

12 August 2026

At 5.00 pm

Local Planning Panel



Agenda

- 1. Disclosures of Interest**
- 2. Confirmation of Minutes**
- 3. Development Application: 17 Randle Street, Surry Hills - D/2026/409**
- 4. Development Application: 14 and 16 Trinity Avenue, Dawes Point - D/2026/298**
- 5. Report to the Local Planning Panel - Status of Applications**



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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.

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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 1 July 2026

Item 3.**Development Application: 17 Randle Street, Surry Hills - D/2026/409****File Number:** D/2026/409**Summary****Date of submission:** 4 May 2026, amended 12 June 2026**Applicant:** The Trustee for the Cirillo Planning Trust**Architect:** SJB Architects**Developer:** Mr David Brown**Owner:** Mr David Brown**Planning consultant:** Planning Lab**Heritage consultant:** Urbis**Cost of works:** \$2,857,214.80**Zoning:** MU1 Mixed Use zone

The proposed development is for a dwelling within a mixed-use development, both of which are permissible with consent in the MU1 Mixed Use zone under the Sydney Local Environmental Plan 2012.

Proposal summary: The application seeks development consent for:

- demolition of the internal fit out of level 5, the roof and roof plant above
- alterations and additions and change of use to level 5 and the addition of a new storey with an outdoor terrace and landscaping works above at level 6 to create a new 2-storey dwelling
- replacement of existing windows at level 5 with new acoustically treated windows
- construction of a new architectural roof feature

- construction of a plant enclosure, concrete wall and acoustic screen along the northern boundary at level 6.

The application is referred to the Local Planning Panel for determination as the proposed development includes a departure from the maximum height of buildings development standard by more than 10%.

The proposed additions have a height of 29.92 metres, representing a variation of 2.92 metres, or 10.8%, from the 27m development standard.

The proposed development also includes a departure from the maximum floor space ratio (FSR) development standard. The proposed FSR of the new residential addition and existing mixed-use development is 6.54:1, with a total of 2,073 square metres of gross floor area (GFA), representing a variation of 173 square metres of GFA, or 9.1%, from the 6:1 standard.

The applicant has submitted variations to these standards pursuant to Clause 4.6 of the Sydney Local Environmental Plan 2012.

The variations are supported in the circumstances of the application.

The requirements under Clause 6.21D and Clause 7.20 of the Sydney Local Environmental Plan 2012 requiring a competitive design process and site specific development control plan are recommended to be waived on the basis that they are unreasonable or unnecessary in the circumstances of the proposal.

The application was placed on public exhibition for a period between 5 May 2026 and 20 May 2026 in accordance with the City of Sydney Community Engagement Strategy and Community Participation Plan 2025-2029. A total of 141 properties were notified, and no submissions were received by Council.

An assessment of the application by Council staff identified concerns relating to the lack of three dimensional electronic and physical models, intermingling of residential and commercial uses, balustrade and glazed curtain wall design, noise and ventilation, materials and finishes, landscaping treatment, waste storage facilities, and services relocation.

These issues have been largely addressed through the submission of models, amended drawings and additional information.

Subject to the recommended conditions, the amended proposal presents an improved outcome to the existing condition of the site, will achieve a high standard of architectural design and comprises an acceptable response to the conditions of the site and locality.

The amended proposal is generally satisfactory regarding the objectives of the relevant planning controls, and results in a form and scale that achieves the desired future character of the area.

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

Development controls:

- (i) Sydney Local Environmental Plan 2012 (Sydney LEP 2012)
- (ii) Sydney Development Control Plan 2012 (Sydney DCP 2012)
- (iii) State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)
- (iv) State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)
- (v) State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)
- (vi) City of Sydney Landscape Code Volume 1: Single Dwellings
- (vii) City of Sydney Interim Floodplain Management Policy
- (viii) City of Sydney Guidelines for Waste Management in New Developments
- (ix) Central Sydney Development Contributions Plan 2020
- (x) City of Sydney Affordable Housing Program
- (xi) City of Sydney Community Engagement Strategy and Community Participation Plan 2025-2029

Attachments:

- A. Recommended conditions of consent
- B. Selected drawings

- C. Clause 4.6 variation - Height of buildings
- D. Clause 4.6 variation - Floor space ratio

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 variation requested to Clause 4.4 'Floor space ratio' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld
- (C) the requirement under Clause 6.21D 'Competitive design process' of the Sydney Local Environmental Plan 2012 for a competitive design process is unreasonable or unnecessary in the circumstances
- (D) the requirement under Clause 7.20 'Development requiring or authorising preparation of a development control plan' of the Sydney Local Environmental Plan 2012 for the preparation of a site specific development control plan or concept development consent is unreasonable or unnecessary in the circumstances
- (E) consent be granted to Development Application Number D/2026/409 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 proposal satisfies the objectives of the Environmental Planning and Assessment Act, 1979, in that, subject to the imposition of conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Local Planning Panel.
- (B) 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.
- (C) 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 'Floor space ratio' development standard in Clause 4.4 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 Floor space ratio' development standard.
- (D) The proposal otherwise generally satisfies the relevant objectives and provisions of the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012.
- (E) The proposal is consistent with the objectives of the MU1 Mixed Use zone.
- (F) The proposal will conserve the heritage significance of nearby heritage items within the vicinity of the site, in accordance with Clause 5.10 of the Sydney Local Environmental Plan 2012.
- (G) The articulation, materiality and architectural contribution of the proposal combine to exhibit design excellence in accordance with the relevant provisions and matters for consideration in Clause 6.21C of the Sydney Local Environmental Plan 2012.
- (H) The proposed development will have a height, scale and form suitable for the site and its context, and subject to conditions, satisfactorily addresses the heights and setbacks of neighbouring developments, is appropriate in the streetscape context and setting of the broader locality.
- (I) The proposed development will result in a mixture of compatible land uses which will support the vitality of the area and will not result in any significantly adverse environmental or amenity impacts on either the subject or surrounding properties, the public domain or the broader Surry Hills locality, subject to the recommended conditions.
- (J) Subject to the recommended conditions of consent, the proposed development achieves an acceptable level of amenity for the existing and future occupants of the subject and adjoining sites.
- (K) The public interest is served by the approval of the proposal, as amendments to the proposed development have generally addressed the matters raised by Council staff, subject to recommended conditions imposed relating to the appropriate management of the potential environmental impacts associated with the development.

Background

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
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 'Height of buildings' development standard applicable to the site under Clause 4.3 of the Sydney LEP 2012, by more than 10%.

Site and surrounding development

3. The site has a legal description of Lot 10 in Deposited Plan 1063353, Lots 1-2 in Strata Plan 71953, and Lots 4-12 in Strata Plan 75275, and is commonly known as 17 Randle Street, Surry Hills. It is irregular in shape, with an area of approximately 316.6 square metres. It has street frontages to Randle Street and Chalmers Street. The site is located at the intersection of Randle Street and Chalmers Street. Levels on the site fall from east to west across the site by 3.48 metres from its Randle Street frontage to its Chalmers Street frontage.
4. The site contains a 7-storey commercial building, which has a ground floor take away food and drink premises trading as 'Domino's Pizza' fronting Chalmers Street, and office premises on each of the levels above. The main building entrance, lift access and fire stairs are located on the Randle Street frontage. There is no car parking or loading and servicing areas provided on-site.
5. The surrounding area is characterised by a mixture of land uses, primarily being commercial premises and residential accommodation.
6. Directly adjoining the site to the north is a part 8, part 9-storey mixed use development at 38 Chalmers Street, Surry Hills, comprising ground floor retail premises and residential apartments above. Farther to the north at 30 Chalmers Street is a 9-storey mixed use development at 30 Chalmers Street, Surry Hills, which has ground floor retail premises and residential apartments above.
7. To the north-east of the site on the opposite side of Randle Lane, is a construction site at 7-15 Randle Street, Surry Hills. To the east of the site on the opposite side of Randle Street is a part 6, part 7-storey commercial building known as 'Newspoll House', containing office premises at 407-419 Elizabeth Street, Surry Hills. To the south of the site on the opposite side of Randle Street is a 3-storey pub known as the Madison hotel at 52-54 Devonshire Street, Surry Hills.
8. Directly to the west of the site along Chalmers Street is the CBD and South East Light Rail line, with Central Station located on the opposite side of Chalmers Street.
9. The site is not identified as a heritage item or as being located within a heritage conservation area.

10. The site is identified in the State Heritage Register and the Sydney LEP 2012 as being located within the Railway Square/Central Station Special Character Area and within the vicinity of several State and local heritage items, including the:
 - (a) 'Central Railway Station group, including buildings, station yard, viaducts and building interiors' at 1 Eddy Avenue, Haymarket (SHR 01255 and LEP I824)
 - (b) 'Former "Metro Goldwyn Mayer" including interior' at 20-28 Chalmers Street, Surry Hills (LEP I1470)
 - (c) 'Royal Exhibition Hotel including interior' at 86-92 Chalmers Street, Surry Hills (LEP I1471)
 - (d) 'Former "Railways Institute" building including fence and interior' at 101 Chalmers Street, Surry Hills (SHR 01257 and LEP I1472)
 - (e) 'Former RC Henderson Ltd factory including interiors' at 11-13 Randle Street, Surry Hills (LEP I2270)
11. Due to a mapping peculiarity, although the site is not identified on the Locality and Site Identification Map in the Sydney LEP 2012 as being located within Central Sydney, it is identified in Figure 2.1 of the Sydney DCP 2012 as being located within Central Sydney, and in Section 2.1.11 of the Sydney DCP 2012 as being located within the Railway Square and Central Station locality.
12. The site is not identified as being subject to flooding.
13. A site visit was carried out on 19 May 2026.
14. Photographs of the subject site and its surroundings are reproduced in the figures provided below.

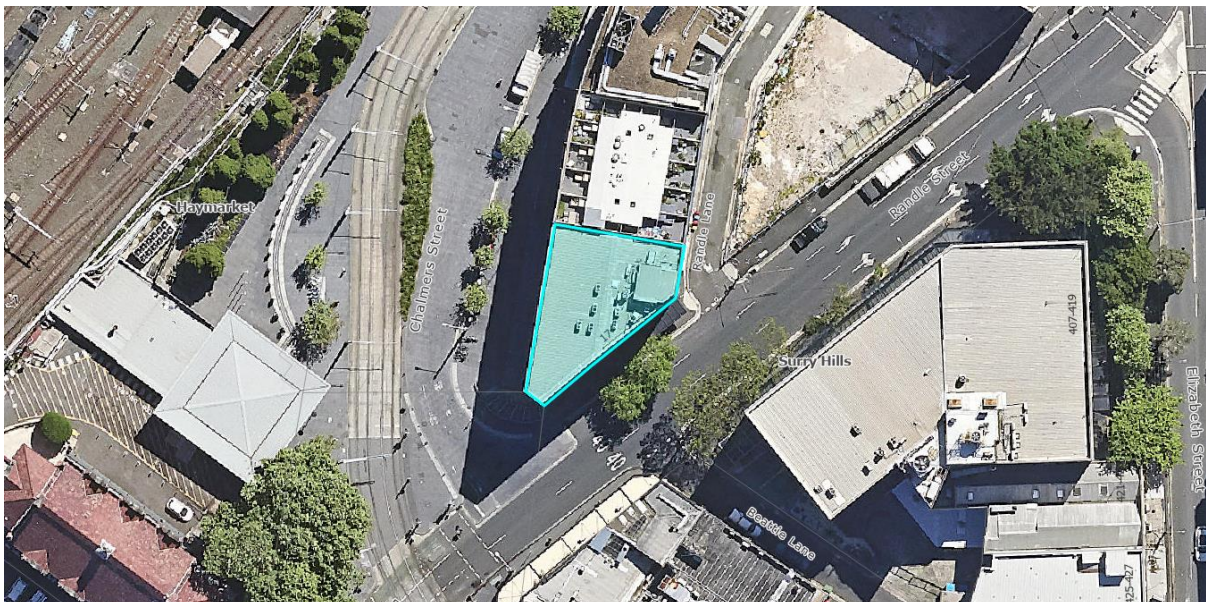


Figure 1: Aerial view of the subject site (shown shaded in blue) and its surroundings



Figure 2: The subject site viewed from the south-eastern side of Randle Street, facing west



Figure 3: The subject site viewed from the southern side of Devonshire Street, facing north



Figure 4: The subject site viewed from the western side of Chalmers Street, facing east

History relevant to the development application

Relevant applications

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

- (a) DU/2003/76 – Development consent was granted on 10 June 2003 for the refurbishment of the existing building including a rooftop addition and the staged strata subdivision of the building into 11 commercial lots.

The consent was activated in 2004 and the works subject to a staged construction certificate issued on 14 January 2004.

- (b) DU/2003/76/A – A modification application was approved on 12 September 2003 for amendment of the development description to refer to the staged strata subdivision of the building.
 - (c) DU/2003/76/B – A modification application was approved on 10 November 2003 for amendment of conditions to refer to the approved staged strata subdivision plans and strata development contract.
 - (d) DU/2003/76/C – A modification application was withdrawn on 24 February 2004 for an extension of the consent lapsing date.
 - (e) DU/2003/76/D – A modification application was approved on 3 March 2017 for amended stair access and associated building envelope extension, truncation of the southern corner of the addition, reconfiguration of the northern and eastern windows/walls, modified toilet location, deletion of internal partitioning.
 - (f) DU/2003/76/E – A modification application was approved on 16 August 2023 for amendments to the level 5 and level 6 layout, including addition of internal staircase, level 6 glazing, facade and height changes and new access arrangements to the level 6 terrace.
 - (g) PDA/2025/256 – A pre-lodgement meeting was held on 3 December 2025 between the applicant, architect, owner and Council staff in relation to a proposal for alterations and additions to change the use to a new 2-storey dwelling at level 5 and 6 of the existing building.
16. Although the building has been strata subdivided in accordance with DU/2003/76, the approved single storey rooftop commercial addition has not been constructed.
17. A condition requiring the surrender of development consent DU/2003/76 (as amended) prior to the issue of any construction certificate is recommended in Attachment A, to ensure the orderly development of the subject land.

Compliance action

18. The site is not subject to any current compliance investigation or action.

Amendments

19. Following receipt of the application, a request was sent to the applicant for three dimensional electronic and physical models on 5 May 2026.
20. These models were received on 18 and 19 June 2026 respectively.
21. Following the completion of a preliminary assessment of the proposed development by Council staff, a request for additional information and amendments was sent to the applicant on 22 May 2026. This request was for the following:
- (a) detail on safety and security measures related to the intermingling of residential and commercial tenants
 - (b) detail on balustrade design, materiality and finish
 - (c) glazing specifications
 - (d) copper roof details, including soffit materiality

- (e) additional landscape details, including soil volume, structural certification, maintenance information and a stormwater plan
 - (f) an updated acoustic report, including acoustic privacy screen details
 - (g) additional waste storage facilities
 - (h) a services report
22. The applicant responded to the request 12 June 2026, and submitted the following information:
- (a) amended architectural drawings addressing the issues raised above
 - (b) an amended landscape drawing
 - (c) an updated acoustic report
 - (d) an updated waste management plan
 - (e) a stormwater drainage plan
 - (f) a services report
 - (g) a structural engineering report

Proposed development

23. The application seeks consent for the following:
- (a) demolition of the internal fit out of level 5, the roof and roof plant above
 - (b) alterations and additions and change of use to level 5 and the addition of a new storey with an outdoor terrace and landscaping works above at level 6 to create a new 2-storey dwelling
 - (c) replacement of existing windows at level 5 with new acoustically treated windows
 - (d) construction of a new architectural roof feature
 - (e) construction of a plant enclosure, concrete wall and acoustic screen along the northern boundary at level 6
24. Selected plan, elevation, section, material, axonometric and photomontage drawing extracts of the proposed development are reproduced in the figures provided below.

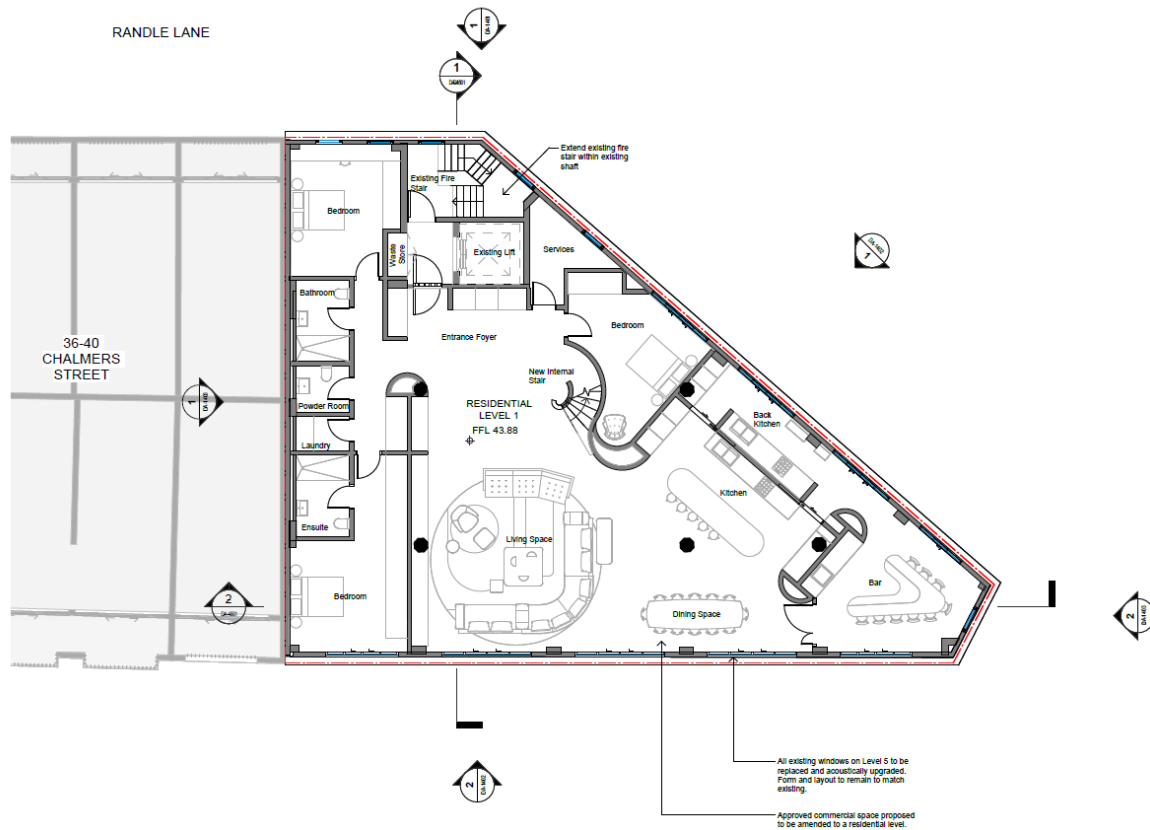


Figure 5: Proposed level 5 floor plan

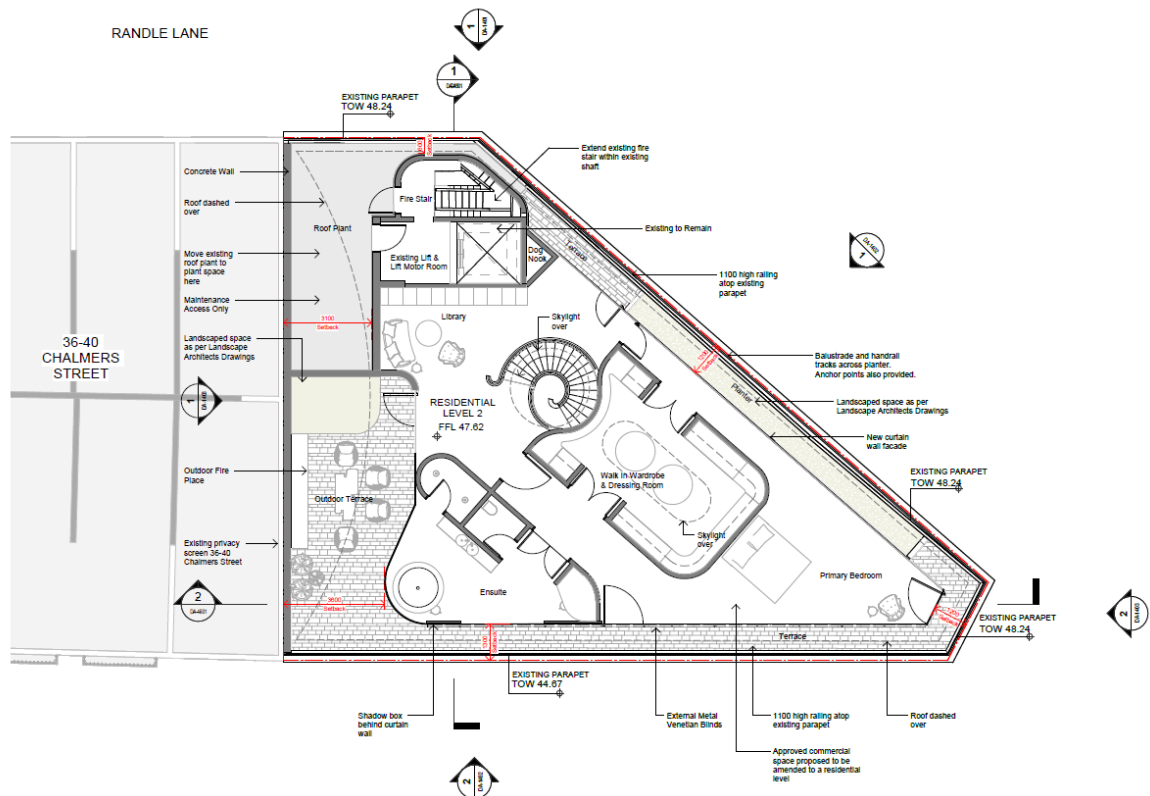


Figure 6: Proposed level 6 floor plan

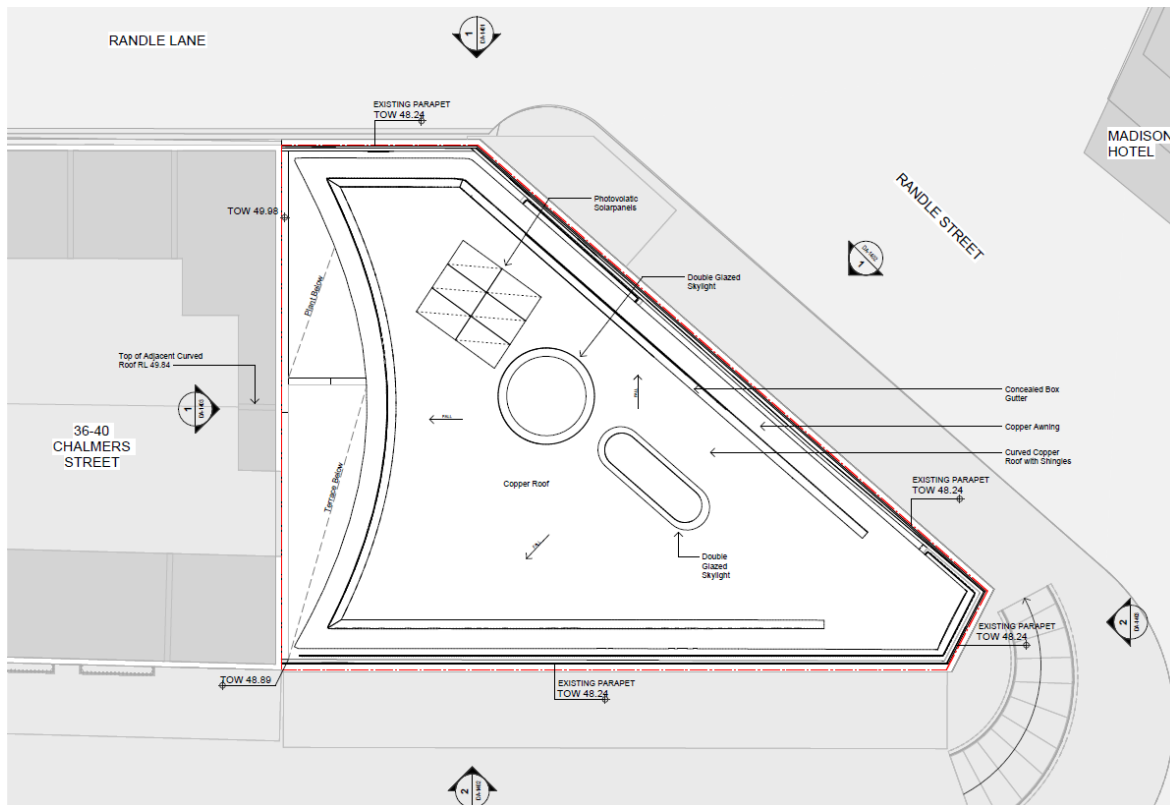


Figure 7: Proposed roof plan



Figure 8: Proposed east elevation

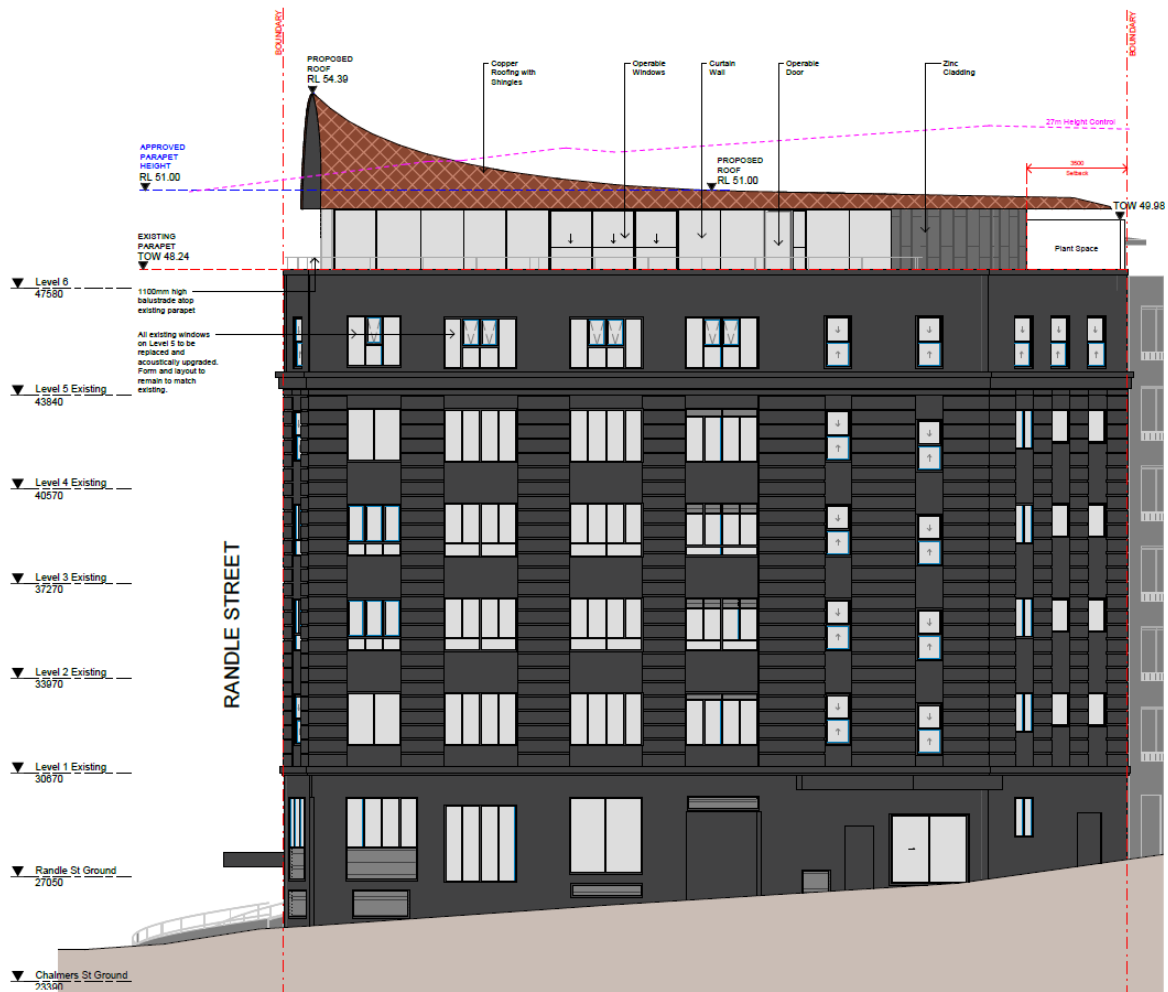


Figure 9: Proposed south-east elevation

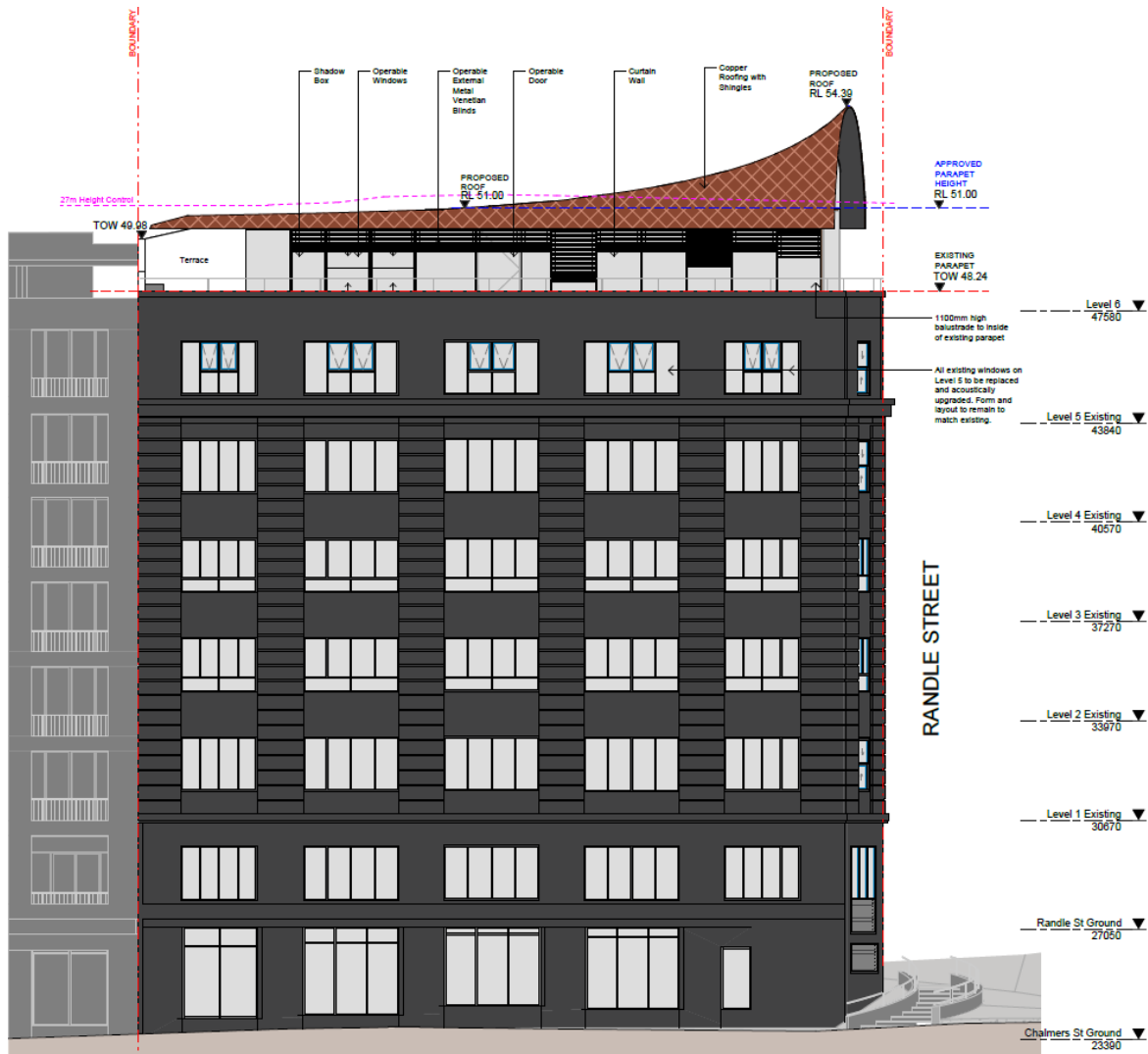


Figure 10: Proposed west elevation

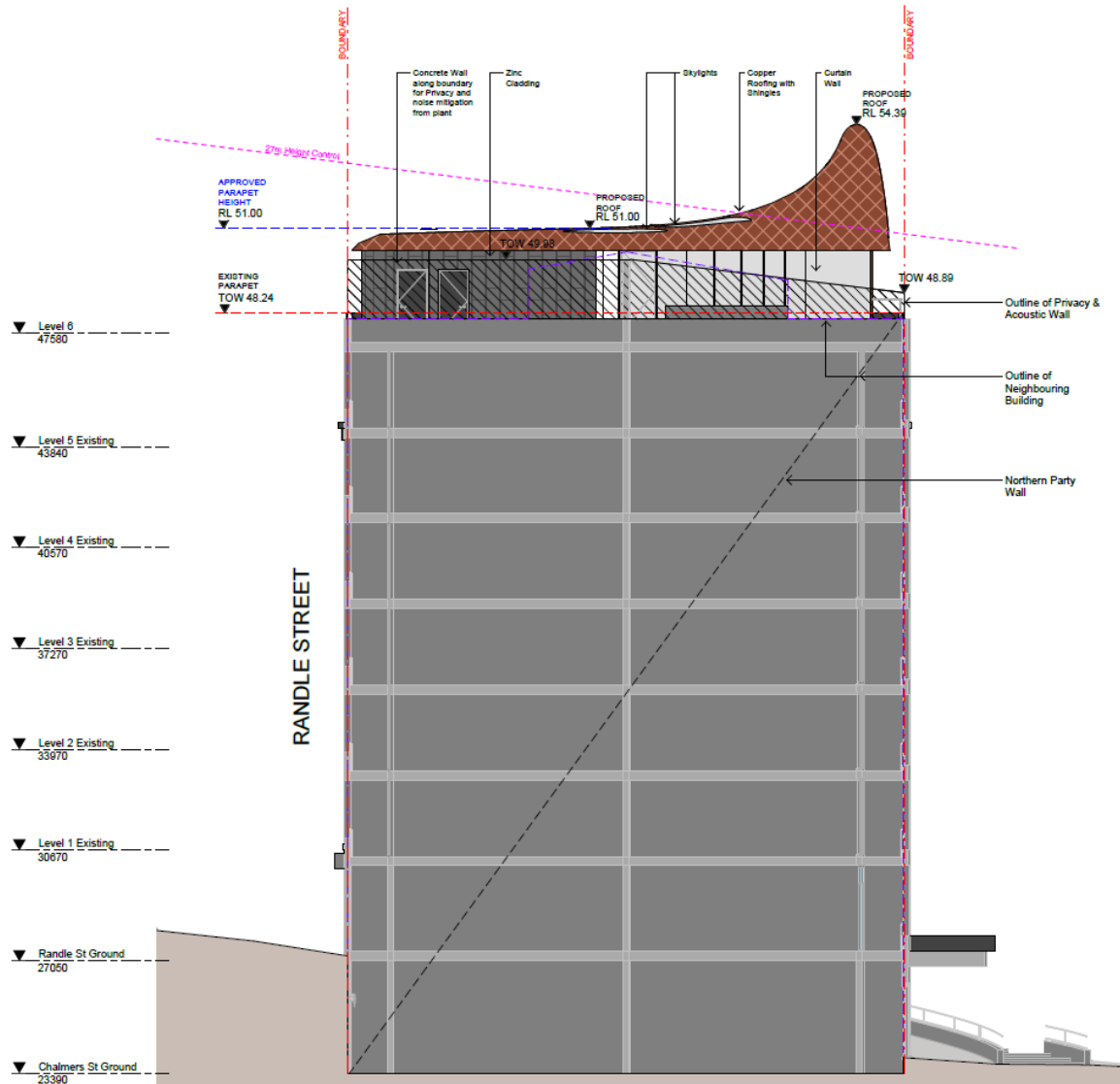


Figure 11: Proposed north elevation

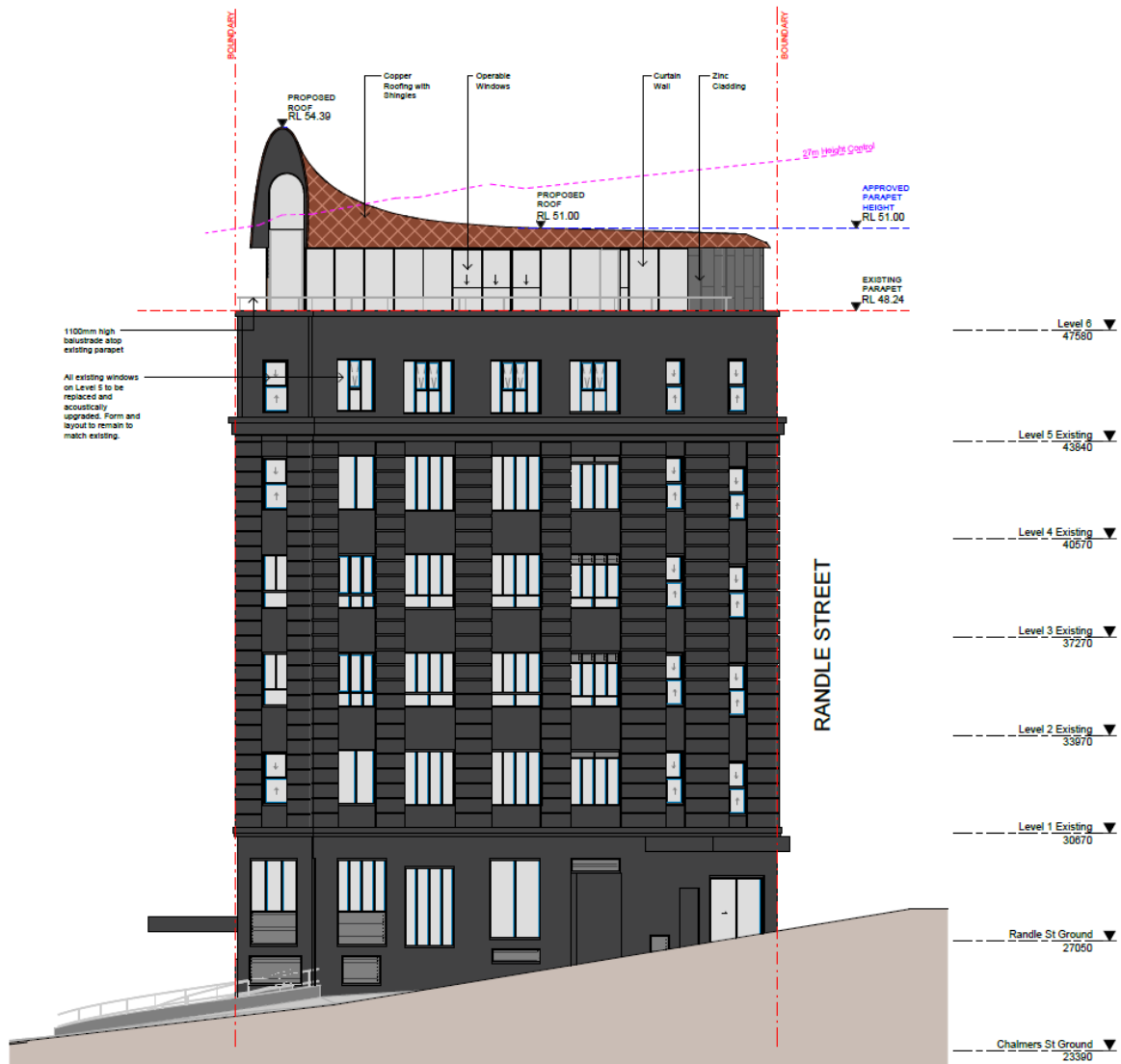


Figure 12: Proposed south elevation

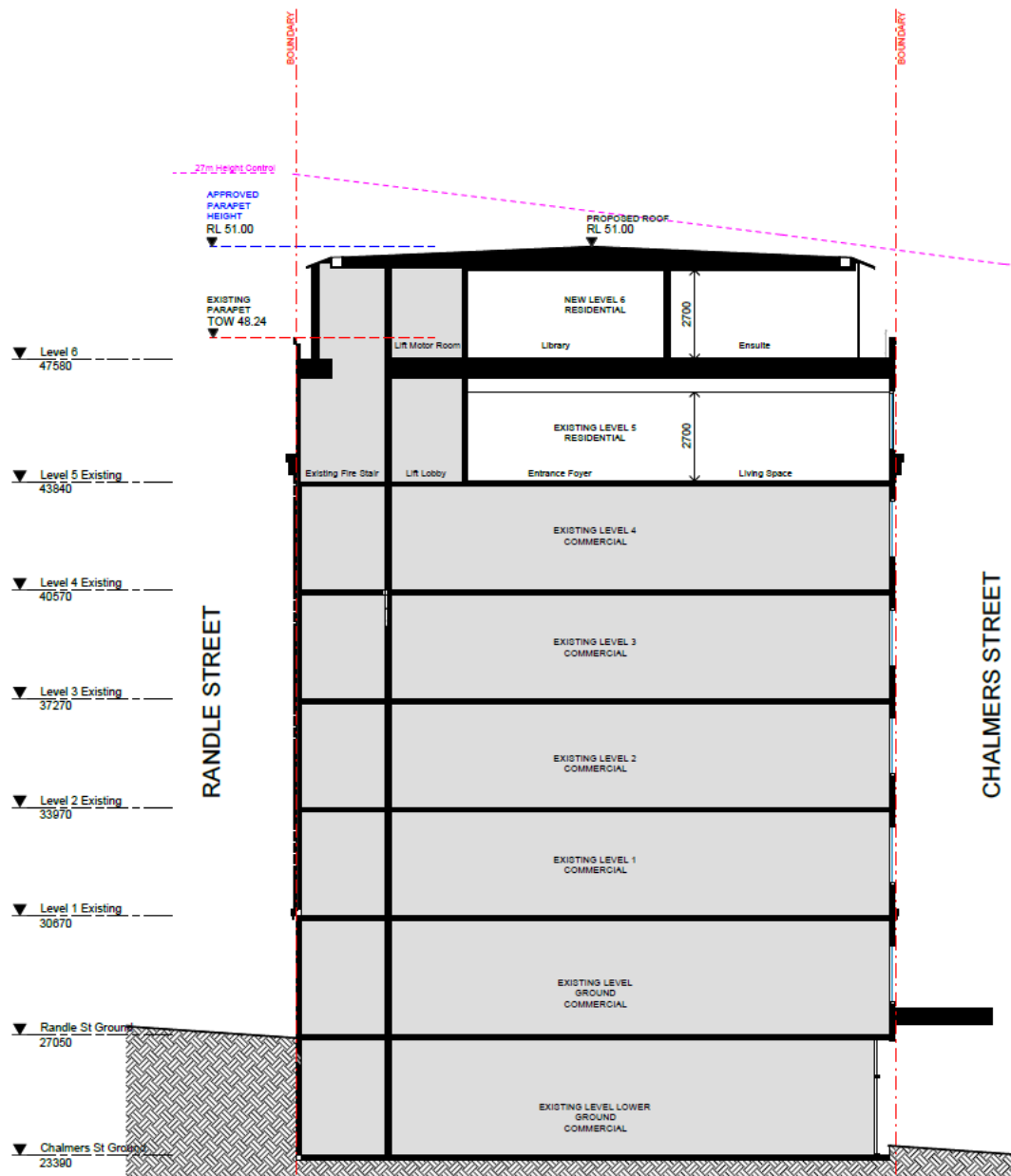


Figure 13: Proposed short section

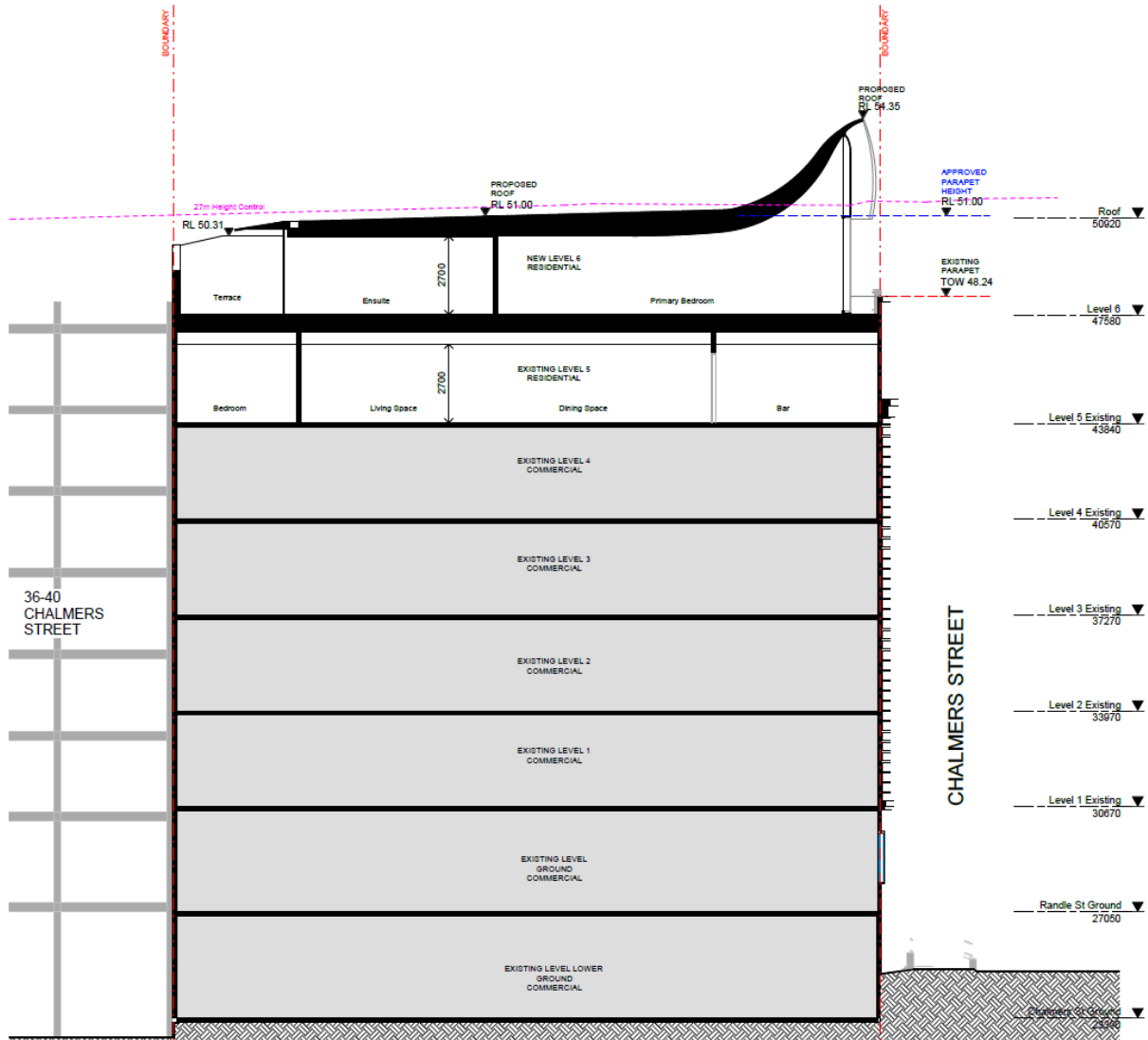


Figure 14: Proposed long section

Material Palette

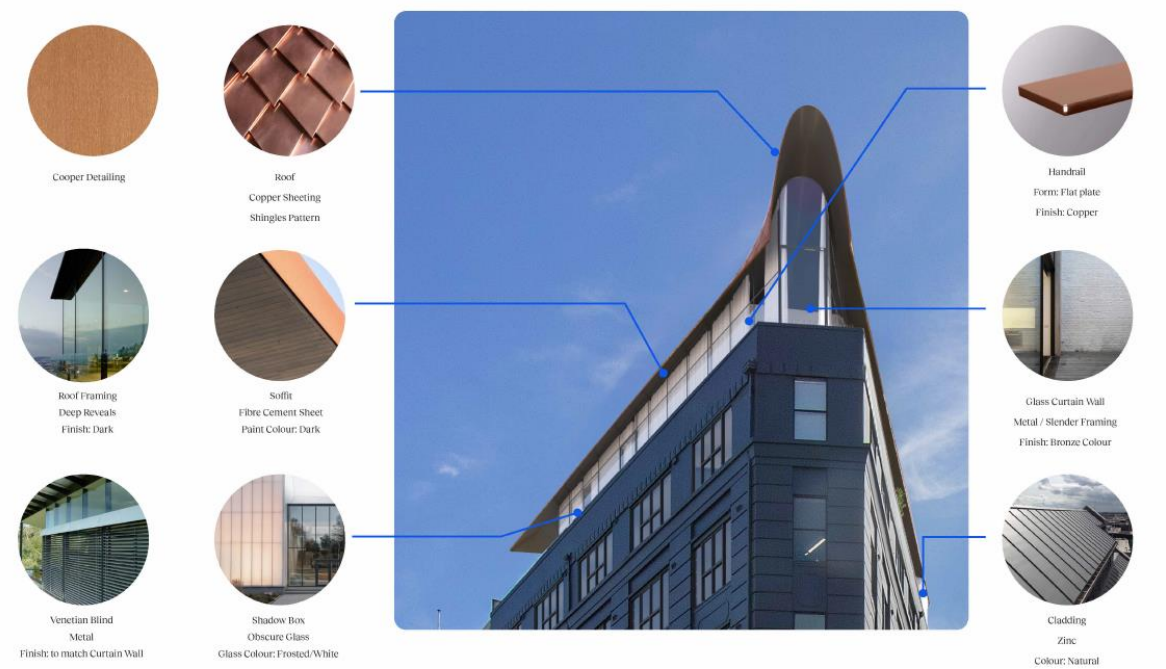


Figure 15: Proposed material palette



Figure 16: Three dimensional axonometric



Figure 17: Three dimensional axonometric



Figure 18: Photomontage



Figure 19: Photomontage

Assessment

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

Sydney Water Act 1994

26. Section 78 of the Sydney Water Act, 1994 sets out various requirements for the notification of development applications to the Sydney Water Corporation (SWC).
27. The application was referred to the SWC in accordance with the Act.
28. A response was received from the SWC, raising no objections to the proposal, subject to the recommended conditions.

State Environmental Planning Policies

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)

29. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of Chapter 6 of the Biodiversity and Conservation SEPP. In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the controls set out in Division 2.

30. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour.
31. The site is not located in the Foreshores Waterways Area or adjacent to a waterway however and, apart from the controls for improved water quality and quantity, the controls set out in Division 2 of the Biodiversity and Conservation SEPP are not applicable to the proposed development.
32. The proposal achieves the relevant objective of the Biodiversity and Conservation SEPP, subject to the recommended conditions relating to stormwater management.

State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)

33. The aim of Chapter 4 of the Resilience and Hazards SEPP 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.
34. The site has been historically used for commercial office and retail purposes. The proposal maintains a ground level retail premises use and office premises in the levels above, with a change to a residential accommodation use on the uppermost level.
35. The subject site is not located on land within an investigation area, nor is there any record of the site having been used for any land use activity listed in Table 1 of the Managing Land.
36. The proposal is therefore acceptable regarding the relevant provisions of the Resilience and Hazards SEPP and the site is suitable for the proposed development and land use.

