being mixed use, commercial and residential, including:
 - (a) To the north of the site (on the opposite side of Albion Street) are commercial properties at 46-48 to 52-54 Albion Street and the heritage listed former 'William Booth Institute' at 56-58 Albion Street which is being renovated for use as a hostel.
 - (b) To the west of the site at 39 Albion Street is a single residential dwelling.
 - (c) To the east of the site at 45 Albion Street, there is a corner shop-top housing building that contains a commercial café on the ground floor and residential dwelling on the floors above.
 - (d) To the south of the site (on the opposite side of Albion Way) is 201 Commonwealth Street, a single residential dwelling that fronts Commonwealth Street.
6. The site is not a heritage item but is within the Albion Estate Heritage Conservation Area (C58), and is identified as a contributing building.
7. The site is located within the Riley locality and is not identified as being subject to flooding.
8. A site visit was carried out on 1 May 2026. Photos of the site and surrounds are provided below.



Figure 1: Aerial view of site and surrounds



Figure 2: No.43 viewed from Albion Street. This property currently operates as a Brothel.



Figure 3: No.41 viewed from Albion Street



Figure 4: Rear of No.41 Albion Street, as viewed from Albion Way



Figure 5: Rear of No. 43 Albion Street



Figure 6: Internal view of No.41 Albion Street



Figure 7: Internal view of No.43 Albion Street

History Relevant to the Development Application

Development Applications

9. The following applications are relevant to the current proposal:

43 Albion Street

- **D/1996/367** – Development consent was granted on 7 August 1996 to use the premises at 43 Albion Street as a brothel between 10.00am and 5.00am (the following day), Monday to Sunday, with 2 sex workers and one receptionist working at any time.
- **D/1999/303** – Development consent was granted on 28 July 1999 for the continued use of the premises at 43 Albion Street as a brothel operating between 10am and 5am (the following day), Monday to Sunday, including minor alterations. The application has been modified twice as Modifications A and C, allowing part enclosure of the rear of the site, an increase in servicing staff (sex workers) from 2 to 8, and 6 servicing rooms.

41 Albion Street

- **D/2010/1011** – Development consent was granted on 7 July 2010 for minor alterations and additions to the terrace at 41 Albion Street, including kitchen, bathrooms, new concrete slab at rear car space and roller door.

- **D/2019/1003** – Development consent was granted on 12 December 2019 for alterations and additions to an existing dwelling, including first-floor addition, roof over part of existing courtyard and internal alterations.
- **D/2020/485** – Development consent was granted on 22 June 2020 for alterations and additions and change of use from office to medical centre. Notwithstanding this consent, the site is still used as a residential dwelling as the medical centre use has not commenced.
- **PDA/2025/66** – Pre-lodgement advice was provided to the applicant on 14 May 2025. The advice provided included:
 - recommendation of lot consolidation of the 2 lots (41 and 43 Albion Streets) into one lot (1//DP842198 and 1//DP780913)
 - change of use to a sex services premises and associated fit out works
 - alterations and additions to the existing premises consisting of a rear addition to the first-floor and internal alterations

Proposed Development

10. The subject development application seeks consent for the following:

- change of use of 41 Albion Street from residential dwelling to Sex Services Premises
- consolidation of lots (of existing Lot 1 DP 842198 and Lot 1 DP 780913) into a single lot for 41 and 43 Albion Street
- internal alterations and additions including new 2.2m wide opening between the 2 properties at 41 and 43 Albion Street
- reconfiguration of internal rooms, including new openings and partitions

Works will be carried out in parallel to works approved under the existing development consents D/2020/485 and D/1999/303/C. Refer to discussion section below.

11. Plans and elevations of the proposed development are provided below.



Figure 8: Ground floor plan

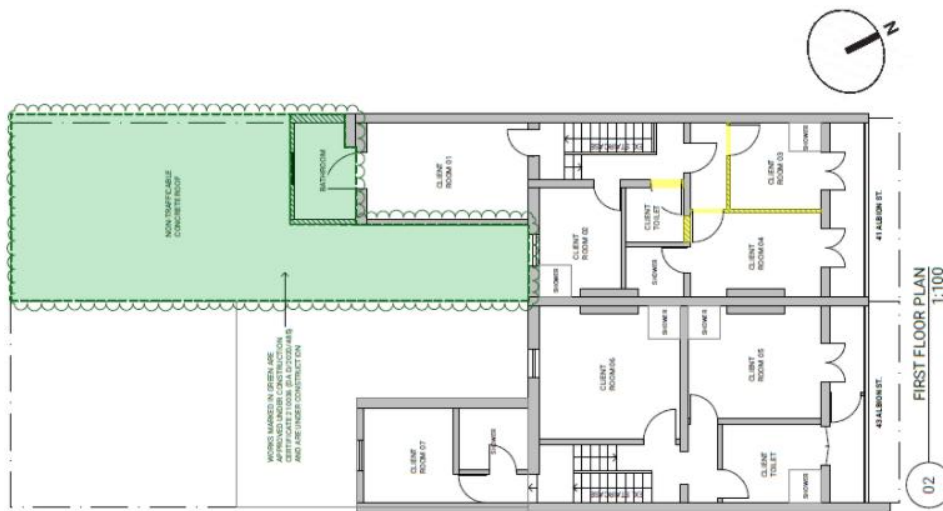


Figure 9: First floor plan

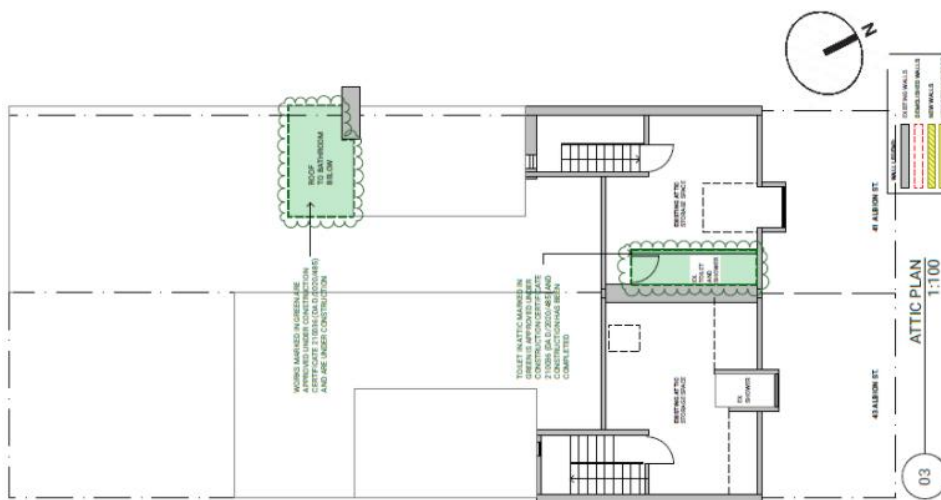


Figure 10: Attic floor plan

Assessment

12. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land

32. The aim of SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
33. Clause 4.6(1) of the SEPP requires the consent authority to consider whether land is contaminated prior to the consent of development on that land. Given that the long-term use of No. 41 Albion Street is residential, it is unlikely that the site is contaminated, and further investigation is not considered necessary as noting the change of land use is not to a more sensitive use.

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6 Water Catchments

34. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SEPP. The SEPP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.
35. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SEPP are not applicable to the proposed development.

Local Environmental Plans

Sydney Local Environmental Plan 2012

36. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the MU1 Mixed Use zone. The proposed development is defined as alterations and additions and change of use to No. 41 to a 'sex services

Provision	Compliance	Comment
		premises', and is permissible with consent in the zone. The proposal meets the objectives of the zone.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	A maximum building height of 9m is permitted. The proposal does not affect the overall height of development on the site.
4.4 Floor space ratio	Yes	A maximum floor space ratio of 1.5:1 or 385.50sqm (41 and 43 Albion Streets combined) is permitted. A total gross floor area of 319.5sqm exists on site. This equates to a floor space ratio of 1.25:1. This proposal does not increase the total amount of floor area proposed.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	The site is located within the Albion Estate heritage conservation area (C48). The proposed development will not have detrimental impact on the heritage significance of the heritage conservation area, subject to the recommended conditions. Refer to discussion below.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
6.21C Design excellence	Yes	The proposed development is of a appropriate standard and uses materials and detailing which are compatible with the existing development along the

Provision	Compliance	Comment
		street and will contribute positively to the character of the area. The development has an acceptable environmental impact regarding the amenity of the surrounding area and future occupants. The development therefore exhibits design excellence.

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	The site is located on land with class 5 Acid Sulfate Soils. The application does not propose works requiring the preparation of an Acid Sulfate Soils Management Plan.
7.21 Location of sex services premises	Yes	Clause 7.21 of the LEP requires the consent authority to consider whether the operation of the sex premises premises will cause a disturbance in the neighbourhood due to its size, location, hours or employee numbers. Consideration must also be given to cumulative impacts of sex services premises within the neighbourhood. The conclusion of this assessment is that the proposal will not result in any significant impacts or a neighbourhood disturbance, noting that the hours of operation proposed reflect that of the existing operating sex services premises at 43 Albion Street. The consolidation and use of both Nos. 41 and 43 Albion Street as a larger sex services premises can be satisfactorily managed as: 1) The proposal is not a significant intensification of use and only results in an increase of 2 service rooms, to a total of 8 service rooms with a maximum of

Provision	Compliance	Comment
		16 staff (12 sex workers, 4 reception staff). 2) Nearby operating sex services premises are located at some distance from this premises being: 80m southeast on Commonwealth St, 130m north on Reservoir Street, 170m east on Albion Street, 175m southeast on Bellevue Street and 280m southeast on Riley Street. 3) The existing use at 43 Albion Street does not have a recent record of substantiated complaints related to its operation as a sex services premises and has previously demonstrated good management and ability to operate at this location without adverse impacts. Notwithstanding this, it should be noted that there has been a change in operator following the sale of 43 Albion Street. The proposed size, location, hours and number of employees have been considered in the assessment of this application and are unlikely to result in neighbourhood disturbance, subject to good management and conditions of consent, pursuant to Clause 7.21(2)(a) The proposed premises is unlikely to cause a cumulative impact as it is some distance from other venues, will manage its impacts and incorporates a discreet design, pursuant to Clause 7.21(2)(b) The subject sex services premises is not located within the same building as a dwelling and complies with Clause 7.21(3). The operation of sex services premises at No.41 and 43 Albion Street is considered in keeping with the objectives of this clause as it is unlikely to cause a neighbourhood disturbance. Furthermore, Council's Safe City Unit raises no objections to the proposal, subject to recommended conditions.

Development Control Plans

Sydney Development Control Plan 2012

37. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 2 – Locality Statements

38. The site is located within the Riley locality. The proposed development is in keeping with the unique character and the design principles of the Riley locality.

Section 3 – General Provisions

Provision	Compliance	Comment
3.2 Defining the Public Domain	Yes	A legible entry from Albion Street is provided with an accessible entry from Albion Way.
3.5 Urban Ecology	Yes	The proposed development does not involve the removal of any trees and will not have an adverse impact on the local urban ecology.
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	The proposed development involves the consolidation of the site from 2 lots into one lot. The consolidated site is regular in shape, and the new allotments would not have a detrimental impact on the setting of the heritage conservation area noting the works are reversible, and can be subdivided in the future, if desired. Refer to discussion below.
3.9 Heritage	Yes	The site is located within the Albion Estate heritage conservation area (C48). The proposed development will not have detrimental impact on the significance of the heritage conservation area, subject to the recommended conditions. Refer to discussion below.
3.12 Accessible Design	Partial compliance	The proposal provides a new accessible room with entry from Albion Way. Entry from Albion Street is neither ideal or practicable given the stairs from the street level into the premises and the heritage impacts that would arise as a

Provision	Compliance	Comment
		consequence of an equitable access ramp. A condition of consent is recommended to clear stipulate that the premises is only to be accessed via the rear lane by patrons who require accessible access and intend to access the ground floor accessible servicing room. This must also be detailed in the Plan of Management.
3.13 Social and Environmental Responsibilities	Yes	The proposed development includes appropriate controls for the operation of the premises in the plan of management submitted with the application, provides adequate passive surveillance, and is generally designed in accordance with the CPTED principles. Refer to discussion below.
3.14 Waste	No	Refer to discussion below.
3.15 Late Night Trading Management	Yes	The site is not located within a late night trading area and sex services premises are not categorised in the Sydney DCP as being category A, B or C Late night trading premises. The proposed trading hours are to match that of 43 Albion Street which is 10:00am to 5:00am (the following day), Monday to Sunday. Through implementation of the plan of management and strict conditions of consent, amenity impacts can be reasonably managed.

Section 4 – Development Types

4.4 Other Development Types and Uses

4.4.6 Sex industry premises and adult entertainment

Provision	Compliance	Comment
4.4.6.1 Location of premises	No	Refer to discussion below.
4.4.6.2 Design of premises	Yes	Staff and Visitor egress will be primarily through the front of 41 Albion Street.

Provision	Compliance	Comment
		Entry from Albion Way is only permitted for patrons who require accessible entry to premises and use of the accessible room. No signage, or other visual identifiers of the site's use as a sex services premises are proposed.
4.4.6.3 Scale of sex services premises	Yes	The proposed development will only increase its capacity from 6 service rooms to 8 service rooms with a total staff of 12 sex workers on site, at any one time.
4.4.6.4 Health, safety and security	Yes	Suitable conditions are recommended to ensure the premises provides for and ensures adequate health, safety and security of staff and visitors
4.4.6.5 Signs	Yes	No signage is proposed.
4.4.6.6 Management of operations	Yes	A Plan of Management lodged with the application sets out how ongoing operations are to be managed. The Plan of Management meets the requirements of the Sydney DCP 2012 and the City's Sex Industry Guidelines, subject to recommended conditions of consent described below.

Discussion

Sex Services Premises

Further details to be submitted as a condition of consent

39. The application was referred to Council's Safe City Unit who raised no objection to the application subject to the application of conditions of consent.
40. Conditions of consent include amendments to the plan of management that must be made prior to the commencement of the operation. These include:
 - (a) the name and contact details of the proprietor and operator
 - (b) the registered business name and trading name of the premises
 - (c) inclusion of intercoms or duress alarm systems in working rooms and staff areas that are linked to a central base and monitored

41. A condition is recommended for imposition requiring updated architectural plans to include further staff facilities within the premises (that are not accessible by clients). The condition recommends that amended plans be submitted to Council prior to the issue of a Construction Certificate are to clearly illustrate a dining area, including food preparation and storage facilities, a sink, refrigerator and locker storage bay for the workers.

