

Item 5.**Section 4.55 Application: 14-26 Wattle Street, Pyrmont - D/2023/97/A****File Number:** D/2023/97/A**Summary**

Date of Submission:	8 November 2024 Amended plans and information received 20 March 2025, 30 April 2025, 6 May 2025 and 23 May 2025
Applicant:	The Trustees for Landream Pyrmont Unit Trust
Architect/Designer:	BVN
Developer:	The Trustees for Landream Pyrmont Unit Trust
Owner:	Council of the City of Sydney
Planning Consultant:	Gyde Consulting
Heritage Consultant:	Paul Davies Pty Ltd
DAP	27 March 2025
DAPRS:	1 April 2025
Cost of Works:	\$331,337,277
Zoning:	Most of the site (12,361m ²) is in Zone MU1 - Mixed Use pursuant to Sydney Local Environmental Plan 2012 (Sydney LEP 2012). The proposed development to be modified comprises residential accommodation, hotel accommodation and retail uses and is permitted with consent within Zone MU1. A small portion of the Jones Street road reserve (to be acquired by the applicant and included in the site area) is in Zone RE1 - Public Recreation (20m ²). The proposed modifications are not located on land in Zone RE1.

Proposal Summary:

The detailed design consent D/2023/97 was granted by Central Sydney Planning Committee (CSPC) 28 March 2024 for the demolition of existing structures, remediation, removal of trees, excavation and construction of a mixed use development comprising residential, commercial, retail, childcare and indoor recreation centre across five (5) buildings, basement car parking, landscaping, public domain and civil works and stratum subdivision.

This section 4.55(2) modification application seeks to modify the consent, proposing the change of use of the Fig Street building from commercial/retail premises to proposed hotel accommodation (142 rooms), residential apartments (50) and retail premises. Changes are also proposed to part of the basement and the Fig Street building levels above, as well as amended stratum subdivision.

A separate and concurrent section 4.56 modification application (D/2019/649/C) has been submitted to Council to align the Court approved concept consent with this detailed design modification application. The section 4.56 modification application has been concurrently reported to the CSPC and is recommended for approval.

The application (as was the previous application) has been assessed by an independent external planning consultant (as the City of Sydney is the land owner).

This section 4.55 modification application is referred to the CSPC for determination as it relates to “major development” for the purposes of the City of Sydney Act 1988, and is a significant modification to a consent granted by the CSPC.

The assessment of the application by the independent planner concludes that as amended and subject to conditions, the proposed modifications are considered to result in a development that is substantially the same as the detailed design consent and is recommended for approval.

Summary Recommendation:

It is recommended that the assessment report prepared by the independent external planning consultant for D/2023/97/A, shown at Attachment A and recommended conditions shown at Attachment B to the subject report, be considered for approval by the Central Sydney Planning Committee.

Development Controls:

- (i) Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021
- (ii) City of Sydney Act 1988 and City of Sydney Regulation 2016
- (iii) SEPP (Precincts – Eastern Harbour City) 2021
- (i) SEPP (Resilience and Hazards) 2021
- (ii) SEPP (Housing) 2021
- (iii) SEPP (Sustainable Buildings) 2022
- (iv) SEPP (Building Sustainability Index: BASIX) 2044
- (v) SEPP (Transport and Infrastructure) 2021
- (vi) SEPP (Biodiversity and Conservation) 2021
- (vii) Sydney Local Environmental Plan 2012
- (viii) Sydney Development Control Plan 2012

Attachments:

- A. Independent Assessment Report
- B. Amended Conditions of Consent
- C. Amended Drawings
- D. Approved Plans - D/2023/97
- E. Submissions

Recommendation

It is resolved that consent be granted to Section 4.55 Modification Application Number D/2023/97/A subject to the amendment of the following conditions, with modifications shown in ***bold italics*** (additions) and ~~striketrough~~ (deletions), as follows:

Approved Development Description:

Demolition of existing structures, remediation, removal of trees, excavation and construction of a mixed use development comprising residential, commercial, retail, ***hotel***, childcare and indoor recreation centre across five (5) buildings, basement car parking, landscaping, public domain and civil works, and subdivision.

(1) APPROVED DEVELOPMENT

Development must be in accordance with Development Application No. D/2023/97 dated 16 February 2023 and:

...

- (a1) ***As amended by the following architectural plans prepared by BVN that relate to the Fig Street Building only (including the southern side of the through site link and area beneath Jones Street through site link stairs):***

<i>Drawing Number</i>	<i>Drawing Name</i>	<i>Revision</i>	<i>Date</i>
<i>AR-DA-A 01A-XX-00-COM</i>	<i>COVER SHEET</i>	<i>03</i>	<i>22/05/2025</i>
<i>AR-DA-A 01A-XX-05-COM</i>	<i>BASIX COMMITMENTS</i>	<i>01</i>	<i>22/05/2025</i>
<i>AR-DA-A 10B-00-00-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 00</i>	<i>02</i>	<i>22/05/2025</i>
<i>AR-DA-A 10B-01-00-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 01</i>	<i>02</i>	<i>22/05/2025</i>
<i>AR-DA-A 10B-02-00-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 02</i>	<i>02</i>	<i>22/05/2025</i>
<i>AR-DA-A 10B-03-00-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 03</i>	<i>02</i>	<i>22/05/2025</i>