State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP)

37. 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
38. The proposal is consistent with these aims, given that it has been accompanied by a valid BASIX certificate, as outlined under the heading below.

Chapter 2 Standards for residential development - BASIX

- 39. BASIX certificate 1838466M has been submitted with the development application.
- 40. The BASIX certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal.
- 41. Appropriate conditions of consent are recommended to ensure that the measures detailed in the BASIX certificate are implemented.

State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)

- 42. The relevant provisions of the Transport and Infrastructure SEPP have been considered in the assessment of the development application under each of the headings below.

Division 5, Subdivision 2: Development likely to affect an electricity transmission or distribution network**Clause 2.48 Determination of development applications – other development**

- 43. The application is subject to Clause 2.48 of the Transport and Infrastructure SEPP as the development may affect existing electricity infrastructure within and adjoining to the site.
- 44. In accordance with the requirements of the Clause, the application was referred to Ausgrid.
- 45. Ausgrid provided a response, raising no objections to the proposed development subject to several recommended conditions which are included in Attachment A.

Division 15, Subdivision 2: Development in or adjacent to rail corridors and interim rail corridors**Clause 2.97 – Development adjacent to rail corridors**

- 46. The subject site is adjacent to the Central Business District and South East Light Rail corridor and is subject to Clause 2.97 of the Transport and Infrastructure SEPP.
- 47. In accordance with the requirements of the Clause, the application was referred to Transport for NSW (TfNSW) for comment.
- 48. TfNSW provided a response, raising no objections to the proposed development, subject to several recommended conditions which are included in Attachment A.

Division 17, Subdivision 2: Impact of road noise or vibration on non-road development**Clause 2.120 – Impact of road noise or vibration on non-road development**

- 49. The subject site is adjacent to Randle Street which is identified on map 12D of the TfNSW 'Traffic Volume Maps for Noise Assessment for Building on Land Adjacent to Busy Roads' as having an annual average daily traffic volume of more than 20,000 vehicles, and the proposal includes a residential accommodation use which is likely to be adversely affected by road noise or vibration.

50. An acoustic report prepared by an appropriately qualified acoustic consultant was submitted with the application. It recommends appropriate measures to ensure that the following LAeq levels are not exceeded:
- (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am
 - (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time
51. The report has been reviewed by Council's Health and Building staff who have advised that the proposal is acceptable on this basis, subject to the recommended conditions requiring compliance with the recommendations of the acoustic report.

Local Environmental Plans

Sydney Local Environmental Plan 2012 (Sydney LEP 2012)

52. An assessment of the proposed development against the relevant provisions of the Sydney LEP 2012 is provided under the following headings.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is in the MU1 Mixed Use zone. The proposed development is defined as a dwelling within a mixed use development 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 27 metres is permitted. A height of 29.92 metres is proposed. 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 with the application.

Provision	Compliance	Comment
		Refer to the further assessment provided under the 'Discussion' heading below.
4.4 Floor space ratio	No	A maximum floor space ratio (FSR) of 6:1, or 1,899.6 square metres of gross floor area (GFA) is permitted. An FSR of 6.54:1, or 2,073 square metres of GFA, is proposed. The proposed development does not comply with the maximum floor space ratio development standard. A request to vary the FSR development standard in accordance with Clause 4.6 has been submitted with the application. Refer to the further assessment provided under the 'Discussion' heading below.
4.6 Exceptions to development standards	Yes	The proposed development seeks to vary the development standards prescribed under Clauses 4.3 and 4.4. Clause 4.6 variation requests have been submitted with the application. Refer to the further assessment provided under the 'Discussion' heading below.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.6 Architectural roof features	Yes	The maximum height limit is exceeded by the proposed architectural roof feature. The feature is acceptable as it: - comprises a decorative element on the uppermost portion of the proposed roof to the building - is not an advertising structure

Provision	Compliance	Comment
		• does not include floor space area and is not reasonably capable of modification to include floor space area • will cause minimal overshadowing • does not incorporate any building identification signage • does not contain any equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like)
5.10 Heritage conservation	Yes	The site is located within the vicinity of several State and local heritage items. Council's Heritage Specialist has advised that the proposed development will not have detrimental impact on the heritage significance of these items.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
6.21C Design excellence	Yes	The proposal exhibits design excellence for the following reasons: • It is generally of a high standard that proposes high quality materials and detailing • The form and external appearance will improve the quality and amenity of the public domain to its street frontages • It will not significantly impact any view corridors • The site is suitable for the proposed land use considering the zoning applying to the land

Provision	Compliance	Comment
		• It is compatible with the existing development along Randle Street and Chalmers Street and will contribute positively to the character of the locality • The bulk, massing, modulation and height of the proposal does not present any significant visual or environmental impacts • It has generally acceptable environmental impacts regarding the amenity of the neighbouring properties and the surrounding area in terms of overshadowing, solar access, visual and acoustic privacy, noise and reflectivity • It achieves the principle of ecologically sustainable development (ESD) • The proposal does not have any significant impacts on the Railway Square/Central Special Character Area • The public domain interface between the site and the street frontages of the site is appropriate and acceptable. • The landscape design is integrated with the architectural scheme, which will provide acceptable landscape amenity to the subject site.
6.21D Competitive design process	Yes	The proposed development is on land outside of Central Sydney and which will have a height greater than 25 metres in height and therefore a competitive design process is required to be held. A competitive design process has not been carried out for the proposed development.

Provision	Compliance	Comment
		Refer to the further assessment provided under the 'Discussion' heading below.

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 3 Affordable housing		
7.13 Contribution for purpose of affordable housing	Yes	The proposal involves development on residual land that involves a change of use of existing floor area from other than residential accommodation to residential accommodation. A condition requiring an affordable housing levy contribution may therefore be imposed by the consent authority when granting development consent to the application. Refer to the further assessment provided under the 'Financial Contributions' heading below.
7.20 Development requiring or authorising preparation of a development control plan	Yes	The proposed development is on land outside of Central Sydney and which will have a height greater than 25 metres in height and therefore a development control plan is required to be prepared for the land. A site specific development control plan has not been prepared for the land, nor has a concept development consent been granted for the proposal. Refer to the further assessment provided under the 'Discussion' heading below.

Development Control Plans

Sydney Development Control Plan 2012 (Sydney DCP 2012)

53. An assessment of the proposed development against the relevant provisions within the Sydney DCP 2012 is provided under the following headings.

Section 2 – Locality Statements

54. The site is identified in Section 2.1.11 as being located within the Railway Square and Central Station locality.
55. The proposed development is generally in keeping with the character and the design principles of the Railway Square and Central Station locality in the following manner:
- (a) It complements the nearby heritage buildings with a high quality contemporary building form and design
 - (b) It maintains a high level of daylight to the open spaces on the western side of Chalmers Street associated with Central Station
 - (c) It maintains the visual prominence and landmark significance of the Central Railway Station clock tower and terminus building
 - (d) It maintains vistas to and from Central Railway Station, including from its concourse
 - (e) It reinforces the urban character and scale of the Railway Square/Central Station Special Character Area by:
 - (i) retaining the existing street frontage height of the existing building
 - (ii) adopting complimentary building form and solid high quality building materials
 - (iii) providing a building setback above the street frontage height
 - (f) It retains and reuses the existing early twentieth century commercial building on the site
 - (g) It has no impact on the visual connections between the Central Station complex and the surrounding heritage buildings or the Haymarket Special Character Area

Section 1 – Introduction

Provision	Compliance	Comment
1.3 Aims of this DCP	Yes	The proposal is generally consistent with the relevant aims of the Sydney DCP 2012.

Section 3 – General Provisions

Provision	Compliance	Comment
3.2. Defining the Public Domain	Yes	The proposal does result in any significant overshadowing of publicly accessible open space or significantly impede views from the public domain to highly utilised public places, parks, Sydney Harbour or heritage buildings and monuments. The proposed development has been designed to positively address the surrounding streets and provide for surveillance of the adjacent streets and public domain. A condition is recommended to ensure that light reflectivity from the materials used in the proposed development does not exceed 20%. External lighting to the proposed landscape works are acceptable subject to a recommended condition, which will ensure compliance with the relevant Australian standards for external illumination.
3.5 Urban Ecology	Partial compliance, but acceptable	The proposal will not provide 15% canopy cover of the site within 10 years in accordance with the applicable provisions. This is acceptable however, given: - The site contains a building occupying the entirety of the site, which cannot provide any capacity for significant canopy cover without significant structural interventions - The proposal provides an improvement in terms of contribution to urban vegetation than that presented by the existing development The proposed development does not involve the removal of any trees and will not have a significantly adverse impact on the local urban ecology.

Provision	Compliance	Comment
		The application was referred to the City's Landscape Assessment Officer who advised that, subject to the recommended conditions, the proposal will provide acceptable landscape amenity.
3.6 Ecologically Sustainable Development	Yes	The proposal satisfies BASIX and environmental requirements. Refer to the further assessment provided under the 'State Environmental Planning Policy (Sustainable Buildings) 2022' heading above.
3.7 Water and Flood Management	Yes	The site is not identified as being flood prone. The proposal is acceptable, subject to the recommended conditions relating to stormwater drainage management.
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	The proposed development will require the amendment of the existing strata plans for the site, or a new strata plan to be made. Council's Specialist Surveyor has reviewed the application and recommended appropriate conditions of consent, which are included in Attachment A.
3.9 Heritage	Yes	The site is located within the vicinity of several State and local heritage items, as identified elsewhere in this assessment report. Council's Heritage Specialist has advised that the proposed development will not have detrimental impact on the heritage significance of these items.
3.11 Transport and Parking	Yes	No vehicle parking facilities are proposed. The proposal includes sufficient storage space to accommodate a bicycle parking space.

Provision	Compliance	Comment
3.12 Accessible Design	Yes	An appropriate condition is recommended to ensure that the proposed development provides an appropriate level of access and facilities for persons with disabilities.
3.13 Social and Environmental Responsibilities	Yes	The safety and security of the public domain within the locality will be enhanced by the proposed activity within the site and casual surveillance of the surrounding streets from the development. The proposal provides a secure entrance to the dwelling, passive surveillance and other security measures. It has generally been designed in accordance with the 'Crime Prevention Through Environmental Design' (CPTED) principles and is acceptable on this basis.
3.14 Waste	Yes	The proposed development was accompanied by an updated Waste Management Plan (WMP), which accords with the objectives and provisions set out under Section 3.14 of the Sydney DCP 2012. The application was referred to the City's Cleansing and Waste Unit. The advice received was generally supportive regarding waste management considerations. This is subject to conditions to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.
3.18 Acoustic Amenity	Yes	The site is located on land identified as 'Sensitive receivers – Radius 1' on the Entertainment Sound Management Map. An acoustic report has been submitted with the application which includes measures designed to achieve compliance with the criteria for entertainment sound.

Provision	Compliance	Comment
		Council's Health and Building staff have reviewed the report and have advised that the proposal is acceptable on this basis, subject to the recommended conditions requiring compliance with the recommendations of the acoustic report.

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	Yes	The site is permitted a maximum building height of 8 storeys. The proposed development is 8 storeys in height and complies.
4.2.1.2 Floor to ceiling heights and floor to floor heights	Yes	The proposed development achieves the floor to ceiling height of 2.7 metres.
4.2.2 Building setbacks	Acceptable	The proposal incorporates setbacks ranging between 1.2 metres to Randle Street and 1.3 metres to Chalmers Street above the street frontage height. Although these do not comply with the minimum requirement for a 3 metre setback, the non-compliance is acceptable given that they are generally compatible with the existing adjacent patterns of building setbacks within the street.
4.2.3 Amenity		
4.2.3.1 Solar access	Yes	The application was accompanied by shadow diagrams and sun's eye view diagrams which demonstrate that the proposal does not result in any significant overshadowing of adjoining or nearby dwellings, and that the proposed dwelling receives adequate direct sunlight to living room windows and private open space at midwinter.

Provision	Compliance	Comment
4.2.3.3 Internal common areas	Acceptable	Daylight access and outlook is not provided to the existing internal common stairs and lift lobbies, which is acceptable given that: - The existing fire stair and lift lobby floor levels and structure are proposed to be retained. - Requiring compliance with the controls would require significant demolition of existing building fabric.
4.2.3.4 Design features to manage solar access	Yes	The design of the development balances appropriate access to direct sunlight, daylight, natural ventilation and view amenity, and cooling and heating efficiency through the roof awnings, landscape design, fenestration and internal and external blinds. Additional access to natural light is provided through skylights in the proposed roof.
4.2.3.5 Landscaping	Yes	The application is accompanied by a landscape plan prepared by an appropriately qualified landscape architect, which provides for a range of landscape features and planting to the uppermost level of the development. The plan has been reviewed by the Council's Landscape Assessment officer, who has advised that it is acceptable, subject to the recommended conditions.
4.2.3.7 Private open space and balconies	Yes	The proposal provides a consolidated terrace area of approximately 30 square metres, which is accessible from one of the living areas of the proposed dwelling. The acoustic wall and screen to the northern boundary of the terrace does not serve to enclose the space.

Provision	Compliance	Comment
4.2.3.9 Ventilation	Yes	Adequate natural ventilation is provided to the proposed dwelling. Natural cross ventilation is achieved by having window openings facing towards each of the site's street and lane frontages.
4.2.3.10 Outlook	Yes	A pleasant outlook is provided from the proposed apartment. The proposal does not result in any significant view or outlook impacts from existing residential development.
4.2.3.11 Acoustic privacy	Yes	An acoustic report was submitted with the application in support of the proposed development. The application was referred to the City's Health and Building staff. The advice received is that the conclusions and recommendations of the acoustic report are generally acceptable. Conditions are recommended to ensure that appropriate noise control measures are implemented in relation to the proposed uses of the site.
4.2.5 Types of development	Yes	The site has a frontage to Randle Street, which is a busy road that carries more than 20,000 vehicles a day. The design of the proposed development has been informed by the recommendations of the acoustic report submitted with the application to minimise road noise impacts. Conditions have been recommended by Council's Health and Building staff to ensure that appropriate noise control measures are implemented in relation to the proposed uses of the site.
4.2.6 Waste and recycling Management	Yes	The proposed waste and recycling management facilities within the

Provision	Compliance	Comment
		development generally accord with the requirements set out in Section 4.2.6 of the Sydney DCP 2012. The application was referred to the City's Cleansing and Waste staff. The advice received was supportive subject to recommended conditions to ensure compliance with the City of Sydney Guidelines for Waste Management in New Development.
4.2.7 Heating and cooling infrastructure	Yes	The proposed heating and cooling infrastructure is indicated to be consolidated within a rooftop location. This will assist in achieving energy efficiency and allow for accommodation of future heating and cooling technology. Appropriate conditions are recommended to preclude facade and balcony-mounted air conditioning units and require the acoustic screening of plant.
4.2.8 Letterboxes	Yes	A letterbox is not indicated on the drawings submitted with the application. A condition is recommended to require that a letterbox is provided within the lobby of the building and that it is installed with a non-master key lock for security.

Section 5 – Specific Areas

5.1 Central Sydney

Provision	Compliance	Comment
5.1.1 Built form controls	Acceptable	Figure 5.13 in Section 5.1.1.2 of the Sydney DCP 2012 identifies a maximum street frontage height of 25 metres for the subject site. The existing 7-storey commercial building already has a street frontage height slightly exceeding 25 metres.

Provision	Compliance	Comment
		The site is also subject to a development consent, DU/2003/76 which involved a similar adaptive re-use of the existing level 5 and erection of a new level 6 at the current roof level for a commercial use, as compared to the proposed residential use of the current application. The proposal is acceptable on this basis as it: • Does not propose any increase to the street frontage height • Provides adequate setbacks from all site boundaries to minimise impacts on the visual and streetscape appearance of the surrounding Special Character Area • Enhances the streetscape appearance of the site through an architecturally designed roof feature.
5.1.2 Development outlook and demonstrating amenity compliance	Yes	The primary residential apartment windows and terraces, as proposed under the subject application, provide Outlook Field depths and positions which comply with the provisions in Section 5.1.2 of the Sydney DCP 2012.
5.1.3 Heritage items, warehouses and special character areas	Yes	The site is located within the vicinity of several State and local heritage items. Council's Heritage Specialist has advised that the proposed development will not have any detrimental impact on the significance of these heritage items, including Central Station to the west of the site.
5.1.4 Building exteriors	Yes	The proposal will contribute positively to the streetscape with high quality architecture, meeting the objectives in Section 5.1.4 of the Sydney DCP 2012. The materiality and design of the development are distinctive and exhibit design excellence.

Provision	Compliance	Comment
		Conditions are recommended in Attachment A to ensure that reflectivity impacts are minimised, and that a materials and samples board is provided, to ensure that the design quality intent of the proposed building exteriors is carried through to the certification and construction phases.

Discussion

Contravention of the Height of Buildings Development Standard Pursuant to Clause 4.6 of the Sydney LEP

56. The site is subject to a maximum height of buildings development standard of 27 metres.
57. The proposed development has a height of 29.92 metres.
58. 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
 - (b) that there are sufficient environmental planning grounds to justify contravening the standard

Applicant's regulation 35B document

59. The applicant seeks to justify the contravention of the height of buildings development standard on the following basis:
 - (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) Compliance with the building height development standard is unreasonable or unnecessary in the circumstances of this case because the objectives of the development standard are achieved, notwithstanding non-compliance with the standard.
 - (ii) Demonstrating that the proposal will have no adverse amenity impacts is, therefore, one way of showing consistency with the objectives of a development standard.
 - (iii) As identified in the Sydney LEP 2012 Height of Buildings Map, the subject site and the blocks immediately to the north, north-east and east have a maximum height of 27 metres. Lower height limits of 12 metres and 9 metres are identified for properties located to the south-east along Devonshire Street.

- (iv) A similar pattern of restrictions has been applied through the Height in Storeys Map in the Sydney DCP 2012, with 8 storeys being the prevailing, immediately surrounding control. The actual existing built form and approved DAs of the subject site and surrounding properties have heights ranging from 7 to 9 stories, and up to 29 metres.
- (v) Importantly, Council has already approved a DA for a rooftop addition to the commercial building on the subject site (DU/2003/76) up to 8-storeys and 27.71 metres. The current DA for a residential roof top addition and adaptive use proposes an 8-storey building, with a slightly higher maximum height of 29.92 metres, which primarily derives from providing a more attractive and roof form, which is shaped to rise up to its highest point on the south-east corner of the building.
- (vi) It is therefore considered that the proposed height and design is highly appropriate for its current context, with minimal environmental impacts for adjoining and surrounding properties and the public domain.
- (vii) In terms of Clause 5.10 of the Sydney LEP 2012 relating to heritage conservation, the site is neither a heritage item nor located within a heritage conservation area. It is located adjacent to the local and state heritage item known as the 'Central Railway Group', and in the vicinity of other nearby items. This significance is addressed in an accompanying Heritage Impact Statement which concludes:

"The proposed development has been assessed to have a positive heritage impact on the heritage items in the vicinity. The proposed works are confined to the upper levels of the building and will not result in intrusion, overhang or adverse impacts on nearby heritage items, surrounding hardscape, archaeological resources, or views to and from Central Railway Station. Overall, the proposal is appropriately designed to protect the heritage significance of the surrounding area while supporting its continued evolution."
- (viii) Given the primary focus of the scale and orientation of the subject commercial building to the south and south-east, and being well separated from buildings to the north and north-east, and south and east by adjoining streets, and the open visual landscape of the light rail and heavy rail corridors to the west, the proposed roof top addition will have minimal to negligible impact on existing view corridors to the more iconic locations of Sydney Harbour and the CBD to the north, thereby maintaining a satisfactory level of view sharing in the locality.
- (ix) As identified in relation to each of the objectives above, the proposed height of the proposal is highly consistent and substantially compliant with the controls in the Sydney LEP 2012 and Sydney DCP 2012, as well as the scale, urban form and character of the locality.
- (x) Compliance with the maximum building height development standard is therefore unreasonable or unnecessary in the circumstances of this case because the objectives of the standard are achieved, and the non-compliance will not result in any major adverse environmental impact.

- (b) That there are sufficient environmental planning grounds to justify contravention of the standard:
- (i) The mid-winter shadow diagrams that accompany the application demonstrate that the extent of additional overshadowing created for surrounding residents and the public domain by the exceedance of the Sydney LEP 2012 maximum height of 27 metres will be compliant with the controls in the Sydney DCP 2012 and provide relatively minimal overshadowing impacts across the following parts of the day.
 - (ii) Given the site's solar orientation, separation from surrounding buildings by multiple street frontages, and the proposed sensitively scaled and design roof top addition, there will be minimal overshadowing impacts for both surrounding properties and the public domain.
 - (iii) The most significant additional overshadowing is expected to occur between 9-10am mid-winter and only impacts on a limited section of the adjoining roads to the south.
 - (iv) Substantive efforts have been made in the design to provide suitable building setbacks, and orient the main living areas and windows of the proposed roof level residential building to the main west and south street elevations, in order to minimise any unreasonable noise impacts and overlooking of the more sensitive areas of roof level living areas and private open space terraces of residential units of the adjoining mixed-use building to the north, 38 Chalmers Street.
 - (v) It is proposed to further reduce privacy impacts for the adjoining properties to the north and north-east by constructing a concrete wall along the entire length of the site's northern boundary.
 - (vi) It is therefore considered that the area of exceeded height limit of the proposed building addition roof, which primarily occurs in the south-east corner of the site will have negligible noise and privacy impact on adjoining and surrounding residential and commercial buildings.
 - (vii) A key design strategy of the application is to minimise the upper level building bulk through generous building setbacks for the proposed roof level residential addition and to provide a more interesting and visually appealing roof form above this addition, when compared to the parapet style, flat roof form above the approved roof level commercial addition of DU/2003/76.
 - (viii) As shown in Figure 20 below, the proposed new roof form has been designed to gradually rise up to a high point in the south-east corner of the site. At that point the proposal exceeds the LEP's 27 metre height limit by 2.92 metres.
 - (ix) This gradual increase in the roof plane to its highest point provides and elegant, sculptural architectural roof feature to the building, in that part of the site well separated from the surrounding built form, and enhancing the visual character of this locality.

- (x) Furthermore, the extent of the roof's exceeded LEP height limit (up to 2.92 metres), does not result in any unreasonable impact on the visual amenity or view corridors of surrounding private properties and the public domain.
- (xi) In summary, there are sufficient environmental planning grounds to justify the proposed variation of the LEP maximum building height development standard.



Figure 20: Photomontage of proposed roof form from the south

Precondition to granting consent where a development standard has been contravened

60. 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.
61. 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 breach of the 27-metre height of buildings standard is confined to the proposed architectural roof feature as depicted in the height plane diagram extract reproduced in the figure below.

- (b) Clause 5.6(2) of the Sydney LEP 2012 permits a development that includes an architectural roof feature to exceed the height limits set by the plan with development consent.
- (c) The overall height of the proposal is appropriate within the context of the site and surrounding development, including the adjoining 9-storey development to the north, the future 9-storey development at 7-15 Randle Street, Surry Hills which is currently under construction, and the 6 and 7-storey development opposite the site on the eastern side of Randle Street.

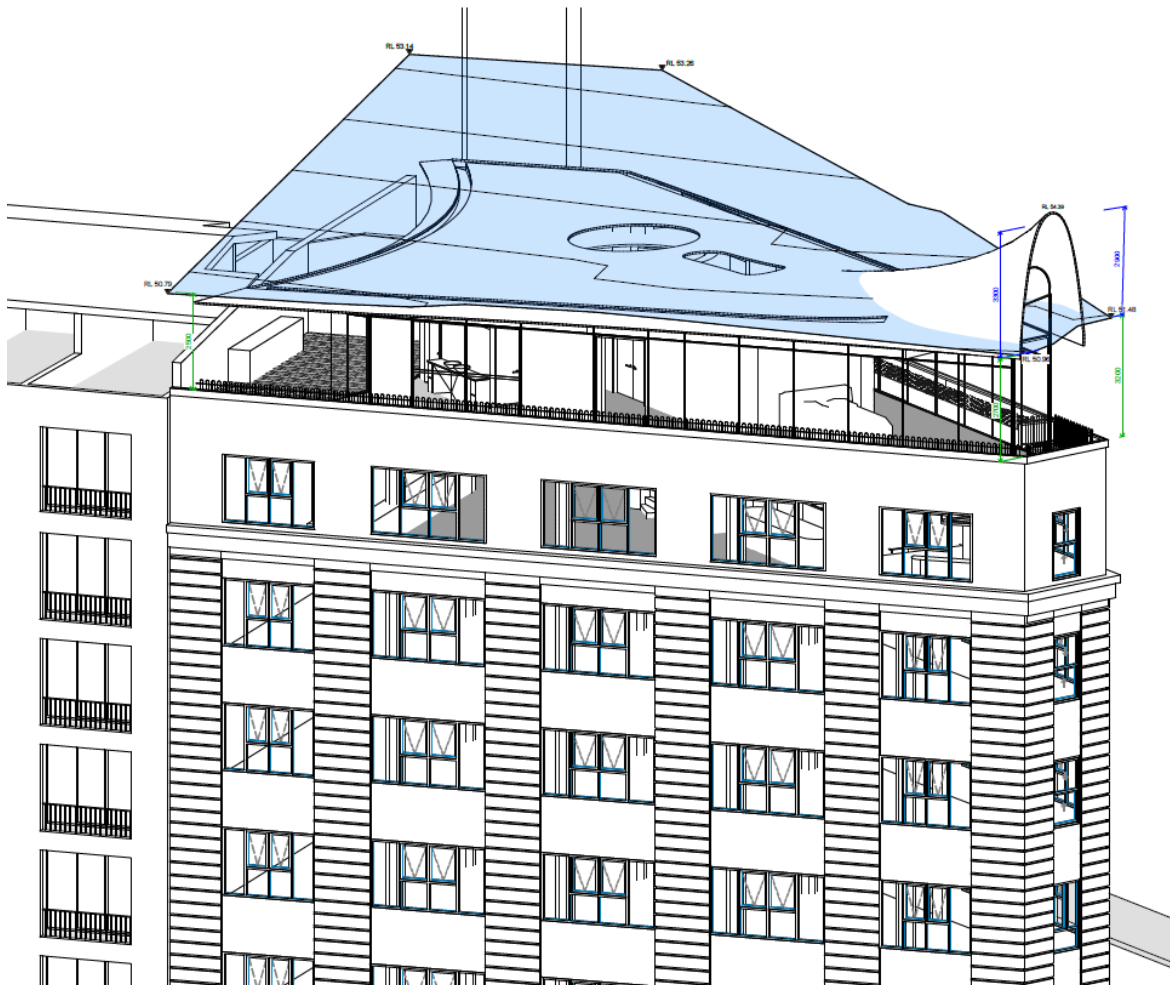


Figure 21: Height plane diagram extract depicting the extent of the proposed architectural roof feature in white above the 27 metre height plane (in blue)

- (d) The overall height of the proposed development is generally consistent with the previously approved building envelope for a commercial building on the site under DU/2003/76, which has a maximum approved height of 27.71 metres.
- (e) The portion of the development which breaches the height control will not result in any unreasonable overshadowing or visual privacy impacts to surrounding properties.

- (f) The proposal does not obstruct any significant views from surrounding properties.
- (g) The proposal provides an appropriate transition from the buildings along Chalmers Street to the north and to the lower scale buildings around Central Station and Devonshire Street to the south and west, to the lower scale buildings along Elizabeth Street to the east.
- (h) The proposal is in keeping with the objectives of the MU1 Mixed Use Zone, as it will provide residential accommodation within an accessible area.
- (i) The proposal is of an appropriate bulk and scale within the context of the site and surrounding development and complies with the minimum floor to ceiling heights of the Sydney DCP 2012.

Conclusion

62. For the reasons provided above the variation to the height of buildings development standard is supported as the applicant has demonstrated the matters required to be addressed by Clause 4.6 of the Sydney LEP 2012.

Contravention of the Floor Space Ratio Development Standard Pursuant to Clause 4.6 of the Sydney LEP

63. The site is subject to a maximum FSR development standard of 6:1.
64. The proposed development has a FSR of 6.54:1.
65. 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
 - (b) that there are sufficient environmental planning grounds to justify contravening the standard

Applicant's regulation 35B document

66. The applicant seeks to justify the contravention of the FSR development standard on the following basis:
- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) Compliance with the maximum FSR development standard is unreasonable or unnecessary in the circumstances of this case because the objectives of the development standard are achieved, notwithstanding non-compliance with the standard.
 - (ii) Demonstrating that the proposal will have no adverse amenity impacts is, therefore, one way of showing consistency with the objectives of a development standard.

- (iii) The Sydney LEP 2012 provides a maximum FSR of 6:1 for the site and surrounding area, complemented by an 8-storey Sydney DCP 2012 maximum which enables a suitable flexibility for maximising FSR yield in an area characterised by boundary-to-boundary built forms. It also provides a scale that reflects the former warehouse and commercial character of the heritage of this precinct. The MU1 Mixed Use zone also facilitates a flexibility in the use of these sites, ensuring that their maximum potential can be achieved in a form that meets the housing and employment needs of this transitional part of the City of Sydney.
- (iv) The density, built form and land use intensity of the proposed adaptive re-use (level 5) and roof top addition for a new 2-storey residence is entirely appropriate for the existing 7-storey commercial building and surrounding mixed use area, given the building's previous history of mixed hotel, commercial office, pub and retail uses, its general consistency with the Sydney LEP 2012 and Sydney DCP 2012 maximum height, FSR, number of storeys and Special Character Area, and Council's previous support for a variation to the Sydney LEP 2012 maximum height and FSR controls for a similar commercial use roof top addition for the development consent DU/2003/76. The proposed single residential use at Levels 5 and 6 will also have minimal impact on the extent of vehicular and pedestrian movement to the site.
- (v) The subject proposal to convert Level 5 from commercial office and construct a roof level addition for a new 2-storey dwelling will have minimal impact of the capacity of existing and planned infrastructure in this part of the City of Sydney, which is already highly accessible and in close proximity to a wide range of public transport, retail, commercial, community and public open space facilities and services.
- (vi) The proposal is highly complementary to the desired character and function of the MU1 Mixed Use zone and the Railway Square/Central Station Special Character Area, with a roof top addition design that minimizes the bulk and potential amenity impacts on adjoining and surrounding residential and commercial uses to the north and north-east by providing generous setbacks and an orientation of its main livings areas and windows to the south and west of the site along its Chalmers and Randle Street frontages, and an elegant and architectural roof feature that provides a gradual increase in height to its highest point in the south-east of the site, further protecting the amenity of surrounding land uses, and providing a lively and interesting visual focal point for the public domain in this highly active, transport hub precinct.
- (vii) Compliance with the maximum building height development standard is therefore unreasonable or unnecessary in the circumstances of this case because the objectives of the standard are achieved, and the non-compliance will not result in any major adverse environmental impact.

- (b) That there are sufficient environmental planning grounds to justify contravention of the standard:
- (i) The mid-winter shadow diagrams that accompany the application demonstrate that the extent of additional overshadowing created for surrounding residents and the public domain by the exceedance of the Sydney LEP 2012 maximum height of 27 metres will be compliant with the controls in the Sydney DCP 2012 and provide relatively minimal overshadowing impacts across the following parts of the day.
 - (ii) Given the site's solar orientation, separation from surrounding buildings by multiple street frontages, and the proposed sensitively scaled and design roof top addition, there will be minimal overshadowing impacts for both surrounding properties and the public domain.
 - (iii) The most significant additional overshadowing is expected to occur between 9-10am mid-winter and only impacts on a limited section of the adjoining roads to the south.
 - (iv) Substantive efforts have been made in the design to provide suitable building setbacks, and orient the main living areas and windows of the proposed roof level residential building to the main west and south street elevations, in order to minimise any unreasonable noise impacts and overlooking of the more sensitive areas of roof level living areas and private open space terraces of residential units of the adjoining mixed-use building to the north, 38 Chalmers Street.
 - (v) It is proposed to further reduce privacy impacts for the adjoining properties to the north and north-east by constructing a concrete wall along the entire length of the site's northern boundary.
 - (vi) It is therefore considered that the area of exceeded FSR within the proposed addition at the roof level will have negligible noise and privacy impact on adjoining and surrounding residential and commercial buildings.
 - (vii) A key design strategy of this DA is to minimise the upper level building bulk through generous building setbacks for the proposed roof level residential addition and to provide a more interesting and visually appealing roof form above this addition, when compared to the parapet style, flat roof form above the approved roof level commercial addition of DU/2003/76.
 - (viii) The proposed new sculptural architectural roof feature has been designed to gradually rise up to a high point in the south-east corner of the site. At that point the proposal exceeds the LEP's 27 metre height limit by 2.92 metres.
 - (ix) This gradual increase in the roof plane to its highest point provides and elegant, sculptural architectural roof feature to the building, in that part of the site well separated from the surrounding built form and enhancing the visual character of this locality.
 - (x) Furthermore, the extent of the roof's exceeded LEP height limit (up to 2.92 metres) and exceeded 6:1 FSR, does not result in any unreasonable impact on the visual amenity or view corridors of surrounding private properties and the public domain.

- (xi) In summary, there are sufficient environmental planning grounds to justify the proposed variation of the LEP maximum FSR development standard.

Precondition to granting consent where a development standard has been contravened

67. 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.
68. 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 proposal does not seek consent for any additional GFA and FSR beyond that granted consent by Council to DU/2003/76 for a similar development.
 - (b) The proposed development seeks an increase in FSR which anticipates the future needs of the area for residential space.
 - (c) The proposed density has a bulk, scale and massing that is generally consistent with the adjoining and nearby development nearby, is consistent with the relevant controls in the Sydney DCP 2012 and the existing footprint of the building is maintained.
 - (d) The proposed development is within the capacity of existing and planned infrastructure of the location. The proximity of the development to both Central Station and the Sydney CBD and South East Light Rail corridor means the locality is well equipped to facilitate the proposed increase in residential floor space.
 - (e) The proposal reflects the desired character of the Railway Square and Central Station Special Character Area and locality, and is consistent with the scale of the adjoining and nearby developments.
 - (f) The proposed increase in FSR has been considered with a design that is sensitive to the surrounding neighbourhood ensuring no significantly adverse impacts on the amenity of the locality.
 - (g) The proposed development is consistent with the height of the adjoining development and the permissible height and height in storeys in the Sydney LEP 2012 and Sydney DCP 2012.

Conclusion

69. For the reasons provided above the variation to the floor space ratio development standard is supported as the applicant has demonstrated the matters required to be addressed by Clause 4.6 of the Sydney LEP 2012.

Site specific development control plan and competitive design process

70. The site is located on land outside of Central Sydney and the proposal exceeds a height of 25 metres.
71. The proposal triggers requirements for a site specific development control plan (DCP) and competitive design process, under the provisions of Clauses 7.20(2)(b) and 6.21D(1)(a)(ii) of the Sydney LEP 2012, respectively.
72. Clause 7.20(3) and Clause 6.21D(2) of the Sydney LEP 2012 also specify that these requirements can be waived if the consent authority is satisfied that such a process would be unreasonable or unnecessary in the circumstances of the development.
73. The applicant has requested that the requirements for the preparation of a site specific DCP and competitive design process be waived for the following reasons:
 - (a) The subject application only involves the following alterations and additions to the existing commercial building:
 - (i) internal demolition of the existing fitout of Level 5 and the Roof Level above
 - (ii) alterations and additions and change of use to Level 5 and the addition of a new storey above with an outdoor terrace (Level 6) creating a 2-storey dwelling (Levels 5 and 6)
 - (iii) replacement of existing windows and new acoustically treated windows along the Randle and Chalmers Street elevations of Level 5
 - (iv) a new architectural roof feature above the new Level 6
 - (v) a new concrete wall located along the northern boundary (adjoining 38 Chalmers Street).
 - (b) An important planning and design reference for the current DA is the previous development consent for the site, DU/2003/76, which involved a relatively similar adaptive re-use of the existing Level 5 and erection of a new Level 6 at the current Roof Level for a commercial use, as compared to the proposed residential use of the current application.
 - (c) DU/2003/76 also included a flat roof form with a maximum height of RL 51.00 at the parapet level.
 - (d) This maximum level has been used as a reference point in the design of the proposed residential addition in the current application, which retains the approved parapet height of RL 51.00, but provides a curved architectural roof feature above.
 - (e) It is also important to note that DU/2003/76 included the approval of the following variation of Sydney LEP 2012 development standards:
 - (i) Clause 4.3 – Maximum Height of Building – 27 metres

A section of the western elevation of the upper roof level addition enabled a maximum a maximum height of 27.71 metres, a variation of 0.71 metres, or 2.63%.

(ii) Clause 4.4 – Maximum Floor Space Ratio – 6:1

The approved total GFA for the modified building was 2,072 square metres, resulting in a FSR of 6.54:1, a variation 172.4 square metres, or 9%.

- (f) In assessing the current proposal against SLEP 2012, it is firstly recognised that the proposed new 2-storey dwelling is located directly above existing commercial premises uses and is defined as ‘shop top housing’, which is permissible with consent and is consistent with the LEP’s MU1 Mixed Use zone objectives.
- (g) Similar to the most recently modified development consent DU/2003/76, the current DA seeks approval for the variation of the following key development standards:

(i) Clause 4.3 – Maximum Height of Building – 27 metres

The proposed maximum height of the roof of the new residential addition is RL 54.39, representing a maximum vertical height of the existing ground level of 29.92 metres, a variation of 2.92 metres, or a margin of 10.8% of the existing LEP maximum of 27 metres

(ii) Clause 4.4 – Maximum Floor Space Ratio – 6:1

The additional gross floor area (GFA) of the proposed roof level addition contributes to an overall site FSR of 6.54:1, and total GFA of 2,073 square metres, representing a variation to the LEP 6:1 maximum FSR of 173 square metres, or a margin of 9.1 %.

- (h) The application is accompanied by variations under Clause 4.6 of the Sydney LEP 2012, which verify that strict compliance with the maximum building height and FSR is unreasonable and unnecessary in this instance.
- (i) These variations of these development standards do not represent a significant increase in either the height or GFA of the existing building.
- (j) The main environmental impact issue is the relationship of the proposed residential addition with the roof level of the adjoining residential apartments at 38 Chalmers Street. Careful attention has been paid to design treatments to minimise these impacts. The proposed residential roof level addition provides generous setbacks ranging from 3.1 to 3.4 metres to the northern, common boundary with 38 Chalmers Street, allocating a private open space terrace, and area for future plant equipment. The proposed roof structure extends closer to the boundary, approximately 1 to 1.5 metres.

- (k) To minimise the potential visual, privacy and noise impacts between the 2 roof levels, it is proposed to construct a concrete wall along the entire northern elevation, with a height varying between 1.2 metres and 2.4 metres. The accompanying acoustic report also identifies that additional noise treatment can be applied if needed to that section of the wall that adjoins the proposed plant equipment area. The amenity impacts for the residents of 38 Chalmers Street have been further minimised by the location and orientation of the main living areas and windows of the proposed roof level residence to the west and south elevations.
 - (l) These building and design features will also act to minimise any impacts on the environmental amenity of the emerging mixed-use redevelopment located opposite to the north-east at 7-15 Randle Street.
 - (m) Shadow diagrams have been submitted to accompany this application, and given the site's solar orientation, separation from surrounding buildings by multiple street frontages, and the proposed sensitively scaled and design roof top addition, there will be minimal overshadowing impacts for both surrounding properties and the public domain. The most significant additional overshadowing is expected to occur between 9-10am mid-winter, and only impacts on a limited section of the adjoining roads to the south.
 - (n) The proposal is highly consistent with the current and desired future mixed use character of this locality, providing a sensitively designed residential and roof level addition above the retained distinctive commercial building.
 - (o) The proposal maintains a suitable visual bulk and scale for this prominent streetscape location, and minimising any overshadowing, privacy, view vistas and visual impacts for both the adjoining mixed use buildings to the north, and the public domain and heritage qualities of the Central Station entrance and forecourt opposite.
 - (p) Building setbacks up to 1 metre have been provided at roof level along the south and west elevations, including landscaped planter boxes to reduce the building bulk when viewed from the adjoining public domain and historically significant Central Railway precinct.
 - (q) It is also important to note that a well advanced Council Planning Proposal seeks to amend the requirements of the Sydney LEP 2012 to increase the maximum height criteria applying to this site under these clauses from 25 metres to 35 metres, which would exclude the current proposal.
74. In the specific circumstances of the proposed development, the requirement for the preparation of a DCP and competitive design process are unreasonable or unnecessary for the following reasons:
- (a) The proposed development satisfies the design excellence criteria in Clause 6.21D of Sydney LEP 2012 as discussed elsewhere in this report.
 - (b) The proposal does not seek the any award of up to 10% additional height or FSR available under the City's design excellence provisions.
 - (c) The proposal does not exceed a height of 55 metres, or a capital investment value of \$100,000,000, which are separate triggers for the preparation of a development control plan and competitive design process.

- (d) The trigger for the requirement for a site-specific DCP and a competitive design process is Clause 7.20(2)(a) where the land is outside of Central Sydney and the height of the proposed development exceeds 25 metres. The applicant submits that the alterations and additions proposed to the existing building also satisfy the relevant provisions of Clause 7.20(3)(a), (b), (c) and (d) and Clause 6.21D(2)(a), (b), (c) and (d), given that they:
 - (i) include only alterations and additions to existing building
 - (ii) do not significantly increase the height or gross floor area of the existing building
 - (iii) do not result in any significantly adverse impacts on adjoining buildings or the public domain
 - (iv) do not significantly alter views of the building from public places.
 - (e) The development proposes a building height that is appropriate and compatible for the site, designed in accordance with the context of the locality, ensuring building elements achieve an appropriate transition in height to neighbouring buildings.
 - (f) The density of the proposal is proportionate with the existing development within the locality.
 - (g) Shadow diagrams demonstrate that it will not result in any significant overshadowing to certain public spaces, notably the open areas associate with Central Station on the western side of Chalmers Street.
 - (h) The proposal is generally acceptable regarding other planning controls prescribed in the Sydney LEP 2012 and Sydney DCP 2012, as outlined in the tables provided above.
 - (i) The development provides an acceptable degree of amenity for future occupants and does not result in significantly adverse impacts on the neighbouring properties and the locality.
75. Clause 7.20(4) of the Sydney LEP 2012 sets out matters must be addressed in a site specific development control plan. The proposal satisfies the criteria in Clause 7.20(4) as detailed below:

- (a) requirements as to the form and external appearance of proposed development so as to improve the quality and amenity of the public domain

The proposed form and external appearance of the development will provide a positive contribution to the public domain. It is appropriate to its context and is compatible with the surrounding development.

- (b) requirements to minimise the detrimental impact of proposed development on view corridors

The proposed development will not result in any significantly detrimental impacts on view corridors

- (c) how proposed development addresses the following matters—

- (i) the suitability of the land for development,
- (ii) the existing and proposed uses and use mix,
- (iii) any heritage issues and streetscape constraints,
- (iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
- (v) the bulk, massing and modulation of buildings,
- (vi) street frontage heights,
- (vii) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,
- (viii) the achievement of the principles of ecologically sustainable development,
- (ix) the impact on, and any proposed improvements to, the public domain,
- (x) the impact on any special character area,
- (xi) achieving appropriate interface at ground level between the building and the public domain,
- (xii) the excellence and integration of landscape design,
- (xiii) the incorporation of high quality public art into the fabric of buildings in the public domain or in other areas to which the public has access.

76. The proposal addresses the above matters in the following manner:

- (a) It comprises a dwelling within an existing mixed-use development, including retail and office premises, which are all permissible within the MU1 Mixed Use zone.
- (b) The proposed use will replace existing office premises with a residential accommodation land use, which is consistent with the objectives of the land use zone by integrating it with a mix of other land uses in an accessible location that maximises public transport patronage and encourages walking and cycling.
- (c) The proposed bulk, scale and massing of the development, including its street frontage height, responds appropriately to the existing adjoining development and is consistent with the character of the streetscape.
- (d) Subject to the recommended conditions in Attachment A, it will not have adverse environmental impacts by way of overshadowing, visual and acoustic privacy, noise, wind and reflectivity.
- (e) The application is accompanied by a valid BASIX certificate which requires a range of sustainability measures to be incorporated in the development, including energy efficiency and water use reduction initiatives.

- (f) The proposed development is sympathetic to and compatible with the heritage items within the vicinity of the site nearby heritage items and the surrounding Railway Square/Central Station Special Character Area.
 - (g) It will provide a positive contribution to the public domain and visual interest along Chalmers Street and Randle Street.
 - (h) The development will provide passive surveillance of the surrounding street network.
 - (i) While there are limited opportunities for landscaping due to the constraints posed by the context of the existing building beneath the proposed development, the outdoor terrace located on level 6 is proposed to be provided with landscape works and plantings.
77. Clause 6.21C(2) of the Sydney LEP 2012 sets out matters which are required to be addressed for a development to be considered to exhibit design excellence, which are consistent with the provisions in Clause 7.20(4) set out above.
78. As discussed in the assessment provided in the compliance table and regarding Clause 7.20(4) of the Sydney LEP 2012, the proposed development is suitable for the site and demonstrates a high standard of architectural design, materials and detailing appropriate to the building type and location, subject to the recommended conditions in Attachment A.
79. In terms of form, bulk and scale, the proposal does not result in any significant impacts on view corridors and responds positively to both the public domain, adjoining development and heritage items and the surrounding land uses.
80. It incorporates appropriate Ecologically Sustainable Development (ESD) measures.
81. On this basis and given that the proposal demonstrates an appropriate response to the matters for consideration under Clause 7.20 and 6.21D of the Sydney LEP 2012 as detailed above, it is unlikely that a better design outcome would be achieved through imposing the requirements for site specific development control plan and a competitive design competition in this case.
82. Considering the above circumstances, there are sufficient reasons as to why a site-specific development control plan and a competitive design process is unreasonable or unnecessary in the circumstances of this development application. Pursuant to Clauses 7.20(3) and 6.21D(2) of SLEP 2012, it is recommended that these requirements are waived in this instance.

Consultation

Internal referrals

83. The application was discussed with Council's:
- (a) Cleansing and Waste Unit
 - (b) Construction and Building Unit
 - (c) Health and Building Unit

- (d) Heritage and Urban Design Specialists
 - (e) Landscape Assessment Officer
 - (f) Specialist Surveyor
84. The above advised that the proposal is acceptable subject to conditions.
85. Where appropriate, these conditions are included in the Recommended conditions of consent, shown at Attachment A to the subject report.

External referrals

Ausgrid

86. As outlined under the 'State Environmental Planning Policy (Transport and Infrastructure) 2021' heading above, pursuant to Section 2.48 of the Transport and Infrastructure SEPP, the application was referred to Ausgrid for comment.
87. A response was received raising no objections to the proposed development, subject to several recommended conditions.

Sydney Water

88. As outlined under the 'Sydney Water Act 1994' heading above, pursuant to Section 78 of that Act, the application was referred to Sydney Water for comment.
89. A response was received raising no objections to the proposed development, subject to several recommended conditions.

Transport for NSW

90. As outlined under the 'State Environmental Planning Policy (Transport and Infrastructure) 2021' heading above, pursuant to Section 2.97 of the Transport and Infrastructure SEPP, the application was referred to TfNSW for concurrence.
91. Concurrence was received on 20 May 2026. Conditions of consent were recommended which are included in Attachment A.

Advertising and notification

92. In accordance with the City of Sydney Community Participation Plan 2025, the proposed development was notified for a period of 14 days between 5 May 2026 and 20 May 2026.
93. A total of 85 properties were notified, and no submissions were received by the Council in response to the public exhibition of the application.

Financial contributions

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

94. The Central Sydney Development Contributions Plan 2020 applies to the site. The cost of the development is over \$250,000.
95. The development is therefore subject to a Section 7.12 contribution under this Plan.
96. 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

97. The site is located within the residual lands affordable housing contribution area.
98. As the proposed development involves a change of use of existing floor area from other than residential accommodation to residential accommodation, a contribution is required at a rate of \$11,223.28 multiplied by 3% of the total residential floor area of 588 square metres, totalling \$197,978.66.
99. A condition of consent is recommended requiring payment prior to the issue of a construction certificate.
100. 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.

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 State Environmental Planning Policy (Housing) 2021 identifies that there is a need for affordable housing within each area of the State.

102. 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.

103. Having regard to the provisions of Section 7.32 of the Act, the imposition of an affordable housing contribution is reasonable.

Housing and productivity contribution

104. The development is not subject to a Housing and Productivity Contribution under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2024.
105. While the site is located within the Greater Sydney region, the development is not a type of residential development to which the Housing and Productivity Contribution applies.

Relevant legislation

106. Environmental Planning and Assessment Act, 1979.
107. Roads Act, 1993.
108. Sydney Water Act, 1994

Conclusion

109. The applicant seeks development consent for alterations and additions to change the use to a new 2-storey dwelling at level 5 and 6 of the existing building at 17 Randle Street, Surry Hills.

Works include demolition of the internal fit out of level 5, the roof and roof plant above, alterations and additions and change of use to level 5 and the addition of a new storey with an outdoor terrace and landscaping works above at level 6 to create a new 2-storey dwelling, replacement of existing windows at level 5 with new acoustically treated windows, construction of a new architectural roof feature, and construction of a plant enclosure, concrete wall and acoustic screen along the northern boundary at level 6.

111. The proposal was amended to address Council's concerns relating to safety and security measures related to the intermingling of residential and commercial tenants, balustrade design, glazing specifications, roof details, landscape details, acoustic privacy, waste management and accommodation of existing services. The amended proposal is satisfactory, subject to the recommended conditions.
112. The proposed height of the development exceeds the maximum 27 metre height of buildings development standard by 2.92 metres (or 10.8% of the standard) and the proposed FSR exceeds the maximum 6:1 FSR standard by 173 square metres of GFA (or 9.1% of the standard)
113. Requests to vary the Clause 4.3 'Height of buildings' and Clause 4.4 'Floor space ratio' development standards have been submitted with the application in accordance with Clause 4.6 of the Sydney LEP 2012. The statements demonstrate that compliance with the standards is unreasonable and unnecessary, and that there are sufficient environmental planning grounds to justify contravening the standards.

114. The applicant has submitted a request to waive the requirements in Clause 7.20 and 6.21D of the Sydney LEP 2012 for the preparation of a site-specific development control plan and a competitive design process. This request is supported in the specific circumstances of the proposed development.
115. The proposal is generally consistent with the objectives of the land use zones applicable to the site, and the objectives of the height and FSR development standards, and the proposed departure to building height and density is supported in the particular circumstances of the site and proposed development.
116. The proposal is generally consistent with other applicable planning provisions including the Sydney LEP 2012 and the Sydney DCP 2012. Proposed variations to controls have been assessed as having merit in this case and are addressed in the report. Conditions are recommended to address non-compliances where appropriate.
117. The proposal does not pose any other significant or unreasonable impacts upon the existing or likely future development surrounding the site and exhibits design excellence in accordance with Clause 6.21C of the Sydney LEP 2012.
118. The proposal will provide for a new residential accommodation use within an existing mixed use development, on a site which is highly accessible to existing and planned employment, services, public transport infrastructure and community facilities.