Location of sex services premises

42. The proposed sex services premises does not comply with some provisions with of Section 4.4.6.1 (Location of premises) of the SDCP 2012 as the site directly adjoins residential land uses. The location of the premises is considered acceptable for the following reasons:
 - (a) An existing sex services premises already exists on site. The existing premises at 43 Albion Street contains 6 service rooms, with no more than 8 sex workers. The change of use and site consolidation will result in an increase from 6 to 8 service rooms and no more than 12 sex workers. Whilst there is an increase in rooms, the likely environmental impact on the neighbourhood is considered minimal noting the premises will occupy a larger space, but only increases total amount of rooms by 2, or 33.3%,
 - (b) There is no substantiated history of poor performance from the existing premises at 43 Albion Street, and the daily operation of the premises must operate within the strict parameters set by the condition of consent and plan of management.
 - (c) Strict conditions of consent and a plan of management will ensure the premises will not interfere with the amenity of the neighbourhood by reducing the noise of patrons and workers entering and leaving the premises.
 - (d) The plan of management has outlined expectations and requirements for the conduct for patrons and workers to ensure the minimisation of amenity impacts and harm.
 - (e) The plan of management also requires the duty manager to be accountable in preventing impacts to patrons, workers and the immediate neighbourhood. These impacts include environmental impacts and amenity impacts and are: safety, security, noise, traffic, health, hygiene, emergency, waste and staff welfare.
 - (f) The plan of management also contains a requirement for incident reporting, management and resolution related to any safety, security, health, amenity, building and regulatory incidents raised by workers, patrons and neighbours.

Relevant Applications D/1999/303/C and D/2020/485

43. Existing development consents D/1999/303/C and D/2020/485 relate to the proposed operation of the premises.
44. D/1999/303/C contains conditions relating to the operation of the premises for 43 Albion Street, as well as conditions for the carrying out of a renovation resulting in the part enclosure of the rear of the site.

45. The subject development application will allow the consolidation of the 2 sites, and a change of use of 41 Albion Street to a sex services premises with a plan of management related to the consolidated site. To minimise conflict between prior operative conditions contained in D/1999/303, a condition of consent is recommended for the modification of the development consent pursuant to section 4.17(1)(b) of the Environmental Planning and Assessment Act 1979. This will require modification to that base consent to require operation with the plan of management, architectural plans and total amount of sex workers permitted on the premises as proposed under the subject application.
46. D/2020/485 approved the change of use from a residential use to a medical centre. The use of the site as a sex services premises relies on these building works approved under the 2020 consent being completed and carried out.

Heritage Conservation

47. The application was referred for comment to the City's Heritage Specialist and Urban Designer who have no objection to the application, subject to conditions of consent. The conditions of consent relate to a schedule of conservation works for the front facade, door, first floor balconies and dormers.
48. The application of a condition requiring conservation works to the buildings on site is considered reasonable given the change in use and poor condition of the front facade, balconies, dormers and entry doors of No.41 and 43 Albion Street.

Consolidation of Lot 1 in DP 842198 and Lot 1 DP 780913

49. Conditions of consent are recommended for imposition for the delimitation and consolidation of the site. This simplifies the carrying out of building required on the site to facilitate partial demolition occurring to the party walls for an opening between the 2 properties. If the use is to cease, and the sites subdivide back to their original boundaries, it will be expected that the accessway in the party wall between the 2 premises will be filled in.

Waste

50. Conditions of consent are recommended to ensure the proposal complies with the requirements of the Sydney DCP and guidelines for waste management in new developments. The conditions of consent require further information and detail on waste generation, provision of bulky waste storage, identification of a collection strategy and transfer path.
51. A condition is recommended for an amended architectural plans to show an adequately designed waste storeroom, and for the submission of a Construction Waste Management Plan.

Consultation

Internal Referrals

52. The application was discussed with Council's:

- (a) Building Services Unit
- (b) Environmental Health Unit
- (c) Heritage and Urban Design Unit
- (d) Safe City Unit
- (e) Surveyor
- (f) Waste Management Unit

Advertising and Notification

53. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for a period of 21 days between 30 March 2026 and 21 April 2026. A total of 62 properties were notified and 5 submissions were received. One of the submissions was a combined submission with 11 signatories.

54. The submissions raised the following issues:

- (a) **Issue:** Neighbourhood amenity and character impacts including noise, traffic, safety, conflict with residential uses and impact on children

Response: The abovementioned neighbourhood amenity and character impacts have been considered during the assessment of the application. Given the lack of substantiated complaints made about the operation of the existing premises at No.43 Albion Street, strict conditions of consent and a plan of management, the likely impacts of the proposal are considered reasonable, mitigatable, and commensurate with the objects of the mixed-use zone.

- (b) **Issue:** Use exceeding the 8 service rooms proposed

Response: A condition of consent will be recommended not permitting use of more than the 8 service rooms as shown on the approved plans.

- (c) **Issue:** Use of rear lane for entry of patrons

Response: A condition of consent will be recommended to only allow patrons with accessibility requirements to utilise the rear lane to access the accessible room. No other patrons are permitted to use this entry, with other patrons entering from the front door of No.41 Albion Street.

- (d) **Issue:** Cost estimate

Response: The cost estimate only relates to alterations and additions works sought under this development consent which include internal wall removal or new partition walls. Other works have been approved in prior applications D/1999/303/C and D/2020/485 but are not included in the cost estimate provided with this application.

- (e) **Issue:** Cumulative Impact

Response: A cumulative impact regarding nearby operating sex services premises is unlikely given their relative distance, with the closest being approximately 80 metres away, measured door to door. Whilst the land use is intensified on the subject site, it is considered acceptable as operation will occur with strict conditions of consent and an enforced plan of management to manage impacts.

- (f) **Issue:** Existing use per division 4.11 of the EPA Act

Response: This is not relevant as existing use rights only applies to uses which are prohibited in a land use zone. Sex services premises are permitted with consent in the MU1 Mixed Use Zone.

- (g) **Issue:** Adequacy of Waste Management Plan

Response: Conditions of consent have been recommended to ensure the waste management plan is adequate and all waste storage is kept on site in a dedicated bin room area.

- (h) **Issue:** Absence of detail in the plan of management regarding welfare of workers including exploitation, trafficking and visa requirements for workers

Response: The proposed development including its plan of management only deals with the approval of the change of land use, associated alterations and additions and management of the proposed operation of the sex services premises. The above-mentioned concerns are serious but are the remit of Safe Work NSW and the Australian Federal Police.

- (i) **Issue:** Dilapidated external appearance

Response: Conditions of consent have been recommended for the external appearances of both facades to be improved by conservation works.

- (j) **Issue:** Incongruous with Objects of the EP&A Act relating to social and economic welfare of the community (1.3(a)) and Loss of rental housing (1.3(b))

Response: Section 4.15 of the EP&A Act sets out the matters of consideration a consent authority must contemplate in determining a Development Application, including the objects of the EP&A Act. In considering the change of use from residential to a sex services premises, the proportional impact of the loss of housing is minimal and is not causing a meaningful impact on the supply or availability of housing within the City of Sydney. Further, the mixed-use zone permits this use with development consent, as it anticipates both residential and commercial land uses within this locality. The strict conditions of consent will work to mitigate and manage the amenity impacts of the development, with the social and economic welfare of the community having a nominal impact as a result of the development.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

- 55. The City of Sydney Development Contributions Plan 2015 applies to the site. Credits were applied for the most recent past use of the site which was for a residential dwelling.
- 56. The development is not subject to a section 7.11 local infrastructure contribution under this Plan as the change in use results in a net population decrease.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

- 57. The development is development for purposes other than residential accommodation that will result in the creation of less than 60 square metres of gross floor area. It is also noted that the site is in residual land and involves a change in land use of existing floor area, however, the land use is not being changed to residential or tourist and visitor accommodation. As such, the development is excluded and is not subject to a Section 7.13 affordable housing contribution.

Housing and Productivity Contribution

- 58. The development is not subject to a Housing and Productivity Contribution (Base component) under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2024.

Relevant Legislation

- 59. Environmental Planning and Assessment Act 1979.
- 60. Environmental Planning and Assessment Regulation 2021.

Conclusion

61. The application seeks consent to expand an existing sex services premises into an adjoining building. The existing sex services premises at No. 43 Albion Street has been operating since 1996. The proposal will result in an increase from 6 to 8 service rooms. There have been no substantiated complaints logged in the City's records system during the previous 5 years, demonstrating the premises has operated without causing significant environmental impacts to neighbouring buildings.
62. The proposed development intends to utilise an existing entry for the premises from Albion Street and proposes to restrict the use of the rear lane for access only to patrons with accessibility requirements.
63. The proposal is generally consistent with the relevant objectives of the Sydney Development Control Plan 2012 in relation to access to sex services premises.
64. The proposal generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012 in relation to sex services premises. Subject to recommended conditions, the development will not create any additional adverse amenity impacts nor cause disturbance in the neighbourhood.
65. The premise is to operate in accordance with the management and safety procedures outlined within the endorsed Plan of Management and with regard to recommended conditions of consent.
66. Subject to the recommendation of this report, and the imposition of conditions in Attachment A, the proposal will not result in any additional adverse environmental impacts on the surrounding area. As such, the application is recommended for approval.

NICOLA REEVE

Acting Executive Manager Planning and Development

Max Di Rosario, Planner

Attachment A

Recommended Conditions of Consent
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SCHEDULE 1

GENERAL CONDITIONS

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2026/262 dated 27 March 2026 and the following drawings prepared by Vie Studio:

Drawing Number	Drawing Name	Date
A-102 Revision F	Proposed Floor Plan	12.03.2025

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.

Reason

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

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) Indicate that rooms not shown as client rooms in the approved drawing are not to be used for client rooms or servicing.
- (b) Indicate the ground floor enclosed area is only used for car parking and waste storage as required by Condition 22 (Waste Infrastructure – Commercial) of this consent.
- (c) Detail the staff facilities required by Condition 15 (Sex Services Premises Staff Facilities) of this consent.
- (d) Detail the waste storage area required by Condition 22 (Waste Infrastructure – Commercial) of this consent to be located within the ground floor enclosed area.

The modifications are to be submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of any Construction Certificate.

Reason

To require amendments to the approved plans and supporting documentation following assessment of the development.

(3) UPDATE PLAN OF MANAGEMENT

The plan of management is to be updated to contain:

- (a) The name and contact details of the proprietor and operator.
- (b) The registered business name and trading name of the premises.
- (c) Detail of working rooms and staff areas to be equipped with intercoms or duress alarm systems that are linked to a central base and monitored at all times.

These changes to the plan of management are to be submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of any Construction Certificate.

Reason

To ensure appropriate management of the premises.

(4) PLAN OF MANAGEMENT – SEX SERVICES PREMISES

The operation of the premises must be conducted in accordance with a Plan of Management that has been approved by Council.

The Plan of Management can be revised at any time through the submission of a Section 4.55 modification application.

Reason

To ensure appropriate management of the premises.

(5) MODIFICATION OF DEVELOPMENT CONSENT D/1999/303

Development consent D/1999/303 (as modified) must be modified pursuant to section 4.17(1)(b) of the Environmental Planning and Assessment Act 1979 as detailed below:

- (a) Condition (1) 'Approved Development' of the existing base development consent D/1999/303 (as modified) must be modified to include the following text: "*and as altered under development consent D/2026/262*".
- (b) The wording of condition (2) 'PLAN OF MANAGEMENT' is to read as:

(2) PLAN OF MANAGEMENT

The operation of the premises must be conducted in accordance with the Plan of Management that has been approved by Council (under this consent and/or D/2026/262). The Plan of Management can be revised at any time through the submission of a Section 4.55 modification application.

Reason

To ensure the premises trades within the approved hours of operation.

(c) The wording of condition (5) 'SCOPE OF CONSENT' is to read as:

(5) SCOPE OF CONSENT

This approval is based on the following:

- (a) No more than eight sex workers employed on the site at any one time.
- (b) Six client service rooms.
- (c) Or, if operating consent D/2026/262, no more than twelve sex workers, and 8 client service rooms.

(d) Condition (7) 'RESTRICTIONS ON REAR ACCESS' is to read as:

(7) RESTRICTIONS ON REAR ACCESS

The rear access shall be used by staff only between the hours of 10.00pm and 10.00am. Customers shall use the front access only and there shall be no waiting by customers at the rear of the ground floor level.

Or, if operating development consent D/2026/262, the premises is not to be accessed by the rear lane unless by a patron with accessibility requirements who intends to use the accessible client room on the ground floor.

Note: to activate this condition, written notice must be given to the Area Planning Manager prior to the commencement of the amended trading hours. The notice must contain all information listed under section 67(2) of the [Environmental Planning and Assessment Regulation 2021](#).

Reason

To update the existing operational sex services premises consent.

(6) DELIMITATION & CONSOLIDATION PLAN

Prior to the issue of any approval for demolition, the commencement of any demolition works or the issue of any Construction Certificate, whichever occurs first, the following is to be undertaken:

- (a) A 'Delimitation & Consolidation Plan' redefining the boundaries of the subject site is to be carried out by a Surveyor registered under the *Surveying and Spatial information Act 2002* and registered at NSW Land Registry Services.
- (b) The Registered Surveyor is to provide written confirmation that (a) has been undertaken and a copy of the new title and plan is to be provided to the Principal Certifying Authority and Council.

Reason

The subject boundaries are poorly defined and are 'Limited' title and should be redefined accordingly.

(7) NO CONSENT FOR SIGNAGE

No consent is granted or implied for any signage.

Reason

To require separate consent to be obtained for any signs.

(8) WASTE AND RECYCLING MANAGEMENT - GENERAL

The proposal must comply with the relevant provisions of the Sydney Development Control Plan 2012 and Council's *Guidelines for Waste Management in New Developments 2018*, which requires facilities to promote the safe and efficient storage, separation, collection and handling of waste to maximise resource recovery.

Reason

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

(9) AIR CONDITIONERS GENERALLY

No air-conditioning equipment is to be visible from the public domain. Equipment and associated wiring must:

- (a) Not be located on awnings or attached to the face of the building
- (b) Not be located on roofs in such a way that it is visible from any street, footpath or park
- (c) Be visually screened if located 1.8 metres above ground level in other locations
- (d) Wiring must be fully concealed.

Reason

To ensure the visual impact of air conditioners is minimised.

(10) NO AIR CONDITIONING UNITS TO FACADE OR BALCONIES OF BUILDING

Approval is not granted for the installation of individual air conditioning units to the facade or balconies of the building.

Reason

To clarify the scope of the consent.

(11) MANAGEMENT OF PREMISES

A maximum of 12 sex workers are allowed to be employed on the site at any one time and the use should not exceed the 8 client rooms shown on the approved plans.

Reason

To ensure appropriate operation of the premises.

(12) REAR LANE ACCESS

The premises is not to be accessed by the rear lane unless by a patron with accessibility requirements who intends to use the accessible client room on the ground floor.

Reason

To ensure appropriate operation of the premises.