AR-DA-A 10B-04-00-COM	GENERAL ARRANGEMENT PLAN - LEVEL 03 & LEVEL 04	02	22/05/2025
AR-DA-A 10B-05-00-COM	GENERAL ARRANGEMENT PLAN - LEVEL 04 & LEVEL 05	02	22/05/2025
AR-DA-A 10B-06-00-COM	GENERAL ARRANGEMENT PLAN - LEVEL 05 & LEVEL 06	02	22/05/2025
AR-DA-A 10B-07-00-COM	GENERAL ARRANGEMENT PLAN - LEVEL 06 & LEVEL 07	02	22/05/2025
AR-DA-A 10B-08-00-COM	GENERAL ARRANGEMENT PLAN - LEVEL 07 & LEVEL 08	02	22/05/2025
AR-DA-A 10B-09-00-COM	GENERAL ARRANGEMENT PLAN - LEVEL 08 & LEVEL 09	02	22/05/2025
AR-DA-A 10B-10-00-COM	GENERAL ARRANGEMENT PLAN - LEVEL 09 & LEVEL 10	02	22/05/2025
AR-DA-A 10B-11-00-COM	GENERAL ARRANGEMENT PLAN - LEVEL 10 & LEVEL 11	02	22/05/2025
AR-DA-A 10B-12-00-COM	GENERAL ARRANGEMENT PLAN - LEVEL 11 & LEVEL 12	02	22/05/2025
AR-DA-A 10B-13-00-COM	GENERAL ARRANGEMENT PLAN - LEVEL 13	02	22/05/2025

AR-DA-A 10B-14-00-COM	GENERAL ARRANGEMENT PLAN - LEVEL 14	02	22/05/2025
AR-DA-A 10C-XX-00-COM	ELEVATIONS	02	22/05/2025
AR-DA-A 10C-XX-01-COM	ELEVATIONS	02	22/05/2025
AR-DA-A 10C-XX-02-COM	ELEVATIONS	02	22/05/2025
AR-DA-A 10C-XX-03-COM	ELEVATIONS	02	22/05/2025
AR-DA-A 10C-XX-04-COM	ELEVATIONS	02	22/05/2025
AR-DA-A 10C-XX-10-COM	ELEVATIONS W/O WINTERGARDENS	01	22/05/2025
AR-DA-A 10D-XX-00-COM	SECTIONS	02	22/05/2025
AR-DA-A 10D-XX-01-COM	SECTIONS	02	22/05/2025
AR-DA-A 10D-XX-02-COM	SECTIONS	02	22/05/2025
AR-DA-A 10D-XX-03-COM	SECTIONS	02	22/05/2025
WST-AR-DA-A 10D-XX-10-COM	SECTIONS - CLIFF FACE - SHEET 1	01	22/05/2025
WST-AR-DA-A 10D-XX-11-COM	SECTIONS - CLIFF FACE - SHEET 2	01	22/05/2025
AR-DA-A 46B-06-00-COM	WINDOW TYPE PLAN - LEVEL 05 & LEVEL 06	01	22/05/25

AR-DA-A 46B-07-00-COM	WINDOW TYPE PLAN - LEVEL 06 & LEVEL 07	01	22/05/25
AR-DA-A 46B-08-00-COM	WINDOW TYPE PLAN - LEVEL 07 & LEVEL 08	01	22/05/25
AR-DA-A 46B-09-00-COM	WINDOW TYPE PLAN - LEVEL 08 & LEVEL 09	01	22/05/25
AR-DA-A 46B-10-00-COM	WINDOW TYPE PLAN - LEVEL 09 & LEVEL 10	01	22/05/25

(b) The following stratum subdivision plans

Drawing Number	Drawing Name	Revision	Date
Sheet 1 of 11	Location Plan	B	7/11/2023
Sheet 2 of 11	Level 00 & Below	B	7/11/2023
Sheet 3 of 11	Level 01	B	7/11/2023
Sheet 4 of 11	Level 02	B	7/11/2023
Sheet 5 of 11	Level 03	B	7/11/2023
Sheet 6 of 11	Level 04	B	7/11/2023
Sheet 7 of 11	Level 05	B	7/11/2023
Sheet 8 of 11	Levels 06 & 07	B	7/11/2023
Sheet 9 of 11	Level 08 & Above	B	7/11/2023

Sheet 10 of 11	Section A-A	B	7/11/2023
Sheet 11 of 11	Section B-B	B	7/11/2023
Sheet 1 of 11	Location Plan	H	24/05/2025
Sheet 2 of 11	Level 00 & Below	H	24/05/2025
Sheet 3 of 11	Level 01	H	24/05/2025
Sheet 4 of 11	Level 02	H	24/05/2025
Sheet 5 of 11	Level 03	H	24/05/2025
Sheet 6 of 11	Level 04	H	24/05/2025
Sheet 7 of 11	Level 05	H	24/05/2025
Sheet 8 of 11	Levels 06	H	24/05/2025
Sheet 9 of 11	Level 07 & Above	H	24/05/2025
Sheet 10 of 11	Section A-A	H	24/05/2025
Sheet 11 of 11	Section B-B	H	24/05/2025

(c) The following reports and certificates:

- (i) Acoustic Impact Assessment, prepared by Stantec, dated 1 November 2023 and addendum letters relating to courtyard bedrooms (dated 13 October 2023), podium terraces (dated 28 August 2023) and garbage chute design (dated 1 November 2023);
- (ii) Detailed Natural Ventilation of Apartments in Noisy Environments, prepared by RWDI, dated 17 November 2023 and Detailed Natural Cross Ventilation Analysis, prepared by RWDI, dated 20 February 2024

(iia) Fig Street Building noise, ventilation and wind reports:

- **Noise, Vibration and Natural Ventilation Impact Assessment, prepared by E-LAB Consulting (dated 9 October 2024 as updated 22 May 2025 – Revision 5)**

- ***Fig Street Building – 14–26 Wattle Street Pyrmont - Pedestrian Wind Study, prepared by RWDI (dated 18 October 2024) and Fig Street Building - 14-26 Wattle Street, Pyrmont - Review of Updated Drawing – Level 9, prepared by RWDI (dated 30 April 2025 as updated 22 May 2025)***

(iii) BASIX certificates:

- Jones St Building Certificate No 1349432M_03
- Courtyard Building Certificate No 1349433M_03
- Wattle St Building Certificate No 1349085M_03
- ***Fig Street Building Certificate No. 1769368M_02***
- ***Fig Street Building NatHERs Certificate No. 9824380***

and as amended by the conditions of this consent.

