

Relevant Information for Local Planning Panel

FILE: D/2026/208 **DATE:** 2 September 2026

TO: Local Planning Panel Members

FROM: Andrew Thomas, Executive Manager Planning and Development

SUBJECT: Information Relevant To Item 5 – 14 Hickson Road, Dawes Point

Alternative recommendation

It is resolved that:

- (A) consent be granted to Development Application Number D/2026/208 subject to the reasons below and the conditions set out in Attachment A to the subject report and subject to the following amendments (additions shown in ***bold italics***, deletions shown in strikethrough):

(2) HOUSING AND PRODUCTIVITY CONTRIBUTION

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

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	\$65,003.56
Transport project component	\$0.00
Total housing and productivity contribution	\$65,003.56

The HPC must be paid using the NSW planning portal.

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

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

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

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

Reason

To require contributions towards the provision of regional infrastructure.

(5) ACOUSTICALLY TREATED, NATURALLY VENTILATED PLENUM DESIGN DETAILS

Details of the acoustically treated, naturally ventilated plenum to Bedroom 1 of “apartments 2, 4 and 6 are required.

The below documentation is to be provided to Council’s Area Planning Manager prior to issue of a Construction Certificate to demonstrate the adequacy of the plenum:

- (a) The plenum design must be demonstrated to comply with the following:
 - (i) No mechanical assistance is to be provided to the plenums and/or alternative façade treatments. The plenum must incorporate acoustic lagging, be accessible for cleaning and be fitted with an insect screen. The plenum must not incorporate baffles that choke airflow.
 - (ii) Scaled elevations, plans and sections of the plenum are to be provided at 1:10.
 - (iii) The plenum design must be captured by specific drawing detailing the construction of the plenum and a written document outlining the specifications, manufacturing requirements and performance requirements for the plenum.
- (b) A suitably qualified ventilation expert must be engaged and prepare a Ventilation Assessment of the proposed plenums to demonstrate compliance with the City of Sydney’s *Draft Alternative Natural Ventilation of Apartments in Noisy Environments: Performance Pathway Guideline*.

The below documentation is to be provided to Council’s Area Planning Manager prior to issue of an Occupation Certificate to demonstrate the adequacy of the plenums:

- (c) The plenum design must be certified by a written acoustic compliance statement prepared by a suitably qualified acoustic consultant which demonstrates the following:

- (i) The plenum must have an acoustic performance requirement expressed in terms of 1/1 octave bands (centre frequencies 31.5Hz through 8 kHz) to afford compliance with the noise criteria below, whilst the ventilators are operating, and external windows and doors are closed.
 - (ii) LAeq, 1 hour 45 dB(A) in any main living area (24-hours) and LAeq, 1 hour 35 dB(A) in any bedroom (10:00pm-7:00am), as outlined in Section 4.2.3.11 of the Sydney Development Control Plan (SDCP) 2012.
 - (iii) The written acoustic compliance statement will form part of the NOISE - CERTIFICATION OF ACOUSTIC DESIGN AND CONTINUED INTEGRITY PRIOR TO CONSTRUCTION CERTIFICATE condition (Condition **52 55**), as a report that must be certified and verified prior to a relevant construction and occupation certificate in accordance with the condition.
- (d) A maintenance report prepared by a suitably qualified engineer which demonstrates how the plenums will be maintained for the life of the development must be submitted.

The plenums must be retained for the life of the development.

Where the requirements of this condition conflict with another report (for example a separate acoustic report), this condition prevails.

Reason

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

(14) SWINGING DOORS OVER PUBLIC WAY

Any access doors to enclosures housing building services and facilities, such as hydrant and sprinkler booster assemblies or the like, must not open over the ~~footway/~~roadway **and not block the footway to provide unimpeded pedestrian access.**

Reason

To ensure no element of the development obstructs the use of the public way.

