

Attachment A

Recommended Conditions of Consent
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DEFERRED COMMENCEMENT CONDITION

This consent does not operate, and may not be acted on, until the Council is satisfied of the following matter:

(1) CONCEPT PLAN MADE OPERATIVE

The deferred commencement development consent for the amending concept application (D/2025/448), to which this application relates, is to be made operative.

Reason

To ensure consistency with Section 4.24 of the Environmental Planning and Assessment Act 1979.

(2) VOLUNTARY PLANNING AGREEMENT (VPA/2025/7)

- (a) The Voluntary Planning Agreement between the Council of the City of Sydney and Erskineville Developments Pty Ltd and Erskineville Investments Pty Ltd, consistent with the terms of the Public Benefit Offer dated 13 June 2025 has been exhibited, executed and submitted to Council; and
- (b) The Voluntary Planning Agreement, as executed, must be registered on the title of the land(s).

Reason

To require the executive and registration of the voluntary planning agreement.

Evidence of the above relevant matter must be produced to the consent authority, within 24 months of the date of the determination, otherwise the consent will lapse.

Under section 76(4) of the EP&A Regulation, the consent authority will notify you in writing if the matters above have been satisfied and the date from which this consent operates.

The conditions of development consent below apply from the date that this consent.

Note: Section 76(3) of the EP&A Regulation enables a consent authority to specify the period within which the applicant must produce evidence to the consent authority sufficient enough to enable it to be satisfied as to the relevant matter(s) that it requires before a deferred commencement consent can operate. Where a period is specified under section 76(3), a deferred commencement consent will lapse if the applicant has not produced sufficient evidence for the consent authority to be satisfied of the relevant matters on the expiration of the specified period.

Where the applicant produces evidence of the relevant matters in accordance with section 76(4) of the EP&A Regulation, the consent authority must notify the applicant whether or not it is satisfied as to the relevant matter(s). If the consent authority has not notified the applicant within 28 days after receiving the applicant's evidence, the consent authority is taken to have notified the applicant that it is not satisfied about the relevant matter(s) on the date on which that period expires, for the purposes of section 8.7 of the EP&A Act (see sections 76(4), (5) and (6) of the EP&A Regulation).

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below in Schedules 1 and 2.

SCHEDULE 1

GENERAL CONDITIONS

(3) APPROVED DEVELOPMENT

Buildings F&I

- (a) Development must be in accordance with Development Application No. D/2025/405 dated 22 May 2025 and the following drawings prepared by Bates Smart:

Drawing Number	Drawing Name	Date
ARDA-01-01 C	Site Plan	23 September 2025
ARDA-02-B02 E	Basement 02 Plan	3 October 2025
ARDA-02-B01 E	Basement 01 Plan	3 October 2025
ARDA-02-00 E	Ground Floor Plan	3 October 2025
ARDA-02-01 E	Level 01 Mezzanine Plan	3 October 2025
ARDA-02-02 C	Level 02 Plan	23 September 2025
ARDA-02-03 C	Level 03 Plan	23 September 2025
ARDA-02-04 C	Level 04 Plan	23 September 2025
ARDA-02-05 C	Level 05 Plan	23 September 2025
ARDA-02-06 C	Level 06 Plan	23 September 2025
ARDA-02-07 C	Level 07 Plan	23 September 2025
ARDA-02-08 C	Level 08 Plan	23 September 2025
ARDA-02-09 C	Level 09 Plan	23 September 2025
ARDA-02-10 C	Level 10 Plan	23 September 2025

Drawing Number	Drawing Name	Date
ARDA-02-11 C	Level 11 Plan	23 September 2025
ARDA-02-12 C	Roof Plan	23 September 2025
ARDA-09-10 C	Block I East and West Elevation	23 September 2025
ARDA-09-11 C	Block I North and South Elevation	23 September 2025
ARDA-09-20 C	Block F North Elevation & F01 South Elevation/F03/04 Section	23 September 2025
ARDA-09-21 C	Block F East Elevation & F03/04 West Elevation	23 September 2025
ARDA-09-22 C	Block F South Elevation & F02 North Elevation/F03/04 Section	23 September 2025
ARDA-09-23 C	Block F West Elevation & F02 East Elevation /F01 Section	23 September 2025
ARDA-09-24 C	Block F01 East Elevation	23 September 2025
ARDA-10-10 D	Block I Section 01	23 September 2025
ARDA-10-20 C	Block F Section 01	23 September 2025
ARDA-10-21 C	Block F Section 02	23 September 2025
ARDA-09-25 A	Materials Board	8 October 2025

and as amended by the conditions of this consent.

Buildings G&H

- (b) Development must be in accordance with Development Application No. D/2025/405 dated 22 May 2025 and the following drawings prepared by BVN:

Drawing Number	Drawing Name	Date
AR-00-10A-XX-02 06	Site Plan	

Drawing Number	Drawing Name	Date
AR-00-10B-00-01 26	GA – Overall – Level 00	30 September 2025
AR-00-10B-01-01 21	GA – Overall – Level 01	19 September 2025
AR-00-10B-02-01 21	GA – Overall – Level 02	19 September 2025
AR-00-10B-03-01 21	GA – Overall – Level 03	19 September 2025
AR-00-10B-04-01 21	GA – Overall – Level 04	19 September 2025
AR-00-10B-05-01 21	GA – Overall – Level 05	19 September 2025
AR-00-10B-06-01 21	GA – Overall – Level 06	19 September 2025
AR-00-10B-07-01 21	GA – Overall – Level 07	19 September 2025
AR-00-10B-08-01 22	GA – Overall – Level 08	19 September 2025
AR-00-10B-09-01 21	GA – Overall – Level 09	19 September 2025
AR-00-10B-10-01 21	GA – Overall – Level 10	19 September 2025
AR-00-10B-11-01 18	GA – Overall – Level 11	19 September 2025
AR-00-10B-B1-01 21	GA – Overall – Level B1	12 September 2025
AR-00-10C-XX-01 15	Elevations – Overall	19 September 2025
AR-00-10C-XX-02 15	Elevations – Overall	19 September 2025
AR-00-10C-XX-03 15	Elevations – Overall	19 September 2025
AR-00-10D-XX-01 20	Sections – Overall	19 September 2025
AR-00-10D-XX-03 16	Sections – Overall	12 September 2025
AR-00-10Y-XX-01 07	Finishes Schedule	12 September 2025
AR-DA-SK070 01	Slot Screens	12 September 2025

and as amended by the conditions of this consent.

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

Reason

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

(4) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT (VPA/2025/7)

The terms of the Voluntary Planning Agreement entered into in accordance with Deferred Commencement Condition (A) are to be complied with.

Reason

To ensure the development complies with all terms of the planning agreement.

(5) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT (VPA/2015/39)

The terms of the planning agreement registered as Dealing AM746494 and Dealing AM746510 and the Variation to the VPA registered as Dealing AP549072 must be complied with.

Reason

To ensure the development complies with all terms of the planning agreement.

(6) STAGED CONSTRUCTION

The works may be carried out in stages, with relevant conditions being satisfied prior to the issue of a relevant Construction Certificate, where specified in the conditions of consent, for each stage as detailed in the table below.

Construction Certificate Stage	Description
CC1(A) – Buildings F&I CC1(B) – Buildings G&H	Stage 1 - Structure
CC2(A) – Buildings F&I CC2(B) – Buildings G&H	Stage 2 - Facade
CC3(A) – Buildings F&I CC3(B) – Buildings G&H	Stage 3 - Fit out, services, landscaping, public art and public domain works

Reason

To set out the staging of works for this consent.

(7) DESIGN MODIFICATIONS

Amended architectural plans and design details incorporating the following requirements are to be submitted to approved by Council's Executive Director City Planning, Development & Transport prior to the issue of:

- (a) Construction Certificate CC1(A) – Buildings F&I
 - (i) Alpha Street setbacks and Kooka Walk parklet – Amended architectural and landscape plans are to be provided incorporating the approved design for Alpha Street (Subject to approval of a separate development application), including any associated amendments to the southern setback of Building F to Alpha Street, the northern setback of Building I to Alpha Street, and the triangular deep soil area between Building I and Kooka Walk. The amendments are to incorporate the approved design and maximise the provision of deep soil landscaping within the aforementioned areas.
- (b) Construction Certificate CC1(B) – Buildings G&H
 - (i) Sun shading – The sun shading devices detailed on the northern and western elevation are to be provided on the eastern facades to shade the glazing in the summer months maximising solar access in winter months. Supporting documentation is to be provided from an environmental performance consultant to demonstrate the effectiveness of the additional shading.
- (c) Construction Certificate CC3(A) – Buildings F&I
 - (i) Specify ceiling fans within the living room and bedrooms of all apartments (regardless of whether the apartment is naturally cross ventilated).
- (d) Construction Certificate CC3(B) – Buildings G&H
 - (i) Specify ceiling fans within the living room and bedrooms of all apartments (regardless of whether the apartment is naturally cross ventilated).

Reason

To require amendments to the approved plans and supporting documentation to resolve design issues.

(8) MATERIALS AND FINISHES

A comprehensive physical materials sample board and schedule detailing all proposed finishes (including glazing) must be submitted approved by Council's Executive Director City Planning, Development & Transport prior to the issue of any Construction Certificate.

Actual manufacturer's products and finishes are to be specified, and no generic colours or finishes will be accepted.

The materials sample board must be cross-referenced with the Architectural drawings.

Reason

To require amendments to the materials and finishes that apply to the development.

(9) DESIGN QUALITY EXCELLENCE

- (a) As the development has been awarded bonus floor space for achieving design excellence and in order to ensure the design quality excellence of the development is retained through to completion:
 - (i) **Buildings F&I** - The design architect BATES SMART is to have direct involvement in the design documentation, contract documentation and construction stages of Buildings F&I including signing off any required certifications at DA, S4.55 applications, Construction Certificate and Occupation Certificate stages
 - (ii) **Buildings G&H** - The design architect BVN is to have direct involvement in the design documentation, contract documentation and construction stages of Buildings G&H including signing off any required certifications at DA, S4.55 applications, Construction Certificate and Occupation Certificate stages
 - (iii) The design architects are to have full access to the site and are to be authorised by the applicant to respond directly to Council where information or clarification is required in resolving design issues throughout the life of the project
 - (iv) Evidence of the design architect's commission must be provided to the Council prior to release of any relevant Construction Certificate.
- (b) The design architects are not to be changed without prior notice and approval of the Council's Executive Director City Planning, Development & Transport.

The Registered Certifier and Principal Certifier must be satisfied that the above matters are complied with prior to the issue of a relevant Construction and Occupation Certificates, in accordance with written confirmation from Council.

Reason

To ensure the development maintains design quality excellence throughout all phases of the development.

(10) RESTRICTION ON AFFORDABLE HOUSING

Building H (including communal areas, ancillary services, and basement areas) of the development must be used for the purpose of Affordable Housing in accordance with Chapter 2, Part 2, Division 1 of State Environmental Planning Policy (Housing) 2021.

Prior to the issue of the first occupation certificate OC4 – Building H:

- (a) a restriction must be registered, in accordance with Section 88E of the Conveyancing Act 1919 against the title of the property relating to the development, which will ensure the requirements of subsection (d) and (e) below are met, and
- (b) evidence of an agreement with a registered community housing provider for the management of the affordable housing component must be given to the Registrar of Community Housing, including the name of the registered community housing provider, and
- (c) evidence that (a) and (b) have been met must be given to Council

It is a condition of the development consent that during the relevant period (**in perpetuity**)-

- (d) the affordable housing component must be used for affordable housing, and
- (e) the affordable housing component must be managed by a registered community housing provider, and
- (f) notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change, and
- (g) the registered community housing provider who manages the affordable housing component must apply the Affordable Housing Guidelines.

For the purposes of this condition, *relevant period*, means **in perpetuity** in accordance with the PBO and the Voluntary Planning Agreement to be entered into to satisfy condition Part A (2).

Reason

To ensure that the affordable housing component of the development is delivered in accordance with the requirements of SEPP (Housing) 2021 and the PBO.

(11) BUILD-TO-RENT COMPONENT

Buildings F and I of the development must be used for the purpose of a Built-to-Rent housing development in accordance with Chapter 3, Part 4 of State Environmental Planning Policy (Housing) 2021.

Building G of the development must be used for the purpose of a Built-to-Rent housing development in accordance with Chapter 3, Part 4 of State Environmental Planning Policy (Housing) 2021.

It is a condition of the development consent that during the relevant period -

- (a) the build-to-rent housing buildings must be occupied, or intended to be occupied, by individuals under residential tenancy agreements, and

- (b) the tenanted component of the buildings must not be subdivided into separate lots, and
- (c) the tenanted component of the buildings to which the development consent relates must –
 - (i) be owned and controlled by 1 person only, and
 - (ii) be operated by 1 managing agent only, who provides on-site management

For the purpose of this condition, *relevant period* has the same meaning as Section 73 of SEPP (Housing) 2021, in force at the time the application was lodged.