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

Reason

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

(Condition amended – 19 June 2025)

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- ~~(a) Building C – Courtyard: The Plant Room Equipment and Parapet Zone height (and any other structures at Level 13 of Building C – Courtyard) is to be reduced by at least 2m (to a maximum of RL 43.55 (AHD))~~
- (b) Child care centre (simulated outdoor space): Vegetable gardens or gardening tubs are to be included within the simulated outdoor spaces.
- (c) ***Communal open space: The communal open space on Level 09 of the Fig Street Building (which is located within the building footprint) is not to be enclosed by glazing. All furniture on communal roof terraces must be fixed.***

- (d) Privacy protection measures and wind screens – Fig Street Building:** Detailed drawings are required at 1:20, demonstrating the design of all privacy measures (including for all privacy screens/grilles, wind screens, planters and other privacy protection measures). The drawings are to demonstrate that all privacy measures are effective at mitigating overlooking. The drawings must also demonstrate the materials, colours and finishes.
- (e) Privacy protection measures and wind screens – Jones Street Building and Wattle Street Building:** Privacy protection measures as illustrated in the Report titled “Fig Street S. 4.55 Visual and Acoustic Privacy, 14-26 Wattle Street, Pyrmont” prepared by BVN, dated 20 March 2025, are to be provided to the Jones Street Building and Wattle Street Building. Detailed drawings are required as set out at (d) above.
- (f) Fire hydrant boosters, cupboards etc:** Detailed drawings at 1:20 of all hydrant boosters are to be prepared, including doors that screen them from the public domain. Details of the materials, colours and finishes are to be provided.
- (g) Hotel rooms:** An access door is to be provided to facilitate maintenance of the inaccessible planted area at Level 03 of the Fig Street Building, located between hotel rooms and the Jones Street pedestrian through site link stair.
- (h) Residential storage:** Residential storage spaces for all apartments are to be provided in accordance with the design criteria at Objective 4G-1 of the ADG. At least 50% of the required storage is to be located within the apartment.
- (i) Hotel All Day Dining:** The Hotel All Day Dining area is to be provided with adequate toilets to meet BCA requirements, based on the assumption that patrons may not be residential guests of the hotel.
- (j) The retail tenancy illustrated on AR-DA-A 10B-02-00-COM GENERAL ARRANGEMENT PLAN - LEVEL 02 (Rev 02 dated 22/05/2025) is not approved. Instead, the approved building manager’s room at Level 2, beneath the pedestrian through site link stairs at Jones Street, is to be retained (as illustrated on AR-DA-A 10B-02-00 GENERAL ARRANGEMENT PLAN - LEVEL 02 (Revision 18 dated 21/02/24)).**

The modifications are to be submitted to and approved by Council’s Executive Director City Planning, Development and Transport prior to the issue of a Construction Certificate.

Reason

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

(Condition amended – 19 June 2025)

(3) BUILDING HEIGHT

The height of each building must not exceed the following RLs (AHD):

...

(e) ~~Building E~~ - Fig Street **Building**:

- (i) RL ~~37.950~~ **38.450** (AHD) to the top of plant and lift overrun ~~room~~
- (ii) RL ~~36.350~~ **35.850** (AHD) to the Level ~~10~~ **11** roof and RL 36.255 to the Level 11 parapet
- (iii) RL ~~32.350~~ **32.150** (AHD) to the Level ~~09~~ **10** roof and RL ~~33.550~~ **33.640** (AHD) to the Level ~~09~~ **10 top of balustrade**
- (iv) RL ~~29.150~~ **28.950** (AHD) to the Level ~~08~~ **09** roof and RL ~~(AHD) 29.950~~ to the Level ~~08~~ **09** parapet

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.

(Condition amended – 19 June 2025)

(4) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio (FSR):

- (a) The FSR of the development must not exceed ~~3.88~~ **3.81**:1. For the purposes of calculating the FSR, the site area is 12,361m² (being the site area of land in Zone MU1 – Mixed Use) and the total Gross Floor Area (GFA) is ~~47,954~~ **47,126** m² comprising the following components:
 - (i) Residential: ~~27,208~~ **33,993**m²
 - (ii) Commercial: ~~15,827~~ **201**m²
 - (iii) Retail: ~~426~~ **570**m²
 - (iiia) Hotel 7,894m²**
 - (iv) Child care centre: 1,810m²
 - (v) Recreation centre: ~~2,683~~ **2,667**m²
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under 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.

(Condition amended – 19 June 2025)

(8) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES BOARD

~~The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample boards, and specifications prepared by BVN dated 03/11/23.~~

A detailed materials and samples board is to be submitted to the Executive Director City Planning, Development and Transport prior to issue of any Construction Certificate for above ground works.

Reason

To ensure all parties are aware of the approved materials and finishes that apply to the development.