Subject to the recommendation of this report, and the imposition of the conditions in Attachment A, the proposed development responds appropriately to the site constraints and will contribute positively to the existing and desired future character of the locality.

ANDREW THOMAS

Executive Manager Planning and Development

David Reynolds, Area Coordinator

Attachment A

Recommended conditions of consent

CONDITIONS OF CONSENT

SCHEDULE 1

GENERAL CONDITIONS

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application Number D/2026/409 dated 4 May 2026 and the following drawings prepared by SJB Architecture (NSW) Pty. Ltd.:

Drawing Name	Drawing Number	Date
Cover	DA-0000 Revision 4	20.04.2026
Demolition Plans	DA-0257 Revision 4	20.04.2026
Floor Plan - Level 05	DA-1007 Revision 6	11.06.2026
Floor Plan - Level 06	DA-1008 Revision 6	11.06.2026
Floor Plan - Roof	DA-1009 Revision 4	20.04.2026
Elevations - Sheet 1	DA-1401 Revision 6	11.06.2026
Elevations - Sheet 2	DA-1402 Revision 6	11.06.2026
Elevations - Sheet 3	DA-1403 Revision 6	11.06.2026
Sections - Sheet 1	DA-1501 Revision 4	20.04.2026
Material Board	DA-8703 Revision 6	11.06.2026

and the following drawing prepared by Nelson Thomas Pty Ltd:

Drawing Name	Drawing Number	Date
Landscape Plan	DA001 Revision B	5/6/2026

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) SECTION 7.12 CONTRIBUTIONS PAYABLE - CENTRAL SYDNEY - COST SUMMARY REPORT TO BE SUBMITTED AND CONTRIBUTIONS PAID 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 * * Refer to Section 2.3 of the <i>Central Sydney Development Contributions Plan 2020</i> for information on determining the development cost.	Levy
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 any Construction Certificate being issued, the Registered Certifier must be provided with:
 - (i) a copy of Council's Statement of Contributions Owing detailing the contribution amount payable; and
 - (ii) evidence that the levy has been paid in accordance with this condition.
- (b) The applicant must not pay the contribution until it is accompanied by a Statement of Contributions Owing from the City of Sydney Council setting out the amount payable. To obtain this Statement, one of the following must be submitted to the City's Planning Administration team at planningsystemsadmin@cityofsydney.nsw.gov.au:
 - (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 (see report template for definition) and submitted to the City of Sydney together with the Construction Certificate plans. A template 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 *Quantity Surveyor's Detailed Cost Report* must be completed by an AIQS Certified Quantity Surveyor (Australian Institute of Quantity Surveyors) or a RICS Chartered Quantity Surveyor (Royal Institution of Chartered Surveyors). It must be submitted to the City of Sydney together with the Construction Certificate plans. A template of the *Quantity Surveyor's Detailed Cost Report* is available from the City's website at www.cityofsydney.nsw.gov.au.
- (c) The development cost is to be estimated 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.
- (d) The City will consider the documentation submitted under subclause (b) and determine the development cost for contributions purposes having regard to the information submitted and to such other matters as it considers appropriate. The City will issue a Statement of Contributions Owing.
- (e) Payment may be made by EFTPOS (debit 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. Payments by direct bank transfer may be made only in consultation with the City. Direct debit, personal cheques and company cheques will not be accepted.
- (f) Written evidence that the required payment has been made must be verified by the Registered Certifier prior to the issue of a Construction Certificate.
- (g) If the contribution is not paid within three months from the date of issue of the Statement of Contributions Owing, then the applicant must provide the City with a revised Cost Summary Report / Quantity Surveyor's Detailed Cost Report (as applicable). The City will then issue the applicant with a revised Statement of Contributions Owing. Alternatively, and at the City's discretion, the City may use the Australian Bureau of Statistics Consumer Price Index (Sydney - All Groups) to adjust the contributions payable from the date the original Statement of Contributions was issued to the date a revised Statement of Contributions is issued.

Reason

To ensure Section 7.12 development contributions are paid to assist in funding local infrastructure in Central Sydney.

(3) 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 any 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 \$197,978.66 (indexed at 1 March 2026). This is calculated by establishing the sum of the equivalent monetary contribution \$11,223.28 multiplied by 3% of the total floor area for residential development (588 square metres).
- (c) If the contribution is paid after the indexation period in which the consent is granted, being 1 March 2026 to 28 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
 - (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 1 March 2026 to 28 February 2027.

Contact Council's Planning Assessment Unit for written confirmation of the amount payable, with indexation as necessary, prior to payment at:

planningsystemsadmin@cityofsydney.nsw.gov.au

Reason

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

(4) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 54.39 (AHD) to the top of the roof of the building.
- (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.

(5) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 6.54:1 calculated in accordance with the Sydney Local Environmental Plan 2012. For the purpose of the calculation of Floor Space Ratio, the Gross Floor Area of the approved development is 2,073 square metres.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total Gross Floor Area 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.

(6) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The acoustic glazing at level 5 must match the appearance of the existing glazing to ensure the uniformity of the existing facade.
- (b) The louvres required to the Randle Street facade in the document titled 'Design Memo', numbered EN-N26_002, revision number 01, dated 10 June 2026, and prepared by Integrated Group Services, must be depicted on the elevation. They must be designed in such a way as to minimise their visual impact on the existing facade 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 any Construction Certificate.

Reason

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

(7) APPROVED DESIGN ROOFTOP PLANT

All roof-top plant and associated equipment must be located within the approved building envelope.

Reason

To ensure the constructed development complies with the approved height.

(8) REPAIRS AND WORKS FOR MAKING GOOD

All new repairs and works for making good of existing building fabric are to be carried out on a like for like basis and match the existing in terms of materials, colours, finishes, sizes, profile and properties.

Reason

To ensure repairs and works for making good are appropriate.

(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 outdoor terraces of the building.

Reason

To clarify the scope of the consent.

(11) NO OBSTRUCTIONS

All public footways and paths of travel must be free from obstructions. If services are required to be relocated to clear paths of travel, then this must be undertaken at the developer's expense. All obstructions are to be removed prior to the issue of any type of Occupation Certificate.

Reason

To ensure there are no obstructions on public footways and paths of travel.

(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) 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.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

(14) SURRENDER OF CONSENT

In accordance with Section 4.17(1)(b) and Section 4.17(5) of the *Environmental Planning and Assessment Act, 1979*, a notice of surrender of the following development consent must be provided to Council in writing by the owner of the land in accordance with Section 67 of the *Environmental Planning and Assessment Regulation, 2021*, prior to the issue of any Construction Certificate:

- (a) Development consent DU/2003/76, as modified by DU/2003/76/A, DU/2003/76/B, DU/2003/76/D and DU/2003/76/E.

Reason

To ensure that a previous development consent is surrendered in accordance with legislation.

(15) BASIX CERTIFICATE – DETAILS TO BE LODGED WITH A CONSTRUCTION CERTIFICATE

A copy of the required completed BASIX certificate accepted as part of this Development Consent with respect to the proposed residential building works, must be lodged with an application for any Construction Certificate and the items nominated as part of the subject BASIX certificate 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 the EP&A Regulation, 2021.

Reason

To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate, which is a prescribed condition under Clause 75 of the EP&A Regulation, 2021.

(16) 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.

(17) STRUCTURAL CERTIFICATION FOR DESIGN – BUILDING CODE OF AUSTRALIA (ALL BUILDING CLASSES)

Prior to the issue of any Construction Certificate, structural details and a structural certificate for design by a qualified practising structural engineer and in accordance with Clause A5G3(1)(e) of the *Building Code of Australia* must be submitted to the satisfaction of the Registered Certifier.

Reason

To ensure structural certification is undertaken.

(18) STRUCTURAL CERTIFICATION FOR EXISTING BUILDING – ALTERATIONS AND ADDITIONS

A qualified practising registered structural engineer must provide structural certification to the Registered Certifier verifying that the existing structure can adequately support the proposed new loads and the structural design complies with the Structural Provisions of the *Building Code of Australia* prior to any Construction Certificate being issued. The proposed additional loads and/or alterations must not cause a decrease in the existing structural performance of the building including its performance under earthquake actions (AS1170.4).

Reason

To ensure the existing structure can support the new loads.

(19) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

- (a) A Construction Traffic Management Plan (CTMP) must be submitted to and approved by Council's Area Planning Manager or Area Coordinator, Planning Assessments, prior to any Construction Certificate being issued.
- (b) The CTMP must be prepared in accordance with the requirements at:

<https://www.cityofsydney.nsw.gov.au/construction-permits-approvals/prepare-construction-traffic-management-plan>
- (c) The approved CTMP must be complied with during any demolition and/or construction work.

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

Reason

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

(20) DILAPIDATION REPORT

Subject to the receipt of permission of the affected landowner, dilapidation report/s of adjoining strata lots and buildings are to be prepared by an appropriately qualified practising structural engineer and submitted for the approval of the Registered Certifier prior to the issue of a construction certification.

Reason

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

(21) MATERIALS AND SAMPLES BOARD

A physical material sample board which specifies all proposed materials, finishes and colours, (including glazing samples with glass specifications VLT, U-Value, shading co-efficient etc., and visible rainwater goods and services) keyed to each building elevation must be submitted to and approved by Council's Area Coordinator, Planning Assessments, or Area Planning Manager prior to any Construction Certificate being issued.

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

Reason

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

(22) GREEN ROOFS

- (a) The following documentation, by a qualified landscape architect or landscape designer 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.
 - (i) a statement or drawing showing how the green roof will be safely accessed for regular maintenance requirements, e.g. safety systems, and if this will be done by the resident or a contractor
 - (ii) details of soil types and depth including any mounding. The minimum soil depths for planting on structure must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layer
 - (iii) engineers report confirming structural capacity of building for proposed roof terrace loads
 - (iv) list of proposed plant species, including supply size

- (b) Prior to the issue of an Occupation Certificate, structural and waterproofing certifications for the green roof are to be submitted to and approved by the Principal Certifying Authority.
- (c) All landscaping in the approved plan must be complete prior to the issue of an Occupation Certificate.

Reason

To ensure that the inaccessible green roof is designed to accommodate suitable landscaping and to ensure that adequate maintenance procedures are put in place.

(23) REFLECTIVITY

Prior to issue of the Construction Certificate the Registered Certifier must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20%.

Reason

To ensure the development does not result in adverse reflectivity impacts and to protect the amenity of the public domain.

(24) CONTROL OF LIGHT INTO THE ENVIRONMENT

Lighting installed in the open and/or public spaces must comply with AS1158 series-lighting for roads and public spaces. The design and placement must be so that lighting does not create a nuisance or negatively affect the amenity of the surrounding neighbourhood, for that purpose lighting must comply with AS/NZS 4828.

Reason

To ensure external illumination is designed in accordance with the Australian Standards.

(25) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia.

If, in complying with this condition, amendments to the development are required, the design changes must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued.

Reason

To ensure that appropriate access and facilities are provided.

(26) LETTERBOXES

- (a) Details of the location and design of any letterbox(es) 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.
- (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.

(27) APPROVED ACOUSTIC REPORT

The report prepared by Pulse White Noise Acoustics Pty. Ltd. dated 26 May 2026, reference 260060 r3, and titled '17 Randle Street, Surry Hills Noise & Vibration Impact Assessment' 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.

(28) 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.

(29) STORMWATER AND DRAINAGE

The drainage system is to be constructed in accordance with the City's standard requirements as detailed in the City of Sydney's Stormwater Drainage Manual. The development is to be designed so that the flow of pollutants from the site due to stormwater is reduced.

Reason

To ensure the drainage system is constructed in accordance with Council's requirements.

(30) FLOOR TO CEILING HEIGHT

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

Reason

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

(31) SEPARATE APPLICATION REQUIRED FOR CONSTRUCTION RELATED TEMPORARY STRUCTURES PLACED ON AND/OR ABOVE ROADS

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 prior to the installation of construction related temporary structures on and/or above roads.

The application form titled 'Application for Construction related Temporary Structures and the Code of Practice: Construction related Temporary Structures On and Above Roads' are available on the City's website.

Reason

To satisfy mandatory obligations under the *Roads Act, 1993* and *Local Government Act, 1993*.

(32) DESIGN MODIFICATIONS – IF REQUIRED

Should any minor design changes be required as part of any ongoing further detailed design of the temporary structures, these changes must be approved by Council prior to a Construction Certificate being issued. These changes will only be accepted in circumstances where the hoarding design will not cause any greater impact on the amenity and/or safety of adjoining building occupants and the public.

Note: the issuing of a separate temporary structure permit which approves the final design and ultimately permits the installation of a temporary structure on the road reserve can be taken as confirmation that the minor design changes have been considered and accepted by Council in respect to this condition.

Reason

To ensure the final detailed design drawings of a temporary structure located on public land are considered and approved by Council prior to installation.

(33) DETAILED DRAWINGS FOR CONSTRUCTION RELATED TEMPORARY STRUCTURES

Detailed drawings of temporary structures proposed for placement on and/or above roads (including structural design details) in accordance with the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' must be submitted to and approved by Council as part of the separate *Local Government Act, 1993* and *Roads Act, 1993* application.

Reason

To ensure the final detailed design drawings of a construction related temporary structure located on and/or above roads are considered and approved by Council prior to installation.

(34) INSTALLATION OF ARTWORK AND IMAGES ON SCAFFOLDING (DEMOLITION / CONSTRUCTION WRAPS)

- (a) Where scaffolding is to be installed to undertake the proposed development an approved artwork / historic image installation must be provided on the scaffolding system to screen the development from the public place, minimise adverse visual impacts on the locality, add visual interest and public art in the streetscape.
- (b) The installation must be printed, installed and maintained in accordance with the City's Code of Practice: Construction related Temporary Structures On and Above Roads. Details of the proposed installation must be submitted to and approved by Council prior to the issue of any Construction Certificate or work commencing.

Note: Refer to Table 1 and Clause 6.1.8 in Part 06 of the City's Code of Practice for further information and requirements.

Reason

To minimise adverse visual impacts on the locality.

(35) WASTE AND RECYCLING MANAGEMENT – RESIDENTIAL

The Operational Waste Management Plan dated June 2026 accompanying the Development Application has been approved by this consent responsive to architectural drawings referred to in condition (1) of this development consent.

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

Reason

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

(36) WASTE INFRASTRUCTURE – RESIDENTIAL

Prior to the issue of a 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 responsive to Council's controls, policies, and guidelines, including but not limited to:

- (a) Waste and recycling stream(s) storage area(s) to be designed and constructed in accordance with Reference D of *Council's Guidelines for Waste Management in New Developments*. Floors to be waterproofed across all intersections that extend a minimum 1200mm high on the walls.

Reason

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

BEFORE BUILDING WORK COMMENCES

(37) OPERATING HOISTING DEVICES OVER A PUBLIC ROAD

If it is proposed to install a operate a hoisting device above a road (typically footways) including swinging, hoisting material/equipment and slewing any part of the device, 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 prior to the installation of such devices.

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

Reason

To ensure appropriate approvals are sought for operating hoisting devices.

(38) APPLICATION FOR HOARDINGS AND SCAFFOLDING INSTALLED ON AND/OR ABOVE A PUBLIC ROAD AND OPERATING HOISTING DEVICES OVER A PUBLIC ROAD

- (a) Where a hoarding and/or scaffolding (temporary structures) are proposed to be installed on or above a road reservation (footway and/or roadway), 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 for such structures.
- (b) Where an approval (Permit) is granted allowing the placement of construction related temporary structures (hoardings/scaffolding) on and/or above a public road the structures must comply fully with Council's Code of Practice: Construction related Temporary Structures On and Above Roads; and the conditions of approval (Permit) granted including:
 - (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
 - (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.8);
 - (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.12.2);
 - (iv) maintaining temporary structures and the public space adjoining the worksite in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.12.2, 2.12.1(d), 3.8.17(c), and 3.10.2(g));
 - (v) maintaining a watertight deck (Type-B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.5.2(h) and 3.11.3);
 - (vi) approved site sheds and equipment on the decks of a Type-B hoarding being fully screened from the public place (Clause 3.5.2(c));

- (vii) material and equipment not being placed or stored on the deck of Type-B hoardings, unless specifically approved by Council (Clause 3.15.5(a));
- (viii) providing and maintaining operational artificial lighting systems under Type-B hoardings including at high-bay truck entry points (Clause 3.16); and
- (ix) ensuring all required signage, artwork or historic images are provided and fully maintained to the City's requirements (Part 06).

If it is proposed to operate a hoisting device above a public road which swings, hoists material/equipment and/or slews/wind vanes any part of the device over the public road, a separate application under Section 68 of the *Local Government Act, 1993* and Sections 138/139 of the *Roads Act, 1993* must be made to Council to obtain approval.

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

Reason

To ensure the necessary approval is obtained for construction related temporary structures and hoisting activities over a public road.

(39) OTHER REQUIRED APPROVALS

Any structure, attachment or activity which is proposed to be undertaken in, on or above a road reserve or the public domain (including a public footway) must have separate approval(s) obtainable through the lodgement of an application under Section 68 of the *Local Government Act, 1993* and/or Section 138/139 of the *Roads Act, 1993* prior to the commencement of work/activities within the road reserve/public domain. Such activities include but not limited to:

- (a) installation of construction-related temporary structures including hoardings/scaffolding which must comply with the Code of Practice; Construction related Temporary Structures On and Above Roads;
- (b) installation and/or alterations to advertising/business signs;
- (c) installation and/or alterations to street awnings;
- (d) crane operation and hoisting activities over roads and which must comply with the Code of Practice: Hoisting and Construction Activities On and Above Roads;
- (e) temporary works (e.g. barricading, road openings, mobile hoisting devices) which must comply with Code of Practice: Hoisting and Construction Activities On and Above Roads;
- (f) works zones (for loading and unloading from the roadway); and
- (g) temporary ground-anchoring and shoring to support a roadway when excavating; and

- (h) any other structure or encroachment including facade elements/architectural features.

Reason

To ensure use of a public place is managed appropriately.

DURING BUILDING WORK

(40) 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
- (iii) site activities and time frames.

Reason

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

(41) COMPLIANCE WITH NATIONAL CONSTRUCTION CODE

All proposed work must comply with the *National Construction Code (previously known as Building Code of Australia)*.

Reason

Prescribed condition under clause 69 of the EP&A Regulation 2021.

(42) HOURS OF WORK AND NOISE

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

- (a) All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools etc.) in connection with the proposed development must only be carried out between the hours of 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm on Saturdays, 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.

(43) LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS

Lighting of the site while any work is undertaken outside of Council's standard hours of construction must ensure that at no time must the intensity, hours of illumination or location of the lighting cause objectionable glare or injury to the amenity of the neighbourhood or Obtrusive Light in accordance with the definition in Australian Standard AS4282-2023 *Control of the obtrusive effects of outdoor lighting*. If in the opinion of Council, injury is likely to be caused, the intensity, hours of illumination and location of the lighting must be varied so that it does not cause injury to nearby residents.

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 surrounding area.

(44) 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 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 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 under Clause 70 of the EP&A Regulation 2021.

(45) NOTIFICATION OF EXCAVATION WORKS OR USE OF HIGH NOISE EMISSION APPLIANCES/PLANT

The immediately adjoining neighbours must be given a minimum of 48 hours notice that use of high noise emission appliances / plant are about to commence.

Reason

To protect the amenity of the surrounding area.

(46) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT

- (a) The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of 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* is restricted to the hours of 9.00am to 5.00pm, Monday to Friday inclusive.
- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies 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*.

Reason

To protect the amenity of the surrounding area.

(47) COVERING OF LOADS

All vehicles involved in the 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.

(48) VEHICLE CLEANSING

Prior to the commencement of work, suitable measures are to be implemented to ensure that demolition materials, or other materials, are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

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 sediment is not tracked onto the roadway.

(49) 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.

(50) 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.

(51) 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*.

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

Reason

To ensure mobile cranes are used appropriately.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

(52) BASIX

All commitments listed in each relevant BASIX Certificate for the development must be fulfilled prior to any Occupation Certificate being issued.

Reason

To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate, which is a prescribed condition under clause 75 of the EP&A Regulation 2021.

(53) 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:

<https://www.cityofsydney.nsw.gov.au/design-codes-technical-specifications/requirements-scale-models>

- (ii) 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, 1979*) that affect the external appearance of the building.

Reason

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

(54) 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:
<https://www.cityofsydney.nsw.gov.au/design-codes-technical-specifications/requirements-scale-models>
- (d) 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.

(55) CONSTRUCTION AND INSTALLATION OF VENTILATION SYSTEM

Prior to the issue of an Occupation Certificate, confirmation that the mechanical exhaust system has been constructed and installed in accordance with the approved plans must be prepared by a suitably qualified person and submitted to the Certifier.

Reason

To ensure the premises is added to Council's database to allow for appropriate inspections.

(56) 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 acoustic Construction Certificate(s), the approved acoustic report, 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.

(57) 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 Sydney Development Control Plan 212, and the conditions of this development consent.
- (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 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 drawings 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.

(58) STRATA PLAN TO BE SUBMITTED

Prior to the issue of any Occupation Certificate, a Strata Subdivision of Lot 3 and common property in SP 71953 shall be registered at NSWLRS. The registered strata plan shall be provided to the Council and PCA prior to the issue of any Occupation Certificate.

Reason

To ensure the site is authorised for occupation and common property amended.

OCCUPATION AND ONGOING USE

(59) 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.

(60) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

Reason

To protect neighbouring properties.

(61) 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.

(62) 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.

(63) 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.

(64) SCHEDULED COLLECTIONS – SINGLE UNIT DWELLINGS

Residential waste storage and collection arrangements must be conducted in accordance with the City's Local Approvals Policy *Managing Waste in Public Spaces* which requires waste bins to be stored on site at all times and only presented on the street during scheduled collection times. Bins must be placed in a single row along kerbside on Randle Street prior to collection.

Reason

To support the safe and efficient scheduled residential waste collection service and minimise the impacts on public amenity and safety.

STRATA SUBDIVISION

BEFORE ISSUE OF A STRATA CERTIFICATE

(65) STRATA SUBDIVISION – APPROVAL OF STRATA PLAN REQUIRED

A separate application must be made to Council or a 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.

(66) OWNERS CORPORATION CERTIFICATION

- (a) Prior to the issue of a Strata Certificate, and in accordance with the provisions of Section 54 and 55 or 58 and 59 of the Strata Schemes Development Act 2015, the Strata Plan Administration Sheet is to show, or be accompanied by, appropriate certification that the Owners Corporation has consented to the subject subdivision.
- (b) The final Strata Plan Administration sheets must contain endorsed Approved Form 10, Approved Form 11 and Approved Form 12, where applicable.

Reason

To ensure that the Owners Corporation has consented to the subject subdivision of common property.

(67) ADDITIONAL EASEMENTS

Any additional 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

To ensure the orderly operation of the strata scheme.

(68) USE OF COMMON AREAS AND FACILITIES

Any common areas or common facilities must be available for the use all occupants 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 strata scheme are maintained as common property.

(69) HEIGHT LIMITATIONS

Appropriate height limitations are to be nominated on the final Plan of Strata Subdivision for those parts of lots in the Strata Plan that are not roofed or covered. The rooftop lot is not to be unlimited in height.

Reason

To ensure the orderly establishment of the strata scheme.

(70) 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*.

(71) RESTRICTION ON THE USE OF LAND - RESIDENTIAL DEVELOPMENT

A restriction on the use of land must be created pursuant to Section 88B of the Conveyancing Act, 1919 with the strata plan, in the following terms burdening the residential strata lots and to the satisfaction of Council:

- (a) The residential apartment lots (Levels 5 & 6) 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 the like, other than in accordance with the *Sydney Local Environmental Plan 2012*.
- (b) No change of use of those strata lots from "residential" as defined in *Sydney Local Environmental Plan 2012* is permissible. The restriction is to be registered on title prior to any Strata Certificate being issued or the use commencing, whichever is earlier.
- (c) If a unit 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 or share accommodation.

Reason

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

SCHEDULE 2

PRESCRIBED CONDITIONS

The applicant must comply with all relevant conditions contained in Part 4, Division 2, Subdivision 1 of the *Environmental Planning and Assessment Regulation, 2021* which apply to the development:

Refer to the NSW State legislation for full text of the clauses under Part 4, Division 2, Subdivision 1 of the *Environmental Planning and Assessment Regulation, 2021*. This can be accessed at: <http://www.legislation.nsw.gov.au>.

SCHEDULE 3

AUSGRID CONDITIONS

The conditions of consent relating to Section 2.48 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, as advised by Ausgrid, are as follows:

Ausgrid Underground Cables are in the vicinity of the development.

Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.

It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Before You Dig Australia (BYDA)

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

SafeWork Australia – Excavation Code of Practice.

Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.

The following points should also be taken into consideration.

Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Should ground levels change above Ausgrid's underground cables in areas such as footpaths and driveways, Ausgrid must be notified, and written approval provided prior to the works commencing.

Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

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.

New or modified connection

To apply to connect or modify a connection for a residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; <https://www.ausgrid.com.au/Connections/Get-connected>

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by

visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

Should you require further information please contact Ausgrid via email to Development@ausgrid.com.au

SCHEDULE 4

TRANSPORT FOR NEW SOUTH WALES CONDITIONS

The conditions of consent relating to Section 2.98 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, as advised by Transport for New South Wales, are as follows:

Protection of Sydney Light Rail Infrastructure and Operation

General

- The applicant must comply with all Altrac Light Rail Partnership (Altrac) or any subsequent operator of Sydney Light Rail (Sydney Light Rail Operator) policies, rules and procedures when working in and about the Sydney Light Rail corridor;
- The applicant must comply with the requirements of ASA standards T HR CI 12090 ST Airspace and External Developments version 1.0 and Development Near Rail Corridors and Busy Roads- Interim Guidelines;
- The applicant shall submit a Work Access Permit to the Sydney Light Rail operator for approval for any works that will require access to the SLR Corridor, closedown or possession of the Light Rail Corridor. The Work Access Permit will need to be applied for all proposed works at least 10 working days prior to the commencement of works by following the link <https://www.transdevsydney.com.au/workaccesspermits/>
- The Applicant shall submit a Road Occupancy Licence (ROL) application to the Transport Management Centre (TMC) for its approval when the applicant is planning to occupy space on Chalmers Street and Randle Street that affects traffic and transport operation along Chalmers Street and Randle Street. An ROL will need to be applied for all proposed works at least 10 working days prior to the commencement of works by following the link <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.
- The applicant shall provide safe and unimpeded access for Sydney Light Rail patrons traversing to and from the Sydney Light Rail stops at all times;

Prior to the Issue of the Construction Certificate

Review and Endorsement of Documents

Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier, the following documentation shall be provided for the review and endorsement of TfNSW:

- Details of craneage including Craneage Swing (Radius) Plans and Craneage Collapse Plans;
- Demolition plans; and
- Construction methodology and construction program.

Pre-construction Work Dilapidation Report

A pre-construction work Dilapidation Report of the Sydney Light Rail and its assets shall be prepared by a qualified structural engineer. The dilapidation survey shall be undertaken via a joint site inspection by the representatives of the Sydney Light Rail Operator, TfNSW and the applicant. These dilapidation surveys will establish the extent of existing damage and enable any deterioration during construction to be observed.

Acoustic Assessment

Prior to the issue of the relevant Construction Certificate, the final acoustic assessment is to be submitted to PCA demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". All recommendations of the acoustic assessment are to be incorporated in the construction documentation.

Reflectivity Report

Prior to the issue of the relevant Construction Certificate, the applicant shall design lighting, signs and surfaces with reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor limiting glare and reflectivity to the satisfaction of Altrac, TfNSW and the Sydney Light Rail Operator.

Balconies and Windows

Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (e.g., roof terraces and external fire escapes) that are within 20 metres of, and face, the light rail corridor, the development must have mitigation measures (e.g., awning windows, louvres, enclosed balconies, window restrictors etc) installed to prevent throwing of objects onto the rail corridor or as otherwise agreed by TfNSW as per Technical Direction TD 00015:2023. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from TfNSW confirming that this condition has been satisfied.

Insurance Requirements

Prior to the issue of the relevant Construction Certificate, the applicant must hold current public liability insurance cover for a sum acceptable to TfNSW. TfNSW's standard public liability insurance requirement for this type of development adjacent to a rail corridor is minimum of \$250M. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The applicant is to contact TfNSW to obtain the level of insurance required for this particular proposal. Prior to issuing the relevant Construction Certificate the PCA must witness written proof of this insurance in conjunction with TfNSW's written advice to the applicant on the level of insurance required.

Works Deed / Agreements

Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier, if required by TfNSW, Works Deed (s) between the applicant, TfNSW and/or Altrac and the Sydney Light Rail Operator must be agreed and executed by the parties. These agreements may deal with matters including, but not limited to, the following:

- Sydney Light Rail Operational requirements;

- Sydney Light Rail access requirements;
- Altrac and Sydney Light Rail Operator policies, rules and procedures compliance requirements;
- Indemnities and releases;
- Security of costs;
- Insurance requirements and conditions;
- TfNSW, Altrac and the Sydney Light Rail Operator's recovery of costs from the applicant for costs incurred by these parties in relation to the development (e.g. review of designs and reports, legal, shutdown /power outages costs including alternative transport, customer communications, loss of revenue etc) risk assessments and configuration change processes;
- Interface coordination between the Sydney Light Rail Operator and the subject development construction works, including safety interface;
 - Interface Assess Deed Poll and Safety Interface Agreement between the applicant and the Sydney Light Rail Operator must be agreed and executed by the parties. This agreement may deal with matters including, but not limited to, the following:
 - Pre and post construction dilapidation reports;
 - The need for track possessions;
 - Review of the machinery to be used during excavation/ground penetration / construction works;
 - The need for track monitoring;
 - Design and installation of lights, signs and reflective material;
 - Endorsement of Risk Assessment/Management Plan and Safe Work Method Statements SWMS);
 - Endorsement of plans regarding proposed craneage and other aerial operations;
 - Erection of scaffolding/hoarding;
 - Light Rail Operator's rules and procedures; and
 - Alteration of rail assets such as the OHW along of track and associated hoarding demarcation system, if undertaken by the applicant.
- Altrac and the Sydney Light Rail Operator's reviews and impact assessment of the applicant's proposal, engineering design and construction works methodology on Sydney Light Rail Operations and assets;

- Attendance and participation in the construction works risk assessment of construction activities to be performed in, above, about, and/or below the Sydney Light Rail Corridor;
- Arrangements for shutdowns and Sydney Light Rail restricted operations related costs attributed to the applicant; and
- Sydney Light Rail site works access approval and access permit to work.

Construction Pedestrian and Traffic Management

Prior to the issue of any construction certificate, the applicant shall prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with TfNSW and submit a copy of the final plan to TfNSW for endorsement via development.CTMP.CJP@transport.nsw.gov.au. The CPTMP needs to specify matters including, but not limited to, the following:

Site information and building construction plan

- A description of the development;
- Proposed Construction program and construction methodology;
- Construction hours;
- A detailed plan of any proposed hoarding and/or scaffolding;
- Details of crane arrangements including location of any crane(s);
- Location(s) where it is proposed to park construction vehicle;
- Location of any proposed work zone(s);

Access and movement

- Pedestrian, cyclists and traffic management measures;
- Haulage routes;
- Material handling plan;
- Predicted number of construction vehicle movements and detail of vehicle types;

Impacts

- Identify any potential impacts to general traffic, cyclists, pedestrians and light rail and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
- Cumulative construction impacts of projects. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the surrounding road network;

Mitigation

- Measures to minimise movement delays. i.e. Vehicle movements are to be minimised during peak network demand periods;
- Details of specific measures to ensure the arrival of construction vehicles to the site do not cause additional queuing on public roads;
- Proposed mitigation measures. Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP;
- Measures to avoid construction worker vehicle movements;

Ongoing activities

- Details of the monitoring regime for maintaining the simultaneous operation of buses, light rail and construction vehicles on roads surrounding the site;
- Consultation strategy for liaison with surrounding stakeholders, including other developments under construction; and
- Provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and the Transport Management Centre and Transport for NSW (via development.CTMP.CJP@transport.nsw.gov.au) to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access during construction in real time. The applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.

During Construction

- Construction vehicles shall not be stopped or parked adjacent to the site on Randle Street and Chalmers Street at any time without prior approval of TfNSW;
- Access to 30-38 Chalmers Street shall not be restricted without prior written approval from TfNSW, as this access is required to facilitate Light Rail maintenance activities;
- Safe Work Method Statement describes the specific hazards identified for the high risk construction work to be undertaken and the control measures shall be in place so the work is carried out safely including machinery to be used/operated especially tower cranes/mobile cranes with associated safety measures to be taken;
- No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment unless a physical barrier such as a hoarding or structure provides separation;
- During all stages of the development extreme care shall be taken to prevent any form of pollution entering the light rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the applicant;

- Rainwater from the roof must not be projected and/or falling into the rail corridor/assets and must be piped down the face of the building which faces the rail corridor. Given the site's location next to the rail property, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from TfNSW and the Sydney Light Rail Operator (or the delegated authority); and
- No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from the Sydney Light Rail Operator and TfNSW and a physical barrier such as a hoarding or structure provides separation. To obtain approval the applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.

Prior to the Issue of the Occupation Certificate

Post - construction Dilapidation Report

Prior to the Issue of the Occupation Certificate, a post-construction dilapidation survey shall be undertaken via a joint inspection with representatives from TfNSW, Altrac, the Sydney Light Rail Operator and the applicant. The dilapidation survey will be undertaken on the rail infrastructure and property in the vicinity of the project. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report to TfNSW and the Sydney Light Rail Operator will be required unless otherwise notified by TfNSW. The applicant needs to undertake rectification of any damage to the satisfaction of TfNSW and the Sydney Light Rail Operator and if applicable the local council.

Reflectivity Report

Prior to the Issue of the Occupation Certificate, the applicant shall demonstrate that lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor were installed limiting glare and reflectivity to the satisfaction of TfNSW, Altrac and the Sydney Light Rail Operator.

SCHEDULE 5

SYDNEY WATER CONDITIONS

The conditions of consent relating to Section 71 of the *Sydney Water Act, 1994*, as advised by Sydney Water, are as follows:

Prior to the issue of an Occupation/Subdivision Certificate:

Section 73 Compliance Certificate

A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Our assessment will determine the availability of water and wastewater services, which may require extensions, adjustments, or connections to our mains. The compliance certificate also identifies any applicable Infrastructure Contribution charges. Make an early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained before an Occupation or Subdivision Certificate will be issued.

Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to the Sydney Water website or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

Prior to the issue of a Construction Certificate/Complying Development Certificate:

Building Plan Approval (including Tree Planting Guidelines)

The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to [Sydney Water Tap in®](#) to apply.

Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

Tree Planting

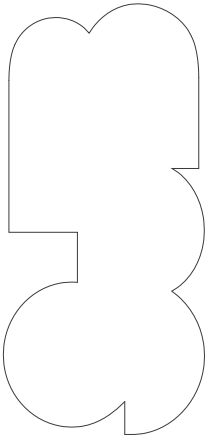
Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.

For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.

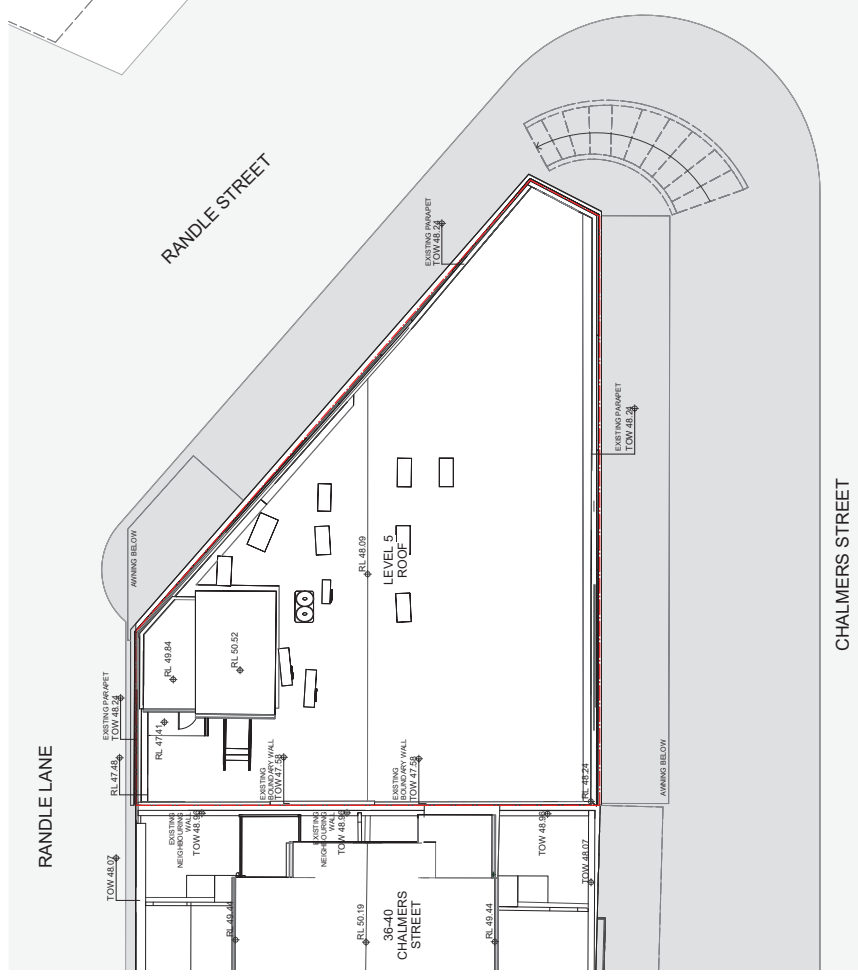
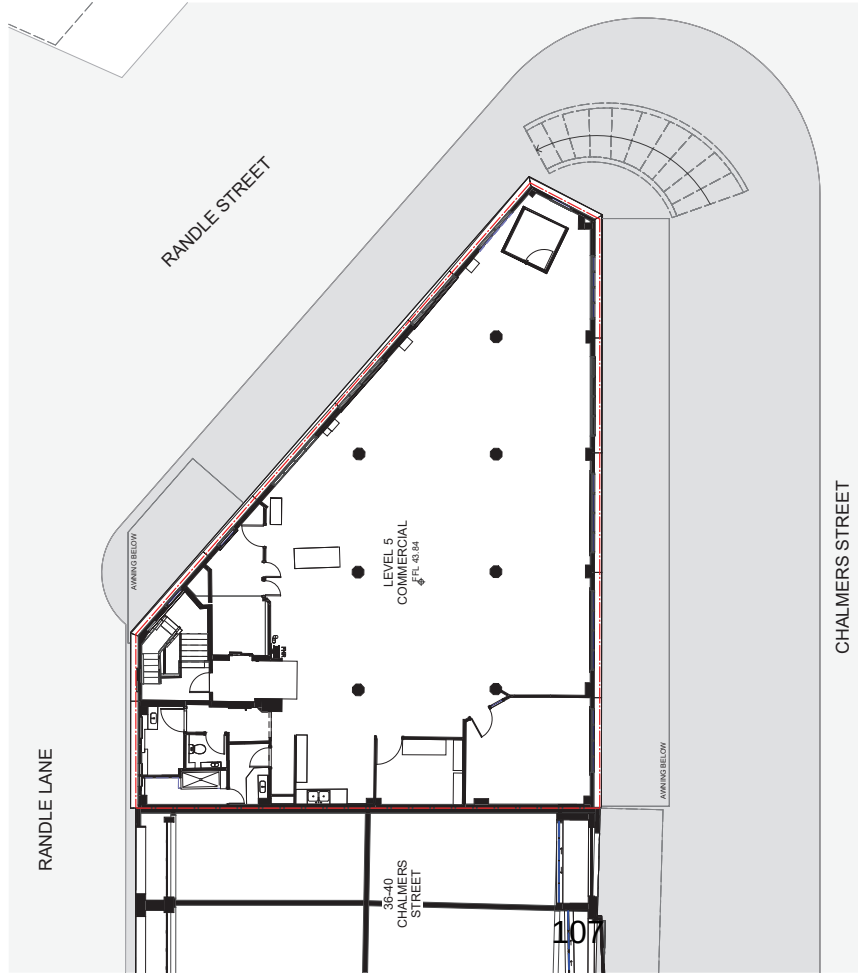
For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant trees near our assets, see Diagram 5 – Planting Trees within Sydney Water's [Technical guidelines – Building over and adjacent to pipe assets](#).

Attachment B

Selected Drawings

[illegible]

Architectural Drawing list		
Sheet Number	Sheet Name	Current Revision
DA-0001	COVER	4
DA-0002	SITE PLAN	4
DA-0003	EXISTING PLANS	4
DA-0004	DEMOLITION PLANS	4
DA-0005	SECTION PLANS - SHEET 1	4
DA-0006	SECTION PLANS - SHEET 2	4
DA-0007	3D OVERALL AXONOMETRIC - SHEET 1	4
DA-0008	FLOOR PLAN - LEVEL 00	4
DA-0009	FLOOR PLAN - LEVEL 01	4
DA-0010	FLOOR PLAN - LEVEL 02	4
DA-0011	FLOOR PLAN - ROOF	4
DA-0012	ELEVATIONS - SHEET 1	4
DA-0013	ELEVATIONS - SHEET 2	4
DA-0014	ELEVATIONS - SHEET 3	4
DA-0015	SECTIONS - SHEET 1	4
DA-0016	SECTIONS - SHEET 2	4
DA-0017	COMPLIANCE DRAWINGS - SOLAR & CROSS VENT	4
DA-0018	COMPLIANCE DRAWINGS - SHADOW DIAGRAMS -	4
DA-0019	COMPLIANCE DRAWINGS - SHADOW DIAGRAMS -	4
DA-0020	COMPLIANCE DRAWINGS - EYE OF THE SUN	4
DA-0021	COMPLIANCE DRAWINGS - EYE OF THE SUN	4
DA-0022	COMPLIANCE DRAWINGS - HEIGHT PLANE	4
DA-0023	COMPLIANCE DRAWINGS - HEIGHT PLANE	4
DA-0024	COMPLIANCE DRAWINGS - HEIGHT PLANE	4
DA-0025	AREA PLANS - GFA	4
DA-0026	PHOTOMONTAGE - CHAMBERS STREET	4
DA-0027	PHOTOMONTAGE - MANDELA STREET	4
DA-0028	MATERIAL ELEVATIONS	4
DA-0029	MATERIAL ELEVATIONS	4
DA-0030	MATERIAL ELEVATIONS	4
DA-0031	MATERIAL ELEVATIONS	4
DA-0032	MATERIAL ELEVATIONS	4
DA-0033	MATERIAL ELEVATIONS	4
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DA-0097	MATERIAL ELEVATIONS	4
DA-0098	MATERIAL ELEVATIONS	4
DA-0099	MATERIAL ELEVATIONS	4
DA-0100	MATERIAL ELEVATIONS	4



1 EXISTING - LEVEL 5
SCALE 1 : 100

2 EXISTING - ROOF
SCALE 1 : 100

In accordance with this document, the recipient agrees that: S.B. Architects (NSW) Pty. Ltd. ACHN 01 194 731 TA S.B. Architects, retain all common law, statutory law and other rights including copyright and intellectual property rights. The recipient agrees not to use this document for any purpose other than its intended use, to waive all claims against S.B. Architects resulting from unauthorised changes, or to release the document or other projects without the prior written consent of S.B. Architects. No information may be used in this document be deemed as an offer, or any other form of financial advice for any purpose. The full disclaimer and warranty clauses are prior to any work commenced, but used for illustrative only. Do not send drawings.

FOR APPROVAL

[illegible]

NOTE: MINOR CHANGES TO FORM AND CONFIGURATION MAY BE REQUIRED WHEN DRAWINGS ARE SUBSEQUENTLY PREPARED FOR CONSTRUCTION PURPOSES AFTER THE GRANT OF DEVELOPMENT CONSENT.