Reason

To comply with the requirements of the SEPP.

(12) ~~LAND DEDICATION – NO LONG TERM ENVIRONMENTAL MANAGEMENT PLAN~~

~~Any land that is to be dedicated to the City as part of the associated Voluntary Planning Agreement must not be encumbered by an Environmental Management Plan or Long Term Environmental Management Plan.~~

Reason

~~To ensure land to be dedicated to the City is not encumbered by an environmental management plan.~~

(13) LAND DEDICATION - REMEDIATION CAPPING LAYER

Any contaminants remaining on land to be dedicated to Council must be covered by a marker layer and be capped by a minimum 1.5m depth.

Any contaminants remaining on land to be dedicated to Council must be covered by a marker layer and be capped by a minimum 1.5m depth of clean fill below the topmost surface of the future road or park. The Site Auditor is required to submit an interim report to Council for approval after the remediation has been completed and prior to the construction of the public domain works confirming the depth and the placement of the marker layer.

Reason

To ensure remediation has been satisfactorily completed.

(14) SEPARATE DEVELOPMENT CONSENTS REQUIRED

No consent is granted or implied for the fit-out or specific use of the supermarket or retail premises located within building F.

A separate development consent (Development Application or Complying Development Certificate) is required to be obtained for each premises prior to the fit-out or use commencing.

Reason

To require separate consent to be obtained for the future use and fit out of the supermarket and retail premises.

(15) GROSS FLOOR AREA

The following applies to gross floor area:

- (a) The development is not to exceed 90,618sqm calculated in accordance with the definition of gross floor area under the Sydney Local Environmental Plan 2012. The approved gross floor area is to be apportioned as follows:
 - (i) Building F above ground- 37,507sqm
 - (ii) Building I above ground – 12,454sqm
 - (iii) Building F&I below ground – 478sqm
 - (iv) Buildings G above ground – 26,555sqm
 - (v) Building H above ground – 13,468sqm
 - (vi) Building G&H below ground – 156sqm
- (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.

(16) AFFORDABLE HOUSING CONTRIBUTION – RESIDUAL LAND – PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION – PRIOR TO CONSTRUCTION CERTIFICATE

- (a) In accordance with the City of Sydney Affordable Housing Program, and as varied by Council on 30 June 2025, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid to the City of Sydney Council in accordance with this condition.
- (b) The total contribution is **\$36,483,368.06** (indexed on 1 March 2025). This is calculated by establishing the sum of the equivalent monetary contribution \$11,646.80 multiplied by 1% of the total floor area for non-residential development (5,250sqm) and the equivalent monetary contribution multiplied by 3% of the total floor area for residential development (102,666sqm). The contribution is apportioned as follows:
 - (i) Building F - \$18,511,773.32

- (ii) Building I - \$5,529,667.70
- (iii) Building G - \$12,441,927.04
- (c) If the contribution is paid after the indexation period in which the consent is granted, being 1 March 2025 to 28 February 2026, the above contribution will be adjusted according to the Sydney LGA median strata dwelling price ('MDP') using the following formula.
- (d) Contribution payable at Time of Payment = $C \times \text{MDP2} / \text{MDP1}$, where:
 - (i) C is the original total contribution amount payable to the City of Sydney as shown above;
 - (ii) MDP2 is the Median Strata Dwelling Price in Sydney LGA taken from the most recent NSW Government Rent and Sales Report at the time of indexation of the equivalent monetary contribution rate; and
 - (iii) MDP1 is the Median Strata Dwelling Price in Sydney LGA taken from the NSW Government Rent and Sales Report used to establish the current equivalent monetary contribution rate, **1 March 2025 to 28 February 2026.**
- (e) The apportioned monetary contribution payments may be staged and are to be paid no later than the issue of the first occupation certificate for each corresponding building.
- (f) Prior to the issue of Construction Certificate (CC1(B) for Building G, a bank guarantee in favour of the City of Sydney to the value of the apportioned monetary contribution must be lodged with the City of Sydney.
- (g) Prior to any Occupation Certificate being issued for Building G, the applicant must provide evidence that the bank guarantee referred to in (f) has been redeemed as payment of this contribution.

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

Reason

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

(17) SECTION 7.11 CONTRIBUTIONS PAYABLE - CONTRIBUTION TOWARDS PUBLIC AMENITIES – CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 – SOUTH 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.

<u>Contribution Category</u>	<u>Amount</u>
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Open Space	\$ 13,353,210.08
Community Facilities	\$ 2,679,619.24
Traffic and Transport	\$ 2,895,493.61
Stormwater Drainage	\$ 1,145,487.13
Total	\$ 20,073,810.06

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 – 141.7 for the June 2025 quarter.

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. Payments may be made by EFTPOS (direct card only), cash (up to \$5,000 only), credit card (up to \$300,000 only) or bank cheque made payable to the City of Sydney council. Larger payments to be by direct bank transfer in consultation with the City. Direct debit, personal cheques and company cheques will not be accepted.

Reason

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

(18) HOUSING AND PRODUCTIVITY CONTRIBUTION

Before the issue of each respective Construction Certificate for CC1(A) and CC1(B), the housing and productivity contribution (HPC) set out in the table below is required to be made.

	Buildings F&I (CC1(A))	Buildings G (CC1(B))
Housing and productivity contribution	Amount	Amount
Housing and productivity contribution (base component)	\$5,899,113.85	\$3,387,357.04
Transport project component	N/A	N/A
Total housing and productivity contribution per stage	\$5,899,113.85	\$3,387,357.04
Total housing and productivity contribution	\$9,286,470.89	

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.

(19) ADDITIONAL DESIGN DETAILS

Revised plans and elevations and 1:50 scale minimum plans (or scale otherwise agreed by Council), elevations and section details, which demonstrate high quality design and materiality and finishes, of the following elements are to be submitted to and approved by Council's Executive Director City Planning, Development and Transport:

- (a) prior to the issue of the construction certificate CC1(A) – Buildings F&I
 - (i) **Substation and services rooms** – provide details of external wall treatments and access doors
 - (ii) **Retail facades** – provide details of external wall glazing including entry doors and thresholds (accessible path of travel).

- (iii) **Street awnings** – provide details of awning design, including materiality, structural design and drainage.
 - (iv) **Basement and Loading dock access** – provide details of external loading dock access and door.
 - (v) **Communal Open Spaces – Wind Barriers** – provide details of external wind barriers.
 - (vi) **Sun Shading Devices** – provide details of external shading devices including additional sun shading devices required by Condition (7) above.
- (b) Prior to the issue of the construction certificate CC1(B) – Buildings G&H
- (i) **Substation and serves rooms or cupboards** – provide details of external wall treatments and access doors
 - (ii) **Nassau Lane** – provide detailed design for the Nassau Lane alignment, including adjoining setback areas, including architectural plans and landscape plans. The through site link must provide adequate lighting.
 - (iii) **Building Entry Awnings** – provide details of awning design, including materiality, structural design, roof landscaping, and drainage,
 - (iv) **Basement and Loading dock access** – provide details of external loading dock access and door.
 - (v) **Communal Open Spaces – Wind Barriers** – provide details of external wind barriers.
 - (vi) **Sun Shading Devices** – provide details of external shading devices including additional sun shading devices required by Condition (7) above.

The required information must include detailed material, finishing, spacing, elemental sizing details. The information submitted should show a level of detail equivalent to 'For Construction' detailing.

Reason

To ensure high quality design and detailing, particularly where elements interface with the public domain.

(20) SIGNAGE STRATEGY

A separate development application is to be submitted seeking approval for a signage strategy for Building F. The signage strategy development application must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.

All future signage associated with the supermarket and retail premises are to comply with the approved signage strategy required to be obtained under this condition.

Reason

To require separate consent to be obtained for a signage strategy.

(21) ALLOCATION FOR CAR WASH BAYS

Car wash bays are not to be allocated or leased to any individual occupied and must be retained strictly as common property by the building management for use by all tenants.

Reason

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

(22) ALLOCATION FOR VISITOR PARKING

Visitor parking spaces must not at any time be allocated or leased to an individual occupier and must be strictly retained as common property by the building management for use by tenant's visitors.

All spaces must be clearly marked 'visitor' prior to the issue of any occupation certificate or the use commencing, whichever is earlier. All signs must be maintained in good order at all times.

Reason

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

(23) INTERCOM FOR VISITORS

Where a boom gate or barrier control is in place, the visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 4m clear of the property boundary, wired to all units. The intercom must comply with *Australian Standard AS 1428.2-1992: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23*.

Reason

To maintain the orderly operation of vehicle parking areas.

(24) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES

For residential development, accessible car parking spaces for people with mobility impairment are only to be allocated as visitor parking or to adaptable units.

Reason

To ensure accessible vehicle parking spaces are allocated to adaptable units.

(25) SIGNS AT EGRESS

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

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

Reason

To ensure the safety of surrounding pedestrians and cyclists.

(26) SIGNAL SYSTEM

A system of traffic lights and/or mirrors must be installed at the ends of any single lane ramp(s), to indicate traffic movement on the ramp(s). This system must be detailed in the application for construction certificates CC3(A) and CC3(B). Any system using traffic light signals must maintain a green signal to entering vehicles at the point of entry and must maintain a red signal when an exiting vehicle is detected upon the ramp or driveway.

Reason

To maintain the orderly operation of vehicle parking areas.

(27) SECURITY GATES

Where a car park is accessed by a security gate, that gate must be located at least 6 metres within the site from the street property boundary.

Reason

To ensure the public domain is kept free from physical obstructions.

(28) SERVICE VEHICLE SIZE LIMIT

The size of vehicles servicing building F&I must not exceed a maximum length of 12.5m.

The size of vehicles servicing buildings G&H must not exceed a maximum length of 10.6m.

Reason

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

(29) ASSOCIATED ROADWAY COSTS

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

Reason

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

(30) COST OF SIGNPOSTING

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

Reason

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

(31) CHANGES TO KERB SIDE PARKING RESTRICTIONS

A separate submission must be made to the Local Pedestrian, Cycling and Traffic Calming Committee via the City Infrastructure and Traffic Operations Unit seeking the City's approval for any changes to kerb side parking arrangements. There is no guarantee kerb side parking will be changed, or that any change will remain in place for the duration of the development use.

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

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

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

Reason

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

(32) VEHICLE ACCESS

All vehicles are to enter and depart the site travelling in a forward direction.

Reason

To increase pedestrian safety at the site access.

(33) PRELIMINARY LOADING DOCK MANAGEMENT PLANS

The Loading Dock Management Plans submitted with the application are not approved.

Amended Loading Dock Management Plans for buildings F&I and buildings G&H are required to be submitted prior to the issue of Construction Certificates CC1(A) and CC1(B), respectively. These plans are to address:

- (a) Measures to ensure pedestrian safety across vehicle access ways and within the loading areas.
- (b) Contingency measures in the event of mechanical failure of the turntable.
- (c) Buildings F&I – The parking space for the Spacpac vehicle is to be relocated to the basement level to prevent conflict with heavy vehicles accessing the loading dock
- (d) Buildings G&H – Swept paths must demonstrate ingress and egress paths clear of all obstructions, such as light poles and trees required to be retained.

Reason

To ensure the safe and efficient management of the loading docks.

(34) DESIGN MODIFICATIONS – WASTE MANAGEMENT

Building F&I

Amended plans incorporating the following amendments are to be submitted to and approved by Council's Area Planning Manager prior to the issue of Construction Certificate CC1(A) – Buildings F&I

- (a) The residential waste holding room(s) within the loading dock in Building F are to be increased in size to accommodate 84 x 1100L bins. Aisles are to be provided between groups of bins to maintain safe and efficient access and manoeuvrability.
- (b) The finished floor level of the residential waste holding rooms at the southern side of the loading dock in Building F is to be on grade with the adjoining loading dock (RL 8.20). A minimum floor to ceiling height of 2.1m is to be retained within the waste holding room. Consequential amendments to the floor level of the residential lobby, and surrounding area, above may be required.
- (c) A waste room or cupboard is to be provided accommodating 2 x 240L FOGO bins within or in close proximity to each residential lobby within basement level 01 or 02.
- (d) A retail waste storage area is to be provided within the loading dock in Building F to accommodate the number of bins outlined in Table 9 *Retail Waste storage and collection* of the Waste Management Plan prepared by MRA dated 15 September 2025 (Council Ref: 2025/562970).
- (e) All waste and recycling bins to be presented to the loading dock for collection are to be drawn to scale on the plans.
- (f) All waste and recycling bins to be used in each chute discharge room are to be drawn to scale on the plans to demonstrate sufficient bin storage capacity can be accommodated at each building core.