(13) SEX INDUSTRY PREMISES - LIGHTING

- (a) All workrooms in sex service premises must be provided with an adequate level of lighting to allow sex workers to conduct health checks of their clients for any visible signs of sexually transmitted diseases, and/or a lamp is to be provided specifically for this.
- (b) All sex on premises cubicles, booths and sexual activity areas must be fitted with a local lighting system that achieves an adequate level of luminance for the purpose of allowing patrons to conduct examination of each other for visible evidence of sexual transmitted disease and to assist safe sexual practices. User adjustable dimmer switches may be installed to achieve this.
- (c) All sex on premises cubicles, booths and sexual activity areas must be fitted with lighting that achieves a minimum luminance of 80lx for the purpose of spot cleaning. This must be achieved either through the provision of a separate zoned lighting system or incorporated into the design of the local lighting system for sexual transmitted infection examination by patrons.
- (d) The premises must be capable of being illuminated with an adequate level of lighting so that the premises can be thoroughly cleaned when patrons are not on the premises.

Reason

To protect the health and safety of sex workers.

(14) SEX SERVICE PREMISES CLEANING

- (a) All servicing areas must be cleaned on a daily basis and should also be assessed for cleaning after every performance with spot cleaning occurring as necessary and as frequently as possible.

Reason

To ensure safety and cleanliness within performance areas.

(15) SEX SERVICE PREMISES STAFF FACILITIES

Staff facilities must be provided within the premises, in an area which is not accessible by clients and is adjacent to and accessible from work areas. The facilities must have controlled access and appropriate facilities including: a rest area with seating; fully equipped bathroom (shower, toilet and hand basin); sink with running water, water boiling facilities and fridge; food and drink preparation areas; staff lockers and health information noticeboard.

Reason

To ensure appropriate staff facilities are provided on the premises.

(16) SYDNEY DCP COMPLIANCE

The premises must comply with the health provisions contained in Sydney DCP 2012 4.4.6

Reason

To ensure relevant health provisions are complied with.

(17) GENERAL HERITAGE

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to be specified in the construction management plan.
- (c) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013.
- (d) New services are to be installed with minimal impact to heritage fabric and significant spaces. Where possible new services are to use existing service runs.
- (e) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.

- (f) Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.

Reason

To ensure that the development does not result in adverse heritage impacts.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

(18) BUILDING WORKS TO COMPLY WITH NATIONAL CONSTRUCTION CODE – HERITAGE BUILDINGS OR BUILDINGS WITHIN CONSERVATION AREA

Any building works required to ensure compliance with the NCC (previously known as BCA) or new building standards not specified in the submitted/approved plan must not damage existing fabric and building features. If such upgrading works have impact or potentially have impact on existing fabric and features, details of the works must be submitted and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to issue of any Construction Certificate.

Reason

To ensure an appropriate heritage outcome.

(19) HERITAGE CONSERVATION WORKS

- (a) Prior to the issue of the Construction Certificate, a schedule of conservation works (prepared by a suitably qualified heritage specialist) is to be undertaken concurrent with the works is to be submitted to Council's Urban Design and Heritage Manager for approval.
- (b) The schedule is to detail the conservation of all fabric identified as having a heritage significance including but not limited to the following: Front façade including doors, roof dormers and balconies of the site.
- (c) The schedule is to be supported by outline specifications, methodologies and detailed architectural sections, elevations and plans at 1:20 and 1:5 scales. The details should incorporate any structural and/or building services design for the building.
- (d) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building. Any departure from approved plans requiring additional demolition/chasing of significant fabric is to be submitted to Council's Area Planning Manager for approval.
- (e) A schedule of site inspections at key points during construction (like after demolition, before covering significant fabric with new ceilings and floors and/or when design changes impacting significant fabric need to be implemented and required to be discussed with Council) is required to be submitted to City of Sydney for approval.
- (f) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013. Appropriately qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.

Reason

To ensure the carrying out of appropriate heritage conservation works.

(20) REINSTATEMENT OF FRONT BALCONIES

The first floor front balconies must be reinstated to its original form and style and decorated with appropriate balustrade panels reflecting the traditional patterns, colour and details.

Details of the proposed reinstatement (drawings at a 1:50 and/or 1:20 scale) must be submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of any Construction Certificate. Details must include the use of traditional materials, size of structural elements, chamfered details where appropriate, size and type of timber floorboards.

Reason

To ensure an appropriate heritage and streetscape outcome.

(21) 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 any Construction Certificate.

The plan must comply with Council's Development Control Plan and *Guidelines for Waste Management in New Developments*. The plan must address:

- (a) Design of the proposed waste storage area/s in accordance with Reference D 1.1-1.12 of the *Guidelines and AS 1428.1 (Design for Access and Mobility)*
- (b) Details of the proposed waste collection strategy and waste transfer paths in accordance with Section D of the *Guidelines*
- (c) Details of demolition and construction waste management measures including volume estimates and location of the waste storage area/s in accordance with Section F of the *Guidelines*

Reason

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

(22) WASTE INFRASTRUCTURE – COMMERCIAL

Prior to the issue of **Construction Certificate**, 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 are to be 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 of 1200mm high on the walls.

Reason

To allow for the safe and hygienic storage and collection of waste and recycling from the use of the building.

BEFORE BUILDING WORK COMMENCES

(23) USE OF A STRUCTURAL ENGINEER

A suitably qualified practising structural engineer is to be commissioned to work with the consultant team throughout the design development, contract documentation and excavation stages of the project. The engineer is to be involved in the resolution of all matters relating to the demolition of the shared wall. The structural engineer is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of excavation issues throughout the project.

Reason

To ensure the structural stability integrity of the subject site and neighbouring buildings.

DURING BUILDING WORK

(24) ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Safework NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence which ever applies.

A copy of the relevant licence must be made available to any authorised Council officer on request within 24 hours.

- (b) Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All work must be carried out in accordance with the *Work Health and Safety Regulation 2025* and the NSW Government and SafeWork NSW document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW)* December 2011 and the *City of Sydney Managing Asbestos Policy* dated 21 October 2013 and associated guidelines.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance.
- (f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the written approval of Council.

- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

- (i) contact person for the site;
- (ii) telephone and facsimile numbers and email address; and
- (iii) site activities and time frames.

Reason

To ensure that the handling and removal of asbestos from the site is appropriately managed.

(25) HOURS OF WORK AND NOISE – OUTSIDE CBD

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Team, prior to works proceeding.

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

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

Reason

To protect the amenity of the surrounding area.

(26) COVERING OF LOADS

All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

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

Reason

To ensure loads are managed appropriately and do not impact local amenity.

(27) EROSION AND SEDIMENT CONTROL

The Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) which has been approved by the Principal Certifier must be implemented in full during the construction period.

During the construction period:-

- (a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- (b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and
- (c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

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

Reason

To ensure no substance other than rainwater enters the stormwater system and waterways.

(28) HAZARDOUS AND INDUSTRIAL WASTE

Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the NSW Work Cover Authority pursuant to the provisions of the following:

- (a) *Protection of the Environment Operations Act 1997*

(b) *Protection of the Environment Operations (Waste) Regulation 2005*

(c) *Waste Avoidance and Resource Recovery Act 2001*

(d) *Work Health and Safety Act 2011*

(e) *Work Health and Safety Regulation 2017.*

Reason

To ensure hazardous/ industrial waste is managed appropriately.

(29) NO OBSTRUCTION OF PUBLIC WAY

Unless otherwise approved by Council, the public way must not be obstructed by any materials, vehicles, waste receptacles, skip-bins or the like. Non-compliance with this requirement may result in the issue of a notice by Council to stop all work on the site.

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

Reason

To protect the amenity of the public domain.

(30) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site, where possible.
- (b) If, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate application under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993 must be submitted to and approved by Council.

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

Reason

To protect the amenity of the public domain.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

(31) SEX SERVICE PREMISES DATABASE

Prior to the issue of any Occupation Certificate, Council's Safe City specialists must be notified that the premises is being used for the purposes of a 'sex service premises' and the business registered on Council's database. The premises will then be subject to Council inspection.

Reason

To ensure the premises is registered on Council's database.

(32) WASTE AND RECYCLING COLLECTION CONTRACT - COMMERCIAL

Prior to the issue of an **Occupation Certificate** or commencement of the use, whichever is earlier, the building owner/tenant is to enter into a contract with a licensed waste service provider for the removal of all waste and recycling stream(s). A copy of the commercial waste and recycling contract and invoices are to be made available upon request by an authorised Council officer at any time.

Reason

To ensure arrangements are in place to manage commercial waste without reliance on public place or residential waste bins.

(33) SURVEY INFRASTRUCTURE

Prior to the issue of the occupation certificate, sufficient survey infrastructure, including reference marks and permanent marks with the plan of delimitation, must remain in place in order to satisfy the requirements of the *Surveying and Spatial Information Regulation 2024*, and to the satisfaction of Council.

Reason

To ensure the integrity of the Cadastre.

OCCUPATION AND ONGOING USE

(34) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

Reason

To ensure the site is authorised for occupation.

(35) ENCROACHMENTS – NEIGHBOURING PROPERTIES

No portion of the proposed structure shall encroach onto the adjoining properties.

Reason

To protect neighbouring properties.

(36) ENCROACHMENTS – PUBLIC WAY

No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

Reason

To protect the public way.

(37) SCHEDULED COLLECTIONS – COMMERCIAL

- (a) Waste and recycling stream(s) bins must not be placed on the street for collection. The waste contractor must wheel the bins from the waste storage area of the property to the waste collection vehicle upon arrival and return them to the waste storage area following collection. Unimpeded access must be provided to the waste and recycling storage area(s) at all times.
- (b) Unobstructed access is to be provided for waste collection vehicles to set down within 10m of the waste storage and collection area(s) during zone collection times on collection days.
- (c) The collection of waste and recycling stream(s) is to only occur during designated zone collection times outlined within the Local Approvals Policy for *Managing Waste in Public Places* to minimise impacts to residential amenity.

Reason

To minimise the impacts on amenity and safety caused by the presentation and collection of commercial waste.

(38) HEALTH SERVICES ACCESS

The proprietor must give access to health service providers to provide information and educational activities on disease transmission issues and any other issues.

Reason

To ensure access to health service providers is provided.

(39) SEX ON PREMISES VENUE - CLEANING

- (a) The premises, including any booths, cubicles, walls, floors and 'glory holes' must be constructed of durable, impervious materials with smooth finishes that are able to be cleaned easily.
- (b) A cleaning register is to be kept on the premises at all times and must be available for inspection by authorised officers on demand. The register must include but not be restricted to date/time of all cleaning activities; printed name and signature of the employee(s) conducting the cleaning; and notation of specific areas requiring spot cleaning attention.
- (c) Spot cleaning must be conducted on as a minimum hourly basis or more frequently if needed and during peak periods.
- (d) There must be a minimum of 2 staff available at all times at the premises so as cleaning and security can be maintained.

Reason

To ensure adequate cleaning is undertaken within the premises.

(40) SEX SERVICE PREMISES - SHARPS WASTE DISPOSAL EQUIPMENT

A least one sharps container of a one litre or more capacity is to be provided and kept on premises at all times for use by clients or staff as required.

The container(s) are to comply with the requirements of AS4261:1994 and/or AS4031:1992 and be disposed of in accordance with the Department of Environment and Conservation's requirements.

Reason

To ensure sharps waste can be disposed of appropriately.

(41) TRADING HOURS

The trading hours are as follows:

- (a) The permitted trading hours are restricted to between 10:00am and 5:00am, the following day, Monday to Sunday.

Reason

To ensure the premises trades within the approved trading hours.

(42) COMMERCIAL AND INDUSTRIAL DEVELOPMENT NOISE

During ongoing use of the premises, the cumulative emission of noise from commercial and industrial activities must comply with Requirement 4 – *NOISE FROM COMMERCIAL AND INDUSTRIAL ACTIVITIES*, as specified in the City of Sydney – Environmental Noise Technical Requirements, dated October 2025.

Reason

To protect the acoustic amenity of surrounding properties.

(43) COPIES OF CONSENTS AND MANAGEMENT PLANS

A copy of the current development consent(s) for the operation of the licensed premises, and the Plan of Management must be kept on-site and made available to Authorised Officers.

Reason

To ensure all relevant approved documents are available on-site upon request.

(44) SURVEILLANCE CAMERAS

- (a) CCTV surveillance cameras must be strategically installed, operated and maintained throughout the premises with coverage to:
 - (i) All entrance/s and exits used by the public including a 10m radius of these entrance/s and exits;
 - (ii) all areas within the premise occupied by the public (excluding toilets and servicing rooms).
- (b) All CCTV recording equipment and cameras must be of high-grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras.
- (c) CCTV recordings must be retained for 28 days before being re-used, destroyed or deleted. Time and date must be automatically recorded. The CCTV recording equipment must be capable of reproducing a digital copy.
- (d) All CCTV recording devices and cameras must be checked to ensure the equipment is operating correctly.
- (e) When the premises is operating there must be at least one staff member present at the premises who is authorised to access the CCTV system and able to immediately review recordings and produce copies.

Reason

To ensure the safety and security of staff, patrons and the surrounding neighbourhood is adequately monitored and maintained.