(Condition amended – 19 June 2025)

(10) AFFORDABLE HOUSING CONTRIBUTION - ULTIMO PYRMONT - PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION

The Affordable Housing Contribution is as follows:

- (a) Prior to a Construction Certificate being issued and pursuant to Sydney LEP 2012 and the adopted City West Affordable Housing Program, the applicant must pay a monetary contribution towards the provision of affordable housing. The contribution is ~~\$2,500,245.91~~ **\$2,349,847.05**. If the contribution is paid after 30 June of the year in which this consent is granted, the amount of the contribution must be indexed in accordance with the adopted City West Affordable Housing Program.
- (b) To make payment contact Council's Planning Assessment Unit email: planningsystemsadmin@cityofsydney.nsw.gov.au who will index the amount, then provide you with written confirmation of the amount payable and details of how to make the payment at the NSW Department of Planning, Industry and Environment.
- (c) Payment can be made either by bank cheque to the value of the required contribution (made in favour of City West Housing Pty Ltd) or alternatively a satisfactory bank guarantee is to be provided to the value of the required contribution. Evidence of payment or lodgement of a bank guarantee must be provided to the Registered Certifier prior to issue of a construction certificate.
- (d) Prior to issue of any Occupation Certificate being issued or the use commencing, whichever is earlier, the applicant must provide evidence to the Principal Certifier that the bank guarantee referred to in (c) above has been redeemed as payment of the contribution.

Note: All affordable housing contribution payments (and lodgement of bank guarantees) for Ultimo-Pyrmont are paid at the NSW Department of Planning, Industry and Environment.

Reason

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

(Condition amended – 19 June 2025)

(11) SECTION 7.11 CONTRIBUTIONS PAYABLE - CONTRIBUTION TOWARDS PUBLIC AMENITIES – CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 – WEST PRECINCT

Council has identified the development will increase demand for public amenities and facilities. Pursuant to Section 7.11 of the Environmental Planning and Assessment Act, 1979 (as amended), and the City of Sydney Development Contributions Plan 2015 the following monetary contributions are required towards the cost of public amenities.

Contribution Category Amount

Open Space	\$4,715,612.78	\$4,274,014.91
Community Facilities	\$1,442,913.18	\$1,381,000.01
Traffic and Transport	\$26,062.73	\$12,571.53
Stormwater Drainage	nil	
Total	\$6,184,588.69	\$5,667,586.45

The City of Sydney will index the above contribution for inflation at the time of payment using the following formula.

$$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$$

Where:

C_{payment} = Is the contribution at time of payment;

C_{consent} = Is the contribution at the time of consent, as shown above;

CPI_{payment} = Is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment; and

CPI_{consent} = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being – 136.4 for the December 2023.

The contribution must be paid prior to the issue of any Construction Certificate in relation to this development.

Please contact Council's Planning Administration staff at planningsystemsadmin@cityofsydney.nsw.gov.au to request a letter confirming the indexed contribution amount payable.

Once the letter confirming the indexed contribution is obtained, payment may be made at any of the City's Neighbourhood Service Centres or the One Stop Shop at Town Hall House. Acceptable payment methods are EFTPOS (debit card only), cash (up to 10K only), Credit Card (up to 50K only) or a bank cheque made payable to the City of Sydney. Personal or company cheques will not be accepted.

Reason

To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.

(Condition amended – 19 June 2025)

(48) ALLOCATION OF PARKING

The number of car parking spaces to be provided for the development must comply with the table below. Details confirming the parking numbers must be submitted to the satisfaction of the Registered Certifier prior to the issue of a Construction Certificate.

Car Parking Type	Number
Residential spaces	147 150
Accessible residential spaces	36 43
Residential visitor spaces	5
Office and business parking	19 0
<i>Hotel parking</i>	2
Accessible office and business parking	1
Child care (staff and drop-off) visitor parking	10
Child care (staff and drop-off) / visitor accessible parking	2
Car share parking (residential)	2
Car share parking (commercial non-residential)	1
Subtotal	223 215
Motorcycle parking	20 18

Small Rigid Vehicle loading dock(s)	3
Medium Rigid Vehicle loading dock(s)	2
Total	248 238

Reason

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

(Condition amended – 19 June 2025)

(49) BICYCLE PARKING AND END OF TRIP FACILITIES

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

Bicycle Parking Type	Number	Requirements
Residential	256 287	Spaces must be a class 1 bicycle locker [1] or class 2 bicycle rails
Residential visitor	26 32	Spaces must be Class 2/3 bicycle rails
Non-residential	110 17	Spaces must be Class 2 bicycle facilities
Non-residential visitor	52 6	Spaces must be Class 2/3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	16	
Personal lockers	164	

All bicycle parking spaces and end of trip facility must be provided on private land. The public domain cannot be used to satisfy this condition.

Notes:

- (i) If a basement storage area on title that is large enough to store a bike and is no smaller than a class 1 bike locker this can be counted as a space.
- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Registered Certifier confirming prior to and form part of the Construction Certificate being issued.