- (g) The bulky waste room is to incorporate dual outwards facing access doors with a minimum width of 1.8m and access to the loading dock via a 1.8m wide unobstructed path of travel
- (h) A bin tug enclosure with three-phase power and secure storage area for a trailer sized to accommodate 4 x 1,100L bins and with a spring-loaded ramp not exceeding a grade of 1:14 is to be provided within the basement.
- (i) Written confirmation is required from a qualified chute installer confirming adequate access, spatial allocation, and bin manoeuvrability for 1,100L bins onto the linear track system in all chute discharge rooms. A copy of or reference to the plans reviewed are to be included in the confirmation letter.
- (j) The Waste Management Plan for Buildings F&I is to be amended to address the above and include:

Building G&H

Amended plans incorporating the following amendments are to be submitted to and approved by Council's Area Planning Manager prior to the issue of Construction Certificate CC1(B) – Buildings G&H

- (k) A bin tug enclosure with three-phase power and secure storage area for a trailer sized to accommodate 4 x 1,100L bins and with a spring-loaded ramp not exceeding a grade of 1:14 is to be provided within the basement.
- (l) The recycling bin cupboards on each level are to provide unobstructed access to all bins.

Reason

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

(35) DESIGN MODIFICATIONS - BASEMENT PLANS

Building F&I

Amended Basement Plans incorporating the following amendments are to be submitted to and approved by Council's Area Planning Manager prior to the issue of Construction Certificate CC1(A) – Buildings F&I:

- (a) All accessible parking spaces must provide a 2.4m wide space and 2.4m wide shared area, as per AS 2890.6.
- (b) Provision of two (2) accessible residential visitor parking spaces (with a comparable reduction in residential visitor parking spaces to comply with Condition 87 *Allocation of Parking*)
- (c) A schedule on the plans indicating bicycle parking and end of trip facilities to comply with Condition 88 *Bicycle Parking and End of Trip Facilities* (including visitor parking spaces at ground level).

Building G&H

Amended Basement Plans incorporating the following amendments are to be submitted to and approved by Council's Area Planning Manager prior to the issue of Construction Certificate CC1(B) – Buildings G&H:

- (d) The number of tandem parking spaces is to be reduced to 10 (10 x two nose to tail spaces).
- (e) Provision of six (6) dedicated B99 vehicle service bays within the basement for use by maintenance and repair service vehicles, removalists, and the like.
- (f) Provision of one (1) car wash bay
- (g) Additional bicycle parking, to comply with Condition 88 *Bicycle Parking and End of Trip Facilities* and accompanied by a schedule on the plans.
- (h) Revised ramp design (plans and ramp profile sections) confirming compliance with AS 2890.1 by amending the section of 1:4 grade at the bottom of the ramp where the grade change is greater than 12.5%.

Reason

To ensure that basement designs meeting traffic and transport requirements.

(36) 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.

(37) LOADING DOCK SCHEDULE/REGISTER

The on-site loading docks are also to be made available for all residents for use by removal vehicles, bulky good deliveries and similar. This shall be managed either by a schedule showing residents when they can use the dock, or by a register managed on site to allow residents to reserve a time period for their deliveries. This information is to be made available to all tenants of the buildings.

Reason

To ensure the availability and orderly operation of the on-site loading dock.

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

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

Reason

To clarify the scope of the consent.

(39) TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS AFFECTING THE ROAD RESERVE

For temporary shoring including ground anchors affecting the road reserve (including land to be dedicated or transferred to Council), a separate application under Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council.

Reason

To ensure that approval under the *Roads Act 1993* is obtained.

(40) WASTE AND RECYCLING MANAGEMENT - GENERAL

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

Reason

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

(41) TREES APPROVED FOR REMOVAL

- (a) All trees detailed in Table 1 below are approved for removal. Tree removal must not occur until the issue of Construction Certificate CC1(B).

Table 1 – Tree Removal:

Tree No	Species:	Location
1 x street tree	<i>Populus simonii</i> (Simon Poplar)	Hadfields Street (located in front of the loading dock access driveway)

- (b) All tree removal works must be carried out by an arborist with a minimum AWF Level 3 qualification in arboriculture in accordance with SafeWork's Code of Practice – Amenity Tree Industry.

Reason

To identify the trees that can be removed.

(42) TREES THAT MUST BE RETAINED

The existing trees detailed in Table 2 below be retained and protected in accordance with the conditions throughout construction and development.

Table 2 – Tree Retention:

Approval is NOT granted for the removal of the following trees, which Council has determined to be prominent landscape elements.

Tree No	Species:	Location
55-58, 60, 62, 70, 95, 97, 101, 103 & 104	<i>Platanus x hybrida</i> (Oriental Plane)	Mitchell Road (street trees)
100	<i>Fraxinus griffithii</i> (Evergreen Ash)	Mitchell Road (street trees)
61 & 64	<i>Populus deltoides</i> (Cottonwood)	Mitchell Road (street trees)
143	<i>Cupaniopsis anacardioides</i> (Tuckeroo)	155 Mitchell Road (adjacent to existing south building)
9 x street trees	<i>Populus simonii</i> (Simon Poplar)	eastern side of Hadfield Street

Reason

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

(43) TREE PLANTING CONSIDERATIONS

The design should include the use of continuous trenches for tree pits and the installation of all services to be underground.

Special consideration must be given to soil depth and quality for tree planting. The City considers the following soil volume requirements must be included in the design for successful long-term tree establishment:

- (a) Large Trees (canopy diameter of up to 16 metres at maturity) require a minimum soil volume of 150 cubic metres, minimum soil depth of 1.5 metres and minimum soil area 10 metres x 10 metres.
- (b) Medium Trees (canopy diameter of up to 8 metres at maturity) require a minimum soil volume of 35 cubic metres, minimum soil depth of 1.2 metre and minimum soil area 6 metres x 6 metres.
- (c) Small Trees (canopy diameter of up to 4 metres at maturity) require a minimum soil volume of 9 cubic metres, minimum soil depth of 1.2 metre and minimum soil area 4 metres x 4 metres.

Reason

To ensure the development is appropriately designed to accommodate adequate tree planting.

(44) TELECOMMUNICATIONS PROVISIONS

- (a) Appropriate space and access for ducting and cabling is to be provided within the plant area and to each apartment within the buildings for a minimum of three telecommunication carriers or other providers of broadband access by ground or satellite delivery. The details must be submitted for the approval of the Registered Certifier prior to the relevant Construction Certificate being issued.
- (b) A separate DA must be submitted prior to the installation of any external telecommunication apparatus, or the like.

Reason

To ensure the development adequately provides for telecommunications.

(45) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS

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

Reason

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

(46) LAND SUBDIVISION – SEPARATE DA REQUIRED

Land subdivision, including any stratum subdivision of the buildings, will require a separate application through the NSW Planning Portal to Council to obtain development consent and the subsequent approval of the plan of subdivision and issue of a Subdivision Certificate under Section 6.15 of the *Environmental Planning and Assessment Act 1979*.

Reason

To ensure separate development consent is sought for land subdivision.

(47) LAND DEDICATIONS AND TRANSFERS

- (a) The owner must dedicate for public purposes, the parcels of land adjoining as detailed in the Voluntary Planning Agreement for the site. The dedication is to be detailed in a plan of subdivision of the land. This plan is to be registered at NSW Land Registry Services prior to any Occupation Certificate being issued. The area to be dedicated must be shown as a separate lot or lots and numbered as such.
- (b) Prior to the issue of any type of Occupation Certificate, land must be dedicated in accordance with the registered Voluntary Planning Agreement as follows:
 - (i) Alpha Street must be dedicated as Public Road;
 - (ii) Hadfields Street footpath widening as Public Road; and

- (iii) Kooka Walk must be dedicated as Public Reserve;
- (c) Land must be dedicated unencumbered. All leases, restrictions, covenants, easements and planning agreements must be extinguished prior to, or in conjunction with the dedication of the above lots.
- (d) Public Domain works within the dedication areas must be sufficiently complete to the satisfaction of Council's Area Planning Manager prior to issue of the subdivision certificate and dedication.

Reason

To ensure road widening is dedicated for road purposes.

(48) NO OBSTRUCTIONS

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

Reason

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

(49) BASEMENTS UNDER COUNCIL ROAD (DEDICATIONS)

Where a road to be dedicated to Council is above a basement structure, a minimum of 1.8m clearance is required from the lowest point of the road reserve, usually the gutter invert. The roof of the basement connection structure must be designed to comply with AS5100 – Bridge Design, and the City's Technical Specification A3 – Roads and Structures Design Section 3.9 - Bridge and Structures, to accommodate the required traffic loads on Alpha Street.

Note: additional tolerance should be allowed for to accommodate land level changes and installation of services.

Reason

To meet operational and technical design requirements for land to be dedicated to Council.

(50) PAVING MATERIALS

The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

Reason

To ensure appropriate and safe paving materials are used.

(51) FLOOD EMERGENCY RESPONSE PLAN

- (a) Separate Flood Emergency Response Plans are to be prepared for buildings F&I, building G and building H by a suitably qualified flood engineer. The Flood Emergency Response Plan is to be implemented and operated by the building owner and/or building management at all times.
- (b) The Flood Emergency Response Plans must include all measures required to be implemented to ensure the ongoing management of flooding risk in relation to the buildings, 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.
 - (ix) A pumping option needs to be shown, along with the location of pumps. The pumps must be designed to pump out the full range of flood volumes within 6 hours after floodwaters have receded.
 - (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; and
 - (xi) Make provision for three monthly testing by the building owner and/or Owners Corporation.
- (c) The building owner and/or building management 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 a Construction Certificate for both Stages CC1(A) and CC1(B), the Flood Emergency Response Plan (FERP) for the respective

buildings are to be submitted to and approved by Council's Area Planning Manager.

Reason

To ensure flood risk management measures are complied with.

(52) STORAGE SCHEDULE

- (a) The submitted storage schedules are not approved.
- (b) Revised storage schedules and amended plans are to be submitted to and approved by Council's Area Planning Manager prior to the issue of Construction Certificates CC2(A) and CC2(B) for the respective buildings. The plans and schedule are to meet the conditions of consent and design criteria of Objective 4G of the Apartment Design Guide.
- (c) The development is to comply with the revised storage schedule under (b) above to the satisfaction of the Accredited Certifier.

Reason

To ensure the development provides adequate amenity of the residents.

(53) PUBLIC ART

Public art must be installed to the City's satisfaction prior to the issue of the first Occupation Certificate for each of buildings F&I and buildings G&H.

- (a) The public artwork must be in accordance with UAP Erskineville Precinct Stage Four (F&I) Preliminary Public Art Plan dated April 2025 and UAP Erskineville Precinct Stage Five (G&H) Preliminary Public Art Plan dated April 2025, the *Sydney DCP 2012*, the *Public Art Policy*, and the *Interim Guidelines: Public art in private developments*.
- (b) Separate Detailed Public Art Plans for buildings F&I and buildings G&H with final details of the proposed public artwork must be submitted to and approved by Council's Executive Director City Planning, Development and Transport prior to issue of Construction Certificate CC2(a) and CC2(b), respectively.
 - (i) The Detailed Public Art Plans must adjust the public art budget to account for CPI in accordance with the VPA.
- (c) Public artwork must be installed to the City's satisfaction, inspected and approved and the separate Final Public Art Reports for buildings F&I and buildings G&H submitted and approved by Council's Area Planning Manager prior to the issue of the any Occupation Certificate for buildings F&I and buildings G&H.

Note: Public Art must be reviewed and endorsed by the City's Public Art Team and/or the Public Art Advisory Panel prior to submission for Council approval. Further information is available online at <http://www.cityofsydney.nsw.gov.au/explore/arts-and-culture/public-art> Please

contact the Public Art Team at publicartreferrals@cityofsydney.nsw.gov.au for further information.

Reason

To ensure public art is installed to the City's satisfaction.

BUILDING WORK BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

(54) PUBLIC DOMAIN DAMAGE BOND

- (a) A Public Domain Works Security Bond will be required for the public domain works and for repairing damage that may be caused to the public domain in the vicinity of the site, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The bond must be provided as security for repairing any damage to the public domain in the vicinity of the site.
- (b) The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The Bond must be lodged with the City prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier.
- (c) The bond in this condition will be released in full when the Public Domain Works Security Bond for the associate buildings (D/2025/405) is lodged with the City.

Reason

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

(55) TREE BOND

- (a) An unconditional bond of \$190,000 for Trees 55, 56, 57, 58, 60, 61, 62, 64, 70, 95, 101, 103, 104 & 9 x street trees (Hadfields Street) located in the public domain must be submitted and approved by the City of Sydney prior to the commencement of work or the issue of any Construction Certificate, whichever is earlier.
- (b) The unconditional bond will be retained by the City of Sydney for a minimum period of six months from the date of the issue of the Occupation Certificate for buildings F&I. An Arboricultural Report prepared by a qualified Arborist (minimum AQF Level 5) must be submitted to the City of Sydney at the expiry of each bond period and prior to the bond being refunded. If the report indicates that the tree(s) require remedial works, the bond may be held until the satisfactory completion of the remedial work by the City of Sydney Tree Management Team has been undertaken and the trees return to good health.

Reason

To ensure adequate protection of public street trees during construction works, and to provide financial security for the cost of repairs or replacement in the event of accidental damage or non-compliance with approved tree protection measures.

