

Attachment B

Recommended Conditions of Consent

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

(1) CONCEPT DEVELOPMENT APPLICATION

- (a) Pursuant to Division 4.4 of the Environmental Planning and Assessment Act, 1979 and Clause 87 of the Environmental Planning and Assessment Regulation, 2021, this Notice of Determination relates to a concept development application, and Stage 1 detailed works.
- (b) The Concept DA is proposed to be staged as follows:
 - (i) Stage 1 - Detailed works to the Bay Street West Depot site to comprise of demolition, alterations and additions to fencing, provision of deep soil zones and temporary parking to accommodate the Stage 2 works.
 - (ii) Stage 2 - Redevelopment of the Bay Street east Depot site in accordance with the Concept Approval.
 - (iii) Stage 3 - Public Domain works.
- (c) No consent is granted for the detailed design of Stages 2 and 3. Detailed Development Applications are required for Stages 2 and 3 prior to the works being undertaken.
- (d) Subsequent detailed development applications must be consistent with this consent, including all approved management plans and strategies.

(2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2025/276 dated 4 April 2025 and the following drawings prepared by Candalepas Associates:

Drawing Number	Revision	Drawing Name	Date
DA-1001	C	Demolition – Site Plan	30/09/2025

Drawing Number	Revision	Drawing Name	Date
DA-1002	C	Building Envelope – Site Plan	30/09/2025
DA-1003	C	Bay Street West – Ground Floor Stage 1	30/09/2025
DA-1004	C	Bay Street West – Ground Floor Stage 2	30/09/2025
DA-1005	C	Building Envelope – Ground Floor	30/09/2025
DA-1006	C	Building Envelope – Level 1	30/09/2025
DA-1007	C	Building Envelope – Level 2	30/09/2025
DA-1008	C	Building Envelope – Level 3	30/09/2025
DA-1200	C	Elevations & Fence Detail	30/09/2025
DA-1300	C	Building Envelope – Elevation North + South	30/09/2025
DA-1301	C	Building Envelope – Elevation East + West	30/09/2025
DA-1310	C	Building Envelope – Section 1 + 2	30/09/2025
DA-1311	C	Building Envelope – Section 3	30/09/2025
DA-1700	C	Envelope Massing	30/09/2025
Civil Engineering Package – Northrop			
C30001	06	Siteworks and Stormwater Management Plan – Sheet 01	26/09/2025
Bay Street Depot Landscape Statement – Aspect Studios			
Landscape Concept Plan	D	LA-001	30/09/2025

and as amended by the conditions of this consent.

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

Reason

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

(3) BUILDING HEIGHT

- a) The height of the building must not exceed RL 19.74(AHD) to the top of the building.
- (b) Notwithstanding clause (a) above, the proposal may be eligible for up to 10% additional height pursuant to the provisions of Clause 6.21D(3)(a) of Sydney Local Environmental Plan 2012 if the consent authority is satisfied that the resulting detailed design development application exhibits design excellence and is the result of a competitive design process.

Reason

To ensure the constructed development complies with the approved height.

(4) DEDICATION OF SPLAY

The owner must dedicate for road purposes, free of cost to Council, a 3.2m by 3.2m splay at the intersection of Wattle Street and Macarthur Street, a 1.5m by 1.5m splay on the corner of Wattle Street and William Henry Street, on the understanding that the affected area can be used in the calculation of floor space for the building. The splay is to be detailed in a plan of subdivision/consolidation of the land. This plan must be registered at the Land and Property Information Office prior the issue of the final occupation certificate for the future Stage 2 development for the Bay Street East site

Reason

To ensure a splay is dedicated for road purposes.

(5) DEDICATION OF ROAD WIDENING

The owner must dedicate, for road purposes, free of cost to Council, a 1.5metre widening along the site frontage to William Henry Street, on the understanding that the affected area can be used in the calculation of floor space for the building. The widening is to be detailed in a plan of subdivision/consolidation of the land. This plan is to be registered at the Land and Property Information office prior the issue of the final occupation certificate for the future Stage 2 development for the Bay Street East site

Reason

To ensure road widening is dedicated for road purposes.

(6) LANDSCAPE DESIGN OF DEEP SOIL

- (a) Prior to the commencement of any demolition works a detailed landscape design showing the final proposed treatment of the deep soil zone at the northwestern corner of the site, must be submitted to and approved by Council's Executive Director City Planning Development & Transport. The Plan must:
- i. Replace the interim parking area with a landscaped deep soil area
 - ii. Maintain the integrity of the area as a deep soil zone
 - iii. Increase canopy cover within the site to meet the minimum 15% canopy cover as required within the DCP
 - iv. Maximise biodiversity across the site
 - v. Assist in the treatment of stormwater runoff

(7) TEMPORARY CAR PARK

The deep soil zone approved by Condition 6 above must be established prior to the issue of the final occupation certificate for the future Stage 2 development for the Bay Street East site.

Reason:

To ensure the implementation of compliant deep soil.

(8) FLOOD EMERGENCY RESPONSE PLAN

- (a) The preliminary Flood Emergency Response Plan titled "Flood Emergency response Plan Bay Street Depot", prepared by Northrop, Ref: SY223190, Rev: 1, Status: Draft, Revision 1 Dated: 2 October 2025" is to be implemented and operated at all times for the Stage 1 works.
- (b) An updated Flood Emergency Response Plan is to be prepared by a suitably qualified flood engineer for submission with the future development applications (DA). The Flood Emergency Response Plan must include all measures required to be implemented to ensure the ongoing management of flooding risk in relation to the building, including (but not limited to) the following:
- (i) Describe the flood conditions in the vicinity of the site.
 - (ii) If appropriate, direct persons on the site to seek refuge above the Probable Maximum Flood level for all levels of the building that are flood affected. Shelters in place for flood affected parts of the building is not permissible.
 - (iii) Include a map directing residents and visitors to a refuge via a flood free pathway within the building.

- (iv) Describe the audible and visual alarm system for the basement area (if applicable), including the linkage of this system to the building management system, details of failsafe operations and alternate power arrangements.
 - (v) Provide details (as an appendix) of all proposed flood sensors, their purpose, operation and maintenance (including the frequency of maintenance).
 - (vi) Provide details of lift design and operation in the event of a flood and specify how the lift will be deactivated in the event of a flood.
 - (vii) Provide details of access to flood free areas for disabled persons.
 - (viii) If applicable, provide details of all flood protection design features of the building and describe their operation, maintenance, repair and replacement arrangements. Repairs are to be completed to these flood protection features to ensure that they always remain operational and effective.
- (c) The building owner 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.

Reason

To ensure flood risk management measures are complied with.