Reason

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

(Condition amended – 19 June 2025)

(56) ACOUSTIC AND VENTILATION REPORT

The recommendations outlined in the following reports are to be implemented, with a detailed confirmation of compliance prepared by a qualified wind engineering consultant and acoustic consultant submitted for the approval of Council's Area Planning Manager prior to the issue of the Construction Certificate for construction works:

- (a) "Detailed Natural Ventilation Of Apartments In Noisy Environments" (Ref: RWDI #22065570), prepared by RWDI, dated 17 November 2023 as amended by the report titled "Detailed Natural Cross Ventilation Analysis" (Ref: RWDI # 2206557), prepared by RWDI, dated 20 February 2024; and
- (b) "14-26 Wattle Street, Pyrmont - Acoustic Impact Assessment", prepared by Stantec, dated 1 November 2023.
- (c) ***"Fig Street Building - Noise, Vibration and Natural Ventilation Impact Assessment", prepared by E-LAB Consulting (dated 9 October 2024 as updated 22 May 2025), with the exception of the Communal Open Space on Level 09 of the Fig Street Building, which is not to be enclosed by glazing.***

Reason

To provide a reasonable standard of natural ventilation and acoustic amenity.

(Condition amended – 19 June 2025)

(57) PEDESTRIAN WIND STUDY

The recommendations outlined in the ***following*** reports ~~are to be implemented, with a detailed confirmation of compliance prepared by a qualified wind engineering consultant submitted for the approval of Council's Area Planning Manager prior to the issue of the Construction Certificate for construction works:~~

- (a) "14-26 Wattle Street Pedestrian Wind Study" (Ref: RWDI # 2206557), prepared by RWDI Australia Pty Ltd dated 31 January 2023 and "14-26 Wattle Street, Pyrmont, Sydney Review of Updated Drawings" (RWDI Reference #2206557)
- (b) ***"Fig Street Building – 14–26 Wattle Street Pyrmont - Pedestrian Wind Study", prepared by RWDI (dated 18 October 2024) and "Fig Street Building - 14-26 Wattle Street, Pyrmont - Review of Updated Drawing – Level 9", prepared by RWDI (dated 22 May 2025)***

~~prepared by RWDI Australia Pty Ltd dated 31 October, 2023 are to be implemented, with a detailed confirmation of compliance prepared by a qualified wind engineering consultant submitted for the approval of Council's Area Planning Manager prior to the issue of the Construction Certificate for construction works.~~

(Condition amended – 19 June 2025)

(59) LANDSCAPING OF THE SITE

This condition applies to landscape at grade, deep soil, podium landscape and the through site link.

- (a) A detailed landscape design including plans and details drawn to scale, and technical specification by a registered landscape architect must be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of a Construction Certificate. The design must be generally in accordance with the ***following*** ~~Stage 2 DA Landscape Design Report, Rev F by Oculus dated 20/02/24 and the Stage 2 Development Application drawing package, Rev 2 by Oculus, dated 20/02/24. The drawings must include:~~

- (i) ***Stage 2 DA Landscape Design Report, Rev F, prepared by Oculus dated 20/02/24***
- (ii) ***Stage 2 Development Application drawing package, Rev 2, prepared by Oculus, dated 20/02/24***
- (iii) ***As amended by the following Fig Street Building package prepared by Oculus:***

<i>Drawing Number</i>	<i>Drawing Name</i>	<i>Revision</i>	<i>Date</i>
<i>WST-LA-DD 001-XX-0000</i>	<i>LEGEND SHEET</i>	<i>04</i>	<i>22/05/25</i>
<i>WST-LA-DD 002-XX-0000</i>	<i>MATERIALS SCHEDULE</i>	<i>07</i>	<i>22/05/25</i>
<i>WST-LA-DD 003-XX-0000</i>	<i>PLANTING SCHEDULE</i>	<i>06</i>	<i>22/05/25</i>
<i>WST-LA-DD 201-00-0100</i>	<i>GENERAL ARRANGEMENTS - LEVEL 0</i>	<i>04</i>	<i>22/05/25</i>
<i>WST-LA-DD 201-02-0100</i>	<i>GENERAL ARRANGEMENTS - LEVEL 2</i>	<i>08</i>	<i>22/05/25</i>
<i>WST-LA-DD 201-03-0100</i>	<i>GENERAL ARRANGEMENTS - LEVEL 3</i>	<i>05</i>	<i>22/05/25</i>
<i>WST-LA-DD 201-05-0100</i>	<i>GENERAL ARRANGEMENTS - LEVEL 5</i>	<i>05</i>	<i>22/05/25</i>
<i>WST-LA-DD 201-09-0100</i>	<i>GENERAL ARRANGEMENTS - LEVEL 9</i>	<i>05</i>	<i>22/05/25</i>
<i>WST-LA-DD 201-10-0100</i>	<i>GENERAL ARRANGEMENTS - LEVEL 10</i>	<i>05</i>	<i>22/05/25</i>
<i>WST-LA-DD 501-00-0100</i>	<i>PLANTING PLAN - LEVEL 0</i>	<i>01</i>	<i>22/05/25</i>
<i>WST-LA-DD 501-02-0104</i>	<i>PLANTING PLAN - LEVEL 2</i>	<i>01</i>	<i>22/05/25</i>
<i>WST-LA-DD 501-03-0100</i>	<i>PLANTING PLAN - LEVEL 3</i>	<i>01</i>	<i>22/05/25</i>

WST-LA-DD 501-05-0100	PLANTING PLAN - LEVEL 5	01	22/05/25
WST-LA-DD 501-09-0100	PLANTING PLAN - LEVEL 9	01	22/05/25
WST-LA-DD 501-10-0100	PLANTING PLAN - LEVEL 10	01	22/05/25
WST-LA-DD 800-XX-0000	TYPICAL DETAILS – PAVING	06	22/05/25
WST-LA-DD 810-00-0000	TYPICAL DETAILS – WALLS and EDGES	06	22/05/25
WST-LA-DD 840-00-0000	TYPICAL DETAILS – SOFTSCAPE 1	06	22/05/25
WST-LA-DD 841-00-0000	TYPICAL DETAILS – SOFTSCAPE 2	06	22/05/25
WST-LA-DD 856-00-0000	DETAILS – FIG STREET TERRACES	01	22/05/25