(15) ~~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.**~~

(41) ~~SWINGING DOORS OVER PUBLIC WAY~~

~~**Any access doors to enclosures housing building services and facilities, such as hydrant and sprinkler booster assemblies or the like, must not open over the footway/roadway.**~~

Reason

~~**To ensure no element of the development obstructs the use of the public way.**~~

(42) FLOOD RISK MANAGEMENT

- (a) Details of proposed flood barriers and their operation to demonstrate:
 - (i) Flood control devices or systems can withstand flood-related forces including hydro static load and dynamic load and impacts in a probable maximum flood event.
 - (ii) Flood control devices or systems have been certified by an appropriately experienced engineer registered on the National Engineers Register (NER).
 - (iii) Flood control devices or systems are integrated into the driveway of a building to descend from above or ascend from below to exclude floodwater.
 - (iv) Automatic closure of flood control devices or systems, together with an anti-opening mechanism to prevent them from being opened in a flood event.
 - (v) Appropriate peripheral safety measures will be provided to support the operation of the flood control devices or systems, including, but not limited to:
 - a. an independent back-up power supply, to be used in the event of a power failure; and
 - b. audible and visual alarm systems to warn of the operation of the flood doors and barriers. The alarm system must be linked to the building management system which indicates the status of the failsafe operation and back-up supply power;
 - c. flood sensors linked to the alarm system to provide information on the status of the operation of the flood doors and barriers; and
 - d. passenger lift programming is to ensure that the lift is deactivated when flood doors and barriers are activated.
- (b) All building structures are to be designed to ensure structural integrity for immersion and the impact of hydraulic forces of floodwaters and debris up to the 100 year flood level plus 0.5m or Probable Maximum Flood level, whichever is the greater. For example, where glass is used, it must be toughened glass to resist the impact of hydraulic forces of floodwaters and

impact loading of debris. Details of these works shall be submitted to and shall be approved by the Principal Certifying Authority prior to the issue of **~~the stage-2~~ any** Construction Certificate.

- (c) Flood protection is required for all flood events up to and including the minimum flood planning levels applicable to the subject site.
- (d) Flood proofing is to be maintained for the life of the development. The design of the flood proofing is to be certified by a suitably qualified practitioner engineer with experience in flood proofing and is to be compatible with the design of the development set out in this development consent. The certification must ensure compliance with the relevant Australian Standards and codes for structural engineering. The certification must be supplied by the Applicant to the Principal Certifying Authority.
- (e) All flood protection features requiring power to operate must have alternative backup power source.
- (f) All electrical features including power points and other mechanical equipment must be set above the Flood Planning Level, ***noting the substation is not subject of a freeboard as per Ausgrid's advice***. This must be shown on the detailed plans prior to the issue of the Construction Certificate for the basement.
- (g) A design certification report prepared by a suitably qualified practitioner engineer demonstrating compliance has been achieved of these requirements above shall be submitted to and shall be approved by the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason

To ensure flood risk management measures are complied with.

(43) FLOOD EMERGENCY RESPONSE PLAN

- (a) A Flood Emergency Response Plan is to be prepared by a suitably qualified flood engineer. The Flood Emergency Response Plan is to be implemented and operated by the building owner and/or Owners Corporation at all times.
- (b) The Flood Emergency Response Plan must include all measures required to be implemented to ensure the ongoing management of flooding risk in relation to the building, including (but not limited to) the following:
 - (i) Describe the flood conditions in the vicinity of the site.
 - (ii) If appropriate, direct persons on the site to seek refuge above the Probable Maximum Flood level for all levels of the building that are flood affected. Shelters in place for flood affected parts of the building is not permissible.
 - (iii) Include a map directing residents and visitors to a refuge via a flood free pathway within the building.

- (iv) Describe the audible and visual alarm system for the basement area, including the linkage of this system to the building management system, details of failsafe operations and alternate power arrangements.
 - (v) Provide details (as an appendix) of all proposed flood sensors, their purpose, operation and maintenance (including the frequency of maintenance).
 - (vi) Provide details of lift design and operation in the event of a flood and specify how the lift will be deactivated in the event of a flood.
 - (vii) Provide details of access to flood free areas for disabled persons.
 - (viii) Provide details of all flood protection design features of the building (flood doors and the like) and describe their operation, maintenance, repair and replacement arrangements. Repairs are to be completed to ensure that the flood doors/gates/barriers remain operational and effective at all times.
 - (ix) A pumping option needs to be shown, along with the location of pumps (in case mechanical failures of flood barriers occur). The pumps must be designed to pump out the full range of flood volumes within 6 – **48** hours after floodwaters have receded, ***pending on the size of the pump.***
 - (x) Details of the operations and maintenance of the pumps are to be included. Any pumping equipment used to disperse flood waters should have the same maintenance schedule as the flood doors; and
 - (xi) Make provision for three monthly testing by the building owner and/or Owners Corporation.
- (c) The building owner and/or Owners' Corporation must enter into a service arrangement by which all identified faults or defects to all flood designed features of the building must be repaired within 24 hours.
 - (d) No toxic or other hazardous materials are to be stored below the Flood Planning Level or in the basement levels.
 - (e) Prior to the issue of any Construction Certificate for the basement, the Flood Emergency Response Plan (FERP) is to be submitted to and approved by Principal Certifying Authority (PCA).