(9) FLOOD ASSESSMENT, FLOOD PLANNING & STORMWATER MANAGEMENT

The flood and stormwater assessment report submitted with the DA, prepared by Northrop (Ref: SY223190, Rev: B, dated 19 March 2025), is not approved. Prior to the commencement of any demolition works, a revised flood and stormwater assessment report must be submitted to the City for review and approval. The revised report must address the following:

(a) Flood Mitigation Measures

Incorporate the modified version of FM-BB07, as adopted by the Floodplain Risk Management Advisory Panel, from the Blackwattle Bay flood risk mitigation strategy. This includes upgraded trunk drainage infrastructure to improve flood conditions near and upstream of the depot site.

(b) Local Drainage Management Plan

Update the local drainage management plan to include:

- (i) Assessment of any expected rise in groundwater levels due to the proposed development.
- (ii) Measures to ensure pedestrian safety during flood events.

- (iii) Integration of drainage management responses with open space areas.

(c) **DRAINS Modelling**

Provide a revised DRAINS model that complies with the Sydney Streets Technical Specifications, including correct tailwater condition assumptions.

(d) **Finished Floor Levels, Flood Planning Levels and Flood Depths**

Include a plan showing the finished floor levels (FFLs) of all proposed building entrances and the corresponding 1% AEP flood levels and depths.

(e) **Compliance Table**

Provide a compliance table that includes:

- (i) Relevant development types.
- (ii) Reference to the City's Interim Floodplain Management Policy.
- (iii) Proposed FFLs.
- (iv) Confirmation of compliance with the Policy.

(10) SERVICE VEHICLE SIZE LIMIT

The size of vehicles servicing the property are to provide for a maximum length of 12.5m.

Reason

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

(11) 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.

(12) 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.

(13) 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.

(14) ARCHAEOLOGICAL INVESTIGATION

- (a) The applicant must apply to the Heritage NSW of the Department of Climate Change, Energy, the Environment and Water for an excavation permit under Section 140 of the *Heritage Act 1977*.
- (b) Should any potential archaeological deposit likely to contain Aboriginal objects be identified by any person during the planning or historical assessment stage, application must be made by a suitably qualified archaeologist to the NSW Government Office of Environment and Heritage for an excavation permit for Aboriginal objects.
- (c) The applicant must comply with the conditions and requirements of any excavation permit required and are to ensure that allowance is made for compliance with these conditions and requirements into the development program.
- (d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
- (e) Should any relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the *Heritage Act 1977*.
- (f) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*;
- (g) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council's Urban Design and Heritage Manager prior to lodgement of any Detailed Design Development Application for the site.

Reason

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

(15) 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.

(16) 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.

Reason

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

(17) 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.

(18) CONSOLIDATION PLAN Prior to the commencement of any demolition works the following is to be undertaken:

- (a) A survey 'Plan of Consolidation of Lot 1 & 2 in DP87619 and Lot 1 in DP89317' defining the boundaries of the subject site is to be carried out by a Surveyor registered under the Surveying and Spatial Information Act 2002 and registered at NSW Land Registry Services.
- (b) Prior to the commencement of any demolition works, the Consolidation Plan must be registered with the office of NSW Land Registry Services. A copy of the new title must be provided to the Principal Certifier prior to the commencement of any demolition works.

Reason

To ensure the orderly development of land. The proposal includes the demolition of buildings shown in registered deposited plans on public record. It is necessary to have these buildings measured and examined at NSW Land Registry Services and placed on public record.

(19) STREET ADDRESSES OF LOTS

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

SpatialInformationSystemsTeam@cityofsydney.nsw.gov.au prior to the lodgement of the subdivision application, to obtain the correct street address for each lot. The street addresses allocated by Council must be provided to the registered surveyor for inclusion in a schedule on the Administration Sheet.

Reason

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

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

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

Reason

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

(21) PUBLIC ART

A Preliminary Public Art Plan must be submitted with the Detailed Development Application.

Note: Public Art must be reviewed and endorsed by the City's Public Art Team and/or the Public Art Advisory Panel prior to submission for Council approval. Further information is available online at <https://www.cityofsydney.nsw.gov.au/public-art> please contact the Public Art Team at publicartreferrals@cityofsydney.nsw.gov.au for further information.

Reason

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

(22) AUSGRID UNDERGROUND CABLES ARE IN THE VICINITY OF THE DEVELOPMENT

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

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

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

SafeWork Australia – Excavation Code of Practice.

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

The following points should also be taken into consideration.

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

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

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

Reason

To ensure protection of Ausgrid assets.

(23) 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

To ensure protection of Ausgrid assets.

(24) NEW OR MODIFIED CONNECTION

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

Additional information can be found in the Ausgrid Quick Reference Guide for Safety clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website:
www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

Reason

To ensure protection of Ausgrid assets.

(25) TREES THAT MUST BE RETAINED

- (a) The tree(s) detailed in Table 2 below must be retained and protected in accordance with the conditions throughout development works.
- (b) Approval is NOT granted for the removal of the tree(s) detailed in the table below, which Council has determined to be prominent landscape elements

Table 2 – Tree Retention:

Tree No	Species:	Location
ART01	<i>Platanus x acerifolia</i> (London Plane)	Within Site - Northern boundary
ART02	<i>Callistemon Viminalis</i> cv. (Weeping Bottlebrush)	Within Site - Northern boundary
ART03	<i>Platanus x acerifolia</i> (London Plane)	Within Site - Northern boundary
15798	<i>Jacaranda mimosifolia</i> (Jacaranda)	Street Tree - Macarthur St
22852	<i>Fraxinus griffithii</i> (Griffith's Ash)	Street Tree - Bay St
22853	<i>Fraxinus griffithii</i> (Griffith's Ash)	Street Tree - Bay St
22854	<i>Fraxinus griffithii</i> (Griffith's Ash)	Street Tree - Bay St
22855	<i>Fraxinus pennsylvanica</i> cv. (Green Ash)	Street Tree - Bay St
24926	<i>Tristaniopsis laurina</i> (Water Gum)	Street Tree - Macarthur St
24927	<i>Tristaniopsis laurina</i> (Water Gum)	Street Tree - Macarthur St