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>

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf). <https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf> The consent should be read together with the *Conditions of development consent advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means the City of Sydney.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means the City of Sydney Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

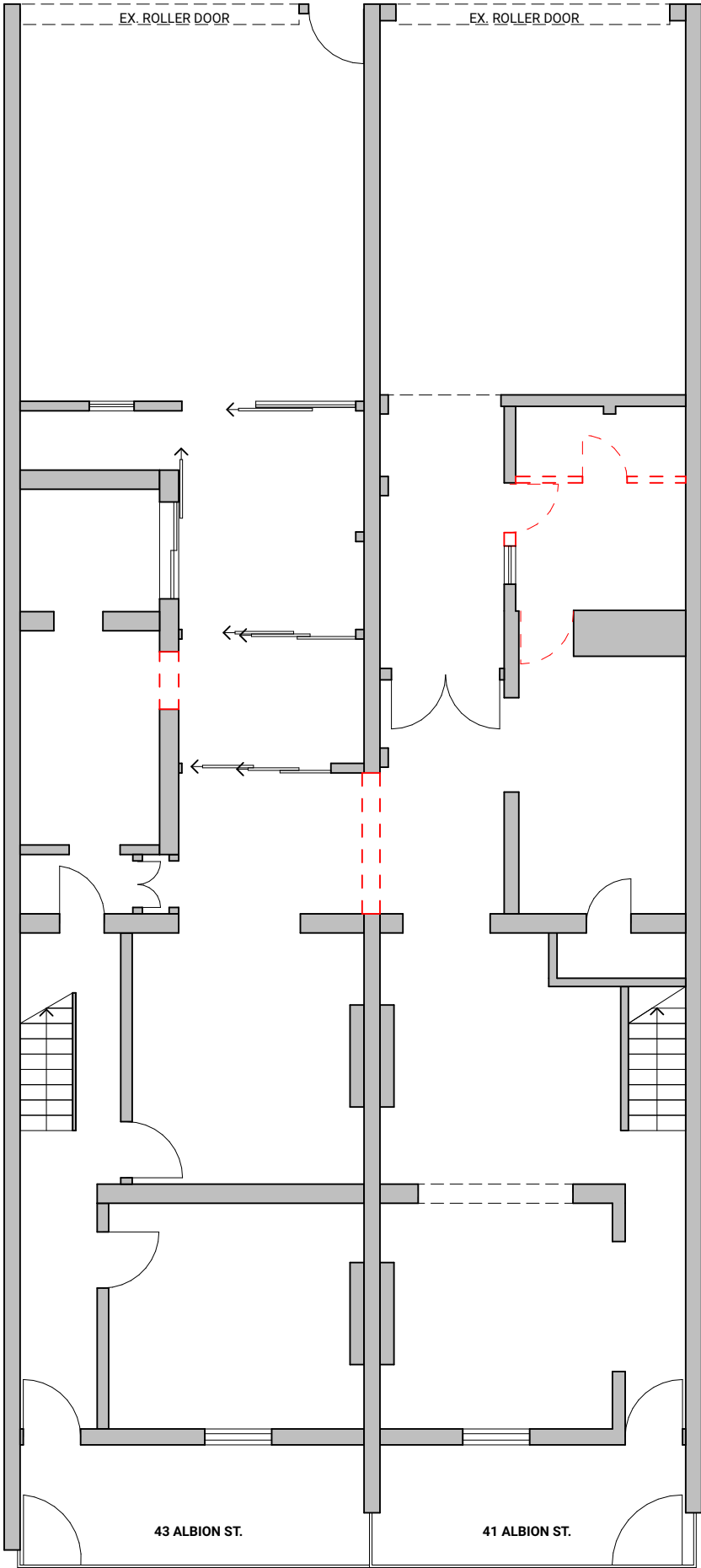
Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

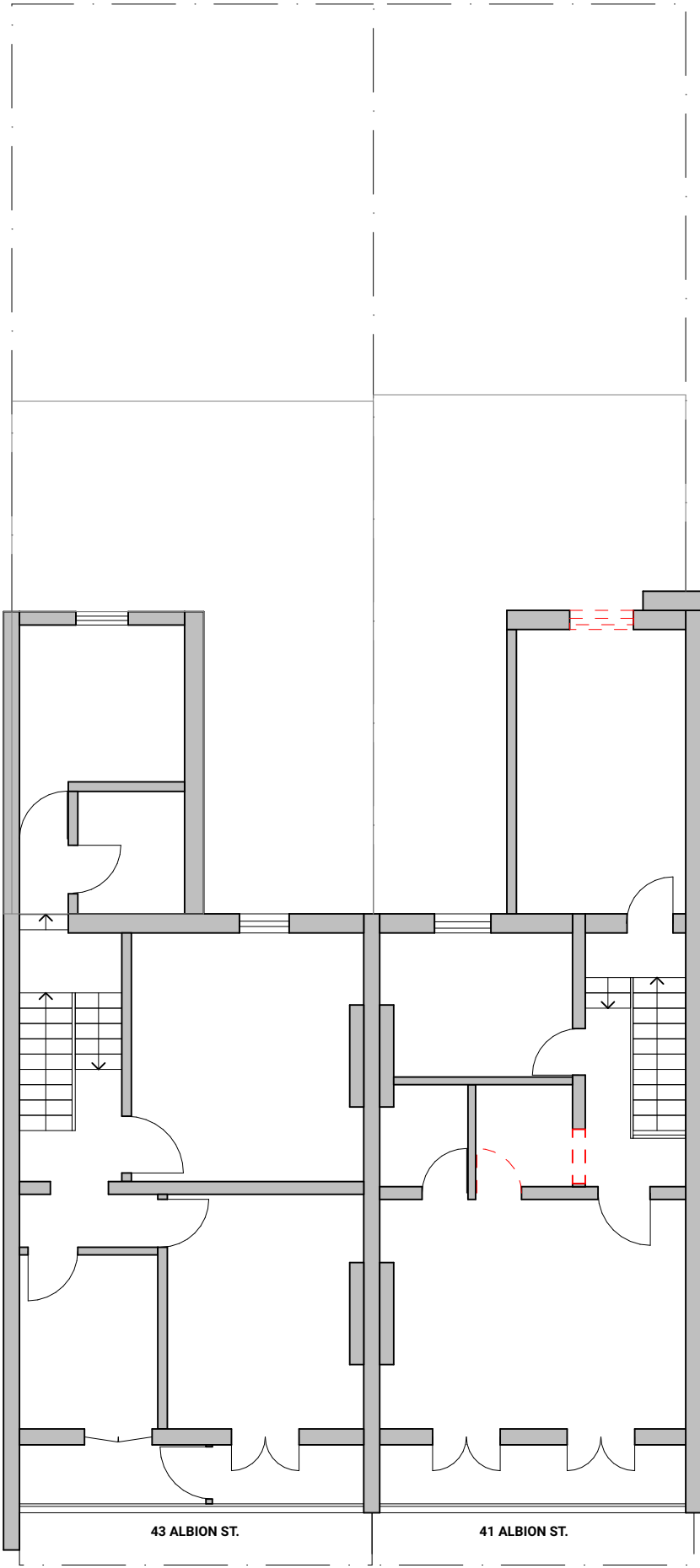
Attachment B

Selected Drawings



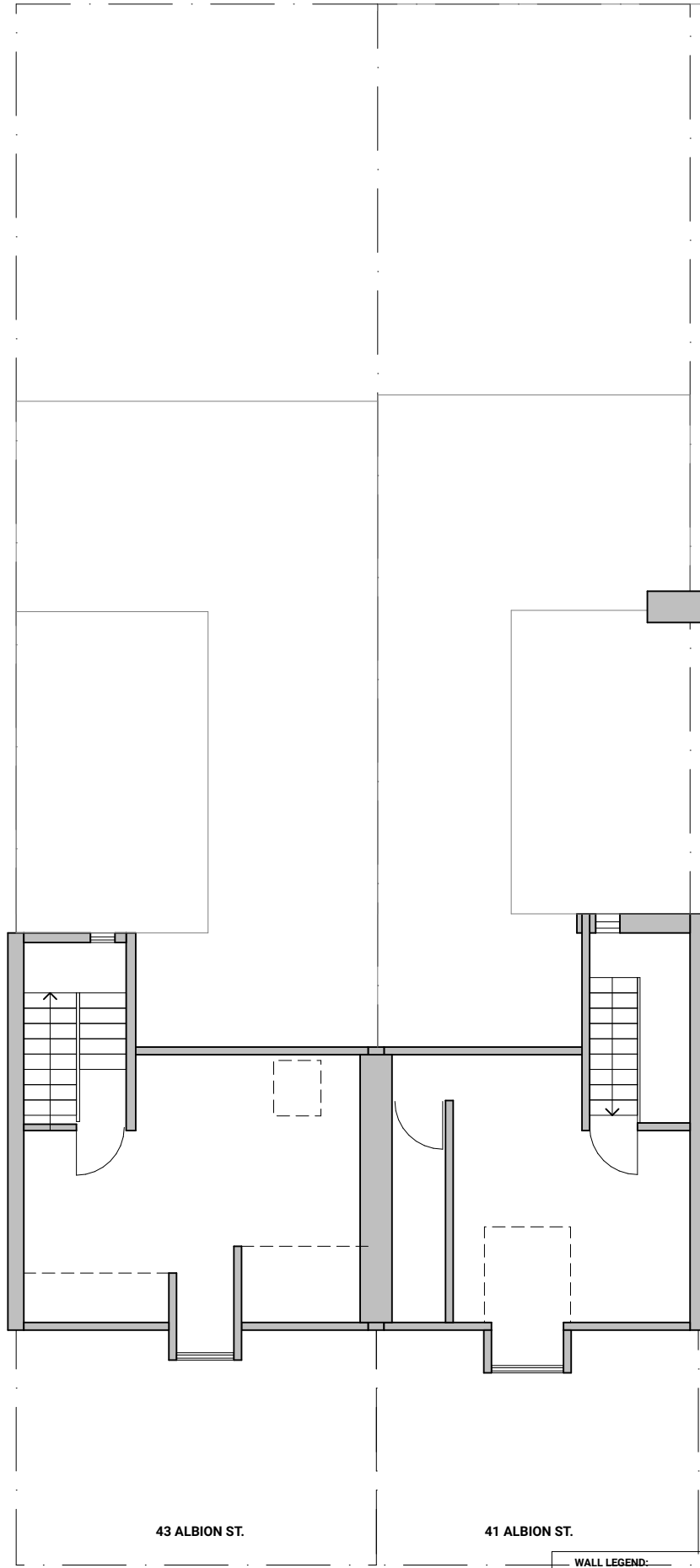
01

GROUND FLOOR PLAN
1:100



02

FIRST FLOOR PLAN
1:100



03

ATTIC PLAN
1:100

WALL LEGEND:	
	EXISTING WALLS
	DEMOLISHED WALLS
	NEW WALLS
	NEW OPENING/DOOR

GENERAL NOTES

- DO NOT SCALE DRAWINGS, FIGURED DIMENSIONS ARE TO BE FOLLOWED
- COPYRIGHT OF THESE DRAWINGS AND RELATED DOCUMENTS ARE RESERVED BY VIE STUDIO
- ALL DIMENSIONS ARE TO BE CONFIRMED ON SITE PRIOR TO CONSTRUCTION. IN THE EVENT OF ANY DISCREPANCIES ON THESE DRAWINGS, THE CONTRACTOR SHALL CONTACT THE DESIGNER BEFORE PROCEEDING WITH ANY WORK.
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN APPROVALS FROM APPROPRIATE AUTHORITIES INCLUDING LOCAL COUNCIL AND WATER BOARD PRIOR TO CONSTRUCTION
- MEASUREMENTS FOR THE FABRICATION OF SECONDARY COMPONENTS ARE TO BE TAKEN ON SITE TO SUIT
- CONTRACTOR TO LAISE WITH THIRD PARTY SUPPLIERS TO CONFIRM EXACT REQUIREMENTS INCLUDING ELECTRICAL, DATA, COMMS, HYDRAULICS AND ANY OTHER RELATED REQUIREMENTS
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- ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, AUSTRALIAN STANDARDS, STATUTORY REGULATIONS AND LOCAL AUTHORITY REQUIREMENTS

SERVICES NOTES

- ALL NEW CORE HOLES LOCATIONS ARE SUBJECT TO STRUCTURAL ENGINEERS SCAN AND APPROVAL
- CONTRACTOR TO ENSURE ALL SERVICES COMPLY WITH RELEVANT AUSTRALIAN STANDARDS, BCA AND CODES
- CONTRACTOR TO CONFIRM ALL FINAL SERVICES LOCATIONS ON SITE PRIOR TO CONSTRUCTION

REV: NOTES:

REV:	NOTES:
A	PRELIMINARY FLOOR PLAN
B	PRELIMINARY FLOOR PLAN
C	PRELIMINARY FLOOR PLAN
D	PRELIMINARY FLOOR PLAN
E	DA SUBMISSION PLANS
F	DA SUBMISSION PLANS

DATE:

2025.03.12
2025.03.18
2025.03.21
2025.06.23
2025.09.05
2026.03.02

PROJECT

41-43 ALBION STREET
41-43 ALBION STREET SURRY HILLS NSW 2012 AUSTRALIA

PROJECT NUMBER
25687-S

DRAWING TITLE:

DEMOLITION / EXISTING FLOOR PLAN

PAPER SIZE: A3

SCALE: 1:100

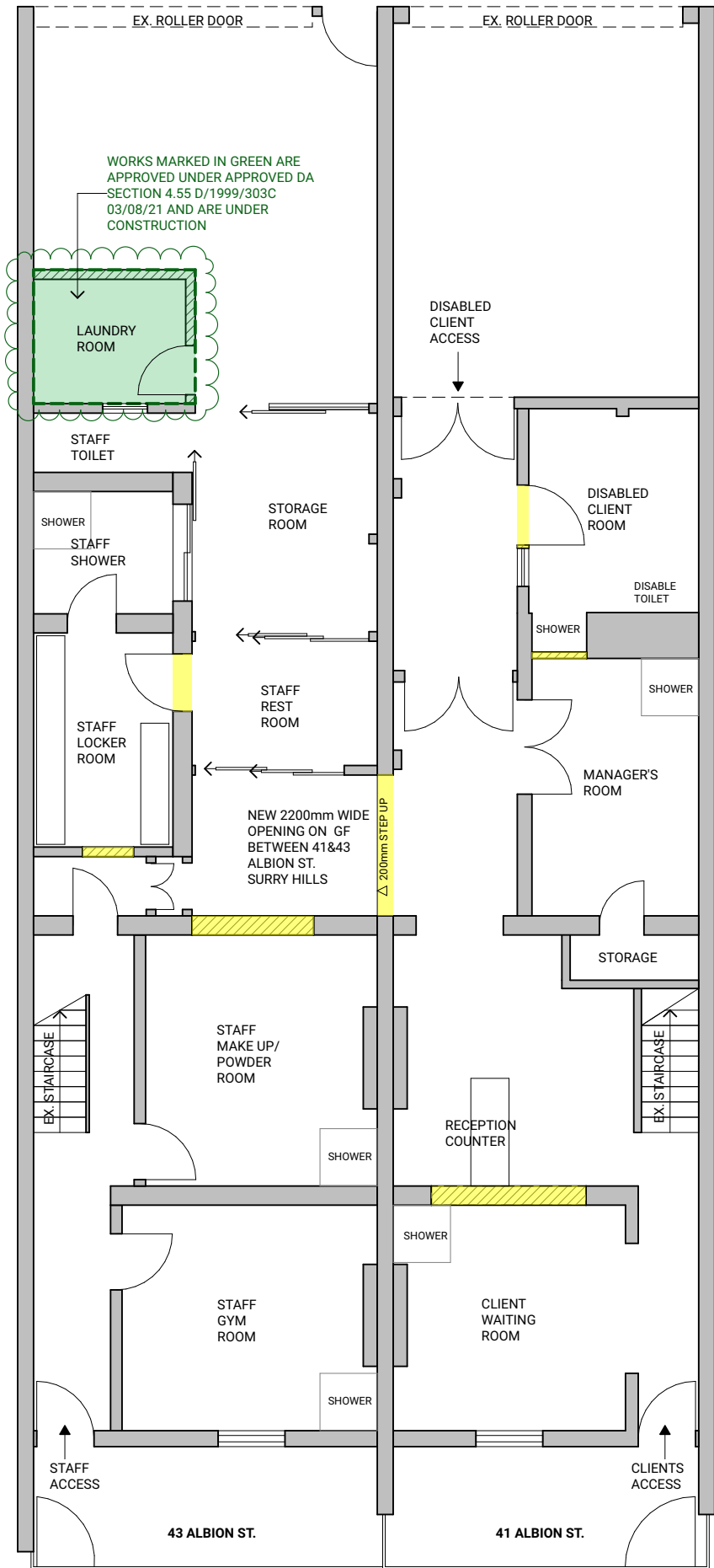
DRAWN BY: BZ

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DRAWING No:
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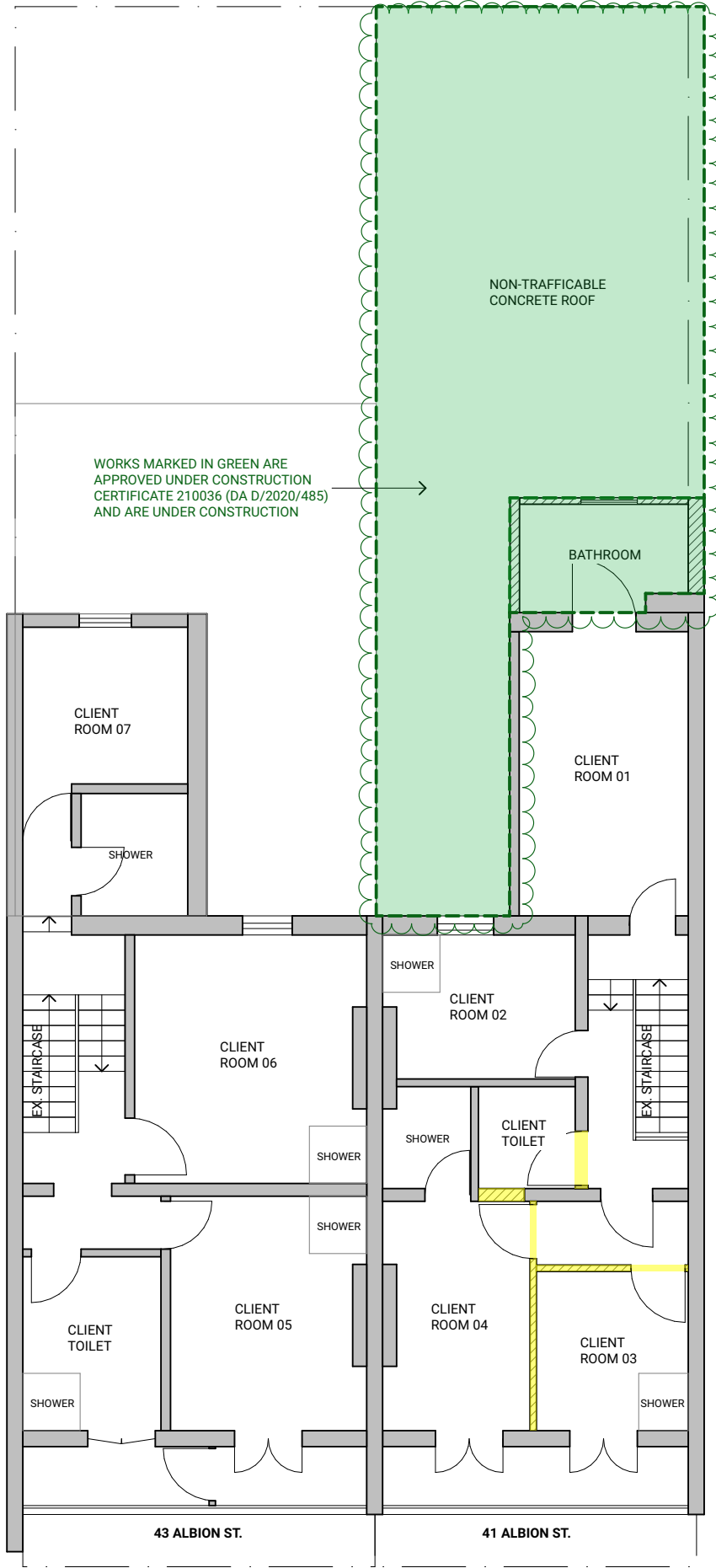
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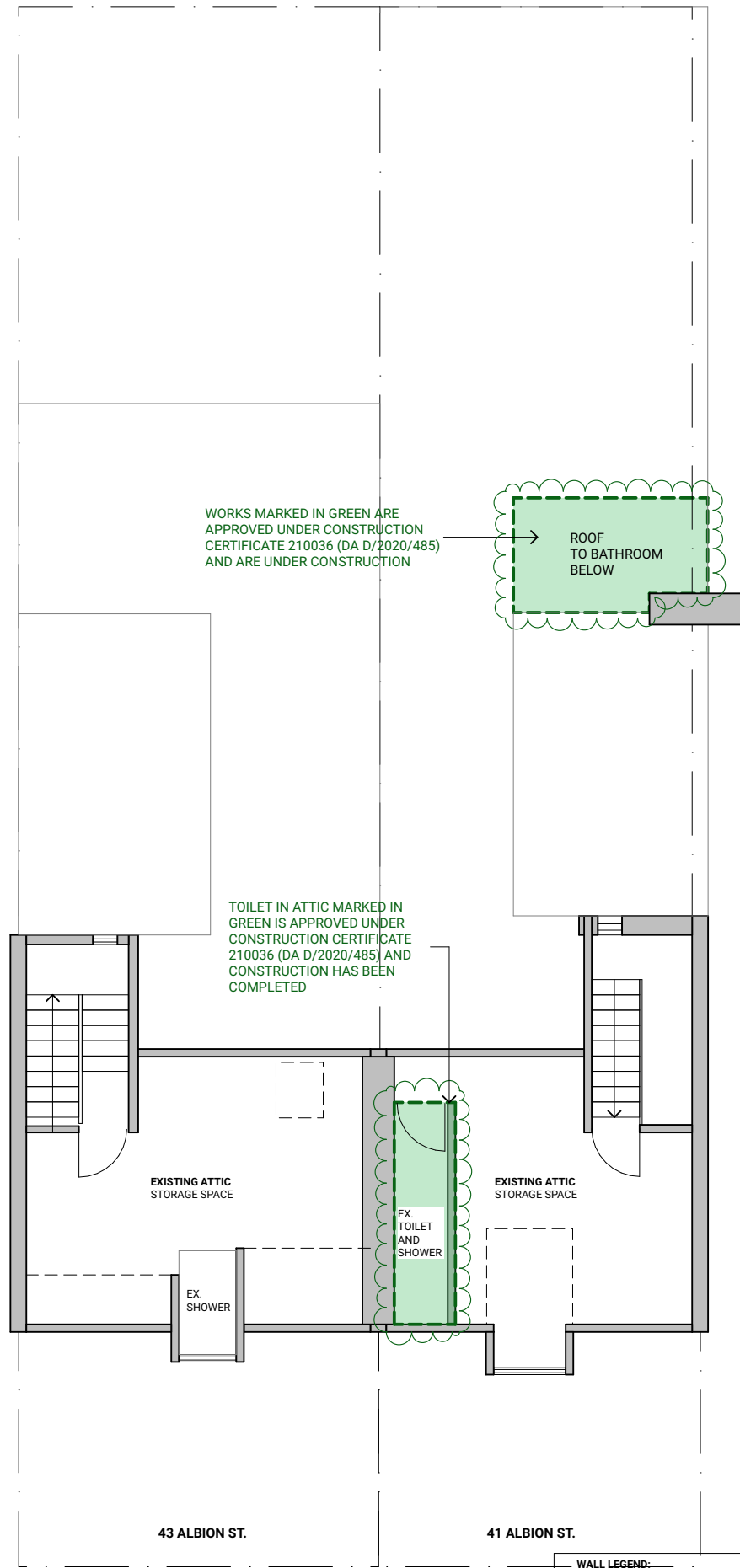
01

GROUND FLOOR PLAN
1:100



02

FIRST FLOOR PLAN
1:100



03

ATTIC PLAN
1:100

WALL LEGEND:	
	EXISTING WALLS
	DEMOLISHED WALLS
	NEW WALLS
	NEW OPENING/DOOR

vie
studio

SUITE 1, 11 BOWDEN ST ALEXANDRIA NSW 2015
T: 02 95605268 E: DESIGN@VIESTUDIO.COM.AU
W: WWW.VIESTUDIO.COM.AU

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REV: NOTES:

- | | |
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| 2025.03.12 |
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| 2025.09.05 |
| 2026.03.02 |

PROJECT

41-43 ALBION STREET
41-43 ALBION STREET SURRY HILLS NSW 2012 AUSTRALIA

PROJECT NUMBER

25687-S

DRAWING TITLE:

PROPOSED FLOOR PLAN

PAPER SIZE:

A3

SCALE:

1:100

DRAWN BY:

BZ

CHECKED BY:

SL

DRAWING No:

A-102

REVISION:

F

Attachment C

Submissions

From: [REDACTED] <[REDACTED]> on behalf of [REDACTED]
<[REDACTED]> <[REDACTED]> <[REDACTED]>
Sent on: Sunday, April 12, 2026 9:15:33 AM
To: council@cityofsydney.nsw.gov.au
Subject: Comment on D/2026/262

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

I wish to provide comment on a DA.
DA No D/2026/262
4 Albion Street Surry Hills
43 Albion Street Surry Hills

I would like all of my identifying information concealed.

I object to the expansion of the existing brothel.

I acknowledge that there is already a brothel in the location but believe that expanding this is not in the interest of maintaining the character of the neighbourhood.

Specifically the immediate area has many residences with children. More people are moving into the area and buildings are becoming more residential rather than business use.

While the documents imply that there will be no impact. I do not believe that this is true.

I do not have faith that the rooms designed with showers will not be used as client rooms. This greatly increases the capacity of the business. It is in effect planned to be a much larger expansion than is acknowledged in the documentation. These rooms include:

- Staff make up /powder room,
- Staff gym
- Managers room
- Client waiting room
- Two attic spaces.

Each of these six (6) rooms are designed with a shower and are exactly the same as a client room.

There will be greater pressure on parking, pedestrian movement and other service vehicles including waste management vehicles.

I object to the rear lane being used for any customer entrance - disabled or otherwise. I believe that the existing business did previously use the rear for customer entry, regardless of any management documents.

Night safety is of immediate concern. We have female friends that will not walk down that lane at night because they do not want to be in contact with leering customers. This will be magnified with greater expansion of the business.

I am concerned that the large concrete covered area at the rear of the property has no designated use. I believe that this has been designed so that in the future, it could be walled and incorporated into the brothel. This greatly increases the potential of the brothels expansion.

The owners already have another brothel on Commonwealth Street and i believe that they house many of the staff in the immediate vicinity. The expansion of the this business will negatively effect the make up of the residential population as there will be more sex workers living in the area. I have no objection to sex workers. However, one owner and several buildings in the area that are occupied by the same business negatively changes the atmosphere of the place.

I believe that the plan for the brothel is to have at least 6 more rooms as client rooms that are not designated in the documentation. There is potential for even further expansion. This is a design for a 'super brothel', not an expansion of two client rooms.

On these grounds I object to the expansion.

Many thanks



From: [REDACTED] <[REDACTED]> on behalf of [REDACTED] <[REDACTED]>
<[REDACTED]> <[REDACTED]>

Sent on: Monday, April 13, 2026 2:33:00 PM

To: council@cityofsydney.nsw.gov.au

Subject: Objection to Development Application D/2026/262 41 Albion st SURRY HILLS NSW 2010 , 43 ALBION st SURRY HILLS NSW 2010

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

**To: The Planning Department
. City of Sydney Council**

First & most importantly: "I DO NOT WISH TO HAVE MY DETAILS SHARED WITH THE APPLICANT OF THE BELOW DA- EITHER IN WAY OF MY PERSONAL NAME, ADDRESS, EMAIL OR TELEPHONE NUMBER "

Subject: Objection to Development Application D/2026/262 41 Albion st SURRY HILLS NSW 2010 , 43 ALBION st SURRY HILLS NSW 2010

Dear Sir/Madam,

I am writing to formally object to the above Development Application concerning the proposed expansion of sex premises located at 43 Albion St Surry Hills

I am a neighbouring resident, living near to this property, and I have significant concerns regarding the impact this proposal will have on my family, my children, and the surrounding residential community.

1. Noise and Amenity Impact

An expansion of the business will inevitably increase the frequency and intensity of this disturbance, further degrading our quality of life.

2. Impact on Children and Family Environment

As a parent of young children, I am deeply concerned about the exposure to adult activities and associated noise. This is not a theoretical concern— Increasing the scale of the operation will worsen this situation and is incompatible with a family-oriented residential neighbourhood.

3. Increased Traffic and Client Activity

The proposed expansion is likely to result in a higher volume of clients, increased vehicle movements, and greater foot traffic at all hours. This will affect safety, privacy, and the quiet character of our neighbourhood.

4. Incompatibility with Local Character

The area has been promoted as part of a “city of villages,” emphasising community, liveability, and residential amenity.

Expanding a commercial sex services premises in such close proximity to family homes directly contradicts these planning principles.

5. Cumulative Impact

. The proposal represents an intensification of use that is not appropriate for this location, also number 41 Albion st is not zoned for sex on premises

6.Rear lane Access Impact

Previous DA had no clients access to rear lane due to impact of traffic & noise in a tight lane way, unsure why it is now attached to this DA, wheelchair access can be on Albion st in way of ramp from the footpath

7 Concerns Regarding Accuracy of Cost Estimate

Based on the nature of the proposed development, including [e.g. structural changes, internal fit-out, services upgrades, expansion of usable floor space], it is difficult to reconcile the stated cost with current construction and labour costs. Comparable building works of a similar scale would typically attract a substantially higher valuation. in excess of X 7 - 8 x times that of the purposed amount

I believe this raises concerns about whether the application has been properly classified and assessed.

Request for Independent Verification

Given these discrepancies, I respectfully request that Council require:

- A detailed and itemised cost breakdown
- Independent verification of the estimated development cost
- Reassessment of the application if the true cost places it in a different assessment category

Until the cost of the development is transparently and accurately established, I believe the application cannot be properly evaluated.

In summary:

Given the above concerns, I strongly urge the Council to refuse this Development Application.

I request that my submission be formally considered and that I be notified of any decisions or further developments regarding this application., **once again requesting that my personal details not to be shared to the applications of this DA**

Yours faithfully,



 Albion St
Surry Hills NSW

From: [REDACTED] <[REDACTED]> on behalf of [REDACTED] <[REDACTED]>
<[REDACTED]> <[REDACTED]>

Sent on: Friday, April 17, 2026 8:53:46 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2026/262 - 41 Albion Street SURRY HILLS NSW 2010 - Attention Max Di Rosario

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Sydney City Council

I live in close proximity to the subject site and already experience the pattern of late-night activity associated with this and surrounding premises. The proposal represents a clear intensification of this type of use through expansion into an adjoining property, which is likely to increase patron numbers and associated movements.