The drawings must include:

- (i) Location of existing and proposed planting on the site including existing and proposed trees, planting in natural ground, and planting on structure;
- (ii) Location and details of existing and proposed structures on the site including, but not limited to, paving walls, services, furniture, shade structures, lighting and other features;
- (iii) Minimum 1 BBQ to be incorporated into the communal space adjacent to the swimming pool;

- (iv) Full details of steel heritage interpretation structure, including its construction, use (as appropriate) and maintenance requirements Details of earthworks and soil depths including detailed existing (where appropriate) and proposed levels and any mounding. The minimum soil depths for planting on structure must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers;
 - (v) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity;
 - (vi) Details of drainage, waterproofing and watering systems;
 - (vii) Landscape maintenance plan ***prepared generally in accordance with the advice titled Pymont Place 14-26 Wattle Street Pymont | Methodology for Accessing Façade Perimeter Planter and Vegetation Areas Using IRATA Rope Access Methods, prepared by Karabiner, dated 17 March 2025. This Landscape maintenance*** plan is to be complied with during occupation of the property.
 - (viii) ***Details illustrating the design, structure and planning of the planter box at the Jones Street boundary, adjoining the void to the Fig Street Building. The Landscape Maintenance Plan (see above) must consider this planter.***
- (b) Prior to the issue of an Occupation Certificate, the deep soil area must be constructed as approved on drawing ARDAA 10B0100, Issue 20 by BVN. Where relatively natural soil does not exist, photographic evidence of installation of clean fill, in accordance with approved details, must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager.
 - (c) All landscaping in the approved plan is to be complete prior to any Occupation Certificate being issued.

Reason

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

(Condition amended – 19 June 2025)

(60) ACCESSIBLE GREEN ROOFS RECOMMENDED

This condition relates to accessible roof terraces on Fig Street building levels 9 and 10, and located on the Wattle Street, Jones Street and Courtyard buildings.

- (a) A detailed green roof plan including plans and details drawn to scale, and technical specification, by a registered landscape architect must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager prior to the issue of a Construction Certificate. The design must be generally in accordance with the Stage 2 DA Landscape Design Report, Rev F by Oculus dated 20/02/24 and the Stage 2 Development Application drawing package, Rev 2 by Oculus, dated 20/02/24, **and as amended by Stage 2 Development Application drawing package for the Fig Street Building listed in Condition (59) of this consent.** The drawings must include:
- (i) A statement that includes details of proposed use of the green roof, accessibility, and any noise and privacy treatments.
 - (ii) A detailed design review of all planters to the edges of roofs that are positioned beyond the balustrade. Where safe and easy access is not practicable, these are to be removed.
 - (iii) Location and details of existing and proposed services, walls, balustrades, hard surfaces, furniture, screens and shade structures, fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
 - (iv) Engineers report confirming structural capacity of building for proposed roof terrace loads.
 - (v) 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 layers.
 - (vi) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
 - (vii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.
 - (viii) Green roof maintenance plan. This plan is to be complied with during occupation of the property and must include any relevant maintenance methodology for safe working at height such as access requirements, location of any anchor points, gates, and transport of materials and green waste.
- (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 accessible green roof is designed to accommodate suitable landscaping and to ensure that adequate maintenance procedures are put in place.

(Condition amended – 19 June 2025)

(60A) INACCESSIBLE GREEN ROOFS

This condition applies to inaccessible green roofs located on on level 5 and beyond balustrade on levels 9 and 10 of the Fig Street building, and on the Wattle Street, Jones Street buildings.

- (a) Plans and details drawn to scale, and technical specification, prepared by a registered landscape architect must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate for any basement construction. These documents must be generally in accordance with the Stage 2 DA Landscape Design Report, Rev F by Oculus dated 20/02/24 and the Stage 2 Development Application drawing package, Rev 2 by Oculus, dated 20/02/24, and as amended by Stage 2 Development Application drawing package for the Fig Street Building listed in Condition (59) of this consent.*
- (b) The drawing set must demonstrate full coordination with plans prepared by the architect, engineers, and specialist safety experts. These documents must include:*
 - (i) Location and details of existing and proposed services, walls, fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.*
 - (ii) Engineers report confirming structural capacity of building for proposed green roof loads.*
 - (iii) Details of soil types and depth including any mounding.*
 - (iv) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.*
 - (v) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.*
 - (vi) Green roof maintenance plan. This plan is to be complied with during occupation of the property and must include any relevant maintenance methodology for safe working at height such as access requirements, location of any anchor points, fall arrest system, lockable maintenance gates, and transport of materials and green waste.*
 - (vii) A plan outlining the intended strategy for decommissioning if planting works fail. This is to ensure green roof maintained is throughout its life.*

- (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.***
- (d) ***Inaccessible green roofs must remain inaccessible for the lifetime of the property.***

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.