(56) REPLACEMENT STREET TREES

- (a) The City of Sydney will regularly inspect the trees during the development works. In the event that the City of Sydney Tree Team deems the street tree(s) are not viable for retention due to excessive pruning or damage, the Applicant will be responsible for the removal and replacement of the trees as detailed below:
 - (i) Tree removal and stump grinding undertaken by a qualified arborist (minimum AQF3);
 - (ii) One tree replacement for each impacted tree must be planted on Mitchell Road;
 - (iii) Tree species consistent with the City of Sydney Street Tree Master Plan (refer to relevant street) or other relevant guidance document. Species substitutes will not be accepted;
 - (iv) The tree pit design must include structural soils to support pavements in accordance with the Street Tree Master Plan (Technical Guidelines);
- (b) The Applicant must nominate tree planting delivery method, being a choice of one of two options:
 - (i) Undertake all tree supply, planting, and maintenance requirements to the required standards and to the satisfaction of the City of Sydney Tree Team.

OR

 - (ii) Pay a fee for the City of Sydney to supply, plant, and maintain each required tree on the Applicant's behalf. The fee is consistent with the City of Sydney Schedule of Fees and Charges.
- (c) If the Applicant is nominating to undertake all tree supply, planting, and maintenance requirements, the following requirements must be met:
 - (i) Tree(s) must be planted prior to issuing of the Occupation Certificate;
 - (ii) Tree(s) supplied in minimum container size of 400 litres at the time of planting;
 - (iii) Tree(s) grown in accordance with the Australian Standard 2303 'Tree stock for landscape use' and meet the requirements of this standard at the time of planting;

- (iv) Prior to the tree(s) being planted, certification from the tree supplier submitted to the City of Sydney Tree Team and Public Domain Officer that the tree(s) have been grown and comply with the requirements of AS2303. Any new tree(s) which do not conform will be rejected by the City of Sydney
- (v) Tree(s) planted by a qualified Horticulturist or Arborist (minimum AQF Level 3);
- (vi) Tree(s) inspected and approved by the City of Sydney Tree Team (or their representative) at the following milestones: before planting with planting pits excavated; after planting; and at the end of the maintenance period;
- (vii) Tree(s) maintained by a qualified Horticulturist or Arborist (minimum AQF Level 3) for a minimum period of 12 months, commencing from the date of planting. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree;
- (viii) At the end of the 12-month maintenance period, written acceptance of the tree(s) obtained from the City of Sydney before release of the Public Domain Bond;
- (ix) If the tree(s) fail to thrive and successfully establish during the maintenance period, then the City of Sydney will request payment for a replacement tree(s) and establishment period according to the City of Sydney Schedule of Fees and Charges.

Reason

To ensure public street trees are adequately protected during development works and, where damage occurs, to secure their timely removal and replacement

(57) PUBLIC DOMAIN TREE PLANTING AND MAINTENANCE

- (a) New tree(s) must be planted in association with the development and be included on the Public Domain Plans required to be submitted under condition tilted 'Public Domain Plan'. The Plan must include:
 - (i) Tree species consistent with the City of Sydney Street Tree Master Plan or other relevant guidance document. Species substitutes will not be accepted;
 - (ii) Tree pits located and constructed in accordance with the City of Sydney Street Tree Master Plan (Technical Guidelines) or other relevant guidance document. The tree pit design must include structural soils to support pavements in accordance with the Street Tree Master Plan (Technical Guidelines);
 - (iii) The Applicants nominated tree planting delivery method, being a choice of one of two options:

- a. Undertake all tree supply, planting, and maintenance requirements to the required standards and to the satisfaction of the City's Tree Management Officer.
- or
- b. Pay a fee for the City to supply, plant, and maintain each required tree on the applicant's behalf. The fee is consistent with the City's Schedule of Fees and Charges.
- (iv) If the Applicant is nominating to undertake all tree supply, planting, and maintenance requirements, the following requirement must be met:
- a. Tree(s) must be planted prior to issuing of the Occupation Certificate;
 - b. Tree(s) supplied in minimum container size of 400 litres at the time of planting;
 - c. Tree(s) grown in accordance with the Australian Standard 2303 'Tree stock for landscape use' and meet the requirements of this standard at the time of planting;
 - d. Prior to the tree(s) being planted, certification from the tree supplier submitted to the City of Sydney Tree Team and Public Domain Officer that the tree(s) have been grown and comply with the requirements of AS2303. Any new tree(s) which do not conform will be rejected by the City of Sydney;
 - e. Tree(s) planted by a qualified Horticulturist or Arborist (minimum AQF Level 3);
 - f. Tree(s) inspected and approved by the City of Sydney Tree Team (or their representative) at the following milestones: before planting with planting pits excavated; after planting; and at the end of the maintenance period;
 - g. Tree(s) maintained by a qualified Horticulturist or Arborist (minimum AQF Level 3) for a minimum period of 12 months, commencing from the date of planting. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree;
 - h. At the end of the 12 month maintenance period, written acceptance of the tree(s) obtained from the City of Sydney before release of the Public Domain Bond;
 - i. If the tree(s) fail to thrive and successfully establish during the maintenance period, then the City of Sydney will request payment for a replacement tree(s) and establishment period according to the City of Sydney Schedule of Fees and Charges.

Reason

To ensure that details of street trees to be planted are approved, the works are carried out in an appropriate manner and the trees are maintained following installation.

(58) STREET TREE PRUNING

- (a) The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 30mm diameter.
- (b) Construction access and the location of the works zone must be planned to avoid adversely impacting any tree to be retained. Alternative work zone locations must be provided, and suitable size cranes/machinery/equipment utilised to minimise tree pruning requirements.
- (c) Any pruning that has been approved by Council, must be carried out by an arborist with a minimum AQF Level 3 qualification in arboriculture, and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'

Reason

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

(59) TEMPORARY DEWATERING DURING CONSTRUCTION

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

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

Reason

To ensure dewatering is managed appropriately.

(60) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

- (a) The Construction Traffic Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Construction Traffic Management Plan must be submitted to and approved by Council prior to any Construction Certificate being issued.
- (c) The approved Construction Traffic Management Plan must be complied with during any demolition and/or construction work.

Note: refer to TfNSW condition below for additional requirements

Reason

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

(61) CONSTRUCTION ACCESS LOCATIONS

Construction access points and work zones must be located to avoid adversely impacting any tree required to be retained. Work zones must be suitably located, and suitably sized cranes, machinery and equipment must be utilised to minimise any requirements for tree pruning.

Reason

To minimise construction impacts on trees required to be retained.

(62) SURVEY INFRASTRUCTURE – IDENTIFICATION AND RECOVERY

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

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

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

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

Reason

To ensure the preservation of existing survey infrastructure.

(63) PUBLIC DOMAIN CONCEPT PLAN

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

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

Reason

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

(64) PUBLIC DOMAIN LEVELS AND GRADIENTS - MAJOR

Prior to the issue of each of Construction Certificates CC1(A) and CC1(B), a Public Domain Levels and Gradients submission for the relevant building/s and site frontages must be submitted to and approved by the City's Public Domain Unit. The submission must be prepared in accordance with the City's *Public Domain Manual* and submitted with a completed Application for *Public Domain Levels and Gradients*. Information on how to complete the submission can be downloaded from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

Any requirements to comply with Disability Discrimination Act at the entrance to a building or publicly accessible space must be resolved inside the site boundary.

Note: Public Domain Levels and Gradient plans are to be included with the Public Domain Plan – Detailed Documentation for Construction condition submission.

Reason

To ensure public domain levels and gradients comply with Council's requirements.

(65) STORMWATER DRAINAGE DESIGN

Prior to issue of each of the Construction Certificate CC1(A) and CC1(B), detailed stormwater management plans prepared by suitably qualified and experienced professionals must be submitted to and approved by the City's Public Domain Unit and must include:

- (a) Council's Sydney Streets Technical Specifications, Part A4 Drainage Design;
- (b) Council's Sydney Streets Technical Specifications, Standard Drawings;
- (c) Council's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction;
- (d) Council's Stormwater Drainage Manual; and
- (e) All relevant Australian Standards.

This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

Note: A Deed of Agreement (Stormwater Deed) for all proposed connections to the City's drainage system, and a Positive Covenant for all OSD systems may be required prior to issue of any Occupation Certificate.

Reason

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

(66) STORMWATER ON-SITE DETENTION

The requirements of Sydney Water with regard to the on-site detention (OSD) of stormwater must be ascertained and complied with. Evidence of the approval must be submitted to Council prior to issue of both Construction Certificates CC1(A) and CC1(B).

Where an OSD is not required by Sydney Water one may still be required by the City.

Reason

To ensure the requirements of Sydney Water are complied with.

(67) STORMWATER QUALITY ASSESSMENT

The submitted MUSIC report and stormwater plans are not approved.

An updated MUSIC report, link and stormwater plans shall be submitted to and approved by the City's Public Domain Unit prior to each of Construction Certificates CC1(A) and CC1(B).

Prior to issue of each of the Construction Certificates CC1(A) and CC1(B) a design certification report prepared by a suitably qualified practitioner engineer (NPER) demonstrating compliance with approved music link targets and parameters must be submitted to and approved by the City's Public Domain Unit.

The report must include a response to all stormwater quality improvement devices structural integrity, treatment train and their treatment properties demonstrating compliance with the approved MUSIC link reports.

Reason

To ensure appropriate stormwater quality on the site.

(68) FLOOD PLANNING LEVELS

The development must be constructed to comply with the recommended flood planning levels indicated in the report titled Flooding Assessment 155 Mitchell Road, Erskineville (Phases 5 & 6) prepared by Stantec dated 30 September 2025 reference project number 300204058 (Council ref: 2025/594237), as revised to resolve:

- (a) minor errors and discrepancies between the tables and plans in Appendix G of the report; and
- (b) the corresponding floor levels are to be detailed on the architectural plans.

The revised report and plans are to be submitted to and approved by Council's Executive Director City Planning Development and Transport prior to the issue of any construction certificate.

Details must be submitted to the Registered Certifier prior to the issue of the relevant Construction Certificate demonstrating that the development will comply with the recommended flood planning levels.

Reason

To ensure the development complies with the recommended flood planning levels.

(69) PUBLIC DOMAIN LIGHTING UPGRADE

Prior to issue of any Construction Certificate, a concept Public Domain Lighting Upgrade Plan for pedestrian and street lighting in the public domain must be submitted to and approved by City's Public Domain Unit. The Lighting Plan must be prepared in accordance with the *Sydney Streets Technical Specifications A5 and B8*, *Sydney Lights Design Code* and *Public Domain Manual*. This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

The lighting upgrade plan must cover all adjacent street frontages, being Coulson Street, Hadfields Street and Mitchell Road, and the Nassau Lane through-site-link and shall be designed to include the following requirements of the City's Lights Code and Specifications.

Advice on site specific lighting requirements must be obtained from City's Public Domain Unit before proceeding with the preparation of any final lighting design proposals.

Reason

To ensure pedestrian and street lighting in the public domain complies with Council's requirements.

(70) ADAPTABLE HOUSING

Prior to the issue of each of Construction Certificates CC1(A) and CC1(B) being issued, information from an appropriately qualified access consult is to be submitted to the Registered Certifier

- (a) Confirming that 15% of the residential apartments are able to adapted for people with a disability in accordance with the National Construction Code.
- (b) Demonstrating (in a checklist) compliance with Australian Standard AS4299.

Reason

To ensure the provision of adaptable housing.

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

A copy of the required completed BASIX certificate accepted as part of this Development Consent with respect to the proposed residential building works, must be lodged with an application for both construction certificates CC1(A) and CC1(B) and the items nominated as part of the subject BASIX certificate must be specified on the plans submitted with each construction certificate application. – See Note.

IMPORTANT NOTE:

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

Reason

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

(72) FLOOR TO CEILING HEIGHT

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

Reason

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

(73) LANDSCAPING OF THE SITE

This condition relates to works at grade and within deep soil areas.

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 Planning Manager prior to the issue of each of Construction Certificates CC1(A) and CC1(B). These documents must include:

- (a) Location of existing and proposed planting on the site including existing and proposed trees, planting in natural ground, and planting on structure.
- (b) 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
- (c) Details of earthworks and soil depths including finished 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.

- (d) 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.
- (e) Details of drainage, waterproofing and watering systems.
- (f) Landscape maintenance plan. This plan is to be complied with during occupation of the property.

Buildings F&I

The following additional requirements apply to buildings F&I

- (g) The two *Acacia* species listed on page 30 of the planting schedule must be replaced as follows:
 - (i) *Acacia parramattensis* – substitute with a small-plus species tree with a minimum mature height of 8 metres, selected from the City of Sydney’s approved Tree Species List.
 - (ii) *Acacia dealbata* – substitute with a large species tree with a minimum mature height of 12 metres, suitable for the larger deep-soil area located to the west of the site. The replacement species must be selected from the City’s approved list to ensure reliability and suitability.
- (h) *Polyscias murrayi* (Pencil Cedar) must be replaced with a small-plus, medium, or large species tree with a minimum mature height of 8 metres, selected from the City’s approved Tree Species List.