Reason

To ensure flood risk management measures are complied with.

(49) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of ~~[insert affected properties]~~ **1 Lower Fort Street DAWES POINT NSW 2000** (and any other properties identified by the qualified structural engineer engaged to undertake the report) are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Registered Certifier and the Council prior to the issue of any Construction Certificate.

UPON COMPLETION OF EXCAVATION/DEMOLITION

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

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

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

Reason

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

(54) HOTEL DROP-OFF AND VALET CAR PARKING MANAGEMENT PLAN

A Hotel Drop-off and Valet Car Parking Management Plan is to be prepared and submitted to and approved by Council's Area Planning Manager prior to issue of a Construction Certificate.

The Plan must include (but not limited to the following):

- (a) Details of guest and visitor vehicle drop-off and pick-up arrangements (any pre-booking ~~is~~ **if required?**);
- (b) Details of valet parking operations, including the location of vehicle collection, storage and retrieval;
- (c) Measures to ensure valet parking activities do not result in vehicle queuing on public roads or adversely affect the safe and efficient operation of the surrounding road network; and

- (d) Measures to ensure safe and convenient pedestrian movement between the vehicle drop-off/pick-up location and the hotel entrance.

The approved Plan must be implemented and maintained at all times for the life of the development.

Reason

To ensure safe and efficient hotel drop-off, pick-up and valet parking operations with minimal traffic impacts.

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

A site-specific noise management plan must be submitted to the Council for comment and approval prior to issue of any Construction Certificate. The Plan must be prepared by a suitably qualified acoustic consultant who is a person who possesses the qualifications to join the Australian Acoustic Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustic Consultants (grade of member firm). The plan must include but not be limited to the following:-

- (a) identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours /Noise Code of Practice 1992* for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement ($L_{A90, 15 \text{ minute}}$) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.

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

Reason

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

(107) ~~REGISTRATION OF COVENANT—EMP/LEMP~~

- ~~(a) Before the issue of any occupation certificate, the applicant must register a covenant on the land title under the Conveyancing Act 1919, indicating that contaminated material has been contained onsite. The covenant must nominate Council as the sole authority with the power to release, vary, or modify its terms.~~
- ~~(b) The covenant must bind the current and future registered owners to the ongoing responsibility for maintenance, monitoring, and rehabilitation works, as required under any active or passive Environmental Management Plan. This includes managing any encapsulated or residual contamination, preventing the discharge of contaminants, and undertaking any works required by the NSW EPA.~~
- ~~(c) A copy of the updated certificate of title, showing the registered covenant, must be submitted to Council and the Certifier before the issue of any Occupation certificate.~~

Reason

~~To ensure that contamination is appropriately managed.~~

(108) ~~LAND REMEDIATION—SITE AUDIT STATEMENT (STAGED)~~

- ~~(a) Before the issue of any Occupation certificate related to the built form of the development (excluding works directly associated with remediation), a Section A Site Audit Statement (SAS) must be obtained from a NSW Environment Protection Authority accredited Site Auditor. This statement must be submitted to the Council's Area Planning Manager via email hbapplications@cityofsydney.nsw.gov.au.~~
- ~~(b) The SAS must confirm that the site has been remediated in accordance with the approved Remediation Action Plan and must clearly state that the site is suitable for the proposed use.~~

- ~~(c) If the SAS includes conditions requiring ongoing review by the Auditor or Council, these conditions must be reviewed and approved in writing by Council before the statement is issued.~~
- ~~(d) If any conditions of the SAS are inconsistent with this development consent, the development must not proceed until the inconsistency is resolved to Council's satisfaction (e.g. Section 4.55 modification under the Environmental Planning and Assessment Act 1979).~~
- ~~(e) A Certifier must not issue an Occupation certificate unless the SAS has been submitted to and approved by Council in accordance with this condition.~~

Reason

~~To ensure that the site is appropriately remediated.~~

(109) SITE AUDIT STATEMENT—ENVIRONMENTAL MANAGEMENT PLAN

- ~~(a) Where the ongoing suitability of the land and the issuance of the final Section A Site Audit Statement is dependent on the implementation of an Environmental Management Plan (EMP) or Long Term Environmental Management Plan (LTEMP) for managing residual contamination, the EMP must be approved by the Site Auditor. A copy of the approved EMP must be submitted to Council before the release of the final Site Audit Statement.~~
- ~~(b) The EMP must be prepared, or reviewed and approved, by an appropriately qualified and certified environmental consultant.~~
- ~~(c) The EMP must comply with the relevant EPA guidelines for Site Auditors. It must clearly describe the nature and location of the residual contamination, outline the long-term management and monitoring measures, identify responsible parties, and specify the legal mechanism by which the plan will be enforced.~~
- ~~(d) The EMP must also include a contingency plan detailing the actions to be taken in the event of failure of any containment or management systems for the residual contamination.~~

Reason

~~To ensure that contamination is appropriately managed.~~

(110) SITE VALIDATION REPORT (No Site Auditor engaged—low level of risk)

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

~~(a) The extent of validation sampling, and the results of the validation testing.~~

~~(b) That the site is suitable for the proposed use.~~

Reason

~~To ensure that the site is appropriately remediated.~~

(130) SCHEDULED COLLECTIONS - RESIDENTIAL

(a) Scheduled collections and waste management arrangements of Council's residential waste stream(s) is to be conducted in accordance with the stamped plans, approved Operational Waste Management Plan, the developments Conditions of Consent and the City's Local Approvals Policy Managing Waste in Public Spaces.

(b) Council's Domestic Waste Charge is applied to all residential rate accommodation properties in accordance with section 496 of the *Local Government Act 1993*. Residential accommodation is defined in accordance with the *Sydney Local Environmental Plan 2012* dictionary.

~~(c) Council's Domestic Waste Charge is applied to all residential rate accommodation properties in accordance with section 496 of the Local Government Act 1993. Residential accommodation is defined in accordance with the Sydney Local Environmental Plan 2012 dictionary~~

(d) Unobstructed access to be provided for Councils standard waste collection vehicles to access the waste and recycling storage area(s), loadings bays and supporting infrastructure between the hours 6am and 6pm on collection day(s) to support the provision of a safe and efficient waste collection service to the site.

Reason

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

Background

The applicant through correspondence received 31 August 2026 has requested several amendments be considered to the recommended conditions of consent which are summarised below.

The proposed amendments are administrative, corrective and clarifying in nature, including the correction of errors, removal of duplicate or redundant conditions, and updates to references and technical requirements. Collectively, the amendments do not alter the approved development or its assessed impacts.

Amend Condition 2 - Housing and Productivity Contribution, to remove the reference to a reduction in contributions where payment is made by 1 July 2025.

The condition currently includes provisions carried over from the Housing and Productivity Contributions Order 2024, which provided for reduced contribution rates where payment was made by specified dates. As the relevant date of 1 July 2025 has now passed, the continued inclusion of this provision is no longer operative and may create confusion regarding the applicable contribution requirements.

The proposed amendment is administrative in nature and will improve the accuracy and clarity of the condition by removing an expired provision.

Accordingly, the amendment is supported.

Amend Condition 5 – Acoustically treated, naturally ventilated plenum design details, to correct the cross-reference to the relevant condition. The condition currently contains an incorrect reference and should instead refer to Condition 55. The amendment is administrative in nature, improves the accuracy of the consent, and ensures the condition references the correct condition.

