

# **Attachment A**

<b>Recommended Conditions of Consent</b>
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## SCHEDULE 1

### GENERAL CONDITIONS

#### (1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2025/316 dated 9 April 2025 and the following drawings prepared by WMK:

Drawing Number	Drawing Name	Date
DA 000, Issue F	Site plan	24.03.2025
DA 001, Issue F	Site plan	24.03.2025
DA 002, Issue F	Lower ground floor plan	24.03.2025
DA 003, Issue F	Ground floor plan	24.03.2025
DA 020, Issue F	North and South Elevations	24.03.2025
DA 021, Issue F	East and West Elevations	24.03.2025
DA 030, Issue F	Substation sections	24.03.2025
DA 050, Issue A	Acoustic panels	24.03.2025
DA 075, Issue F	External site images	24.03.2025
DA 076, Issue F	Internal site images	24.03.2025

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.

#### (2) SECTION 7.11 CONTRIBUTIONS PAYABLE - CONTRIBUTION TOWARDS PUBLIC AMENITIES – CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 – EAST PRECINCT

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

<u>Contribution Category</u>	<u>Amount</u>
Open Space	\$1,528.31
Community Facilities	\$1,440.04
Traffic and Transport	\$239.59
Stormwater Drainage	\$0.00
Total	\$3,207.94

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

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

Where:

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

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

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

$CPI_{\text{consent}}$  = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being – 140.9 for the Mar 2025 CPI quarter.

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

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

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

### **Reason**

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

### **(3) TIME LIMITED CONSENT**

- (a) The time period during which the use is approved to operate is restricted to 5 years from the date of issue of an Occupation Certificate.

- (b) A further development application or modification application may be lodged before the end of that period for Council's consideration of the continuation of the use.

**Reason**

To ensure the approved use is operated on for a time limited period.

**(4) HOURS OF OPERATION**

The hours of operation are regulated as follows:

- (a) The hours of operation for the Substation and Underground amenities as an exhibition space must be restricted to between 10:30am and 4:30pm Monday to Sunday.
- (b) The hours of operation for the Substation as a performance venue must be restricted to between 7pm and 11pm Monday to Sunday.

**Reason**

To ensure the premises operates within the approved hours of operation.

**(5) MAXIMUM CAPACITY OF PERSONS**

- (a) The maximum number of patrons permitted in the Substation when used as an exhibition space at any one time is 20 patrons.
- (b) The maximum number of patrons permitted in the Substation when used as a performance venue at any one time is 40 patrons.
- (c) The maximum number of patrons permitted in the Underground amenities when used as an exhibition space at any one time is 20 patrons.
- (d) The manager is responsible for ensuring that the number of persons in the premises does not exceed that specified above.

**Reason**

To ensure the premises can safely accommodate patrons, staff and performers and safeguard the amenity of the surrounding neighbourhood.

**(6) PLAN OF MANAGEMENT**

The use must always be operated / managed in accordance with the Operational Plan (The Substation) and the Operational Plan (The Underground Conveniences (Toilets), prepared by BYLON dated 9 January 2024 and 9 February 2025 respectively (Council ref. 2025/221314 and 2025/221322). In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

The Plan of Management can be updated at any time. Any revised Plan of Management is to be submitted to and endorsed by Council's Area Planning Manager and may be updated without the requirement for a Section 4.55 modification application.

**Reason**

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

**(7) COPIES OF CONSENTS AND MANAGEMENT PLANS**

A copy of the current development consent(s) for the operation of the premises, and the Operational Plans must be kept on-site and made available to Authorised Officers.

**Reason**

To ensure all relevant approved documents are available on-site upon request.

**(8) GENERAL HERITAGE**

- (a) The proposed works are to be carried out in a manner that minimises alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (b) In carrying out the works, the existing fabric and features of the building must be properly protected.
- (c) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.

**Reason**

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

**(9) COMPLIANCE WITH APPROVAL GRANTED UNDER THE HERITAGE ACT 1977**

The development must be carried out in accordance with the General Terms of Agreement issued by the delegate of Heritage Council of NSW on 2 May 2025.

**Reason**

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

**(10) WASTE AND RECYCLING MANAGEMENT - GENERAL**

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

**Reason**

To ensure that waste and recycling is appropriately managed.

# **BUILDING WORK**

## **BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **(11) NATIONAL CONSTRUCTION CODE COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF THE BUILDING IS REQUIRED**

Pursuant to Section 64 of the Environmental Planning and Assessment Regulation 2021, the recommendations of the Building Capability Statement, prepared by BMPLUSG Revision 2 dated 2 April 2025, Reference 250087 (Council ref. 2025/221300) must be implemented. Prior to a Construction Certificate / any Occupation Certificate being issued for the use, documentation detailing compliance with the BCA Capability Statement must be submitted to and be approved by the Principal Certifier.

#### **Reason**

To ensure the works comply with relevant regulations.

## **BEFORE BUILDING WORK COMMENCES**

No relevant conditions under this part.

## **DURING BUILDING WORK**

### **(12) 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 (for example, 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.

### **(13) LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site, where possible.
- (b) If, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.



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

**Reason**

To protect the amenity of the public domain.

**(14) 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.

## **BEFORE ISSUE OF AN OCCUPATION CERTIFICATE**

### **(15) WASTE AND RECYCLING COLLECTION CONTRACT**

Prior to any Occupation Certificate being issued, the building owner must ensure that there is a contract with a licensed contractor for the removal of all waste. Waste is to be stored and collected from within the curtilage of the site at all times.

#### **Reason**

To ensure that waste and recycling is appropriately managed.

## OCCUPATION AND ONGOING USE

### (16) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

#### Reason

To ensure the site is authorised for occupation.

### (17) NO SPEAKERS OR MUSIC OUTSIDE

Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

#### Reason

To safeguard the amenity of the surrounding neighbourhood.

### (18) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT

- (a) Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA [Noise Policy for Industry 2017 \(NPfI\)](#) unless agreed to by the City's Area Planning Manager. Further:
  - (i) Background noise monitoring must be carried out in accordance with the long-term methodology in [Fact Sheet B](#) of the NPfI unless otherwise agreed by the City's Area Planning Manager.
  - (ii) Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.
- (b) An  $L_{Aeq,15 \text{ minute}}$  (noise level) emitted from the development must not exceed the  $L_{A90, 15 \text{ minute}}$  (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
  - (i) The noise level and the background noise level must both be measured with all external doors and windows of the affected residence closed.
  - (ii) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premises.

- (c) Corrections in [Fact Sheet C](#) of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

### Reason

To protect the acoustic amenity of surrounding properties.

## (19) NOISE - ENTERTAINMENT

- (a) The  $L_{Aeq, 15 \text{ minute}}$  noise level from the use must not exceed the background noise level ( $L_{A90, 15 \text{ minute}}$ ) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) by more than 5dB between 7.00am and 12.00 midnight when assessed at the boundary of any residential accommodation or tourist and visitor accommodation.
- (b) The  $L_{Aeq, 15 \text{ minute}}$  noise level from the use must not exceed the background noise level ( $L_{A90, 15 \text{ minute}}$ ) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) between 12.00 midnight and 7.00am when assessed at the boundary of any residential accommodation or tourist and visitor accommodation.
- (c) Notwithstanding (a) above, the  $L_{Aeq, 15 \text{ minute}}$  noise level from the use must not exceed the greater of the following levels between 7am and 12 midnight inside any habitable room of a residential accommodation or tourist and visitor accommodation, or at any time in an affected commercial premises:
  - (i) The existing internal  $L_{A90, 15 \text{ minute}}$  (from external sources excluding the use) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive). Or,
  - (ii) If the  $L_{Z90, 15 \text{ minute}}$  background level is below the hearing threshold curve (Tf - Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level ( $L_p$ ) of the Tf curve in that octave band shall become that octave's  $L_{Zeq 15 \text{ minute}}$  noise criteria level.
- (d) Notwithstanding (b) above, the  $L_{A1 15 \text{ minute}}$  noise level from the use must not exceed the greater of the following sound pressure levels inside any habitable room between 12 midnight and 7am inside any habitable room of an affected residential accommodation or tourist and visitor accommodation:
  - (i) The existing internal  $L_{A90, 15 \text{ minute}}$  (from external sources excluding the use) minus 10 dB in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) inside a habitable room of an affected residential accommodation or tourist and visitor accommodation. Or,
  - (ii) If the  $L_{Z90, 15 \text{ minute}}$  minus 10 dB level is below the hearing threshold curve (Tf - Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level ( $L_p$ ) of the Tf curve in that octave band shall become that octave's  $L_{Z1 15 \text{ minute}}$  noise criteria level.

Note:  $L_{eq}$ ,  $L_{01}$ , and  $L_{90}$ , metrics and 'A' (weightings) are as per the definitions in the standard AS1055-20148. 'Z' means unweighted noise. An internal  $L_{A90}$  level must be determined in the absence of noise emitted by the use and be sufficiently representative of the receiver in a low noise level quiet state. External  $L_{A90}$  levels for planning must be established as per the long-term methodology in Fact Sheet B of the NPfl unless otherwise agreed by the City's Area Planning Manager.

**Reason**

To protect the acoustic amenity of surrounding properties.

**(20) ANNUAL FIRE SAFETY STATEMENT FORM**

An annual Fire Safety Statement must be given to Council and Fire and Rescue NSW commencing within 12 months after the date on which the Fire Safety Certificate is issued or the use commencing, whichever is earlier.

**Reason**

To ensure annual checks on fire safety measures.

## SCHEDULE 2

### PRESCRIBED CONDITIONS

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

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

## SCHEDULE 3

# GENERAL TERMS OF AGREEMENT – HERITAGE NSW

The terms of Approval for Integrated Development as advised by the City's Heritage Specialist as delegate of the Heritage Council of NSW are as follows:

### APPROVED DEVELOPMENT

1. Development must be in accordance with:
  - a) Architectural drawings titled "Taylor Square Substation & Amenities Block", prepared by WMK dated 24 March 2025, as listed in the table below:

No.	Description	Revision	Date
DA000	Cover Page	F	24/03/2025
DA001	Site Plan	F	24/03/2025
DA002	Lower Ground Floor Plan	F	24/03/2025
DA003	Ground Floor Plan	F	24/03/2025
DA020	North and South Elevation	F	24/03/2025
DA021	East and West Elevation	F	24/03/2025
DA030	Substation Sections	F	24/03/2025
DA050	Acoustic Panels	F	24/03/2025
DA075	External Site Images	F	24/03/2025
DA076	Internal Site Images	F	24/03/2025

- b) Heritage Impact Statement prepared by Urbis dated 4 April 2025.

**EXCEPT AS AMENDED** by the following conditions of this approval

### ACOUSTIC PANELS

2. The surface of the acoustic panels that faces outside is to be painted in matt black colour to appear recessive and reduce its visibility through the window glazing.

*Reason: To ensure that the proposed works are visually recessive.*

### HERITAGE CONSULTANT

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

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

#### **SPECIALIST TRADESPERSONS**

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

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

#### **SITE PROTECTION**

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

*Reason: To ensure significant fabric including vegetation is protected during construction.*

#### **COMPLIANCE**

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

*Reason: To ensure that the proposed works are completed as approved.*

#### **SECTION 60 APPLICATION**

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

*Reason: To meet legislative requirements.*

#### **ADVICE**

Section 148 of the *Heritage Act 1977* (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for this inspection.