24936	<i>Jacaranda mimosifolia</i> (Jacaranda)	Street Tree - Macarthur St
24937	<i>Jacaranda mimosifolia</i> (Jacaranda)	Street Tree - Macarthur St
24938	<i>Jacaranda mimosifolia</i> (Jacaranda)	Street Tree - Macarthur St
24939	<i>Jacaranda mimosifolia</i> (Jacaranda)	Street Tree - Macarthur St
24940	<i>Jacaranda mimosifolia</i> (Jacaranda)	Street Tree - Macarthur St
24941	<i>Jacaranda mimosifolia</i> (Jacaranda)	Street Tree - Macarthur St
24947	<i>Tristaniopsis laurina</i> (Water Gum)	Street Tree - Macarthur St
25981	<i>Lophostemon confertus</i> (Brush Box)	Street Tree - Wattle St
25982	<i>Lophostemon confertus</i> (Brush Box)	Street Tree - Wattle St
25983	<i>Lophostemon confertus</i> (Brush Box)	Street Tree - Wattle St
25984	<i>Lophostemon confertus</i> (Brush Box)	Street Tree - Wattle St
25998	<i>Tristaniopsis laurina</i> (Water Gum)	Street Tree - Wattle St
25999	<i>Tristaniopsis laurina</i> (Water Gum)	Street Tree - Wattle St
26000	<i>Tristaniopsis laurina</i> (Water Gum)	Street Tree - Wattle St
26001	<i>Tristaniopsis laurina</i> (Water Gum)	Street Tree - Wattle St
26110	<i>Lophostemon confertus</i> (Brush Box)	Street Tree - William Henry St
26111	<i>Waterhousea floribunda</i> (Weeping Lilly Pilly)	Street Tree - William Henry St
27007	<i>Fraxinus pennsylvanica</i> cv. (Green Ash)	Street Tree - Bay St
27008	<i>Podocarpus elatus</i> (Plum Pine)	Street Tree - Bay St
27009	<i>Jacaranda mimosifolia</i> (Jacaranda)	Street Tree - Bay St

27010	<i>Podocarpus elatus</i> (Plum Pine)	Street Tree - Bay St
30766	<i>Tristanopsis laurina</i> (Water Gum)	Street Tree - Wattle St
42720	<i>Waterhousea floribunda</i> (Weeping Lilly Pilly)	Street Tree - William Henry St
44482	<i>Callistemon Viminalis</i> cv. (Weeping Bottlebrush)	Street Tree - Macarthur St
44483	<i>Tristanopsis laurina</i> (Water Gum)	Street Tree - Macarthur St
44484	<i>Fraxinus griffithii</i> (Griffith's Ash)	Street Tree - Macarthur St
44485	<i>Tristanopsis laurina</i> (Water Gum)	Street Tree - Macarthur St
44486	<i>Callistemon viminalis</i> cv. (Weeping Bottlebrush)	Street Tree - Macarthur St
44487	<i>Fraxinus griffithii</i> (Griffith's Ash)	Street Tree - Macarthur St
44488	<i>Fraxinus griffithii</i> (Griffith's Ash)	Street Tree - Macarthur St
44537	<i>Jacaranda mimosifolia</i> (Jacaranda)	Street Tree - Bay St

Reason

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

(26) COMPETITIVE DESIGN PROCESS

A competitive design process in accordance with the provisions of the Sydney Local Environmental Plan 2012 shall be conducted:

- (a) In accordance with 'Design Excellence Strategy for 10-16 Bay Street, Ultimo dated November 2025, prepared by Chief Operation Office City of Sydney on behalf of the City of Sydney and
- (b) Prior to the lodgement of a detailed (Stage 2) development application for the site.

The detailed design of the building/s must exhibit design excellence, in accordance with Clause 6.21C of Sydney Local Environmental Plan 2012.

(27) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO COMPETITIVE DESIGN PROCESS

- (a) Prior to the commencement of any competitive design process for the site, an accurate 1:1 electronic CAD model of the envelope approved by this consent must be submitted to and approved by Council's City Model Unit.

- (b) The data required to be submitted within the surveyed location must include and identify:
 - (i) envelope design above in accordance with the development consent;
 - (ii) 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.
- (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.
- (d) 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>
- (e) 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.

(28) APPROVED ACOUSTIC REPORT

The Acoustic Report by ADP dated 17th March 2025, ref Project No: SYD2414, Council Ref: 2025/201233 is approved.

Where there is a conflict between the approved acoustic report and this development consent, this consent prevails.

Reason

To specify an acoustic report for reference in other noise control conditions.

DEMOLITION WORK

BEFORE DEMOLITION WORK COMMENCES

(29) HAZARDOUS MATERIALS SURVEY REQUIRED

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

Reason

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

(30) Underground petroleum storage system - decommissioning report - recommended by Rob Staker

- (a) The underground petroleum storage system must be investigated for contamination in accordance with NSW EPA guidelines and a site investigation report obtained from a suitably qualified environmental consultant.
- (b) The report must be submitted to Council within 60 days of completion confirming that no site remediation is necessary, or completion of any necessary remediation works. The report must confirm that the site is suitable for continued approved land use or prior approved remediation criteria.

Reason

To ensure the decommissioning and/or removal of underground petroleum storage tanks is investigated and a report is submitted to Council within 60 days of remediation works being carried out to ensure that any contamination on the site is appropriately managed.

(31) Contamination/remediation/decommissioning of underground petroleum storage tanks - recommended by Rob Staker

- (a) The removal of any underground petroleum storage tanks must be carried out in accordance with SafeWork NSW, NSW EPA requirements and all relevant EPA guidelines and Australian Standards.
- (b) Before the Construction Certificate or Occupation certificate, installation of a new underground petroleum storage system (UPSS), the UPSS and any associated contamination must be remediated in accordance with the approved Remediation Action Plan, prepared by insert name dated insert date reference insert reference, and in compliance with AS 4976–2008.

- (c) Remediation must be supervised by a suitably qualified professional in accordance with the Protection of the Environment Operations (Underground Storage Systems) Regulation 2019.
- (d) Validation of the UPSS removal and remediation or decommissioning must be documented in a final validation report.
- (e) The validation report must be:
- (f) Submitted to Council no later than 60 days after the UPSS has been removed or decommissioned;
- (g) Retained for a minimum of seven years from the date of creation or tank decommissioning;
- (h) Prepared in accordance with relevant NSW EPA guidelines and the Protection of the Environment Operations (Underground Storage Systems) Regulation 2019.

Reason

To ensure the removal of underground petroleum storage tanks is appropriately managed.

(32) Detailed Site Investigation Recommendations

All works must be carried out in accordance with the recommendations set out within the Detailed Site Investigation reports:

Prepared by Douglas Partners dated 14 March 2025 reference 2025/567164
 Prepared by Douglas Partners dated 5 September 2025 reference 2025/567165

Reason

To ensure that contamination is appropriately managed.

(33) REMEDIATION ACTION PLAN

Prior to commencement of any demolition works, a Remediation Action Plan must be prepared for the site by a suitably qualified environmental consultant and submitted to the Certifier and Council.

Reason

To ensure that contamination is appropriately managed.

(34) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of the commencement of any demolition works 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 any demolition works 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 relocation and/or adjustment of services affected by the development.