Of particular concern is the likely increase in late-night arrivals and departures, including short-stay vehicle movements, which have a direct impact on residential amenity. In my experience, the surrounding streets have limited capacity to absorb additional late-night activity without disturbance.

Given the predominantly residential character of this part of Surry Hills, the proposed expansion is likely to result in a measurable decline in amenity.

For these reasons, I object to the proposal.

Sincerely

[REDACTED]

[REDACTED] Commonwealth St, Surry Hills

From: john jeonggwan <[REDACTED]> on behalf of john jeonggwan
<[REDACTED]> <john.jeonggwan@[REDACTED]>

Sent on: Monday, April 20, 2026 11:09:31 AM

To: City of Sydney <council@cityofsydney.nsw.gov.au>

Subject: Objections - D/2026/262 - 41 and 43 Albion Street Surry Hills NSW 2010

Attachments: 26-4-20 Objections.pdf (513.19 KB)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Mr Max Di Rosario
Assessing Officer
Planning Assessments

The purpose of this email is to file the attached objections on behalf of the local residents to this Development Application D/2026/262 and the proposed development at 41 and 43 Albion Street Surry Hills.

The resident Objectors have signed in the panel on the last page. The Objectors claim privacy and confidentiality and ask that their names and details are not published to the applicant Ms Shiela Liew and associated interests.

Thank you

Surry Hills Action Group (SHAG)

[REDACTED]

SHAG respectfully acknowledges the traditional owners and custodians of the land and waterways on which we work and live, the Gadigal People of the Eora nation. We pay our respects to their Elders, past and present, and remember that sovereignty was never ceded.

OBJECTIONS

D/2026/262 for 41 and 43 Albion Street SURRY HILLS NSW 2010

council@cityofsydney.nsw.gov.au

PRIVACY

The objectors (whose details and signatures appear in the Table at the end of these Objections) claim the right to privacy and confidentiality so their names and addresses are not published to the DA applicant.

Introduction

At the outset it is appropriate to say that this submission does not object to the operation of Brothels per se.

We object to Council giving approval for another Brothel to be opened at 41 Albion Street SURRY HILLS, albeit disguised as a mere extension of an abandoned use Brothel at 43 Albion Street SURRY HILLS.

These objections are based on two issues:

1. “Abandonment” of the previous approved usage of 43 Albion Street as a Brothel. This arises as there has been no continuous usage of 43 Albion Street for more than 12 months between January 2025 (when the current owners/ operators purchased 43 Albion Street) continuing to date (being 15 months): *Environment Protection and Assessment Act* s4.66(2)(e) and (3);
2. An immediate “Clustering” or concentration of Brothels at the adjacent properties located at 41 and 43 Albion Street SURRY HILLS and a clustering or concentration of Brothels in the vicinity: see Table A; under the Sydney Development Control Plan 2012 (SDCP) which relevantly provides that Brothels should not be clustered or concentrated in one area.

This submission contends that consent should be refused where the existing usage at 43 Albion Street Surry Hills has been abandoned for more than 12 months, and the proposal will create or add to a concentration of brothels in the same street (Albion Street) or

immediate vicinity (Albion, Commonwealth, Reservoir and Bellevue streets): see Tables A and B.

There are a multiplicity of Brothels already located in the immediate vicinity within 75 metres and more Brothels out to about 300 meters from the subject premises: see Tables A and B.

Objections

These objections are based on a number of issues:

1. Abandonment
2. Clustering
3. Expansion of existing Brothel operations within adjoining buildings
4. Inadequate Plans
5. Dilapidation
6. Loss of residential usage in a tenancy crisis

1. Abandonment

The Environmental Planning and Assessment Act 1979 s4.66 - Continuance of and limitations on existing use relevantly provides:

(1) Except where expressly provided in this Act, nothing in this Act or an environmental planning instrument prevents the continuance of an existing use.

(2) Nothing in subsection (1) authorises--

...

(e) the continuance of the use therein mentioned where that use is abandoned.

(3) Without limiting the generality of subsection (2)(e), a use is to be presumed, unless the contrary is established, to be abandoned if it ceases to be actually so used for a continuous period of 12 months.

The 43 Albion Street premises had an existing usage as a Brothel up until the time the usage as a Brothel was discontinued in about November 2024 when the premises were offered for sale by auction. The current DA applicant Sheila Liew and associated interests purchased these premises prior to auction and the sale and purchase was settled on or about # January 2025.

These premises have not re-opened to operate as a Brothel since the sale continuing to date. This is more than 12 months, and is an “abandonment” of the use of 43 Albion Street as a Brothel.

The current DA D.2026/262 for 41 and 43 Albion Street seeks to obtain Consent for use of 41 Albion Street as a Brothel and to be combined with 43 Albion Street by knocking down an interior wall to consolidate both premises into a single Brothel. Problematically, the previous Consent for usage of 43 Albion Street as a Brothel has been “abandoned”.

As a consequence of the abandonment of the use of 43 Albion Street as a Brothel, it will be unlawful for Shiela Liew and associated interests to consolidate both 41 and 43 Albion Street for the purposes of operating both as a Brothel.

2. Clustering

If consent is granted to use 41 and 43 Albion Street as Brothel premises, there will be two Brothels operating side-by-side.

The application is skilfully presented as a single Brothel, using a common single entrance with internal access by demolition of an internal wall. This presentation involves a heavy smoke screen as there are two separate titles and two separate buildings which will be used as a Brothel.

The fact is the result, if consent is granted, will be two separate premises operating side-by-side which will be used as Brothel premises.

The changing neighbourhood character and social amenity of Surry Hills with increasing residential use by families is sensitive to an over-concentration and clustering of Brothels.

The grant of a DC for 41 and 43 Albion Street will result in strip development of Brothels along Albion Street, which has become a family residential area in the last 15 years.

The following tables demonstrate the “clustering” of Brothel operations in the vicinity of 41 and 43 Albion Street.

Table A – Existing authorised Brothels

Item	Operator	Address	Distance from 41 Albion Street
1	Sheila Lieu and associated interests	43 Albion Street previously operating as "ThaiCity 43" until about November 2024. 43 Albion Street has not been operating as a Brothel for more than 12 months though there it is advertising as "XCity Girl"	Adjoining
2	John Bitsikas and associated interests	99 Albion Street known as "Tiffany's Girls"	200 metres
3	Sheila Lieu and associated interests	204 - 206 Commonwealth Street known as "Kyoto 206"	75 metres
4	Shiela Lieu and associated interests	57 Reservoir Street known as "Sakura 57"	100 metres
5	Unknown	12 Bellevue Street known as "Bellevue 12"	150 metres

As can be seen in Table A, there is significant clustering of Brothels within 75 metres of 41 and 41 and 43 Albion Street, and extending out to 200m and 300 metres. To permit an additional Brothel to open at 41 Albion Street Surry Hills is a clear detriment to the social amenity of Surry Hills.

Clustering is undesirable

The clustering of Brothels in this immediate vicinity is undesirable, as it creates a "Brothel strip" image for the locality, and detracts from the local amenity of residents.

There is no doubt that the social fabric and amenity of Albion Street and the immediate vicinity has seen significant changes over the last 15 or so years since about 2010 with many of the old terraces which were previously used for business purposes being converted back to family residential use. The makeup of local families along Albion Street includes families with young children currently aged from 10 years to 17 years, and young adults aged from 18 years.

The character of this locality has changed from pre-dominantly mixed businesses to more than 50% now being used as residential premises.

Nuisance

The current clustering of Brothels has already resulted in a nuisance for local residents, which will increase if a DC is granted for 41 and 43 Albion Street.

There are already adverse amenity impacts on residential use caused by Brothel client increased traffic and parking in adjacent streets which is also contrary to City of Sydney Council policy to discourage the use of motor vehicles.

There is noise nuisance created by late night revellers on their way into the local Brothels, and undesirable late-night activity in Albion and adjoining streets.

There is a further nuisance for local residents created by confused Brothel patrons knocking on the doors of residential premises, asking to see the girls.

Several times a day, every day of the week, a worker can be seen and heard trundling a large blue bin up and down Commonwealth Lane and Albion Way, apparently for the purpose of collecting waste from Kyoto 206 and other nearby Brothel premises operated by Shiela Liew and associated interests. This is unsightly, noisy and a nuisance. It is also a breach of the Waste Management Plan procedures attached to the Development Application.

3. Expansion of existing Brothel operations into adjoining buildings

There is reason to believe, subject to confirmation following Council investigations, that Shiela Liew and associated interests have expanded existing Brothel premises into adjoining buildings, as described in Table B. This submission does not allege any unauthorised work at Kyoto 206 or 43 Albion Street, but notes that attempts to locate DAs and DCs for the purposes of this submission have been unsuccessful.

Table B – Expansion of Brothel operations

Item	Operator	Address	Distance from 41 Albion Street	Comment
6	Shiela Liew and associated interests	202 Commonwealth Street	75 metres	These premises at 202 Commonwealth Street have been the subject of a number of DAs in

				the last 2 years or so, a Medical Centre and more recently as residential premises. Neither usage has ever eventuated. Instead, an internal and common wall was demolished between 202 and Kyoto 206 in 2025 to join the two premises together. A DA or DC for this work cannot be located.
7	Shiela Lieu and associated interests	Rear of 43 Albion Street	Adjoining	A ground floor extension was built at the rear of 43 Albion Street by the previous operator of "Thai City 43" with a rear access entry on Albion Way. It appears that this unapproved extension has been at least partially removed. A DA or DC for this work cannot be located.

4. Inadequate plans

There are several plans attached to the DA which presumably seek to demonstrate that proper consideration has been given to relevant DCP issues: Plan of Management and Waste Management Plan.

However, these Plans consist of generalities and lack adequate detail to demonstrate any means of adherence to the matters therein. For example, the Waste Management Plan Plans does not adopt any of the testable features in ISO 9001 Total Quality Management, as there are no forms which will be used to record the matters set out in this Plan.

Relevantly, the Plan of Management is remarkable for the absence of anything concerning the welfare of the young Asian girls who will be providing their services by comparison to a great deal of detail concerning management of the customers.

Nothing in this submission is to be read as an express or implied allegation against Shiela Lieu and associated interests that they are in breach of any law.

However, there are several matters of community concern which are not addressed in the Plan of Management:

- the potential for trafficking and economic exploitation of young Asian girls to work in the sex industry;
- no procedures for recording any checks of the age of the sex workers, visa eligibility, number of work hours (there are strict limitations on work hours for student visas)
- well known concern voiced by University Vice-Chancellors about female students working in the sex industry to supplement their income.

5. Dilapidation

There are already authorised and historical Brothels located in the vicinity of 41 Albion Street such as “Tiffany’s Girls” at 99 Albion Street, and “A touch more class” (previously known as “A touch of class”) on Riley Street at the corner of Foveau Street.

Tiffany’s Girls is a long-standing legal adult services establishment which has operated in Surry Hills since 1974. It is often referred to locally as a “landmark” of the area and takes up the whole block, if the corner office building is included.

Tiffany’s Girls and A touch more class are both located in well-presented and maintained heritage buildings (Tiffany’s Girls is currently undergoing extensive renovation at an estimated cost of \$2 million).

A touch more class is also a centre of entertainment for the patrons of the Forrester Hotel located directly opposite, who unofficially time the entry and exit of clients to that Brothel.

There is not much that can be said about the appearance of the exterior of the Brothel at 12 Bellevue Street, but it does not have a dilapidated appearance.

By contrast, 43 Albion Street, which was recently purchased by Shiela Liew and associated interests in January 2025 has a dilapidated, overgrown, unsightly and decidedly “down market” appearance.

There is no doubt that 41 Albion Street will also take on the same down market and dilapidated appearance as 43 Albion Street. This proposition is supported by the ugly appearance of “Kyoto 206” Commonwealth Street operated by S Liew and associated interests. The 1960’s exterior brick work at the front is ugly and detracts from the appearance of the other residential and mixed use buildings in the immediate vicinity in Commonwealth Street. In 2025 an internal door visible from the street was installed on the first landing inside the open front door of Kyoto 206 on what local residents refer to as the “stairway to heaven”, which has an unfinished dirty, stained and unmaintained appearance.

In addition, the rear exterior of Kyoto 206 on Commonwealth Lane is dilapidated with concrete cancer, peeling render, unkempt weeds and accumulated rubbish. Commonwealth Lane is occasionally used as a rest area by the girls from Kyoto 206.

It is more probable than not, based on the lack of maintenance to date of the existing Brothel premises operated by S Liew and associated interests, that 41 Albion Street will soon take on the same dilapidated appearance as the other Brothel premises operated by them.

6. Loss of rental premises in rental crisis

Relevantly, two of the objectives of the *Environmental Planning And Assessment Act 1979* s1.3 - Objects of Act are:

The objects of this Act are as follows--

(a) to promote the social ... welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,

(b) to promote the supply, delivery and maintenance of housing, including affordable housing,

...

41 Albion Street was tenanted up to the time S Liew and associated interests purchased the premises in January 2025. There was a previous Development Consent to use these premises as a medical centre, but no evidence can be located that it ever operated as a medical centre.

The changing social fabric and amenity of Albion and adjacent streets from usage as businesses into residential usage has occurred over the last 15 years especially with more families taking up residence requires consideration of the social welfare of the families, especially families with young children. The change of use of 41 Albion Street from residential to a Brothel does not promote the social welfare of the residential community by proper management, development and conservation of these premises as a residential tenancy resource at a time of high demand for tenancies: s1.3(a).

A further issue concerns the loss of premises available for tenants in the current rental crisis. The current residential vacancy rate in Surry Hills is extremely tight in April 2026, estimated at approximately 0.78% with the lowest vacancy rate in inner-city Sydney. This rental market is characterized by high demand from renters, with about 51% of residents (mainly young professionals) renting. The removal of 41 Albion Street for use as residential housing is inconsistent with the object in s1.3(b).

In addition, there is expected to be an increased demand for rental premises in Surry Hills on completion of the Atlassian headquarters at Central Station known as "Atlassian Central" which is currently scheduled for practical completion in November 2026: see s1.3(b).

It is deplorable that this residential building has been withdrawn from the stock of rental premises when there is a rental crisis and high demand for rental premises in Surry Hills: see s1.3(b).

Conclusion

There is nothing that can be said in favour of the proposed DA for use of 41 Albion Street as a Brothel, including as an extension of the operation of the “abandoned” usage of 43 Albion Street as a Brothel, even if its usage as a Brothel has not be abandoned.

To grant Development Consent will also be inconsistent with the Objects of the Act.

On balance, the weight of the argument on each of the above grounds is resoundingly against grant of Development Consent for use of 41 and 43 Albion Street as a combined Brothel premises.

The Development Application should be refused.

Dated: 20 April 2026

On behalf of the Surry Hills Action Group (SHAG)

Attachment: Table of Objectors.

From: Sai Wah Wong wong <[REDACTED]> on behalf of Sai Wah Wong wong
<[REDACTED]> <Sai Wah Wong wong <[REDACTED]>

Sent on: Monday, April 20, 2026 9:34:41 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2026/262 - 41 Albion Street SURRY HILLS NSW 2010 - Attention Max Di Rosario

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear council,

I write this email to express my objection to the extension of the existing sex services premises. I believe this extension will increase unnecessary foot traffic and vehicle traffic to the local area which does not provide any benefits for locals. By extending the existing premise, more motor vehicles would be parking in the area and less will be available for residents. As a resident of Surry Hills, it is very frustrating to finding parking along the streets of Albion and Commonwealth on weeknights after work; this extension will only exacerbate this issue. Furthermore, visitors of this premise often roam around the surrounding streets to smoke afterwards, at night time, this is makes it very difficult to sleep with all the loud noise and poor air quality from the smoking. Therefore, I object to the extension.

Attachment D

**Development Consent D/1999/303/C
(as modified)**

3 August, 2021

CORONA PROJECTS PTY LTD

Dear Sir/Madam

**SECTION 4.55 MODIFICATION APPROVAL FOR 43 ALBION STREET, SURRY
HILLS NSW 2010
APPLICATION NO: D/1999/303/C**

I refer to your application dated 24 June 2021 to amend current consent D/1999/303.

You are advised that your application for modification has been approved under Section 4.55(2) of the Environmental Planning and Assessment Act 1979. A copy of the Notice of Determination of the original development application is attached with the amendments resulting from the modification shown in ***bold italics***.

This approval is limited to only those amendments requested in your Section 4.55 application dated 24 June 2021. Approval is not granted for any other items which may have been amended on the submitted drawings and for which approval has not been specifically sought.

This approved modification will require an amended Construction Certificate which must be obtained from your Certifier (Council or private accredited certifier). Building work must not commence until an amended Construction Certificate has been approved.

The Council officer dealing with this application is **Derek Smyth ph. 02 9246 7269, email dsmyth@cityofsydney.nsw.gov.au**.

Yours faithfully



Chris Corradi
Area Planning Manager

Notes:

Modification of development consent in accordance with Section 4.55 of the Act shall not be construed as the granting of development consent, but reference to a development consent, is a reference to the development consent so modified.

Section 8.9 of the Act confers on an applicant who is dissatisfied with this determination a right of appeal to the Land and Environment Court and the Court may determine the appeal.

For the reasons for imposing conditions, refer to the Notice of Determination for the original development consent.

Modification of a development consent does not remove the need to obtain any other statutory consent necessary under the Environmental Planning and Assessment Act 1979, or any other Act.

The conditions of consent of the development application have been modified with the consent of the applicant.

NOTICE OF DETERMINATION - APPROVAL issued under Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979

Development Application No.	D/1999/303/C
Applicant	CORONA PROJECTS PTY LTD
Land to be developed	43 Albion Street, SURRY HILLS NSW 2010 Lot 1 DP 780913
Approved development	Continued use of premises as a brothel operating between 10am - 5am daily.
Determination	The application was determined under delegation of Council and was granted approval subject to the attached conditions. This Section 4.55 modification application was determined under delegation of Council and was granted approval subject to the attached conditions.
Consent is to operate from	28 July 1999
Consent will lapse on	28 July 2004
Date of Section 4.55(2) Modification	3 August 2021

Reasons for conditions

Unrestricted consent may affect the environmental amenity of the area and would not be in the public interest.

Reasons for Approval

1. The development, as modified is considered to be substantially the same as that originally approved; and
2. Appropriate conditions of consent have been imposed to ensure that the development will not result in detrimental environmental impacts.

Community Consultation

No submissions were received.

Right of Appeal

If you are dissatisfied with this decision, Section 8.9 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environmental Court within 6 months of the date of this notification.

Alternatively, you may request a review under Division 8.2 of the Act within 28 days of the date of this notice (NB Division 8.2 is not applicable to integrated or designated development).

A handwritten signature in black ink, appearing to be 'G. Jahn', with a stylized flourish at the end.

per
GRAHAM JAHN AM
Director - City Planning, Development & Transport

CONDITIONS OF CONSENT**SCHEDULE 1A****APPROVED DEVELOPMENT/DESIGN MODIFICATIONS/COVENANTS AND CONTRIBUTIONS/USE AND OPERATION****PRIOR TO COMMENCEMENT OF WORK/HEALTH AND BUILDING**

Note: Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/1999/303:

Drawing Number	Drawn By	Date
Approved plans	Peter Banfield	28/7/99

and as amended by the conditions of this consent and the following plans:

<i>Drawing Number</i>	<i>Drawing Name</i>	<i>Date</i>
00	Site Plan Rev B	August 2020 20/7/21
01	Ground Floor Plan Rev B	August 2020 20/7/21
02	First Floor Plan Rev B	August 2020 20/7/21
03	Attic Plan Rev B	August 2020 20/7/21
04	Elevations Rev B	20/7/21
05	Section	20/7/21

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

(As amended D/1999/303/A – 15 October 2020)

(As amended D/1999/303/C – 3 August 2021)

(2) PLAN OF MANAGEMENT

~~That the final Plan of Management shall be fully complied with at all times, and all strategies included therein, to the satisfaction of Council, the Surry Hills Police, and the Sex Workers Outreach Program (SWOP).~~

The operation of the premises must be conducted in accordance with the Plan of Management that has been approved by Council. Should there be any

additional or altered activities/procedures to those specified in the approved plan of management that remain within the scope of the development consent, the plan of management must be appropriately reviewed and submitted to and approved by Council.

(As amended D/1999/303/A – 15 October 2020)

(3) COMPLIANCE WITH CONDITIONS

That the proprietor shall be held responsible for ensuring that the premises is run in accordance with the conditions of consent, including the approved Plan of Management and the strategies included therein;

(4) HOURS OF OPERATION

That the hours of operation shall be restricted to between 10.00a.m and 5.00 a.m daily;

(5) SCOPE OF CONSENT

~~That a maximum of two (2) sex workers and one (1) receptionist shall work on the premises at any time;~~

This approval is based on the following:

- (a) *No more than eight sex workers employed on the site at any one time.*
- (b) *Six client service rooms.*

(As amended D/1999/303/A – 15 October 2020)

(6) PREVIOUS APPROVALS

The use, occupation and management of the subject premises shall be in accordance with the previously approved development application U99-00303 and the conditions of consent contained within the Notice of Determination dated 28 July 1999 and as amended by the conditions of this consent.

(As amended D/1999/303/A – 15 October 2020)

(7) RESTRICTIONS ON REAR ACCESS

The rear access shall be used by staff only between the hours of 10.00pm and 10.00am. Customers shall use the front access only and there shall be no waiting by customers at the rear of the ground floor level.

(As amended D/1999/303/A – 15 October 2020)

(8) CAR PARKING

~~That a minimum of two (2) off street car parking spaces shall be provided and each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m;~~

(As amended D/1999/303/A – 15 October 2020)

(9) NO FLASHING

That no flashing, moving or intermittent lighting, visible from the public way shall be installed on the premises.

(10) NO SIGNS

That no signs shall be erected on the premises.

(11) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

All proposed work must comply with the *Building Code of Australia* (BCA).

~~That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code ;~~

~~That all internal bathrooms and toilets where not naturally ventilated shall be mechanically ventilated in accordance with the requirements of the Building Code of Australia;~~

~~That a garbage receptacle storage area shall be provided within the site in an approved position constructed in accordance with the requirements of Council's Code for the Construction of Garbage Handling Systems;~~

~~That the applicant shall enter into a commercial contract for the removal of trade waste ;~~

~~That the premises shall comply with the requirements of Council 's Brothels Policy.~~

~~That linen shall be commercially laundered or a commercial washing machine be installed on the premises;~~

~~That receptacles shall be provided for the separate storage of clean and used linen;~~

~~That an adequate supply of condoms, dental dams and matter based lubricants shall be available to staff and clients on the premises;~~

~~That written information regarding sexually transmitted diseases shall be made available to staff in a variety of languages;~~

~~That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water;~~

~~That plans and specifications showing details of: (i) all required mechanical ventilation systems; (ii) the garbage room or garbage receptacle storage area shall be submitted and approved by Council or an accredited certifier before installation is commenced;~~

~~That the use of the premises shall not give rise to: a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic - Description and Measurement of Environmental Noise" or an "offensive noise" as defined in the Noise Control Act, 1975.~~

(As amended D/1999/303/A – 15 October 2020)

(12) NOISE – GENERAL

- (a) The $L_{Aeq, 15minutes}$ noise level emitted from the use must not exceed 5dB above the background (L90) noise level in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected receiver. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.*
- (b) The $L_{Aeq, 15minutes}$ noise level emitted from the use must not exceed the background (L90) noise level in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected receiver. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.*
- (c) The use of the premise shall be controlled so that any emitted noise is at a level so as not to create an “offensive noise” as defined in the Protection of the Environment Operations Act 1997 to any affected receiver.*

(As amended D/1999/303/A – 15 October 2020)

(13) MECHANICAL VENTILATION

The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1-1998 and AS1668.2-1991.

(As amended D/1999/303/A – 15 October 2020)

(14) EMISSIONS

The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.

(As amended D/1999/303/A – 15 October 2020)

(15) UPON LEAVING THE PREMISES

Signs must be placed in clearly visible positions within the premises requesting clients upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.

(As amended D/1999/303/A – 15 October 2020)

(16) NEIGHBOURHOOD AMENITY/ MANAGEMENT OF CLIENT BEHAVIOUR

The management must ensure that the behaviour of clients entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management must be responsible for the control of noise and litter generated by clients of the premises and must ensure that clients leave the vicinity of the premises in an orderly manner to the satisfaction of Council.

If so directed by Council, the management is to employ additional licensed security staff to ensure that this condition is complied with.

(As amended D/1999/303/A – 15 October 2020)

(17) SIGNS – BROTHEL PREMISES IN CONSERVATION AREA

No signs or advertising on the building are to be erected or displayed without approval from the Council. All signs and advertising must comply with the provisions contained within the Council's relevant signage and advertising structures DCP.

(As amended D/1999/303/A – 15 October 2020)

(18) NO PUBLIC ENTERTAINMENT

Any use of the premises (or subject part) for the provision of "Public Entertainment" must not commence until such time development consent has been granted by Council.

(As amended D/1999/303/A – 15 October 2020)

(19) NO DISPLAY OR SOLICITING

No display or soliciting shall take place outside the premises.

(As amended D/1999/303/A – 15 October 2020)

(20) CARE OF BUILDING SURROUNDS

In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the building shall ensure that the forecourt and the surrounds of the building including pavements and gutters are to be kept clean and free of litter at all times.

(As amended D/1999/303/A – 15 October 2020)

(21) NO SPRUICKING/AMPLIFIED NOISE

No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruicking are to be located on Council owned property. Furthermore, the sound level of any spruicking or amplified noise generated within privately owned land must not be audible on Council's footpath adjoining the subject property.

(As amended D/1999/303/A – 15 October 2020)

(22) SEX INDUSTRY DCP COMPLIANCE

The premises must comply with the health provisions contained in the City of Sydney Adult Entertainment and Sex Industry Premises DCP 2012.

(As amended D/1999/303/A – 15 October 2020)

(23) SEX INDUSTRY PREMISES - LIGHTING

- (a) All workrooms in sex service premises must be provided with an adequate level of lighting to allow sex workers to conduct health checks of their*

clients for any visible signs of sexually transmitted diseases, and/or a lamp is to be provided specifically for this.

(As amended D/1999/303/A – 15 October 2020)

(24) SEX INDUSTRY SEXUAL HEALTH INFORMATION

- (a) Current written information such as pamphlets, brochures and notice board displays, in a variety of languages, on sexually transmitted infectious diseases and occupational health and safety material must be made available to all sex workers and clients. Sex workers must be given access to health service providers for information and educational activities on disease transmission issues.*
- (b) All sex workers must receive appropriate induction, be adequately trained and continually be provided with updated information about how to examine clients for any visible evidence of sexually transmitted diseases. Examination of clients must be conducted before any sexual contact.*
- (c) Current written information such as pamphlets, brochures and notice board displays on sexually transmitted infectious diseases must be made available to all patrons.*

(As amended D/1999/303/A – 15 October 2020)

(25) SEX INDUSTRY/SEX ON PREMISES – DENTAL DAMS

The proprietor shall supply an adequate supply of dental dams for the request of clients. Signage indicating availability is to be effectively displayed at the front counter area.

(As amended D/1999/303/A – 15 October 2020)

(26) SEX SERVICE PREMISES - SHARPS WASTE DISPOSAL EQUIPMENT

Sex service premises with staff facilities separated from areas accessed by clients, must also have in a common area accessible to staff:

- (a) a second one litre sharps disposal (located preferably in the staff toilet), and;*
- (b) be secured preferably by being fixed to the wall.*

(As amended D/1999/303/A – 15 October 2020)

(27) SEX SERVICE PREMISES DATABASE

Prior to the issue of an Occupation Certificate, Councils Health Unit must be notified that the premises is being used for the purposes of a 'sex service premises' and the business registered on Council's database. The premises should then be inspected by Council regularly.

(As amended D/1999/303/A – 15 October 2020)

(28) SEX SERVICE PREMISES STAFF FACILITIES

Staff facilities must be provided within the premises, in an area which is not accessible by clients and is adjacent to and accessible from work areas. The facilities must have controlled access and appropriate facilities including: a rest area with seating; fully equipped bathroom (shower, toilet and hand basin); sink with running water, water boiling facilities and fridge; food and drink preparation areas; staff lockers and health information noticeboard.

(As amended D/1999/303/A – 15 October 2020)

(29) HEALTH SERVICES ACCESS

The proprietor must give access to health service providers to provide information and educational activities on disease transmission issues.

(As amended D/1999/303/A – 15 October 2020)

(30) MANAGEMENT AND OPERATION OF SEX SERVICE PREMISES

- (a) The premises must be maintained in a clean, sanitary condition and kept in a satisfactory state of repair at all times.*
- (b) Clean linen and towels must be provided for the use of each client.*
- (c) Separate receptacles with fitting lids must be provided for the storage of used and clean linen.*
- (d) All linen, towelling and other bed coverings which come into contact with clients must be changed immediately after each use. While the premises are operating, coverings used on beds, furnishings or the like must be regularly changed.*
- (e) Used linen must be stored separately to clean linen and if laundering is carried out on site, adequate, sealable receptacles are to be used.*
- (f) All mattresses used for sex must be fitted with washable mattress covers. It is recommended that covers are made from a water proof material. Mattresses with minimal linen cover must be water proof. While the premises is operating all coverings used on beds, furnishing or the like that are visibly stained with body fluids must be immediately changed.*
- (g) Evidence of a commercial contract to launder linen must be provided to Council upon request. Alternatively a commercial washing machine capable of washing at a temperature of not less than 70 degrees Celsius must be installed on the premises and provided with hot water at all times.*
- (h) An adequate supply of condoms (in a variety of three sizes), dental dams and water based lubricant must be supplied free of charge for sex workers and their clients.*
- (i) All hazardous waste including sharps waste must be stored in an appropriate container and disposed of in accordance with the Department of Environment and Conservation's requirements. A sharps container is to be provided and kept on the premises at all times. The container(s) are to comply with the requirements of AS 4261:1994 and/or AS 4031:1992.*

- (j) *The premises must be provided with artificial lighting to provide a level of illumination appropriate to the function or use of the building/spaces to enable safe use and movement of occupants in accordance with Part F4 of the BCA.*
- (k) *Adequate sanitary facilities must be provided for the use of both sex workers and clients. Each room in which sex services are provided should contain its own sanitary facilities including a toilet, shower and hand basin. Alternatively in existing terrace semi detached or similar buildings, one bathroom with full facilities every three workrooms or part there of must be provided. Each room in which sex services are provided is to have direct access to these sanitary facilities.*
- (l) *Adequate waste disposal facilities must be provided for the disposal of used condoms, soiled paper and other waste products of sexual activity in all rooms, cubicles, booths or the like where sexual activity occurs.*

Note 1: *Adequate waste disposal facilities are defined as water-proof waste bins fitted with removable plastic liners.*

Note 2: *Waste bins must be attached in a permanent and convenient position above the floor of the booth or cubicle.*

- (m) *Condoms are to be worn for any sexual service provided by a sex worker.*

(As amended D/1999/303/A – 15 October 2020)

(31) HOURS OF WORK AND NOISE – OUTSIDE CBD

The hours of construction and work on the development must be as follows:

- (a) *All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.*
- (b) *All work, including demolition, excavation and building work must comply with the City of Sydney Building Sites Noise Code and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".*

(As amended D/1999/303/A – 15 October 2020)

(32) WASTE/RECYCLING COLLECTION

- (a) *All general waste is appropriately contained and secured and the operator must adhere to the Waste Management in Sex Service Premises Operators Guide and make this resource available to premises management.*

- (b) *Garbage and recycling must not be placed on the street for collection more than half an hour before the scheduled collection time. Bins and containers are to be removed from the street within half an hour of collection.*

(As amended D/1999/303/A – 15 October 2020)

Attachment E

Development Consent D/2020/485

22 June 2020

CORONA PROJECTS PTY LTD
PO BOX 1749
BONDI JUNCTION NSW 1355

NOTICE OF DETERMINATION - APPROVAL
APPLICATION NO: D/2020/485

Dear Sir/Madam

Please find enclosed the Notice of Determination and advisory notes relating to your development application for 41 Albion Street , SURRY HILLS NSW 2010.

A copy of the DA Assessment Report can be viewed online at the City of Sydney's website development.cityofsydney.nsw.gov.au/DASearch/.

If further information is required, please contact **Derek Smyth ph. 02 9246 7269, email dsmyth@cityofsydney.nsw.gov.au**.

Yours faithfully



Derek Smyth
Planner

NOTICE OF DETERMINATION - APPROVAL

Issued under Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979

Development Application No.	D/2020/485
Applicant	CORONA PROJECTS PTY LTD
Land to be developed	41 ALBION STREET , SURRY HILLS NSW 2010 Lot 1 DP 842198
Approved development	Alterations and additions to existing residential dwelling including change of use from office to medical centre.
Cost of development	\$200,000
Determination	The application was determined under delegation of Council and was granted consent subject to the conditions in Schedules 1 and 2.
Section 7.11 Contribution	A Section 7.11 Contribution (under the City of Sydney Development Contributions Plan 2015) does not apply to this development.
Other Approvals	Before commencing <i>building work</i> or <i>subdivision work</i> , a relevant Construction Certificate must be obtained from Council or an Accredited Certifier. Council must be appointed the Principal Certifier for any <i>subdivision work</i> under the Act.
Consent is to operate from	22 June 2020
Consent will lapse on	22 June 2025

Reasons for conditions

Unrestricted consent may affect the environmental amenity of the area and would not be in the public interest.

Reasons for Approval

1. The development, subject to conditions, is consistent with the objectives of the B4 mixed use zone;
2. The development, subject to conditions, will safeguard neighbourhood amenity and promote the orderly operation of the premises;
3. The development accords with objectives of relevant planning controls.
4. The development, subject to conditions, will safeguard the heritage significance of the site;

Five submissions were received. Issues raised in all submissions have been taken into account in the report, and where appropriate conditions of consent have been included in the Notice of Determination to address these issues.

NOTICE OF DETERMINATION – APPROVAL D/2020/485

Right of appeal

If you are dissatisfied with this decision, Section 8.7 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six (6) months of the date of this notification.

Division 8.2 of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination.

Division 8.2 does not apply to complying development, designated development, integrated development or a determination made by Council under Division 4.2 in respect of Crown applications. For further information please contact **Derek Smyth on ph. 02 9246 7269**.

A handwritten signature in black ink, appearing to read 'G. Jahn', with a stylized flourish at the end.

per
GRAHAM JAHN AM
Director - City Planning, Development & Transport

NOTICE OF DETERMINATION – APPROVAL D/2020/485

CONDITIONS OF CONSENT

SCHEDULE 1A

APPROVED DEVELOPMENT/DESIGN MODIFICATIONS/COVENANTS AND CONTRIBUTIONS/USE AND OPERATION

Note: Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2020/825 dated 29 May 2020 and the following drawings:

Drawing Number	Drawing Name	Date
00 Rev A	Site Plan	19/06/20
01 Rev A	Proposed Ground Floor Plan	19/06/20
02 Rev A	Proposed First Floor Plan	19/06/20
03 Rev A	Proposed Attic Plan	19/06/20
04 Rev A	Proposed Roof Plan	19/06/20
05 Rev A	Proposed Elevations	19/06/20
06 Rev A	Proposed Elevation/Section	19/06/20

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.

(2) HOURS OF OPERATION - MINOR DEVELOPMENT

The hours of operation are restricted to between 7.00 am 10.00 pm Monday to Sunday.

(3) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES BOARD

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications dated 29 May 2020.

(4) USE - SEPARATE DA REQUIRED

The approved use is for a medical centre only. A separate DA would be required for any other use including a sex services premises or a boarding house.

(5) SIGNAGE GENERAL REQUIREMENTS

The design of the approved signage must comply with the following:-

- (a) The signage is not to contain highly reflective materials, colours and finishes.

NOTICE OF DETERMINATION – APPROVAL D/2020/485

- (b) The signage is not to incorporate sound, vibration, odour and other emissions.

(6) USE OF ROOF

The level 1 roof is not to be used as external amenity space and shall be non-trafficable.

(7) HEALTH DATABASE REGISTRATION

The business is to be registered with Council's Health and Building Unit prior to the issue of any Occupation Certificate. Registration forms are available on Council's website www.cityofsydney.nsw.gov.au or by calling Council's Health Unit on 02 9265 9333.

SCHEDULE 1B

PRIOR TO CONSTRUCTION CERTIFICATE/COMMENCEMENT OF WORK/HEALTH AND BUILDING

(8) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

All proposed work must comply with the *Building Code of Australia* (BCA).

(9) STRUCTURAL CERTIFICATION FOR DESIGN – BCA (ALL BUILDING CLASSES)

Prior to the issue of a Construction Certificate, structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A5.2(1)(e) of the Building Code of Australia must be submitted to the satisfaction of Council (where Council is the Accredited Certifier).

(10) GENERAL HERITAGE

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction.
- (c) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013.
- (d) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
- (e) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (f) The face brickwork/stone/tiles must not be rendered, painted or coated.
- (g) Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.

(11) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

- (a) The Waste and Recycling Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste and Recycling Management Plan is to be approved by the Accredited Certifier prior to a Construction Certificate being issued. The plan must comply with the Council's *Guidelines for Waste Management in New Developments 2018*. All requirements of the approved Building Waste and Recycling Management Plan must be implemented during construction of the development.

UPON COMPLETION OF THE DEVELOPMENT

NOTICE OF DETERMINATION – APPROVAL D/2020/485

- (c) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifier must ensure that waste handling works have been completed in accordance with: the Waste and Recycling Management Plan; other relevant development consent conditions; and Council's *Guidelines for Waste Management in New Developments 2018*.

(12) FLASHINGS TO BOUNDARY WALLS

A flashing must be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties.

Note: Attachments or connections to party walls may require the consent of the adjoining property owner/s.

(13) ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Safework NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.

A copy of the relevant licence shall be made available to any authorised Council officer on request within 24 hours.

(14) EROSION AND SEDIMENT CONTROL - LESS THAN 250SQM

Where less than 250 square metres are being disturbed, no formal plan is required however, the site is to be provided with sediment control measures and these must be implemented so that sediment, including soil, excavated material, building material or other materials cannot fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways.

(15) HEALTH SERVICES ACCESS

The proprietor must give access to health service providers to provide information and educational activities on disease transmission issues and any other issues.

(16) NO APPROVAL FOR SEX SERVICES

Sex services as defined in the *Sydney Development Control Plan 2012 4.4.6* are not to be provided on the premises.

(17) SKIN PENETRATION PREMISES REGISTER

Prior to any Occupation Certificate being issued, Council's Health and Building Unit are to be notified that the premises will be used as a skin penetration premises. The premises will be registered on Council's database and subject to Council inspection.

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Certain circumstances exempt skin penetration premises or operators from the requirement to register with the Council.

- (a) where skin penetration procedures are carried out in the practice of medicine or dentistry by a registered medical practitioner
- (b) where skin penetration procedures are carried out under the direction or supervision of a registered medical practitioner

Chinese medicine practitioners, including acupuncturists registered under the National Registration and Accreditation Scheme, are exempt from the requirement to register their skin penetration activities with the Council where practitioners are compliant with the registration standards determined by the Chinese Medical Board of Australia.

SCHEDULE 1C

DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION

(18) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

(19) HOURS OF WORK AND NOISE – OUTSIDE CBD

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a permit being issued by Council under Section 68 of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Unit, prior to works proceeding

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

(20) ENCROACHMENTS – NEIGHBOURING PROPERTIES

No portion of the proposed structure shall encroach onto the adjoining properties.

(21) SURVEY

All footings, walls and floor slabs adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a

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survey and report, prepared by a Registered Surveyor, must be submitted to the Principal Certifier indicating the position of external walls in relation to the boundaries of the allotment. Any encroachments by the subject building over adjoining boundaries or roads must be removed prior to continuation of building construction work.

(22) NO OBSTRUCTION OF PUBLIC WAY

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

(23) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site, where possible.
- (b) If, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993 must be obtained.

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SCHEDULE 2

PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* apply:

- Clause 98 Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*
- Clause 98A Erection of signs
- Clause 98B Notification of *Home Building Act 1989* requirements
- Clause 98C Conditions relating to entertainment venues
- Clause 98D Conditions relating to maximum capacity signage
- Clause 98E Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. This can be accessed at: <http://www.legislation.nsw.gov.au>

IMPORTANT ADDITIONAL INFORMATION

Advisory notes:

1. It is advised that the City of Sydney Neighbourhood Parking Policy may apply to this development. Eligibility for parking permits for residents or users of the development will be determined by the terms of this policy or subsequent future policies.
2. The State Government has commenced planning for the construction of the CBD South East Light Rail (CSELR). You may need to consider the potential impacts of this project in programming your development. The CSELR route includes Alfred St, George St, Rawson Place, Eddy Ave, Chalmers St, and Devonshire St. For construction and programming information contact the Transport for NSW Infoline on 1800 684 490 or www.transport.nsw.gov.au/projects.

The Environmental Planning and Assessment Act 1979 requires you to:

1. Obtain a **Construction Certificate** prior to the commencement of any works. An application may be lodged with Council, or you may apply to a private accredited certifier for a Construction Certificate. An accredited certifier **must obtain Council's approval** to certain conditions of this development consent, where indicated before issuing the Construction Certificate.
2. **Note: it is compulsory to lodge digital copies of applications, including plans and documentation if lodging an application with Council. Please refer to the link below for any further information about digital requirements and electronic files.**
<http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/digital-requirements>.
3. Nominate a **Principal Certifier** which may be either Council or an accredited certifier and notify Council of that appointment. You **cannot lawfully** commence works without complying with this requirement.
4. Give Council at least two days notice of your intention to commence the erection of a building **before** commencing construction works. You cannot lawfully commence works without complying with this requirement.
5. Obtain an **Occupation Certificate** before commencing occupation or commencing to use the building or on the completion of other works including the erection of a sign. You cannot lawfully commence occupation or the use of a building without complying with this requirement.

You may also need to:

6. Obtain approval through the lodgement of an application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* for an activity which is proposed to be undertaken in, on or above a road reservation (including footways). Such activities include:
 - (a) installation of hoardings/scaffolding;
 - (b) installation and/or alterations to advertising/business signs and street awnings;
 - (c) crane operation and other hoisting activities;
 - (d) temporary works (e.g.: barricading, road openings, mobile hoisting devices);
 - (e) works zone (for loading and unloading from the roadway); and
 - (f) temporary ground anchoring and shoring to support a roadway when excavating.

Application forms are available on the City's website.

7. Lodge an **Application for Subdivision** to obtain a **Subdivision Certificate** if a land (including stratum) subdivision is proposed and an Application for Subdivision to obtain **Strata Title Subdivision** under the relevant Strata Titles Act, if strata title of the development is proposed.
8. Comply with the Food Act 2003, the Australia New Zealand Food Standards Code, Australian Standard 4674 – 2004, and register the business with Council if the premises is used for the manufacture, preparation, packing, storing, conveying or delivering of food or beverage for sale.
9. Contact Sydney Water regarding the water and sewerage services to this development. For further information go to www.sydneywater.com.au.

10. Carry out critical stage inspections in accordance with Section 6.5 of the EP&A Act 1979 and clauses 162A, 162B and 163 of the EP&A Regulation 2000.

Applications and submissions referred to in this consent may be lodged at:

CBD Level 2, Town Hall House, 456 Kent St, Sydney.

KINGS CROSS 50-52 Darlinghurst Rd, Kings Cross.

GLEBE Customer Service Centre, 186 Glebe Point Rd, Glebe.

If you have any enquiries on any aspect of this consent, contact Derek Smyth ph. 02 9246 7269, email dsmyth@cityofsydney.nsw.gov.au.