All landscaping in the approved plans is to be complete prior to the each Occupation Certificate being issued.

Reason

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

(74) INACCESSIBLE GREEN ROOFS – BUILDINGS F&I

This condition relates to inaccessible green roofs and landscaping on structure in Buildings F&I. Landscaped areas depicted on the approved architectural plans including the terrace perimeter planters in building F02 level 2, inaccessible landscaped planters on buildings F02 levels 3-11, F04 level 5 and building I level 6 are to be included in the revised landscape plans.

- (a) A detailed landscaping on structure / green roof 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 Planning Manager prior to the issue of Construction Certificate CC1(A) – Buildings F&I. 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) Details of safe access points for landscape maintenance, including but not limited to, ladder brackets, anchor points and tracks, lockable maintenance windows and/or gates.
 - (iii) Engineers report confirming structural capacity of building for proposed green roof loads.
 - (iv) Details of soil types and depth including any mounding.
 - (v) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.
 - (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) 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.
 - (viii) 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 the each 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 the each 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.

(75) INACCESSIBLE GREEN ROOFS – BUILDINGS G&H

This condition relates to inaccessible green roofs and landscaping on structure in Buildings G&H.

- (a) A detailed landscaping on structure / green roof 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 Planning Manager prior to the issue of Construction Certificate CC1(B) – Buildings G&H. 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) Details of safe access points for landscape maintenance, including but not limited to, ladder brackets, anchor points and tracks, lockable maintenance windows and/or gates.
 - (iii) Engineers report confirming structural capacity of building for proposed green roof loads.
 - (iv) Details of soil types and depth including any mounding.
 - (v) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.
 - (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) 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.
 - (viii) 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 the each 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 the each 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.

(76) ACCESSIBLE GREEN ROOFS

This condition relates to communal open spaces, landscaping on structure and planters in buildings F&I and buildings G&H.

- (a) A detailed above podium and green roof 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 Planning

Manager prior to the issue of Construction Certificate CC1(A) and CC1(B). These documents must include:

- (i) A statement that includes details of proposed use of the communal roof terraces, accessibility, and any noise and privacy treatments.
 - (ii) 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.
 - (iii) Details for inaccessible green roofs, location of ladder brackets, anchor points for safe landscape maintenance working at height.
 - (iv) Details for inaccessible planters located beyond balustrades, lockable maintenance gates and windows, and an access strategy that outlines how these planters will be safely accessed for ongoing landscape maintenance.
 - (v) Engineers report confirming structural capacity of building for proposed roof terrace loads.
 - (vi) 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.
 - (vii) 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.
 - (viii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.
 - (ix) 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.
 - (x) The specification of palms and tree ferns on levels 2, 7 and 8 must be substituted, wherever practical, with trees capable of achieving at least a small-plus canopy classification and a minimum mature height of 6 metres, in accordance with the City of Sydney's approved Tree Species List (subject to Obstacle Limitation Surface restrictions).
 - (xi) The planting schedules for levels 2, 7 and 8 must be amended to ensure species suitability, canopy spread, height, and long-term contribution to the site's canopy cover.
- (b) Prior to the issue of each 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.

(77) OPERATIONAL WASTE MANAGEMENT PLANS

The operational waste management plans submitted with the development application are not approved by this consent.

Separate operational waste management plans are to be submitted to and approved by Council's Area Planning Manager prior to the issue of each of these Construction Certificates CC1(A) and CC1(B). The revised plans must comply with Council's Development Control Plan and *Guidelines for Waste Management in New Developments*. The revised plans must address:

- (a) Food organics generation rates are to be based on 8L per unit or a 120L bin per 30 units, collected twice a week. Provision for food waste bins to be included from the loading dock.
- (b) Direct access must be provided for residents to food organics recycling bins within or in close proximity to each core within the basement.
- (c) Confirm that is the responsibility of the building manager to book a weekly collection of bulky waste, as the need arises.
- (d) Document a secure area for the bin tug and trailer to be parked within the basement, including the provision of three-phase power for charging. A bin tug trailer with sufficient capacity to carry 4 x 1,100L bins. The trailer is to have a spring-loaded ramp not exceeding a grade of 1:14.
- (e) Document paths of travel for both residential waste and retail waste to the loading dock.
- (f) Update residential waste collection hours to specify collections between 6am and 6pm on scheduled collection days,
- (g) Delete reference to council's recycling truck capacity. Council's truck will return on the same day if required.
- (h) The operational waste management plan for Buildings G&H is to outline that all bins presented for collection are to be located on the same level as the waste vehicle (collection crew will not use mechanical aids to collect bins).

Reason

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

(78) WASTE INFRASTRUCTURE

Prior to the issue of each of the Construction Certificates CC1(A) and CC1(B), detailed plans, and specifications for the construction of waste management facilities must be submitted to and approved by Council's Area Planning Manager. The waste management facilities to be provided responsive to Council's controls, policies, and guidelines, including but not limited to:

- (a) Waste and recycling storage areas(s) are to be designed and constructed in accordance with Reference D of Council's *Guidelines for Waste Management in New Developments*. Floors are to be waterproofed across all intersection that extend a minimum 1200mm high on the walls.
- (b) Waste chute system to be designed in accordance with Section B and Reference E of the Council's *Guidelines for Waste Management in New Developments*.
- (c) Integrated on-site waste collection and loading infrastructure to accommodate Council's standard 10.6m waste collection vehicle.
- (d) Loading docks are to be provide with hot and cold water to facilitate scheduled bin cleaning post collection in a waterproofed area drained to the sewer.

Reason

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

(79) WASTE CHUTES – ACOUSTIC CONSTRUCTION PERFORMANCE CERTIFICATION

- (a) Prior to the issue of each of the Construction Certificates CC1(A) and CC1(B), the acoustic performance of the chute system and chute room construction must be certified by a suitably qualified acoustic consultant to the satisfaction of the certifying authority to achieve:
 - (i) an RW + Ctr of not less than 55 if the adjacent rooms are habitable rooms (includes a kitchen, laundry and hallway) and achieve a DnT,w + Ctr of not less than 50 in verification prior to occupation,; and
 - (ii) an RW + Ctr of not less than 55 if the adjacent rooms are habitable rooms (includes a kitchen, laundry and hallway) and achieve a DnT,w + Ctr of not less than 50 in verification prior to occupation, and

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).

Reason

To allow for the safe and hygienic storage and collection of waste and recycling from the use of the building.

(80) ACOUSTIC / NATURAL VENTILATION – MITCHELL ROAD FRONTAGE

The Detailed Environmental Noise and Natural Ventilation Assessment prepared by Acoustic Logic, dated 17 April 2025, Ref 20240443.9/1704A/R5/LA Rev 5 (Council Ref: 2025/272365), and supplementary Acoustic Statement dated 10 September 2025 prepared by Acoustic Logic dated 10/9/2025 Ref 20240443.3/1709A/R1/BJ (Council Ref: 2025/561197) includes in principle design recommendations to amend the building design to address natural ventilation and acoustic attenuation simultaneously to achieve windows open noise criteria via passive noise mitigation. The architectural plans are to be amended, and additional information provided, to include the following:

- (a) Revised noise and natural ventilation impact assessment detailing specific requirements to each level for each balcony and glazing configuration variation required to achieve the windows open noise criteria via passive noise mitigation.
- (b) Amended architectural drawings, including 1:20 scale balustrade, soffit detailing and 1:50 scale window and door opening configurations, fully coordinated with and capturing the revised impact assessment's detailed recommendations.
- (c) A report from the acoustic / natural ventilation consultant(s) reviewing and confirming that the architectural documentation achieves simultaneously both the required ADH natural ventilation requirements and windows open noise criteria.

The above is to be submitted to and approved by Council's Area Planning Manage prior to the issue of any construction certificate for above ground works.

Reason

To ensure the design of the apartments fronting Link Road achieve adequate natural ventilation and acoustic attenuation.

(81) COMPLIANCE WITH THE ACOUSTIC REPORTS

- (a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the acoustic reports prepared by Acoustic Logic, dated 10 April 2025 titled 155 Mitchell Road Erskineville (Block F and I), Ref 20240443.2/1004A/R4/BJ Rev 4 (Council Ref: 2025/272363), and the supplementary Acoustic Statements dated 10/9/2025 prepared by Acoustic Logic dated 10 September 2025 Ref 20240443.3/1709A/R1/BJ (Council Ref: 2025/561197) must be implemented in the development prior to the commencement of its use.
- (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.

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

- (a) A suitably qualified acoustic consultant must be appointed in accordance with the definition noted in the City of Sydney – Environmental Noise Technical Requirements, dated October 2025 (Council Ref: 2024/673995-02)
- (b) The consultant is required to review the relevant building plans, specifications, and associated documentation, and must:
 - (i) Verify that the construction plans, drawings, and construction methodology for the development are consistent with the approved acoustic report and comply with all relevant conditions and documentation of this consent.
 - (ii) Resolve any non-compliances through amended construction plans, drawings, and construction methodology as necessary.
 - (iii) Ensure that all requirements under this clause are completed to the written satisfaction of the Certifier.
- (c) Following completion of the above tasks, the consultant must provide written notification to the Certifier outlining any identified non-compliances.

REASON

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

(83) 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 (LA90, 15 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 are 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.

(84) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- (a) Before the issue of any construction certificate, a construction environmental management plan (CEMP) must be prepared for the site by a suitably qualified environmental consultant and submitted to the Certifier and Council.
- (b) The CEMP must consider all potential environmental impacts from the approved works including but not limited to sediment and erosion control, contamination containment, stockpiles, noise and vibration, odours and dust emissions.
- (c) All works must be undertaken onsite in accordance with the approved CEMP.

Reason

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

(85) PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Registered Certifier prior to Construction Certificate CC3(A) and CC3(B) being issued.

Reason

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

(86) ALLOCATION OF PARKING

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

- (a) Construction Certificate CC1(A) – Buildings F&I

Car Parking Type	Number
Residential spaces	149
Accessible residential spaces	86
Residential visitor spaces	17
Accessible residential visitor spaces	2
Retail parking	83
Accessible retail parking	2
Car share parking	8
Subtotal	
Motorcycle parking	32
Car wash bay	1

Car Parking Type	Number
Service vehicle spaces	6
Heavy Rigid Vehicle loading dock(s)	3
Total	

(b) Construction Certificate CC1(B) – Buildings G&H

Car Parking Type	Number
Residential spaces	86
Accessible residential spaces	22
Residential visitor spaces	24
Accessible residential visitor spaces	2
Car share parking	5
Subtotal	
Motorcycle parking	12
Car wash bay	1
Service vehicle spaces	5
Small Rigid Vehicle loading dock(s)	
Medium Rigid Vehicle loading dock(s)	1
Total	

Reason

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

(87) 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.

Building F&I

Bicycle Parking Type	Number	Requirements
Residential	572	Spaces must be a class 1 bicycle locker [1]
Residential visitor	57	Spaces must be Class 3 bicycle rails
Non-residential	21	Spaces must be Class 2 bicycle facilities
Non-residential visitor	52	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	2	
Personal lockers	21	

Building G&H

Bicycle Parking Type	Number	Requirements
Residential	503	Spaces must be a class 1 bicycle locker [1]
Residential visitor	50	Spaces must be Class 3 bicycle rails

All bicycle parking spaces and end of trip facilities 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 CC3(A) and CC3(B) being issued.

Reason

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

(88) REFLECTIVITY

Prior to issue of the Construction Certificates CC2(A) and CC2(B) the Registered Certifier must ensure that the visible light reflectivity from building materials used on the facade of the buildings does not exceed 20%.

Reason

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

(89) LAND REMEDIATION – LETTER OF INTERIM ADVICE OR SECTION B SITE AUDIT STATEMENT

- (a) Prior to the issue of construction certificate CC1(A), the site must be remediated and validated in accordance with the Remediation Action Plan prepared by JBS&G, dated 16 July 2025, reference JBS&G 64092/ 169103 Rev2, and the Letter of Interim Advice or Section B Site Audit Statement issued by a NSW EPA accredited Site Auditor Rowena Salmon dated 24 November 2024. All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the Contaminated Land Management Act 1997.
- (b) Prior to the issue of construction certificate CC1(B), the site must be remediated and validated in accordance with the Remedial Works Plan prepared by JBS&G, dated 2 July 2025, reference number 64092 / 168887 Rev 2 and the Letter of Interim Advice or Section B Site Audit Statement prepared by NSW Environment Protection Authority accredited Site Auditor

Rowena Salmon dated 12 December 2024 and reference 318001756 RS-175 – Interim Advice Letter No. 9. All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the Contaminated Land Management Act 1997.

- (c) Any changes to the approved Remediation Action Plan, including any long-term Environmental Management Plan, must be approved in writing by both the Site Auditor and Council before the work begins.

Reason

To ensure that the site is appropriately remediated.