(35) PUBLIC DOMAIN LEVELS AND GRADIENTS - MAJOR

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

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

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

Reason

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

(36) STORMWATER DRAINAGE DESIGN

Prior to the commencement of any demolition works a detailed stormwater management plan prepared by suitable qualified and experienced professionals must be submitted to and approved by the City's Public Domain Unit and must include:

- (i) Council's Sydney Streets Technical Specifications, Part A4 Drainage Design;
- (ii) Council's Sydney Streets Technical Specifications, Standard Drawings;
- (iii) Council's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction;
- (iv) Council's Stormwater Drainage Manual; and

- (v) 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

(37) STORMWATER QUALITY ASSESSMENT

The development must comply with MUSIC Link Report dated 26/09/2025 approved with this development application.

Prior to the commencement of any demolition works, 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.

(38) 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 the commencement of any demolition works. The Plan must be prepared by a suitably qualified acoustic consultant who is a person who possesses the qualifications to join the Australian Acoustic Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustic Consultants (grade of member firm). The plan must include but not be limited to the following:-

- (a) Identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours /Noise Code of Practice 1992* for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement ($L_{A90, 15 \text{ minute}}$) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.

- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.(h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

Reason

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

(39) 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 the commencement of any demolition works.

Reason

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

(40) ALLOCATION OF PARKING

The number of temporary car parking spaces to be provided for the Stage 1 detailed works must comply with the table below. Details confirming the parking numbers must be submitted to the satisfaction of the Registered Certifier.

Car Parking Type	Number
Small Rigid Vehicle (Interim Vehicle Parking Spaces)	4
Medium rigid vehicle loading dock(s) (Interim vehicle parking spaces)	22
Total	26

NOTE: The temporary parking must be deleted and converted to deep soil areas in accordance with Condition 7 above.

Reason

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

(41) Bicycle parking and end of trip facilities

The layout, design and security of bicycle facilities for the Stage 2 DA must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities and Council DCP. The details must be submitted to the Council as part of the Detailed Development Application package.

Reason

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

(42) HERITAGE INTERPRETATION PLAN

- (a) An interpretation plan must be submitted to and approved by Council's Area Planning Manager prior to the commencement of any demolition works. The plan is to be prepared by a suitably qualified and experienced heritage practitioner or historian.
- (b) The interpretation plan must detail how information on the history and significance of the site, particularly in relation to the buildings being demolished will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used.
- (c) The plan must specify the location, type, making materials and contents of the interpretation device being proposed.

Reason

To ensure that the heritage of the site is appropriately interpreted and incorporated into the development.

(43) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)

Prior to the commencement of any demolition works, an archival photographic recording of the whole site at 10-16 Bay Street and its identified heritage items is to be prepared to Council's satisfaction. The recording is to be in digital form and prepared in accordance with the NSW Heritage Division guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives.

The form of the recording is to be as follows:

- (a) The Development Application number must be noted on the submitted information.
- (b) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- (c) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.
- (d) The report is to be submitted via digital file transfer in PDF/A format, (created directly from the digital original), with the digital catalogue of images containing the following data for each location, image subject/description and date.
- (e) The electronic images are to be saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process and avoid duplicate images.

Reason

To ensure appropriate archival documentation of the site in its entirety and buildings.

(44) SALVAGE, REUSE AND RECYCLING OF TRADITIONAL BUILDING MATERIALS – MAJOR DEVELOPMENT

Stone, bricks, roof tiles joinery and decorative architectural elements to be demolished, which include stairs, windows and doors, chimney pieces and ceiling roses must be salvaged and where possible reused on the project.

Salvaged building materials surplus to the project must either be stored on site for future reuse or transferred to an established second building material dealer for recycling.

Reason

To ensure the salvaging and reuse of traditional building materials.

(45) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

Reason

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

(46) LAND REMEDIATION

- (a) The site is to be remediated and validated in accordance with the recommendations set out within the Remediation Action Plan, required by Condition 33.
- (b) Any changes to the approved Remediation Action Plan must be approved in writing by Council before work begins.

Reason

To ensure that the site is appropriately remediated.

(47) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on the William Henry Drive, Bay and Wattle Street frontages of the site are to be retained and properly protected during demolition and excavation works.
- (b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled.
- (c) Note the following:
 - (i) All costs associated with the works are to be borne by the developer.
 - (ii) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
 - (iii) Where new vehicle crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
 - (iv) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers.
 - (v) Council approval is required before kerbs are removed.

- (vi) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.
- (vii) Stone kerbs and gutters may be bonded in accordance with the City of Sydney's adopted Schedule of Fees and Charges. If so, this will be included with the Public Domain Damage Bond.

Reason

To ensure the protection of stone kerbs.

(48) 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 commencement of any demolition works, documentary evidence must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager. This evidence must include either:

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

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

Reason

To ensure the preservation of existing survey infrastructure.

(49) 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 commencement of any demolition works.

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.

(50) PUBLIC DOMAIN LIGHTING UPGRADE

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

The lighting upgrade plan must cover all adjacent street frontages, being Wattle Street, William Henry Street, Bay Street and Macarthur Street and shall be designed to include the following requirements

- Supply and install City of Sydney standard smart poles fitted with new LED luminaires as listed below
- Wattle Street: Lighting shall comply with requirement of AS 1158.1.1 Category V3 on the roadway and AS 1158.3.1 Category PP2 over the footways
- William Henry St: Lighting shall comply with requirement of AS 1158.1.1 Category V3 on the roadway and AS 1158.3.1 Category PP2 over the footways.
- Bay Street: Lighting shall comply with requirement of AS 1158.1.1 Category V5 on the roadway and AS 1158.3.1 Category PP2 over the footways
- Macarthur Street: Lighting shall comply with requirement of AS 1158.3.1 Category PR1 on the roadway and PP2 on the footways
- Pedestrian Crossing on Macarthur Street: Lighting shall comply with requirement of AS 1158.4 Category PX1
- Obtrusive lighting assessment shall comply with requirement of AS 4282
- Disconnect & remove redundant Ausgrid poles via ASP3 design certification process

Notes:

- Lighting designs must be certified by a suitably qualified practising lighting engineer and must consist of two parts: illumination design and electrical supply reticulation design. City of Sydney (CoS) shall review electrical reticulation design once receiving final illumination designs.
- Lighting design submission requirements are specified in "Sydney Streets Technical Specifications - A5: Street Lighting Design". Notes:

- o Plans should show calculation points as per Australian Standards.
 - o Plans plot scale should not be smaller than 1:250 @ A1
 - o Provide a Calculation Summary table showing all relevant light technical parameters and compliance, including Maximum lux levels
 - o Highlight all areas of non-compliance
- All works shall comply with the requirements of all applicable standards and guidelines, including (but not limited to) AS1158, AS4282, and the City of Sydney's A5, B8 and Ausgrid NS119 documents.
 - If applicable, developers must submit site-specific structural footing designs certified by a practising structural engineer for council review before footing construction.
 - If applicable, provide temporary lighting complying with CoS public domain lighting specifications prior to removal of existing public lights.
 - If applicable, undertake ASP works required to modify and remove redundant Ausgrid assets and carry out all electrical/civil works to ensure continuity of supply to the remainder of Ausgrid assets on the affected circuits.
 - Any non-standard installation due to site constraint must be reviewed and approved by the CoS' Infrastructure Planning.
 - All relevant engineering design plans (including electrical and lighting), design certificates, As-Builts plans, WAE plans, and construction certificates must be submitted for CoS review.
 - For As-built plans, handover documents, testing and commissioning requirements to be referred to the City's technical specification A5.
 - All new CoS lights must be connected to CoS' nearest metered supply point (subject to suitability assessment by Developer's electrical contractor). Otherwise, if required, supply and install a new CoS 3 phase MSB.
 - All new CoS lights will have Schreder NEMA 7P smart controller, including mesh node and DataLift node. The smart controller will be supplied by Schreder and installed by electrical contractor.
 - Asset ID process: Contractor to create Geodatabase details for each asset IDs using the template file supplied by CoS' GIS team. File will be issued to GIS team to review and uploaded after being verified.
 - Wall mount lights: Installation must be accessible for maintenance and upgrade by CoS-authorized technicians/contractors along the entire length. All cabling shall be installed on the building surface within galvanised steel conduits, or a similar approved method. Establish an access easement in favour of CoS for ongoing maintenance and upgrade of wall-mounted council lighting, if applicable.
 - If applicable, under-awning lighting must comply with the requirements of CoS Awnings Policy and:

- o Under-awning lighting shall be fitted with LED technology (or alternative technology demonstrating improved lighting power density, measured in watts per square metre). Batten-type fluorescent lighting is not permitted.
 - o Obtrusive lighting assessment shall comply with requirement of AS 4282.
 - o The intensity, colour, intermittency, and hours of operation shall be adjustable upon request by the City of Sydney.
 - o Luminaires shall be designed and installed such that no direct upward light is emitted, and light is not directed toward nearby residential properties.
- Proposals for Building exterior lighting, signage lighting, terrace lighting and lighting of landscape features are to be assessed under a separate DA.

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.

(51) DILAPIDATION REPORT - PUBLIC DOMAIN

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

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

Reason

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

(52) 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.

(53) 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.

(54) ROAD OCCUPANCY LICENCE

A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on the classified road network during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

(55) DISPOSAL OF SURPLUS SALVAGED MATERIALS

Salvaged traditional building materials surplus to the requirements of this project including stone, bricks, structural timber, and joinery are to be sold to an established dealer in second-hand heritage building materials. Documentation of the salvage methodology must be submitted for the approval of Council prior to the commencement of demolition.

Reason

To ensure the salvaging and reuse of traditional building materials.

(56) 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.

(57) TREE PROTECTION ZONE (FOR PRIVATE/PROPERTY TREES)

- (a) Tree protection zones (s) (TPZs) as detailed in the table below must be established in accordance with the Australian Standard 4970 'Protection of Trees on Development Sites' before the commencement of, and until completion of, the development works.

Table 3 - TPZ Schedule

Tree No.	Species Name	Location	Radius (m) From Trunk
ART01	<i>Platanus x acerifolia</i> (London Plane)	Within Site - Northern boundary	7.6
ART02	<i>Callistemon Viminalis</i> cv. (Weeping Bottlebrush)	Within Site - Northern boundary	2.0
ART03	<i>Platanus x acerifolia</i> (London Plane)	Within Site - Northern boundary	15.00

- (b) The following works must be excluded from within any TPZs:
- (i) Soil cultivation, disturbance or compaction.
 - (ii) Stockpiling, storage or mixing of materials, washing and repairing of tools.
 - (iii) The parking (except existing on street parking) of vehicles, equipment and machinery.
 - (iv) The disposal of liquids and refuelling.
 - (v) The disposal of building materials.
 - (vi) Any action leading to an impact on tree health or structure.
- (c) Tree protection fencing (1.8m steel mesh fencing, secured and fastened to prevent movement) must be installed at the perimeter of the TPZs or as per the approved Tree Protection Plan prior to the commencement of the development works. Roots must not be damaged during the establishment or maintenance of the fencing.
- (d) Where tree protection fencing (or sections of) cannot be installed due to site constraints, written approval must be obtained from a qualified Arborist (minimum AQF Level 5) and trunk and ground protection installed as per AS4970. Compliance with this condition must be addressed in the Tree Protection Compliance Certificate prepared by the Arborist.

- (e) Tree protection fencing must not be moved or relocated unless written approval is obtained from a qualified Arborist (minimum AQF Level 5) and alternate protection measures are installed to ensure the trees the viability of the tree(s) is not impacted. Compliance with this condition must be addressed in the Tree Protection Compliance Certificate prepared by the Arborist.
- (f) Where site sheds cannot be installed outside of the TPZs due to site constraints, written approval must be obtained from a qualified Arborist (minimum AQF Level 5) and appropriate tree protection measures installed as per AS4970. Compliance with this condition must be addressed in the Tree Protection Compliance Certificate prepared by the Arborist.
- (g) Signage identifying the TPZs must be attached to the tree protection fencing. Signage must be placed in a visible position in remain in place throughout the development works.
- (h) Ground protection in accordance with AS4970 must be installed if construction access is required within the TPZs. Existing pavements and hard stand areas can be used as ground protection.
- (i) All approved work undertaken within the TPZs must be supervised by a qualified Arborist (minimum AQF Level 5).

Note: The work within the TPZ and installation of tree protection measures is only applicable within the subject development site and the public domain

Reason

To ensure the protection and ongoing health of trees for the duration of the development.

(58) STREET TREE PRUNING AND REMOVAL

- (a) The consent from the Executive Director City Planning Development & Transport, following advice from Council's Tree Management Officer, must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 40mm diameter. Only minor pruning works will be approved by Council.
- (b) Any pruning that has been approved by Council, must be carried out by an arborist with a minimum AQF Level 3 qualification in arboriculture and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.
- (c) The removal of any street tree approved by Council must include complete stump removal and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. These works must be completed immediately following the trees removal.

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) TREE TRUNK PROTECTION (FOR PRIVATE/PROPERTY TREES)

- (a) The tree(s) detailed in the table below must have trunk and major branch protection installed prior to the commencement of any demolition works.