Client

Client

~~X~~COMMERCIAL

Project
AYU'S PENTHOUSE
17 RANDLE STREET, SURRY HILLS, 2010, NSW

Drawing Name _____

EXISTING PLANS

Date	Scale	Sheet Size
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Drawing No.	Revision	
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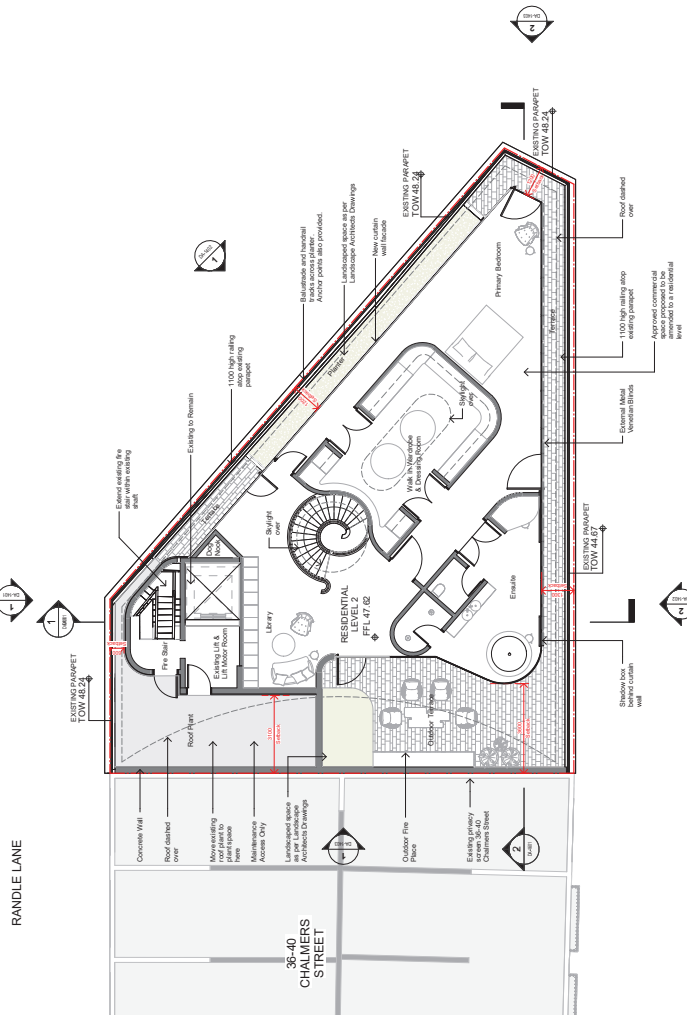
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Date	Scale	Sheet Size
11.06.2026	1 : 100	A1
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Project
AYUS PENTHOUSE
17 RANDE STREET, SURRY HILLS, 2010, NSW

Client
XCOMMERCIAL

Design Name
FLOOR PLAN - LEVEL 06

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Rev	Date	Revision	By	CN
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2	08.03.2025	FOR INFORMATION ONLY	BD	GS
3	08.03.2025	FOR INFORMATION ONLY	BD	GS
4	08.03.2025	FOR INFORMATION ONLY	BD	GS
5	11.02.2025	FOR INFORMATION ONLY	BD	GS

1:100 @ A1

0 1 2 3m

North Arrow

Normalised Architects Adam Tiddie P188 | John Pridie P204

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Drawn	CHK	Job No.
BD	GS	7166
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DA-1401		/ 6

Project
AYUS PENTHOUSE
17 RANDLE STREET, SURRY HILLS, 2010, NSW

Client
XCOMMERCIAL

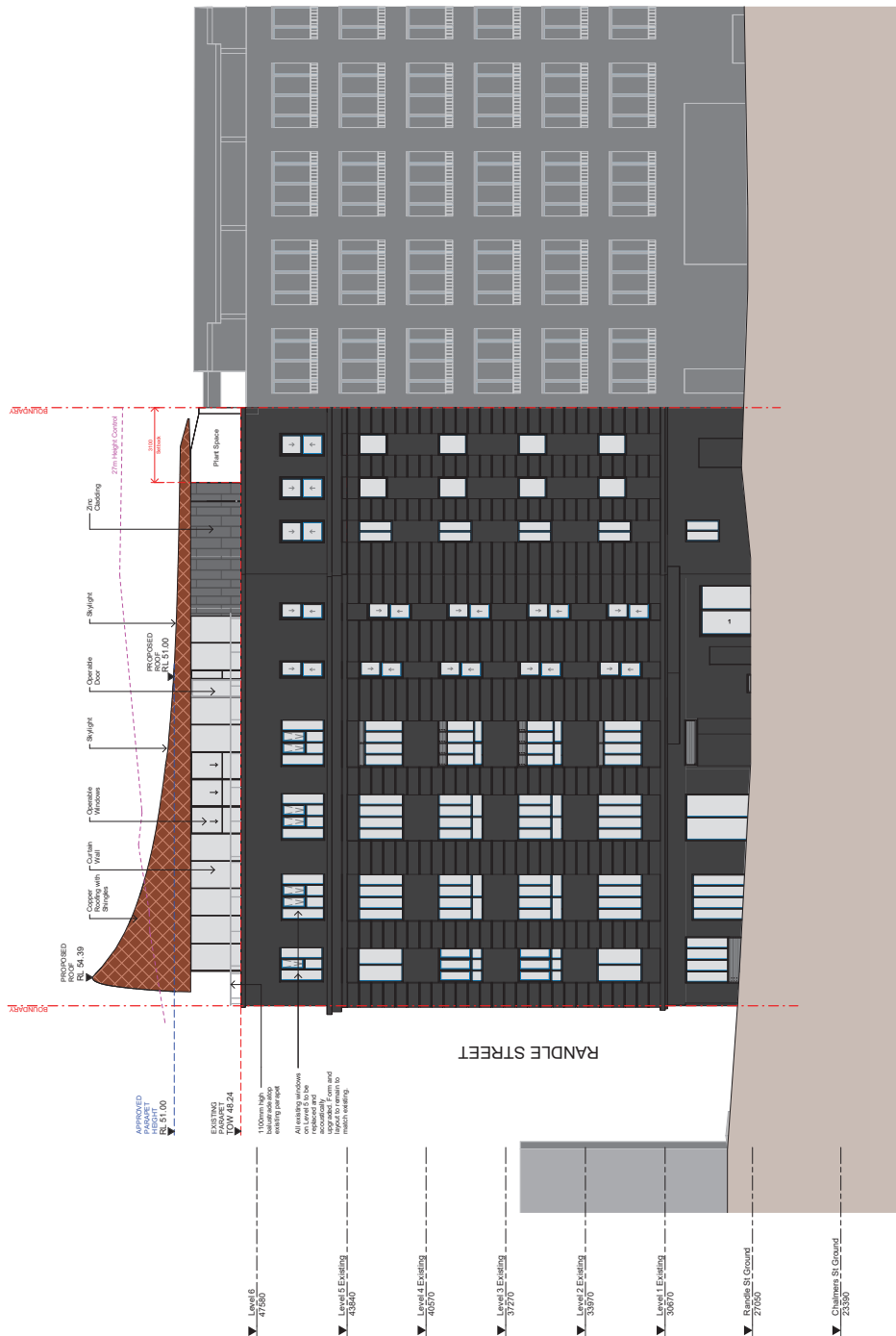
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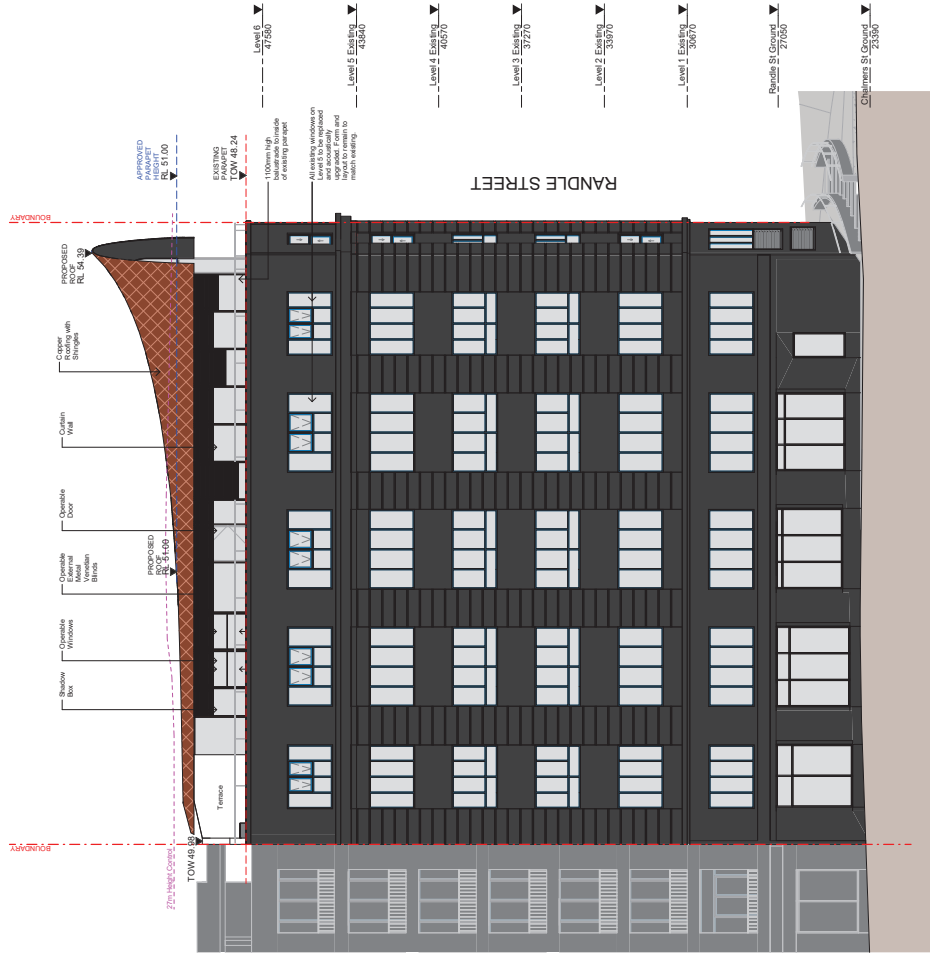
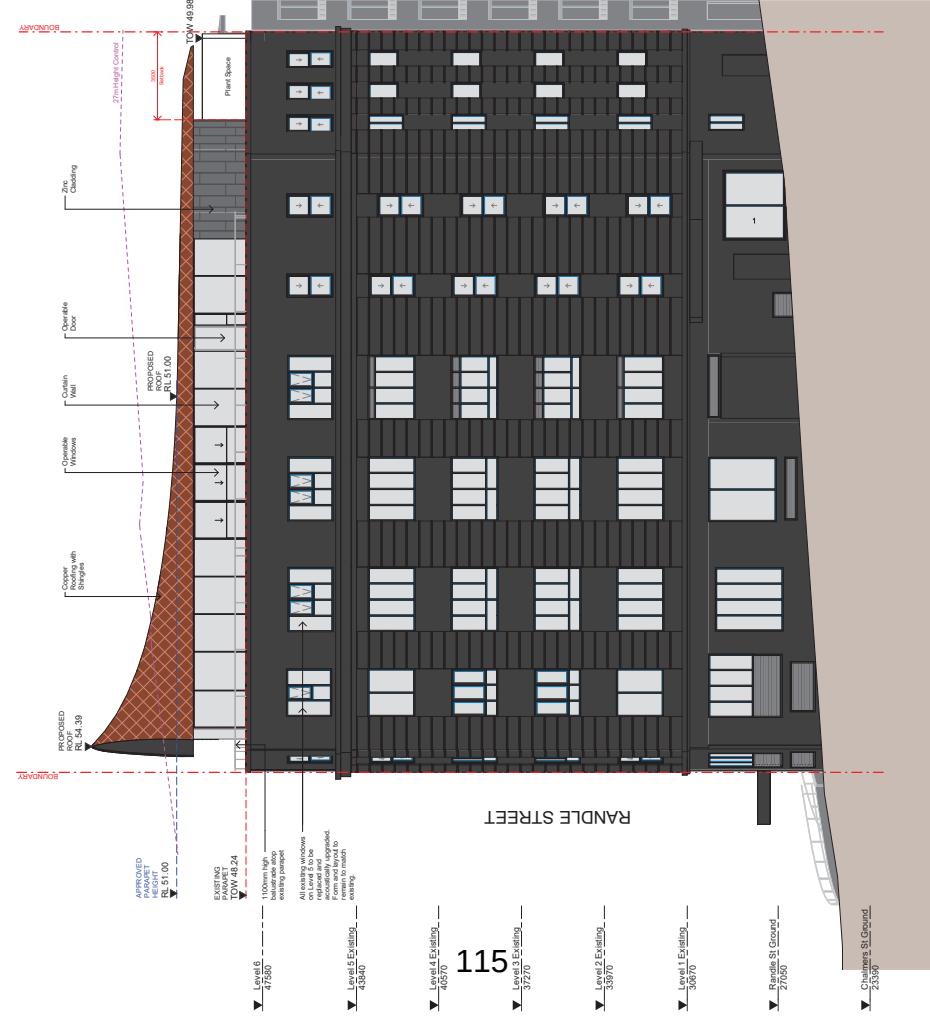
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3	08.10.2025	FOR INFORMATION ONLY	BD	GS
4	08.10.2025	FOR INFORMATION ONLY	BD	GS
5	11.10.2025	FOR INFORMATION ONLY	BD	GS

Noted Architect: Adam J. Liddle P181 | John Pridmore P204

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1 EAST ELEVATION
DA-1401 SCALE 1:100



1 SOUTH EAST ELEVATION
SCALE 1:100

2 WESTERN ELEVATION
SCALE 1" = 100'

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Rev	Date	Revision	By	Chk
1	12/03/2018	FOR NOTIFICATION	BD	GS
2	06/03/2018	FOR NOTIFICATION	BD	GS
3	20/03/2018	DA SUBMISSION - DRAFT	BD	GS
4	20/04/2018	DA SUBMISSION	BD	GS
5	05/06/2018	COUNCIL 40% - DRAFT	BD	GS
6	11/03/2019	GOV 40% - 10%	BD	GS

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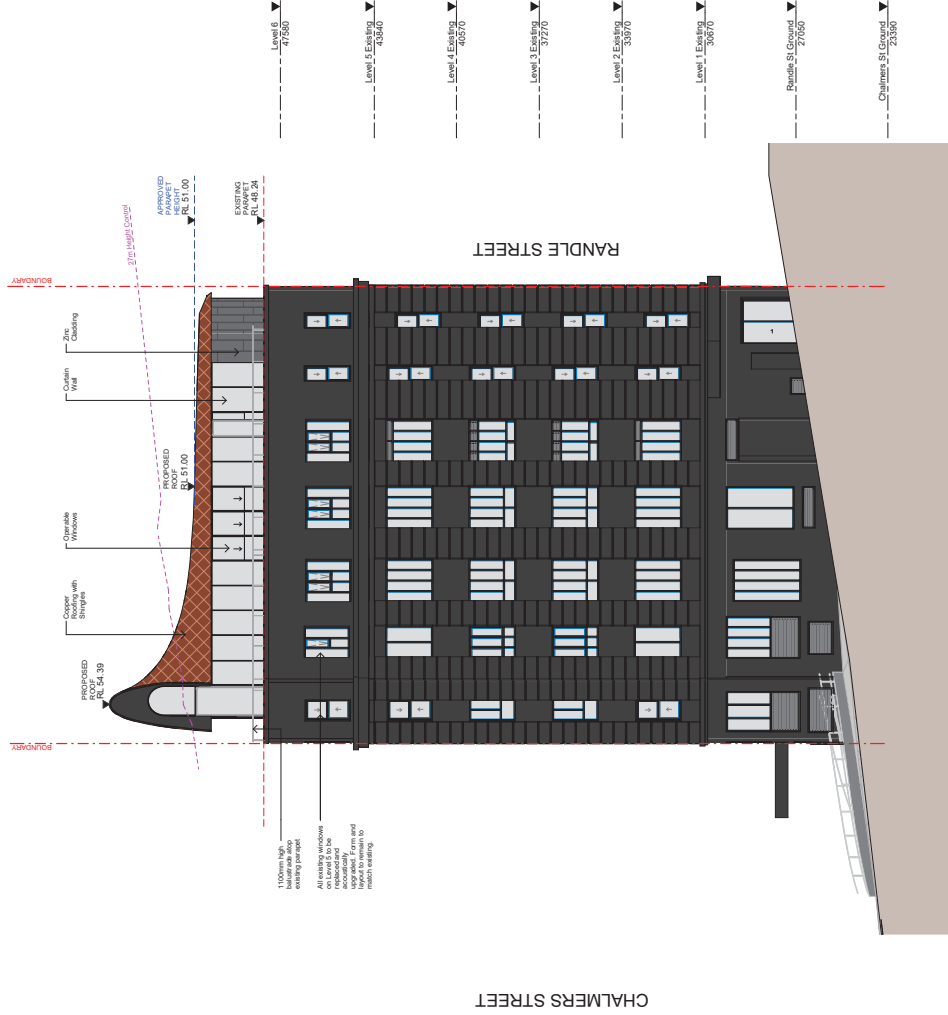
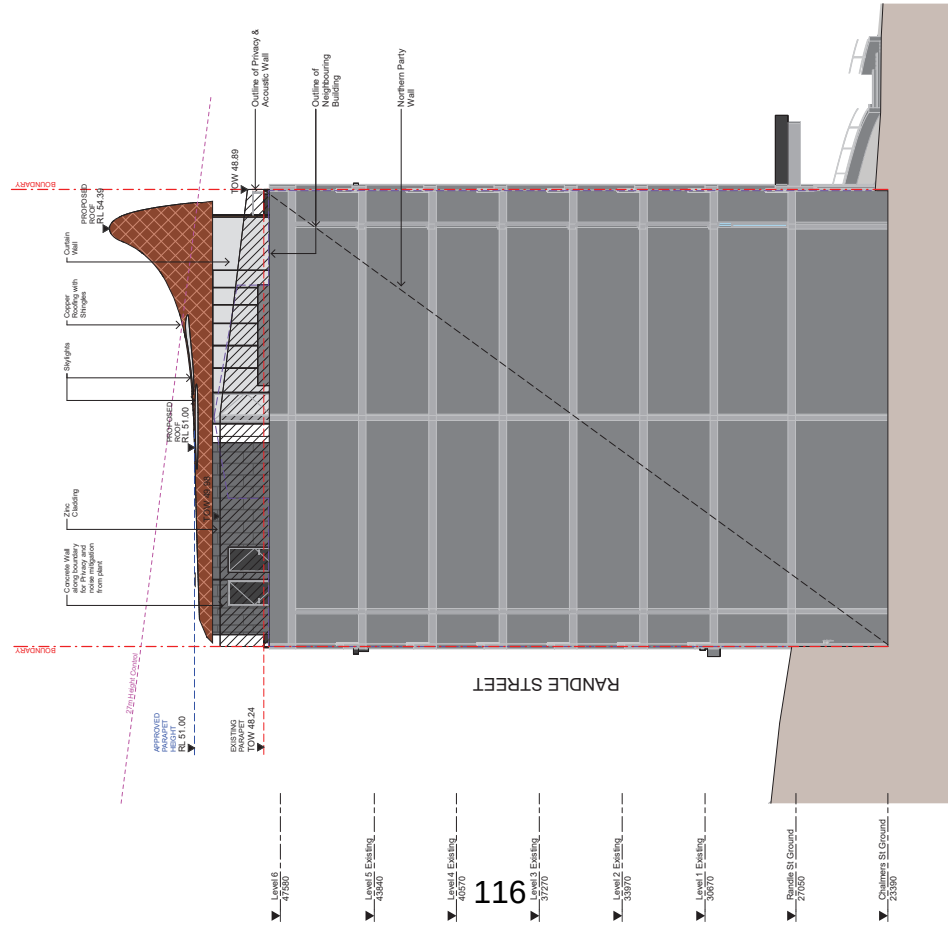
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ELEVATIONS - SHEET 2

Drawing No. DA-1402

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BD	GS	7166
Drawing No.		Revision
DA-1402		/ 6

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1 NORTH ELEVATION
DA-1007 SCALE 1:100

2 SOUTH ELEVATION
DA-1007 SCALE 1 : 100

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1	03/03/20	FOR INFORMATION	BD	GS
2	03/03/20	FOR INFORMATION	BD	GS
3	20/03/20	IN A SUBMISSION DRAFT	BD	GS
4	20/04/20	IN A SUBMISSION	BD	GS
5	05/05/20	COUNCIL REF. DRAFT	BD	GS
6	11/05/20	COUNCIL 10%	BD	GS

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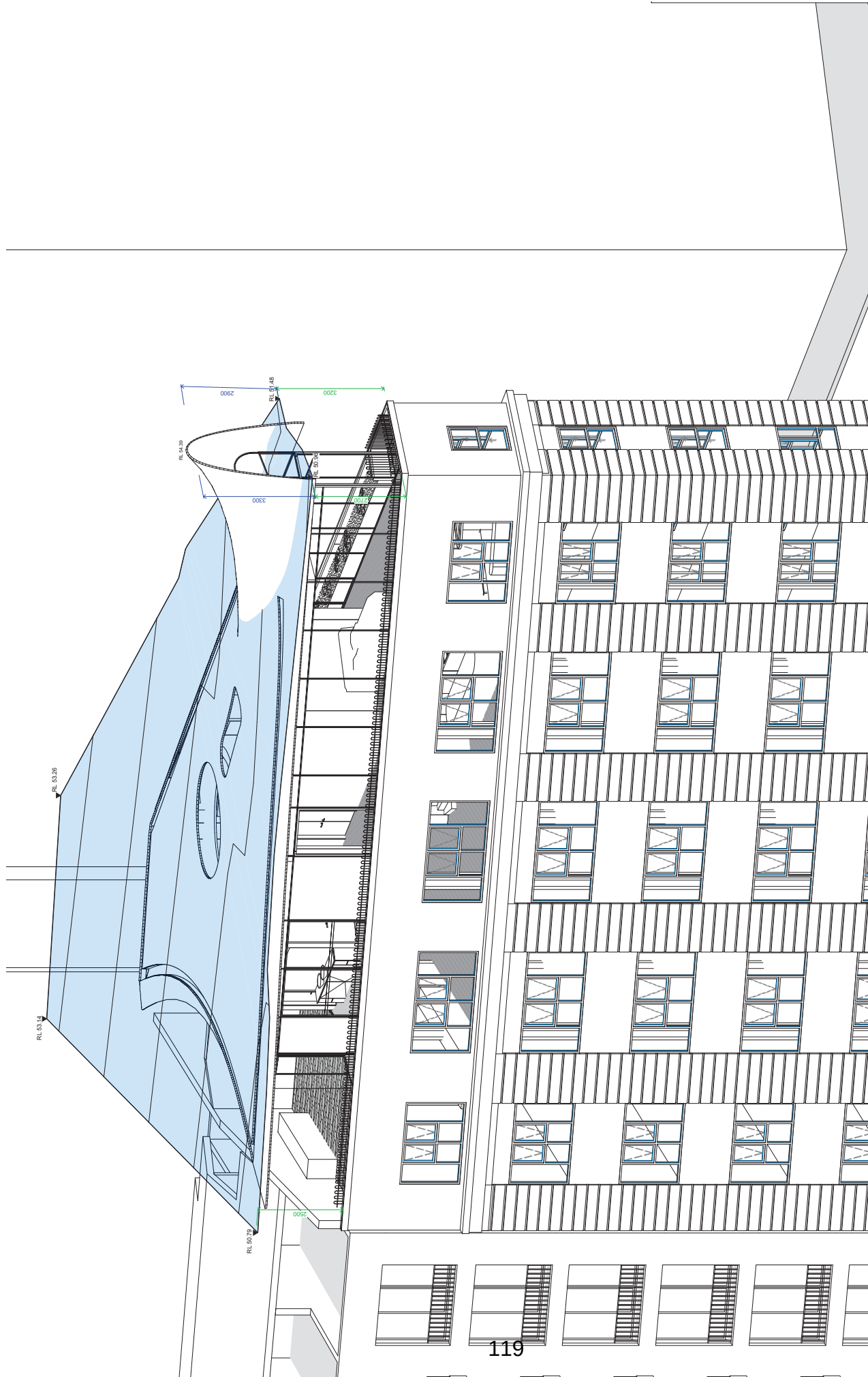
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Project
AYU'S PENTHOUSE
17 RANDLE STREET, SURRY HILLS, 2010, NSW
Drawing Name
ELEVATIONS - SHEET 3

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Drawn	CHK.	Job No.
BD	GS	7166
Drawing No.	Revision	
DA-1403	/ 6	

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3	20.10.20	DR 03.08.2020 - 24.07	BD	GS
4	20.10.20	DR 03.08.2020	BD	GS

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Project: **AYUS PENTHOUSE**
17 RANDLE STREET, SURRY HILLS, 2010, NSW

Client: **XCOMMERCIAL**

Date	Scale	Sheet Size
20.04.2026	A1	
Drawn: BD	Ck: GS	
Checked: BD	7166	
Revised: DA-8008	7/4	

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Project
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17 RANDLE STREET, SURRY HILLS, 2010, NSW

Drawing Name
PHOTOMONTAGE - CHALMERS STREET

Date	Scale	Sheet Size
20.04.2026		A1
Drawn	Chk.	Job No.
BD	GS	7166
Drawing No.	Revision	
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3	20.03.2020	DS, BJ, B&B, CS, CN, 25.02
4	20.03.2020	DS, BJ, B&B, CS, CN

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BD	GS

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Drawing Name

PHOTOMONTAGE - RANDLE STREET

Date

20.04.2020

Scale

A1

Drawn

BD

Check

GS

Job No.

7166

Revised

DA-8702

Revised

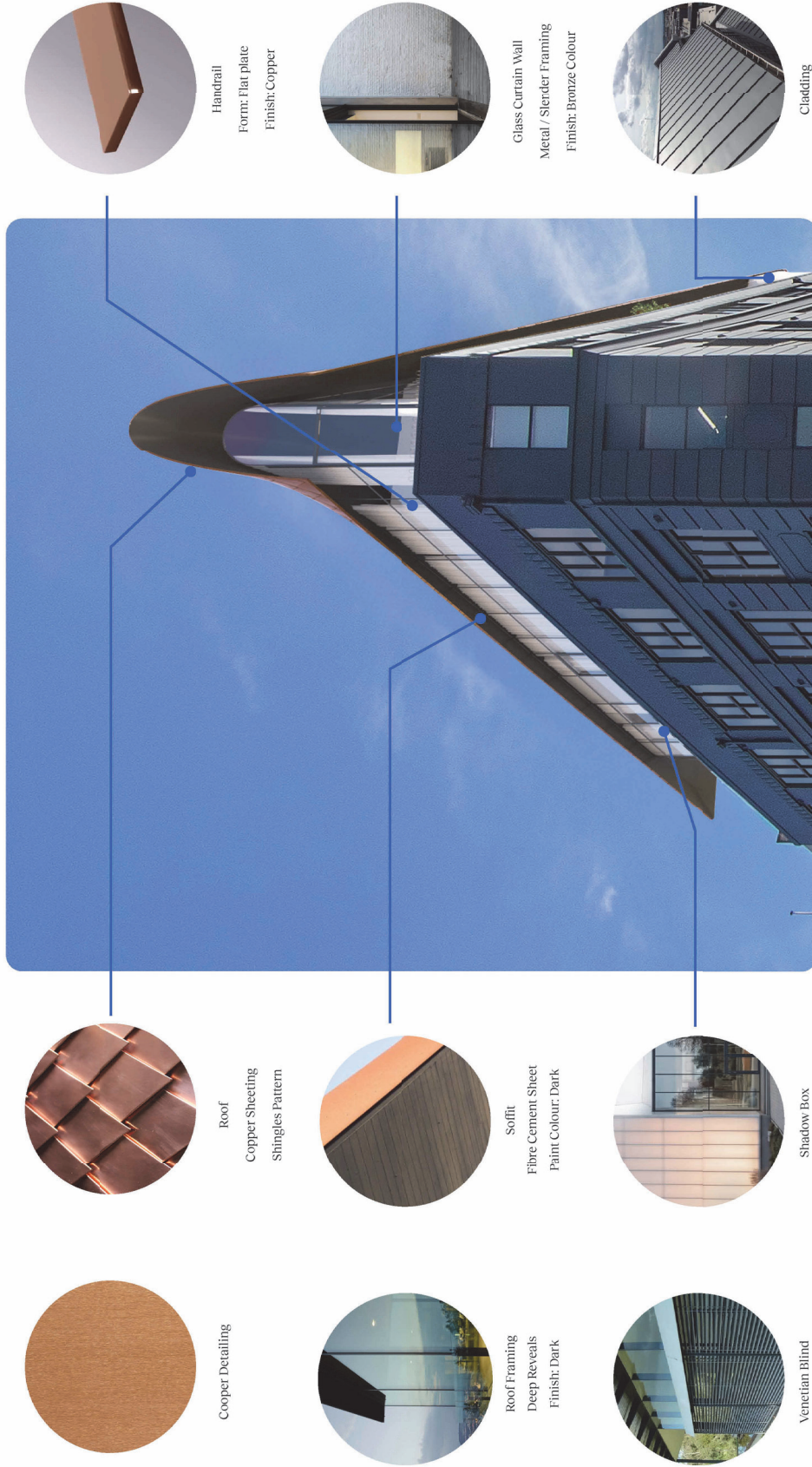
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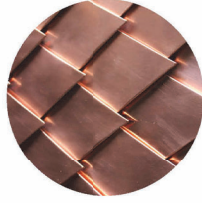
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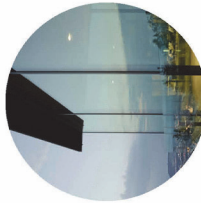
Material Palette



Copper Detailing



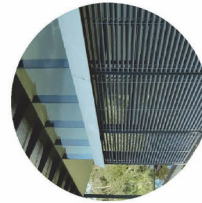
Roof
Copper Sheeting
Shingles Pattern



Roof Framing
Deep Reveals
Finish: Dark



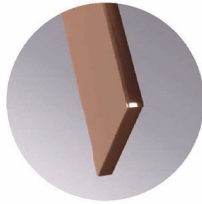
Soffit
Fibre Cement Sheet
Paint Colour: Dark



Venetian Blind
Metal
Finish: to match Curtain Wall



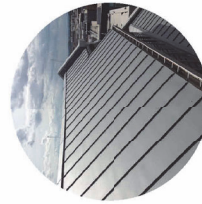
Shadow Box
Obscure Glass
Glass Colour: Frosted/White



Handrail
Form: Flat Plate
Finish: Copper



Glass Curtain Wall
Metal / Slender Framing
Finish: Bronze Colour



Cladding
Z/nc
Colour: Natural

The Penthouse

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Scale: 1:100 @ A1

0 1 2 3m

Rev	Date	Revision	By	Ck
1	20.10.20	01.01.2020	BD	GS
2	20.10.20	01.01.2020	BD	GS
3	20.10.20	01.01.2020	BD	GS
4	20.10.20	01.01.2020	BD	GS
5	20.10.20	01.01.2020	BD	GS

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Project: AYU'S PENTHOUSE
17 RANDE STREET, SURRY HILLS, 2010, NSW

Client: XCOMMERCIAL

Designing Name: MATERIAL BOARD

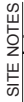
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BD	GS	7166
Drawing No.	Revised	
DA-8703	/6	

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Scale: 1:100



PLANT IMAGES

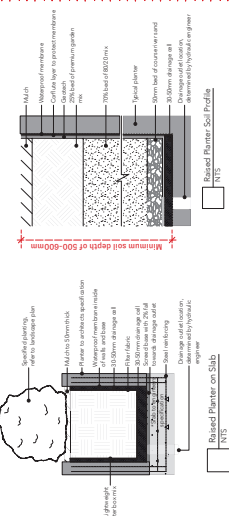
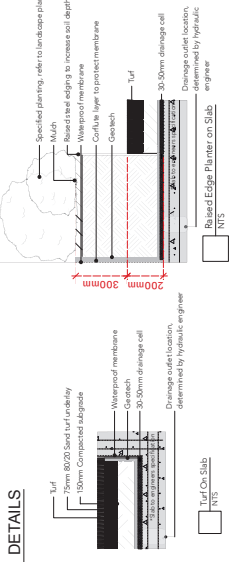
PLANT SCHEDULE

	ROSMARINUS OFFICINALIS		ROSMARINUS PROSTRATUS		ROSMARINUS PROSTRATUS		ROSMARINUS PROSTRATUS		ROSMARINUS PROSTRATUS		ROSMARINUS PROSTRATUS		ROSMARINUS PROSTRATUS		ROSMARINUS PROSTRATUS		ROSMARINUS PROSTRATUS
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[illegible]

NOTE:
*Terrace planter to achieve a minimum soil depth of 500-600 mm for the establishment of grasses, groundcovers, and shrubs.
*Soil area to achieve a minimum soil depth of 700 mm for vegetable/fruit

DETAILS



98-41005

101

11

11

5

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3	
4	

NELSON THOMAS

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1. Do not scale from drawings
2. Verify all measurements on site
3. Verify Nelson Thomas of any inconsistencies
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5. Drawing remains the property of Nelson Thomas
6. All work to comply with relevant Australian Standards & building code of Australia
7. All work to be performed by suitably qualified tradesperson
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9. Nelson Thomas must be present for on-site for the positioning of **ALL PLANTS**.
10. Correct detection of interference occurs on all underground services and all underground pipes and conduits

	CLIENT DAVID BROWN	PROJECT ADDRESS 37 RAINBLE ST. SUIRY HILLS	DRAWING TITLE LANDSCAPE PLAN	DATE/DRAWN	SCALE	DP NO.
				5/07/2026	1:100 @ A1	SPT3275
				DRAWN BY	SHEET NO.	REV #
				SM		0

NELSON THOMAS

Attachment C

Clause 4.6 Variation – Height of Buildings

Clause 4.6 Variation
Request – Maximum Building Height –
Clause 4.3 Sydney Local Environmental
Plan 2012

17 Randle Street, Surry Hills

Prepared by Planning Lab
Issued 21 April 2026

Planninglab.com.au

1. Introduction

This request to vary a development standard has been prepared in accordance with Clause 4.6 (cl 4.6) of the Sydney Environmental Plan 2012 (SLEP 2012) which accompanies a development application to construct a residential addition above the existing commercial building located on the premises, 17 Randle Street, Surry Hills ('the site').

The DA primarily involves:

- The demolition of the existing internal layout of Level 5 and Roof Level;
- The adaptive internal replanning of Level 5 and construction of a new building level above with an outdoor terrace (Level 6) for a two level residence (Levels 5 and 6);
- Replacement of existing windows and new acoustic treated windows along the Randle and Chalmers Street elevations of Level 5;
- A new sculptural architectural roof feature above the new Level 6; and
- A new concrete wall located along the northern boundary (adjoining 38 Chalmers Street).

This request specifically seeks to vary the 27m maximum height of building development standard contained in Clause 4.3 of SLEP 2012.

This request has been prepared having regard to the following considerations:

- The Department of Planning and Environment's Guide to Varying Development Standards (November 2023);
- The objectives of Clause 4.3 of SLEP 2012 – Height of Buildings, being the development standard to which a variation is sought; and
- Relevant case law in the New South Wales Land and Environment Court and New South Wales Court of Appeal including *Wehbe v. Pittwater Council* [2007] NSWLEC 827.

This variation request provides an assessment of the development standard and the extent of variation proposed to the standard. The variation is then assessed in accordance with the principles set out in the *Wehbe*.



2. Clause 4.6 Exceptions to development standards

Clause 4.6(2) of the SLEP 2012 provides that development consent may be granted for development even though the development would contravene a development standard imposed by the SLEP 2012.

However, clause 4.6(3) states that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstance of the case, and
- (b) there are sufficient environmental planning grounds to justify contravening the development standard.

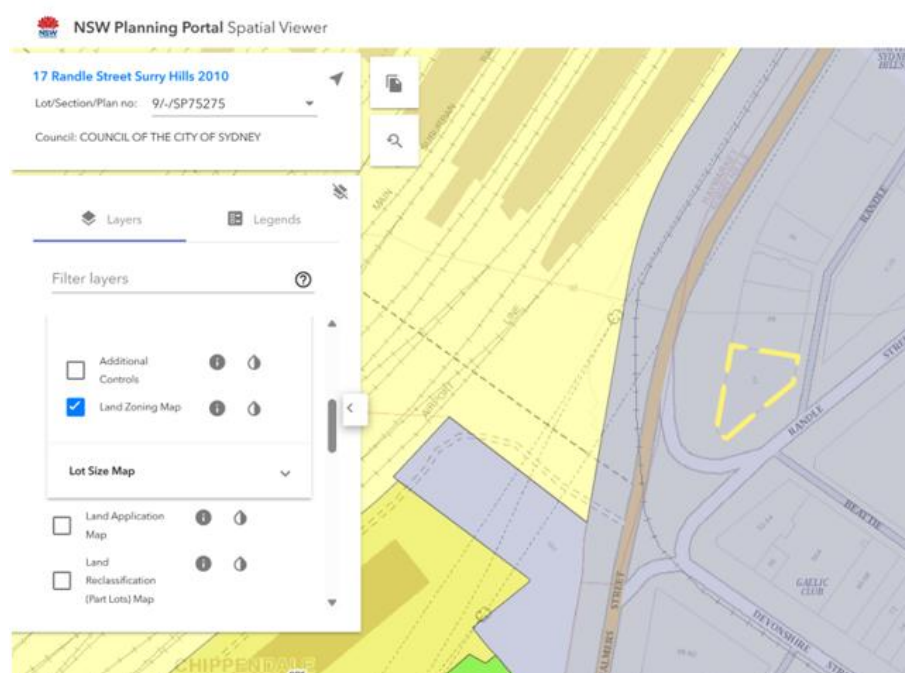
In accordance with clause 4.6(3) the applicant requests that the SLEP 2012 maximum height of building development standard be varied.

3. What is the Environmental Planning Instrument (EPI) that applies to the land?

The Environmental Planning Instrument (EPI) to which this variation relates is the Sydney Local Environmental Plan 2012 (SLEP 2012).

4. What is the zoning of the land?

The site is zoned MU1 Mixed Use pursuant to the SLEP 2012. Refer to **Figure 1**.

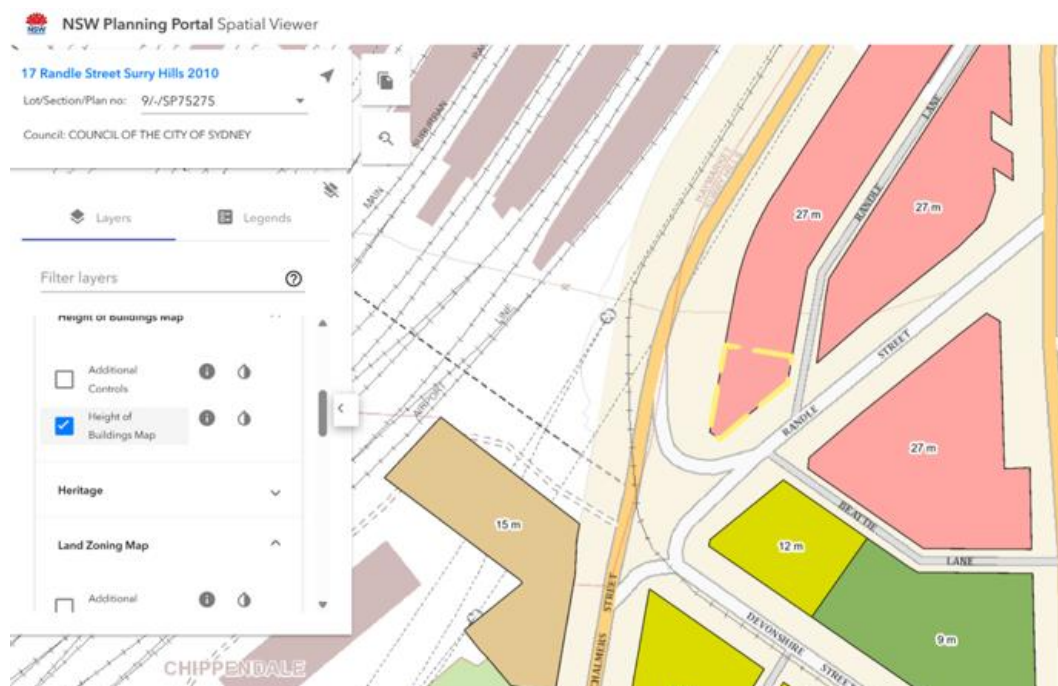


*Figure 1: Extract of Land Use Zoning Map (subject site shown with yellow dashed outline)
Source: NSW Planning Portal Spatial Viewer*



5. What is the development standard being varied?

Clause 4.3 of the SLEP 2012 provides that the height of a building on any land is not to exceed that shown for the land on the Height of Buildings Map. The site is within a 27m maximum height of building area, as shown in Figure 2.



*Figure 2: Extract of Height of Building Map (subject site shown with yellow dashed outline)
Source: NSW Planning Portal Spatial Viewer*

6. Is the development standard excluded from the operation of Clause 4.6 of the EPI?

CI 4.6(2) states that development consent may be granted for development even though the development would contravene a development standard. However, this does not apply to a development standard that is specifically excluded under CI 4.6(8) of the SLEP 2012. Given the maximum height development standard is not identified under subclause 4.6(8), it is therefore not specifically excluded from the operation of CI 4.6 of SLEP 2012.



7. The site and its context

7.1 The Site

The site has a legal description of SP 71953 and is commonly known as 17 Randle Street, Surry Hills.

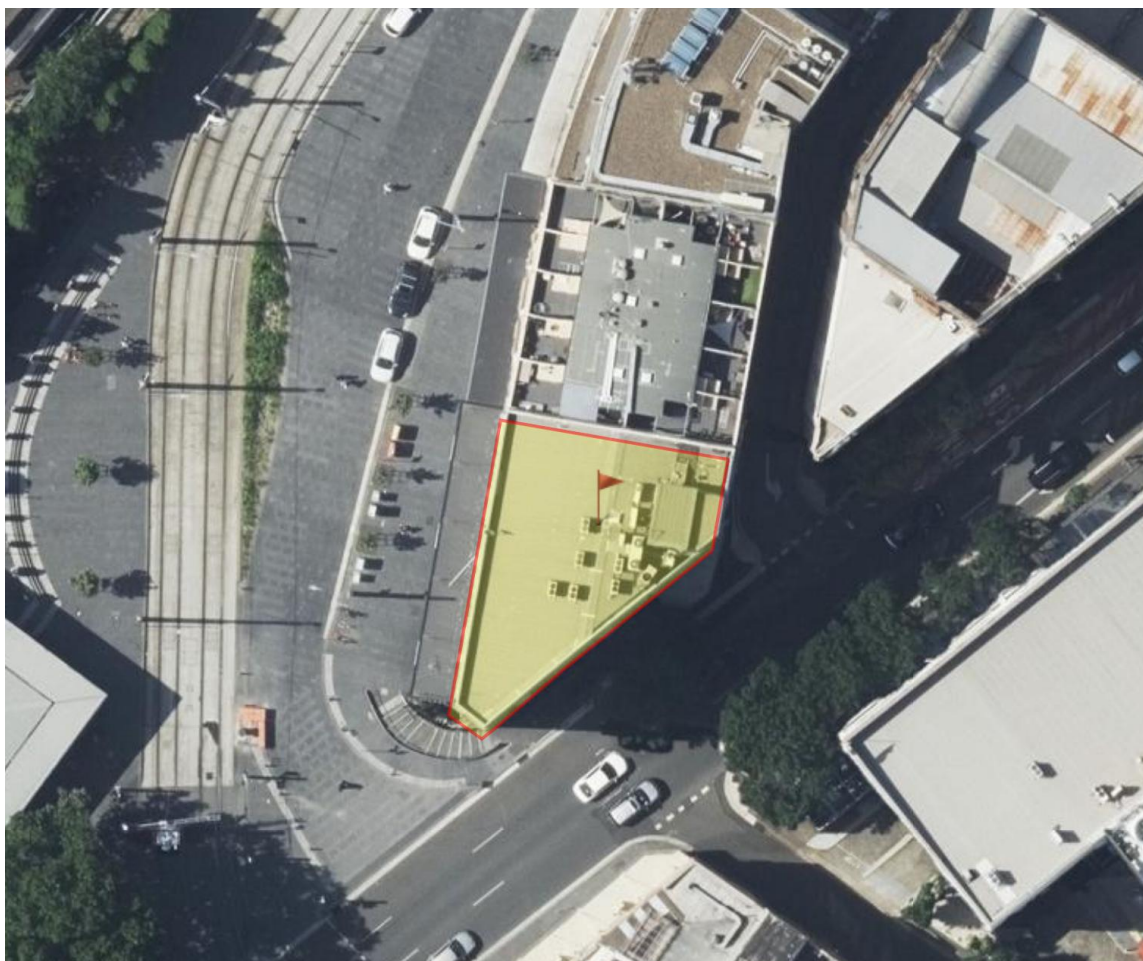


Figure 3 – Aerial image identifying the site (NSW SIX Maps)

The site is an irregular shape, with frontages to both Randle Street and Chalmers Street, with an area of approximately 317m². Levels on the site fall by 3.48m from the Randle Street frontage to the Chalmers Street frontage.

The site is occupied by a 7 storey commercial building, consisting of a ground level retail tenancy along Chalmers Street and commercial offices on the levels above. The site has no on site car parking.

The main building entrance, lift access and fire stairs are located along the Randle Street frontage.

The site is neither identified as a heritage item nor located within a Heritage Conservation Area under Sydney Local Environmental Plan 2012 (SLEP 2012). The site is located adjacent to the local and state heritage item – Central Railway Group (item numbers I824 and O1255 respectively).





*Figure 4 – View of Chalmers Street Frontage of Existing Building – 17 Randle Street
(Source: City of Sydney)*



*Figure 5 – View of Randle Street Frontage of Existing Building – 17 Randle Street
(Source: City of Sydney)*





Figure 6 – View of Existing Building – 17 Randle Street from the South with Light Rail Lines in the foreground (Source: City of Sydney)

7.2 Adjoining and Surrounding Development

The site is immediately adjoined to the north by two, 8 storey, mixed use, shop top housing developments at 30-34 and 38 Chalmers Street. Located opposite to the east is the 7 storey, Newspoll Office Building at 407-419 Elizabeth Street, to the south-east is the 3 storey, Madison Hotel site at 52 Devonshire Street, a currently vacant redevelopment site to the north-east, 7-15 Randle Street, and to the west along Chalmers Street is the Sydney Light Rail network, and the large expanse of the Sydney Rail network leading into Central Station further to the west and north-west.

As identified in the photomontage of the proposed roof addition in **Figure 7** below, the subject site is well separated from the commercial buildings to the east and north-east, and the light and heavy rail corridor uses to the west.





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FOR APPROVAL 1:100 (A1) Photomontage: Architectural, Urban Planning, 1:100 (A1) (Scale: Project 100%)		Site Name: 17 Randle Street, Surry Hills, NSW Client: XCOMMERCIAL Project: AYU'S PENTHOUSE Address: 17 Randle Street, Surry Hills, NSW DA-8701	Date: 20/04/2020 Drawn: JLB Scale: 1:100 (A1) Project: AYU'S PENTHOUSE Address: 17 Randle Street, Surry Hills, NSW DA-8701
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Figure 7 – Photomontage looking to the proposed roof addition of the subject site (SJB Architects)

The sites in closest proximity to the subject site is the shop top housing development immediately adjoining to the north (38 Chalmers Street), and the future redevelopment site to the north-east (7-15 Randle Street).

As identified in **Figure 8** below, 38 Chalmers Street consists of a series of multi-level residential units, with part enclosed living areas and open terraces at roof level. The southernmost of these units are currently separated by a privacy screen, built at various heights adjoining the common boundary with 17 Randle Street.





Figure 8 – Aerial view of the roof level residential units and open terraces of 38 Chalmers Street (shaded yellow) and their proximity to the adjoining roof level of 17 Randle Street site (SIX Maps)



Figure 9 – Photos taken from the existing roof of 17 Randle Street looking toward the common boundary and existing privacy screen located along the boundary of the adjoining roof level apartments of 38 Chalmers Street. (SJB Architects)



The property located opposite Randle Lane to the northeast, 7-15 Randle Street, is currently vacant and is a future redevelopment site. Following an earlier design competition, Council granted deferred development consent for D/2019/1292 on 18 August 2020 for the demolition of the existing buildings at 7-9 and 15 Randle Street, retention and re-use of 11-13 Randle Street (an existing heritage item) and construction of a 9 storey mixed use building with 2 levels of basement across the sites including a through site link between Randle Lane and Randle Street and use of the building as hotel accommodation (123 rooms) with 2 restaurants, small bar and café. However, all the buildings on site were substantially damaged by a fire that occurred within 11-13 Randle Street on 25 May 2023. Council has subsequently granted consent to an amending DA (D/2023/1170) to enable the main development concept of D/2019/1292 to advance, but including a rebuild of the former heritage building at 11-13 Randle Street, utilizing remnant building materials. Both consents have since been modified, with the latest modification application D/2019/1292/E being undetermined at the time of lodging the current DA for 17 Randle Street. It is worth noting that the current modification includes a proposal for a rooftop bar (181 seats - 65 outdoor and 116 internal). A photomontage of the 7-15 Randle Street design concept is provided in **Figure 10** below.



Figure 10 – Photomontage of current amended design of mixed-use building at 7-15 Randle Street – D/2019/1292/E (Tonkin Zulaikha Greer Architects Architects)



Whilst located just outside of the Central Sydney area, the site is located within the Railway Square/Central Station Special Character Area of Sydney Development Control Plan 2012 (SDCP 2012).

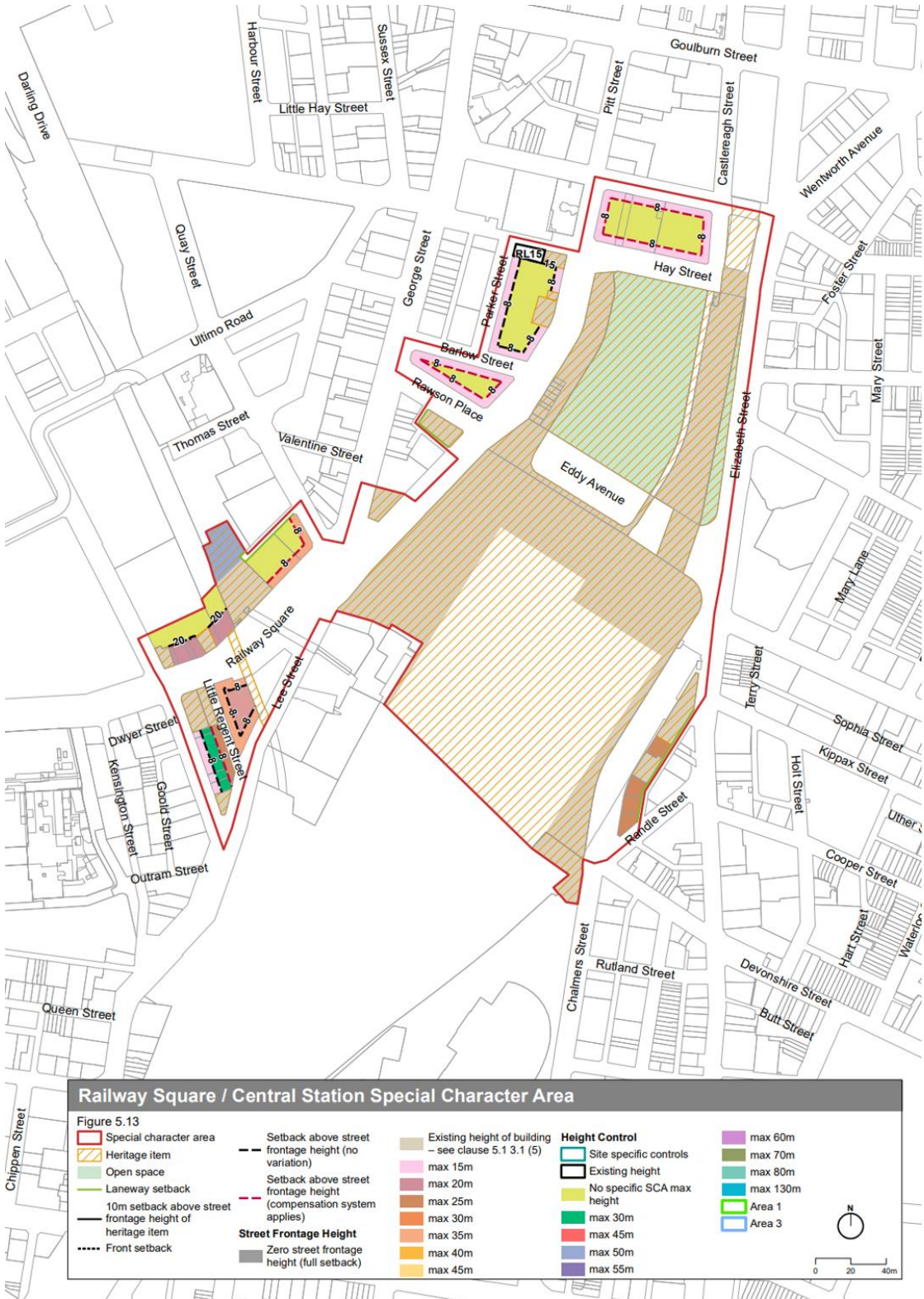


Figure 11 – Extract of Figure 5.13 Special Character Map SDCP 2012 (Source: City of Sydney)



8. Extent of Variation to the Development Standard

This Variation Request accompanies a Development Application to construct a residential addition above the existing commercial building located on the premises, 17 Randle Street, Surry Hills ('the site').

8.1 Extent of Maximum Building Height Variation

In accordance with Clause 4.3 of Sydney LEP 2012, the maximum building height for the subject site is **27m**.

The proposed maximum height of the roof of the new residential addition is **RL 54.39**, representing a maximum vertical height of the existing ground level of **29.92m**, a variation of **2.92m**, or a margin of **10.8%** of the existing LEP maximum of **27m**.



Figure 12: Extract of East Elevation from Architectural Drawings (Source: SJB Architects)



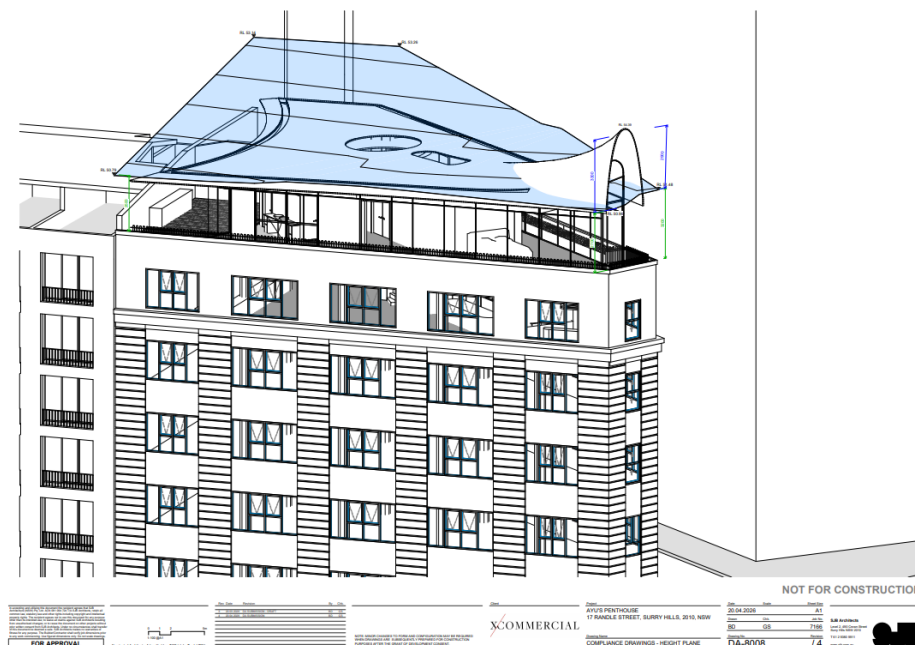


Figure 13: Extract of Building Height Plane Diagram from Architectural Drawings (Source: SJB Architects)

9. Clause 4.6(3)(a) Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

Clause 4.6(3)(a) of the SLEP 2012 requires that the request to vary a development standard demonstrate that compliance with the development standard is unnecessary or unreasonable in the circumstances of the case.

Historically the most commonly used way to establish that a development standard was unreasonable or unnecessary was the satisfaction of the first test of the alternative five tests established in *Wehbe v Pittwater Council* [2007] NSWLEC 827 which requires that the objectives of the standard are achieved notwithstanding the non-compliance with the standard.

In *Wehbe* at [42] – [51] and repeated in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 at [17]-[21] the Chief Judge identified five alternative ways in which an applicant might establish that compliance with a development standard is unreasonable or unnecessary and that it is sufficient for only one of these ways to be established.

Although *Wehbe* concerned a SEPP 1 objection, it remains relevant to requests under clause 4.6 (as confirmed by Preston CJ in *Initial Action* at [16]).

The five potential methods established under *Wehbe* are that:

1. the objectives of the development standard are achieved notwithstanding non-compliance with the standard;
2. the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;



3. the objective would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;
4. the development standard has been virtually abandoned or destroyed by the Council's actions in granting consents departing from the standard and hence the standard is unreasonable; or,
5. the zoning of the land is unreasonable or inappropriate.

The five ways are not exhaustive, and it may be sufficient to establish only one to satisfy cl 4.6(3)(a).

For completeness, this request addresses the first of the five alternative tests established - in *Wehbe v Pittwater Council* [2007] NSWLEC 827, followed by a concluding position which demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case.

9.1 The Objectives of the standard are achieved notwithstanding non-compliance with the standard;

Compliance with the building height development standard is unreasonable or unnecessary in the circumstances of this case because, as explained in Table 1 (below), the objectives of the development standard are achieved, notwithstanding non-compliance with the standard.

Demonstrating that the proposal will have no adverse amenity impacts is, therefore, one way of showing consistency with the objectives of a development standard.

