

Attachment A

Recommended Conditions of Consent
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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) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2025/406 dated 19 May 2025 and the following drawings prepared by Architectus Australia Pty Ltd:

Drawing No.	Drawing Name	Date
DA-1105	Remediation - Floor Plan - Ground Floor	08.05.2025
DA-1106	Remediation - Floor Plan - Mezzanine	08.05.2025
DA-1107	Remediation - Floor Plan - Level 1	08.05.2025
DA-1108	Remediation - Floor Plan - Level 2	08.05.2025
DA-1109	Remediation - Floor Plan - Level 3	08.05.2025
DA-1110	Remediation - Floor Plan - Level 4	08.05.2025
DA-1111	Remediation - Floor Plan - Level 5	08.05.2025
DA-1112	Remediation - Floor Plan - Level 6	08.05.2025
DA-1113	Remediation - Floor Plan - Level 7	08.05.2025
DA-1114	Remediation - Floor Plan - Level 8	08.05.2025
DA-1115	Remediation - Floor Plan - Level 9	08.05.2025
DA-1116	Remediation - Floor Plan - level 10	08.05.2025
DA-1117	Remediation - Floor Plan - Level 11	08.05.2025
DA-1118	Remediation - Floor Plan - Level 12	08.05.2025
DA-1119	Remediation - Floor Plan - Level 13	08.05.2025
DA-1120	Remediation - Floor Plan - Level 14	08.05.2025
DA-1121	Remediation - Floor Plan - Level 15	08.05.2025
DA-1122	Remediation - Floor Plan - Level 16	08.05.2025
DA-1123	Remediation - Floor Plan - Level 17	08.05.2025

Drawing No.	Drawing Name	Date
DA-1124	Remediation - Floor Plan - Level 18	08.05.2025
DA-1125	Remediation - Floor Plan - Level 19	08.05.2025
DA-1126	Remediation - Floor Plan - Level 20	08.05.2025
DA-1127	Remediation - Floor Plan - Roof Plan	08.05.2025
DA-1305	Remediation - Reflected Ceiling Plan - Ground Floor	08.05.2025
DA-1306	Remediation - Reflected Ceiling Plan - Mezzanine	08.05.2025
DA-1307	Remediation - Reflected Ceiling Plan - Level 1	08.05.2025
DA-1308	Remediation - Reflected Ceiling Plan - Level 2	08.05.2025
DA-1309	Remediation - Reflected Ceiling Plan - Level 3	08.05.2025
DA-1310	Remediation - Reflected Ceiling Plan - Level 4	08.05.2025
DA-1311	Remediation - Reflected Ceiling Plan - Level 5	08.05.2025
DA-1312	Remediation - Reflected Ceiling Plan - Level 6	08.05.2025
DA-1313	Remediation - Reflected Ceiling Plan - Level 7	08.05.2025
DA-1314	Remediation - Reflected Ceiling Plan - Level 8	08.05.2025
DA-1315	Remediation - Reflected Ceiling Plan - Level 9	08.05.2025
DA-1316	Remediation - Reflected Ceiling Plan - level 10	08.05.2025
DA-1317	Remediation - Reflected Ceiling Plan - Level 11	08.05.2025
DA-1318	Remediation - Reflected Ceiling Plan - Level 12	08.05.2025
DA-1319	Remediation - Reflected Ceiling Plan - Level 13	08.05.2025
DA-1320	Remediation - Reflected Ceiling Plan - Level 14	08.05.2025
DA-1321	Remediation - Reflected Ceiling Plan - Level 15	08.05.2025