Table 4 – Trunk Protection

Tree Number	Species	Location
ART01	<i>Platanus x acerifolia</i> (London Plane)	Within Site - Northern boundary
ART02	<i>Callistemon Viminalis</i> cv. (Weeping Bottlebrush)	Within Site - Northern boundary
ART03	<i>Platanus x acerifolia</i> (London Plane)	Within Site - Northern boundary

- (b) Tree trunk(s) and/or major branches to a height of 2 metres must be protected by wrapped thick underlay carpet or similar padding material to limit damage;
- (c) Timber planks (50mm x 100mm) must be placed around tree trunk(s), spaced at 100mm intervals, and be fixed against the trunk with tie wire, or strapping. The thick carpet underlay or padding material and timber planks must not be fixed to the tree in any instance, or in any fashion;
- (d) Tree trunk and major branch protection must remain in place for the duration of the development works and be removed at the completion of the development works;
- (e) Certification of this condition must be submitted to the Principal Certifying Authority for approval.

Reason

To ensure the protection and ongoing health of trees.

(60) TREE PROTECTION ZONES (FOR STREET TREES)

Table 5 – TPZ Street trees

Tree No.	Species	Tree Location	TPZ radius(m) from Truck	SRZ radius (m) from trunk
15798	<i>Jacaranda mimosifolia</i> (Jacaranda)	Street Tree - Macarthur St	3.2	2.1
22852	<i>Fraxinus griffithii</i> (Griffith's Ash)	Street Tree - Bay St	4.3	2.3

22853	<i>Fraxinus griffithii</i> (Griffith's Ash)	Street Tree - Bay St	3.8	2.0
22854	<i>Fraxinus griffithii</i> (Griffith's Ash)	Street Tree - Bay St	4.4	2.2
22855	<i>Fraxinus pennsylvanica</i> cv. (Green Ash)	Street Tree - Bay St	2.6	1.9
24926	<i>Tristaniopsis laurina</i> (Water Gum)	Street Tree - Macarthur St	3.4	2.1
24927	<i>Tristaniopsis laurina</i> (Water Gum)	Street Tree - Macarthur St	2.4	1.9
24936	<i>Jacaranda mimosifolia</i> (Jacaranda)	Street Tree - Macarthur St	2.6	1.9
24937	<i>Jacaranda mimosifolia</i> (Jacaranda)	Street Tree - Macarthur St	2.8	2.0
24938	<i>Jacaranda mimosifolia</i> (Jacaranda)	Street Tree - Macarthur St	2.6	1.9
24939	<i>Jacaranda mimosifolia</i> (Jacaranda)	Street Tree - Macarthur St	4.3	2.3
24940	<i>Jacaranda mimosifolia</i> (Jacaranda)	Street Tree - Macarthur St	2.7	1.9
24941	<i>Jacaranda mimosifolia</i> (Jacaranda)	Street Tree - Macarthur St	2.7	1.9
24947	<i>Tristaniopsis laurina</i> (Water Gum)	Street Tree - Macarthur St	2.6	1.8
25981	<i>Lophostemon confertus</i> (Brush Box)	Street Tree - Wattle St	3.4	2.2
25982	<i>Lophostemon confertus</i> (Brush Box)	Street Tree - Wattle St	3.2	2.1
25983	<i>Lophostemon confertus</i> (Brush Box)	Street Tree - Wattle St	3.7	2.2
25984	<i>Lophostemon confertus</i> (Brush Box)	Street Tree - Wattle St	3.4	2.1
25998	<i>Tristaniopsis laurina</i> (Water Gum)	Street Tree - Wattle St	2.8	2.0
25999	<i>Tristaniopsis laurina</i> (Water Gum)	Street Tree - Wattle St	3.4	2.0
26000	<i>Tristaniopsis laurina</i> (Water Gum)	Street Tree - Wattle St	2.5	1.8

26001	<i>Tristaniopsis laurina</i> (Water Gum)	Street Tree - Wattle St	2.1	1.8
26110	<i>Lophostemon confertus</i> (Brush Box)	Street Tree - William Henry St	6.2	2.7
26111	<i>Waterhousea floribunda</i> (Weeping Lilly Pilly)	Street Tree - William Henry St	2.6	1.9
27007	<i>Fraxinus pennsylvanica</i> cv. (Green Ash)	Street Tree - Bay St	4.2	2.4
27008	<i>Podocarpus elatus</i> (Plum Pine)	Street Tree - Bay St	4.5	2.5
27009	<i>Jacaranda mimosifolia</i> (Jacaranda)	Street Tree - Bay St	2.0	1.5
27010	<i>Podocarpus elatus</i> (Plum Pine)	Street Tree - Bay St	3.9	2.3
30766	<i>Tristaniopsis laurina</i> (Water Gum)	Street Tree - Wattle St	2.2	1.8
42720	<i>Waterhousea floribunda</i> (Weeping Lilly Pilly)	Street Tree - William Henry St	2.0	1.3
44482	<i>Callistemon Viminalis</i> cv. (Weeping Bottlebrush)	Street Tree - Macarthur St	2.5	1.7
44483	<i>Tristaniopsis laurina</i> (Water Gum)	Street Tree - Macarthur St	2.0	1.2
44484	<i>Fraxinus griffithii</i> (Griffith's Ash)	Street Tree - Macarthur St	2.0	1.6
44485	<i>Tristaniopsis laurina</i> (Water Gum)	Street Tree - Macarthur St	2.0	1.4
44486	<i>Callistemon Viminalis</i> cv. (Weeping Bottlebrush)	Street Tree - Macarthur St	2.0	1.4
44487	<i>Fraxinus griffithii</i> (Griffith's Ash)	Street Tree - Macarthur St	2.0	1.6
44488	<i>Fraxinus griffithii</i> (Griffith's Ash)	Street Tree - Macarthur St	2.0	1.5
44537	<i>Jacaranda mimosifolia</i> (Jacaranda)	Street Tree - Bay St	2.0	1.1

- (a) All street trees located on Bay St, Macarthur St, William Henry St and Wattle St must be retained and protected in accordance with Australian Standard 4970 'Protection of trees on development sites' and as follows:
- (b) Tree trunk and major branch protection must be installed prior to the commencement of any demolition works, and must include:
 - (i) Tree trunk(s) and/or major branches to a height of 2 metres protected by wrapped thick underlay carpet or similar padding material to limit damage.
 - (ii) Timber planks (50mm x 100mm) placed around tree trunk(s). The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The thick carpet underlay or padding material and timber planks must not be fixed to the tree in any instance, or in any fashion.
 - (iii) Young street trees protected by the installation of three (3) wooden stakes around the edge of the tree pits or a minimum of 1 metre from the base of the trunk. Hessian must be wrapped around the stakes. If existing stakes or a metal tree guard are already in place, these suffice as tree protection.
 - (iv) Tree trunk and major branch protection must remain in place for the duration of the development works and be removed at the completion of the development works.
 - a. around or under the tree canopy or;
 - b. within two (2) metres of tree trunks or branches or any street trees.
- (c) Temporary signs or any other items must not be fixed or attached to any street tree.
- (d) Where installed, hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree pits. Supporting columns must not be placed on exposed tree roots.
- (e) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the City of Sydney Tree Team.
- (f) Any damage sustained to street tree(s) as a result of any construction activities (including demolition), must be immediately reported to the City of Sydney Tree Team on 9265 9333.
- (g) Compliance with this condition must be addressed in the Tree Protection Compliance Certificate prepared by a qualified Arborist (minimum AQF Level 5).