Table 1: Achievement of Development Standard Objectives of Clause 4.3 of Sydney LEP 2012

Objective	Discussion
(a) to ensure the height of development is appropriate to the condition of the site and its context,	As identified in the LEP Height of Buildings Map in Figure 2 , the subject site and the blocks immediately to the north, north-east and east have a maximum height of 27m. Lower height limits of 12m and 9m are identified for properties located to the south-east along Devonshire Street. A similar pattern of restrictions has been applied through the Height in Storeys Map of SDCP 2012, with 8 storeys being the prevailing, immediately surrounding control. The actual existing built form and approved DAs of the subject site and surrounding properties have heights ranging from 7 to 9 stories, and up to 29m. Importantly, Council has already approved a DA for a rooftop addition to the commercial



Objective	Discussion
	building on the subject site (DU/2003/76/E) up to 8 storeys and 27.71m. The current DA for a residential roof top addition and adaptive use proposes an 8-storey building, with a slightly higher maximum height of 29.92m, which primarily derives from providing a more attractive and roof form, which is shaped to rise up to its highest point on the south-east corner of the building. It is therefore considered that the proposed height and design is highly appropriate for its current context, with minimal environmental impacts for adjoining and surrounding properties and the public domain.
(b) to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas,	In terms of Clause 5.10 of the LEP - Heritage Conservation, the SEE identifies that the site is neither identified as a heritage item nor located within a Heritage Conservation Area under Sydney Local Environmental Plan 2012 (SLEP 2012). However, it is located adjacent to the local and state heritage item – Central Railway Group, and in the vicinity of other nearby items. This significance is addressed in an accompanying Heritage Impact Statement prepared by Urbis which concludes: <i>The proposed development has been assessed to have a positive heritage impact on the heritage items in the vicinity.</i> <i>The proposed works are confined to the upper levels of the building and will not result in intrusion, overhang or adverse impacts on nearby heritage items, surrounding hardscape, archaeological resources, or views to and from Central Railway Station.</i> <i>Overall, the proposal is appropriately designed to protect the heritage significance of the surrounding area while supporting its continued evolution.</i>



Objective	Discussion
(c) to promote the sharing of views outside Central Sydney,	Given the primary focus of the scale and orientation of the subject commercial building to the south and south-east, and being well separated from buildings to the north and north-east, and south and east by adjoining streets, and the open visual landscape of the light rail and heavy rail corridors to the west, the proposed roof top addition will have minimal to negligible impact on existing view corridors to the more iconic locations of Sydney Harbour and the CBD to the north, thereby maintaining a satisfactory level of view sharing in this locality.
(d) to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas,	As identified in objectives (a) to (c) above, the proposed height of the current DA is highly consistent and substantially compliant with Council's LEP and DCP controls, as well as the scale, urban form and character of this locality.
(e) 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.	Not Applicable.

Compliance with the maximum building height development standard is therefore unreasonable or unnecessary in the circumstances of this case because the objectives of the standard are achieved, and the non-compliance will not result in any major adverse environmental impact.



10. Clause 4.6(3)(b) Are there any sufficient environmental planning grounds to justify contravening the development standard?

Clause 4.6 (3) (b) of the LEP necessitates a specific focus of assessment of the extent of environmental impacts of that part of the proposed development that exceeds the relevant LEP development standard, which is the Clause 4.3 maximum building height requirement of 27m.

Section 8 of this report identifies that the proposed maximum height of the roof of the new residential addition is **RL 54.39**, representing a maximum vertical height of the existing ground level of **29.92m**, a variation of **2.92m**, or a margin of **10.8%** of the existing LEP maximum of **27m**.

In the context of this environmental impact assessment, an important design reference for the current DA, is the active development consent for the site, DU/2003/76/E, which involved a relatively similar adaptive re-use of the existing Level 5 and erection of a new Level 6 at the current Roof Level for a commercial use, as compared to the proposed residential use of the current DA.

DU/2003/76/E also included a flat roof form with a maximum height of RL 51.00 at the parapet level.

This maximum level has been used as a reference point in the design of the proposed residential addition in the current DA, which retains the approved parapet height of RL 51.00, but provides an architecturally interpreted, curved pitch roof above.

It is also important to note that the latest modified DU/2003/76/E included the approval of the following variation to the maximum LEP height requirement:

Clause 4.3 – Maximum Height of Building – 27m

- A section of the western elevation of the upper roof level addition enabled a maximum a maximum height of **27.71m**, a variation of **0.71m**, or **2.63%**.

The proposed variation primarily derives from providing a more visually interesting architectural roof feature, which is shaped to rise up to its highest point on the south-east corner of the building.





NOT FOR CONSTRUCTION			
FOR APPROVAL 1:100 0 1m 2m	Client: AYU'S PENTHOUSE Address: 17 RANDLE STREET, SURRY HILLS, 2010, NSW Project: PHOTOMONTAGE - RANDLE STREET	Date: 20.04.2020 Drawn: SD Check: GS Project No: DA-8702	Scale: A1 Sheet: 7166 Page: 14 SJB Architects Level 1, 402 George Street Sydney NSW 2000 Phone: 02 9550 9811 Email: info@sjb.com.au

Figure 14: Photomontage of Chalmers Street elevation, demonstrating the additional height of the proposed new addition (Source: SJB Architects)

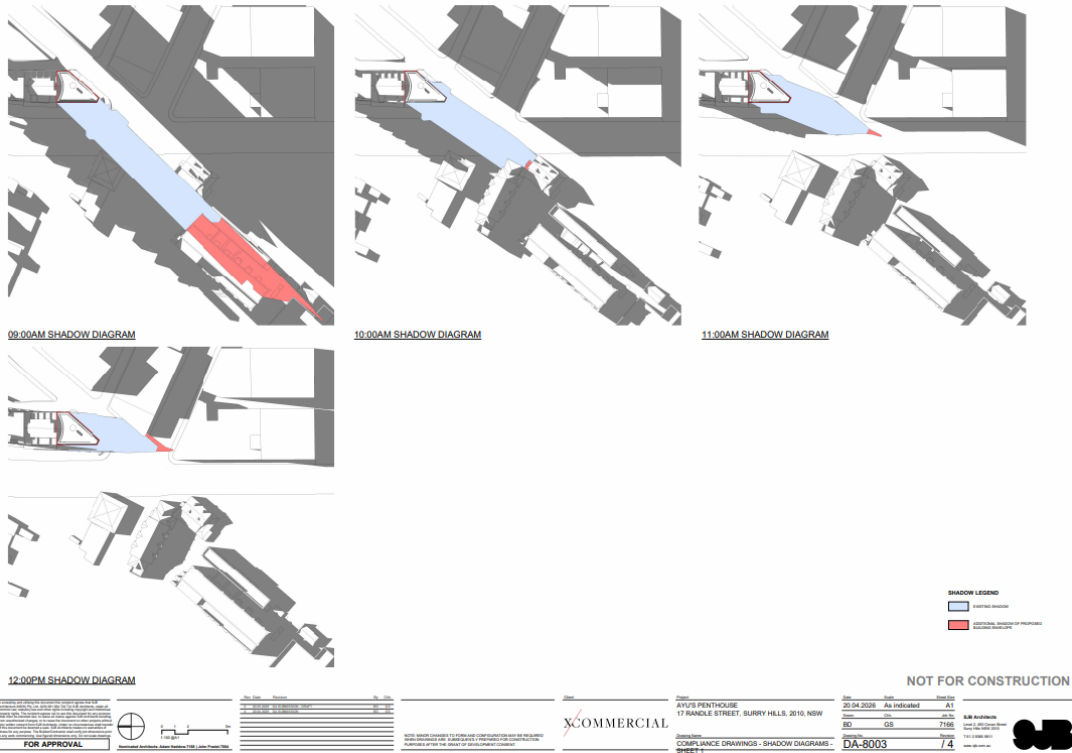
10.1 Overshadowing

The Mid-Winter shadow diagrams that accompany the DA (see below) demonstrate that the extent of additional overshadowing created for surrounding residents and the public domain by the exceedance of the LEP maximum height of 27m will be compliant with Council's DCP controls and provide relatively minimal overshadowing impacts across the following parts of the day.

Given the site's solar orientation, separation from surrounding buildings by multiple street frontages, and the proposed sensitively scaled and design roof top addition, there will be minimal overshadowing impacts for both surrounding properties and the public domain.

The most significant additional overshadowing is expected to occur between 9-10am mid-winter and only impacts on a limited section of the adjoining roads to the south.





10.2 Visual and Acoustic Privacy

Substantive efforts have been made in the DA design to provide suitable building setbacks, and orient the main living areas and windows of the proposed roof level residential building to the main west and south street elevations, in order to minimise any unreasonable noise impacts and overlooking of the more sensitive areas of roof level living areas and private open space terraces of residential units of the adjoining mixed-use building to the north, 38 Chalmers Street.

It is proposed to further reduce privacy impacts for the adjoining properties to the north and north-east by constructing a concrete wall along the entire length of the site's northern boundary.

It is therefore considered that the area of exceeded height limit of the proposed building addition roof, which primarily occurs in the south-east corner of the site will have negligible noise and privacy impact on adjoining and surrounding residential and commercial buildings.

10.3 Visual Appearance and Views

A key design strategy of this DA is to minimise the upper level building bulk through generous building setbacks for the proposed roof level residential addition and to provide a more interesting and visually appealing roof form above this addition, when compared to the parapet style, flat roof form above the approved roof level commercial addition of DU/2003/76/E.

As shown in **Figure 15** below, the proposed new roof form has been designed to gradually rise up to a high point in the south-east corner of the site. At that point the proposal exceeds the LEP's 27m height limit by 2.92m.



Figure 15: Photomontage of proposed roof form from the south (Source: SJB Architects)



This gradual increase in the roof plane to its highest point provides and elegant, sculptural architectural roof feature to the building, in that part of the site well separated from the surrounding built form, and enhancing the visual character of this locality.

Furthermore, the extent of the roof's exceeded LEP height limit (up to 2.92m), does not result in any unreasonable impact on the visual amenity or view corridors of surrounding private properties and the public domain.

In summary, there are sufficient environmental planning grounds to justify the proposed variation of the LEP maximum building height development standard.

11. Conclusion

Strict compliance with the maximum building height development standard contained within Clause 4.3 of Sydney Local Environmental Plan 2012 has been found to be unreasonable and unnecessary in the circumstances of the case. There are sufficient environmental planning grounds to justify the proposed height variation. In this regard, it is reasonable and appropriate to vary the maximum building height development standard to the extent proposed.



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Chippendale NSW 2008**

Attachment D

Clause 4.6 Variation – Floor Space Ratio

Clause 4.6 Variation
Request – Floor Space Ratio – Clause
4.4 Sydney Local Environmental Plan
2012

17 Randle Street, Surry Hills

Prepared by Planning Lab
Issued 24 April 2026

Planninglab.com.au

1. Introduction

This request to vary a development standard has been prepared in accordance with Clause 4.6 (cl 4.6) of the Sydney Environmental Plan 2012 (SLEP 2012) which accompanies a development application to construct a residential addition above the existing commercial building located on the premises, 17 Randle Street, Surry Hills ('the site').

The DA primarily involves:

- The demolition of the existing internal layout of Level 5 and Roof Level;
- The adaptive internal replanning of Level 5 and construction of a new building level above with an outdoor terrace (Level 6) for a two level residence (Levels 5 and 6);
- Replacement of existing windows and new acoustic treated windows along the Randle and Chalmers Street elevations of Level 5;
- A new curved, pitch roof form above the new Level 6; and
- A new concrete wall located along the northern boundary (adjoining 38 Chalmers Street).

This request specifically seeks to vary the 6:1 floor space ratio (FSR) development standard contained in Clause 4.4 of SLEP 2012.

This request has been prepared having regard to the following considerations:

- The Department of Planning and Environment's Guide to Varying Development Standards (November 2023);
- The objectives of Clause 4.4 of SLEP 2012 – Floor Space Ratio, being the development standard to which a variation is sought; and
- Relevant case law in the New South Wales Land and Environment Court and New South Wales Court of Appeal including *Wehbe v. Pittwater Council* [2007] NSWLEC 827.

This variation request provides an assessment of the development standard and the extent of variation proposed to the standard. The variation is then assessed in accordance with the principles set out in the *Wehbe*.



2. Clause 4.6 Exceptions to development standards

Clause 4.6(2) of the SLEP 2012 provides that development consent may be granted for development even though the development would contravene a development standard imposed by the SLEP 2012.

However, clause 4.6(3) states that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstance of the case, and
- (b) there are sufficient environmental planning grounds to justify contravening the development standard.

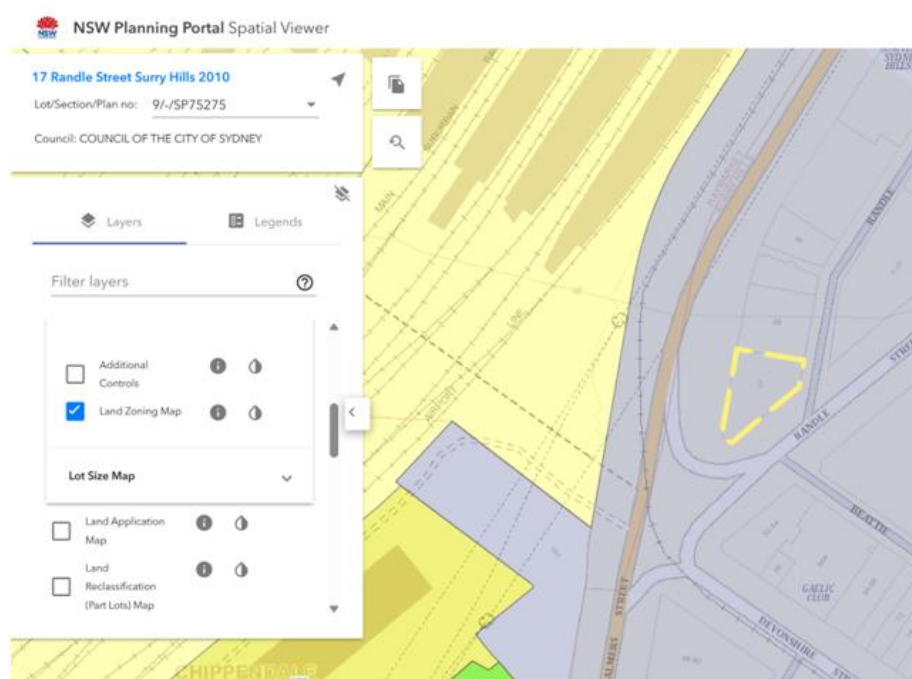
In accordance with clause 4.6(3) the applicant requests that the SLEP 2012 maximum FSR development standard be varied.

3. What is the Environmental Planning Instrument (EPI) that applies to the land?

The Environmental Planning Instrument (EPI) to which this variation relates is the Sydney Local Environmental Plan 2012 (SLEP 2012).

4. What is the zoning of the land?

The site is zoned MU1 Mixed Use pursuant to the SLEP 2012. Refer to **Figure 1**.



*Figure 1: Extract of Land Use Zoning Map (subject site shown with yellow dashed outline)
Source: NSW Planning Portal Spatial Viewer*



5. What is the development standard being varied?

Clause 4.4 of the SLEP 2012 provides that the FSR on any land is not to exceed that shown for the land on the Height of Buildings Map. The site is within a 6:1 FSR area, as shown in **Figure 2**.

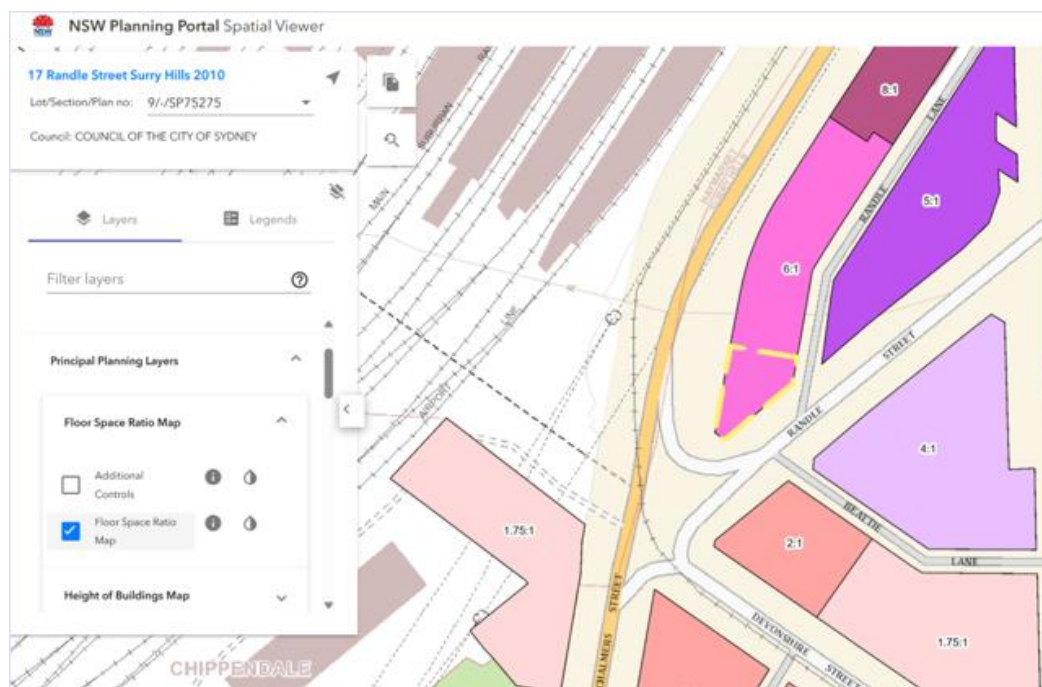


Figure 2: Extract of FSR Map (subject site shown with yellow dashed outline) Source: NSW Planning Portal Spatial Viewer

6. Is the development standard excluded from the operation of Clause 4.6 of the EPI?

CI 4.6(2) states that development consent may be granted for development even though the development would contravene a development standard. However, this does not apply to a development standard that is specifically excluded under cl 4.6(8) of the SLEP 2012. Given the maximum FSR development standard is not identified under subclause 4.6(8), it is therefore not specifically excluded from the operation of cl 4.6 of SLEP 2012.



7. The site and its context

7.1 The Site

The site has a legal description of SP 71953 and is commonly known as 17 Randle Street, Surry Hills.

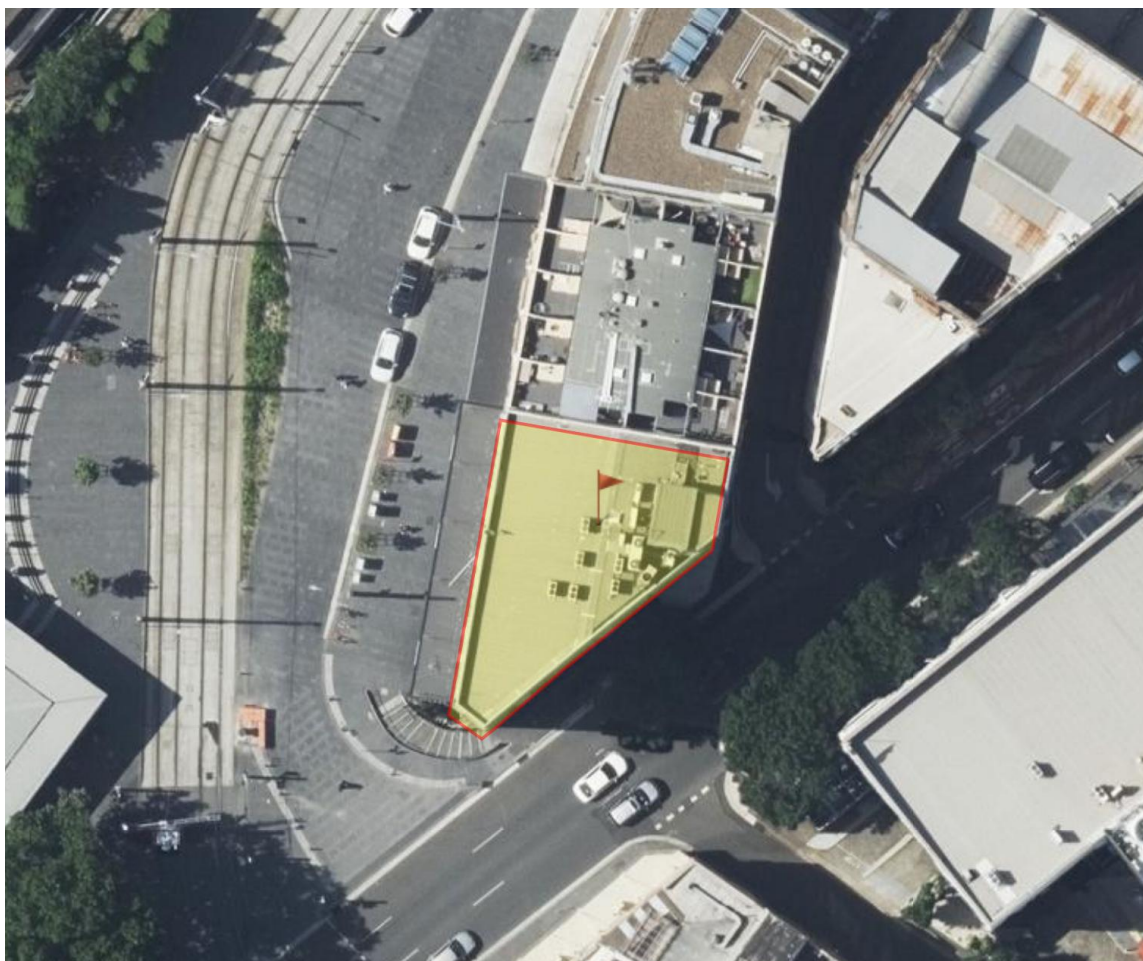


Figure 3 – Aerial image identifying the site (NSW SIX Maps)

The site is an irregular shape, with frontages to both Randle Street and Chalmers Street, with an area of approximately 317m². Levels on the site fall by 3.48m from the Randle Street frontage to the Chalmers Street frontage.

The site is occupied by a 7 storey, commercial building, consisting of a ground level retail tenancy along Chalmers Street and commercial offices on the levels above. The site has no on site car parking.

The main building entrance, lift access and fire stairs are located along the Randle Street frontage.

The site is neither identified as a heritage item nor located within a Heritage Conservation Area under Sydney Local Environmental Plan 2012 (SLEP 2012). The site is located adjacent to the local and state heritage item – Central Railway Group (item numbers I824 and O1255 respectively).





*Figure 4 – View of Chalmers Street Frontage of Existing Building – 17 Randle Street
(Source: City of Sydney)*



*Figure 5 – View of Randle Street Frontage of Existing Building – 17 Randle Street
(Source: City of Sydney)*





Figure 6 – View of Existing Building – 17 Randle Street from the South with Light Rail Lines in the foreground (Source: City of Sydney)

7.2 Adjoining and Surrounding Development

The site is immediately adjoined to the north by two, 8 storey, mixed use, shop top housing developments at 30-34 and 38 Chalmers Street. Located opposite to the east is the 7 storey, Newspoll Office Building at 407-419 Elizabeth Street, to the south-east is the 3 storey, Madison Hotel site at 52 Devonshire Street, a currently vacant redevelopment site to the north-east, 7-15 Randle Street, and to the west along Chalmers Street is the Sydney Light Rail network, and the large expanse of the Sydney Rail network leading into Central Station further to the west and north-west.

As identified in the photomontage of the proposed roof addition in **Figure 7** below, the subject site is well separated from the commercial buildings to the east and north-east, and the light and heavy rail corridor uses to the west.





NOT FOR CONSTRUCTION	
FOR APPROVAL	COMMERCIAL
Project: 17 Randle Street, Surry Hills, NSW Client: XCOMMERCIAL Architect: SJB Architects DA-8701	DA-8701 7/4

Figure 7 – Photomontage looking to the proposed roof addition of the subject site (SJB Architects)

The sites in closest proximity to the subject site is the shop top housing development immediately adjoining to the north (38 Chalmers Street), and the future redevelopment site to the north-east (7-15 Randle Street).

As identified in **Figures 8 and 9** below, 38 Chalmers Street consists of a series of multi-level residential units, with part enclosed living areas and open terraces at roof level. The southernmost of these units are currently separated by a privacy screen, built at various heights adjoining the common boundary with 17 Randle Street.





Figure 8 – Aerial view of the roof level residential units and open terraces of 38 Chalmers Street (shaded yellow) and their proximity to the adjoining roof level of 17 Randle Street site (SIX Maps)



Figure 9 – Photos taken from the existing roof of 17 Randle Street looking toward the common boundary and existing privacy screen located along the boundary of the adjoining roof level apartments of 38 Chalmers Street. (SJB Architects)



The property located opposite Randle Lane to the northeast, 7-15 Randle Street, is currently vacant and is a future redevelopment site. Following an earlier design competition, Council granted deferred development consent for D/2019/1292 on 18 August 2020 for the demolition of the existing buildings at 7-9 and 15 Randle Street, retention and re-use of 11-13 Randle Street (an existing heritage item) and construction of a 9 storey mixed use building with 2 levels of basement across the sites including a through site link between Randle Lane and Randle Street and use of the building as hotel accommodation (123 rooms) with 2 restaurants, small bar and café. However, all the buildings on site were substantially damaged by a fire that occurred within 11-13 Randle Street on 25 May 2023. Council has subsequently granted consent to an amending DA (D/2023/1170) to enable the main development concept of D/2019/1292 to advance, but including a rebuild of the former heritage building at 11-13 Randle Street, utilizing remnant building materials. Both consents have since been modified, with the latest modification application D/2019/1292/E being undetermined at the time of lodging the current DA for 17 Randle Street. It is worth noting that the current modification includes a proposal for a rooftop bar (181 seats - 65 outdoor and 116 internal). A photomontage of the 7-15 Randle Street design concept is provided in **Figure 10** below.



Figure 10 – Photomontage of current amended design of mixed-use building at 7-15 Randle Street – D/2019/1292/E (Tonkin Zulaikha Greer Architects Architects)



Whilst located just outside of the Central Sydney area, the site is located within the Railway Square/Central Station Special Character Area of Sydney Development Control Plan 2012 (SDCP 2012).

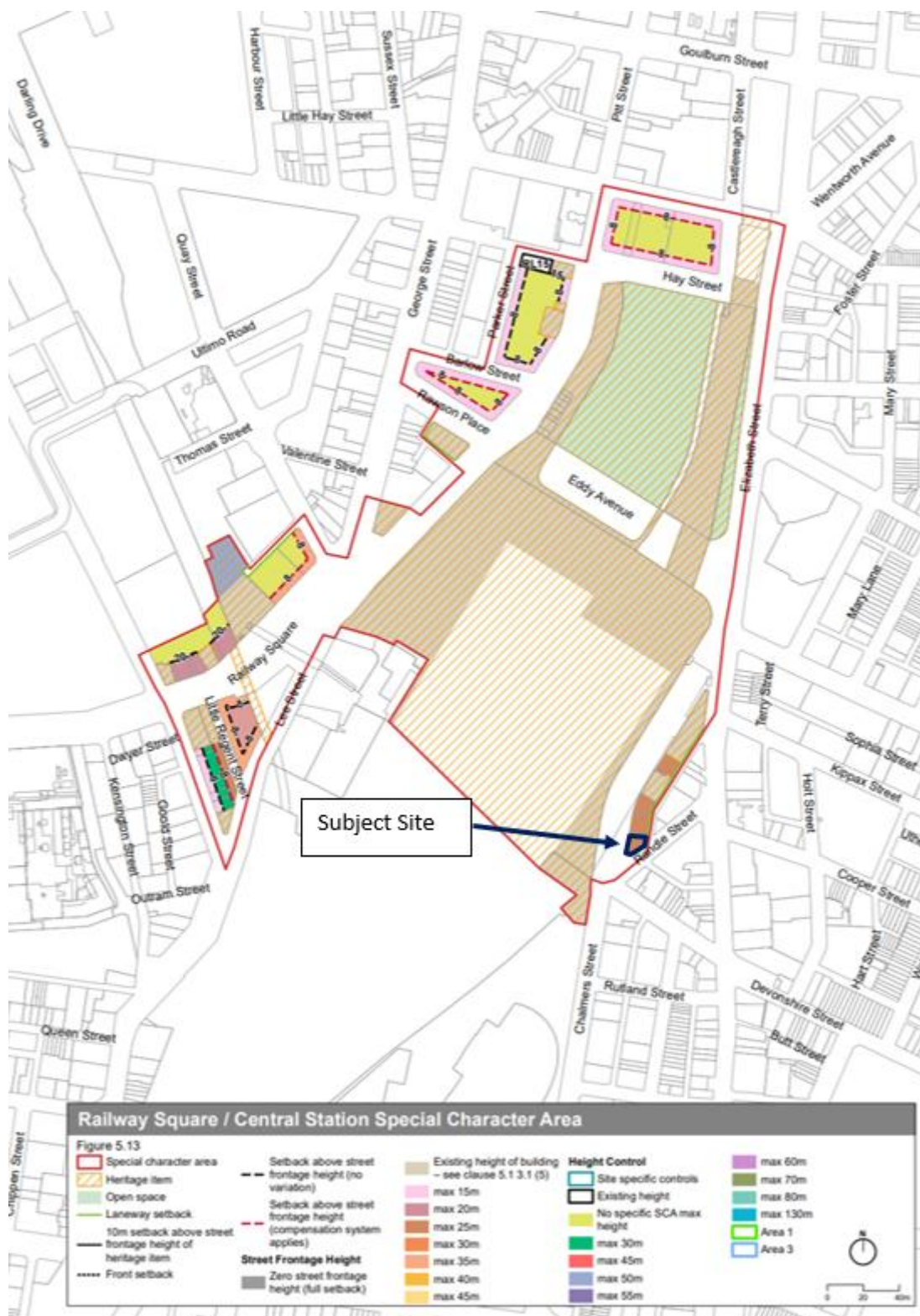


Figure 11 – Extract of Figure 5.13 Special Character Map SDCP 2012 (Source: City of Sydney)



8. Extent of Variation to the Development Standard

This Variation Request accompanies a Development Application to construct a residential addition above the existing commercial building located on the premises, 17 Randle Street, Surry Hills ('the site').

8.1 Extent of Maximum Building Height Variation

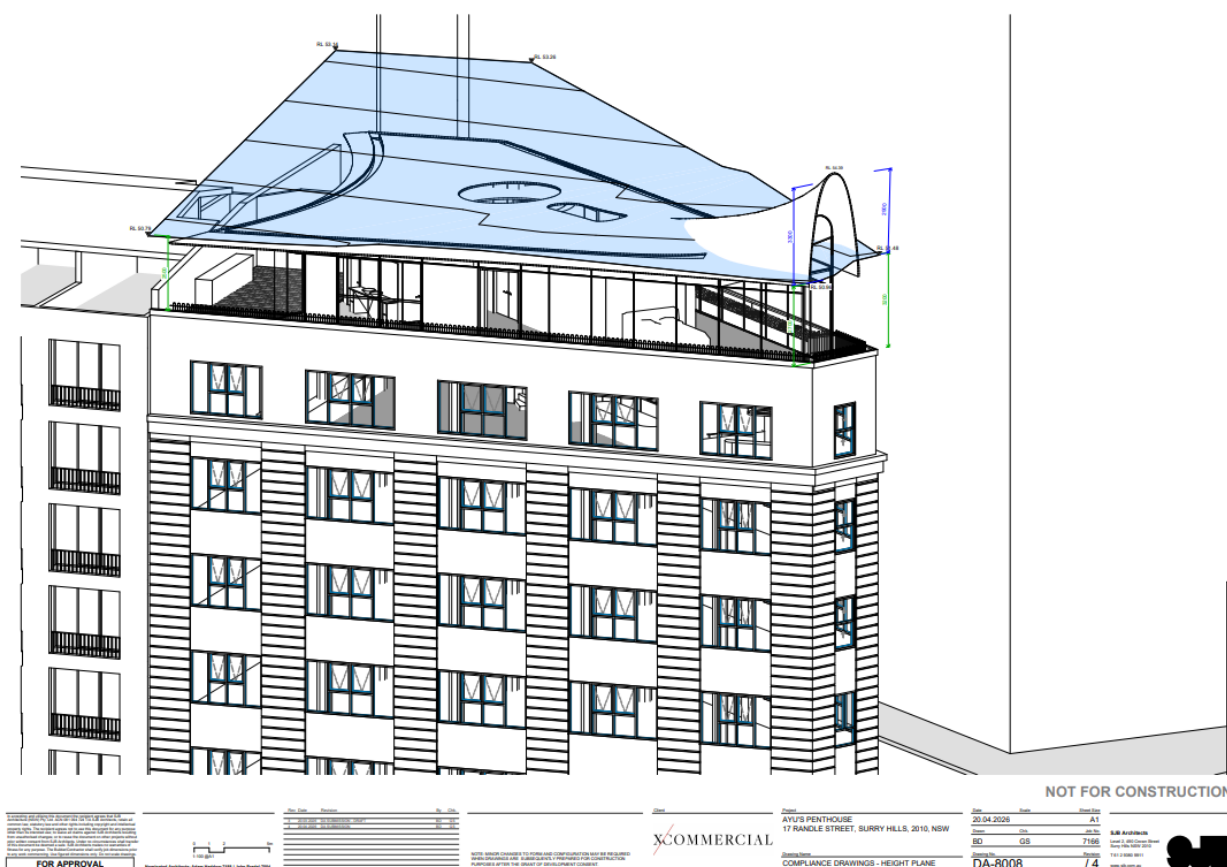
In accordance with Clause 4.4 of Sydney LEP 2012, the maximum FSR for the subject site is 6:1.

The proposed maximum FSR of the roof of the new residential addition is 6.54:1, and total GFA of 2,073m², representing a variation to the LEP 6:1 maximum FSR of 173m², or a margin of 9.1%.



Figure 12: Extract of East Elevation from Architectural Drawings (Source: SJB Architects)





The five potential methods established under *Wehbe* are that:

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

The five ways are not exhaustive, and it may be sufficient to establish only one to satisfy cl 4.6(3)(a).

For completeness, this request addresses the first of the five alternative tests established - in *Wehbe v Pittwater Council* [2007] NSWLEC 827, followed by a concluding position which demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case.

9.1 The Objectives of the standard are achieved notwithstanding non-compliance with the standard;

Compliance with the maximum FSR development standard is unreasonable or unnecessary in the circumstances of this case because, as explained in Table 1 (below), the objectives of the development standard are achieved, notwithstanding non-compliance with the standard.

Demonstrating that the proposal will have no adverse amenity impacts is, therefore, one way of showing consistency with the objectives of a development standard.

Table 1: Achievement of Development Standard Objectives of Clause 4.4 of Sydney LEP 2012

Objective	Discussion
(a) to provide sufficient floor space to meet anticipated development needs for the foreseeable future,	The SLEP 2012 provides a maximum FSR of 6:1 for the site and surrounding area, complemented by an 8 storey DCP maximum which enables a suitable flexibility for maximising FSR yield in an area characterised by boundary-to-boundary built forms. It also provides a scale that reflects the former warehouse and commercial character of the heritage of this precinct. The LEP Mixed Use zone also facilitates a flexibility in the use of these sites,



Objective	Discussion
	ensuring that their maximum potential can be achieved in a form that meets the housing and employment needs of this transitional part of the City of Sydney.
(b) to regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic,	The density, built form and land use intensity of the proposed adaptive re-use (Level 5) and roof top addition for a new 2 storey residence is entirely appropriate for the existing 7 storey commercial building and surrounding mixed use area, given the buildings previous history of mixed hotel, commercial office, pub and retail uses, its general consistency with the Sydney LEP and DCP 2012 maximum height, FSR, number of storeys and Special Character areas, and Council's previous support for a variation to the LEP maximum height and FSR controls for a similar commercial use roof top addition for the development consent DU/2003/76/E. The proposed single residence use at Levels 5 and 6 will also have minimal impact on the extent of vehicular and pedestrian movement to the site.
(c) to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure,	The subject proposal to convert Level 5 from commercial office and construct a roof level addition for a new 2 storey dwelling will have minimal impact of the capacity of existing and planned infrastructure in this part of the City of Sydney, which is already highly accessible and in close proximity to a wide range of public transport, retail, commercial, community and public open space facilities and services.



Objective	Discussion
(d) to ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality.	The proposal is highly complementary to the desired character and function of the LEP Mixed Use MU1 zone and DCP Railway Square/Central Station Special Character Area, with a roof top addition design that minimizes the bulk and potential amenity impacts on adjoining and surrounding residential and commercial uses to the north and north-east by providing generous setbacks and an orientation of its main livings areas and windows to the south and west of the site along its Chalmers and Randle Street frontages, and an elegant and architectural roof feature that provides a gradual increase in height to its highest point in the south-east of the site, further protecting the amenity of surrounding land uses, and providing a lively and interesting visual focal point for the public domain in this highly active, transport hub precinct.

Compliance with the maximum building height development standard is therefore unreasonable or unnecessary in the circumstances of this case because the objectives of the standard are achieved, and the non-compliance will not result in any major adverse environmental impact.

10.Clause 4.6(3)(b) Are there any sufficient environmental planning grounds to justify contravening the development standard?

Clause 4.6 (3) (b) of the LEP necessitates a specific focus of assessment of the extent of environmental impacts of that part of the proposed development that exceeds the relevant LEP development standard, which is the Clause 4.4 maximum FSR requirement of 6:1.

Section 8 of this report identifies that the proposed maximum FSR of this DA is **6.54:1**, and total GFA of **2,073m²**, representing a variation to the LEP **6:1** maximum FSR of **173m²**, or a margin of **9.1 %**.

In the context of this environmental impact assessment, an important design reference for the current DA, is the active development consent for the site, DU/2003/76/E, which involved a relatively similar adaptive re-use of the existing Level 5 and erection of a new Level 6 at the current Roof Level for a commercial use, as compared to the proposed residential use of the current DA.



DU/2003/76/E also included a flat roof form with a maximum height of RL 51.00 at the parapet level.

This maximum level has been used as a reference point in the design of the proposed residential addition in the current DA, which retains the approved parapet height of RL 51.00, but provides an sculptural architectural roof feature above.

It is also important to note that the latest modified DU/2003/76/E included the approval of the following variation to the maximum FSR requirement:

Clause 4.4 – Maximum Floor Space Ratio – 6:1

- The approved total GFA for the modified building was **2,072m²**, resulting in a FSR of **6.54:1**, a variation of **172.4m²**, or **9%**.

The FSR of the current proposed DA is therefore equivalent to the FSR approved by Council for the previous DA DU/2003/76/E.

The common variation of these 2 DAs (approximately 170m²) closely reflects the GFA of the proposed new roof level addition of 164m².

It is therefore necessary under Clause 4.6 to assess the environmental impacts of the proposed new roof level addition.

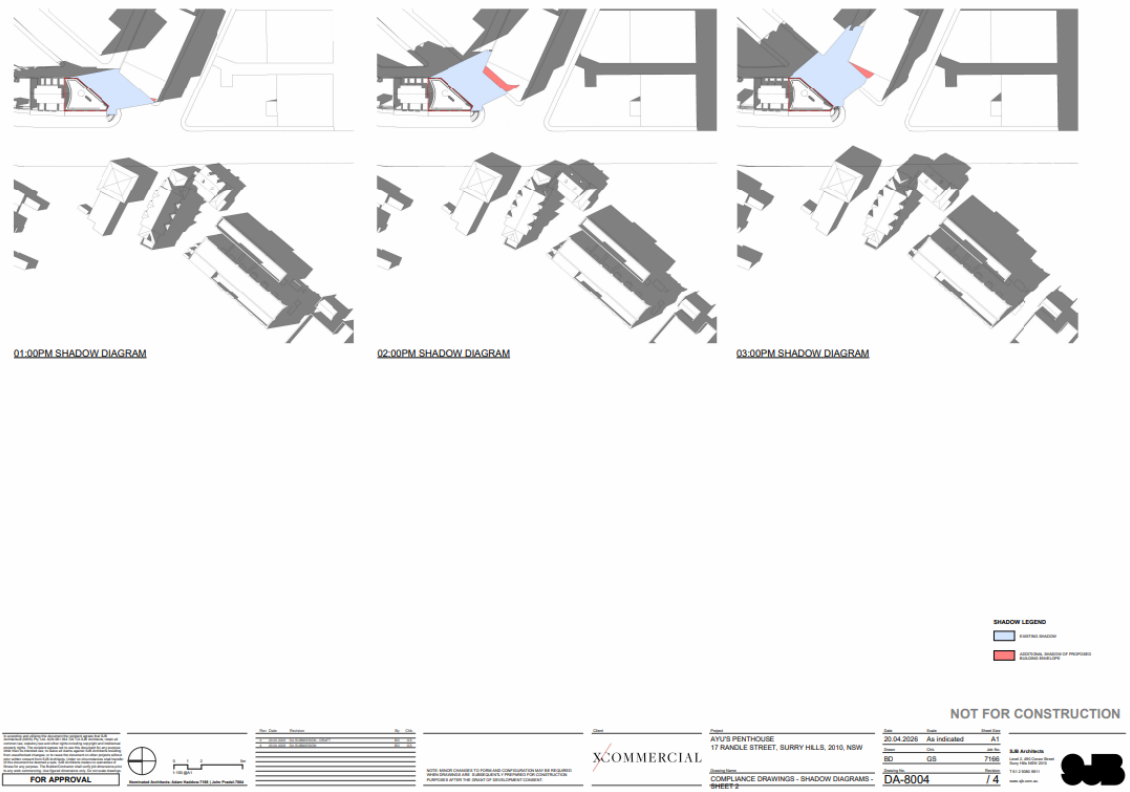
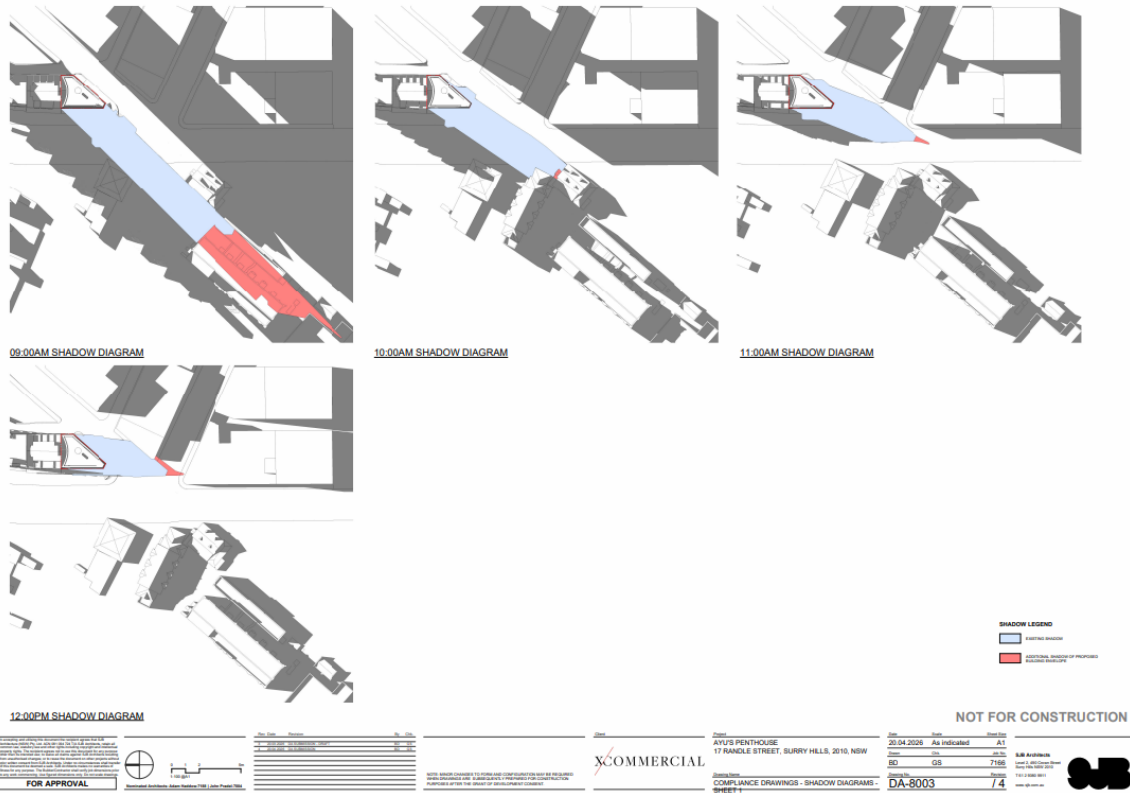
10.1 Overshadowing

The Mid-Winter shadow diagrams that accompany the DA (see below) demonstrate that the extent of additional overshadowing created for surrounding residents and the public domain by the exceedance of the LEP maximum 6:1 FSR will be compliant with Council's DCP controls and provide relatively minimal overshadowing impacts across the following parts of the day.

Given the site's solar orientation, separation from surrounding buildings by multiple street frontages, and the proposed sensitively scaled sculptural architectural roof feature, there will be minimal overshadowing impacts for both surrounding properties and the public domain.

The most significant additional overshadowing is expected to occur between 9-10am mid-winter and only impacts on a limited section of the adjoining roads to the south.





10.2 Visual and Acoustic Privacy

Substantive efforts have been made in the DA design to provide suitable building setbacks, and orient the main living areas and windows of the proposed roof level residential building to the main west and south street elevations, in order to minimise any unreasonable noise impacts and overlooking of the more sensitive areas of roof level living areas and private open space terraces of residential units of the adjoining mixed-use building to the north, 38 Chalmers Street.

It is proposed to further reduce privacy impacts for the adjoining properties to the north and north-east by constructing a concrete wall along the entire length of the site's northern boundary.

It is therefore considered that the area of exceeded FSR limit of the proposed building addition roof, which primarily occurs in the south-east corner of the site will have negligible noise and privacy impact on adjoining and surrounding residential and commercial buildings.

10.3 Visual Appearance and Views

A key design strategy of this DA is to minimise the upper level building bulk through generous building setbacks for the proposed roof level residential addition and to provide a more interesting and visually appealing roof form above this addition, when compared to the parapet style, flat roof form above the approved roof level commercial addition of DU/2003/76/E.

As shown in **Figure 14** below, the proposed new sculptural architectural roof feature has been designed to gradually rise up to a high point in the south-east corner of the site. At that point the proposal exceeds the LEP's 27m height limit by 2.92m.



Figure 14: Photomontage of proposed roof form from the south (Source: SJB Architects)



This gradual increase in the roof plane to its highest point provides and elegant, sculptural architectural roof feature to the building, in that part of the site well separated from the surrounding built form and enhancing the visual character of this locality.

Furthermore, the extent of the roof's exceeded LEP height limit (up to 2.92m) and exceeded 6;1 FSR, does not result in any unreasonable impact on the visual amenity or view corridors of surrounding private properties and the public domain.

In summary, there are sufficient environmental planning grounds to justify the proposed variation of the LEP maximum FSR development standard.

11. Conclusion

Strict compliance with the maximum FSR development standard contained within Clause 4.4 of Sydney Local Environmental Plan 2012 has been found to be unreasonable and unnecessary in the circumstances of the case. There are sufficient environmental planning grounds to justify the proposed FSR variation. In this regard, it is reasonable and appropriate to vary the maximum FSR development standard to the extent proposed.



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**Suite 195, 20-40 Meagher Street
Chippendale NSW 2008**

Item 4.**Development Application: 14 and 16 Trinity Avenue, Dawes Point - D/2026/298****File Number: D/2026/298****Summary**

Date of submission:	7 April 2026
Applicant:	Aidan Norden
Architect/Designer:	David Selden Design
Owner:	Daniel Tower and Tobias Buchanan
Planning consultant:	GSA Planning
Heritage consultant:	Cracknell and Lonergan Architects
Cost of works:	360,597.16
Zoning:	R1 General Residential. The proposal is for alterations and additions to existing residential dwellings which is permissible with consent in the zone.
Proposal summary:	The subject application seeks consent for alterations and additions to the existing 2 x two-storey terrace dwellings, comprising rear second storey wing additions with internal spiral staircases for access. The terraces are State Heritage listed (SHR 00911) and are located within the State Heritage listed Millers Point heritage conservation area (SHR 00884) and the Millers Point and Dawes Point village precinct (SHR 01682). The application is Integrated Development requiring the approval of Heritage NSW under the Heritage Act 1977. General Terms of Approval were issued by Heritage NSW on 8 July 2026. This application is referred to the Local Planning Panel as the proposal seeks a variation to the existing building height, which is prescribed to be the maximum height permitted as at the commencement of the site-specific provisions of the Millers Point heritage conservation area under the Sydney Local Environmental Plan 2012 for heritage items.

The existing rear additions are 4.01m in height, and the area where the stair is to be installed has an existing height of 8.04m. The proposed rear additions are 6.075m in height, resulting in a height variation of 51.5%. The stair is 9.51m in height, creating a variation of 18%. The proposed variation to the development standard has merit and is supported.

The application was notified for a period of 28 days between 8 April and 7 May 2026. No submissions were received.

The proposal is generally consistent with the relevant objectives and provisions of the Sydney LEP 2012 and the Sydney DCP 2012.

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) Heritage Act 1977
- (iii) State Environmental Planning Policy (Transport and Infrastructure) 2021
- (iv) State Environmental Planning Policy (Biodiversity and Conservation) 2021
- (v) State Environmental Planning Policy (Sustainability) 2022
- (vi) Sydney Local Environmental Plan 2012
- (vii) Sydney Development Control Plan 2012

Attachments:

- A. Recommended conditions of consent
- B. Selected drawings
- C. Clause 4.6 variation - Height

Recommendation

It is resolved that:

- (A) the variation requested to Clause 6.47(5) 'Millers Point heritage conservation area' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld
- (B) consent be granted to Development Application Number D/2026/298 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 development is consistent with the objectives of the R1 General Residential zone.
- (B) The proposed development satisfies the relevant objectives and provisions of the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (C) The design of the additions, subject to conditions, responds appropriately to the scale of surrounding buildings.
- (D) Appropriate conditions are to be imposed to ensure the development does not detrimentally impact on the heritage significance of the site.
- (E) The development will not adversely affect the character of the State Heritage listed Millers Point heritage conservation area and the Millers Point and Dawes Point village precinct.
- (F) Having considered the matters in Clause 6.21C of the Sydney LEP 2012, the proposal exhibits design excellence.
- (G) Based upon the material available to the Panel at the time of determining this application, the Panel is satisfied that the applicant has demonstrated that compliance with the maximum height of a building on land to which 6.47 'Millers Point heritage conservation area' of the Sydney Local Environmental Plan 2012 applies, 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.

Background

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:
 - Departure from Development Standards
2. The development application falls within the category of Departure from Development Standard as the proposed additions contravene the maximum building height permitted under Clause 6.47 'Millers Point heritage conservation area' of the Sydney Local Environmental Plan 2012, by more than 25%.