(Condition amended – 19 June 2025)

(62) REFLECTIVITY AND GLAZING

- (a) 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%.
- (b) ***All glazing is to have a Visible Light Transmission (VLT) no less than 50%.***

Reason

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

(Condition amended – 19 June 2025)

(63) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION AND OR OCCUPATION CERTIFICATES

- (a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the ~~DA Acoustic Impact Assessment prepared by Stantec, dated 1 November 2023, ref 301350642 rev. 005, titled 'Acoustic Impact Assessment', Council Ref 2023/633671~~ ***following reports*** must be implemented in the development prior to the commencement of its use.:
 - (i) ***DA Acoustic Impact Assessment prepared by Stantec, dated 1 November 2023, ref 301350642 rev. 005, titled 'Acoustic Impact Assessment', Council Ref 2023/633671***
 - (ii) ***Noise, Vibration and Natural Ventilation Impact Assessment, prepared by E-LAB Consulting (dated 9 October 2024 as updated 22 May 2025)***

- (b) Prior to the issue of any relevant Construction Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the DA Acoustic Report in (a) above, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant* (see definition below). This work will be to the satisfaction of the Registered Certifier.
- (c) Prior to the issue of any Occupation Certificate, a Suitably Qualified Acoustic Consultant* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier that the development complies with the requirements set out in the Report and in (a) and (b) above.

Note: Suitably Qualified Acoustic Consultant means a consultant who possesses the qualifications to join the Australian Acoustical Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustical Consultants (grade of member firm).

- (d) All physical aspects of the building's structure installed in order to meet performance parameters in accordance with this condition must be maintained at all times.

Reason

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

(Condition amended – 19 June 2025)

(157) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The **residential** accommodation portion of the building (Building B – Jones Street (Level 04 to Level 10), Building C – Courtyard Building (all levels), Wattle Street Building (Level 02 to Level 10) **and Fig Street Building (Level 06 to Level 10)**) 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) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from “residential accommodation” pursuant to Sydney Local Environmental Plan 2012. The covenant is to be registered on title prior to any Occupation Certificate being issued or the use commencing, whichever is earlier. The covenant must contain terms reasonably required by Council and will be drafted by Council’s solicitor, at the cost of the applicant, in accordance with the City’s Fees and Charges.
- (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.

(Condition amended – 19 June 2025)

(176A) OPERATION OF WINTERGARDENS

Prior to the issue of any Occupation Certificate for residential accommodation in the Fig Street Building, a plaque is to be installed in all dwellings that rely on wintergardens for acoustic amenity and natural cross ventilation explaining how the wintergardens mechanism can be operated.

(Condition amended – 19 June 2025)

(176B) HOTEL PLAN OF MANAGEMENT

The use must always be operated / managed in accordance with the 'Plan of Management, Proposed Hotel, 14-26 Wattle Street, Pyrmont, Sydney', prepared by Gyde Consulting dated 2 October 2024 that has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

A full and current copy of all current development consents for the operation of the licensed premises, and [where applicable] the Plan of Management must be kept on-site and made available to Police or Council Officers, or Special Investigator upon request.

Reason

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

(Condition amended – 19 June 2025)

TRANSPORT FOR NSW – CONCURRENCE

TfNSW has reviewed the submitted application and would provide concurrence to the proposed civil works on the Wattle Street and Fig Street frontages under Section 138 of the Roads Act 1993, subject to Central Sydney Planning Committees approval and the following requirements being included in the development consent

1. All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site shall be wholly within the freehold property (unlimited in height or depth), along the Wattle Street and Fig Street boundary. ~~Shade fins must be located within the property boundary.~~
2. The construction of the median island on the Wattle Street frontage, stormwater drainage, vehicular crossings and associated works on the Wattle Street and Fig Street shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email at DeveloperWorks.Sydney@transport.nsw.gov.au.

Detailed design plans of the proposed works are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to development.sydney@transport.nsw.gov.au.

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

3. ~~A Construction Traffic Management Plan (CTMP) shall be submitted in consultation with the TfNSW Sydney Coordination Office (SCO), TfNSW and Sydney City Council, prior to the issue of a Construction Certificate. The CTMP needs to include, but not be limited to, the following: construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control, taking into consideration the cumulative traffic impacts of other developments in the area.~~

Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier, the applicant shall prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with TfNSW. Please send information to development.ctmp.cjp@transport.nsw.gov.au

4. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. Please send all documentation to development.sydney@transport.nsw.gov.au.

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

5. All vehicles shall enter and exit the site in a forward direction.
6. If not already in place, "No Stopping" restrictions shall be implemented along the full Wattle Street and Fig Street frontage of the development site at no cost to TfNSW.
7. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018.
8. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
9. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the surrounding state road network during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

10. The proposed development should be designed such that road traffic noise from Wattle Street is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007. As such, prior to the issuing of the Construction Certificate, the developer must demonstrate to Council that road traffic noise from Wattle Street has been mitigated to comply with the above and has regard for the applicable requirements in the NSW Government's Development Near Rail Corridors and Busy Roads – Interim Guideline, 2008 with applicable requirements being details on the Construction Certificate plans.

(Condition amended - 19 June 2025)

Transport for NSW (TfNSW) Infrastructure and Light Rail Operations

General

1. ***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,***
2. ***The applicant must comply with the requirements of T HR CI 12090 ST Air Space and External Developments version 1.0 and Development Near Rail Corridors .and Busy Roads- Interim Guidelines;***
3. ***Activities of the applicant must not affect and/or restrict Sydney Light Rail operations without prior written agreement between the applicant, Transport for NSW (TfNSW), Altrac, and the Sydney Light Rail Operator; and it is a condition precedent that such written agreement must be obtained no later than two (2) months prior to the activity. Any requests for agreement are to include as a minimum the proposed duration, location, scope of works, and other information as required by the Sydney Light Rail Operator;***
4. ***The applicant must apply to Altrac and the Sydney Light Rail Operator for any required network shutdowns four (4) months prior to each individual required network shutdown event. Each request for network shutdown must include as a minimum the proposed shutdown dates, duration, location, scope of works, and other information as required by the Sydney Light Rail Operator. The Sydney Light Rail Operator may grant or refuse a request for network shutdown at its discretion;***
5. ***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;***
6. ***TfNSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought;***
7. ***All boundary fencing is to be replaced to the satisfaction of TfNSW and the Sydney Light Rail Operator at the cost of the applicant and at no cost to the Transport Asset Holding Entity (TAHE) or TfNSW;***