Drawing No.	Drawing Name	Date
DA-1322	Remediation - Reflected Ceiling Plan - Level 16	08.05.2025
DA-1323	Remediation - Reflected Ceiling Plan - Level 17	08.05.2025
DA-1324	Remediation - Reflected Ceiling Plan - Level 18	08.05.2025
DA-1325	Remediation - Reflected Ceiling Plan - Level 19	08.05.2025
DA-1326	Remediation - Reflected Ceiling Plan - Level 20	08.05.2025
DA-1400	External Temporary Works Floor Plan - Overall	08.05.2025
DA-1405	External Temporary Works Floor Plan - Ground Floor	08.05.2025
DA-1406	External Temporary Works Floor Plan - Mezzanine	08.05.2025
DA-1407	External Temporary Works Floor Plan - Level 1	08.05.2025
DA-1408	External Temporary Works Floor Plan - Level 2	08.05.2025
DA-1409	External Temporary Works Floor Plan - Level 3	08.05.2025
DA-1410	External Temporary Works Floor Plan - Level 4-7 (Typical)	08.05.2025
DA-1411	External Temporary Works Floor Plan - Level 8-19 (Typical)	08.05.2025
DA-1426	External Temporary Works Floor Plan - Level 20	08.05.2025
DA-1427	External Temporary Works Floor Plan - Roof	08.05.2025
DA-1600	External Temporary Works Elevation - East	08.05.2025
DA-1601	External Temporary Works Elevation - West	08.05.2025
DA-1602	External Temporary Works Elevation - North	08.05.2025
DA-1603	External Temporary Works Elevation - South	08.05.2025
DA-1701	External Temporary Works Section 1	08.05.2025

Drawing No.	Drawing Name	Date
DA-1702	External Temporary Works Section 2	08.05.2025

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) SEPARATE DA REQUIRED PRIOR TO OCCUPATION OR USE

A separate development consent for the full remediation and reconstruction of the building, including the reuse and reinstallation of significant heritage fabric and other heritage works, must be obtained prior to those works commencing, or the re-occupation of the building, whichever is earlier.

Reason

To require separate consent to be obtained prior to occupation or use.

(3) SECTION 7.12 CONTRIBUTIONS PAYABLE – SUBMITTED AND VERIFIED PRIOR TO COMMENCEMENT OF WORKS

A monetary contribution is payable to the City of Sydney pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979* and the *Central Sydney Development Contributions Plan 2020*.

The Section 7.12 levy is determined by the development cost, as per the following table:

Development cost *	Levy
* Refer to Section 2.3 of the <i>Central Sydney Development Contributions Plan 2020</i> for information on determining the development cost.	
Up to and including \$250,000	NIL
More than \$250,000, up to and including \$500,000	1%
More than \$500,000, up to and including \$1,000,000	2%
More than \$1,000,000	3%

The Section 7.12 levy is payable to the City of Sydney in accordance with the following:

- (a) Prior to the commencement of works, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and that the levy has been paid to the Council in accordance with this condition. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.

- (b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, one of the following must be submitted:
 - (i) **For development between \$250,000 and \$3,000,000** – the City of Sydney *Cost Summary Report* must be completed by a suitably qualified person such as the Project Architect or Project Manager and submitted to the City of Sydney together with the copies of the plans the subject of the application for the Construction Certificate. An electronic copy of the *Cost Summary Report* is available from the City's website at www.cityofsydney.nsw.gov.au; or
 - (ii) **For development more than \$3,000,000** – The City of Sydney *Registered Quantity Surveyor's Detailed Cost Report* must be completed by a Quantity Surveyor registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate an equivalent qualification and submitted to the City of Sydney together with the copies of the plans the subject of the application for the Construction Certificate. An electronic copy of the *Registered Quantity Surveyor's Detailed Cost Report* is available from the City's website at www.cityofsydney.nsw.gov.au.
- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the Registered Certifier accordingly.
- (d) The development cost is to be determined in accordance with Section 2.3 of the Central Sydney Development Contributions Plan 2020, located in the version in force at the date of the grant of this consent.

Please contact Council's Planning Administration staff at Planningsystemsadmin@cityofsydney.nsw.gov.au to request a written Statement of Contributions Owing, prior to payment.

Reason

To ensure development contributions are paid to support the provision of public facilities, amenities, and services in Central Sydney.

(4) GENERAL HERITAGE

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to be specified in the construction management plan.
- (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.

(5) HERITAGE ITEMS - WORKS TO BE CONSISTENT WITH HERITAGE IMPACT STATEMENT

- (a) All works must be carried out in accordance with the relevant recommendations of, and detailed methodologies supporting, the Heritage Impact Statement prepared by NBRS and dated 8 May 2025 (Council's reference: 2025/272599).
- (b) The recommendations and detailed methodologies must be implemented to the satisfaction of Council's Urban Design and Heritage Manager / Area Planning Manager prior to the re-occupation of the building.