Amend Condition 14 – Swinging doors over public way, to revise the wording of the condition to permit swinging doors associated with the hydrant and sprinkler booster enclosures to project over the public way when opened. The amended wording will ensure that the operation of these doors does not obstruct the footway and maintains unimpeded pedestrian access at all times.

The amendment facilitates the practical operation and maintenance of essential fire safety infrastructure while preserving pedestrian safety and accessibility within the public domain. The proposed amendment is considered minor in nature and is supported.

Delete Condition 15 Strata Subdivision – Approval of Strata Plan Required, as its requirements are already addressed by Condition 16, Strata Subdivision – Development Consent. The retention of both conditions results in unnecessary duplication and does not impose any additional obligations beyond those already contained within Condition 16.

The deletion of Condition 15 will improve the clarity and efficiency of the consent by removing a redundant condition while maintaining all relevant statutory requirements. Accordingly, the amendment is administrative in nature and is supported.

Delete Condition 41 – Swinging doors over public way, as it duplicates the requirements of Condition 14, Swinging Doors Over Public Way. The amendment is administrative in nature and is supported.

Amend Condition 42(b) Flood Risk Management, to remove the reference to a “Stage 2” Construction Certificate. The reference is a clerical error and does not accurately reflect the approved development or the intended operation of the condition.

The proposed amendment is administrative in nature and will improve the accuracy and clarity of the consent. The amendment has been reviewed by the City's Public Domain Unit, which raises no objection and supports the proposed change.

Amend Condition 42(f) Flood Risk Management, to clarify that the proposed substation, consistent with advice provided by Ausgrid, is to be located above the adopted flood planning level and is therefore not required to incorporate additional freeboard.

The amendment provides clarification of the intended flood risk management requirements applicable to the substation and ensures consistency with the advice of the relevant utility authority. The proposed amendment has been reviewed by the City's Public Domain Unit, which raises no objection and supports the change.

Amend Condition 43 – Flood emergency response plan, to extend the maximum allowable timeframe for the pump-out of floodwaters from 6 hours to 48 hours.

The Applicant's Flood Engineer has reviewed the condition and advised that, should all basement levels become inundated during a flood event, compliance with the current 6-hour requirement would necessitate the installation of an impractically large pump system. The engineer has recommended that the final pump-out capacity be determined as part of the detailed design process and that the timeframe specified in Condition 43(b)(ix) be extended to up to 48 hours to reflect a realistic and achievable operational outcome.

The proposed amendment has been reviewed by the City's Public Domain Unit, which raises no objection and supports the change. Accordingly, the amendment is considered reasonable and is supported.

Amend Condition 49 – Dilapidation Report – major excavation/demolition, to reference to include 1 Lower Fort Street, Dawes Point NSW 2000 as a property requiring a dilapidation report to be prepared prior to the issue of any Construction Certificate.

The amendment ensures that all potentially affected neighbouring properties are appropriately identified and assessed before the commencement of works involving major excavation or demolition. The proposed change is minor in nature, improves the accuracy of the condition, and is supported.

Amend Condition 54 – Hotel drop off and valet car parking management plan, to revise the wording from “any pre-booking is required” to “any pre-booking, if required”.

The proposed amendment is minor and administrative in nature, improving the clarity and readability of the condition without altering its intent or operational requirements. The amendment ensures the condition accurately reflects that pre-booking may be required in certain circumstances, rather than in all instances. Accordingly, the amendment is supported.

Amend Condition 56 – Demolition, excavation and construction noise and vibration management plan, to correct a formatting error and ensure that the requirements from subclause (c) onwards are presented as separate paragraphs.

The proposed amendment is administrative in nature and does not alter the intent or substantive requirements of the condition. Rather, it improves the readability and clarity of the condition, ensuring that each requirement is clearly distinguished and capable of being readily interpreted and implemented.

Clarification of Condition 64 – Stormwater drainage plan

The applicant has sought clarification regarding the stormwater design requirements referenced in Condition 64, noting that this matter was not raised during the assessment process and does not necessarily require an amendment to the condition.

The City's Public Domain Unit has advised that the only clarification required is that stormwater from the site is to connect to the existing kerb inlet pit. This was not a critical assessment issue and can be appropriately addressed as part of the condition approval and detailed design process. No amendment to the condition is considered necessary.