(90) ELECTRICITY SUBSTATION AND TURRETS

If required by the applicable energy supplier, the owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site, but not in any landscaped area or in any area visible from the public domain, to enable an electricity substation and/or turrets to be installed. The size and location of the substation is to be submitted for approval of Council and Ausgrid, prior to any Construction Certificate being issued or the commencement of the use, whichever is earlier. Electricity turrets must be located wholly within the boundary of the site.

Reason

To ensure that the provision of a substation and turrets to service the development is appropriately incorporated into the design of the building in a manner that minimises streetscape impacts.

(91) TELECOMMUNICATIONS IN NEW DEVELOPMENTS

Prior to the issue of any construction certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Registered Certifier that arrangements have been made for:

- (a) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
- (b) the provision of fixed-line telecommunications infrastructure in the fibre ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

Note: real estate development project has the meanings given in section 372Q of the Telecommunications Act.

Reason

To ensure the development adequately provides for telecommunications.

(92) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of any Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer

Reason

To ensure that utility authorities are advised of the development and their approval is obtained in connection with the in connection with the relocation and/or adjustment of services affected by the development.

(93) LETTERBOXES

- (a) Details of the location and design of all letterboxes are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a CC3A and CC3B Construction Certificate.
- (b) Letterboxes are to be discreetly located, must not obstruct and/or dominate the public way and must be of a type and specification that minimises opportunities for mail theft.
- (c) Where possible, consideration should be given to locating letterboxes within secure building lobbies.

Note: The applicant is strongly advised to contact Australia Post to discuss how the letterboxes within the lobby will be accessed.

Reason

To ensure letterboxes are located in an appropriate location on the site to prevent mail theft.

(94) FOOTPATH AWNING

Footpath Awnings which are proposed to be constructed above the public domain (including a public footway) must have separate approval(s) obtainable through the lodgement of an application under Section 68 of the Local Government Act 1993 and/or Section 138/139 of the Roads Act 1993 prior to any Construction Certificate for the each of the buildings.

Documentation must be submitted to the City's Construction and Building Certification Services Unit with the application demonstrating that the awning height complies with Development Control Plan 2012. Plans are to include dimensions confirming the awning width and setback from the kerb. Awning

gutters are to be concealed from the public domain and plans are to confirm downpipes are located within or recessed into the ground floor frontage of the building.

Reason

To ensure compliance with City regulations.

(95) DESIGN FOR ENVIRONMENTAL PERFORMANCE

WAITING ON ADVICE

(96) EMBODIED EMISSIONS REPORTING

Prior to the issue of Construction Certificate CC1(A) and CC1(B), as per the requirements of the Sustainable Buildings SEPP, embodied emissions reporting is to be updated to reflect finalised material specifications and increased design detail. If the NABERS Embodied Emissions Tool is active prior to submission of Construction Certificate documentation, then reporting is to be provided through the tool.

Reason

To ensure the environmental performance of the development achieves the relevant requirements.

BEFORE BUILDING WORK COMMENCES

(97) CONSTRUCTION LIAISON COMMITTEE – ASHMORE PRECINCT

- (a) Prior to the commencement of any work, a Construction Liaison Committee or an alternative approved in writing by Council's Director City Planning, Development and Transport, is to be established by the developer to ensure that demolition and construction related impacts (including construction noise and vibration, loading, issues associated with construction workers and vehicles, traffic issues and management of the construction site) can be dealt with expeditiously and cooperatively.
- (b) The Committee is to be comprised of interested parties representing potentially affected properties adjacent to and surrounding the site and any interested group. A nominated representative of the Council may be an observer from time to time.
- (c) The Committee shall meet prior to the commencement of works on the site and prior to the submission of the final Construction Management Plan to Council to address initial areas of concern, and then at monthly intervals or as considered appropriate by the Committee throughout the construction process.
- (d) Prior to the commencement of work, the Site Manager is to provide the members of the Committee and Council with 24 hour contact details (including location of site offices and a 24 hour phone number) to ensure that any matters which arise during the construction process are addressed immediately. The Site Manager shall be available during normal business

hours to provide information to the public about activities on site and to bring any complaints to the attention of the Applicant.

- (e) A register of all complaints shall be kept by the Applicant throughout the duration of the project and shall be made available to Council Officers on request.
- (f) The Committee meetings are to be recorded/minuted and such records/minutes are to be provided to Council within 14 days of the meeting.
- (g) The first Committee meeting should establish Terms of Reference, including purpose, size and membership, quorum, meeting frequency and duration, procedures for meetings, recording/distribution of comments and outcomes and the like.
- (h) The initial call for resident/worker nominations to be sent to the adjacent and adjoining property owners and tenants must be submitted to and approved by the Director City Planning, Development and Transport prior to sending.
- (i) The Site Manager is to inform each Committee meeting about the construction program, progress reports and impending work.

Reason

To ensure that a Construction Liaison Committee (or alternative) is established and operates to ensure that demolition and construction related impacts can be dealt with expeditiously and cooperatively.

(98) OTHER REQUIRED APPROVALS

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

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

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

Reason

To ensure use of a public place is managed appropriately.

(99) STREET TREE PROTECTION

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

- (a) Tree trunk and major branch protection must be undertaken prior to the commencement of any works (including demolition). The protection must be installed and certified by an arborist with a minimum AQF Level 5 qualification in arboriculture and must include:
 - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches and trucks at all times;
 - (ii) Tree trunk/s and/or major branches to a height of two metres must be protected by wrapped thick underlay carpet or similar padding material to limit damage, and
 - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals and must be fixed against the trunk with tie wire, or strapping. The thick underlay carpet or similar padding material and timber planks must not be fixed to the tree in any instance, or in any fashion
 - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works and must be removed at the completion of the project.
- (b) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
- (c) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree pits. Supporting columns must not be placed on any tree roots that are exposed.
- (d) Young street trees must be protected by installing three (3) wooden stakes around the edge of the tree pits or a minimum of 1 metre from the base of the trunk. Hessian must be wrapped around the stakes. If existing stakes or a metal tree guard are already in place, these suffice as tree protection.
- (e) Materials or goods, including site sheds, must not be stored or placed:
 - (i) around or under the tree canopy or
 - (ii) within two (2) metres of tree trunks or branches or any street trees

- (f) Any excavation within any area known to or suspected of having tree roots greater than 30mm diameter must be undertaken by hand;
- (g) Any trenching works for services, hydraulics, drainage etc. must not be undertaken within five metres of the trunk of any street tree. Alternate installation methods for services such as directional boring/drilling or redirection of services must be employed where roots greater than 30mm diameter are encountered during installation of any services;
- (h) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the Council's Tree Management Officer;
- (i) Any damage sustained to street tree/s as a result of any construction activities (including demolition), must be immediately reported to the Council's Tree Management Officer on 9265 9333. Any damage to street trees as a result of any construction activities may result in prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

Reason

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

DURING BUILDING WORK

(100) COMPLIANCE WITH ACID SULFATE SOILS MANAGEMENT PLANS

Buildings F&I - All recommendations contained in the Acid Sulphate Soils Management Plan prepared by JBS&G, reference 64092 / 156983 dated 7 February 2024 must be implemented, particularly management procedures outlined in Section 6 of the Report.

Buildings G&H - All recommendations contained in the Acid Sulphate Soils Management Plan prepared by JBS&G, reference 64092 / 156983 dated 31 October 2024 must be implemented, particularly management procedures outlined in Section 6 of the Report.

Reason

To ensure that Acid Sulphate Soils are appropriately managed.

(101) RUN-OFF, EROSION AND SEDIMENT CONTROL

Before the commencement of any works, all sediment and erosion controls must be implemented and maintained in accordance with the document titled Managing Urban Stormwater Soils & Construction Volume 1 (Landcom, 2004).

Sediment control structures must be maintained throughout remediation works to prevent runoff of any potentially contaminated water or soil to the surrounding environment.

Reason

To ensure that construction is appropriately managed to prevent pollution impacts

(102) NOTIFICATION – NEW CONTAMINATION EVIDENCE

Council's Area Planning Manager and the Principal Certifier must be notified of any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination.

Reason

To ensure that the site is appropriately remediated.

(103) IMPORTED FILL MATERIALS

All fill imported onto the site must be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

The City may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- (a) Imported fill must be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (2022) Sampling Design Guidelines.

Reason

To ensure that imported fill is not contaminated.

(104) CLASSIFICATION OF WASTE

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the *Environment Operations Act 1997* and the *NSW EPA Waste Classification Guidelines, Part1: Classifying Waste (November 2014)*. The classification of the material is essential to determine where the waste may be legally taken. The *Protection of the Environment Operations Act 1997* provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for a particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

Reason

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

(105) HAZARDOUS AND INDUSTRIAL WASTE

Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the NSW Work Cover Authority pursuant to the provisions of the following:

- (a) Protection of the Environment Operations Act 1997
- (b) Protection of the Environment Operations (Waste) Regulation 2005
- (c) Waste Avoidance and Resource Recovery Act 2001
- (d) Work Health and Safety Act 2011
- (e) Work Health and Safety Regulation 2017.

Reason

To ensure hazardous/ industrial waste is managed appropriately.

(106) STOCKPILES

- (a) No stockpiles of soil or other materials must be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Team.
- (b) All stockpiles of soil or other materials must be placed away from drainage lines, gutters or stormwater pits or inlets.
- (c) All stockpiles of soil or other materials likely to generate dust or odours must be covered.
- (d) All stockpiles of contaminated soil must be stored in a secure area and be covered if remaining more than 24 hours.

Reason

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

(107) DISCHARGE OF CONTAMINATED GROUNDWATER

Contaminated groundwater must not be discharged into the City's stormwater drainage system.

Options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

Reason

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

(108) LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS

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

Reason

To protect the amenity of the surrounding area.

(109) HOURS OF WORK AND NOISE – OUTSIDE CBD

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

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

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

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

Reason

To protect the amenity of the surrounding area.

(110) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

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

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

Reason

(Prescribed condition EP&A Regulation 2021, section 70)

(111) COMPLIANCE WITH CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

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

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

Reason

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

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

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

Reason

To protect the amenity of the surrounding area.

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

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

Reason

To ensure relevant approvals for public domain work are obtained.

(114) DRAINAGE AND SERVICE PIT LIDS

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

Reason

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

(115) PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION

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

all disciplines and submissions. The supplied documentation must be for Construction issue and will be approved under Section 138 of the Roads Act.

The Public Domain Manual and all other relevant documents are available for download from Council's website at

<https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

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

Reason

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

(116) HOLD POINTS

Prior to an approval being issued for the construction of public domain and / or planning agreement works, including civil, drainage and subsurface works, a set of hold points will be provided by the City's Public Domain Unit in accordance with the City's Public Domain Manual and Sydney Streets Technical Specification. The list of hold point inspections will be included in the Public Domain works approval letter.

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

Reason

To ensure hold points are adhered to during construction works.

(117) STORMWATER DRAINAGE CONNECTION

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

Reason

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

(118) PUBLIC DOMAIN LIGHTING RETICULATION

Prior to the issue of any relevant approval for the construction of public domain works, a detailed Public Domain Lighting Reticulation Plan for pedestrian and street lighting in the public domain must be submitted to and approved by the

City's Public Domain Unit in accordance with the City's *Sydney Lights Design Code*, *Sydney Streets Code*, *Sydney Streets Technical Specification* and *Public Domain Manual*.

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

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

Reason

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

(119) ACCESS DRIVEWAYS TO BE CONSTRUCTED

Temporary driveways are to be approved and constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

Reason

To allow adequate vehicular access to the site.

(120) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

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

Reason

To protect the amenity of the public domain.

(121) NO OBSTRUCTION OF PUBLIC WAY

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

Reason

To protect the amenity of the public domain.

(122) USE OF MOBILE CRANES

The following requirements apply:

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

Reason

To ensure mobile cranes are used appropriately.

(123) APPLICATION FOR HOARDINGS AND SCAFFOLDING INSTALLED ON OR ABOVE A PUBLIC ROAD AND OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD

- a) Where a hoarding and/or scaffolding (temporary structures) are proposed to be installed on or above a road reservation (footway and/or roadway), a separate application under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council for such structures.
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding*; and the conditions of approval (Permit) granted including:

- (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
- (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
- (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
- (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
- (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
- (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
- (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
- (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
- (ix) ensuring all required signage, artwork or historic images are provided and fully maintained to the City's requirements (Clauses 3.4, 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

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

Note: 'Building maintenance unit' means a power-operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (Work Health and Safety Regulation 2017).

Reason

To ensure the necessary approval is obtained for temporary structures over a public road.

(124) SURVEY

All footings, walls and floor slabs adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report, prepared by a Registered Surveyor, must be submitted to the Principal Certifier indicating the position of external walls in relation to the boundaries of the allotment. Any encroachments by the subject building over

adjoining boundaries or roads must be removed prior to continuation of building construction work.

Reason

To ensure the development does not encroach onto neighbouring properties.