Reason

To ensure the works are carried out in an appropriate manner that protects the heritage of the site/building.

(6) USE OF HERITAGE CONSULTANT

- (a) The nominated heritage consultant, being Samantha Polkinghorne (Director | Heritage) of NBRS must work with the consultant team throughout the design development, contract documentation and construction stages of the project. The heritage consultant is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (b) Throughout the documentation and construction stages of the approved works the heritage consultant is to:
 - (i) Undertake site inspections of not less than fortnightly intervals.
 - (ii) Maintain a diary of site inspections that includes photographs of the works, details of heritage advice and decisions arising out of each inspection and any further physical evidence uncovered during the works.
 - (iii) Compile a final report, including the diary, verifying how the heritage conditions have been satisfied, and the works completed in accordance with the Conservation Management Plan.

Note: Upon completion of the works, the heritage consultant is to submit a final report for approval by Council prior to the re-occupation of the building.

Reason

To ensure that the implementation of the approved development is carried out in a manner that does not have adverse heritage impacts.

(7) TREES THAT MUST BE RETAINED

The existing trees detailed in the table below are determined to be prominent landscape elements, and must be retained and protected in accordance with the conditions throughout construction and development.

Tree No.	Species	Location
1-3	<i>Platanus x acerifolia</i> (London Plane)	Street Tree – Martin Place
4-8		Street Tree – Macquarie Street

Reason

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

(8) TREE PRUNING APPROVED

- (a) The selective pruning of the trees listed in the table below is approved when undertaken in accordance with the relevant section of the Pruning Specification Report prepared by Urban Arbor and dated 12 July 2024 as follows:

Tree No.	Species	Pruning Specification
6	<i>Platanus x acerifolia</i> (London Plane)	Section 5.1.2
7		Section 5.2.2
8		Section 5.3.2

- (b) All pruning must be carried out by an arborist with a minimum AQF Level 3 qualification in arboriculture and must be in accordance with AS4373-2007 Australian Standard 'Pruning of Amenity Trees'.
- (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.

(9) ANY ADDITIONAL TREE PRUNING

- (a) Any pruning beyond, or in addition to, the extent of pruning specified in the Pruning Specification Report prepared by Urban Arbor and dated 12 July 2024 would require separate consent to be obtained from Council's Tree Management Officer, including tree roots greater than 40mm diameter.
- (b) Construction access and the location of the works zone on Macquarie Street must be planned to avoid significant adverse impact on any trees to be retained. Alternative works zone location may be required, and suitably size cranes/machinery/equipment utilised to minimise tree pruning. Only minor pruning works will be approved.

- (c) Any approved pruning must be carried out by an arborist with a minimum AQF Level 3 qualification in arboriculture, and in accordance with AS4373 'Pruning of Amenity Trees' and the SafeWork's Code of Practice – Amenity Tree Industry.

Reason

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

(10) STREET TREE PROTECTION

All street trees located directly outside the site must be retained and protected in accordance with the AS4970 Protection of Trees on Development Sites. All street trees must be protected during the construction works as follows:

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

- (f) Any excavation within any area known to or suspected of having tree roots greater than 30mm diameter must be undertaken by hand.
- (g) Any trenching works for services, hydraulics, drainage etc. must not be undertaken within 5 metres of the trunk of any street tree. Alternate installation methods for services such as directional boring/drilling or redirection of services must be employed where roots greater than 30mm diameter are encountered during installation of any services.
- (h) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the Council's Tree Management Officer.
- (i) Any damage sustained to street tree/s as a result of the erection of any construction activities (including demolition) must be immediately reported to the Council's Tree Management Officer on 9265 9333. Any damage to street trees as a result of any construction activities may result in prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

Reason

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

(11) HOURS OF WORK AND NOISE – CBD

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

- (a) All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm on Saturdays, 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.

(12) COMPLIANCE WITH CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

- (a) All relevant performance parameters, including but not limited to requirements, engineering assumptions and recommendations such as the management controls in Section 5.2.1 and noise and vibration monitoring in Sections 5.2, the Stage 1 Remediation Scope Construction Noise and Vibration Management Plan, reference 20240258.3/0605A/R1/SN, dated 6 May 2025 and prepared by Acoustic Logic (council's reference 2025/272555) must be implemented.
- (b) Prior to the commencement of any noise and vibration generating works, a final construction methodology must be assessed and certified by a Suitably Qualified Acoustic Consultant* (see definition below) to be in accordance with the requirements of (a) above, and a copy of certified final construction methodology submitted to and approved by Council's Area Planning Manager.