Site and surrounding development

3. The subject site comprises 2 lots, with a legal description of Lot 1 and Lot 2 in DP 1275148, commonly known as 14 and 16 Trinity Avenue, Dawes Point. The 2 lots are irregular in shape. No. 14 Trinity Avenue has an area of 94.1sqm and 16 Trinity Avenue has an area of 94.7sqm; with a total site area of 188.8sqm.
4. The site has a primary street frontage of 10.28m to Trinity Avenue, and no rear access. The nearest cross street is Lower Fort Street to the immediate north of the site. Levels on the site fall by 7.75m from the rear (east) to Trinity Avenue (west). The site is not identified as being subject to flooding.
5. The site contains a pair of 2-storey Federation terraces constructed of brick, with single storey rear wing additions that are located at level 1 due to the stepped topography of the site. The terraces share a central corridor, leading to courtyards for each property. There is no landscaping within the site.
6. The site forms part of a State Heritage Item known as 'Terrace', comprising 14, 16, 18, 20 and 22 Trinity Avenue, Dawes Point (SHR 00911). The site is located within the State Heritage listed Millers Point heritage conservation area (SHR 00884) and the Millers Point and Dawes Point village precinct (SHR 01682). The site is also locally listed under the Sydney Local Environmental Plan (SLEP) 2012 as 'Terrace group' (I550) and is located in the Millers Point heritage conservation area (C35).
7. The surrounding area is characterised by a mixture of land uses, predominantly being residential in nature. In the immediate vicinity, the site is adjacent to a 2-storey heritage manor used as a single dwelling known as 'Darling House' at 8-12 Trinity Avenue. Further north is a 3-storey residential flat building. To the south are the 2-storey terraces that form part of the heritage group with the subject site, at 18-22 Trinity Avenue. Further south is a small playground. Directly behind the site to the east is the heritage listed item known as 'Sydney Harbour Bridge approaches group', which comprises paved areas adjacent to Bradfield Highway.
8. A site visit was carried out on 13 July 2026. Photos of the site and surrounds are provided below.



Figure 1: Aerial view of site and surrounds



Figure 2: Site (14 and 16 Trinity Avenue) viewed from Trinity Avenue



Figure 3: Rear elevation of subject site, looking back towards Trinity Avenue



Figure 4: Rear elevation of subject site looking east to the railway line above the site



Figure 5: View to the rear of 18 to 22 Trinity Avenue



Figure 6: View to development to the north of the site, including Darling House, and the Harbour Bridge to the right



Figure 7: North (side) elevation of 14 Trinity Avenue



Figure 8: State heritage listed terrace row (including subject site), viewed from Trinity Avenue



Figure 9: Surrounding development to the north, comprising State heritage listed items Darling House (8-12 Trinity Avenue), and a 3-storey residential flat building (30A Lower Fort Street)

History relevant to the development application

Development applications

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

- **D/2020/692** – Development consent was granted on 29 September 2020 for the subdivision of land (14 and 16 Trinity Avenue) into 2 lots.
- The applicant received advice from the Heritage Council of NSW on 4 March 2025 for an additional rear storey for the pair of terraces. Additional information was requested, including fire separation, structural impacts, planting elements, reducing the impact of the lantern, demolition plans, a schedule of conservation works, a heritage impact statement, a visual analysis and potential archaeological impact.
- **PDA/2025/249** – Pre-DA written advice was provided on 3 December 2025 based on the scheme reviewed by the Heritage Council of NSW. In particular, the proposal needed to have regard to the endorsed Conservation Management Plan (CMP) for the terraces, with any non-compliances to be fully justified. The following non-compliances with the CMP were noted.

- The additions were not located within the external areas suitable for possible change as indicated by the CMP and were contrary to its policies relating to new additions and building envelope. This includes changes are not to impact areas and fabric of exceptional/high/moderate significance and the envelopes are not to be increased upwards or outwards.
- The additions would be removing fabric of exceptional and moderate significance and were not considered to be of minor impact to the heritage significance of the terraces.
- The non-compliances were considered to be a major departure from CMP policies, and support on heritage grounds for the proposed additions would be dependent on the views of Heritage NSW.

Amendments

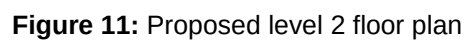
10. Following a preliminary assessment of the proposed development by Council Officers and Heritage NSW, requests for additional information were sent to the applicant on 22 May 2026 and 18 June 2026.
11. Specifically, Council requested additional shadow diagrams depicting correct lot boundaries, and Heritage NSW requested a Visual Impact Assessment and updated Heritage Impact Assessment detailing conservation works. Heritage NSW then requested further amendments to the Visual Impact Assessment.
12. The applicant responded to the request on 26 May 2026 and 1 July 2026, and submitted:
 - (a) a Visual Impact Assessment (as amended)
 - (b) a Heritage Impact Assessment
 - (c) survey plan depicting lot boundaries of adjoining terraces to the south
 - (d) shadow diagrams depicting impact to adjoining terraces to the south.

Proposed development

13. The application seeks consent for alterations and additions to the existing 2x two-storey residential terraces at 14 and 16 Trinity Avenue, including an additional storey at the rear to both terraces. The proposed works involve the following:
 - (a) demolition of the existing roof and rafters of the single storey rear wing additions and part of the metal roof sheets of the main terraces
 - (b) construction of an additional storey to the rear wing additions, including 2x internal spiral staircases at level 1. The new additions are to comprise 1 bedroom, ensuite and rear facing balcony each, and planters along the north, part of the east and along the west boundaries of the new additions. The additions are to be constructed of full height glazing and lightweight zinc cladding
 - (c) new box gutters to main terraces to be installed where the new additions meet the main roof profile.

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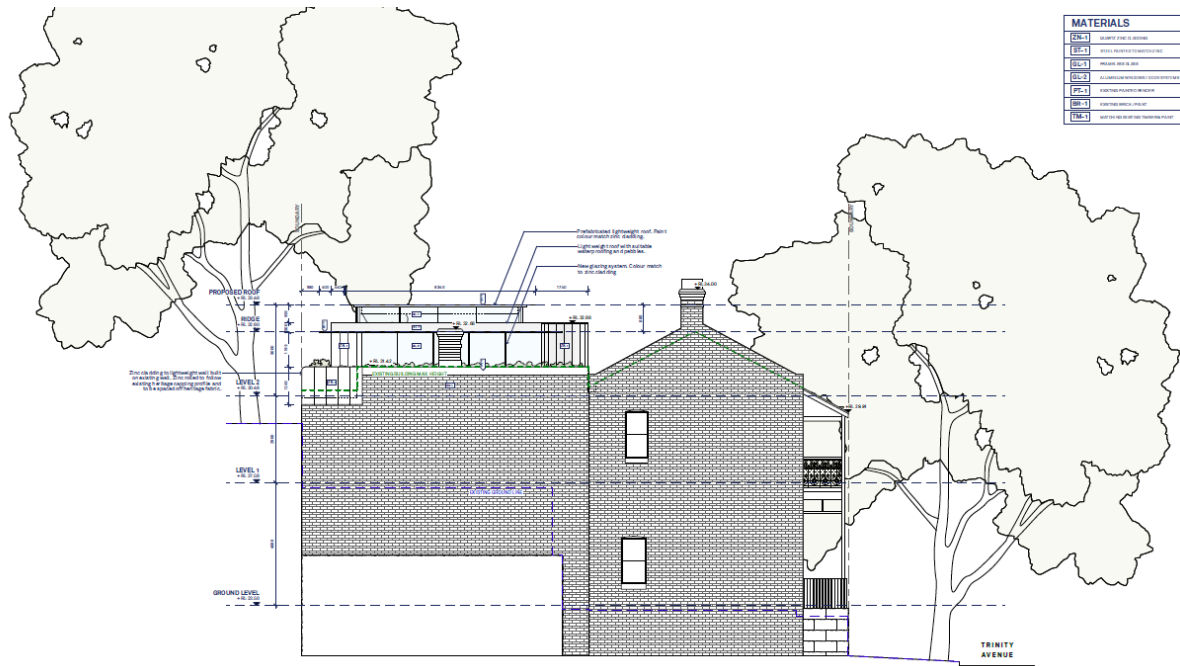


Figure 13: Proposed north elevation



Figure 14: Proposed east (Trinity Avenue - left) and west (rear - right) elevations

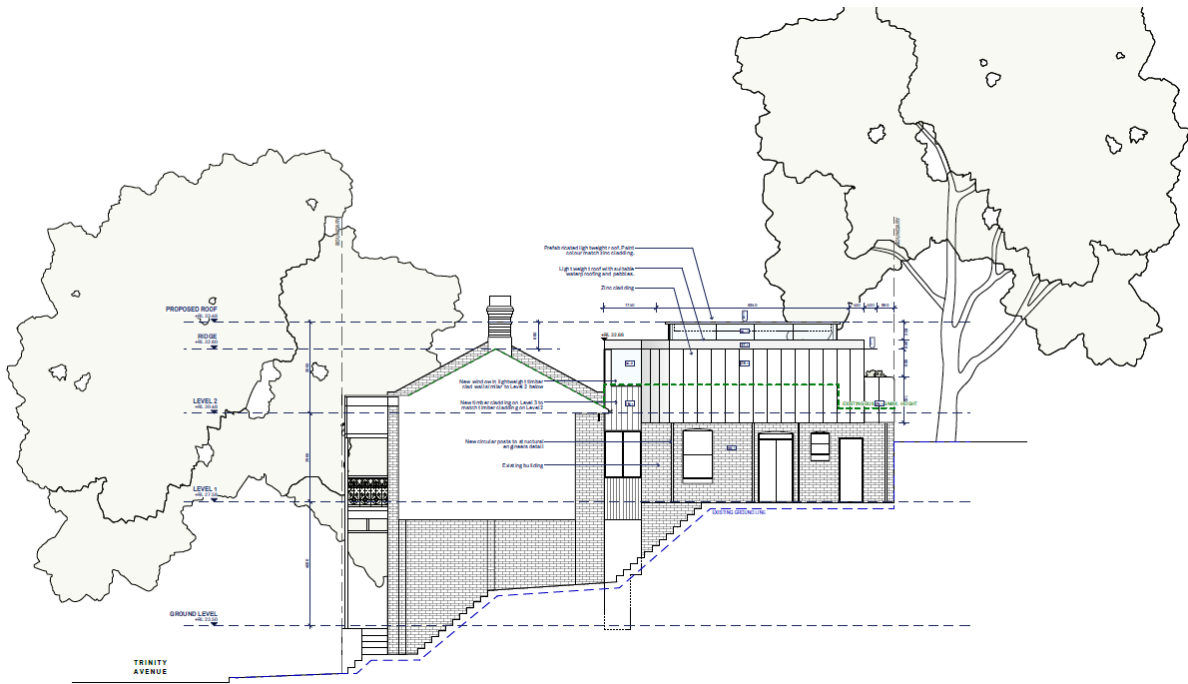


Figure 15: Proposed section AA

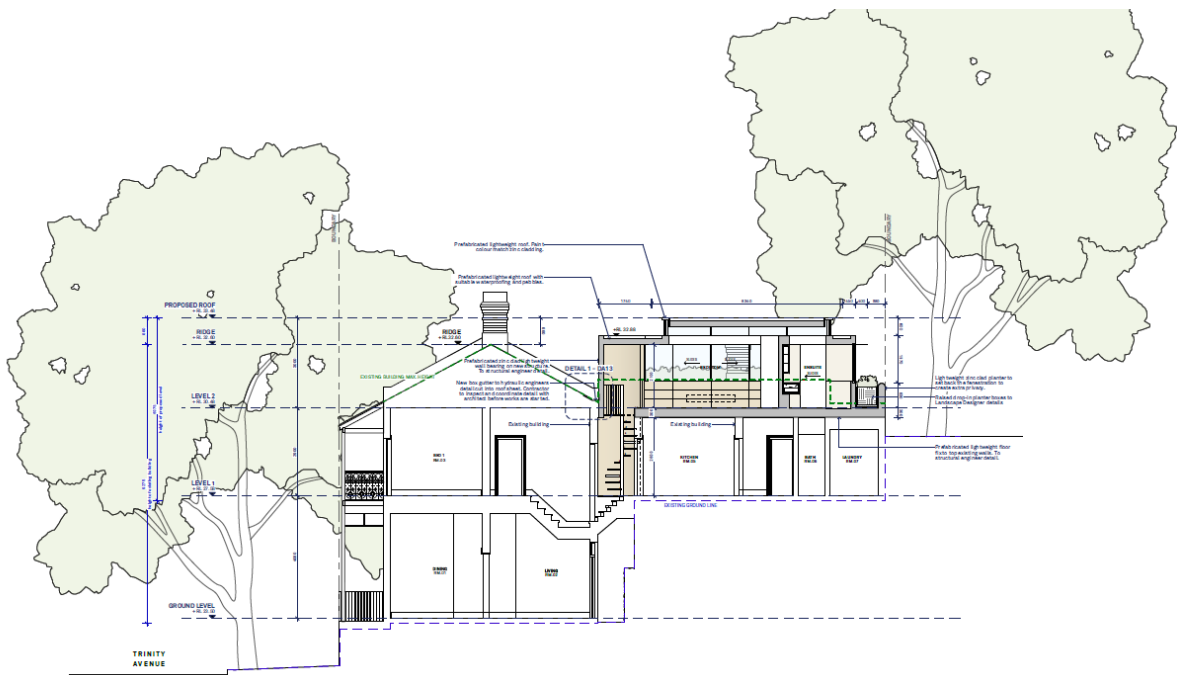


Figure 16: Proposed section BB

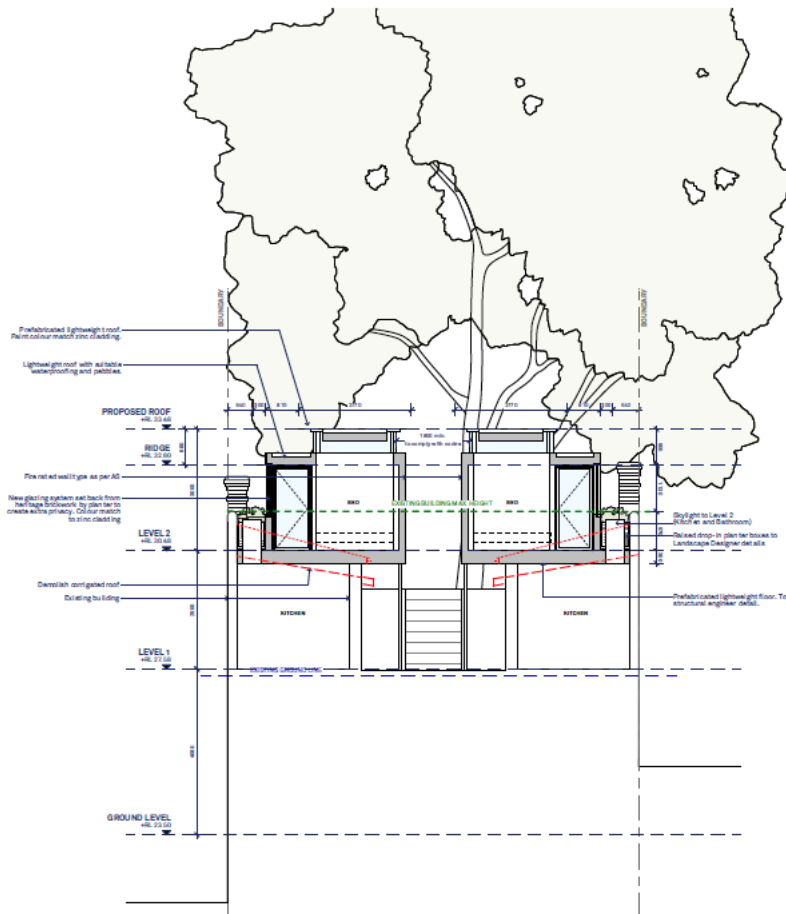


Figure 17: Proposed section CC

Assessment

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

Heritage Act 1977

19. The subject site forms part of an item known as 'Terrace' on the State Heritage Register under the Heritage Act 1977 (SHR 00911) and is located within the Millers Point heritage conservation area (SHR 00884) and the Millers Point and Dawes Point village precinct (SHR 01682).
20. An endorsed Conservation Management Plan prepared by Lucas Stapleton Johnson and Partners Pty Ltd and dated 1 March 2017, applies to the site.
21. As Integrated Development requiring approval under the Heritage Act 1977, a copy of the application was referred to the Heritage Council on 10 April 2026 in accordance with Clause 66 of the Environmental Planning and Assessment Regulation 2000. In correspondence dated 18 May 2026, the NSW Heritage Council was advised that the exhibition period had been completed and no submissions were received.

22. On 8 July 2026, the Heritage Council of NSW issued the General Terms of Approval subject to recommended standard conditions which are included in the Notice of Determination.

State Environmental Planning Policies

State Environmental Planning Policy (Transport and Infrastructure) 2021

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

Division 15, Subdivision 2: Development in or adjacent to rail corridors and interim rail corridors

Clause 2.98 – Excavation in, above, below or adjacent to rail corridors

24. The application is adjacent to a heavy rail corridor and was subsequently referred to Transport for NSW (TfNSW) as delegate for Sydney Trains for comment. TfNSW have recommended conditions which are included in the Notice of Determination.

Clause 2.100 - Impact of rail noise or vibration on non-rail development and Clause 2.120 - Impact of road noise or vibration on non-road development

25. A consideration of rail noise or vibration and road noise or vibration on the residential accommodation is required by these sections of the legislation. These are not a referral or concurrence requirement.
26. If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—
- (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,
 - (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.
27. The proposed development consists of an addition to existing residential dwellings (that are considered 'residential accommodation') that are within proximity to the Bradfield Highway (Sydney Harbour Bridge) and the heavy rail corridor of the north shore line. It is noted that there is an elevated buffer between the site and the rail corridor located approximately 12m from the rear boundary of the site comprising paved areas. The rail land adjoining the site to the east is higher than the roof of the subject building, and the train line itself is 27.5m from the site's rear boundary, which is also higher than the subject buildings. It is separated by a bike lane and sits atop an infill (solid) structure that absorbs train and traffic noise. These elements in combination limit the noise impact to the site, so complying with the abovementioned noise criteria is considered achievable with appropriate noise attenuation measures including double glazing and insulation. It is important to note, that the windows serving the bedrooms on the top floor are oriented at right angles to the noise source and set behind the ensuite which also would buffer noise. A condition is recommended requiring compliance with the acoustic standards.

28. Accordingly, the continued residential use is considered acceptable in respect to rail and traffic noise, and no further building upgrades are required to the State Heritage Items to mitigate against noise impacts are considered warranted in this instance.

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

29. 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.
30. 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.

State Environmental Planning Policy (Sustainable Buildings) 2022

31. 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

32. BASIX Certificates for both properties (A1837109_02 and A1837110_02) have been submitted with the development application.
33. The BASIX certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. A condition of consent is recommended ensuring the measures detailed in the BASIX certificate are implemented.

Local Environmental Plans

Sydney Local Environmental Plan 2012

34. 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 R1 General Residential zone. The proposed development is defined as alterations and additions to residential dwellings 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	The site is identified in 'Area 10' on the Height of Buildings Map. In accordance with Clause 6.47 of the Sydney LEP 2012, the maximum height of a building that is a heritage item is the height of the building on the land as at the commencement of this clause. The existing rear additions are 4.01m in height, and the area where the stair is to be installed has an existing height of 8.04m. The proposed rear additions are 6.075m in height, resulting in a height variation of 51.5%. The stair is 9.51m in height, creating a variation of 18%. 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	The site is identified in 'Area 11' of the Floor Space Ratio Map. Clause 6.47 of the Sydney LEP 2012 does not specify a maximum FSR development standard for development that affects a heritage item. As reference, the maximum FSR relevant to development affecting a building that is not a heritage item is 2:1. The proposal results in a GFA of 95.3sqm, and FSR of 1.01:1 for 14 Trinity Avenue; and a GFA of 101.7sqm and an FSR of 1.07:1 for 16 Trinity Avenue. Combined, the sites have an FSR of 1.04:1.

Provision	Compliance	Comment
4.6 Exceptions to development standards	Yes	The proposed development seeks to vary the development standard prescribed under Clause 6.47 'Millers Point heritage conservation area'. 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 subject site forms part of an item known as 'Terrace' on the State Heritage Register under the Heritage Act 1977 (SHR 00911) and is located within the Millers Point heritage conservation area (SHR 00884) and the Millers Point and Dawes Point village precinct (SHR 01682). The proposed development will not have unacceptable impacts on the significance of the heritage items. See further details in the 'Discussion' section below.
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		
6.21 Design excellence	Yes	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 development achieves the principle of ecologically sustainable development and has an acceptable environmental

Provision	Compliance	Comment
		impact with regard to the amenity of the surrounding area and future occupants. The development therefore achieves design excellence.
Division 5 Site specific provisions		
6.47 Millers Point heritage conservation area	Yes	The proposed development has an acceptable impact on the built form significance of the Millers Point heritage conservation area; and on the built form, fabric and heritage significance of the subject site and neighbouring heritage items. The endorsed conservation management plan has been considered in the assessment of this application, and the new additions are considered to have an acceptable impact as the heritage values of the terraces are largely retained. See Discussion section.

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
7.4 Dwelling houses, attached dwellings and semi-detached dwellings	Yes	A maximum of 4 car parking spaces are permitted. The proposed development does not propose any car parking spaces, which complies with the relevant development standards.
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.

Development Control Plans

Sydney Development Control Plan 2012

35. 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

36. The site is located within the Millers Point locality. The proposed development is in keeping with the unique character and the design principles of the Millers Point locality. The proposal retains its fine grain character when viewed within the streetscape, with the additions confined to the rear. The new additions are below the existing height of the terraces and respond appropriately to the heritage items, respecting the overall scale and form of the existing dwellings.

Section 3 – General Provisions

Provision	Compliance	Comment
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. Notwithstanding, standard conditions are recommended to protect an existing street tree and a tree located directly behind the site to the east. Refer to Attachment A.
3.6 Ecologically Sustainable Development	Yes	The proposal satisfies BASIX and environmental requirements. Refer to SEPP (Sustainable Buildings).
3.9 Heritage	Yes	The subject site forms part of an item known as 'Terrace' on the State Heritage Register under the Heritage Act 1977 (SHR 00911) and is located within the Millers Point heritage conservation area (SHR 00884) and the Millers Point and Dawes Point village precinct (SHR 01682). Refer to Discussion section.
3.13 Social and Environmental Responsibilities	Yes	The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.
3.14 Waste	Yes	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.

Section 4 – Development Types

4.1 Single Dwellings, Terraces and Dual Occupancies

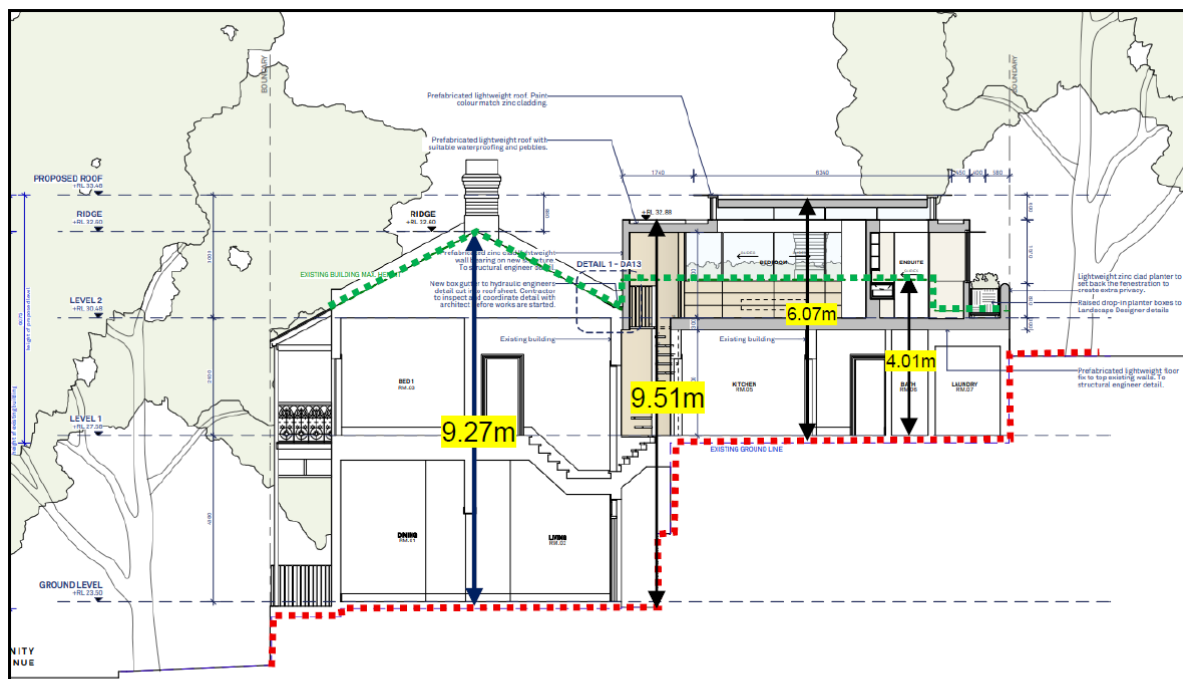
Provision	Compliance	Comment
4.1.1 Building height	Yes	A maximum height in storeys is not prescribed for the site. Notwithstanding, the proposal maintains a 2 storey presentation within the streetscape, with the second floor addition confined to the rear of the site.
4.1.2 Building setbacks	Yes	The proposed development relates to the existing setback patterns along the street and respects the predominant rear building line of the terrace group. The proposed rear additions will not extend beyond the footprint of the existing rear wings.
4.1.3 Residential amenity As demonstrated below, the proposed development will have acceptable residential amenity and will not have unreasonable impacts on the residential amenity of neighbouring properties.		
4.1.3.1 Solar access	Yes	The living areas of the existing dwellings are contained within the ground floor of the main terraces. No. 14 Trinity Avenue has an existing window to the north elevation, that maintains 2 hours of solar access during the winter solstice. No. 16 Trinity Avenue, however, has an angled window to its north elevation that faces the shared stair access in the middle of the site. This window currently does not receive 2 hours' solar access during the winter solstice, and this arrangement is not made worse by the proposal. The development provides a minimum of 2 hours of solar access during the winter solstice to rear private open space facing east, and results in only minor additional overshadowing to the roofs of adjoining terraces to the south.
4.1.3.3 Landscaping	Yes	The proposal involves the installation of planters to the north, east and west boundaries of the site. Conditions are recommended to confirm frequency of manual watering as well as how the terrace planters and roof overflow will

Provision	Compliance	Comment
		connect to the stormwater system. Refer to Attachment A.
4.1.3.4 Deep soil planting	Acceptable	The site is unable to achieve the required 15% canopy cover target due to site constraints, noting that the existing site does not provide any deep soil as it is essentially entirely built upon. Notwithstanding, planters are proposed which are appropriate.
4.1.3.5 Private open space	Acceptable	With consideration to the balcony areas proposed at the rear, as well as the existing balconies at first floor and terrace areas at the rear, 20sqm of private open space is provided to each terrace.
4.1.3.6 Visual privacy	Yes	The proposed additions are setback 940mm from each side boundary, so that there are no direct sightlines into the rear courtyards of adjoining properties. Additionally, the perimeter of the bedroom and bathroom ensuites on the top floor are to be flanked with landscape planter beds that will assist in mitigating overlooking into adjoining neighbours.
4.1.4 Alterations and additions		
4.1.4.1 General	Yes	The proposed development has been designed to minimise alterations to significant building elements. See 'Heritage' discussion below. The proposal generally respects the form, scale and setbacks of the dwellings and the overall terrace row, noting the varied bulk and scale of rear additions across the north and south.
4.1.4.6 Additional storeys	Yes	The additional storey proposed at the rear of the dwellings is located so that it retains the main form of the buildings, and are located behind the ridge line so that they are not readily visible in the streetscape.

Discussion

Contravention of a development standard pursuant to clause 4.6 of the Sydney LEP

37. The site is subject to the site specific controls of Clause 6.47 'Millers Point heritage conservation area' of the Sydney LEP 2012. The site is identified in 'Area 10' on the Height of Buildings Map. In accordance with Clause 6.47, the maximum height of a building that is a heritage item is the height of the building on the land as at the commencement of this clause (at 18 October 2019).
38. The existing rear additions are 4.01m in height, and the area where the spiral staircases are to be installed has an existing height of 8.04m. The proposed rear additions are 6.075m in height. The stairs are 9.51m in height.



Existing Maximum Building Height (green dashed line)

Existing Ground Line (red dashed line)

Figure 18: Proposed section through the development, depicting the existing height plane in green dashed lines, and existing ground level in red dashed lines

39. 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:
- 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;

Applicant's Regulation 35B document

40. The applicant seeks to justify the contravention of Clause 6.47 'Millers Point heritage conservation area' with regard to the existing height of the heritage items 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 retains the principal building form, front façade, principal roof form and overall streetscape presentation to Trinity Avenue, which are the primary contributors to the heritage significance of the heritage item and Millers Point Heritage Conservation Area. The proposed works are limited to the rear wing, ensuring the dominant heritage form and character of the terrace pair and wider streetscape remain unchanged.
 - (ii) The proposal retains the principal building, and limits change to the rear wing, ensuring that the heritage significance of the item is conserved, and that the endorsed conservation management plan has been meaningfully considered in both the design development and assessment of the proposal.
 - (b) That there are sufficient environmental planning grounds to justify contravention of the standard:
 - (i) The proposed works are confined to the rear wing, which comprises non-original fabric of limited heritage significance. The existing non-original rear wing roofs are to be demolished and replaced with a well-integrated second-storey addition that is sympathetic in form, materiality and scale to the existing dwelling. The proposal has been designed to be recessive and subordinate to the principal built form.
 - (ii) The increased height accommodates the second-storey rear wing addition which improves solar access and ventilation to the rear wing through sliding windows, clerestory lights and skylights. Strict compliance with the height control would perpetuate the existing ground-floor rear wing, which has no side or rear openings and has limited solar access and natural ventilation. The proposed design is considered a more efficient use of land and will enhance the overall amenity and functionality of the dwellings.
 - (iii) The additional planting will contribute to this landscape setting, reinforce the garden character of the area, and provide an improved visual and environmental outcome when compared to the current condition of the site.

Precondition to granting consent where a development standard has been contravened

41. 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.
42. 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 applicant has demonstrated that the proposed development achieves the objectives of Clause 6.47. With consideration to development in the Millers Point heritage conservation area that is not a heritage item, the permitted height is 9m and FSR is 2:1, The proposal is generally consistent with the permitted height and FSR controls and therefore the desired future character of the locality.
- (b) The proposed additions are to have a lightweight, contemporary appearance to be clearly discernible as new development. The additions have been sited to reduce any impacts on heritage significant fabric and are not readily visible in the heritage streetscape, conserving the principal view and built form of the terraces in the Millers Point heritage conservation area, and as required by the endorsed conservation management plan for the site.
- (c) The proposal does not result in any significant adverse impact upon the site and surrounds as the proposed design is otherwise in accordance with the relevant amenity controls. The rear additions have been designed so that they do not remove solar access to surrounding development at the winter solstice, and setback from the north and south side boundaries to reduce sightlines to neighbouring courtyards and windows.
- (d) The proposal is in keeping with the objectives of the R1 - General Residential zone, as it will provide residential accommodation within an accessible area.
- (e) The proposal is of an appropriate bulk and scale within the context of the site and surrounding development.

Conclusion

- 43. For the reasons provided above the variation to Clause 6.47 'Millers Point heritage conservation area' with regard to the existing height of the heritage items is supported as the applicant has demonstrated the matters required to be addressed by cl 4.6 of the Sydney Local Environmental Plan 2012.

Heritage

- 44. Clause 6.47(1)(b) 'Millers Point heritage conservation area' of the Sydney LEP 2012 requires any endorsed conservation management plan (CMP) to be considered in the assessment of development that impacts a heritage item in the Millers Point heritage conservation area. Further to this, development consent must not be granted under this clause, unless, amongst other things, the impact on the built form and heritage significance of the heritage conservation area, and the impact on the built form, fabric and heritage significance of the heritage item is considered.
- 45. On 8 July 2026, Heritage NSW issued General Terms of Approval, which are included in the Notice of Determination. The application is considered to have an acceptable impact on the significance of the items of environmental heritage because the heritage values of the terraces are largely retained.
- 46. The applicant has submitted a Heritage Impact Statement with the proposal, which has undertaken a detailed assessment of endorsed Conservation Management Plan (CMP), to address Clause 6.47(1)(b) of the Sydney LEP 2012. In particular:

- (a) The CMP ranks the overall form and configuration of the main and kitchen wing roofs as being of exceptional significance, whilst the roof material itself is ranked as being of moderate significance. The ceilings within the wings have been identified as mid or late century additions, and of little significance. In January 2025 however, the properties suffered extensive water damage due to heavy rains, resulting in the collapse of the roofs of the rear wings. The ceilings and roofing were completely replaced as part of emergency repair works. As such, none of the existing ceilings or roofing materials of the skillion rear wings are original. The proposal seeks to remove the skillion roofs to construct the additional storeys.
 - (b) The new additions have been designed with a 940mm setback on each side to limit impact to the existing views to the site from the streetscape. The existing masonry parapet form visible from the street will be maintained as part of the proposal.
 - (c) The wing additions comprise lightweight materiality and architectural language, situated at the rear of the site behind the retained primary roof form.
 - (d) Although the CMP discourages any upward or outward increases in the envelope, the vertical additions allow for the existing layouts and significant fabric of the houses to be retained. Additionally, no works are proposed to elements of high significance as identified in the CMP.
47. The endorsed CMP also contains a number of priority conservation works, which have largely been carried out except for:
- (a) installation of additional handrails for Building Code of Australia compliance to the first floor front verandah balustrades for both 14 and 16 Trinity Avenue, details of which are to be shown on drawings
 - (b) restoration of the frame and provision of a new door leaf and lock to Door D15 in 14 Trinity Avenue
 - (c) replacement of a flush door and installation of salvaged hardware at Door D7 in 14 Trinity Avenue.
48. As part of the assessment undertaken by Heritage NSW, the applicant confirmed that the above conservation works are within the scope of works for this development application. However, they are not shown on any drawings nor addressed in the General Terms of Approval. Additionally, not all proposed external materials, finishes and colours have been specified and keyed to elevations. It is therefore recommended that a design modification condition be imposed requiring the conservation works and materials to be included in the drawing set submitted to Heritage NSW as part of the Section 60 Heritage Act application.
49. In light of the above and subject to conditions, the proposed development has an acceptable impact on the built form significance of the Millers Point heritage conservation area; and on the built form, fabric and heritage significance of the subject site and neighbouring heritage items, satisfying the objectives of Clause 6.47 of the Sydney LEP 2012.

Consultation

Internal referrals

50. The application was discussed with Council's:
- (a) Heritage and Urban Design Unit
 - (b) Tree Management Unit
 - (c) Landscape officer
 - (d) Tree Management Unit.
51. The above advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Recommended Conditions of Consent, shown at Attachment A to the subject report.

Advertising and notification

52. In accordance with the City of Sydney Community Participation Plan 2025, the proposed development was notified and advertised for a period of 28 days between 8 April 2026 and 7 May 2026. A total of 144 properties were notified and no submissions were received.

Financial contributions

Contribution under Section 7.11 of the EP&A Act 1979

53. The City of Sydney Development Contributions Plan 2015 does not apply to the site.

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

54. 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

55. The site is located within the Residual lands affordable housing contribution area.
56. As the development is development for the purposes of residential accommodation that will result in the creation of less than 200 square metres of gross floor area, the development is excluded and is not subject to a Section 7.13 affordable housing contribution.

Housing and Productivity Contribution

57. The development is not subject to a Housing and Productivity Contribution under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

58. While the site is located with the Greater Sydney region, the development is not a type of residential development to which the Housing and Productivity Contribution applies.

Relevant legislation

59. Environmental Planning and Assessment Act 1979.
60. Heritage Act 1977.

Conclusion

61. The proposed development is for alterations and additions to the existing 2x two-storey residential dwellings at 14 and 16 Trinity Avenue, Dawes Point, including new rear additions above the existing rear wings to both terraces and the installation of spiral staircases for access. The sites are State Heritage listed and are located within 2 State Heritage listed heritage conservation areas, requiring approval under the Heritage Act 1977 as Integrated Development. General Terms of Approval from Heritage NSW were obtained on 8 July 2026.
62. The proposal generally satisfies the relevant provisions of the City's controls. The development is consistent with the objectives of the R1 General Residential zone.
63. The proposed development is consistent with the objectives of Clause 6.47 'Millers Point heritage conservation area' of the Sydney LEP 2012 despite the variation of the existing building height, which is prescribed to be the maximum height permitted as at the commencement of the site-specific provisions. The consent authority is satisfied that compliance with the development standard in terms of height would be unreasonable and unnecessary in this instance.
64. Subject to the imposition of conditions set out in Attachment A, the proposed development will not result in any unacceptable adverse impacts and will facilitate the continued need for residential accommodation in the locality. Therefore, the proposal is recommended for approval.

ANDREW THOMAS

Executive Manager Planning and Development

Jessica Symons, Senior Planner

Attachment A

Recommended conditions of consent

SCHEDULE 1

PART A - GENERAL CONDITIONS

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2026/298 dated 7 April 2026 and the following drawings prepared by David Selden Design:

Drawing Number	Drawing Name	Date
DA00 Rev. B	Cover page	4 March 2026
DA01 Rev. B	Materials	4 March 2026
DA02 Rev. B	Existing plans	4 March 2026
DA03 Rev. B	Existing sections	4 March 2026
DA04 Rev. B	Demolition plan and section	4 March 2026
DA05 Rev. B	Proposed level 1 floor plan	4 March 2026
DA06 Rev. B	Proposed level 2 floor plan	4 March 2026
DA07 Rev. B	Proposed roof plan	4 March 2026
DA08 Rev. B	Elevation – Lantern design	4 March 2026
DA09 Rev. B	Proposed elevation – north	4 March 2026
DA10 Rev. B	Proposed elevation – east and west	4 March 2026
DA11 Rev. B	Proposed section AA	4 March 2026
DA12 Rev. B	Proposed section BB	4 March 2026
DA13 Rev. B	Proposed section CC and detail	4 March 2026

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 – TO BE INCLUDED IN SECTION 60 HERITAGE ACT APPLICATION

The design of the building must be modified as follows:

- (a) Details at a scale of 1:20/1:50 are required of the proposed handrails to the front balconies to meet the Building Code of Australia, including the profile, fixing details, materials and colours.
- (b) At No. 14 Trinity Avenue, as recommended in the Conservation Management Plan for the site, the frame of Door D15 to the laundry is to be restored and new timber door leaf and lock provided; and at Door D7 to the study, the flush door is to be replaced with a timber four panelled door and is to be installed with salvaged hardware.
- (c) A detailed material, colours and finishes schedule (including visible rainwater goods and services) keyed to each building elevation is to be provided. The materials schedule must not include generic material or colour descriptions or use terminology such as 'or similar'.
- (d) Appropriate noise attenuation measures, as reviewed and confirmed by a suitably qualified acoustic consultant, to limit impacts from rail and traffic noise, must be incorporated into the design (and construction) of the new additions to ensure that the following LAeq levels are not exceeded—
 - (i) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am;
 - (ii) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

The modifications are to be submitted to and approved by the delegate of the Heritage Council of NSW as part of the Section 60 Heritage Act application, and prior to any work commencing. A copy is to be submitted to and approved by Council 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) 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 any 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.

(4) GENERAL HERITAGE

- (a) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013.
- (b) 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.
- (c) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction.
- (d) 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.

Reason

To ensure that the development does not result in adverse heritage impacts.

(5) REPAIRS AND WORKS FOR MAKING GOOD

All new repairs and works for making good of existing building fabric are to be carried out on a like for like basis and match the existing in terms of materials, colours, finishes, sizes, profile and properties.

Reason

To ensure repairs and works for making good are appropriate.

(6) 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>Celtis sinensis</i> (Chinese Hackberry)	Neighbouring Property - Rear of Site
2	<i>Flindersia australis</i> (Crows Ash)	Street Tree - Front

Reason

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

PART B - BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

(7) 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.

(8) DILAPIDATION REPORT – MINOR

Subject to the receipt of permission of the affected landowner, dilapidation report/s of adjoining buildings are to be prepared by an appropriately qualified practising structural engineer and submitted for the approval of the Registered Certifier prior to the issue of a construction certification.

Reason

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

(9) STORMWATER AND DRAINAGE - MINOR DEVELOPMENT

The drainage system is to be constructed in accordance with the City's standard requirements as detailed in the City of Sydney's Stormwater Drainage Manual. The development is to be designed so that the flow of pollutants from the site due to stormwater is reduced.

The requirements of Sydney Water regarding the on-site detention (OSD) of stormwater must be ascertained and complied with. Evidence of the on-site detention (OSD) approval must be submitted to City's Public Domain Unit prior to issue of any Construction Certificate other than demolition.

Reason

To ensure the drainage system is constructed in accordance with Council's requirements.

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

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

IMPORTANT NOTE:

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

Reason

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

(11) STRUCTURAL CERTIFICATION FOR DESIGN – BUILDING CODE OF AUSTRALIA (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 A5G3(1)(e) of the *Building Code of Australia* must be submitted to the satisfaction of the Registered Certifier.

Reason

To ensure structural certification is undertaken.

(12) 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.

(13) LANDSCAPE OF THE SITE

- (a) Details of drainage, waterproofing and watering systems and a landscape maintenance plan are to be submitted to and approved by the Registered Certifier prior to the issue of a Construction Certificate.
- (b) All landscaping in the approved plan is to be complete prior to any Occupation Certificate being issued. The landscape maintenance plan is to be complied with during occupation of the property.

Reason

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

PART C - BEFORE THE COMMENCEMENT OF BUILDING WORK

(14) OTHER REQUIRED APPROVALS

Any structure, attachment or activity which is proposed to be undertaken in, on or above a road reserve or the public domain (including a public footway) must have separate approval(s) obtainable through the lodgement of an application under Section 68 of the Local Government Act 1993 and/or Section 138/139 of the Roads Act 1993 prior to the commencement of work/activities within the road reserve/public domain. Such activities include but not limited to:

- (a) installation of construction-related temporary structures including hoardings/scaffolding;
- (b) installation and/or alterations to advertising/business signs;
- (c) installation and/or alterations to street awnings;
- (d) crane operation and other hoisting activities;
- (e) temporary works (e.g. barricading, road openings, mobile hoisting devices);
- (f) works zones (for loading and unloading from the roadway); and
- (g) temporary ground anchoring and shoring to support a roadway when excavating; and
- (h) any other structure or encroachment including facade elements/architectural features.

Reason

To ensure use of a public place is managed appropriately.

(15) STREET TREE PRUNING

- (a) The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 40mm diameter. Only minor pruning works will be approved by Council.
- (b) Any pruning that has been approved by Council, must be carried out by an arborist with a minimum AQF Level 3 qualification in arboriculture and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

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 is obtained for any pruning works to, or removal of, street trees and that such works are carried out in an appropriate manner.

(16) TREE PROTECTION DURING CONSTRUCTION (FOR PRIVATE/PROPERTY TREES)

- (a) Before the commencement of construction works, Tree Protection Zone(s) (TPZs) must be established for any tree to be retained within and adjoining the property in accordance with Australian Standard 4970 'Protection of trees on development sites' and as follows:
 - (i) Stockpiling, storage or mixing of materials, washing of equipment, vehicle parking, disposal of liquids, machinery repairs and refuelling, disposal of building materials such as cement slurry, siting of offices or sheds and the lighting of fires must not occur within TPZs of any tree to be retained including trees within adjoining properties.
 - (ii) Excavation must not occur within the SRZ. If excavation is proposed within this zone, the City of Sydney must be contacted immediately, and the excavation must be carried out in accordance with directions from the City of Sydney Tree Team.
 - (iii) 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 excavation (i.e hand/air space/hydrovac) and 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. To prevent root damage, if an airspade or hydrovac excavation is used, low pressures (i.e. 900 maximum) must be used to ensure the bark remains intact and the work must be supervised by a qualified Arborist (minimum AQF Level 5).
- (b) Consent from the City of Sydney Urban Forest Team must be obtained prior to the undertaking of any tree pruning works, including tree roots greater than 40mm in diameter. Only minor pruning works will be approved.
- (c) 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 protection and ongoing health of trees.

PART D - WHILE BUILDING WORK IS BEING CARRIED OUT

(17) 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 2017* 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.

(18) 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.

Reason

To prevent water entering between the walls of adjoining properties

(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 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*.

Reason

To protect the amenity of the surrounding area.

(20) 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.

(21) STREET TREE PROTECTION

All street trees located directly outside the site must be retained and protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. All street trees must be protected during the construction works as follows:

- (a) Tree trunk and major branch protection must be undertaken prior to the commencement of any works (including demolition). The protection must be installed and certified by an arborist with a minimum AQF Level 5 qualification in arboriculture and must include:
 - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, and trucks at all times.
 - (ii) Tree trunk/s and/or major branches to a height of two metres must be protected by wrapped thick underlay carpet or similar padding material to limit damage, and
 - (iii) Timber planks (50mm x 100mm or similar) must be 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 underlay carpet or similar padding material and timber planks must not be fixed to the tree in any instance, or in any fashion.

- (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works and must be removed at the completion of the project.
- (b) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
- (c) All 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 any tree roots that are exposed.
- (d) Young street trees must be protected by installing 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.
- (e) Materials or goods, including site 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 of any street trees.
- (f) Any excavation within any area known to or suspected of having tree roots greater than 30mm diameter must be undertaken by hand.
- (g) Any trenching works for services, hydraulics, drainage etc. must not be undertaken within 3 metres of the trunk of any street tree. Alternate installation methods for services such as directional boring/drilling or redirection of services must be employed where roots greater than 30mm diameter are encountered during installation of any services.
- (h) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the Council's Tree Management Officer.
- (i) Any damage sustained to street tree/s as a result of the erection of any construction activities (including demolition) must be immediately reported to the Council's Tree Management Officer 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.

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 the protection and ongoing health of the street trees.

(22) TREE PRUNING – FURTHER APPROVAL REQUIRED

- (a) Consent from the City of Sydney Urban Forest Team must be obtained prior to undertaking the 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.

(23) 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.

(24) 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.

PART E – BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

(25) SURVEY CERTIFICATE PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

Prior to the issue of any type of Occupation Certificate for the building, a Final Identification Survey prepared and signed by a Surveyor registered under the Surveying & Spatial Information Act 2002 must be submitted at the completion of the building work certifying the location of the building and showing offsets in relation to the boundaries of the allotment.

Any encroachments of the building including gutters and downpipes over the side boundaries or rear lane that are not approved in the DA must be removed, or where approved, appropriate easements under Section 88B of the Conveyancing Act 1919, with terms to the satisfaction of Council, must be lodged with the office of NSW Land Registry Services, and evidence of lodgement provided to the Principal Certifier prior to the issue of any type of Occupation Certificate. Encroachments upon public roads must, if supported, be approved by Council's Area Planning Manager prior to the issue of any type of Occupation Certificate.

Reason

To ensure that either the building does not encroach, or that any encroachments are formalised on title.

PART F – OCCUPATION AND ONGOING USE

(26) 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.

GENERAL TERMS OF APPROVAL – HERITAGE NSW

The General Terms of Approval for Integrated Development as advised by the Heritage Council of NSW (the Heritage Council), are as follows:

(27) APPROVED DEVELOPMENT

Development must be in accordance with:

- (a) Architectural drawings, prepared by David Selden Design as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: 14-16 Trinity Ave, Dawes Point			
DA00	Cover page	4/3/26	B
DA01	Materials	4/3/26	B
DA02	Existing plans	4/3/26	B
DA03	Existing sections	4/3/26	B
DA04	Demolition plan and section	4/3/26	B
DA05	Proposed level 1 floor plan	4/3/26	B
DA06	Proposed level 2 floor plan	4/3/26	B
DA07	Proposed roof plan	4/3/26	B
DA08	Elevation – Lantern design	4/3/26	B
DA09	Proposed elevation – north	4/3/26	B
DA10	Proposed elevation – east and west	4/3/26	B
DA11	Proposed section AA	4/3/26	B
DA12	Proposed section BB	4/3/26	B
DA13	Proposed section CC and detail	4/3/26	B

- (b) Landscape drawings, prepared by Spirit Level as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: 14-16 Trinity Ave, Dawes Point			
L100	Landscape Concept Plan	05/02/2026	A

- (c) Statement of Heritage Impact, prepared by Cracknell & Lonergan, dated 13 March 2026
- (d) Visual Impact Assessment, prepared by Rules Studios, dated 20 June 2026, Rev B.
- (e) Letter in response to HNSW request for further information about conservation works, prepared by Cracknell & Lonergan, dated 26 May 2026.
- (f) Structural Statement of Design Intent, prepared by ROR Consulting Engineers, dated 16 May 2025.

EXCEPT AS AMENDED by the General Terms of approval:

(28) HERITAGE CONSULTANT

A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

Reason

So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.

(29) SPECIALIST TRADESPERSONS

All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.

Reason

So that the construction, conservation and repair of significant fabric follows best heritage practice.

(30) SITE PROTECTION

Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

Reason

To ensure significant fabric including vegetation is protected during construction.

(31) PHOTOGRAPHIC ARCHIVAL RECORDING

A photographic archival recording of the affected areas must be prepared prior to the commencement of works, during works and at the completion of works. This recording must be in accordance with the Heritage NSW publication 'Guidelines for preparing archival recordings of heritage items as a condition of consent' (2025). The digital copy of the archival record must be provided to Heritage NSW at the completion of works.

Reason

To capture the condition and appearance of the place prior to, and during, modification of the site which impacts significant fabric.

(32) COMPLIANCE

If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason

To ensure that the proposed works are completed as approved.

(33) SECTION 60 APPLICATION

An application under section 60 of the Heritage Act 1977 must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

Reason

To meet legislative requirements.

SYDNEY TRAINS CONDITIONS

- (34)** Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
- (35)** No work is permitted within the rail corridor or any easements which benefit Sydney Trains/TAM (Transport Asset Manager NSW), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAM (Transport Asset Manager NSW) has been obtained by the Applicant. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (36)** Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into TAM (Transport Asset Manager NSW) property or easements, unless agreed to by TAM (Transport Asset Manager NSW). The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (37)** The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:

 - (a) oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains
 - (b) acts as the authorised representative of the Applicant and
 - (c) is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- (38)** Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.

- (39)** Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is Central Interface, and they can be contacted via email on centra_interface@transport.nsw.gov.au.
- (40)** Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or Transport Asset Manager of NSW (TAM) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.