Reason

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

DURING DEMOLITION WORK

(61) ASBESTOS REMOVAL WORKS

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

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

- (b) Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All work must be carried out in accordance with the *Work Health and Safety Regulation 2017* and the NSW Government and SafeWork NSW document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW) December 2011* and the *City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines*.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance.
- (f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the written approval of Council.

- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

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

Reason

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

(62) COMPLIANCE WITH ARBORIST’S REPORT

- (a) All recommendations, Tree Protection Plans and Methodology Statements contained in the approved Arboricultural Impact Assessment Report prepared by Arterra, dated 13 March 2025 must be implemented during demolition works.

Reason

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

(63) TREE SENSITIVE EXCAVATION

- (a) Excavation within the Tree Protection Zone(s) (TPZs) as detailed in the table below must be undertaken using tree sensitive methods (i.e. hand/ air space/hydrovac) and supervised by a qualified Arborist (minimum AQF level 5). To prevent root damage, low pressures must be used for hydrovac excavation with the bark remaining intact.

Table 6 – Tree (Root) Protection Zone Schedule:

Tree No	Species	Tree Location	TPZ Radius (m) from Trunk	SRZ (m) from Trunk
ART01	<i>Platanus x acerifolia</i> (London Plane)	Within Site - Northern boundary	7.6	2.9
ART02	<i>Callistemon Viminalis</i> cv. (Weeping Bottlebrush)	Within Site - Northern boundary	2.0	1.6

ART03	<i>Platanus x acerifolia</i> (London Plane)	Within Site - Northern boundary	15.0	3.8
15798	<i>Jacaranda mimosifolia</i> (Jacaranda)	Street Tree - Macarthur St	3.2	2.1
24947	<i>Tristaniopsis laurina</i> (Water Gum)	Street Tree - Macarthur St	2.6	1.8
25981	<i>Lophostemon confertus</i> (Brush Box)	Street Tree - Wattle St	3.4	2.2
25982	<i>Lophostemon confertus</i> (Brush Box)	Street Tree - Wattle St	3.2	2.1
25983	<i>Lophostemon confertus</i> (Brush Box)	Street Tree - Wattle St	3.7	2.2
25984	<i>Lophostemon confertus</i> (Brush Box)	Street Tree - Wattle St	3.4	2.1
25998	<i>Tristaniopsis laurina</i> (Water Gum)	Street Tree - Wattle St	2.8	2.0
25999	<i>Tristaniopsis laurina</i> (Water Gum)	Street Tree - Wattle St	3.4	2.0
26000	<i>Tristaniopsis laurina</i> (Water Gum)	Street Tree - Wattle St	2.5	1.8
26001	<i>Tristaniopsis laurina</i> (Water Gum)	Street Tree - Wattle St	2.1	1.8
26110	<i>Lophostemon confertus</i> (Brush Box)	Street Tree - William Henry St	6.2	2.7

27010	<i>Podocarpus elatus</i> (Plum Pine)	Street Tree - Bay St	3.9	2.3
30766	<i>Tristaniopsis laurina</i> (Water Gum)	Street Tree - Wattle St	2.2	1.8
42720	<i>Waterhousea floribunda</i> (Weeping Lilly Pilly)	Street Tree - William Henry St	2.0	1.3

- (b) Excavation must not occur within the SRZ. If excavation is proposed within this zone, the Council's Tree Management Officer must be contacted immediately, and the excavation must be carried out in accordance with Council's direction.
- (c) Roots greater than 40mm must not be severed or damaged within the TPZ without written approval from the City of Sydney Tree Team.
- (d) Trenching must be backfilled as soon as possible, and exposed roots must be covered with mulch or a geotextile fabric and kept in a moist condition and prevented from drying out.
- (e) Any approved root pruning must be carried out by a qualified Arborist (minimum AQF Level 5) in accordance with Australian Standard 4373 'Pruning of Amenity Trees'.
- (f) Compliance with this condition must be addressed in the Tree Protection Compliance Certificate prepared by a qualified Arborist (minimum AQF Level 5).

Reason

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

in accordance with the approved arborist's report.

(64) SITE SUPERVISION AND REPORTING

- (a) A qualified Arborist (minimum AQF Level 5) must oversee various stages of work within the Tree Protection Zone(s) (TPZs) of any tree listed for retention.
- (b) The Arborist must undertake inspection every 2 months through the development works.
- (c) The Arborist must certify compliance with each key milestone detailed below:

- (i) Installation of tree protection measures (i.e. tree protection fencing, trunk and branch protection, ground protection, tree protection signage) prior to the commencement of the development works;
 - (ii) Demolition of ground surface materials (pavers, concrete, grass etc.) or inground structures within the TPZs of any tree to be retained;
 - (iii) Excavation and trenching within the TPZs;
 - (iv) Construction of proposed temporary carpark area within TPZ of ART01, ART02, and ART03
 - (v) Landscape works within the TPZs;
 - (vi) Other times as specified in the Arboricultural Impact Assessment Report, Tree Protection Plan or these conditions.
- (d) A Tree Protection Compliance Report, which includes photographic evidence and provides details on the health and structure of tree(s), must be submitted within one week following each scheduled inspection and key milestone listed above. The report is to be submitted to, and acknowledged, by the City of Sydney Area Planning Coordinator or 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.
- (e) 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.

(65) TREE PRUNING APPROVED

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

Table 7 – Tree Pruning

Tree No.	Species	Pruning Specification & Limitations
TS26110	<i>Lophostemon confertus</i> (Brushbox)	
ART03	<i>Platanus x acerifolius</i> (London Plane)	All pruning must be carried out in accordance with the specifications provided within Tree Specification Report by Arterra dated 31 October 2025.
TS25999	<i>Tristaniopsis laurina</i> (Water Gum)	
TS30766	<i>Tristaniopsis laurina</i> (Water Gum)	
TS26001	<i>Tristaniopsis laurina</i> (Water Gum)	
TS25981	<i>Lophostemon confertus</i> (Brushbox)	
TS42720	<i>Waterhousia floribunda</i> (Weeping Lilly Pilly)	

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

Reason

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

(66) TREE PRUNING – FURTHER APPROVAL REQUIRED

- (a) Consent from Council's Executive Director City Planning Development & Transport following advice from Council's Tree Management Officer must be obtained prior to undertaking the pruning of any tree to be retained, including tree roots greater than 40mm diameter.
- (b) Construction access and the location of the works zone must be planned to avoid adversely impacting any tree to be retained. Alternative work zone locations must be provided and suitable size cranes/machinery/equipment utilised to minimise tree pruning requirements. Only minor pruning works will be approved.