(125) CHECK SURVEYS DURING CONSTRUCTION

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

Reason

To ensure the development does not encroach onto neighbouring properties.

(126) TREE PLANTING

- (a) All trees must be planted by a qualified Arborist or Horticulturist.
- (b) All newly planted trees must be maintained for a minimum period of 12 months after planting, including watering, mulching, weeding, formative pruning, pest and disease management, and replacement of any trees that fail to establish or become non-viable during the maintenance period.
- (c) A qualified Arborist (minimum AQF Level 5) must assess the updated plans prior to being submitted to the City of Sydney.

Reason

To ensure the proposed landscape works comply with Council's Urban Forest Policy, relevant planning controls, and development consent conditions and to achieve long-term tree health, canopy cover, and environmental sustainability outcomes.

(127) SITE SUPERVISING AND REPORTING

- (a) A qualified Arborist (minimum AQF Level 5) must oversee various stages of work within the Tree Protection Zone(s) (TPZs) of any tree listed for retention.
- (b) The Arborist must certify compliance with each key milestone detailed below:
 - (i) Installation of tree protection measures (i.e. tree protection fencing, trunk and branch protection, ground protection, tree protection signage) prior to the commencement of the development works;

- (ii) Demolition of ground surface materials (pavers, concrete, grass etc.) or inground structures within the TPZs of any tree to be retained;
 - (iii) Excavation and trenching within the TPZs;
 - (iv) Construction of footpaths, paving, vehicle crossings, retaining walls, and fencing within the TPZs;
 - (v) Landscape works within the TPZs;
 - (vi) Other times as specified in the Arboricultural Impact Assessment Report, Tree Protection Plan or these conditions.
- (c) A Tree Protection Compliance Report, which includes photographic evidence and provides details on the health and structure of tree(s), must be submitted within one week following each scheduled inspection and key milestone listed above. The report is to be submitted to, and acknowledged, by the Council's Area Planning Manager. The Tree Protection Compliance Report must include:
- (i) Confirmation that the tree protection measures have been installed in accordance with these conditions;
 - (ii) Details of any additional tree protection recommendations and subsequent implementation to ensure the tree(s) remain in a healthy condition;
 - (iii) Details of works undertaken on any tree to be retained or any works within the TPZs.
- (d) A final Tree Protection Compliance Certificate demonstrating that all Tree Protection Compliance Reports have been submitted at each scheduled inspection and key milestone listed above must be submitted and approved by the City of Sydney Area Planning Manager prior to the issue of any Occupational Certificate.

Reason

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

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

(128) OCCUPATION CERTIFICATE TO BE SUBMITTED

Occupation Certificates must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building, in accordance with the following Occupation Certificate staging:

- (a) Occupation Certificate OC1 – Building F
- (b) Occupation Certificate OC2 – Building I
- (c) Occupation Certificate OC3 – Building H

- (d) Occupation Certificate OC4 – Building G

An occupation certificate for Building G must not be issued until the final Occupation Certificate for all parts of Building H (Affordable Housing) has issued.

Reason

To ensure the development is authorised for occupation and to ensure timely delivery of the affordable housing component.

(129) LAND REMEDIATION – SITE AUDIT STATEMENT (STAGED)

- (a) Prior to the issue of each Occupation Certification a Section A Site Audit Statement must be obtained from a NSW Environmental Protection Authority Accredited Site Auditor. These statements must be submitted to Council's Area Planning Manager via hbapplications@cityofsydney.nsw.gov.au.
- (b) Each 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 any Occupation certificate for any stage 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.

(130) 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.

(131) REGISTRATION OF POSITIVE COVENANT

Prior to the issue of any Occupation Certificate for any stage, a positive covenant pursuant to Section 88B or 88E of the Conveyancing Act, 1919 with terms to the satisfaction of Council, must be registered on the title of the land and a copy of the title submitted to the Council's Area Planning Manager and the Principal Certifier.

This positive covenant must be registered on the title of the land binding the owners and future owners with the responsibility for the ongoing maintenance and rehabilitation works required in terms of the encapsulated/remaining contaminated materials, including the discharge or prevention of discharge from any contaminants or for any works subsequently required by the NSW Environment Protection Authority.

A copy of the revised certificate of land title recording the covenant must be submitted to Council's Area Planning Manager and the Principal Certifier prior to the issue of any Occupation Certificate for any stage.

Reason

To ensure that contamination is appropriately managed.

(132) EASEMENT FOR PUBLIC ACCESS – THROUGH SITE LINK

- (a) Prior to the issue of the first Occupation Certificate OC3 - building H, a documentary Easement for Public Access, limited in stratum if so desired, is to be created and registered on the Title of the development site. The Easement is to be defined over 380sqm of land for Pedestrian Link 3 (Nassau Lane) as identified in the VPA, extending from Hadfields Street to Kooka Walk between buildings H and Buildings G. The Easement is to be created appurtenant to Council in terms granting unrestricted rights for public pedestrian access, without vehicles, exclusive of wheelchairs for the disabled, to Council's satisfaction,
- (b) The terms within any Section 88B must ensure that easements prevail over any future building management statement.
- (c) The plan for the easement for public access must show surveyed offsets to structures located within a metre of the easement, in accordance with the requirements of NSW Land Registry Services.

- (d) Prior to the issue of the first Occupation Certificate OC3 – Building H, a documentary Positive Covenant is to be created and registered on the Title of the development site, appurtenant to Council. The Positive Covenant is to be created in terms indemnifying Council against any claims and damages arising from the use of the Easement for Public Access and is to require the maintenance of a \$20,000,000 public indemnity insurance policy and is to require the maintenance, upkeep, lighting and repair of the Easement for Public Access in accordance with Council's requirements and to the satisfaction of Council.

Reason

Compliance with the terms of the VPA

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

The following restriction applies to buildings approved for residential uses:

- (a) The accommodation portion of the buildings 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 restriction on the use of land is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from residential accommodation as defined in the Sydney Local Environmental Plan 2012. The restriction is to be registered on title prior to any Occupation Certificate for each building/stage being issued or the use commencing, whichever is earlier. The restriction must contain terms reasonably required by Council 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.

(134) RESTRICTION ON USE OF CAR SPACES – RESIDENTIAL

The following conditions apply to car parking:

- (a) The on-site car parking spaces and storage spaces, exclusive of service and visitor car spaces, are not to be used other than by an occupant, tenant or resident of the subject building.
- (b) Prior to any Occupation Certificate being issued for each building/stage or the use commencing, whichever is earlier, a documentary Restriction on

the Use of Land, is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a) above. The Restriction is to be created to the benefit of Council, at no cost to and to the satisfaction of Council.

- (c) Any future strata subdivision shall provide for a Restriction on the use of Land to be registered of all residential lots with car spaces, pursuant to Section 88B of the Conveyancing Act 1919, to the effect of (a) above. The covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
- (d) A restriction burdening common property in a future strata plan only, shall not satisfy this condition

Reason

To ensure the on-site car parking and storage spaces are not to be used other than by a resident of the building.

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

No part of the common property apart from the visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats. Future strata subdivisions of the residential component of the site are to include an appropriate documentary restriction on the use of land pursuant to Section 88B of the Conveyancing Act 1919, so burdening common property, with the Council being the authority to release, vary or modify the restriction. Visitor parking spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by building visitors.

Reason

To prevent obstruction of common property areas.

(136) ASHMORE TRUNK DRAIN COMPLETION

The stormwater culver works located in Kooka Walk (under D/2025/467 and preceding stages of the development) must be completed and operational before the issue of any Occupation Certificate.

Reason

Compliance with the terms of the Voluntary Planning Agreement.

(137) PUBLIC DOMAIN WORKS COMPLETION

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

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

Reason

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

(138) PUBLIC DOMAIN COMPLETION – WORK AS EXECUTED DOCUMENTATION

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

Reason

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

(139) STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT

Prior to the issue of any Occupation Certificate for each building/stage:

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

Reason

To protect underground drainage system.

(140) SURVEY INFRASTRUCTURE – PRE-SUBDIVISION CERTIFICATE WORKS

- (a) Pursuant to Section 38 of the Surveying and Spatial Information Act 2002, if it is likely that any new survey mark will be disturbed by associated works (for example, footpath or kerb and gutter construction), a surveyor may defer the placement of those marks.

- (b) Prior to the issue of any Subdivision Certificate, documentary evidence in accordance with Section B11 – *Survey Infrastructure of the Technical Specification* must be prepared by a Registered Surveyor and submitted to and approved by the City. This evidence must include:
 - (i) A copy of any Surveyor-General's Approval for Deferment of Survey Marks granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the draft deposited plan) or
 - (ii) A certificate of Practical Completion obtained from the City's Public Domain team, together with a letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all survey marks shown on their Deposited Plan remain at the date of practical completion.

Reason

To allow for deferment of survey marks.

(141) SURVEY INFRASTRUCTURE – RESTORATION

- (a) Prior to any Occupation Certificate for each building/stage being issued for the development, documentary evidence of restoration must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include:
 - (i) Certification that all requirements requested under the Surveyor-General's Approval for Survey Mark Removal or by the City's Principal Surveyor under condition "Survey Infrastructure – Identification and Recovery" have been complied with;
 - (ii) Certification that all requirements requested under any Surveyor-General's Approval for Deferment of Survey Marks from condition "Survey Infrastructure – Pre Subdivision Certificate works" have been complied with and;
 - (iii) Time-stamped photographic records of all new survey infrastructure relating to the site clearly showing the mark itself and sufficient context to aid in identifying the mark on site.

Reason

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

(142) FLOOD RISK MANAGEMENT

Prior to the issue of any Occupation Certificate for each building/stage, a certification report prepared by a suitably qualified practitioner engineer (NPER), for flood risk management measures including flood planning level/s demonstrating compliance with the approved construction plans must be submitted to and be approved by the Principal Certifier. A copy of the report must be provided to Council for record keeping purposes.

Reason

To ensure flood risk management measures are complied with.

(143) FLOOD PROTECTION FEATURES

Prior to the issue of any Occupation Certificate for each building/stage, the proposed Flood Protection System including all its features are to be tested by an independent floodplain management consultant, and a report confirming the full operation of the system is to be submitted to and approved by Principal Certifying Authority.

Reason

To ensure flood risk management measures are complied with.

(144) SYDNEY WATER CERTIFICATE

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

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

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

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

Reason

To ensure the requirements of Sydney Water are met.

(145) SURVEY CERTIFICATE AT COMPLETION

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

Reason

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

(146) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

Reason

To protect neighbouring properties.

(147) ENCROACHMENTS – PUBLIC WAY

No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area or land to be dedicated.

Reason

To protect the public way.

(148) CONSTRUCTED FLOOR LEVELS

A certification report prepared by a suitably qualified practitioner engineer (NPER) must be submitted to the Principal Certifier prior to issue of any Occupation Certificate for each building/stage stating that the development has been constructed and the required levels achieved in accordance with the recommendations of the report titled '*Flood Impact Assessment Report*' prepared by Egis dated September 2024.

Reason

To ensure the development achieves the required floor levels.

(149) BASIX COMPLETION

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

Reason

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

(150) VERIFICATION OF ACOUSTIC REPORT

Prior to the issue of any Occupation Certificate for each building/stage, the Certifier must ensure the following:

- (a) A suitably qualified acoustic consultant must be appointed in accordance with the definition noted in the City of Sydney – Environmental Noise Technical Requirements, dated October 2025.
- (b) The consultant must inspect and review the completed development and ensure that:

- (i) The final building work is assessed for compliance with the relevant acoustic Construction Certificate(s), the approved acoustic report(s), and all applicable noise-related conditions and documentation of this consent.
 - (ii) Any non-compliances identified under (i) above are documented in writing, with specific reference to the relevant acoustic criteria, and must include a scope of work necessary to rectify the issues and achieve compliance.
 - (iii) All requirements under this clause are completed to the written satisfaction of the Certifier.
- (c) Following completion of item (b), the consultant must notify the Certifier in writing of any identified non-compliances.

Reason

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

(151) UNDERGROUNDING OF OVERHEAD POWERLINE IN COULSON STREET

Prior to the issue of any Occupation Certificate, the existing overhead powerlines located along the northern side of Coulson Street between the intersections of Mitchell Road and Hadfield Street, including any integration works, are to be placed underground at the cost of the developer.

Note: AUSGRID approval is to be obtained prior to the works being undertaken.

Reason

In accordance with Condition 16 of the Concept Consent.

(152) WASTE AND RECYCLING COLLECTION CONTRACT - COMMERCIAL

Prior to the issue of Occupation Certificate OC1 (building F) or commencement of the use, whichever is earlier, the building owner/tenant is to enter into a contract with a licensed waste service provider for the removal of all waste and recycling stream(s). A copy of the commercial waste and recycling contract and invoices are to be made available upon request by an authorised Council officer at any time.

Reason

To ensure arrangements are in place to manage commercial waste without reliance on public place or residential waste bins.

