

Attachment A

Recommended Conditions of Consent
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SCHEDULE 1

GENERAL CONDITIONS

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2024/868 dated 21 October 2024 and the following drawings prepared by Jane Irwin Landscape Architecture and Arup:

Drawing Number	Rev	Drawing Name	Date
LD-001	B	General Arrangement Plan	31 January 2025
LD-100	B	Tree Management Plan	31 January 2025
LD-200	B	Landscape Plan 1	31 January 2025
LD-201	B	Landscape Plan 2	31 January 2025
LD-300	B	Legend	31 January 2025
LD-400	B	Levels & Finishes 1	31 January 2025
LD-401	B	Levels & Finishes 2	31 January 2025
LD-402	B	Trees & Planting 1	31 January 2025
LD-403	B	Trees & Planting 2	31 January 2025
LD-404	B	Furniture & Fixtures	31 January 2025
LD-500	B	Sections 1	31 January 2025
LD-501	B	Sections 2	31 January 2025
LD-502	B	Sections 3	31 January 2025
LD-503	B	Sections 4	31 January 2025
A01	A	General Lighting Layout	18 July 2024
E01	A	Northern Elevation	18 July 2024
E02	A	Western Elevation	18 July 2024

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) DEVELOPMENT STAGING

The development may be carried out in stages with the relevant conditions being satisfied prior to certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979). Approved staging is in accordance with the approved staging plan prepared by the NSW Government (Council Ref: 2025/413732) and as follows:

Stage	Works
Stage 1	Western Forecourt (facing Macquarie Street) and façade lighting to the Mitchell Building
Stage 2	All remaining works

Reason

To ensure the staged development complies with the relevant conditions of consent.

(3) WESTERN FORECOURT

The kiosk structure located in the western forecourt is not approved. Architectural drawings of the forecourt must be updated removing the kiosk and any associated structures.

Modified architectural drawings are to be submitted to and approved by Council's Area Planning Manager prior to Stage 1 certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979).

Reason

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

(4) SHAKESPEARE PLACE FORECOURT AND INTERSECTION UPGRADE WORKS

Prior to Stage 2 certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979), the northern forecourt and road design must be amended. The following design amendments must be made:

- (a) The intersection of Bent Street, Macquarie Street and Shakespeare Place is to be upgraded with the changing of traffic signals, right turn ban from Bent Street to Macquarie Street and introducing a dedicated westbound left turn lane on Shakespeare Place to Macquarie Street. Updated road design drawings must include the following:
 - (i) Detailed design drawings consisting of a road design plan, illustrating road design dimensions (e.g. lane widths, median widths, swept paths

etc.), including provisions for pedestrians and cyclists to the following works. Plans must be to scale.

- (ii) The Bent Street approach is to consist of a shared through / left turn lane with one exclusive through lane and right turn movement out of Bent Street onto Macquarie Street is to be prohibited with associated removal of the existing right turn lane.
 - (iii) The amendments to the Bent Street approach to the signalised intersection is to include a reduction of the existing width of Bent Street between kerbs to reduce the walking distance at the pedestrian crossing. The reduced road space should be reallocated to public domain along the southern edge of Bent Street, through rebuilding the southern kerb line further north.
 - (iv) Introduction of a dedicated westbound left turn lane on Shakespeare Place into Macquarie Street to replace the removal of the left turn slip lane. The length of this dedicated left hand turn lane will be subject to detailed design assessment as part of the post consent Major Works Authorisation Deed (WAD) process.
 - (v) A bicycle crossing lantern must be installed at the Shakespeare Place signalized crossing.
 - (vi) The removal of any on-street parking spaces required as a result of the proposed intersection upgrade will require community consultation with affected residents and/or businesses and shall be undertaken by the applicant to the satisfaction of the TfNSW.
 - (vii) All costs associated with the upgrade of the intersection are to be borne by the developer.
- (b) The north-facing landscaped forecourt fronting Shakespeare Place, Macquarie Street and Hospital Road must be amended to reflect the amended road design. The forecourt design must also consider the relocation of the Shakespeare Monument to move further north to allow better visibility to the major three sides of the statue and to respond to the symmetry of one of the porticos of the Mitchell Library. Amendments to the design of the forecourt must be in consultation with the NSW State Design Review Panel.

Amended drawings must be submitted to and approved by Council's Director City Planning, Development and Transport prior to Stage 2 certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979). Evidence of consultation and endorsement from TfNSW and the NSW State Design Review Panel must be submitted to Council for consideration.

Reason

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

(5) LIGHTING MANAGEMENT PLAN

- (a) A Lighting Schedule and Management Plan must be submitted to and approved by Council's Area Planning Manager prior to Stage 1 certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979). The Plan is to provide a framework for the installation and operation of all facade lighting and is to comprise the following:
 - (i) Details on the different schemes – typical operations scheme which will run throughout the year, and special event schemes (special events are to be listed as individual events and not a broad 'special events' category)
 - (ii) Operation and running times – tables showing each scheme duration, curfew, time of year etc.
 - (iii) Brightness of luminaires – for each scheme
 - (iv) Dwell and fade rates – the minimum time required for the lighting level / colour before changing content for each scheme
 - (v) Management of lighting – who is responsible for the management of the lighting, including for the programming, hours and maintenance
 - (vi) Management of complaints – who is responsible for the management of complaints
 - (vii) Details on reducing light spill – i.e. use of a mounting bracket covering the top side of the luminaires
 - (viii) Details on design codes and standards
- (b) The use, operation and illumination must always be operated / managed in accordance with the approved Lighting Management Plan. In the event of any inconsistency, the conditions of this consent will prevail over the Lighting Management Plan.

Reason

To ensure façade lighting is adequately managed.

(6) CONTROL OF LIGHT INTO THE ENVIRONMENT

Lighting installed in the open and/or public spaces must comply with AS1158 series-lighting for roads and public spaces. The design and placement must be so that lighting does not create a nuisance or negatively affect the amenity of the surrounding neighbourhood, for that purpose lighting must comply with AS/NZS 4282.

Reason

To ensure signage illumination is designed in accordance with the Australian Standards.

(7) SIGNAGE AND WAYFINDING STRATEGY

A signage and wayfinding strategy must be submitted to and approved by Council's Area Planning Manager prior to Stage 1 certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979).

The signage and wayfinding strategy must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the site. Signage must be designed in accordance with the relevant provisions of the Sydney Development Control Plan 2012.

Reason

To ensure building information and wayfinding signage is appropriate for the site.

(8) DYNAMIC CONTENT SIGNS

The design of the approved dynamic content signage must comply with the following:-

- (a) The Dynamic Content Sign must not operate between 11pm and 7am.
- (b) Any imagery shall have a dwell time of at least 10 seconds, transition time of 0.1 seconds and not be animated.
- (c) The Dynamic Content Sign, including any animation, video or moving or changing images, is not to flash, strobe, pulsate, flicker or contain fast moving images. Any animation and motion of images is to be slow and smooth at all times.
- (d) The Dynamic Content Sign is to have a default setting that will display an entirely black display area when no content is being displayed or if a malfunction occurs.
- (e) The Dynamic Content Sign is to have light sensors that automatically adjust the display brightness of the display area to ambient light conditions.

Reason

To ensure signage is designed in accordance with Council's DCP.

(9) SIGNAGE GENERAL REQUIREMENTS

The design of the approved signage must comply with the following:-

- (a) The signage is not to contain highly reflective materials, colours and finishes.
- (b) The signage is not to incorporate sound, vibration, odour and other emissions.

Reason

To ensure signage is designed in accordance with Council's DCP.

(10) SIGNS/GOODS IN THE PUBLIC WAY

No signs or goods are to be placed on the footway or roadway adjacent to the property.

Reason

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

(11) SERVICE VEHICLE SIZE LIMIT

The size of vehicles servicing the property must be a maximum length of 12.5m.

Reason

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

(12) ASSOCIATED ROADWAY COSTS

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

Reason

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

(13) 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.

(14) CHANGES TO KERB SIDE PARKING RESTRICTIONS

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

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

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

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

Reason

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

(15) VEHICLE ACCESS

All vehicles are to enter and depart the site travelling in a forward direction. Any vehicle longer than 5.2m shall, if necessary, enter the site by reversing in and exit in a forward direction.

Reason

To increase pedestrian safety at the site access.

(16) SWINGING DOORS OVER PUBLIC WAY

Any access doors to enclosures housing building services and facilities, such as hydrant and sprinkler booster assemblies or the like, must not open over the footway/roadway.

Reason

To ensure no element of the development obstructs the use of the public way.

(17) 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) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013.
- (e) 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.

(18) MATERIALS FOR MAKING GOOD

New materials for making good and repairs, are to match the existing in terms of colours, finishes, sizes, profile and properties.

Reason

To ensure appropriate materials and finishes are used.

(19) TREES APPROVED FOR REMOVAL

- (a) All trees detailed in Table 1 below are approved for removal. Tree removal must not occur until the certification (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979) has been issued.

Table 1 – Tree Removal:

Tree No	Species	Location
67-72	<i>Phoenix canariensis</i> (Date Palm)	Street tree – cnr Macquarie Street and Shakespeare Place
75	<i>Cupanipsis anacardiodes</i> (Tuckeroo)	Northern frontage – adjacent to Mitchell Wing
134PP	<i>Brachychiton populneus</i> (Kurrajong)	Adjacent to Hospital Road – east
117 and 169	<i>Platanus x acerifolia</i> (<i>London Plane Tree</i>)	In road medians – Macquarie Street/Shakespeare Place intersection

- (b) Tree removal works must be carried out by a qualified Arborist (minimum AQF Level 3) and in accordance with SafeWork's Code of Practice - Amenity Tree Industry.

Reason

To identify the trees that can be removed.

(20) 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
56	<i>Celtis occidentalia</i> (Hackberry)	Macquarie Street – road reserve
57-58 (group)	<i>Livistona australis</i> (Cabbage Tree Palm)	Western frontage adjacent to Mitchell Wing
64-65	<i>Ficus macrocarpa</i> var. <i>Hillii</i> (Hills Weeping Fig)	Western forecourt

Tree No	Species	Location
66	<i>Ficus rubiginosa</i> (Port Jackson Fig)	Western forecourt
73-74	<i>Washingtonia robusta</i> (Mexican Fan Palm)	Northern frontage adjacent to Mitchell Wing
76	<i>Podocarpus elatus</i> (Brown Pine)	North-eastern site corner
77 and 110PP	<i>Ficus rubiginosa</i> (Port Jackson Fig) and <i>Ficus macrophylla</i> (Moreton Bay Fig)	Adjacent to Hospital Road – western and eastern sides
128PP-132PP	<i>Olea europaea</i> var. <i>europaea</i> (European Olive)	Adjacent to Hospital Road – eastern side
135PP	<i>Brachychiton discolor</i> (Lackbark)	Adjacent to Hospital Road – eastern side

Note: Trees 73 and 74 must be transplanted. See Condition 36.

Reason

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

(21) 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.

(22) NO OBSTRUCTIONS

All public footways and paths of travel must be free from obstructions. If services are required to be relocated to clear paths of travel, then this must be undertaken at the developer's expense. All obstructions are to be removed at the completion of works.

Reason

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

(23) 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.

(24) PUBLIC ART

Public art must be installed to the City's satisfaction prior to the commencement of use.

- (a) The public artwork must be in accordance with the *Sydney Development Control Plan 2012* and the *City of Sydney Public Art Policy*.
- (b) A Preliminary Public Art Plan with further details on arrangements for the relocation of the Shakespeare Memorial, proposed new memorials, monuments or statue relocations in the Macquarie Street East Precinct, opportunities for truth telling and rebalancing and other public art projects, must be submitted to and approved by Council's Director City Planning, Development and Transport prior to certification being issued (pursuant to Section 6.28 of the *Environmental Planning and Assessment Act 1979*).
- (c) A Detailed Public Art Plan with final details of proposed public artworks must be submitted to and approved by Council's Director City Planning, Development and Transport prior to certification being issued (pursuant to Section 6.28 of the *Environmental Planning and Assessment Act 1979*).
- (d) Public artwork must be installed to the City's satisfaction, inspected and approved and the Final Public Art Report submitted and approved by Council's Area Planning Manager prior to the completion of works.

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

Reason

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

(25) LAND SUBDIVISION – SEPARATE DA REQUIRED

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

Reason

To ensure separate development consent is sought for land subdivision.

(26) WASTE AND RECYCLING MANAGEMENT - GENERAL

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

Reason

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

BUILDING WORK

BEFORE ISSUE OF CERTIFICATION

(27) TRAFFIC WORKS

Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with TfNSW requirements and must be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee, or its successor.

A Traffic Works Plan is to be prepared and must include:

- (a) Road, parking and traffic arrangements;
- (b) Signs;
- (c) Pedestrian crossings;
- (d) Traffic signals; and
- (e) Any relevant approvals from TfNSW.

The Traffic Works Plan is to be submitted to publicdomain@cityofsydney.nsw.gov.au for approval.

The necessary referral and advice of the Local Pedestrian, Cycling and Traffic Calming Committee, or its successor, must be obtained prior to the commencement of any Stage 2 works.

Note: Referral to the Local Pedestrian, Cycling and Traffic Calming Committee, or its successor, may take a few months and it is recommended that the Traffic Works Plan submission is initiated early in the project.

Reason

To ensure all relevant approvals for traffic and parking works are obtained and designed in accordance with relevant requirements.

(28) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION AND OCCUPATION

- (a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report prepared by Acoustic Dynamics, dated 4 September 2024, ref 6122R001.JC.240903, Rev 0, titled Operational Noise Assessment State Library Public Domain Macquarie Street Sydney NSW (Council Ref: 2024/598587) must be implemented in the development prior to the commencement of its use.
- (b) Prior to the issue of any relevant certification (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979), the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the DA Acoustic Report in (a) above, with reference to relevant documentation.

This must be done by a Suitably Qualified Acoustic Consultant* (see definition below). This work will be to the satisfaction of the Registered Certifier.

- (c) Prior to occupation/commencement of use, a Suitably Qualified Acoustic Consultant* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier that the development complies with the requirements set out in the Report and in (a) and (b) above.

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

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

Reason

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

(29) ALLOCATION OF PARKING

The number of car parking spaces to be provided for the development in the northern side service vehicle parking area access from Hospital Road must comply with the table below. Details confirming the parking numbers must be submitted to the satisfaction of the Registered Certifier prior to certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979).

Car Parking Type	Number
Office and business parking	4
12.5m long Heavy rigid vehicle (HRV) loading dock(s)	1
Total	5

Reason

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

(30) HERITAGE INTERPRETATION PLAN

- (a) An interpretation plan must be submitted to and approved by Council's Urban Design and Heritage Manager / Area Planning Manager prior to certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979). 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 development site including Shakespeare Place and

surrounding memorials 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.
- (d) Prior to the completion of works, the approved interpretation plan must be implemented to the satisfaction of Council's Urban Design and Heritage Manager / Area Planning Manager.

Reason

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

(31) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

Prior to certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979), an archival photographic recording of the development site and the Shakespeare Memorial 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 on a USB or 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 taken with a minimum 8 megapixel camera, 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 building.

(32) HERITAGE CONSERVATION WORKS

- (a) Prior to certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979), a schedule of conservation works to be undertaken concurrently with the works is to be submitted to Council's Urban Design and Heritage Manager for approval.
- (b) The schedule is to assess the condition State Library's stone balustrading and the light moat and the potential impacts by the proposed works and specify any conservation works needed. The schedule is also to assess the condition of Shakespeare Memorial and specify conservation works needed before, during and after its relocation.
- (c) The schedule is to be supported by outline specifications, methodologies and detailed architectural sections, elevations and plans at 1:20 and 1:5 scales. The details should incorporate any structural and/or building services design for the building.
- (d) 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. Any departure from approved plans requiring additional demolition/chasing of significant fabric is to be discussed with City of Sydney Heritage Specialists for acceptance.
- (e) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013. Appropriately qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.
- (f) INSPECTION AND APPROVAL: The conservation works are to be inspected by Council Heritage Specialists and be implemented to the satisfaction of Council's Urban Design and Heritage Manager prior to the commencement of use.

Reason

To ensure the carrying out of appropriate heritage conservation works.

(33) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

- (a) A Construction Traffic Management Plan must be submitted to and approved by Council prior to certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979).
- (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.

(34) COMPLIANCE WITH PRELIMINARY SITE INVESTIGATION

Prior to certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979) a targeted intrusive investigation as recommended within the Preliminary Site Investigation, ref. 62251/153,359, prepared by JBS&G Australia Pty Ltd, dated 4 September 2024 (Council ref. 2024/598601) shall be conducted.

The Investigation Report is to be forwarded to Council's Area Coordinator Planning Assessments / Area Planning Manager for written approval.

Reason

To ensure that the site is appropriately remediated.

(35) LANDSCAPE OF THE SITE

- (a) Prior to certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979) for Stage 1, a detailed landscape design including plans and details drawn to scale, and technical specification, by a registered landscape architect, must be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager. These documents must include:
 - (i) Location of existing and proposed planting on the site including existing and proposed trees, planting in natural ground, and planting on structure.
 - (ii) Levels and grading plan (with contours, falls, existing and proposed levels, existing levels at the base of retained trees).
 - (iii) Services coordination plan that identifies the location of existing and proposed pits, conduits, services.
 - (iv) General Arrangement plan including surface finishes and materials schedule.
 - (v) Location and details of existing and proposed structures on the site including, but not limited to, paving, edges, walls, services, bins, furniture, signage, shade structures, lighting and other features.
 - (vi) Details of earthworks and soil depths including finished levels and any mounding. The minimum soil depths for planting on structure must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers.
 - (vii) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation for pollinators, birds and biodiversity.
 - (viii) Details of drainage, waterproofing and watering systems.
 - (ix) Landscape maintenance plan. This plan is to be complied with during occupation of the property.

- (b) Prior to certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979) for Stage 2, a detailed landscape design including plans and details drawn to scale, and technical specification, by a registered landscape architect, must be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager. These documents must include:
- (i) Location of existing and proposed planting on the site including existing and proposed trees, planting in natural ground, and planting on structure.
 - (ii) Levels and grading plan (with contours, falls, existing and proposed levels, existing levels at the base of retained trees).
 - (iii) Services coordination plan that identifies the location of existing and proposed pits, conduits, services.
 - (iv) General Arrangement plan including surface finishes and materials schedule.
 - (v) Location and details of existing and proposed structures on the site including, but not limited to, paving, edges, walls, services, bins, furniture, signage, shade structures, lighting and other features.
 - (vi) Details of earthworks and soil depths including finished levels and any mounding. The minimum soil depths for planting on structure must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers.
 - (vii) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation for pollinators, birds and biodiversity.
 - (viii) Details of drainage, waterproofing and watering systems.
 - (ix) The design must provide a minimum 15% canopy cover across the site, provided by trees that will reach a minimum height of 6 metres;
 - (x) Replacement of trees 69 and 117 - *Platanus x acerifolia* (London Plane Tree) - that are to be located within the public domain are to adhere to the Street Tree Master Plan 2023 in regards to species selection and planting specifications;
 - (xi) A minimum of 23 trees must be included in the design. The trees species must be a minimum mature height of 8 metres and canopy width of 5 metres. Palms, fruit trees and species recognised to have a short life span will not be accepted as suitable replacements;
 - (xii) Landscape maintenance plan. This plan is to be complied with during occupation of the property.
- (c) Updated landscape plans must reflect changes as per the recommended tree sensitive construction methods outlined within the Arboricultural Impact

Assessment Report (AIA) report prepared by TreeIQ dated 1 August 2024 (Council Ref: 2024/598590) as follows:

- (i) Tree 56 - *Celtis occidentalis* (Hackberry) - Section 3.3.3 Recommendations
 - (ii) Tree 57-58 (group) - *Livistona australis* (Cabbage Tree Palm) - Section 3.3.6 Recommendations (note this for tree protections only. Will be part of the Tree Protection Plan as per finalised plans)
 - (iii) Tree 64-65 - *Ficus microcarpa* var. *Hillii* (Hills Weeping Fig) - Section 3.3.9 Recommendations
 - (iv) Tree 66 - *Ficus rubiginosa* (Port Jackson Fig) - Section 3.3.9 Recommendations
 - (v) Tree 76 - *Podocarpus elatus* (Brown Pine) - Section 3.3.12 Recommendations
 - (vi) Trees 77 and 110PP - *Ficus rubiginosa* (Port Jackson Fig) and *Ficus macrophylla* (Moreton Bay Fig) - Section 3.3.16 Recommendations
 - (vii) Trees 128PP-132PP - Section 3.3.19 Recommendations
- (d) Consultation with the Botanic Gardens of Sydney should occur when preparing the following:
- (i) Species selection in landscape design
 - (ii) Design of any screening to parking areas adjacent to Hospital Road
 - (iii) Horticultural Maintenance Plan incorporating plant hygiene measures and biosecurity processes
 - (iv) Tree protection measures to the existing *Olea europea* olive trees located along Hospital Road
- (e) All landscaping in the approved plan is to be complete prior to the commencement of use.

Reason

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

(36) TRANSPLANTING TREE/S ON SITE

The existing two *Washingtonia robusta* (Mexican Fan Palm - Tree 73 and 74) located at the Northern Frontage adjacent to State Library building must be transplanted.

- (a) A Transplanting Methodology Report must be submitted to, and approved by, Council's Area Planning Manager prior to Stage 2 certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979). The Statement must be prepared by a qualified Arborist (AQF Level 5) experienced in tree transplanting and include:

- (i) Pre-transplant Considerations;
 - (ii) Site Preparation;
 - (iii) Excavation;
 - (iv) Preparation of new planting position;
 - (v) Lifting and Relocation methods;
 - (vi) Planting specifications;
 - (vii) Backfilling and completion;
 - (viii) Maintenance Program.
- (b) In the event that the tree transplanting cannot occur, which is clearly demonstrated in the Transplanting Methodology Report and approved by Council's Tree Management Officer, the following will be required:
- (i) Replacement tree(s) of the same species planted in the new location prior to the commencement of use on site;
 - (ii) The replacement palm trees must have a minimum clear stem height of 5 metres at the time of planting;
 - (iii) The replacement tree must be free of disease, pests, damage (above and below ground) and must be a healthy, vigorous specimen;
 - (iv) Certification from the tree supplier must be submitted and approved by Council's Tree Management Officer confirming a suitable tree is available for purchase and planting which meets the above requirements.
- (c) The transplanted trees or the replacement trees must be maintained by an Arborist (minimum AQF Level 3) for a minimum period of 12 months, commencing from the date of planting. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.
- (d) If the transplanted palm tree(s) or the replacement palm tree(s) fails to establish within 12 months of the initial planting date, it must be replaced with a tree of comparable qualities.

Reason

To ensure that the transplanting of trees on site is carried out in an appropriate manner, or where this cannot occur a replacement tree(s) is provided.

(37) SITE SUPERVISION AND REPORTING

- (a) An Arborist with a minimum AQF Level 5 qualification in Arboriculture must oversee various stages of work within the Tree Protection Zone of any tree listed for retention. The Arborist must certify compliance with each key milestone detailed below:

- (i) Monthly reporting for the duration of construction;
 - (ii) The installation of tree protection measures prior to the commencement of any construction works;
 - (iii) During demolition of any ground surface materials (pavers, concrete, grass etc.) within the Tree Protection Zone (TPZ) of any tree to be retained;
 - (iv) During construction of the new paving and footpath areas, hard and soft landscaping and modifications to existing steps, retaining walls and garden beds
 - (v) During any excavation and trenching within the Tree Protection Zone;
 - (vi) During any landscape works within the TPZ which has been approved by Council.
- (b) An Arboricultural Compliance Report which includes photographic evidence and provides details on the health and structure of tree/s must be submitted to and approved by Council's Area Planning Coordinator or Area Planning Manager at each hold point listed below:
- (i) Certification that tree protection measures have been installed in accordance with these consent conditions;
 - (ii) Certification of compliance with each key milestone listed above within 48 hours of completion;
 - (iii) Monthly reporting for the duration of construction and development works within the site;
 - (iv) Details of any other works undertaken on any tree to be retained or any works within the TPZ which has been approved by Council.
 - (v) A final compliance report confirming tree protection measures have been removed from all trees and details of the health and condition of the trees at the completion of the works.
- (c) Evidence demonstrating that all tree compliance reports have been submitted at each key milestone listed above must be submitted to and approved by Council's Area Planning Coordinator or Area Planning Manager prior to the commencement of use.

Reason

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

(38) ROOT INVESTIGATION REPORT

- (a) A root investigation report must be prepared and submitted to Council's Area Planning Manager prior to certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979). The report must assess the impacts of demolition of the existing retaining wall and construction of the new steps within the TPZ of Tree 64 as per

recommendations listed within Section 3.3.9 of the AIA report. The root investigation report shall contain:

- (i) Scaled plans showing trench location in relation to the subject tree and relevant structures, and tree protection zone and structural root zone areas.
- (ii) Trench information including orientation, length and depth (including impediments to achieving the required excavated depth), along with clear photos of the trench and roots.
- (iii) Root information: location, size and orientation of roots greater than 25mm in diameter.
- (iv) Discussion and recommendations: evaluation of the impacts of the proposed works on the tree, mitigation of impacts, and recommendations for alternative/tree sensitive design and tree protection methods.
- (v) Appendices: supporting information, clear photographs of trees and identified defects, and plan showing tree locations.

Reason

To ensure retained trees are adequately protected during works.

(39) TREE PROTECTION PLAN

Prior to certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979) a Tree Protection Plan and Methodology Statement, prepared by a qualified Arborist with a minimum Australian Qualification Framework (AQF) of Level 5, and written in accordance with the Australian Standard AS 49702009 'Protection of Trees on Development must be submitted to Council's Area Planning Manager for approval.

Reason

To ensure retained trees are adequately protected during works.

(40) PUBLIC DOMAIN DAMAGE BOND

- (a) A Public Domain Damage Deposit calculated on the basis of 1,300 square metres of brick 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 an approval for demolition being granted or certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979), whichever is earlier.
- (c) The bond in this condition will be released in full when the Public Domain Works Security Bond is lodged with the City.

Reason

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

(41) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on the Macquarie Street, Bent Street and Shakespeare Place frontages of the site are to be retained and properly protected during demolition, excavation and construction 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.

(42) 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 certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979), documentary evidence must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include either:

- (a) A copy of any Surveyor-General's Approval for Survey Mark Removal granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the survey mark audit schedule, strategy plan and strategy report); or
- (b) A letter, signed by a current NSW Registered Land Surveyor and including 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.

(43) 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 certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979) for the development other than for demolition or excavation.

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

Reason

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

(44) PUBLIC DOMAIN LEVELS AND GRADIENTS

Prior to Stage 2 certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979), 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.

(45) STORMWATER DRAINAGE DESIGN

Prior to Stage 2 certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979), a detailed stormwater management plan prepared by suitably qualified and experienced Civil Engineer must be submitted to and approved by the City's Public Domain Unit. The plan must be submitted with an Application for Approval of Stormwater Drainage, together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges.

The submission must include a certified stormwater drainage design complying with:

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

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

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

Reason

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

(46) STORMWATER QUALITY ASSESSMENT

Prior to Stage 2 certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979), an updated stormwater quality assessment report and design certification report prepared by a suitably qualified practitioner engineer (NER) demonstrating compliance with the City's 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 City's MUSIC link targets.

Reason

To ensure appropriate stormwater quality on the site.

(47) PUBLIC DOMAIN LIGHTING UPGRADE

Prior to certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979), 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 Shakespeare Place, Hospital Road and Macquarie Street and shall be designed to include the following requirements:

- (a) Shakespeare Place, Macquarie Street and Hospital Road:
 - (i) Lighting must comply with requirements of AS1158 under Category PP1 + 4 Lux on footpaths.
 - (ii) If required, supply and install COS light poles to achieve compliance.
- (b) Macquarie Street Road Carriageway:
 - (i) Lighting must comply with requirements of AS1158 under Category V1 on roadway and PP1 + 4 Lux on footpaths.
 - (ii) If required, supply and install COS light poles or extend Ausgrid street lighting network to achieve compliance.
- (c) Lighting within the site and within the vicinity of the site must also be designed to promote a dark night sky for the benefit of fauna such as birds and bats.

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.

(48) DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to Stage 2 certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979), a photographic recording of

the public domain site frontages including the CCTV of the adjacent drainage network (per the Sydney Streets Technical Specifications - 4.6.3 CCTV Footage requirements), 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.

(49) NEW ROAD DESIGN

Liaison with other authorities - Preparation of the detailed design and construction documentation for the proposed public road system must include all necessary liaison with, and requirements of, all relevant public utility authorities, TfNSW, the City of Sydney Council, the Local Pedestrian Cycling and Traffic Calming Committee and its nominated consultants in order to achieve design approvals and construction compliance. Written evidence of approval from relevant authorities must be submitted to the City with the road design submission.

Design package and accompanying documentation – A design package must be prepared based on the requirements outlined in Council's *Public Domain Manual*. A design report for the road works must be prepared by an appropriately qualified civil engineer certifying that the design complies with the City of Sydney's policies, standards and specifications and those of all other relevant authorities as applicable. All engineering plans and calculations must be checked, signed and certified by a suitably qualified practicing professional engineer and included in the report. The design package and report must be submitted to and approved by Council's Public Domain Manager prior to the construction of the road.

Reason

To ensure the new road design complies with Council's policies, standards and specifications and those of all other relevant authorities.

(50) STORMWATER DRAINAGE DESIGN FOR STATE ROADS/OTHER AUTHORITIES

A detailed stormwater management plan prepared by suitably qualified and experienced civil engineer and complying with Council's Sydney Streets Technical Specifications, Part A4 Stormwater Drainage Design must be submitted to and approved by TfNSW prior to Stage 2 certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979). Evidence of this approval must be submitted to Council.

Reason

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

BEFORE BUILDING WORK COMMENCES

(51) TREE PROTECTION ZONES (FOR STREET TREES)

- (a) Before the commencement of works, Tree Protection Zone/s (TPZ) must be established around all trees to be retained not less than the distance indicated in the TPZ schedule below.
- (b) Tree protection must be installed and maintained in accordance with the Australian Standard 4970 Protection of Trees on Development Sites and with the following schedule:

Tree No.	Species	Tree Location	Radius (m) from trunk
56	<i>Celtis occidentalis</i> (Hackberry)	Macquarie Street – road reserve	4.8
57-58 (group)	<i>Livistona australis</i> (Cabbage Tree Palm)	Western frontage adjacent to Mitchell Wing	4.0
64-65	<i>Ficus macrocarpa</i> var. <i>Hillii</i> (Hills Weeping Fig)	Western forecourt	15.0
66	<i>Ficus rubiginosa</i> (Port Jackson Fig)	Western forecourt	12.0
76	<i>Podocarpus elatus</i> (Brown Pine)	North-eastern site corner	7.2
77 and 110PP	<i>Ficus rubiginosa</i> (Port Jackson Fig) and <i>Ficus macrophylla</i> (Moreton Bay Fig)	Adjacent to Hospital Road – western and eastern sides	15.0
128PP-132PP	<i>Olea europaea</i> var. <i>europaea</i> (European Olive)	Adjacent to Hospital Road – eastern side	9.0

- (c) Tree protection fencing must be installed and maintained within the subject development site prior to the commencement of works and in accordance with the following:
 - (i) A 1.8m high fully supported chainmesh protective fencing, secured and fastened to prevent movement, must be installed around Tree 57-58 *Livistona australis* (Cabbage Tree Palm) as per Section 3.3.6 Recommendations within the Arboricultural Impact Assessment

Report (AIA) report prepared by TreeiQ dated 1 August 2024 (Council Ref: 2024/598590). Woody roots must not be damaged or destroyed during the establishment or maintenance of the fencing;

- (ii) Tree Protection Signage must be attached facing outwards in a visible position identifying the name and contact details of the Project Arborist. All signs must remain in place throughout all work on site;
 - (iii) Tree protection fencing must not be moved or relocated unless written approval is obtained from the Project Arborist and a copy is provided to Council's Tree Management Officer which outlines alternate protection measures and that the relocated fencing will not impact the viability and retention of the tree/s.
- (d) Ground surface protection must be installed if construction access is required through any TPZ where the existing ground surface material is not a hard surface or / paving. The ground protection must be:
 - (i) Protected with boarding (i.e. scaffolding board or plywood sheeting or similar material), placed over a layer of mulch to a depth of at least 75mm and geotextile fabric;
 - (ii) The protective boarding must be left in place for the duration of the construction and development.
- (e) The following works must be excluded from within any TPZs:
 - (i) Excavation except for the localised siting of piers/demolition of the concrete slab
 - (ii) Soil cut or fill including trenching
 - (iii) Soil cultivation, disturbance or compaction
 - (iv) Stockpiling, storage or mixing of materials
 - (v) The parking (except existing on street parking), storing, washing and repairing of tools, equipment and machinery
 - (vi) The disposal of liquids and refuelling
 - (vii) The disposal of building materials
 - (viii) The siting of offices or sheds
 - (ix) Any action leading to the impact on tree health or structure
- (f) Any trenching works for services / hydraulics / drainage etc must not be undertaken within any TPZ. Alternative installation methods for services, such as directional boring/drilling, or redirection of services must be employed.
- (g) All work undertaken within or above the TPZ must be:
 - (i) Carried out in accordance with a work methodology statement prepared by an Arborist with a minimum AQF Level 5 qualification in

arboriculture and written approval is obtained from Council's Tree Management Officer before its implementation; and

- (ii) Supervised by a Project Arborist with a minimum AQF Level 5 qualification in arboriculture.

Reason

To ensure the protection and ongoing health of trees.

(52) STREET TREE PRUNING AND REMOVAL

- (a) The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 30mm diameter. 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.

(53) TREE TRUCK PROTECTION

The tree/s must be protected in accordance with the Australian Standard AS4970 Protection of Trees on Development Sites. All trees must be protected during the construction works as follows:

- (a) Tree trunk and major branch protection must be undertaken prior to certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979). The installation of trunk protection must be supervised and certified by the Project Arborist with a minimum AQF Level 5 qualification in arboriculture and must include:
 - (i) Tree trunk/s and/or major branches to a height of two metres must be protected by wrapped thick carpet underlay or similar padding material to limit damage;
 - (ii) 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 carpet underlay or similar padding material and timber planks must not be fixed to the tree in any instance, or in any fashion;

- (iii) 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.

Reason

To ensure the protection and ongoing health of trees.

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

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

Reason

To ensure relevant approvals for public domain work are obtained.

(55) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

- (a) Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Principal Certifier:
 - (i) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.
 - (ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
 - (iii) An Excavation Work Method Statement prepared by an appropriately qualified person.
 - (iv) A Waste and Recycling Management Plan – Demolition and Construction for the demolition and or excavation of the proposed development. The plan is to include details of materials that will be excavated and their proposed destination or reuse.
 - (v) Plans and elevations showing the location, construction and installation of temporary site fencing and any temporary structures used in connection with the construction of the development.

Note: Temporary structures, including hoardings and scaffolding, proposed for erection on City-owned and controlled land (footways and roadways), must comply with Council's *Guidelines for Hoardings and Scaffolding* and be approved by Council under the provisions of the Local Government Act 1993 and the Roads Act 1993 prior to installation.

- (b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the *Work, Health and Safety Act 2011* and Regulation; Council's *Guidelines for Waste Management in New*

Developments 2018, the Waste Avoidance and Resource Recovery Act 2001, and all other relevant acts and regulations and must include provisions for:

- (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.
- (ii) The name and address of the company/contractor undertaking demolition/excavation works.
- (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
- (iv) The name and address of the transport contractor.
- (v) The type and quantity of material to be removed from site.
- (vi) Location and method of waste disposal and recycling.
- (vii) Proposed truck routes, in accordance with this development consent.
- (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
- (ix) Measures to control noise emissions from the site.
- (x) Measures to suppress odours.
- (xi) Enclosing and making the site safe.
- (xii) Induction training for on-site personnel.
- (xiii) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to SafeWork NSW.
- (xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the SafeWork NSW.
- (xv) Disconnection of utilities.
- (xvi) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).

- (xvii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
- (xviii) Waterproofing of any exposed surfaces of adjoining buildings.
- (xix) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act 1997*).
- (xx) Working hours, in accordance with this development consent.
- (xxi) Any SafeWork NSW requirements.
- (c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.
- (d) All waste records from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site. These records must be available for sighting on request by an authorised Council officer.

Reason

To ensure that impacts arising from demolition, excavation and construction are appropriately managed.

(56) OTHER REQUIRED APPROVALS

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

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

Reason

To ensure use of a public place is managed appropriately.

DURING BUILDING WORK

(57) 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 submitted Construction Noise and Vibration Impact Statement, ref. 6122R002.JC.240912, Rev. 1, prepared by Acoustic Dynamics dated 12 September 2024 (Council ref. 2024/598589).
- (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.

Reason

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

(58) USE OF HERITAGE CONSULTANT – MINOR DEVELOPMENT

- (a) A heritage consultant experienced in heritage restoration and renovation works is to be commissioned to 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. Evidence and details of the above commission on the above terms are to be submitted to Council's Area Coordinator Planning Assessments / Area Planning Manager prior to commencement of work on site.
- (b) The heritage consultant must sign off the completed project and submit a final report to Council's Area Coordinator Planning Assessments / Area Planning Manager specifying how the heritage conditions are satisfied prior to the commencement of the use.

Reason

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

(59) 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.

(60) NOTIFICATION – NEW CONTAMINATION EVIDENCE

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

Reason

To ensure that the site is appropriately remediated.

(61) IMPORTED FILL MATERIALS

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

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

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

Reason

To ensure that imported fill is not contaminated.

(62) STOCKPILES

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

Reason

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

(63) COMPLIANCE WITH ARBORIST'S REPORT

- (a) All recommendations Tree Protection Plans and Methodology Statements contained in the approved Arboricultural Impact Assessment Report (AIA) report prepared by TreeIQ dated 1 August 2024 (Council Ref: 2024/598590), must be implemented during the demolition, construction and use of the development.

Reason

To ensure that works affecting trees are carried out in an appropriate manner and in accordance with the approved arborist's report.

(64) TREE SENSITIVE EXCAVATION

- (a) Excavation undertaken within the specified distance/s from the trunks of the following trees shall be hand dug.

Tree (Root) Protection Zone Schedule:

Tree No.	Species	Tree Location
56	<i>Celtis occidentalis</i> (Hackberry)	Macquarie Street – road reserve
57-58 (group)	<i>Livistona australis</i> (Cabbage Tree Palm)	Western frontage adjacent to Mitchell Wing
64-65	<i>Ficus macrocarpa</i> var. <i>Hillii</i> (Hills Weeping Fig)	Western forecourt
66	<i>Ficus rubiginosa</i> (Port Jackson Fig)	Western forecourt
73-74	<i>Washintonia robusta</i> (Mexican Fan Palm)	Northern frontage adjacent to Mitchell Wing

76	<i>Podocarpus elatus</i> (Brown Pine)	North-eastern site corner
77 and 110PP	<i>Ficus rubiginosa</i> (Port Jackson Fig) and <i>Ficus macrophylla</i> (Moreton Bay Fig)	Adjacent to Hospital Road – western and eastern sides
128PP-132PP	<i>Olea europaea</i> var. <i>europaea</i> (European Olive)	Adjacent to Hospital Road – eastern side

Note: Trees 73 and 74 must be transplanted. See Condition 36.

- (b) Excavation must not occur within the structural root zone (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) Within the TPZ:
 - (i) Tree sensitive excavation, such as small hand tools, compressed air or water jetting only must be used. Roots with a diameter equal to or greater than 40mm shall not be severed or damaged unless approved in writing by Council's Tree Management Officer.
 - (ii) Mechanical excavation is permitted beyond this radius when root pruning by hand along the perimeter line is completed. Exposed roots to be retained shall be covered with mulch or a geotextile fabric and kept in a moist condition and prevented from drying out.
 - (iii) All excavations must be supervised by a Project Arborist with a minimum AQF Level 5 qualification in arboriculture.
- (b) Footings must be relocated / realigned if any tree root greater than 40mm in diameter is encountered during excavations. A minimum of 150mm clearance must be provided between the tree root and footing.
- (c) All excavations located within the TPZ must be supervised by a Project Arborist with a minimum AQF Level 5 qualification in arboriculture.
- (d) All root pruning must be undertaken in accordance with the Australian Standard 4373 'Pruning of Amenity Trees' and by an arborist with a minimum AQF level 3 qualification in Arboriculture.

Reason

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

(65) STREET TREE PROTECTION

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

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

(66) TREE PRUNING – FURTHER APPROVAL REQUIRED

Consent from Council's Tree Management Officer must be obtained prior to any tree pruning work being undertaken, including tree roots greater than 40mm in diameter, for any trees located within or adjacent to the site. Only minor pruning works will be approved by Council.

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) PUBLIC DOMAIN WORKS SECURITY BOND

A Public Domain Works Security Bond will be required for the public domain works and for repairing damage that may be caused to the public domain in the vicinity of the site, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual.

The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The bond must be lodged with the City prior to an approval being issued for the approval of the Public Domain Plan.

The bond will be retained in full until all public domain works, including rectification of damage to the public domain, are completed to City's standards and approval and the required works-as-executed documentation are approved. On satisfying the above requirements, and the issue of the Public Domain Works Letter of Completion Operational Acceptance by the City, 90% of the bond will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

Reason

To ensure public domain works are completed and any damage to the public domain is rectified.

(69) 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.

(70) PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION

A detailed public domain plan and all relevant documentation must be submitted to and approved by City's Public Domain Unit prior to the construction of any public domain works. This Plan must document all works required to ensure that the public domain upgrade work complies with the City's specifications and requirements, as outlined in documents such as City of Sydney's *Public Domain Manual*, *Sydney Streets Code*, *Sydney Street Tree Masterplan*, *Sydney Lights: Public Domain Design Code* and *Sydney Streets Technical Specification*. The documentation must be *checked, accurate, and comply with specified requirements*. Plans must be based on an accurate survey prepared, signed and dated by a registered surveyor, to scale and fully coordinated across all disciplines and submissions. The supplied documentation must be for Construction issue and will be approved under Section 138 of the Roads Act.

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

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

Reason

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

(71) HOLD POINTS

A set of hold point inspections will be included in the Public Domain works approval letter for the construction of public domain and / or planning agreement works, including civil, drainage and subsurface works.

These hold point inspections must be adhered to during construction works. Prior to the commencement of use, 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.

(72) STORMWATER DRAINAGE CONNECTION

For approval of a connection into the City of Sydney's underground drainage infrastructure system, detailed stormwater construction plans must be submitted to the City's Public Domain Team with Public Domain Plan Detailed Documentation for Construction for review and approval prior to an approval being issued for the construction of stormwater drainage connection with public domain work.

Reason

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

(73) 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/d-a-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.

(74) LAND DEDICATION – REMEDIATION CAPPING LAYER

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

(75) 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 (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 7.00am 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.

(76) 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 following hours:
 - (i) Monday to Friday
 - a. 8am – 12pm
 - b. 1pm – 4pm
- (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.

(77) 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.

(78) 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.

(79) 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.

(80) 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.

(81) 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.

BEFORE THE COMMENCEMENT OF USE

(82) 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 before the commencement of use.

Reason

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

(83) 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.

(84) STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT

Prior to the commencement of use, 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.

Reason

To protect underground drainage system.

(85) SURVEY INFRASTRUCTURE – RESTORATION

- (a) Prior to the commencement of use, documentary evidence of restoration must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include:

- (i) Certification that all requirements requested under the Surveyor-General's Approval for Survey Mark Removal or by the City's Principal Surveyor under condition "Survey Infrastructure – Identification and Recovery" have been complied with;
- (ii) Certification that all requirements requested under any Surveyor-General's Approval for Deferment of Survey Marks from condition "Survey Infrastructure – Pre Subdivision Certificate works" have been complied with and;
- (iii) Time-stamped photographic records of all new survey infrastructure relating to the site clearly showing the mark itself and sufficient context to aid in identifying the mark on site.

Reason

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

OCCUPATION AND ONGOING USE

(86) PRIOR TO OCCUPATION OR USE

Prior to occupation or use, certification is to be obtained certifying that the approved building works are suitable for occupation or use in accordance with their classification under the BCA and that Certification has been issued under 6.28 of the EP&A Act 1979 and BCA 2016.

(87) 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.

(88) 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 NPfI unless otherwise agreed by the City's Area Planning Manager.

Reason

To protect the acoustic amenity of surrounding properties.

(89) NOISE - CONCERTS AND SPECIAL EVENTS

- (a) All recommendations contained in the acoustic report prepared by prepared by Acoustic Dynamics, dated 4 September 2024, ref 6122R001.JC.240903, Rev 0, titled Operational Noise Assessment State Library Public Domain Macquarie Street Sydney NSW, Council Ref 2024/598587 must be implemented prior to and during events.

- (b) Appropriate attended noise monitoring must be undertaken by a suitably qualified acoustical consultant* throughout the event. The acoustic consultant must verify noise emanating from the event, at the nearest residential boundary, does not exceed the noise criteria detailed in the “Noise - Entertainment” condition.
- (c) An acoustic report detailing the results of monitoring undertaken should be submitted to the Council’s Health Compliance within 7 days after the event.

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). With respect to (i), in selecting a consultant, the proponent may wish to consider previous relevant experience of the consultant.

Reason

To ensure the acoustic amenity of surrounding developments is maintained.

(90) NOISE – ENTERTAINMENT (CONCERTS AND SPECIAL EVENTS)

- (a) The LAeq, 15 minute noise level from the use must not exceed the background noise level (LA90, 15minute) 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 LAeq, 15 minute noise level from the use must not exceed the background noise level (LA90, 15 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 LAeq, 15 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 LA90, 15 minute (from external sources excluding the use) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive). Or,
 - (ii) If the LZ90, 15 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 (Lp) of the Tf curve in that octave band shall become that octave’s LZeq 15 minute noise criteria level.
- (d) Notwithstanding (b) above, the LA1 15 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 LA90, 15 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 LZ90, 15 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 (Lp) of the Tf curve in that octave band shall become that octave's LZ1 15 minute noise criteria level.

Note: Leq, L01, and L90, metrics and 'A' (weightings) are as per the definitions in the standard AS1055-20148. 'Z' means unweighted noise. An internal LA90 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 LA90 levels for planning must be established as per the long-term methodology in Fact Sheet B of the NPfI unless otherwise agreed by the City's Area Planning Manager.

Reason

To ensure the acoustic amenity of surrounding developments is maintained.

(91) NO SPRUICKING NOISE

No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruicking are to be located on Council owned property. Furthermore, the sound level of any spruicking generated within privately owned land must not be audible on any adjacent property with a shared boundary.

Reason

To safeguard the amenity of the surrounding neighbourhood.

(92) SPOTTER AND OR TRAFFIC CONTROLLER FOR HRV MANOEUVRING

A suitably qualified spotter or traffic controller must be engaged to assist with the reverse manoeuvring of the 12.5 m HRV truck, ensuring the safety of both traffic and pedestrians while accessing and exiting the site.

Reason

To ensure that the loading dock is appropriately managed.

(93) 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.

(94) ENCROACHMENTS – PUBLIC WAY

No portion of the proposed structure, including landscaping edge, internal drainage and subsoil drainage, gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

Reason

To protect the public way.

(95) ONGOING WASTE MANAGEMENT – COMMERCIAL

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

Reason

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

(96) EVENTS

- (a) Events held in any outdoor area in the western or northern forecourt must not commence until the completion of all works.
- (b) The period during which the overall use of the forecourts around the NSW State Library are approved to operate for events is restricted to 5 years from the date of this consent. Events must cease after that time. A further development application may be lodged before the end of that period for Council's consideration for the continuation of the use.
- (c) All events must be coordinated with the Macquarie Street East Precinct Management Committee (or equivalent) to ensure compliance with acoustic requirements are met.
- (d) Standard events may occur on 52 occasions per year.
- (e) Late-night special events (operating until 12.00midnight) may only occur on six (6) occasions per year.
- (f) The applicant must ensure a suitable clearance is provided around the northern forecourt to allow for movement around the site while an event is occurring. Appropriate directional signage must be displayed identifying pedestrians of alternative routes around the site.

Reason

To ensure all events are carried out in accordance with the consent.

(97) BUMP IN & BUMP OUT ACTIVITIES - NOISE & OPERATIONAL RESTRICTIONS ON ANY EVENT

- (a) Meaning - Bump in and bump out activities are operations conducted for the preparation, setup, removal or disassembly of the event. Any reference to construction and construction work within the Construction Code of Practice also means a reference to bump in and bump out activities.
- (b) Bump in and out activities must comply with the following criteria:
 - (i) All work associated with bump in and bump out activities must comply with the noise limits prescribed by the City of Sydney Code of Practice for Construction Hours/Noise 1992 and methodologies be in accordance with the Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites. This noise criteria is applicable at any residential or commercial premise.
 - (ii) Noise generated by work from bump in and bump out activities undertaken on site must be inaudible within any residential premise between the hours of 10pm and 7am.
 - (iii) Use of intrusive appliances are not approved for bump in and bump out activities. Intrusive appliances has the same meaning and definition as per the City of Sydney Code of Practice for Construction Hours/Noise 1992.

- (c) All vehicles entering the site and activities associated with bump in and bump out loading and unloading must occur wholly within the existing loading area adjacent to Hospital Road.

Reason

To ensure all parties are aware of the requirements for bump in and bump out activities.

(98) MAXIMUM CAPACITY OF PERSONS

- (a) Events are to have a maximum capacity of 1,500 persons (including staff, patrons and performers) at any one time.
- (b) Management 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.

(99) TRADING HOURS - SENSITIVE USES

The trading hours are regulated as follows:

- (a) The permitted hours of operation for standard events are restricted to between 7.00am and 10.00pm Monday to Sunday.
- (b) The permitted hours of operation for special events are restricted to between 7.00am and 12.00midnight Monday to Sunday.

Reason

To ensure events trade within the approved trading hours.

(100) PLAN OF MANAGEMENT

The use must always be operated / managed in accordance with the Plan of Management approved in this consent (Council Ref: 2025/461462). 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.

(101) COPIES OF CONSENTS AND MANAGEMENT PLANS

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

Reason

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

(102) SURVEILLANCE CAMERAS

- (a) CCTV surveillance cameras must be strategically installed, operated and maintained throughout the premises with coverage to:
 - (i) All entrance/s and exits used by the public including a 10m radius of these entrance/s and exits;
 - (ii) all areas within the premise occupied by the public (excluding toilets).
- (b) All CCTV recording equipment and cameras must be of high-grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras.
- (c) CCTV recordings must be retained for 28 days before being re-used, destroyed or deleted. Time and date must be automatically recorded. The CCTV recording equipment must be capable of reproducing a digital copy.
- (d) All CCTV recording devices and cameras must be checked to ensure the equipment is operating correctly.
- (e) When the premises is operating there must be at least one staff member present at the premises who is authorised to access the CCTV system and able to immediately review recordings and produce copies.

Reason

To ensure the safety and security of staff, patrons and the surrounding neighbourhood is adequately monitored and maintained.

(103) SECURITY – LICENSED PREMISES

Security is to be provided at any time and in any manner specified in the approved Plan of Management.

Reason

To ensure the safety and security of staff, patrons and the surrounding neighbourhood is adequately monitored and maintained.

(104) NEIGHBOURHOOD AMENITY

Management must ensure that the behaviour of patrons entering and leaving the site do not detrimentally affect the amenity of the neighbourhood.

Reason

To safeguard the amenity of the surrounding neighbourhood.

(105) GENERAL SITE REQUIREMENTS

- (a) Access for emergency vehicles must be provided to and within the site area at all times for the duration of the event including bump in and bump out periods.
- (b) Perimeter security fencing must incorporate sufficient opening exit gates to provide access to emergency services and adequate egress in an emergency situation for the intended event capacity. All exit gates must be clearly indicated with conspicuous 'Exit' signage.
- (c) All mechanical and electrical installations including generators, electrical cabling and any mobile structures must comply with AS/NZS 3002 and be surrounded or covered by appropriate physical barriers so as to prevent unauthorised access by the public at all times and to prevent ground laid cabling from being a trip hazard during public use of the site.
- (d) Appropriate fire fighting equipment must be available for installations such as generators, power boxes, mechanical systems, food stalls and the like, which may be utilised on site during normal occupation times.
- (e) Any "Display Boards", viewing screens, temporary signage and artwork used on site must be adequately secured to prevent toppling or otherwise falling due to wind effects.

Reason

To ensure the site and use of temporary structures are of an appropriate standard.

(106) SANITARY FACILITIES – TEMPORARY STRUCTURES

Adequate sanitary facilities, including specialised facilities for use by persons with a disability, must be provided on the site to cater for the maximum number of patrons attending each event. In this regard user demand must be monitored and appropriately managed for the duration of the event to ensure that public convenience is provided and maintained. Adequate directional and way finding signage to these facilities must be displayed throughout the site.

Reason

To ensure adequate sanitary facilities are provided.

(107) TEMPORARY STRUCTURES – GENERAL

- (a) The ground surface on which the structure is to be erected is to be sufficiently firm to sustain the structure while it is being used and isn't dangerous because of its slope or irregularity or for any other reason.
- (b) The temporary structures must be erected and secured in accordance with the manufacturers' structural specifications to ensure they are structurally sound and can withstand likely wind and live loadings. Modular stage

sections must be adequately bolted or clamped together to ensure that the overall design stability of the stage structures is achieved and maintained.

- (c) Separate Certification must be provided by the installers for the structures, confirming installation in accordance with the relevant design and specification(s). Note: where structures are minimal in nature such as food stalls, marquees less than 10m², platforms raised less than 300mm and the like, a copy of the manufacturer's specification must be sufficient.
- (d) Stage structures are not to be loaded in excess of those loadings recommended by the suppliers and / or manufacturer. Appropriate signage nominating the maximum number of persons permitted on the stage must be prominently displayed.
- (e) Any lighting, rigging, scaffolding or the like, associated with the subject stages must be constructed and certified by a SafeWork NSW licensed rigger.
- (f) Electrical services serving stage(s) and allied structures must meet with the requirements of AS/NZS 3000 & 3002 and be certified by a licensed electrical contractor prior the commencement of use.
- (g) Sufficient exits with designated 'Exit' signage must be provided to all temporary structures appropriate to the intended occupancy capacity for each structure.
- (h) All structures to which members of the public may be allowed access must be supervised by appointed responsible persons at all times when accessible to the public.
- (i) There must be NO SMOKING inside any of the subject structures. Appropriate signage must be displayed at the entrance to the structure and all security personnel made aware of this requirement.
- (j) Erection and dismantling (packing up) must be done quietly and orderly to minimise disturbance to the surrounding locality.

Reason

To ensure temporary structures are installed and managed appropriately.

(108) TEMPORARY STRUCTURES ENTERTAINMENT VENUES

- (a) Pursuant to Clause 69(1) of the Environmental Planning and Assessment Regulation 2021, the proposed structure(s) used as an entertainment venue must comply with the *National Construction Code (previously known as Building Code of Australia)* (NCC) Part B1 (structural provisions) and NSW Part H102 (temporary structures used as entertainment venues);
- (b) If compliance with the deemed-to-satisfy provisions of the NCC (previously known as BCA) and the matters listed in condition (a) above cannot be achieved, a performance solution in accordance with Part A2 of the NCC (previously known as BCA) must be prepared by a suitably qualified and accredited person and be submitted to the Registered Certifier and the

Principal Certifier illustrating how the relevant performance requirements of the NCC (previously known as BCA) are to be satisfied.

Reason

To ensure temporary structures meet the relevant requirements.

SCHEDULE 2

PRESCRIBED CONDITIONS

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

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

SCHEDULE 3

TERMS OF APPROVAL

The Terms of Approval for Integrated Development as advised by the Heritage Council of NSW are as follows:

(109) APPROVED DEVELOPMENT

All development shall comply with the information contained within:

- (a) Landscape drawings, prepared by Jane Irwin Landscape Architecture, as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: MSE Precinct – State Library Public Domain			
LD001	Cover Page & Drawing List	22/07/2024	A
LD100	General Arrangement Plan	22/07/2024	A
LD200	Tree Management Plan	22/07/2024	A
LD201	Landscape Plan 1	22/07/2024	A
LD300	Landscape Plan 2	22/07/2024	A
LD400	Legend	22/07/2024	A
LD401	Levels & Finishes 1	22/07/2024	A
LD401	Levels & Finishes 2	22/07/2024	A
LD402	Trees & Planting 1	22/07/2024	A
LD403	Trees & Planting 2	22/07/2024	A
LD404	Furniture & Fixtures	22/07/2024	A
LD500	Sections 1	22/07/2024	A
LD501	Sections 2	22/07/2024	A
LD502	Sections 3	22/07/2024	A
LD503	Sections 4	22/07/2024	A

- (b) Statement of Heritage Impact, prepared by GML Heritage, dated September 2024.
- (c) Statement of Environmental Effects, prepared by MG Planning, dated October 2024.
- (d) Design Report, prepared by Jane Irwin Landscape Architecture with Hill Thalys AUP, WSP, Arup and AECOM, dated 22 July 2024.

EXCEPT AS AMENDED by the following general terms of approval:

(110) WORKS NOT APPROVED

The following works are not approved:

- (a) Subdivision
- (b) Kiosk and associated outdoor seating in their current form and location and further consultation with Heritage NSW and City of Sydney should be undertaken prior to submitting a final design and location as part of a s.60 application.
- (c) Works/excavation within the SHR curtilage of the tunnel of St James Railway Station Group.

Reason: Insufficient information and heritage impact assessment is provided in the application to assess the impacts of these works.

(111) DETAILS TO BE SUBMITTED FOR APPROVAL

The following information is to be submitted with the s60 application for approval by the Heritage Council of NSW (or delegate):

- (a) A final design and location of the kiosk and associated outdoor seating after further consultation with Heritage NSW and City of Sydney.
- (b) A final planting scheme.
- (c) A landscape plan showing an adjustment to the final position of the Shakespeare Monument, to address City of Sydney comments.
- (d) Detailed design of the proposed 'raised walkway' adjacent to the significant European Olives along Hospital Road. The design of walkway shall be supported by a qualified Arborist (Australian Qualification Framework Level 5).
- (e) A lighting strategy.
- (f) A signage strategy.
- (g) A public art strategy.
- (h) A condition assessment of the State Library's stone balustrading and the light moat in respect to past damage, and to assess the likelihood of cumulative impacts to heritage fabric resulting from the proposed works.
- (i) A Historical Archaeological Assessment:
 - (i) The Applicant shall submit an Archaeological Assessment prepared by a suitably qualified and experienced historical archaeologist. That assessment should identify whether relics of local or state significance may be harmed by this activity and whether appropriate mitigation measures or alteration of the design should occur based on the significance of the relics which may be present. If relics will be impacted by the proposal and cannot be avoided a suitable

archaeological excavation methodology and Research Design must accompany the archaeological assessment. This information shall be submitted with the s60 application for review and approval of a Delegate of the Heritage Council of NSW.

- (ii) Following the receipt of the Archaeological Assessment (and Research Design where appropriate), the Heritage Council of NSW or its delegate reserves the right to issue additional archaeological conditions to manage the archaeology. Matters such as (but not limited to) preparation of an archaeological excavation methodology and research design, fieldwork methodology, artefact analysis and final reporting may be included as part of these archaeological conditions.
- (iii) Should the Heritage Council or its delegate determine that the proposal will require removal of State significant relics, the s60 may not be approved and a modification application must be submitted to revise the project design.
- (iv) In situ retention of State significant relics must be prioritised across the site as the first option for management of the archaeological resource.

Reason: The information was not supplied with the application. The assessment and management of these details is considered essential to obtain a good heritage outcome. To appropriately manage archaeological resources according to its significance.

(112) HERITAGE CONSULTANT

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.

(113) SPECIALIST TRADESPERSONS

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.

(114) SITE PROTECTION

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.

(115) HERITAGE INTERPRETATION PLAN

- (a) An interpretation plan must be prepared in accordance with the Heritage NSW publication 'Interpreting Heritage Places and Items Guidelines' (2005) and submitted for approval to the Heritage Council of NSW (or delegate) prior to certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979)/Government certification.
- (b) The interpretation plan must detail how information on the history and significance of name of item will be provided for the public, and make recommendations regarding public accessibility, signage and lighting. The plan must identify the types, locations, materials, colours, dimensions, fixings and text of interpretive devices that will be installed as part of this project.
- (c) The approved interpretation plan must be implemented prior to the completion of the project.

Reason: Interpretation is an important part of every proposal for works at heritage places.

(116) PHOTOGRAPHIC ARCHIVAL RECORDING

A photographic archival recording of the project area must be prepared prior to the commencement of works, during works and at the completion of works. This recording must be in accordance with the Heritage NSW publication 'Photographic Recording of Heritage Items using Film or Digital Capture' (2006). The digital copy of the archival record must be provided to Heritage NSW within three months of completion of works.

Reason: To capture the condition and appearance of the place prior to, and during, modification of the site which impacts significant fabric, setting and views.

(117) ABORIGINAL OBJECTS

Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the National Parks and Wildlife Act 1974. Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the National Parks and Wildlife Act 1974.

Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.

(118) COMPLIANCE

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.

(119) SECTION 60 APPLICATION

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 the inspection.

RIGHT OF APPEAL

If you are dissatisfied with this determination, section 70A of the Act gives you the right of appeal to the Land and Environment Court.

SCHEDULE 4

TERMS OF APPROVAL

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

(120) APPROVAL UNDER SECTION 87 OF THE ROADS ACT 1993

- (a) Prior to commencement of any works, an application shall be made to TfNSW under section 87 (4) of the Roads Act, 1993 for the proposed signal and civil works at the intersection of Shakespeare Place / Macquarie Street / Bent Street. The Applicant will be required to enter a Works Authorisation Deed (WAD) with TfNSW prior to commencing the signal and associated civil works.

(121) APPROVAL UNDER SECTION 138 OF THE ROADS ACT 1993

- (a) Prior to the commencement of any construction activities, the Applicant is to enter a Works Authorisation Deed (WAD) with TfNSW for the proposed road works on Shakespeare Place including any civil works on the roof of the Domain Tunnel. The WAD shall be prepared in accordance with and accompanied by the requisite design documentation as set out in the documents entitled "Works Authorisation Deed' process manual for developers" and all documentation is to be forwarded to development.sydney@transport.nsw.gov.au
- (b) TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid prior to commencement of road works.
- (c) The WAD shall include, but not limited to, the following documentation and processes regarding the potential structural integrity of the Domain Tunnel:
 - (i) The Applicant shall undertake a detailed pre and post condition survey of the Domain Tunnel with the scope to be agreed by TfNSW.
 - (ii) The Applicant shall assess the impact of any project activities on the Domain Tunnel and ensure that their design does not adversely impact any structure or equipment in the Domain Tunnel. The impact assessment needs to assess the impact of temporary construction activities, construction equipment, vibrations, unloading, loading, and expected new traffic live loads. The assessment methodology must be agreed by TfNSW, and the assessment undertaken and endorsed by TfNSW prior to commencement of any construction activities.
 - (iii) Given the age of the Domain Tunnel, TfNSW may not be able to provide all relevant design information needed to undertake an impact assessment. As such, where important information is not available, the Applicant and TfNSW must agree on reasonable assumptions required to complete the impact assessment and how those assumptions will be validated.
 - (iv) The impact assessment shall be provided in two stages as follows:

Stage 1 - scopes the impact assessment and provides the proposed assessment methodology and relevant acceptance criteria for TfNSW to initially agree to.

Stage 2 - Detailed assessment and recommendations to validate the assessment are to be provided. The impact assessment acceptance criteria need to consider the current condition and age of the Domain Tunnel, and any impact validation method (e.g. monitoring) must not impact the operation of the Tunnel.

- (v) The assessment must be resubmitted to TfNSW for reassessment if the Applicant modifies any construction activities, including construction sequencing.
- (vi) The Applicant shall provide to TfNSW for agreement, relevant construction management plans including, but not necessarily limited to, a ground vibration management plan, impact emergency response plan. The contents of the plans are to be agreed by TfNSW prior to the commencement of any construction activities. Any change to any agreed plan must first be agreed to by TfNSW.
- (vii) Any damage to Domain tunnel that has been caused because of this development shall be repaired at no cost TfNSW.

(122) SPEED ZONE CHANGES ON SIR JOHN YOUNG CRESCENT AND SHAKESPEARE PLACE

- (a) Prior to the commencement of any construction activities, the Applicant shall make an application to TfNSW under the Road Transport Act 2013 for the proposed changes to the speed limits on Shakespeare Place and Sir John Young Crescent. The application shall include an assessment of the speed zone changes against NSW Speed Zoning Standard (TS 03631) and Movement and Place Framework.
- (b) No speed zone changes shall be made until such time that a 'Works Instruction' has been issued by TfNSW.

(123) STORMWATER CHANGES ON CLASSIFIED ROADS

- (a) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system on Shakespeare Place and Sir John Young Crescent are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au.
- (b) A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.

(124) UTILITY ADJUSTMENTS

- (a) The Applicant shall be responsible for all public utility adjustment/relocation works, necessitated by the Project, and as required by the various public utility authorities and/or their agents.

- (b) Any proposed public utility adjustment/relocation works on the classified road network will require detailed civil design plans for road opening/under boring to be submitted to TfNSW for review and acceptance prior to the commencement of any works. The Applicant must also obtain any necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.

(125) CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN

- (a) The construction works must be planned and undertaken in a manner that ensures no adverse impact on the operational efficiency, safety, and capacity of the adjacent motorway.
- (b) Prior to commencement of any works that may affect traffic flow or access to/from the motorway, the Applicant must prepare a detailed Construction Pedestrian and Traffic Management Plan (CTMP) in consultation with TfNSW (TfNSW) that incorporates the following:
 - (i) Demonstrate how motorway traffic operations will be maintained.
 - (ii) Obtain all necessary approvals (i.e. Road Occupancy Licence) from TfNSW for any temporary traffic control measures, including lane closures, detours, or speed restrictions affecting the motorway or its interfaces.
 - (iii) Coordinating works with other construction projects in the area.
 - (iv) Ensure that all traffic control is undertaken by appropriately qualified personnel and in accordance with TfNSW's Traffic Control at Work Sites Manual and Austroads Guide to Temporary Traffic Management.
 - (v) Please send all documentation to development.sydney@transport.nsw.gov.au.

SCHEDULE 5

OTHER AUTHORITY CONDITIONS

The following conditions have been recommended by TfNSW under delegation of Sydney Trains:

(126) TFNSW (SYDNEY TRAINS)

- (a) Prior to certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979), the following rail specific items are to be submitted to Sydney Trains for review and endorsement:
 - (i) Machinery to be used during excavation/construction.
 - (ii) Demolition, excavation and construction methodology and staging
 - (iii) Construction Excavation Works Management Plan CEWMP

The Principal Certifying Authority is not to issue certification until it has received written confirmation from Sydney Trains that this condition has been complied with.

- (b) Prior to certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979), the Applicant shall provide a Geotechnical and Impact Assessment that meets Sydney Trains' requirements to Sydney Trains for review, comment, and written endorsement. The Certifier is not to issue certification until it has received written confirmation from Sydney Trains that this condition has been complied with.
- (c) Prior to certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979), the Applicant shall provide a Structural Report/Drawings to Sydney Trains for review, comment, and written endorsement confirming no impact to the rail tunnel infrastructure. The Certifier is not to issue the certification until it has received written confirmation from Sydney Trains that this condition has been complied with.
- (d) Prior to certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979), the Applicant shall provide a Construction Management Plan to Sydney Trains for review, comment, and written endorsement that addresses the vibration impacts. The Certifier shall not issue certification until these requirements have been met.
- (e) The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
 - (i) oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - (ii) acts as the authorised representative of the Applicant; and

- (iii) is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- (f) Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
- (g) Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable certification stage or occupation stage.
- (h) 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**.