SCHEDULE 2

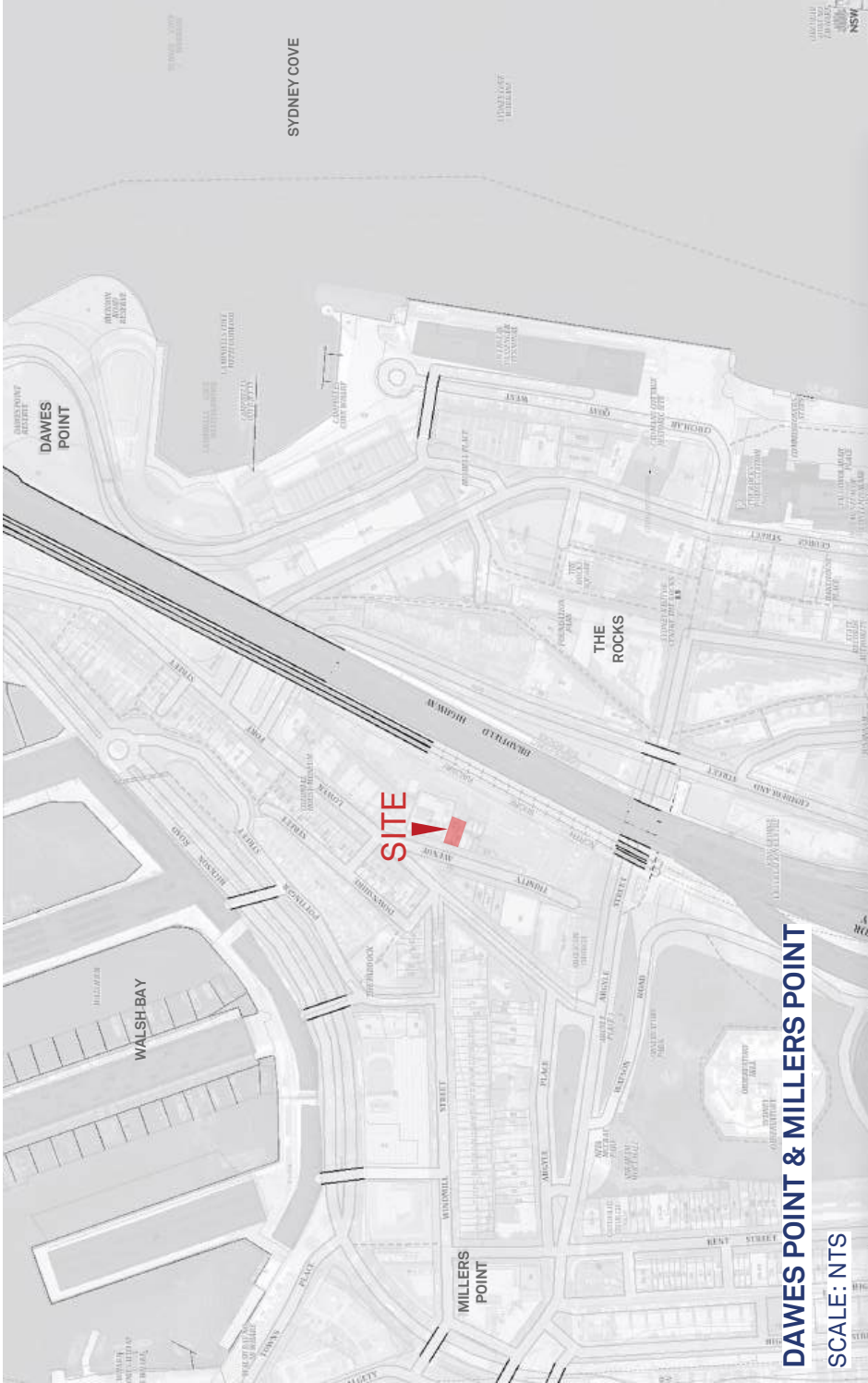
PRESCRIBED CONDITIONS

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



14 - 16 Trinity Avenue, Dawes Point, 2000

LOT 1 & 2, DP 1275148

SHEET	REV	NAME	SCALE	PAGE SIZE
DA00	B	COVER PAGE / LOCATION / SURVEY (This page)	AS SHOWN	A3
DA01	B	MATERIALS	-	A3
DA02	B	EXISTING PLANS	1:200	A3
DA03	B	EXISTING SECTIONS	1:200	A3
DA04	B	DEMOLITION PLAN AND SECTION	1:200	A3
DA05	B	PROPOSED LEVEL 1 FLOOR PLAN	1:100	A3
DA06	B	PROPOSED LEVEL 2 FLOOR PLAN	1:100	A3
DA07	B	PROPOSED ROOF PLAN	1:100	A3
DA08	B	ELEVATION - LANTERN DESIGN	1:100	A3
DA09	B	PROPOSED ELEVATION - NORTH	1:100	A3
DA10	B	PROPOSED ELEVATION - EAST AND WEST	1:100	A3
DA11	B	PROPOSED SECTION AA	1:100	A3
DA12	B	PROPOSED SECTION BB	1:100	A3
DA13	B	PROPOSED SECTION CC AND DETAIL	1:10/100	A3
DA14	B	SHADOW DIAGRAM ANALYSIS	NTS	A3

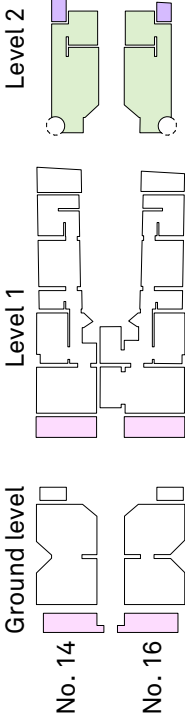
General Notes:

- Proposal to add a level to the rear single floor. Any additions to be designed by a certified structural engineer.
- Proposed services, including mechanical, hydraulic and electrical to be connected to existing. All new services to be surface mounted not chased into existing walls.
- Lightweight addition to bear mainly on new structural elements or on structurally sound existing walls certified by structural engineer.
- New planters and drainage to design and detailed by landscape designer, certified structural and hydraulic engineer.
- New stair, handrails and balustrades to comply with NCC Part 11.2
- Glazing systems to comply with BASIX and NATHERS certificates

GFA CALCULATION

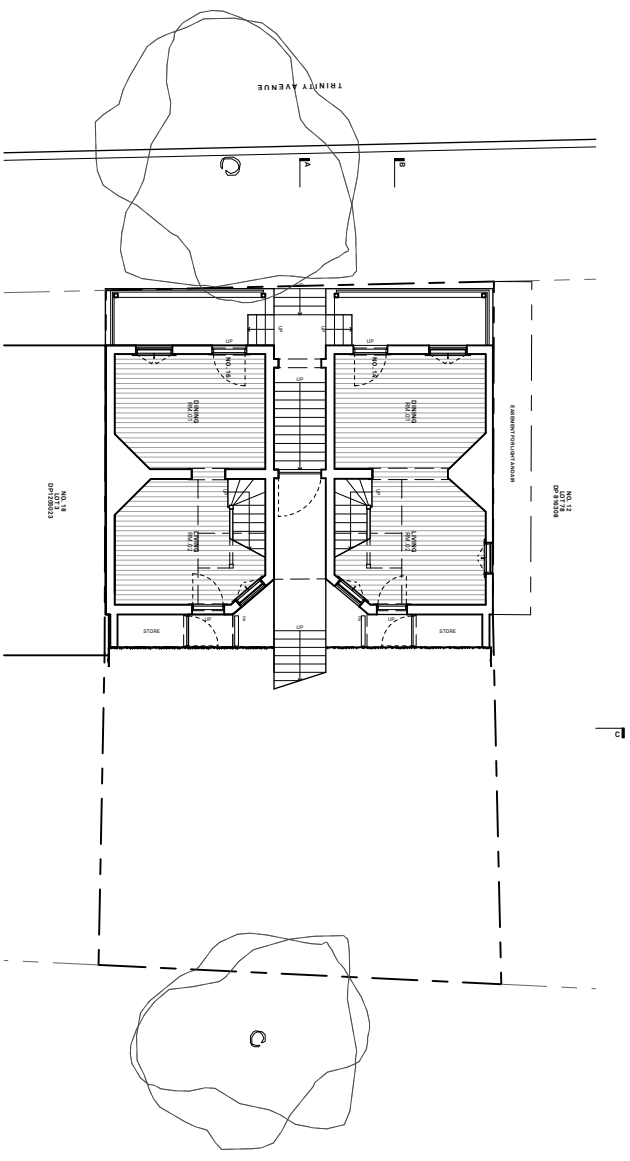
14 Trinity Avenue Gross Floor Area (sqm)				
Existing	Inside	outside		
Ground	26.3	4.7		
Level 1	47.8	5.5		
Sub-total	74.1	10.2		
Proposed			inside	outside
Level 2	21.2	1.5		
TOTAL	95.3	11.7		

16 Trinity Avenue Gross Floor Area (sqm)				
Existing	Inside	outside		
Ground	25.9	4.7		
Level 1	54.6	5.5		
Sub-total	80.5	10.2		
Proposed			inside	outside
Level 2	21.2	1.2		
TOTAL	101.7	11.4		

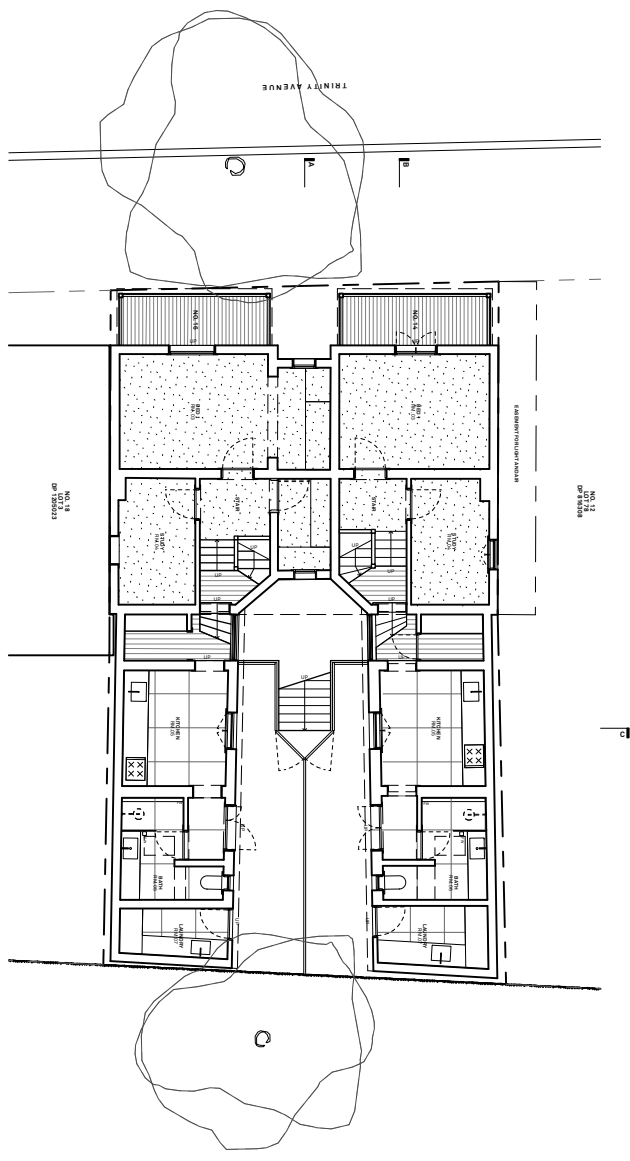
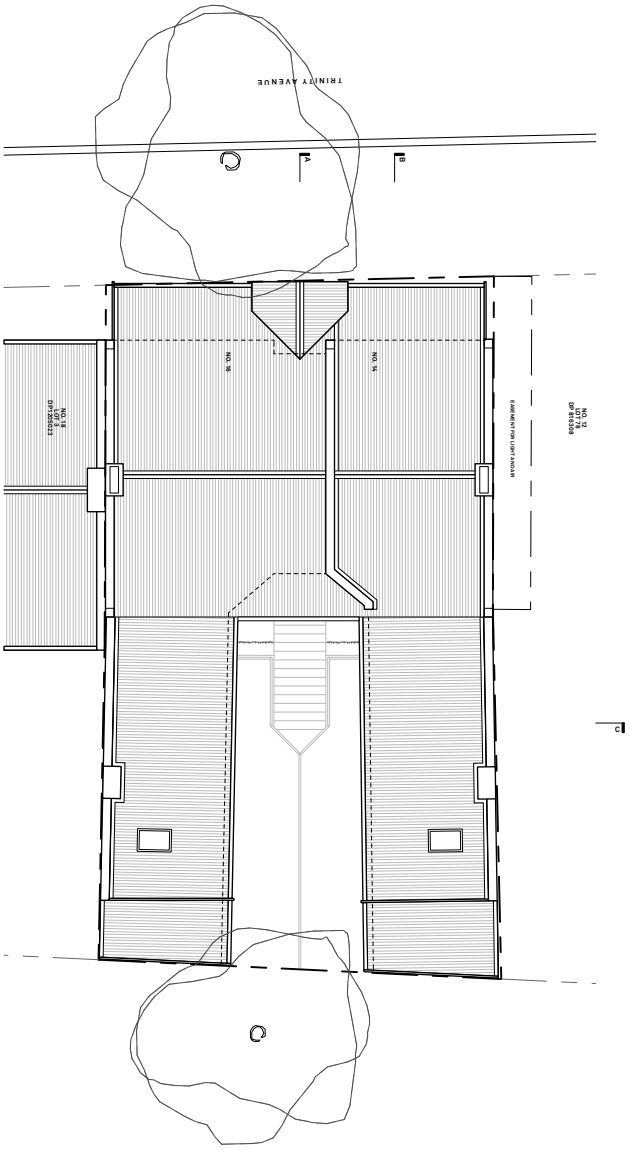




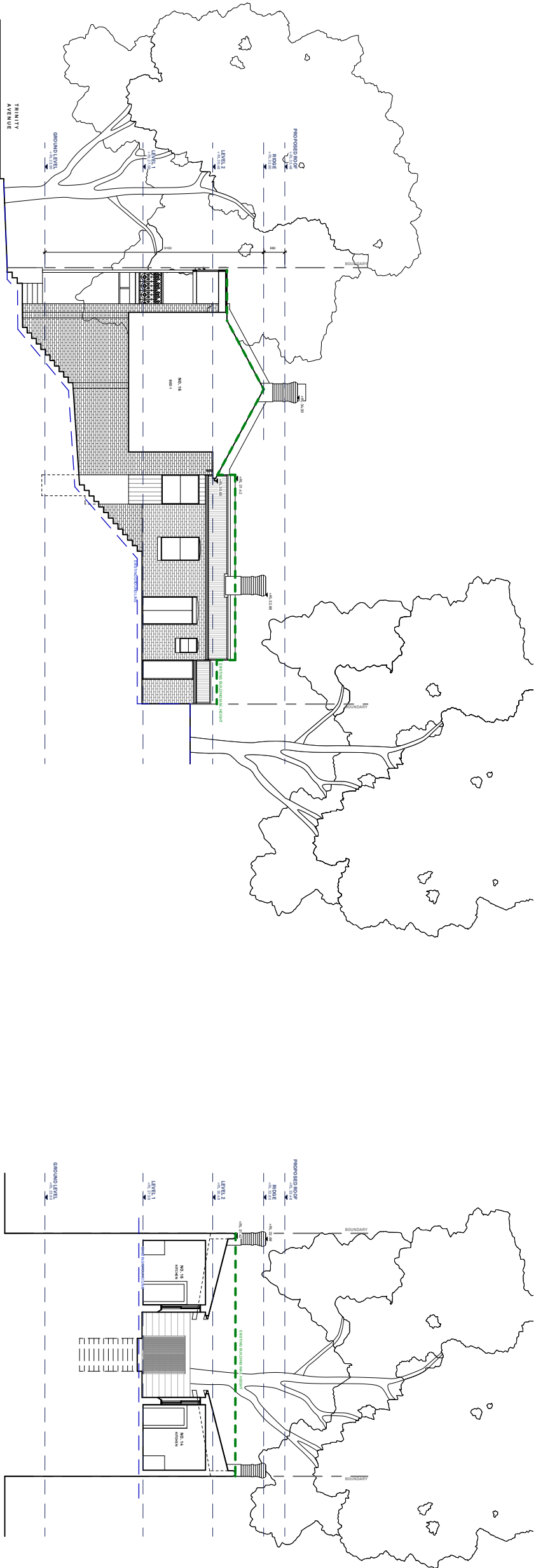
MATERIALS	
ZN-1	QUARTZ ZINC CLADDING
ST-1	STEEL PAINTED TO MATCH ZINC
GL-1	FRAMELESS GLASS
GL-2	ALUMINIUM WINDOWS / DOOR SYSTEMS
PT-1	EXISTING PAINTED RENDER
BR-1	EXISTING BRICK / PAINT
TM-1	MATCHING EXISTING TIMBER & PAINT



GROUND FLOOR

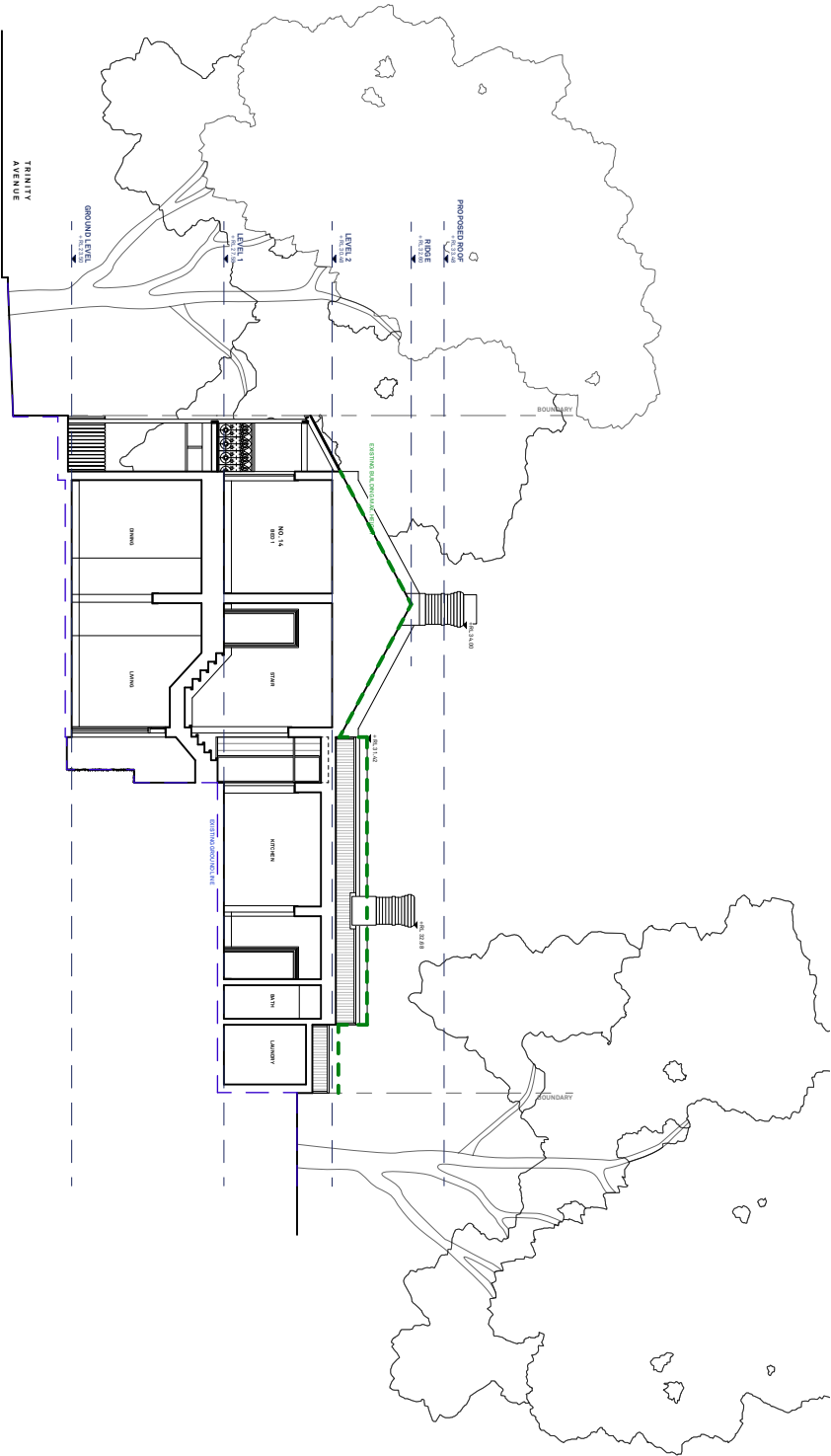


LEVEL 1



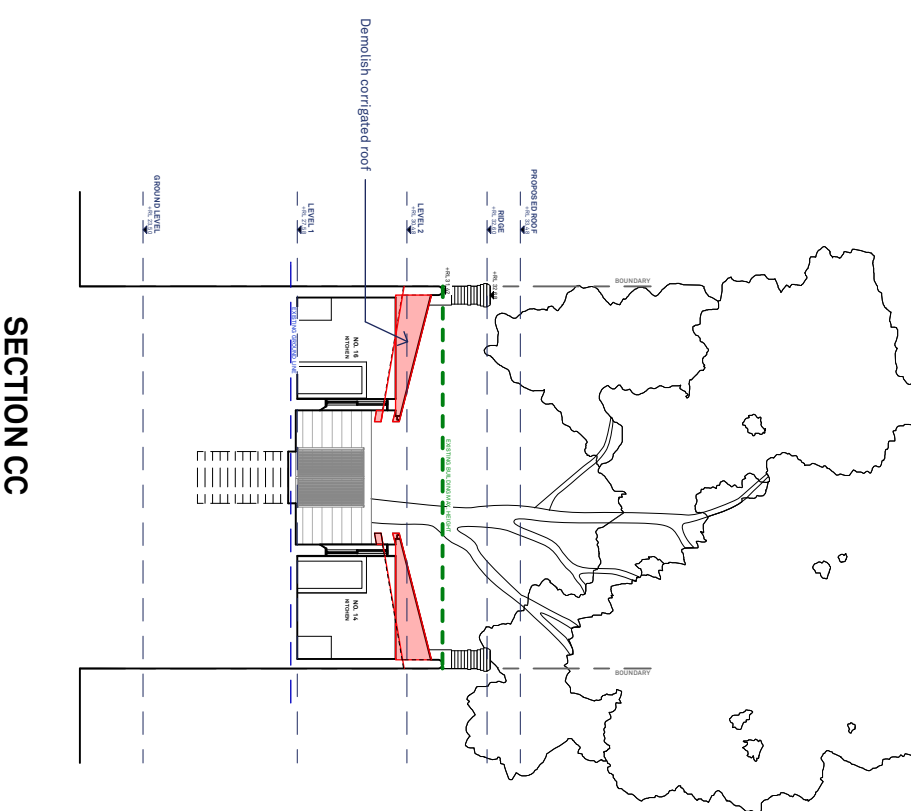
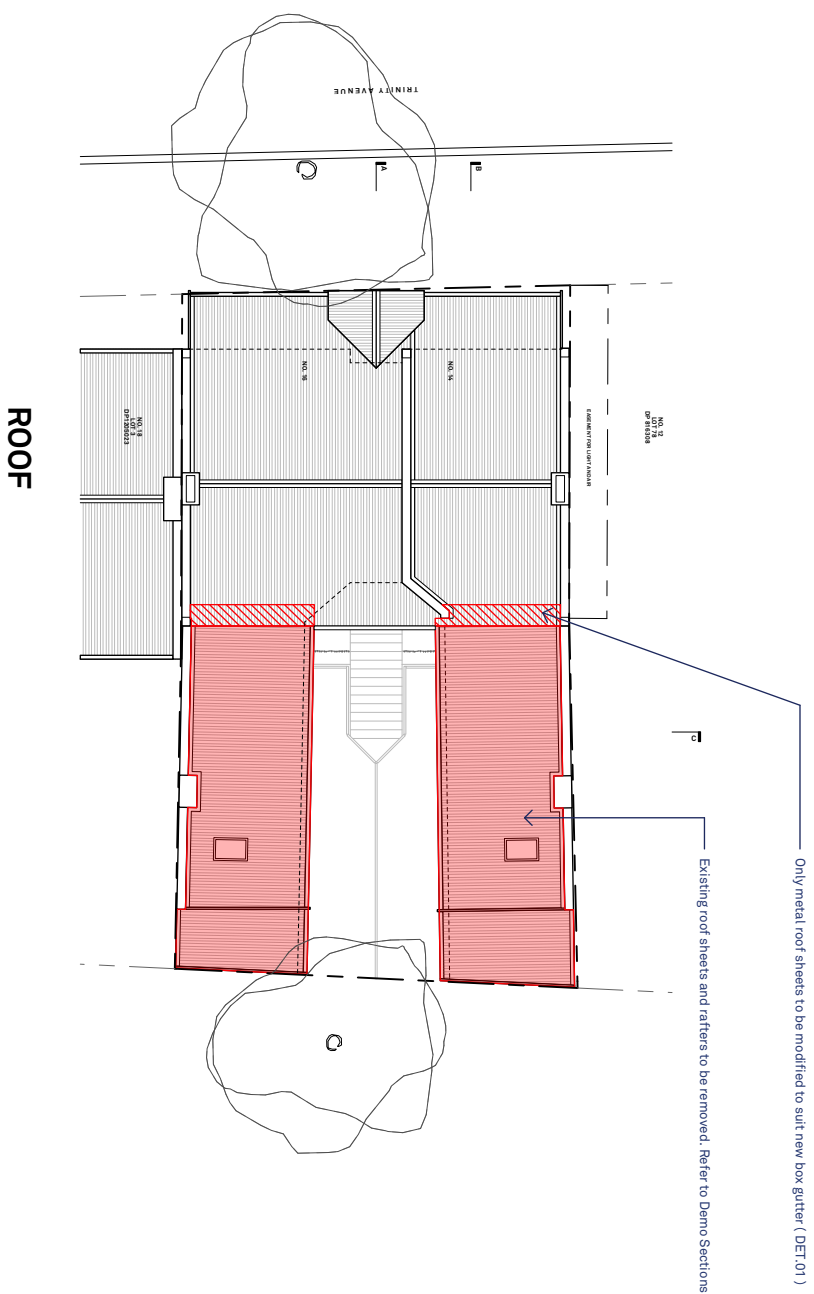
SECTION AA

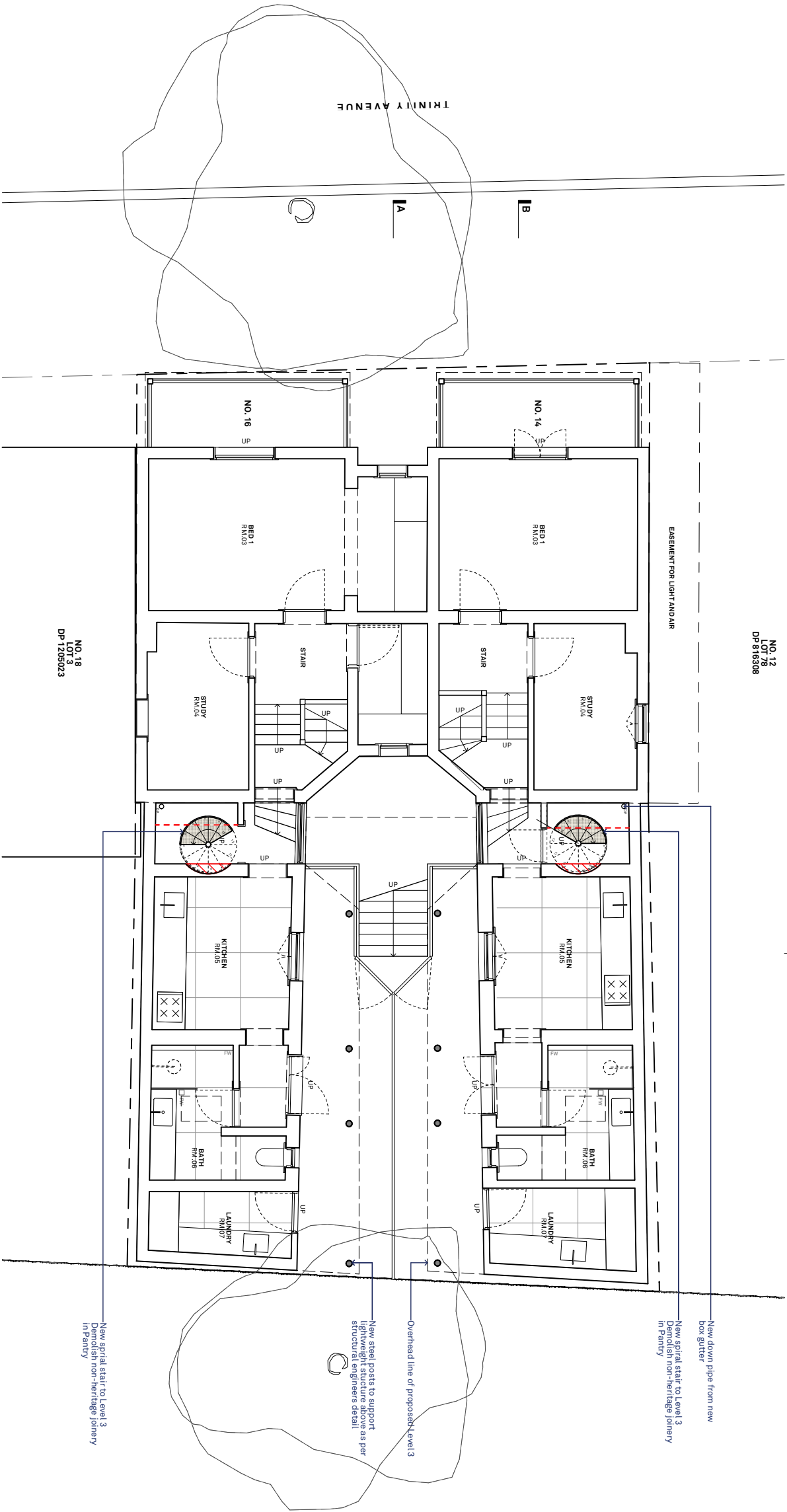
SECTION CC



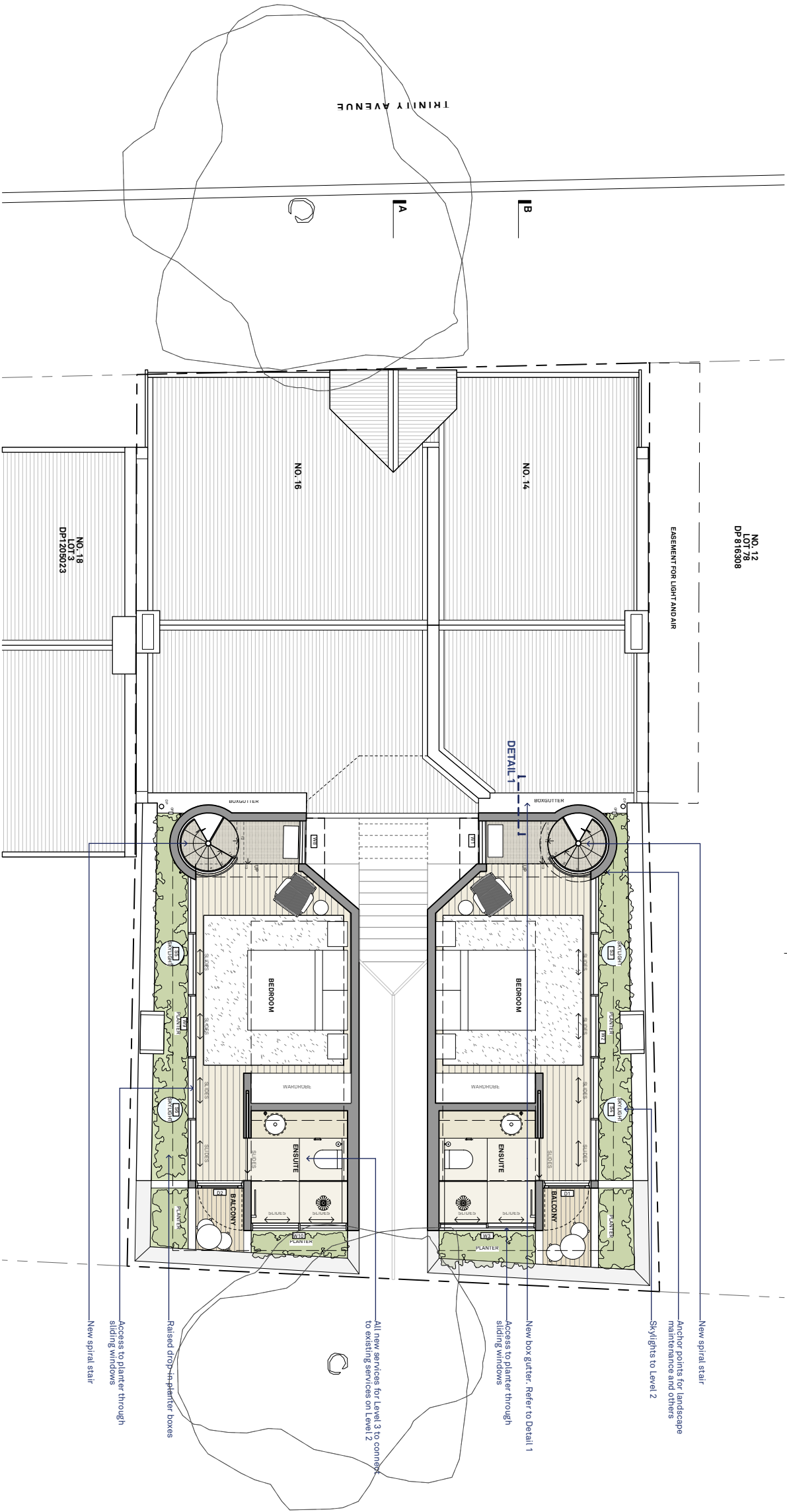
SECTION BB

Drawing	Scale as A3	Drawing Number
	1:200	DA04
Demolition Plan and Section		
Development Application		
Project	Date printed	
14-16 Trinity Ave, Dawsons Point NSW 2000	1/2/2026	
Project Number		
2004		





PROPOSED LEVEL 1



PROPOSED LEVEL 2

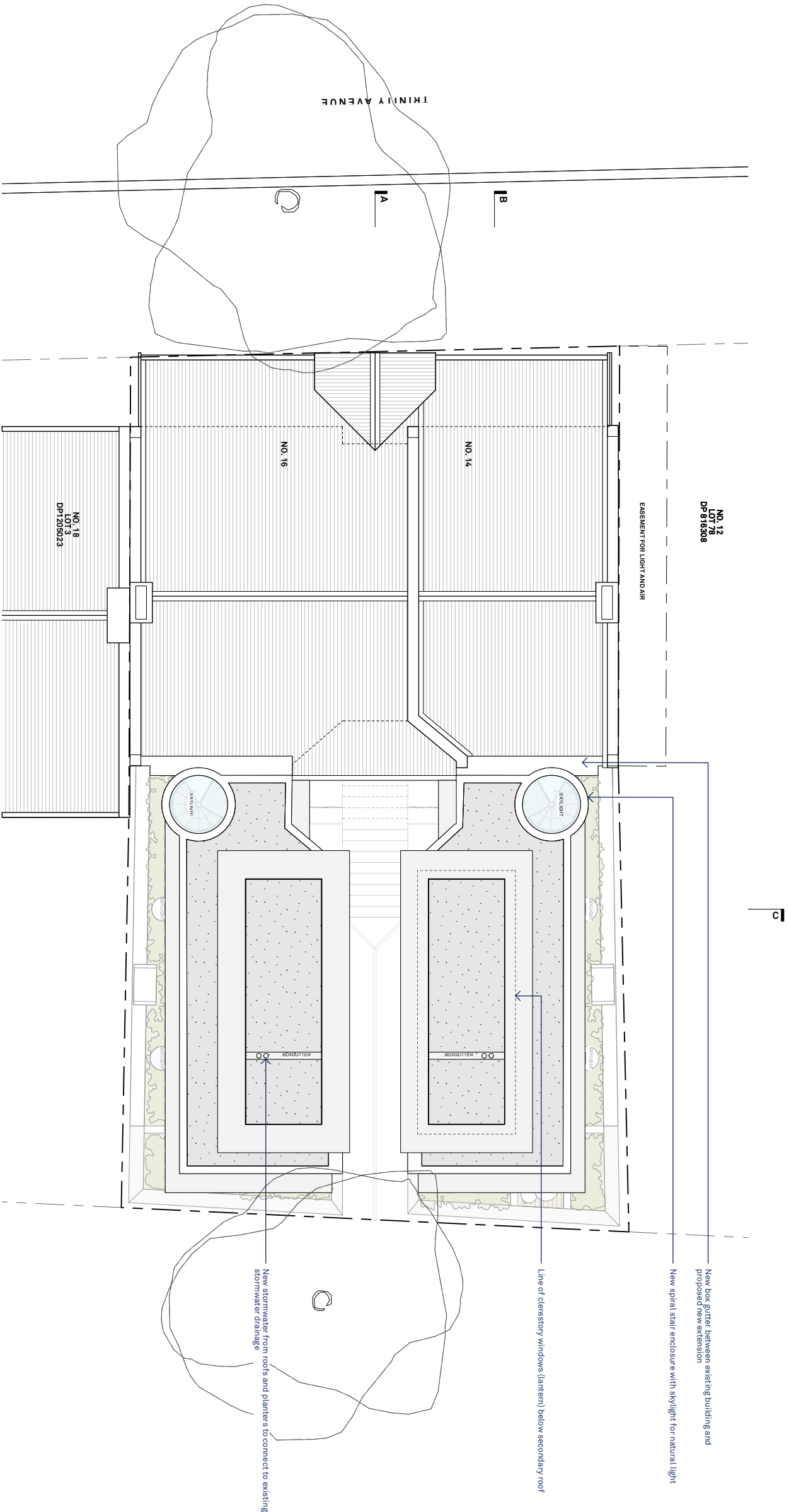
Revision		Revision	
A	10/11/25	Issue for Pre-DA	Issue for Pre-DA
B	4/3/26	Amended as per Council's other information requirements	Amended as per Council's other information requirements

Please note:
This drawing is copyright and may not be used without written consent. Do not scale off this drawing. Use figured dimensions only. Verify all dimensions on site prior to construction.
All works to be in accordance with Australian standards. The National Construction Code of Australia and other relevant codes and standards must be followed.
This drawing is for information only and does not constitute a contract.

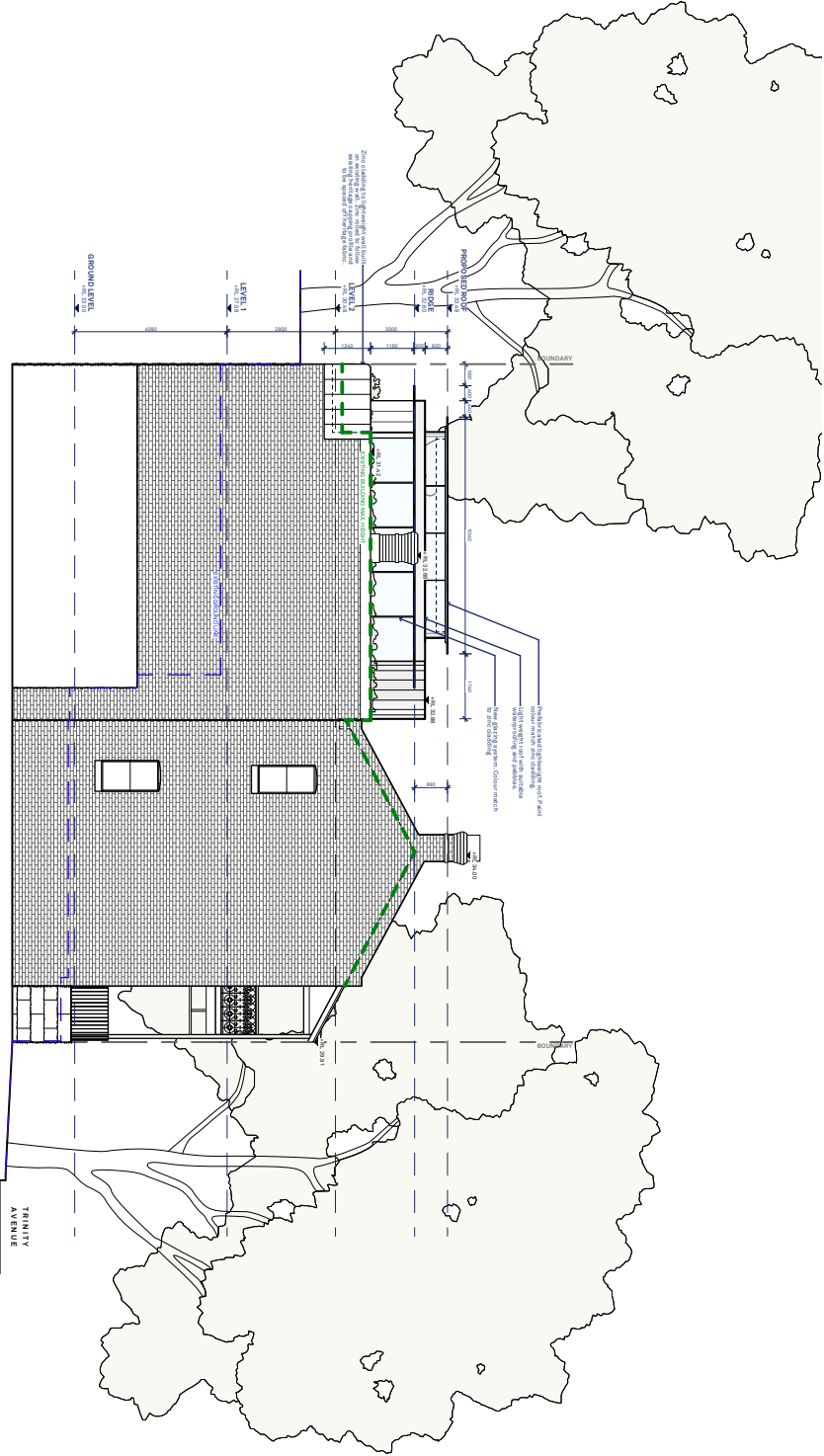
Drawing		Drawing	
Proposed Level 2 Floor Plan		DA06	
Development Application		B	

Scale on A3	1:100
Date Printed	12/3/26

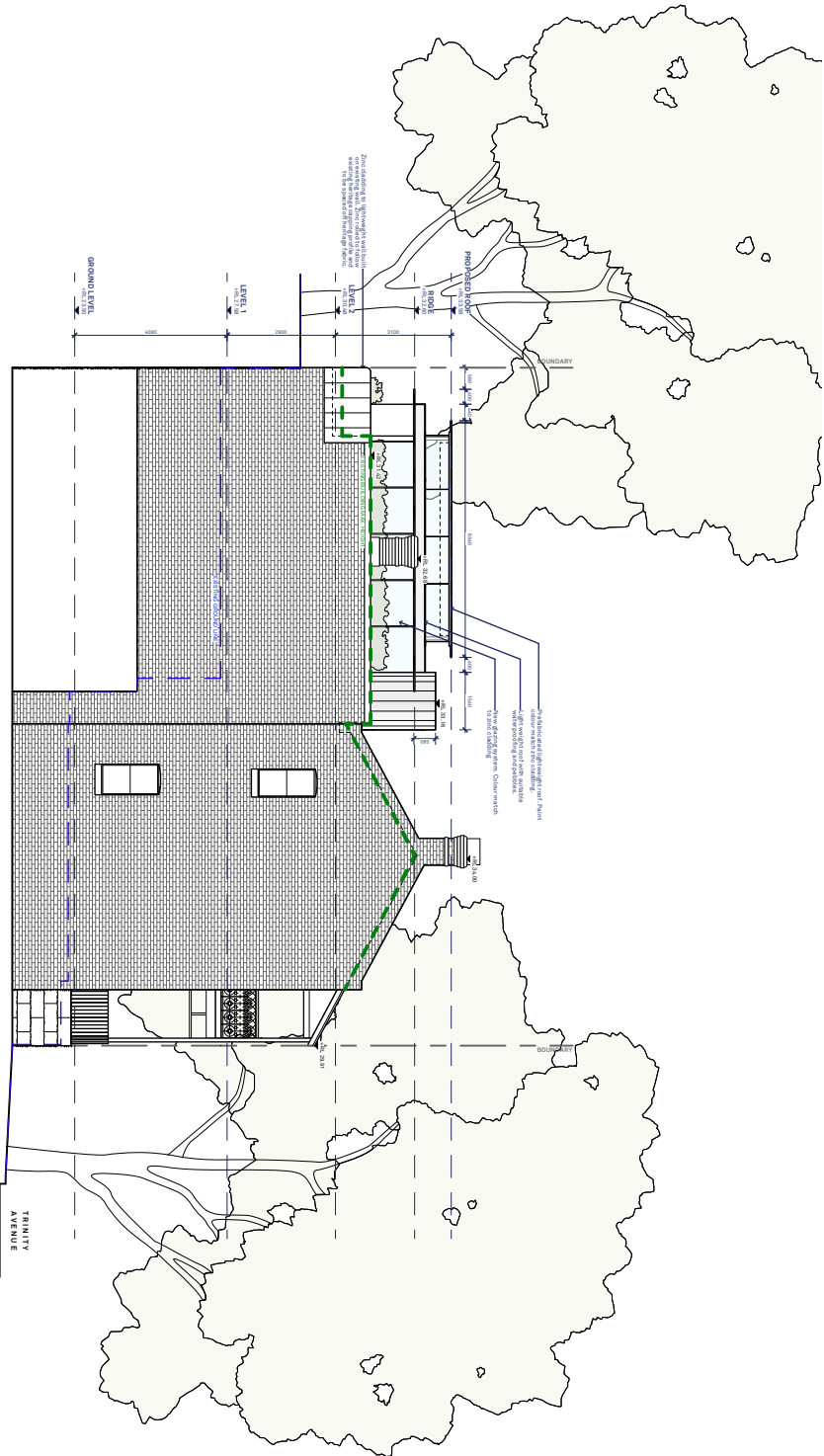
Project Number	2004
Project	14-16 Trinity Ave, Dawes Point NSW 2000



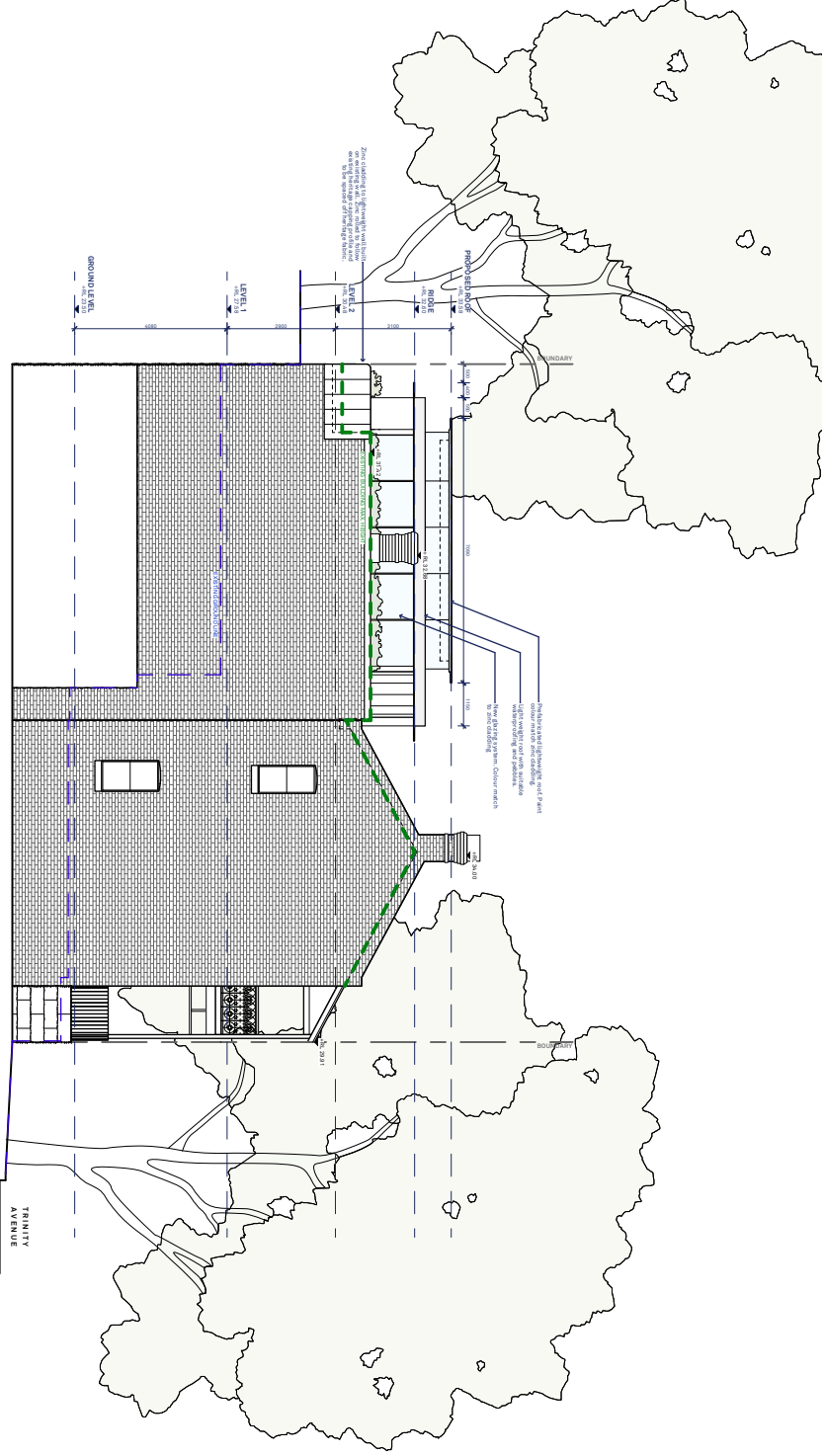
PROPOSED ROOF



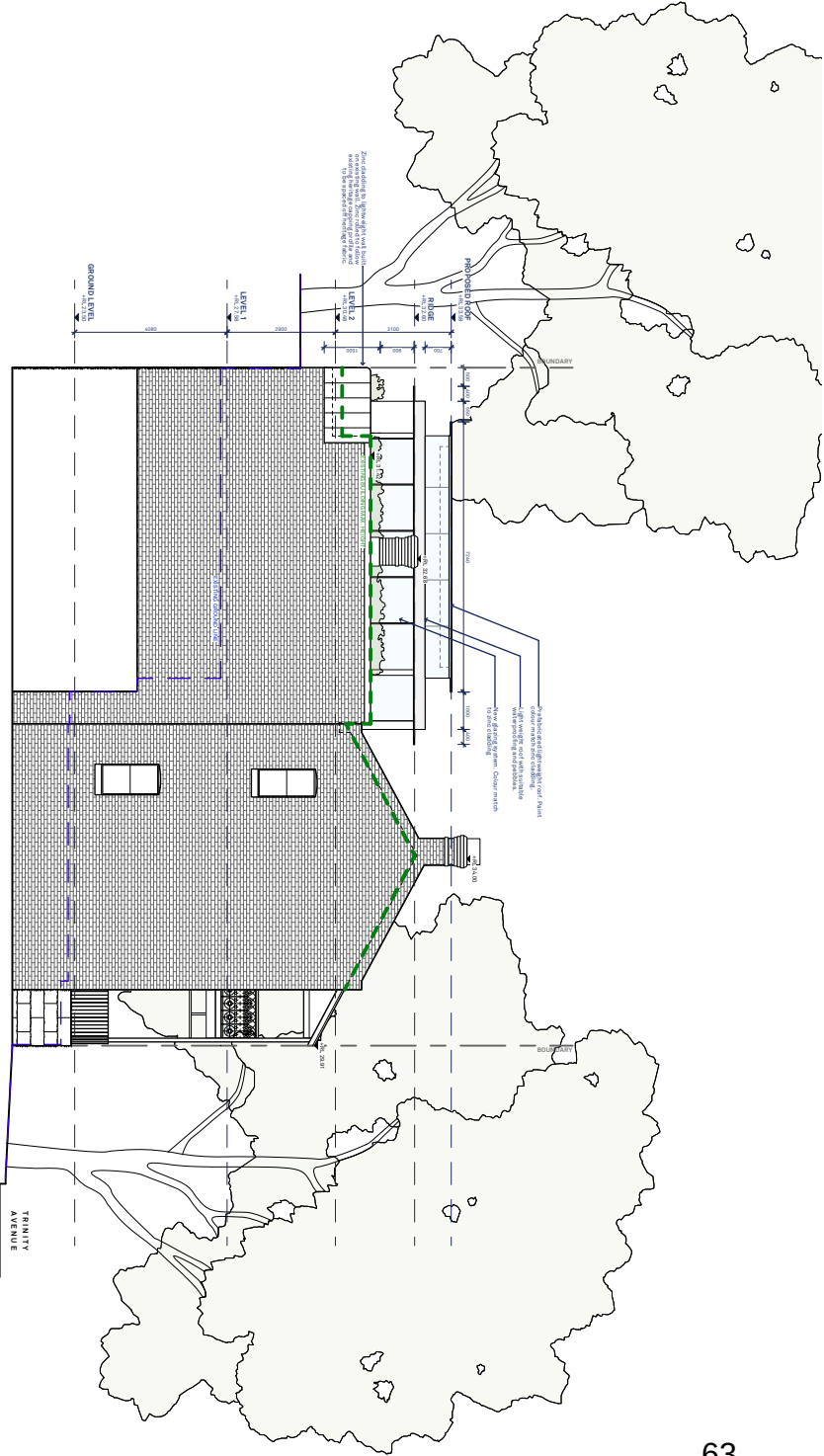
Revision 4 - CURRENT (2025-07-08)



Revision 3 (2025-04-02)

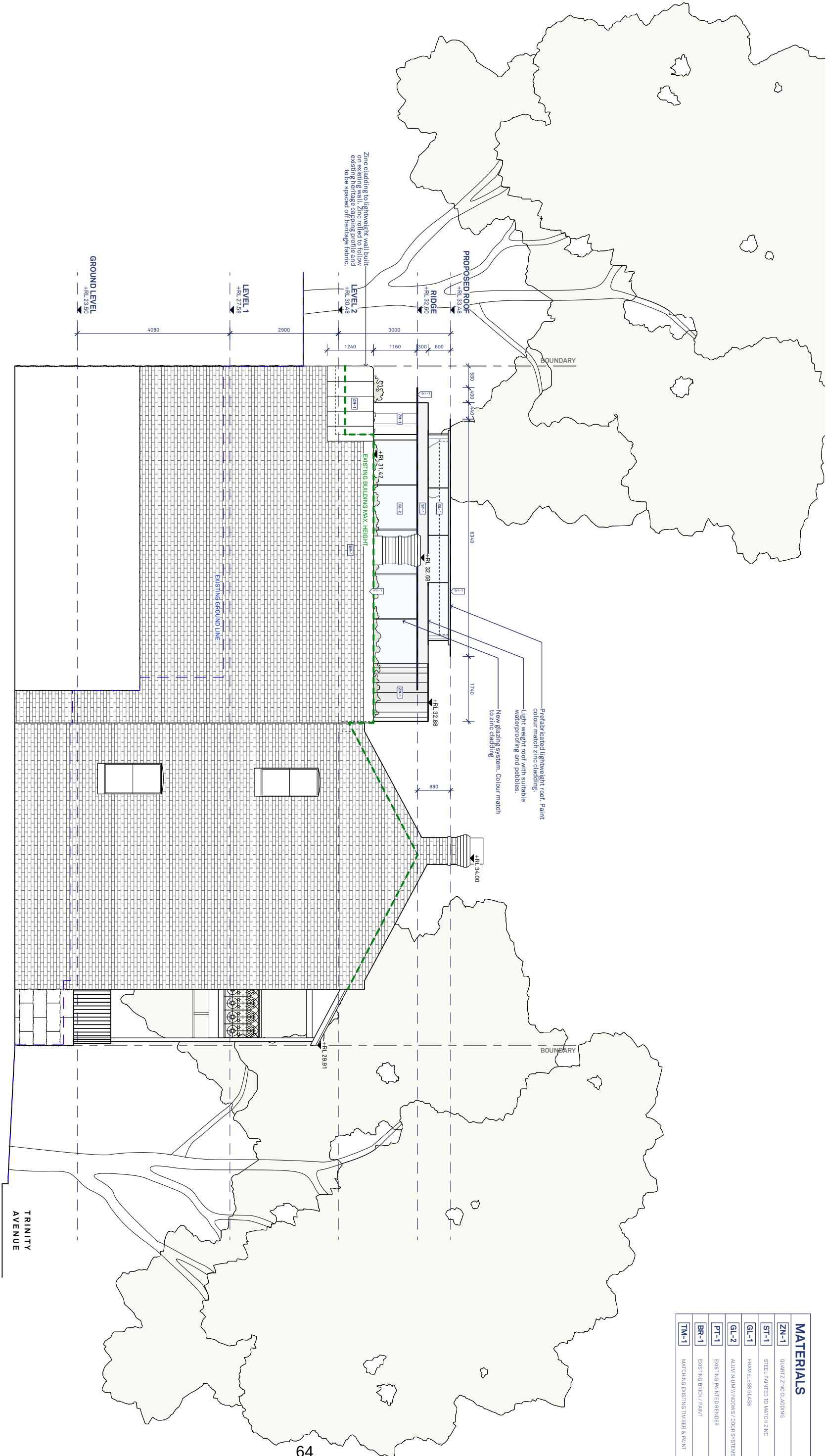


Revision 2 (2025-03-28)

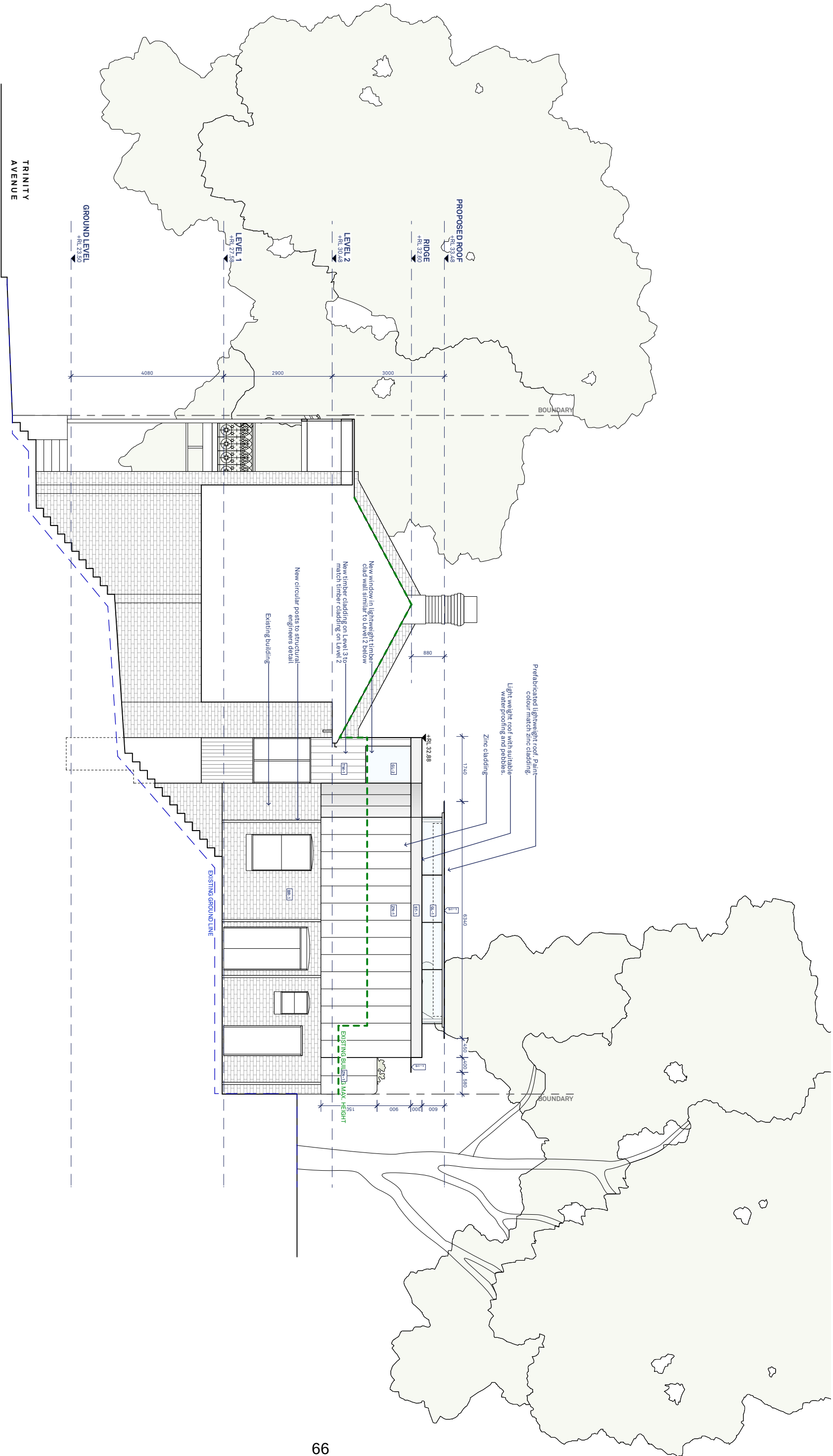


Revision 1 (2025-02-24)

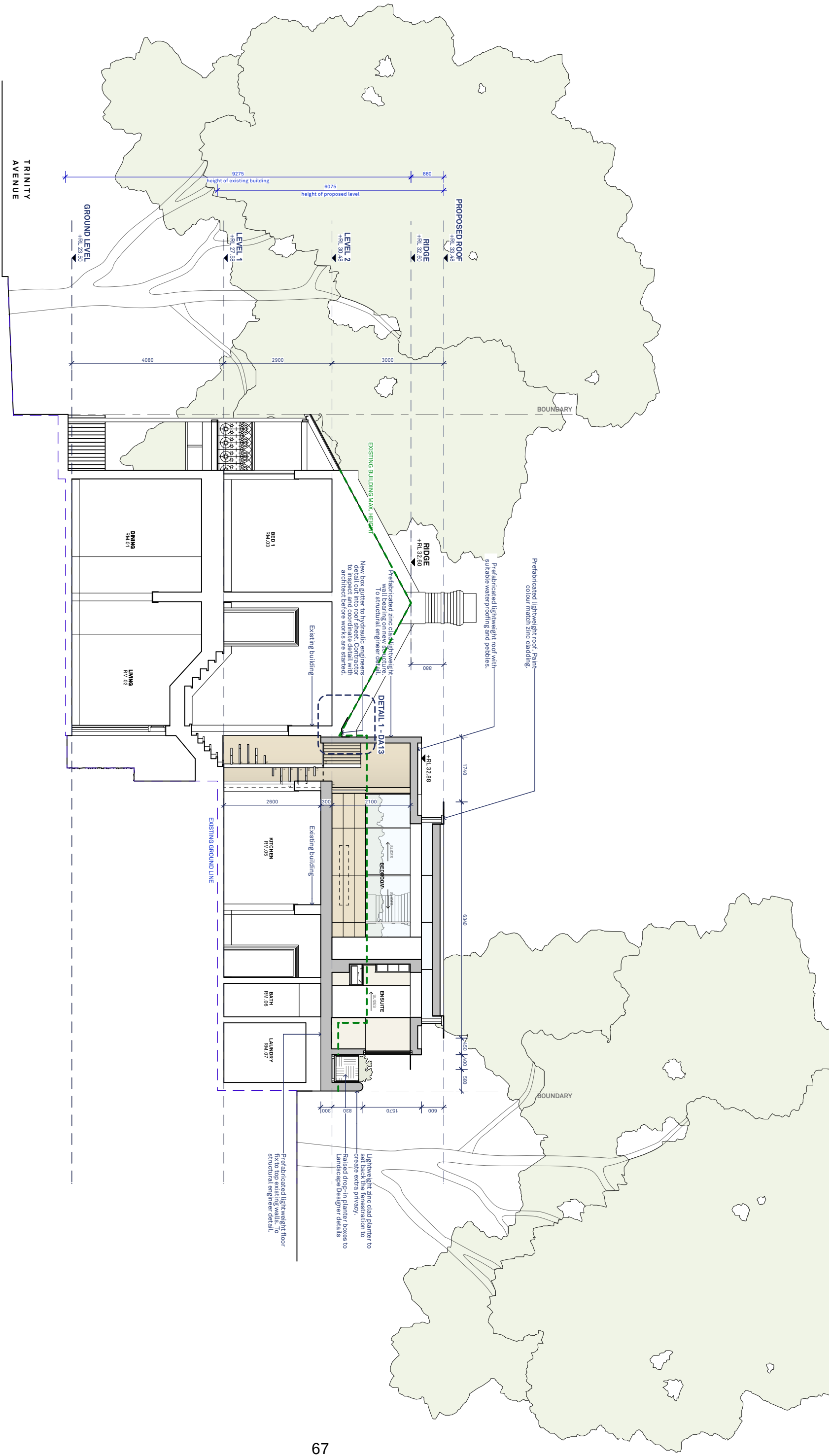
MATERIALS	
[ZN-1]	QUARTZ ZINC CLADDING
[ST-1]	STEEL PAINTED TO MATCH ZINC
[GL-1]	FRAMELESS GLASS
[GL-2]	ALUMINIUM WINDOWS / DOOR SYSTEMS
[PT-1]	EXISTING PAINTED RENDER
[BR-1]	EXISTING BRICK / PAINT
[TM-1]	MATCHING EXISTING TIMBER & PAINT



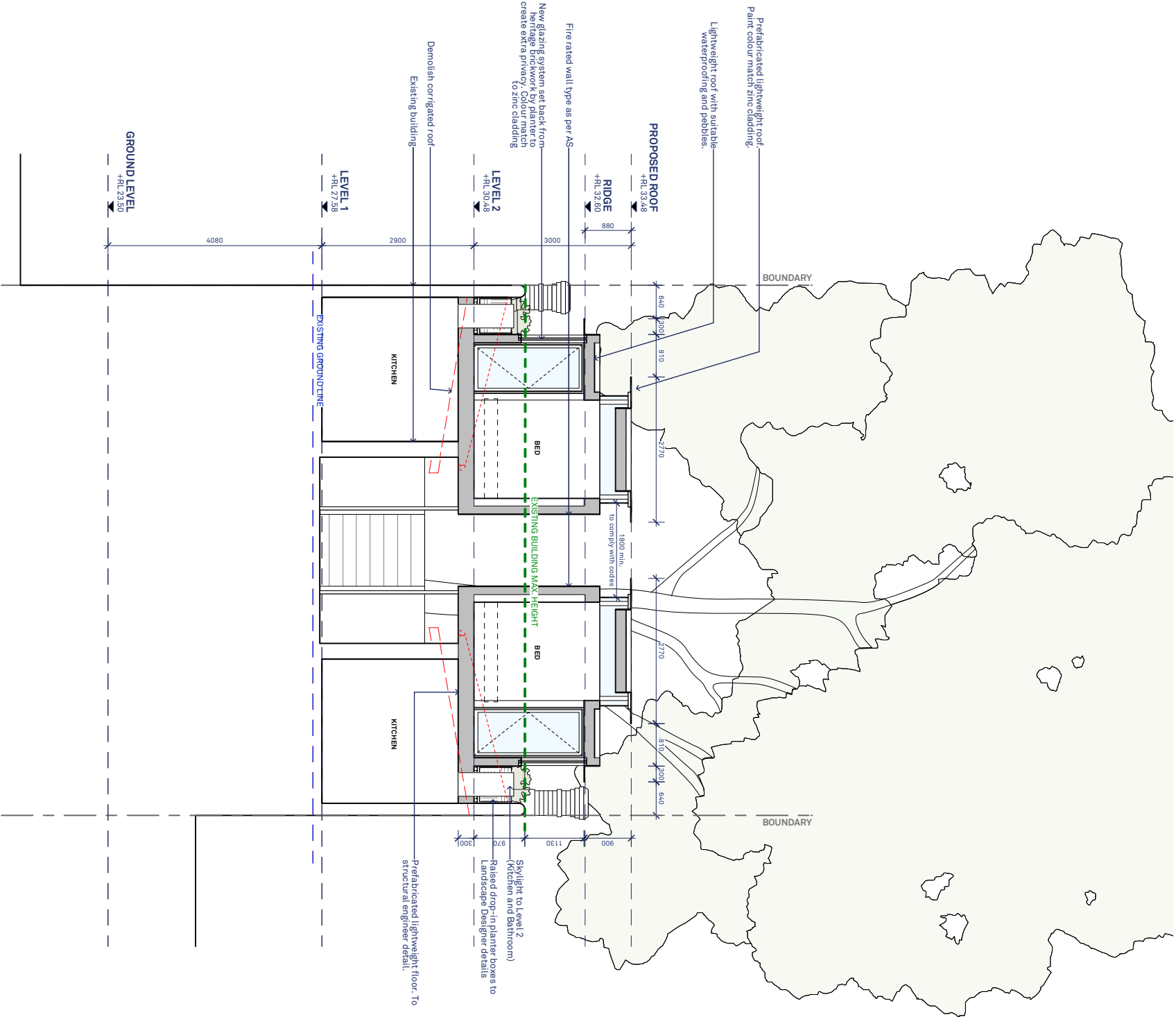
Revision 4 - CURRENT (2025-07-08)



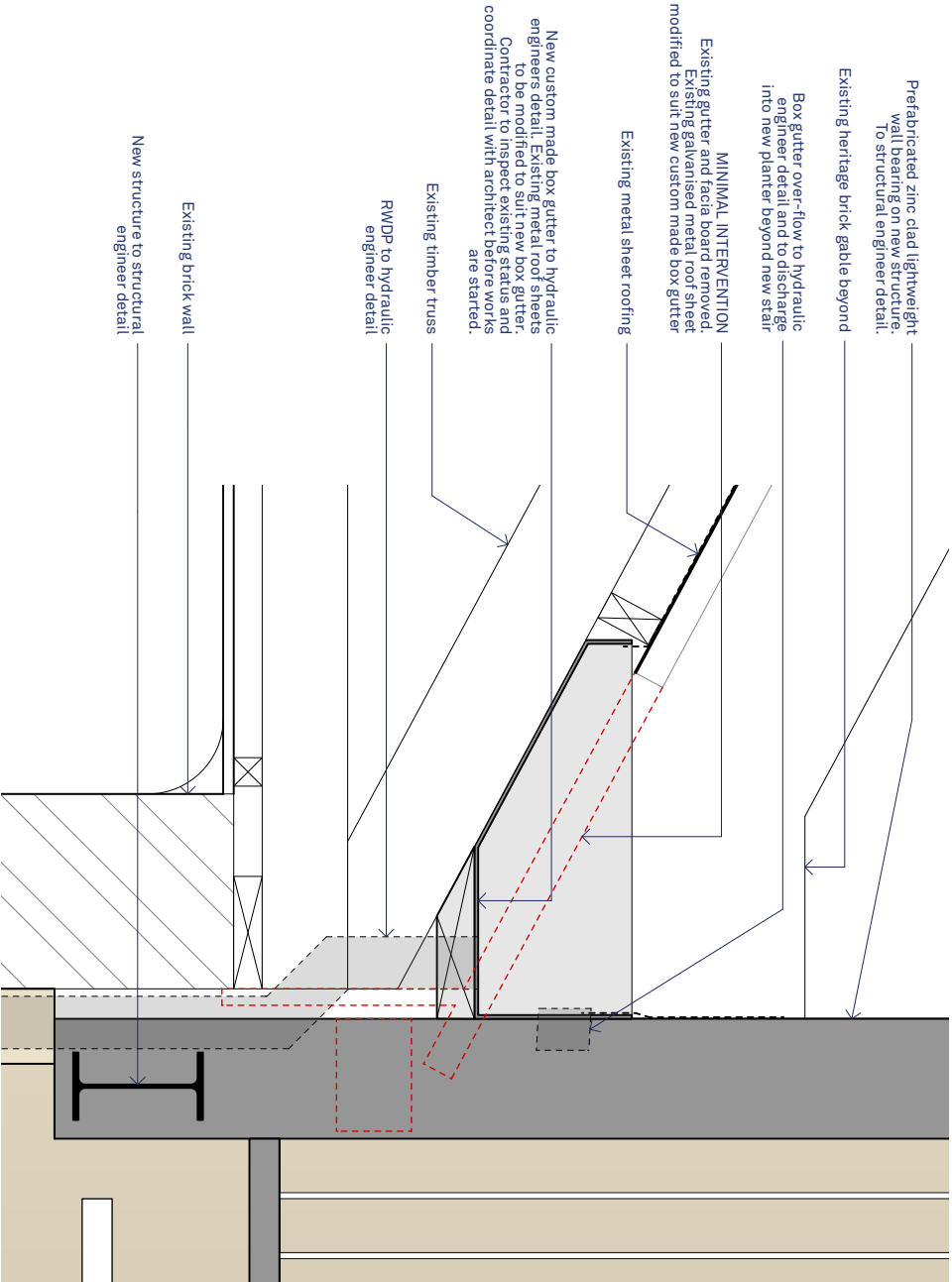
SECTION AA



SECTION BB



SECTION CC



PRELIMINARY DETAIL 1
SCALE 1:10

EXISTING HERITAGE BUILDING

PROPOSED ADDITION

Attachment C

Clause 4.6 Variation - Height



Sydney LEP 2012 Clause 4.6 Exceptions to Development Standards – Height of Building (Millers Point Conservation Area)

Nos. 14-16 Trinity Avenue Dawes Point

Proposed Alterations and Additions

Prepared for	Prepared by	Date	Reference
Daniel Tower Email: danjtower@gmail.com	GSA Planning	17 July 2026	25524



SYDNEY LOCAL ENVIRONMENTAL PLAN (LEP) 2012
CLAUSE 4.6 EXCEPTIONS TO DEVELOPMENT STANDARDS

APPLICANT'S NAME: Daniel Tower
SITE ADDRESS: Nos. 14-16 Trinity Avenue, Dawes Point
PROPOSAL: Proposed Alterations and Additions

- (i) **Name of the applicable planning instrument which specifies the development standard:**
Sydney Local Environmental Plan (LEP) 2012
- (ii) **The land is zoned:**
The objectives of the R1 General Residential are as follows:
- *To provide for the housing needs of the community.*
 - *To provide for a variety of housing types and densities.*
 - *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
 - *To maintain the existing land use pattern of predominantly residential uses.*
- (iii) **The number of the relevant clause therein:**
Clause 6.47 – Millers Point heritage conservation area which is stated, inter alia:
- (1) *The objectives of this clause are—*
 - (a) *to conserve the heritage items and built form of the Millers Point heritage conservation area, and*
 - (b) *to ensure that conservation management plans endorsed by the Heritage Council are considered in the assessment of development that impacts a heritage item in the Millers Point heritage conservation area.*
 - (2) *This clause applies to land identified as “Area 10” on the Height of Buildings Map.*
 - (3) *Development consent must not be granted to development that affects a heritage item unless the consent authority considers the following—*
 - (a) *the impact of the development on the built form and heritage significance of the heritage conservation area, and on the built form, fabric and heritage significance of the heritage item,*
 - (b) *a heritage conservation management plan for the item endorsed by the Heritage Council under section 38A of the Heritage Act 1977,*
 - (c) *if there is no plan endorsed by the Heritage Council, a heritage conservation management plan for the item prepared to the satisfaction of the consent authority.*
 - (4) *Development consent must not be granted to development affecting a building that is not a heritage item unless—*
 - (a) *the consent authority considers the impact of the development on the built form and heritage significance of the heritage conservation area, and on the built form, fabric and heritage significance of any heritage item in the vicinity of the building, and*
 - (b) *the development will not result in either or both of the following—*
 - (i) *the height of the building exceeding 9 metres,*
 - (ii) *the floor space ratio for the building exceeding 2:1.*
 - (5) **Despite any other provision of this Plan, the maximum height of a building on land to which this clause applies is the height of the building on the land as at the commencement of this clause.**

This Clause 4.6 Exception to Development Standards should be read in conjunction with the Statement of Environmental Effects (SEE) prepared by GSA Planning.



1.0 Overview

This Clause 4.6 Exception to Development Standards has been prepared in accordance with the most recent case law. In our opinion, the variation achieves the objectives of the zone and development standard and has demonstrated there are sufficient environmental planning grounds to justify contravening the development standard.

2.0 Context or Background

On **4 March 2025**, a meeting was held with the Heritage Council of NSW Approvals Committee. On **11 March 2025** a letter was issued to the applicant by the Heritage Council of NSW the letter provided a list of comments for consideration, mostly requesting additional information to be considered and provided for further review.

On **11 December 2025**, a request for pre-lodgement advice was submitted with City of Sydney Council, which included a response to the above items, a Heritage Impact Statement, and revised architectural plans with design amendments guided by Heritage NSW and their comments.

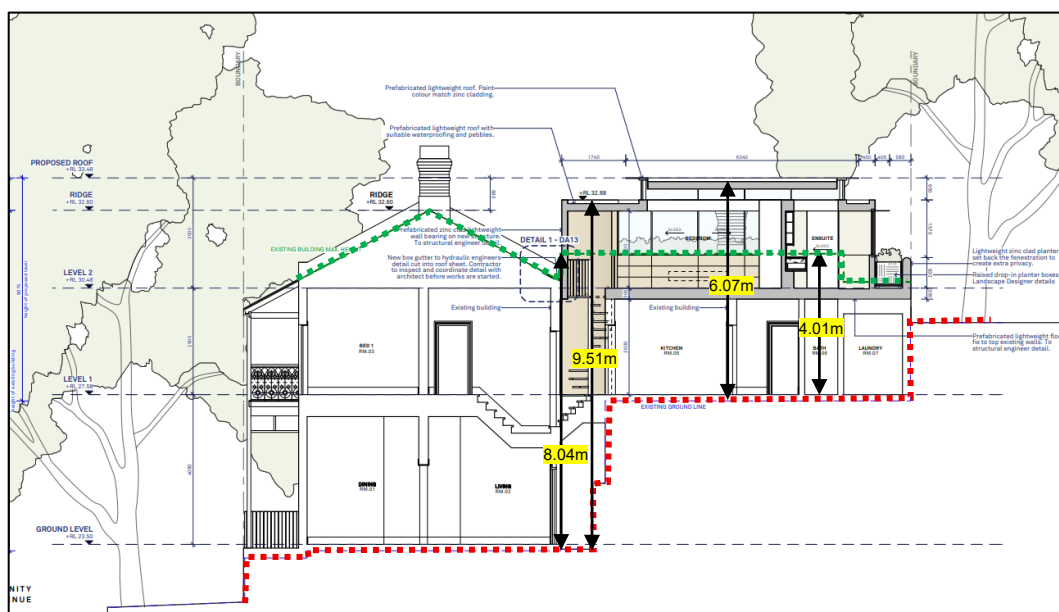
On **3 December 2025**, formal pre-development application (Pre-DA) advice (PDA/2025/249) was received from Council, which addressed heritage matters and other information requirements, including a requirement for a Clause 4.6 Written Submission to vary Clause 6.47 (5) to be submitted with the future DA.

3.0 Specify the nature of Development Standard sought to be varied and details of variation:

The development standard to which this request for variation relates is Clause 6.47 (5) of the LEP – Millers Point heritage conservation area. This Clause indicates that the maximum height of the building on the subject site is the height of the building at the commencement of this clause. Clause 6.47 (5) is consistent with the definition for a development standard under Section 1.4 of the Environmental Planning and Assessment Act 1979 (EPA Act).

The existing rear wing has a height of 4.01m. The proposed lantern addition to the rear wing addition will have a maximum height of 6.07m, representing a 40.87% variation to the development standard. The stair access to the new structure has a maximum height of 9.51m due to the drop in topography created by the existing excavated area but represents a 1.47m variation to the existing height. This report will demonstrate that the proposal achieves a better planning outcome, and a more sympathetic contribution to conserving the heritage item on site. It is also worth noting that the stair access breach is mostly due the required head height to access to new rear lantern addition. Lowering this would create issues for access.

A detailed calculation according to the definition of building height in the LEP is provided on the following page in **Figure 1** and in the architectural plans submitted.



Existing Ground Line

Figure 1: Proposed Section - Existing Maximum Height and Proposed Height



4.0 Consistency with Objectives of Clause 4.6

The objectives of Clause 4.6 seek to provide appropriate flexibility to the application of development standards in order to achieve better planning outcomes both for the development and from the development. In the Court determination in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] 236 LGERA 256 (*Initial Action*), Preston CJ notes at [87] and [90]:

Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development...In any event, Clause 4.6 does not give substantive effect to the objectives of the clause in Clause 4.6(a) or (b). There is no provision that requires compliance with the objectives of the clause.

However, it is still useful to provide a preliminary assessment against the objectives of the Clause. The objectives of Clause 4.6 and our planning response are as follows:

- Objective (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- Objective (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Flexibility is sought in the application of the height of buildings development standard to the proposed development in the circumstance of this particular case. In our opinion, the proposed maximum building height is appropriate given the proposed works are not noticeably discernible from Trinity Avenue. The proposal demonstrates a skilful design that does not impact the heritage integrity of the existing dwelling or adversely impact privacy, shadowing and views of adjoining properties. This represents a better outcome, both from a planning and heritage perspective.

Flexibility in this circumstance would result in a better outcome for the development. The proposal significantly increases solar access for the property through clerestory windows proposed in the second-storey rear wing addition. The thoughtful design reinforces the heritage significance of Millers Point Heritage Conservation Area (HCA) by retaining important internal and external historical elements. This facilitates an improvement from the existing situation and represents a better outcome for the site from a planning perspective.

This is further supported by Cracknell & Lonergan where the Heritage Impact Assessment states as follows:

Whilst the proposed additions minorly exceed the existing maximum building height, they will be minimally visible in the streetscape as they are located towards the rear of the site and will be largely obscured by the primary forms of the dwellings. The additions have been developed with feedback from the Heritage Council of NSW and carefully designed in order to provide an appropriate architectural response to the significant heritage fabric and character of the site. Through their contemporary form and materiality, the additions are lightweight interventions that are clearly articulated from whilst also being visually subservient to the original forms of the terrace pair.

In light of the above, whilst the proposed rear additions extend marginally beyond the prescribed maximum height, they are appropriately recessed from the primary building form and will not be readily perceptible from the public domain. The visual prominence of the development when viewed from the street will remain consistent with the existing scheme, with the additional height confined to the rear and designed to read as a subordinate element.

To limit built form in this location would be unreasonable in the circumstances, particularly given the minor nature of the non-compliance and the absence of any discernible adverse impact on streetscape character or adjoining properties. Importantly, the additional height facilitates meaningful improvements to internal amenity for each dwelling, including enhanced ceiling heights and improved spatial functionality.



5.0 Justification of Variation to Development Standard

Clause 4.6(3) outlines that a written request must be made seeking to vary a development standard and that specific matters are to be considered. The Clause states, inter alia:

- (3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*
- (a) *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
 - (b) *there are sufficient environmental planning grounds to justify the contravention of the development standard.*

This written request justifies the contravention of the development standard by demonstrating that compliance is unreasonable or unnecessary in the circumstances; and there are sufficient environmental planning grounds to justify the non-compliance. These matters are discussed in the following sections.

5.1 Compliance with the Development Standard is Unreasonable or Unnecessary in the Circumstances of the Case

Clause 4.6(3)(a) requires the applicant to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. In *Wehbe v Pittwater Council* (2007) 156 LGERA 446 (*Wehbe*), Preston CJ established five potential tests for determining whether a development standard could be considered unreasonable or unnecessary. This is further detailed in *Initial Action* where Preston CJ states at [22]:

These five ways are not exhaustive of the ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary; they are merely the most commonly invoked ways. An applicant does not need to establish all the ways. It may be sufficient to establish only one way, although if more ways are applicable, an applicant can demonstrate that compliance is unreasonable or unnecessary in more than one way.

It is our opinion that the proposal satisfies Test 1 established in *Wehbe* and for that reason, the development standard is unreasonable and unnecessary in this instance. The relevant test will be considered below.

Test 1 - The objectives of the standard are achieved notwithstanding non-compliance with the standard;

Despite the proposed development's non-compliance with the applicable height development standard, the proposal achieves the desired character of the area. The proposal provides a height, bulk and scale that is generally consistent with that envisaged by Council's controls. Reasons why the proposed development achieves the objectives of the height standard are explained below.

(a) to conserve the heritage items and built form of the Millers Point heritage conservation area, and

The proposal retains the principal building form, front façade, principal roof form and overall streetscape presentation to Trinity Avenue, which are the primary contributors to the heritage significance of the heritage item and Millers Point Heritage Conservation Area. The proposed works are limited to the rear wing, ensuring the dominant heritage form and character of the terrace pair and wider streetscape remain unchanged. This is further supported in the Heritage Impact Assessment prepared by Cracknell and Lonergan where the following is noted:

The proposal retains the subject site as two single dwellings and develops them in tandem. No works are proposed to the facades of the terrace pair, and their primary forms are largely retained as is. The proposed alterations and additions respect and continue the mirrored floor plans and designs of the existing terrace pair. Whilst contemporary in style, the proposed additions will be minimally visible from the streetscape. As such, the two storey Federation terrace dwelling pair profile of the site, and subsequently its significant heritage character, is retained. Similarly, the terrace row as a whole will maintain its existing character and significance.



...and in terms of a direct response of a direct response to objective (a) Cracknell and Lonergan note:

The subject site is part of a heritage item, consisting of Nos 14-22 Trinity Avenue, that is State-listed as Terrace (00911) and locally listed as Terrace group (14-22 Trinity Avenue) including interiors (I550), in addition to being located within the Millers Point Heritage Conservation Area (C35) pursuant to the Sydney LEP.

The proposal retains the subject site as two single dwellings and develops them in tandem. No works are proposed to the facades of the terrace pair, and their primary forms are largely retained as is. The proposed third storey additions respect and continue the mirrored floor plans of the existing terrace pair and are appropriately located towards the rear of the site, with landscaped side setbacks to further minimise their visibility from the streetscape. As such, the two storey Federation terrace dwelling pair profile of the site, and subsequently its significant heritage character, is retained. Similarly, the terrace row as a whole will maintain its existing character and significance.

As noted, the rear second-storey addition is designed as a visually recessive element, with its bulk and scale carefully modulated and largely indiscernible from Trinity Avenue. Potential views from the rear are from distant and elevated vantage points from the western cycleway of the Sydney Harbour Bridge, where visibility is further reduced by separation distance, bridge parapets and established vegetation. As such, the proposal conserves the characteristic heritage items and built form of the heritage conservation area while accommodating an improvement in internal amenity.

(b) to ensure that conservation management plans endorsed by the Heritage Council are considered in the assessment of development that impacts a heritage item in the Millers Point heritage conservation area.

The proposal has been developed with direct regard to the endorsed Conservation Management Plan and is supported by a detailed Statement of Heritage Impact prepared by Cracknell & Lonergan Architects where the following is noted:

A two-part Conservation Management Plan (CMP) was previously prepared for the subject site in 2017, with Part 1 authored by Lucas Stapleton Johnson & Partners and Part 2 by the NSW Office of the Environment and Heritage. This document provides a detailed assessment of each of the proposed works against the policies outlined in the CMP.

The proposal retains the principal building, and limits change to the rear wing, ensuring that the heritage significance of the item is conserved, and that the endorsed CMP has been meaningfully considered in both the design development and assessment of the proposal.

Accordingly, although the proposal is greater than the height of building standard, this is unlikely to have any significant adverse impacts as the design is generally contained within a compliant building envelope.

5.2 There are Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard

The environmental planning grounds advanced in the written request must be sufficient “to justify contravening the development standard”. Accordingly, we provide the following reasons for contravening the development standard:

- Contextual Compatibility
- Heritage Conservation
- Improved Amenity to the Dwellings

Contextual Compatibility

The subject site presents a unique challenge to this proposal, being designing an arrangement that can simultaneously preserve the existing heritage dwellings while upgrading the internal amenity to meet modern day living needs of the residents. The proposal respects the existing context by limiting the proposed works to the rear wing to avoid disturbing the historic front of the dwelling. The existing non-original rear wing roofs will be demolished to accommodate a well-integrated second-storey addition compatible with the existing dwellings. The proposed works will be largely indiscernible from the public domain and the result-built form is viewed as completed two storey dwellings rather than non-contributing elements attached to the original heritage fabric (see **Figure 2** below).



Source: Visual Impact Assessment Prepared by Rule Studios

Figure 2: Proposed photomontage of dwellings with rear additions not readily visible from the public domain



The proposal also provides a substantial improvement to the existing lack of landscaping on the site. The introduction of structured, high-quality soft planting will enhance the setting of the heritage dwellings and reduce the visual impact of the rear wing addition.

Importantly, the enhanced landscaping scheme will better align the site with the prevailing character of the locality, which is defined by a prominent green outlook and substantial tree canopy. The additional planting will contribute to this landscape setting, reinforce the garden character of the area, and provide an improved visual and environmental outcome when compared to the current condition of the site.

A thoughtful design which respects the existing development pattern and character in the locality has been proposed. Despite the height variation, the proposal is able to present a compatible built form and building envelope and achieves contextual compatibility with an existing heritage item.

Heritage Conservation

The proposal has been carefully designed to ensure the ongoing conservation of the heritage item. Importantly, the principal built form, being the primary contributory element of the heritage significance, is wholly retained. No works are proposed to the original front portion of the building, and the historic fabric, scale, proportions and presentation to the public domain are maintained.

The proposed works are confined to the rear wing, which comprises non-original fabric of limited heritage significance. The existing non-original rear wing roofs are to be demolished and replaced with a well-integrated second-storey addition that is sympathetic in form, materiality and scale to the existing dwelling. The proposal has been designed to be recessive and subordinate to the principal built form. The Statement of Heritage Impact prepared by Cracknell and Loneragan Architects states, inter alia:

In considering the proposed development at Nos. 14-16 Trinity Avenue, Dawes Point and in recognising that any change to a heritage item is never taken lightly, it is concluded that the proposed alterations and additions are considered acceptable within their context. The design of this proposal has balanced the requirements of working within a strict regulatory context addressing numerous considerations to provide more much-needed housing in a densifying locality, whilst also seeking to minimise impact to the heritage significance of its context. The design presents a refined, articulated and compatible proposal within the heritage context, which is consistent with the materiality, bulk, scale, height, and form of the area.

Ultimately, it is believed that this proposal is consistent with the policies contained within the endorsed Conservation Management Plan for the item and the general design guidelines for adaptive reuse of heritage properties for the Millers Point & Dawes Point Village Precinct, and is also consistent with the maintenance of the streetscape character and key vistas which mediate and maintain the dominant street frontage. It is on this basis that this Statement of Heritage Impact concludes that the proposal is considered acceptable and should not be restricted on the grounds of heritage.

Improved Amenity to the Dwellings

The increased height accommodates the second-storey rear wing addition which improves solar access and ventilation to the rear wing through sliding windows, clerestory lights and skylights. Strict compliance with the height control would perpetuate the existing ground-floor rear wing, which has no side or rear openings and has limited solar access and natural ventilation. The proposed design is considered a more efficient use of land and will enhance the overall amenity and functionality of the dwellings.

Accordingly, in our opinion, the non-compliance will be consistent with the existing and desired future planning objectives for the locality. For the reasons contained in this application, there are sufficient environmental planning grounds to justify the variation to the development standard in the circumstances of this case, as required in Clause 4.6(3)(b).



6.0 Conclusion

This written request has adequately 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 development standard. This is summarised in the compliance matrix prepared in light of *Initial Action* (see **Table 1** on the following page).

We are of the opinion that the consent authority should be satisfied that the proposed development will be in the public interest because it achieves the objectives of the standard and the development objectives of the R1 General Residential Zone pursuant to the LEP. On that basis, the request to vary Clause 6.47 (5) should be upheld.

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Table 1: Compliance Matrix

Para (Initial Action)	Requirement	Section of this Report	Summary	Satisfied
10	Is it a development standard (s.1.4)	1	Yes	
11	What is the development standard	1	Clause 6.47 (5) – Millers Point heritage conservation area	
12	What is the control	1 & 2	The maximum height of the building on the subject site is the height of the building at the commencement of this clause.	
14	First Precondition to Enlivening the Power – Consent authority must form 2 positive opinions:		Both positive opinions can be formed as detailed below.	YES
15, 25	1st Positive Opinion – That the applicant's written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by Clause 4.6(3). There are two aspects of that requirement.	5	The Clause 4.6 variation has adequately addressed both matters in Clause 4.6(3) by providing a detailed justification in light of the relevant tests and planning considerations.	YES
16-22	First Aspect is Clause 4.6(3)(a) – That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. Common ways are as set out in <i>Wehbe</i> .	5.1	The proposal satisfies Test 1 of <i>Wehbe</i> : The objectives of the standard are achieved notwithstanding the non-compliance with the standard;	YES
23-24	Second Aspect is Clause 4.6(3)(b) – The written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied that the written request has adequately addressed this matter. The environmental planning grounds must be "sufficient" in two respects: a) The environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. b) The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole.	5.2	Sufficient environmental planning grounds include, inter alia: - The proposal promotes heritage conservation - The proposal is contextually compatible - The height non-compliance provides better amenity	YES

Item 5.**Report to the Local Planning Panel - Status of Applications**

File No: X019228

Summary

The purpose of this report is to inform the Local Planning Panel (LPP) of

- (a) the current applications under assessment that are to be reported to the LPP for determination
- (b) appeals relating to LPP applications
- (c) applications that have been previously determined by the LPP and have been subject to modification applications.

Recommendation

It is resolved that the subject report be received and noted.

Attachments

- | | |
|----------------------|--|
| Attachment A. | Applications to be reported to the Local Planning Panel |
| Attachment B. | Appeals related to the Local Planning Panel |
| Attachment C. | List of modification applications lodged on Local Planning Panel approvals |

Background

2. Attachment A shows there are currently 9 applications lodged with the City of Sydney that are to be considered and determined by the LPP. The applications are sorted by target meeting date.
3. Attachment B details Land and Environment Court appeals that relate to LPP decisions or applications that were to be determined by the LPP but are subject to a deemed refusal appeal. There are 6 current appeals: 5 are appeals related to applications determined by the LPP and one is a deemed refusal appeal made during assessment and prior to the application being reported to the LPP.
4. Attachment C lists modification applications lodged in the fourth quarter of 2025/26 relating to LPP approvals.

ANDREW THOMAS

Executive Manager Planning and Development

James Farrar, Information and Systems Officer

Attachment A

**Applications to be reported to the Local
Planning Panel**

Applications to be reported to the Local Planning Panel

Application number	Address	Lodgement date	Description	Meeting target	Reason for LPP determination
D/2026/298	14 & 16 Trinity Avenue, DAWES POINT NSW 2000	7/04/2026	Alterations and additions to two residential dwellings. The proposal is Integrated Development requiring approval under the Heritage Act 1977.	12/08/2026	Departure from development standards
D/2026/409	17 Randle Street, SURRY HILLS NSW 2010	4/05/2026	Alterations and additions to change use to a new two storey dwelling at level 5 and 6 of the building.	12/08/2026	Departure from development standards
D/2025/1026	Shop 3/107-109 Darlinghurst Road, POTTS POINT NSW 2011	27/10/2025	Alterations/additions to mixed use development consisting of a backpackers' accommodation and creation of small retail tenancies at street level arcade	2/09/2026	Departure from development standards
D/2026/208	14 Hickson Road, DAWES POINT NSW 2000	23/03/2026	Construct a 4-storey mixed use development comprising a ground level office tenancy and 6 residential units above, excavation for 3 levels of basement parking, provision of a temporary and permanent substation, conservation works and stratum subdivision. The proposal is Integrated Development requiring approval under the Heritage Act, 1977.	2/09/2026	Sensitive Development. SEPP (Housing) Ch 4
D/2025/1317	274-276 Glebe Point Road, GLEBE NSW 2037	29/12/2025	Alterations and additions for use as co-living housing	2/09/2026	Departure from development standards

Application number	Address	Lodgement date	Description	Meeting target	Reason for LPP determination
RDU/1993/641/A	446-458 Elizabeth Street, SURRY HILLS NSW 2010	19/06/2026	Section 8.2(1)(b) review of determination of the refusal to amend the hours of operation of the existing takeaway food and drink premises (Pizza Hut) to 11:30am to 3:00am, Monday to Sunday inclusive.	23/09/2026	Applicant has elected to refer Review of Determination Application to LPP
D/2026/626	23 Hickson Road , MILLERS POINT NSW 2000	02/07/2026	Alterations and additions to Tenancy B, located at the northern end of the Piers 8/9 across Levels 2 to 4, for a business events and function centre premises. The proposal requires approval under the Heritage Act, 1977.	23/09/2026	Contentious development
D/2026/583	61 Lansdowne Street , SURRY HILLS NSW 2010	17/06/2026	Alterations and additions to existing dwelling including new first floor additions, plunge pool and landscaping.	14/10/2026	Contentious development
D/2026/611	40 O'Dea Avenue , WATERLOO NSW 2017	24/06/2026	Demolition of an existing two storey building and construction of a new mixed use development for self-storage including ancillary ground floor offices, and two basement storeys.	16/12/2026	Departure from development standards

List is current as at 30/7/2026

Attachment B

Appeals related to the Local Planning Panel

Appeals related to the Local Planning Panel

New LPP appeals filed				
Application number	Address	Description	Appeal date	Status
D/2025/811	32 Moore Park Road , PADDINGTON NSW 2021	Alterations/additions to mixed use development	12/06/2026 Refused by LPP on 17/12/2025 Appeal 177 days after refusal	Listed for s34 conciliation conference on 7 September 2026.
D/2026/136	86-90 Bay Street , ULTIMO NSW 2007	Demolition of the existing 4 storey building and the construction of a new 8 storey building for a 137 unit co-living housing development including end of trip facilities (EOT), car parking, ground floor retail, internal courtyard, and communal spaces on the ground floor and rooftop terrace.	17/06/2026 Refused by LPP on 25/05/2026 Appeal 26 days after refusal	Listed for s34 conciliation conference on 7 October 2026
D/2026/38	50-58 Sir John Young Crescent , WOOLLOOMOOLOO NSW 2011	Alterations to and use of the existing roof top as an outdoor communal space for the existing backpackers accommodation	09/07/2026 Refused by LPP on 25/05/2025. Appeal 50 days after refusal	Listed for directions on 4 August 2026

Ongoing appeals				
Application number	Address	Description	Appeal date	Status
D/2025/585	212-214 King Street , NEWTOWN NSW 2042	Alterations and additions for use as takeaway food and drink premises with associated signage. Proposed operation for 24 hours, 7 days a week.	14/04/2026 Refused by LPP on 15/10/2025 Appeal 181 after refusal	Listed for s34 conference held on 11 August 2026
D/2024/1218	153 Redfern Street , REDFERN NSW 2016	Alterations to the existing building for use as a take away food and drink premises with hours of operation of 24 hours, 7 days per week. The works include a new awning and signage.	13/11/2025 Refused by LPP on 14/05/2025 Appeal 183 days after LPP refusal	Listed for hearing on 23-25 September 2026
D/2025/646	770-772 George Street HAYMARKET NSW 2000	Substantial redevelopment of the site, including partial demolition of existing structures, excavation at 678 George Street to create an expanded basement level covering the entire site, and construction of a 13/14-storey mixed-use hotel and residential development with ground-floor food and beverage uses and rooftop amenities, including hotel rooftop bar. The proposal includes 83 hotel rooms, 30 residential apartments, two ground-floor food and drink premises, a shared loading dock, and waste, plant, end-of-trip facilities, and servicing areas within the basement.	13/11/2025 Appeal on day 100 of assessment prior to LPP meeting And refused by LPP on 17/12/2025	Listed for hearing on 4-6 August 2026

Completed appeals				
Application number	Address	Description	Appeal date	Status
D/2024/1237	89 Macleay Street POTTS POINT	Substantial demolition of existing contributory building and construction of a 6-storey mixed use development comprising retail and residential uses on the ground floor, with 5 levels of residential above and rooftop communal open space and pool.	20/06/2025 Refused by LPP on 21/05/2025 Appeal 30 days after LPP refusal	Upheld 23 June 2026 Appeal upheld after s. 34 agreement on amended plans and conditions
D/2023/700	58-60 Selwyn Street PADDINGTON 62-64 Selwyn Street PADDINGTON	Alterations and additions to residential development, involving change of use of an existing boarding house to convert to four attached dwellings and associated subdivision of the site from two lots into four lots.	27/11/2023 Refused by LPP on 1/11/2023. Appeal 26 days after LPP refusal	Appeal originally dismissed. S56A appeal filed against Commissioner's decision upheld on 16 December 2026. Appeal remitted to Commissioner and upheld on 17 June 2026

List current as at 22/07/2026

Attachment C

**List of modification applications lodged on
Local Planning Panel approvals**

List of modification applications lodged on Local Planning Panel approvals

Application number	Address	Description	Lodgement date	Status	Decision date
D/2020/1409/P	634 Botany Road ALEXANDRIA NSW 2015	Section 4.55(1A) modification of consent to amend Conditions 1 and 8. To introduce angled blades to parapet wall to screen rooftop condensers.	7/04/2026	Approved with Conditions	5/05/2026
D/2023/962/B	76J Macdonald Street ERSKINEVILLE NSW 2043	Section 4.55(1A) modification to consent for public domain works to modify Condition 22 (Site Audit Statement) and Condition 30 (Public Domain Concept Plan)	7/04/2026	Approved with Conditions	7/05/2026
D/2023/997/B	422-424 Cleveland Street SURREY HILLS NSW 2010	S4.55(1A) modification to permit construction and long term operation of a drained basement in lieu of a fully tanked basement.	23/04/2026	Being Assessed	
D/2023/727/H	21C Billyard Avenue ELIZABETH BAY NSW 2011	Section 4.55(1A) modification of existing consent to amend staging of conditions.	22/04/2026	Withdrawn	18/05/2026
D/2023/997/A	422-424 Cleveland Street SURREY HILLS NSW 2010	Section 4.55(2) modification application for a mixed use development to amend the design of the eastern, western and southern facades of the rear addition, including privacy treatments and planter boxes, and replace its lightweight roof with a concrete roof.	6/05/2026	Being Assessed	
D/2022/397/C	8-10 Danks Street WATERLOO NSW 2017	Section 4.55(2) modification to continue the trial period for extended operating hours for a further five years for licensed food and drink premises	19/05/2026	Approved with Conditions	11/06/2026
D/2020/614/C	6 Bridge Street SYDNEY NSW 2000	Section 4.55(2) modification to continue the trial period for extended operating hours for the existing licensed adult entertainment venue.	28/05/2026	Approved with Conditions	14/07/2026
D/2023/727/I	21C Billyard Avenue ELIZABETH BAY NSW 2011	Section 4.55(1A) modification to include conversion of existing two-storey apartment to two single level apartments. There are changes to the floor plan and windows to accommodate the altered internal layout.	3/06/2026	Approved with Conditions	25/06/2026

D/2017/1700/B	206-208 King Street NEWTOWN NSW 2042	Section 4.55(1) modification application to amend contributions	3/06/2026	Approved with Conditions	4/06/2026
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