(153) WASTE AND RECYCLING MANAGEMENT – RESIDENTIAL

- (a) Prior to the issue of any Occupation Certificate for each building/stage, Council's review and written approval of the as-built waste infrastructure, facilities, and vehicle access is required. The City Cleansing & Resource Recovery Unit of Council must be satisfied that:

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

Reason

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

(154) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

Prior to the issue of Occupation Certificate OC1 – Building F, the Certifier is to ensure all waste management, collection, loading and supporting infrastructure is provided in accordance with the stamped plans, approved Operational Waste Management Plan and specifications approved by the Construction Certificate, and the Conditions of Consent.

Reason

To ensure all on-site infrastructure has been provided to support scheduled collections responsive to the Council endorsed OWMP and requirements of the Guidelines for waste management in new developments 2018.

(155) STREET ADDRESSES OF LOTS

In accordance with Clause 60(c) of the Surveying and Spatial Information Regulation 2017, the street addresses for each lot must be shown on the Administration Sheet for the future subdivision. An application must be made to Council's Spatial Information Systems Team by email:

SpatialInformationSystemsTeam@cityofsydney.nsw.gov.au

The application must be made prior to the lodgement of the subdivision certificate or strata certificate applications, to obtain the correct street address for each lot or strata lot. The street addresses allocated by Council must be provided to the registered surveyor for inclusion in a schedule on the Administration Sheet. This schedule must be completed before the issue of a subdivision/strata certificate. The subdivision/strata certificate must not be issued if the schedule contains words to the effect "address not available" unless the lot is being dedicated as public road with that plan.

Reason

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

(156) WAY FINDING SIGNAGE PLAN

Separate way finding plans must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Occupation Certificate for:

- (a) Buildings F&I
- (b) Buildings G&H

The Plans must show all way finding signage to/from the residential and retail lobby entries, bicycle facilities, loading dock, service bay, residential and commercial waste storage areas, and any visitor parking provided. The plan must also show directions to footpaths and lifts where appropriate. This might include illuminated signage and line marking where appropriate.

Reason

To ensure way finding is appropriately implemented across the site

(157) LOADING DOCK MANAGEMENT PLAN

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

The plan is to be prepared and submitted to and approved by Council's Area Planning Manager prior to the issue of the first Occupation Certificate for:

- (a) Buildings F&I
- (b) Buildings G&H

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

Reason

To ensure that the loading dock is appropriately managed.

(158) TRANSPORT ACCESS PLANS

A separate Transport Access Guide (TAG) must be prepared for Block F&I and Block G&H. Information included in the TAG should include walking routes to public transport, cycleway connections, location of visitor bicycle parking, location of car share spaces.

A Transport Access Guide must be implemented and maintained by the operators of the premises and be made available to staff, clients, customers and visitors at all times. The following information shall be submitted to and approved by Council's Area Planning Manager prior to the issue of any Occupation Certificate for each building or use commencing.

(159) PHYSICAL MODELS

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

Note:

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

Reason

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

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

- (a) Prior to the issue of the first Occupation Certificate for the final building, an accurate 1:1 electronic CAD model of the completed development must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager for the electronic Visualisation City Model.
- (b) The data required to be submitted within the surveyed location must include and identify:
 - (i) building design above and below ground in accordance with the development consent;
 - (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
 - (iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

The data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

- (c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

Reason

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

OCCUPATION AND ONGOING USE

(161) MANAGING NOISE

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

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

Reason

To protect the amenity of the local area.

(162) ON-SITE LOADING AREAS AND OPERATION

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

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

Reason

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

(163) WASTE AND RECYCLING – SCHEDULED COLLECTIONS

- (a) Commercial waste collection arrangement(s) are to be conducted in accordance with the approved Operational Waste Management Plan, Council's Guidelines for Waste Management in New Developments, the City of Sydney's DCP, the developments Conditions of Consent and Local Approvals Policy for Managing Waste in Public Places.
- (b) In accordance with the approved waste management plan, waste and recycling stream(s) bins must not be placed on the street for collection. Waste collection will occur within the site at all times. Unimpeded access must be provided to the waste and recycling stream(s) storage area(s) at all times.
- (c) Unobstructed access is to be provided for waste collection vehicles to set down within 10m of the waste storage and collection area(s) during zone collection times on collection days.
- (d) The collection of waste and recycling stream(s) is to only occur during designated zone collection times outlined within the Local Approvals Policy for Managing Waste in Public Places to minimise impacts to residential amenity.

Reason

To minimise the impacts on amenity and safety caused by the presentation and collection of commercial waste.

(164) WASTE AND RECYCLING – ONGOING WASTE MANAGEMENT

- (a) The ongoing use of development/tenancy must be in accordance with the approved Operational Waste Management Plan, Council's Guidelines for Waste Management in New Developments, the City of Sydney's DCP, and the developments Conditions of Consent.
- (b) All general waste and recycling materials emanating from the premises must be stored in the designated waste storage area(s), must not be stored outside the premises (including the public domain) at any time.

- (c) All waste and recycling stream(s) storage area(s) are to only be used for the purposes of storing waste and recycling from the premises in accordance with the original consent and approved Operational Waste Management Plan and not be converted to a different use.
- (d) Scheduled collections and waste management arrangements of the development/tenancy is the responsibility of the business owner or property manager and are to be conducted in accordance with the stamped plans, approved Operational Waste Management Plan and this consent. These arrangements include:
 - (i) arranging an adequate number of bins and the servicing regime matched to the needs of the premises.
 - (ii) actively managing waste streams and supporting infrastructure to ensure bins are not overflowing, damaged or leaking and lids are fully closed at all times.
 - (iii) routine cleaning and maintenance of waste storage area(s) to inhibit the permeation of odour and prevent litter and pests.
 - (iv) the installation and maintenance of all education signage for the respective waste stream(s) as requested by the City of Sydney.
- (e) Contracts (or agreements) with cleaners, building managers and tenants must clearly outline the waste management and collection arrangements, identifying clear roles and responsibilities outlined within the approved Operational Waste Management Plan.

Reason

To promote good waste management arrangements and minimise the impacts on amenity and safety caused by the presentation and collection of commercial waste.

(165) ON SITE LOADING AREAS AND OPERATION

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

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

Reason

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

(166) LANDSCAPE MAINTENANCE

The Landscape Maintenance Plan approved by Council under the 'Landscaping of the Site' condition of this consent must be complied with during occupation of the site.

Reason

To ensure the maintenance methodology approved under the Landscape Maintenance Plan is complied with.

(167) USE OF COMMON AREAS AND FACILITIES

The communal open space and common areas and facilities must be available for the use of all residents of the buildings.

Reason

To ensure designated areas within the residential development are provided and maintained as common property for the amenity of the residents.

(168) MAIL ROOMS

All mail rooms must be secured with access restricted to Australia Post, building management and residents only.

Reason

To ensure mail rooms are secured.

SCHEDULE 2

PRESCRIBED CONDITIONS

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

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

SCHEDULE 3

TERMS OF APPROVAL

The Terms of Approval for Integrated Development as advised by Water NSW are as follows:

WATER NSW

The GTA issued by WaterNSW do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to WaterNSW for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

(169) DEWATERING

GT0115-00001 Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.

GT0119-00001 All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.

GT0120-00001 The design and construction of the building must prevent:

- (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation;
- (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and
- (c) any elevated water table from rising to within 1.0 m below the natural ground surface.

GT0122-00001 Construction Phase Monitoring programme and content:

- a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW):
 - i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of

- 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW.
 - ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater;
 - iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW;
 - iv. QA: Include details of quality assurance and control
 - v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories.
 - b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)
- GT0123-00001
- (a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW.
 - (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW):
 - 1) All results from the Approved Monitoring Programme; and
 - 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website.
 - c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website
www.waternsw.com.au/customer-service/waterlicensing/dewatering
- GT0150-00001
- The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual
- GT0151-00001
- Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

- GT0152-00001 This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
- GT0155-00001 The following construction phase monitoring requirements apply (Works Approval):
- a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW.
 - b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme).
 - c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report
- GT0174-00001 Construction phase monitoring bore requirements GTA:
- a) Monitoring bores are required to be installed and collecting data prior for at least 3 months prior to submitting a water supply work approval
 - b) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW.
 - c) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW and should be submitted prior to the application for a water supply work approval.
 - d) The monitoring bores should be used to develop a water table map for the site and its near environs.
 - e) The monitoring bores must be protected from construction damage.
- Advisory note: no approval under the Water Management Act 2000 is required for these monitoring bores provided that they extract less than 3ML/water year.
- GT0278-00001 A water access licence, for the relevant water source, must be obtained prior to extracting groundwater, unless an exemption applies. Advisory Note: See Schedule 4 of the Water Management (General) Regulation 2018.
- GT0279-00001 A construction certificate can be issued for excavation work in accordance with a valid development consent, however dewatering cannot take place without an Approval being granted by Water NSW for any water supply works required by the development. If the excavation work will or is likely to require dewatering, the applicant must apply and obtain, an approval under the Water Management Act 2000 prior to any dewatering taking place and notify WaterNSW of the programme for the dewatering activity including the commencement and proposed completion dates of the dewatering activity. Advisory Note: An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.

SCHEDULE 4

TERMS OF APPROVAL

The following conditions have been recommended by NSW State agencies:

AUSGRID

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

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

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

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

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

Reason

AUSGRID requirement.

(171) NEW DRIVEWAYS – PROXIMITY TO EXISTING POLES

Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.

Reason

AUSGRID requirement.

(172) NEW OR MODIFIED CONNECTION

To apply to connect or modify a connection for a residential or commercial premises.

Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the

Ausgrid website for further details; <https://www.ausgrid.com.au/Connections/Get-connected>.

Reason

AUSGRID requirement.

(173) AUSGRID KIOSK SUBSTATION IN THE VICINITY OF THE DEVELOPMENT

There is an existing kiosk style electricity substation that may be impacted by the proposed construction. Subsidence and vibration must be minimised at the substation site. The use of ground anchors under a substation is generally not permitted due to the presence of underground cabling and earthing conductors which may be more than 10m deep. A further area of exclusion may be required in some circumstances.

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.

Any portion of a building other than a BCA class 10a structure constructed from noncombustible materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120. Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a non-ignitable blast resisting barrier.

The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHz) (ICNIRP 2010).

For further details on fire segregation requirements refer to Ausgrid's Network Standard 141.

Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24-hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.

For further details refer to Ausgrid's Network Standard 143. Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries.

Reason

AUSGRID requirement.

SYDNEY AIRPORTS

TO BE INSERTED PRIOR TO DETERMINATION

SYDNEY WATER

Prior to issue of a construction certificate

(174) BUILDING PLAN APPROVAL (INCLUDING TREE PLANTING GUIDELINES)

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

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

Reason

Sydney Water requirement.

(175) TREE PLANTING

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

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

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

Reason

Sydney Water advice.

(176) TRADE WASTE REQUIREMENTS

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to

discharge Trade Wastewater into the Sydney Water sewerage system without permission.

The permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

Reason

Sydney Water requirements.

(177) BACKFLOW PREVENTION REQUIREMENTS

Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
2. Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website:

<https://www.sydneywater.com.au/plumbing-building-developing/plumbing/backflow-prevention.html>.

Reason

Sydney Water requirement.

(178) WATER EFFICIENCY RECOMMENDATIONS

Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.

Some water efficiency measures that can be easily implemented in your business are:

- Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
- Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <https://www.sydneywater.com.au/your-business/managing-your-water-use/water-efficiency-tips.html>
- Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- Develop a water efficiency plan for your business.

It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

Reason

Sydney Water advice.

(179) CONTINGENCY PLAN RECOMMENDATIONS

Under Sydney Water's [customer contract](#) Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.

Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.

Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.

Have you thought about a contingency plan for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.

For further information please visit the Sydney Water website at: <https://www.sydneywater.com.au/your-business/managing-trade-wastewater/commercial-trade-wastewater.html> or contact Business Customer Services on 1300 985 227 or businesscustomers@sydneywater.com.au.

Reason

Sydney Water advice.

Prior to the issue of an Occupation Certificate / Subdivision Certificate

(180) SECTION 73 COMPLIANCE CERTIFICATE

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

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

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

TRANSPORT FOR NSW

(181) CONSTRUCTION PEDESTRIAN AND TRANSPORT MANAGEMENT PLAN – TfNSW

A Construction Pedestrian and Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to TfNSW at development.ctmp.cjp@transport.nsw.gov.au for review and endorsement, prior to the issue of any Construction Certificate or any preparatory, demolition or excavation works, whichever is earlier.

Reason

Transport for NSW requirement.

(182) ROAD OCCUPANCY LICENCE

A Road Occupancy Licence (ROL) shall be obtained from Transport Management Centre for any works / construction zone that may affect the traffic control signals during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

Reason

Transport for NSW requirement.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf). <https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf> The consent should be read together with the *Conditions of development consent advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means the City of Sydney.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means the City of Sydney Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:
the collection of stormwater,
the reuse of stormwater,
the detention of stormwater,
the controlled release of stormwater, and
connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.