- (c) Any approved pruning must be carried out by a qualified Arborist (minimum AQF Level 3) in accordance with Australian Standard 4373 'Pruning of Amenity Trees' and the SafeWork's Code of Practice - Amenity Tree Industry.

Reason

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

(67) PROTECTION OF NATIVE WILDLIFE

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

Reason

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

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

- (a) All works conducted on site which form part of this development must be carried out in accordance with the approved Demolition, Excavation and Construction Management Plan required by Condition 38 above.
- (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.

(69) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION

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

Reason

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

(70) NOTIFICATION – NEW CONTAMINATION EVIDENCE

- (a) Council and the Certifier (AND/OR ACCREDITED SITE AUDITOR IF REQUIRED) must be notified immediately of any new information which arising during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination.
- (b) Once identified, remediation, demolition or construction work must immediately cease.
- (c) A certified environmental consultant must be appointed to undertake an assessment of the potential contaminants and works required to make the site safe from potential human health and environmental harm.
- (d) If the duty to report contamination to the NSW EPA under Section 60 of the Contaminated Land Management Act 1997 is triggered, the NSW EPA and Council must be notified immediately.

Reason

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

(71) IMPORTED FILL MATERIALS

- (a) All fill material imported to the site must be certified and validated by a certified environmental consultant. It should be accompanied by documentation from the consultant that confirms its classification and suitability for the intended use. The fill must also be compatible with the existing soil characteristics to support site drainage.

- (b) Imported fill must be limited to the following:
 - (i) Virgin excavated natural material (VENM), classified in accordance with the Protection of the Environment Operations Act 1997.
 - (ii) Excavated natural material (ENM), certified in accordance with the Protection of the Environment Operations (Waste) Regulation 2014.
 - (iii) Waste-derived materials subject to a Resource Recovery Exemption under Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 and recognised by the NSW EPA as “fit for purpose” for the proposed development.
- (c) Any waste-derived material received under a resource recovery exemption must be accompanied by documentation from the NSW EPA confirming compliance with the exemption conditions. This documentation must be provided to the Certifier and Council:
 - (i) Upon request.
 - (ii) Before the commencement of works under the Protection of the Environment Operations Act.
 - (iii) As part of the validation report for the remediation, as applicable.
- (d) All imported fill must be accompanied by certification from the supplier confirming the material is not contaminated, based on analysis of the source site’s history and/or sampling and analysis must be conducted in accordance with the NSW EPA (2022) Sampling Design Guidelines.
- (e) Any existing soils proposed for reuse onsite must be analysed and classified by a suitably qualified and experienced environmental consultant. This assessment must follow the relevant NSW EPA guidelines and the National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended in 2013), to confirm suitability for the proposed land use. The results must be included in the validation report for the remediation

Reason

To ensure that imported fill is not contaminated.

(72) CLASSIFICATION OF WASTE

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

Reason

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

(73) DISCHARGE OF CONTAMINATED GROUNDWATER

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

Reason

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

(74) STOCKPILES

- (a) Soil or other materials must not be stockpiled on footpaths or nature strips without prior written approval from Council.
- (b) All stockpiles must be managed to prevent contamination of the underlying soil.
- (c) Potentially contaminated soil must be stockpiled on a hardstand surface or over polyethylene sheeting.
- (d) Stockpiles must:
 - (i) Be bunded to prevent runoff of potentially contaminated materials.
 - (ii) Be stabilised through compaction and contouring to minimise wind exposure and allow access for water trucks.
 - (iii) Not exceed the height of perimeter fencing to assist in controlling dust and odour emissions.
 - (iv) Be clearly labelled with a unique identification number and include records of the soil's volume and origin to enable tracking from excavation to final disposal or reuse.
- (e) Contaminated soil stockpiles must be stored in a secure area and covered if they remain onsite for more than 24 hours.

Reason

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

(75) COMPLIANCE WITH ACID SULFATE SOILS MANAGEMENT PLAN

- (a) All works on site must undertaken in accordance with the Acid Sulphate Soil Management Plan prepared by Douglas Partners, dated 12 November 2025

- (b) If acid sulphate soil is removed or remediated, a validation report must be prepared or reviewed and approved by an appropriately qualified and certified environmental consultant and submitted to Council for approval.

Reason

To ensure that acid sulphate soils are appropriately managed to prevent their formation by avoiding any activities that result in soil drainage or excavation, to minimise environmental impacts.

(76) EROSION AND SEDIMENT CONTROL

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

During the construction period:-

- (a) Erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- (b) Erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and
- (c) Building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

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

Reason

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

(77) 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.

(78) COVERING OF LOADS

All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

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

Reason

To ensure loads are managed appropriately and do not impact local amenity.

(79) VEHICLE CLEANSING

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

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

Reason

To ensure sediment is not tracked onto the roadway.

(80) 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.

(81) 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. 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.

(82) 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.

(83) 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.

(84) 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 - to be determined by Public Domain officer, Site Auditor, and an Environment Management Plan – dependant on depth of lowest service to be placed in the asset of clean fill below the top most 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.

(85) 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.

(86) 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.

(87) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT

- (a) The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* is restricted to the hours of:
 - (i) Mondays to Fridays: 8am to 12pm and 1pm to 5pm
 - (ii) Saturdays: 8am to 1pm
 - (iii) No work permitted on Sundays and Public Holidays
- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436- 2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

Reason

To protect the amenity of the surrounding area.

(88) 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.

(89) LOADING AND UNLOADING DURING CONSTRUCTION/DEMOLITION

The following requirements apply:

- (a) All loading and unloading associated with construction/demolition 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.

(90) 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.

(91) ACCESS DRIVEWAYS TO BE CONSTRUCTED

Approved driveways are to be 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.

(92) 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.

(93) 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 the final occupation certificate for the future Stage 2 development for the Bay Street East site.

Reason

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

(94) 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.

(95) STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT

- (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.

OCCUPATION AND ONGOING USE

(96) 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.

Reason

To ensure the requirements of Sydney Water are met.

(97) COMMERCIAL AND INDUSTRIAL DEVELOPMENT NOISE

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

Reason

To protect the acoustic amenity of surrounding properties.

(98) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

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

Reason

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

SCHEDULE 2

PRESCRIBED CONDITIONS

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

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

General advisory notes

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

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

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

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

Dictionary

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

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

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

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

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

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

Council means the City of Sydney.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

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

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

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

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

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

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

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

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

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

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

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