Deletion of Condition 65 – Stormwater on-site detention,

The applicant has requested the deletion of Condition 65 on the basis that the site is located outside the Sydney Water catchment and is therefore not required to comply with Sydney Water's on-site detention (OSD) requirements.

The City's Public Domain Unit advises that any exemption from the OSD requirements must be supported by written approval from Sydney Water. This matter can be appropriately resolved at the Construction Certificate stage. Accordingly, insufficient justification has been provided to warrant the deletion of the condition at this time, and Condition 65 should remain unchanged.

Amend Condition 80 – Flood planning levels

The applicant has requested amendments to the flood planning levels referenced in Condition 80 based on the flood assessment letter prepared by Dylan Alexander of JN Engineering dated 13 August 2026. However, the flood assessment confirms that the applicable Flood Planning Level for the site remains RL 3.24m AHD, incorporating the 1% AEP flood level and 0.5m freeboard. While the report identifies that a lower level may be acceptable for the electrical substation, this does not alter the adopted Flood Planning Level applicable to the development. Accordingly, insufficient justification has been provided to amend Condition 80 and the condition should remain unchanged.

Delete Conditions 107 to 110 – Contamination Management Requirements

Delete Conditions 107, 108, 109 and 110, being:

- Condition 107 – *Registration of Covenant – EMP/LEMP*;
- Condition 108 – *Land Remediation – Site Audit Statement (Staged)*;
- Condition 109 – *Site Audit Statement – Environmental Management Plan*; and
- Condition 110 – *Site Validation Report (No Site Auditor Engaged – Low Level of Risk)*.

The applicant has advised that the Detailed Site Investigation (DSI) prepared by EI Australia concludes that a Remedial Action Plan (RAP) is not required for the site. Accordingly, the applicant contends that the contamination conditions relating to the preparation, implementation and ongoing management of an Environmental Management Plan (EMP) or Long-Term Environmental Management Plan (LEMP) are not warranted and are inconsistent with the findings of the DSI.

The proposed deletion has been reviewed by the City's Health and Building Unit, which is satisfied that the conditions are not required in the circumstances and supports their removal.

Accordingly, the deletion of Conditions 107 to 110 is supported.

Amend Condition 128(b) – Scheduled collections – commercial

The applicant has requested the deletion of the requirement that commercial waste and recycling bins must not be placed on the street for collection. However, commercial waste is required to be serviced via a wheel-out/wheel-in (WOWI) arrangement, with bins transferred to and from the collection point by the private waste contractor and not stored within the public domain.

As the condition is necessary to protect public amenity and is consistent with the approved Waste Management Plan, the requested amendment has been reviewed by the City's Waste Unit and is not supported and Condition 128(b) should remain unchanged.

Deletion of Condition 130(c) – Scheduled collections – residential, as it duplicates the requirements contained within Condition 130(b). The duplication appears to be a clerical error and does not impose any additional or distinct requirements.

Accordingly, the deletion of Condition 130(c) is administrative in nature and is supported.

Amend Schedule 3 – Heritage NSW terms of approval, to update the Heritage NSW General Terms of Approval (GTAs) so that the referenced drawings align with the approved schedule of drawings identified in Condition 1(a) of Schedule 1 (Approved Development).

The GTAs were issued prior to the finalisation of the approved drawings, which incorporated minor amendments to the ground floor finished floor levels. Given the minor nature of these changes, the updated drawings were not required to be re-referred to Heritage NSW in accordance with clause 38(4) of the Environmental Planning and Assessment Regulation 2021.

Notwithstanding, the GTAs require separate approval required under section 60 of the Heritage Act 1977. Any minor inconsistency between the drawings referenced in the GTAs and the final approved drawing set will be addressed as part of the applicant's section 60 approval process with Heritage NSW prior to the commencement of works.

Accordingly, no amendment to the GTAs is proposed or supported as part of this application. The matter can be resolved through Heritage NSW's assessment of the Section 60 application, where the relevant drawings will be considered.

Prepared by: James Cooper, Specialist Planner

Attachments

Attachment A. Applicant's letter to Council dated 31 August 2026

Approved

AJT

ANDREW THOMAS

Executive Manager Planning and
Development