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

- (c) Where all control measures have been implemented and the resultant noise and/ or vibration levels at any neighbouring receiver 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. Such periods must be set and agreed to by Council's Health and Building Unit.
- (d) 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.

Reason

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

(13) COMPLIANCE WITH CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN

The Construction Pedestrian and Traffic Management Plan prepared by J Milston Transport Consulting Pty Ltd and dated 26 June 2025 (council's reference 2025/389539-01) must be complied with during any works.

Reason

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

(14) COMPLIANCE WITH CONSTRUCTION WASTE MANAGEMENT PLAN

The Construction Waste Management Plan, revision 3, prepared by Built and dated 7 May 2025 (Council's reference 2025/272634) must be complied with during any demolition, remediation and construction works.

Reason

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

(15) REMEDIATION

The site is to be remediated and validated in accordance with the recommendations set out within the Consolidated Asbestos Report, reference PRJ001018, dated 6 May 2025 and prepared by Property Risk Australia (Council's reference: 2025/272570).

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Principal Certifier.

Note: Certification from a certified Occupational Hygienist (Australia Institute of Occupational Hygienists) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations of the above-referenced Consolidated Asbestos Report and that the site is safe for future occupation in accordance with the approved use will be required prior to the re-occupation of the building.

Reason

To ensure that the site is appropriately remediated.

(16) CLASSIFICATION OF WASTE

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

Reason

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

(17) 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.

(18) HAZARDOUS AND INDUSTRIAL WASTE

Hazardous waste arising from the demolition 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 waste is managed appropriately.

(19) 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.

Reason

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

(20) EROSION AND SEDIMENT CONTROL

A Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) must be prepared to the satisfaction of the Principal Certifier and 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.

Reason

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

(21) 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.

Reason

To ensure sediment is not tracked onto the roadway.

(22) 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.

(23) 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.

(24) 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.

(25) 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.

(26) DILAPIDATION REPORT

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 225-227 Macquarie Street Sydney (and any other properties identified by the qualified structural engineer engaged to undertake the report) are to be prepared by an appropriately qualified structural engineer prior to commencement of works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Registered Certifier and the Council prior to the issue of a Construction Certificate.

UPON COMPLETION OF DEMOLITION

- (b) A second Dilapidation Report/s, including a photographic survey must then be submitted at least one month after the completion of demolition works. A copy of the second dilapidation report/s, together with the accompanying

photographs must be given to the above property owners, and a copy lodged with the Principal Certifier and the Council prior to the issue of any Occupation Certificate or the re-occupation of the building, whichever is earlier.

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

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

Reason

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

(27) PUBLIC DOMAIN DILAPIDATION REPORT

Prior to an approval for demolition and preparatory works being granted or the issue of any Construction Certificate, whichever is earlier, 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.

(28) PUBLIC DOMAIN DAMAGE BOND

- (a) A Public Domain Damage Deposit calculated on the basis of 160 square metres of clay brick paving site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The bond must be provided as security for repairing any damage to the public domain in the vicinity of the site.
- (b) The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The Bond must be lodged with the City prior to the commencement of work.
- (d) The bond in this condition will be released in full when a final Occupation Certificate has been issued and any rectification works to the footway and

Public Domain are completed to Council's satisfaction. If rectification works are required the City will release 90% of the total Bond, with the remaining 10% balance to be held for the duration of a 6 months Defect Liability Period.

Reason

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

(29) TRANSPORT FOR NSW REQUIREMENTS

- (a) Prior to the issue of a Construction Certificate, a hygienist report confirming asbestos will be contained on site and Sydney Trains' staff and patrons will not be exposed is to be prepared by a suitably qualified person.
- (b) No crane loads are to be erected over the station box at any time.
- (c) Any pedestrian access arrangements and or changes need to be discussed with Martin Place Station staff.

Note: Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is Central Interface, and they can be contacted via email on Central_Interface@transport.nsw.gov.au.

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>