8. *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; and*
9. *All TfNSW, Altrac and Sydney Light Rail Operator's costs associated with review of plans, designs and legal must be borne by the applicant.*

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 occurs first, the applicant should consult with TfNSW, Altrac and the Sydney Light Rail Operator to confirm the timing of each construction certificate and associated documentation and activities prior to the preparation of requested documentation. The applicant should provide the information to TfNSW for review and endorsement. The Principal Certifying Authority (PCA) is not to issue the relevant Construction Certificate until they have received written confirmation from TfNSW that the following conditions have been complied with.

- ***Prior to the issue of any Construction Certificates, the applicant is to confirm in writing with TfNSW what each Construction Certificate stage will involve;***
- ***Prior to the issue of the relevant Construction Certificate, the applicant shall liaise with TfNSW to ascertain its requirements in relation to the protection of TfNSW's infrastructure. The applicant is to submit to TfNSW all relevant documentation as requested by TfNSW and obtain TfNSW's written endorsement; and***
- ***Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever occurs first, the following documentation shall be provided for the TfNSW endorsement:***
- ***Final geo-technical and structural report / drawings. Geotechnical reports should include any potential impact on the light rail corridor located adjacent to the subject development site, easement and substratum;***
- ***Final construction methodology with construction details pertaining to structural support during excavation or ground penetration. Any temporary components, for example, shoring systems, formwork and falsework, that are located such that their failure has the potential to affect rail infrastructure facilities or operations shall have a minimum service life of 10 years;***
- ***Details of the vibration and movement monitoring system that will be in place before excavation commences;***

- *Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor located adjacent to the subject development site. Cross sectional drawings should also include the accurate RL depths and horizontal distances from assets (tracks, overhead lines, structures and cables) to the nearest point of excavation or ground penetration works. All measurements are to be verified by a Registered Surveyor; and*
- *Detailed survey plan.*

Pedestrian Connection to the Wentworth Park Light Rail stops

Prior to the issue of a Construction Certificate the person acting upon this consent is to enter into an Access Licence with TAHE, to permit access at \$1 over the newly created access points.

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 the 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.

Electrolysis Analysis

Prior to the issue of the relevant Construction Certificate, the applicant is to engage an Electrolysis Consultant 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 PCA with the application for the relevant Construction Certificate.

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 (eg roof terraces and external fire escapes) that are within 20 metres of, and face, the rail corridor, the development must have measures installed, to the satisfaction of TfNSW (eg awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor. 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.

Consultation Regime

Prior to the issue of the relevant Construction Certificate, a detailed regime is to be prepared for consultation with and approved by TfNSW for the excavation of the site and the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by TfNSW.

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 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 occurs first, 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;*
 - *Any removal or changes to structures or landscape beds within TAHE owned areas;*
 - *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.*

During Construction

- *Construction vehicles shall not be stopped or parked on Wattle Street adjacent to the proposed development at any time without prior approval of TfNSW;*
- *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;*
- *All piling and excavation works are to be supervised by a geotechnical engineer experienced with such excavation projects;*
- *No rock anchors/bolts (temporary or permanent) are to be installed into the light rail corridor;*
- *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;*
- *The applicant must mitigate noise and vibration to the extent possible and provide vibration monitoring equipment and provide the results to the Sydney Light Rail Operator at intervals required by TfNSW and the Sydney Light Rail Operator, and immediately implement corrective actions in the event that the noise or vibration exceeds acceptable limits;*
- *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 use 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.

Pedestrian Connection to the Wentworth Park Light Rail Stops

Prior to the Issue of the Occupation Certificate, the licence agreement that was entered between TAHE and the applicant prior to obtaining the Construction Certificate must be novated to the Strata Corporation once the Strata Plan is created. Evidence of this agreement being incorporated into the Strata Management Plan must be provided to TAHE's satisfaction. Please contact TAHE's property representatives at Property@transport.nsw.gov.au;

Prior to the Issue of the Occupation Certificate., any removal or changes to structures or landscape beds within TAHE owned areas are to be made good to the satisfaction of TfNSW and the Sydney Light Rail Operator at the cost of the applicant and at no cost to TAHE or TfNSW.

(Condition amended - 19 June 2025)

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The modified development is substantially the same as the development originally approved and is therefore consistent with the requirements of section 4.55(2)(a) of the EP&A Act.
- (B) The proposed modifications ensure that the detailed design development consent will be consistent with the concept consent (D/2019/649 as modified) to satisfy section 4.24 of the EP&A Act.
- (C) Subject to conditions, the modified development reflects the architectural design competition winning scheme and will not adversely impact the amenity of the surrounding area.

- (D) The modified development proposes a building which is capable of exhibiting design excellence in accordance with clause 6.21C of the Sydney LEP 2012.
- (E) The modified development is generally consistent with the aims and objectives of the relevant planning controls including the SEPP Housing, Sydney LEP 2012 and Sydney DCP 2012. Where non-compliances exist, they have been demonstrated to be acceptable in the circumstances of the case or can be resolved by the recommended conditions of consent.
- (F) The modified development is appropriate within its setting and is a mixed-use development comprising compatible uses that will support the vitality of the area, consistent with the desired future character for the locality.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport