

Attachment A

Recommended Conditions of Consent
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CONDITIONS OF CONSENT

SCHEDULE 1A

APPROVED DEVELOPMENT/DESIGN MODIFICATIONS/USE AND OPERATION

(1) CONCEPT DEVELOPMENT APPLICATION

Pursuant to Division 4.4 of the *Environmental Planning and Assessment Act, 1979*, and Clause 100 of the *Environmental Planning and Assessment Regulation, 2000*, this Notice of Determination relates to a concept development application, and a subsequent development application (detailed design) are required for any work on the site.

(2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2020/1224 dated 20 November 2017 **as amended by D/2017/1609/A** and the following drawings prepared by **BVN Kann Finch**:

Drawing Number	Drawing Name	Date
M-10A-02 issue 01	3D – Concept DA Envelope	21 November 2023
M-10B-01 issue 01	General Arrangement Plan – Roof	21 November 2023
M-10B-02 issue 01	General Arrangement Plan – Level B1	21 November 2023
M-10B-03 issue 01	General Arrangement Plan – Level 00	21 November 2023
M-10B-04 issue 01	General Arrangement Plan – Level 01	21 November 2023
M-10B-05 issue 01	General Arrangement Plan – Level 02	21 November 2023
M-10B-06 issue 01	General Arrangement Plan – Level 03-06	21 November 2023
M-10B-07 issue 01	General Arrangement Plan – Level 07	21 November 2023
M-10B-08 issue 01	General Arrangement Plan – Level 08-15	21 November 2023
M-10B-09 issue 01	General Arrangement Plan – Level 16	21 November 2023
M-10C-01 issue 01	Elevations East and North	21 November 2023
M-10C-02 issue 01	Elevations West and South	21 November 2023
M-10D-01 issue 01	Section	21 November 2023
02	Massing Diagrams	9 November 2018
03	Plan – Site Context	9 November 2018

04	Plan — Basement 01	9 November 2018
05	Plan — Ground Level	9 November 2018
06	Plan — Level 01	9 November 2018
07	Plan — Level 02	9 November 2018
08	Plan — Levels 03-05	9 November 2018
09	Plan — Levels 06-15	9 November 2018
10	Section 01	9 November 2018
12	Street Elevations — Macquarie St Elevation & Albert St Elevation	9 November 2018
13	Street Elevations — Western Boundary Elevation & Southern Boundary Elevation	9 November 2018

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.

Amended – D/2017/1609/A – 19 June 2025

(3) MATTERS NOT APPROVED IN CONCEPT PROPOSAL DEVELOPMENT CONSENT

The following matters are **not** approved and do not form part of this concept development consent:

- (a) Any works, including demolition, excavation and/or construction.
- (b) The precise total quantum of floor space.
- (c) The quantum, ratio and distribution of retail, commercial and residential floor space.
- (d) The indicative floor layouts of buildings.
- (e) The number, position and configuration of residential apartments, commercial and retail tenancies.
- (f) The floor levels of each storey.
- (g) The number and configuration of car parking spaces, levels, bicycle spaces, car share spaces, service vehicle and truck loading spaces / zones.
- (h) The siting and location of a substation.
- (i) The removal or pruning of any tree adjoining the site.

(4) COMPLIANCE WITH CONCEPT ENVELOPE HEIGHTS AND SETBACKS

Any subsequent detailed design application must comply with the building heights and setbacks established by this consent.

(5) DETAILED DESIGN TO BE CONTAINED WITHIN APPROVED ENVELOPE

Subject to the other conditions of this consent, the building envelope is only approved on the basis that the ultimate detailed design development application for the buildings on the site, including articulation, balconies, terraces, services, privacy treatments and other projections will be entirely contained within the approved building footprint and envelope, and comply with the relevant planning controls.

(6) COMPETITIVE DESIGN PROCESS

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

- (a) conducted in accordance with Design Excellence Strategy for 93-97 Macquarie Street, titled 'Design Excellence Strategy – Stamford on Macquarie' dated 6 February 2020, prepared by Mecone on behalf of Stamford Property Service Pty Ltd conducted prior to the lodgement of a detailed design development application for the site.

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

(7) DETAILED DESIGN OF BUILDINGS

The competitive design process brief and subsequent detailed design development application must incorporate the following requirements:

- (a) The podium must be designed to be visually recessive and complementary to the adjoining heritage fabric.
- (b) The western facing facade must present as a 'quiet' facade and not be visually competitive as a backdrop to the adjoining Justice and Police Museum at 4 Phillip Street, Sydney.
- (c) The tower form must be simple in design, ~~avoiding cantilevers over the ground floor communal courtyard.~~
- (d) A considered use of a mix of materials (dark face-brick and sandstone) is to be employed for the Macquarie Street and Albert Street facades to podium level of the new building to integrate with the character and materials of surrounding heritage buildings.
- (e) ~~The south, north and east elevations of the Macquarie Street podium should be substantially glazed at their lower levels (e.g. two floor levels) to allow for views from Macquarie Street through the new residential building to the northern elevation of Transport House and to the (proposed) newly restored and reconstructed southern elevations of the former Health Department Building.~~

- (f) The design of the ground floor courtyard between the new building the former Health Department Building must facilitate the provision of compliant access and the adaptive reuse of the former Health Department Building. The courtyard is to be considered as being within the heritage listing curtilage of the former Health Department Building.
- (g) The roof terraces to the Macquarie Street and Albert Street podiums are to include an increased non-trafficable setback to ensure that views of ancillary and temporary structures (e.g. umbrellas, shade structures, landscaping and the like) are not visible when viewed from the street levels of Macquarie Street and Albert Street.
- (h) Communal open space or communal spaces must be provided within the development in accordance with Part 3D of the Apartment Design Guide for the exclusive use of apartment residents, and which is not to be co-located or co-mingled with other uses.
- (i) Plant and lift overruns must be incorporated into the roof form of buildings and either provided within architectural roof features, as defined in the Dictionary of the Sydney Local Environmental Plan 2012, or located and provided with parapet screening so that they are not visible from the public domain or adjoining tower developments.
- (j) An acoustic brief must accompany the competitive design process brief and be prepared by a suitably qualified acoustic consultant. The brief is to provide design recommendations to allow apartments to achieve both natural ventilation compliance and acoustic compliance in accordance with the provisions of the Apartment Design Guide and Sydney Development Control Plan 2012. The brief must establish the decibel reductions required at each frontage of the building and make design recommendations based on these findings.

Amended – D/2017/1609/A – 19 June 2025

(8) ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Details are to be provided with the subsequent development application for the detailed design of the building to confirm that the building has adopted the following proposed ESD targets reflected in the Design Excellence Strategy referred to in Condition 6:

- (k) For the residential component:
 - (i) Energy consumption requirements of 2,553.8kg CO₂ per person per year (35% reduction) BASIX Energy score of 35
 - (ii) Thermal comfort;
 - a. Individual heating load $\leq 28.2 \text{ MJ/m}^2$ per annum
 - b. Individual cooling load $\leq 31.8 \text{ MJ/m}^2$ per annum
 - c. Average heating load $\leq 25 \text{ MJ/m}^2$ per annum
 - d. Average cooling load $\leq 28.2 \text{ MJ/m}^2$ per annum

- (iii) Water consumption requirement of 4,5170L per person per annum (50% reduction) BASIX Water score of 50
- (l) The non-residential component of the proposed development is to be assessed using JV3 Alternative Verification pathway to meet the compliance requirements with Section J and provide with more balanced and practical target for the fabric performance.
- (m) Reflectivity index permitted for external glazed elements is not to exceed 20%.

The ESD targets must be included in the competitive design process brief and carried through the competitive design process phase, design development, construction, and through to completion of the project.

(9) RESIDENTIAL LAND USE

- (a) The Detailed Design Development Application must be designed to meet the principles of 'State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development', the guidelines of the Apartment Design Guide (ADG), and the provisions of the *Sydney Development Control Plan 2012*.
- (b) The floor to floor and floor to ceiling height controls in Section 4.2.1.2 of the Sydney Development Control Plan 2012 and the Apartment Design Guide.
- (c) ~~The development shall be designed to be compliant with the dwelling mix requirements of Section 4.2.3.12 of the Sydney Development Control Plan 2012.~~
- (d) The development shall be provided with an area/s of communal open space in accordance with the requirements of the Apartment Design Guide and *Sydney Development Control Plan 2012*.
- (e) A BASIX Certificate in accordance with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 must be submitted with the Detailed Design Development Application.

Amended – D/2017/1609/A – 19 June 2025

(10) WIND ASSESSMENT

- (a) Prior to the lodgement of a detailed design Development Application, the detailed design shall be subject to wind tunnel testing to ascertain the impacts of the development on the wind environment and condition within the publicly accessible pedestrian space, the surrounding streets and neighbouring buildings, communal external areas within the subject development and private open space.
- (b) Any recommendations of the wind tunnel testing required by (a) above, shall be incorporated into the competitive design process brief and final detailed design Development Application.

(11) ACOUSTIC REPORT

The detailed design Development Application is to be accompanied by an acoustic report prepared by a suitably qualified acoustic consultant* which demonstrates that the development will be capable of achieving adequate levels of acoustic amenity for future occupants. The acoustic report must consider the following:

- (a) Council's Standard Noise Conditions;
- (b) Clause 102 (Impact of road noise or vibration on non-road development) of State Environmental Planning Policy (Infrastructure) 2007;
- (c) Parts 4b, 4H and 4J of the Apartment Design Guide; and
- (d) Control 4.2.3.11 (Acoustic Privacy) of the Sydney DCP 2012.

*Note: "Suitably qualified acoustic consultant" means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian.

(12) LAND CONTAMINATION

- (a) The detailed design development application must include documentation that demonstrates the requirements of State Environmental Planning Policy No 55 are addressed.
- (b) To address the requirements of SEPP No 55 the hierarchy of assessment may include but not be limited to the following:
 - (i) Preliminary Environmental Site Assessment (PESA) (Also known as Stage 1)
 - (ii) Detailed Environmental Site Assessment (DESA) (Also known as Stage 2)
 - (iii) Remediation Action Plan (RAP)
 - (iv) Review by NSW EPA Site Auditor
 - (v) Site Validation Report
 - (vi) Site Audit Statement (SAS)

(13) NOTIFICATION – NEW CONTAMINATION EVIDENCE

Any new information which comes to light which has the potential to alter previous conclusions about site contamination shall be notified to the City's Area Planning Manager and the Principal Certifier.

(14) ACID SULFATE SOILS – PRELIMINARY SITE ASSESSMENT

A preliminary acid sulfate soil assessment is required on this site as it is located within 500m of land with a class 1, 2, 3 or 4 acid sulfate soil classification. The development has the potential of removing greater than 1 tonne of soil from the site or lowering the water table to below 1 metre. This must be carried out by a suitably qualified person in accordance with the Acid Sulfate Soils Assessment Guidelines (Acid Sulfate Soils Management Advisory Committee August 1998). The preliminary assessment must be submitted to the City's Area Planning Manager for approval and written approval issued prior to the issue of a Construction Certificate.

Where the preliminary site assessment confirms that the site is subject to acid sulfate soils which may affect the integrity development then an Acid Sulfate Soils Management Plan must also be prepared and submitted to the City for approval and approved in writing prior to the issuance of a Construction Certificate.

(15) CONSERVATION OF THE FORMER HEALTH DEPARTMENT BUILDING

- (a) Reuse or adaption of the former Health Department Building, including all associated conservation works, must form an integral part of any detailed design development application. All works to the Health Building must be completed no later than the completion of the proposed new building.
- (b) The spatial separation between the new building and the former Health Department Building as approved in this concept application must not be reduced in any future proposal.
- (c) Design details of the rear elevations (facing the courtyard) of the former Health Department Building, including retention of the original walls exposed by the demolition, and reconstruction or restoration of the external walls and stairs based on physical and documentary evidence, are to be provided with any detailed design development application.
- (d) A detailed fabric and space survey of all areas and components of the former Health Department Building, both internal and external, including dating, condition and significance ranking of the individual components of the place and an updated Schedule of Conservation Work, must be prepared and submitted with any detailed design development application.

(16) PROTECTION OF OTHER HERITAGE ASSETS

Written evidence must be provided as part of any detailed design development application that consultation has occurred between the proponent and Sydney Water in relation to any potential impacts of the existing stormwater oviform channel located within the site.

(17) ARCHAEOLOGICAL ASSESSMENT

An archaeological assessment undertaken by a suitably qualified archaeologist must be submitted with any future detailed design development application. The report must assess whether the proposed works have the potential to disturb any archaeological remains and the need for any archaeological investigation prior to commencement of any works on site. The report should also recommend measures and documentation to be undertaken during the process of demolition and excavation work.

Recommendations by the archaeological assessment are to be implemented during the process of demolition and excavation work.

Should the assessment report suggest the site may contain relics and the proposed work may disturb them, council may request the applicant to amend the proposal so that the relics are properly protected or interpreted.

(18) HERITAGE INTERPRETATION PLAN

- (a) An interpretation plan for the former Health Department Building must be submitted with any future detailed design development application. 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 former Health Department Building 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) Any recommendations of the heritage interpretation plan shall be incorporated into the competitive design process brief and final detailed design development application.

(19) SITES IN THE VICINITY OF A HERITAGE ITEM

- (a) A protection strategy for the duration of the construction works, is to be submitted as part of the detailed design development application. The Strategy is to detail how the proposed works will ensure that the buildings at 89-91 Macquarie Street, 99-113 Macquarie Street and 4 Phillip Street are to be suitably protected and stabilized during the construction process including from any construction waste, dust, damp, water runoff, vibration or structural disturbance or damage.
- (b) Additionally the protection strategy is to include:
 - (i) Details of temporary hydraulic drainage works to ensure that all water both in ground and above ground is channelled to the street and that no such water is channelled onto the adjacent property fabric or interiors.

- (ii) Construction debris on neighbouring properties, in drainage lines or in cavities between the boundary walls of the adjacent buildings, is to be removed progressively as the works progress.
- (iii) A geotechnical report detailing the investigation of the location and depth of footings of the adjacent buildings. This report should address details of lateral ground movement, advice of any additional boundary offsets that may be required as a result of the location of footings and on the suitability of structural engineer's proposals for underpinning or other support to adjacent footings.

(20) STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS

As part of any detailed design development application, a report or certification from a practicing structural engineer experienced in dealing with heritage buildings must be submitted. The report must explain how the retained building elements are to be retained, supported and not undermined by the proposed development and give details of any intervention or retrofitting needed.

(21) USE OF HERITAGE CONSULTANT

An experienced heritage consultant is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect 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.

(22) FLOODING AND FLOOD PLANNING LEVELS

A flood assessment must be carried out to determine the flood planning levels to comply with Council's Interim Floodplain Management Policy and must be submitted with the detailed design development application.

(23) EXISTING AND PROPOSED EASEMENTS

Any Detailed Design Development Application is to provide details how the various existing easements and rights of access (which burden the subject land and benefit other parties) are to be treated in the new development. The application should show whether these easements and rights of access are to be maintained, varied or extinguished, and how the rights of other parties to use the easements and rights of access will be protected.

(24) LOT CONSOLIDATION

Any Detailed Design Development Application is to make provision for all land titles within the site to be consolidated into one lot. If a Stage 2 Development Application is lodged that includes subdivision of the site and/or the proposed building, the requirement for lot consolidation is waived.

(25) WASTE FACILITIES

Any Detailed Design Development Application is to provide details of the location, construction and servicing of the waste collection facilities for the proposed building. The design of the facilities is to be in accordance with Council's *"Guidelines for Waste Minimisation in New Developments 2018"* to allow for cleaning, draining and management of the facilities.

(26) STORMWATER AND DRAINAGE

Any Detailed Design Development Application is to provide details of the drainage system for the development which is to be designed and constructed in accordance with Council's standard requirements as detailed in Council's 'Stormwater Drainage Connection Information' document dated July 2006. This information is available on Council's website - www.cityofsydney.nsw.gov.au.

(27) WASTE COLLECTION

Any Detailed Design Development Application shall demonstrate compliance with Council's requirements for waste collection for residential development in Council's *Guidelines for Waste Management in New Developments 2018* which requires facilities to minimise and manage waste and recycling generated by the proposal.

(28) SERVICE VEHICLE SIZE LIMIT

Any detailed design development application must include swept paths for the largest vehicles to access the site in a forward in and forward out direction. Further design analysis of Service Vehicle access is required to demonstrate that the waste collection area meets the requirements of Section 3.11.13 (3) of the Sydney DCP 2012.

(29) DRIVEWAY LOCATION & WIDTH

One combined vehicle access for service vehicle and resident car on Albert Street to be provided. The driveway crossover width shall be as minimum as practicable and to be supported by a vehicle swept path analysis in any detailed design development application. Vehicle access is not to be located within 2m of other access driveways or within 1m of any common boundary, except where access is off a laneway.

(30) TRANSPORT IMPACT STUDY

A transport impact study is required to be submitted as a part of Stage 2 DA to demonstrate that the traffic generation from the proposed development will not impact adversely to the adjacent road network.

Any proposal of providing mechanical car parking facilities such as vehicle lift, car stacker etc. must be supported with a vehicle queue analysis according to relevant Australian Standard 2890 and adequate number of waiting bays must be provided.

(31) PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the *Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking* and *Australian Standard AS/NZS 2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities* and *Australian Standard AS/NZS 2890.6 - 2009 Parking facilities Part 6: Off-street parking for people with disabilities*. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

(32) ON SITE LOADING AREAS AND OPERATION

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

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

(33) CAR SHARE SPACES

- (a) The car park plan submitted as part of any future detailed design development application must include the provision of parking spaces for the exclusive use of car share scheme vehicles.
- (b) Mechanical parking installations, including vehicle lifts, must not be used for car share spaces and must only be accessed via a car ramp or be located on the ground.
- (c) The spaces must be retained as common property of the Owners Corporation of the site and not sold or leased to an individual owner/occupier at any time.
- (d) The spaces must be made available to car share operators without a fee or charge.
- (e) The spaces must be sign posted for use only by car share vehicles and well lit.
- (f) The spaces must be accessible to members of the car share scheme at all times.
- (g) The car share spaces are to be available at the same time that the car park commences operation.

Note: It is recommended that the applicant discuss the proposed location of car share parking spaces with car share operators prior to the issue of a construction certificate to ensure the commercial requirements of the operator can be accommodated.

(34) BICYCLE PARKING AND END OF TRIP FACILITIES

The detailed design development application must include a Bicycle Parking Plan and End of Trip Facilities design in accordance with the Sydney DCP 2012 Section 3.11.3. The layout, design and security of bicycle facilities must comply with the minimum requirements of *Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities* and 'Austroads Bicycle Parking Facilities: Guidelines for Design and Installation' document.

Note: Council supports the provision of innovative bicycle parking solutions in new development. Should the applicant wish to discuss bicycle parking options, please contact the City Access and Transport Unit.

(35) TRANSPORT ACCESS GUIDE

A Transport Access Guide, including a strategy for the future availability of the Guide to all residents, employees and/or visitors to the site, is to be submitted with the Detailed Design Development Application.

Note: Transport Access Guide requirements are detailed in section 7.7 of the DCP. Information about preparing Travel Plans is also available on Council's website.

(36) VEHICLE LIFT

The detailed design Development Application must include details of the proposed vehicle lift system, including an assessment of vehicle queuing and consequential impacts on the road network, if any.

(37) CENTRAL SYDNEY TRAFFIC AND TRANSPORT COMMITTEE (CSTTC)

The subject site falls within the CSTTC boundary. The application also triggers the requirement for determination by the Central Sydney Planning Committee (CSPC) due to the estimated cost of works. All CSPC items falling within the CSTTC boundary are subject to consideration by the CSTTC.

As such, the Detailed Design Development Application is to include a brief assessment in line with the CSTTC assessment criteria, which includes the following:

- (a) Impact on the road network;
- (b) Future economic welfare and development of Sydney and the State;
- (c) Efficient functioning of businesses in the whole or any part of the Sydney CBD;
- (d) Maintenance of access for freight within the whole or any part of the Sydney CBD;
- (e) Efficiency and traffic safety of the public transport network in the Sydney CBD; and

- (f) Needs of commuters, residents, pedestrians and visitors in the whole or any part of the Sydney CBD.

(38) PUBLIC ART

- (a) A Public Art Strategy is to be developed for the site/development in accordance with the *Sydney Development Control Plan 2012* and the City of Sydney Public Art Policy. This Strategy shall form part of the documentation lodged with the future detailed design Development Application.
- (b) The Public Art Strategy must, among other things:
 - (i) set out the intended budget for public art;
 - (ii) identify how decisions will be made;
 - (iii) detail the proposed method for integrating the public art process with the competitive design process; and
 - (iv) detail the proposed method for integrating the public art process with the construction of all proposed development on the site.
 - (v) detail how the procurement of the artist will be aligned with the competitive design process and the design and delivery of the building
- (c) The requirement to accommodate public art as part of the redevelopment of the site must form part of the competitive design process brief and the nominated location should be included as part of the future detailed design Development Application.

(39) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

A site specific noise management plan shall be submitted to the Council for comment and approval with a detailed design Development Application.

The Plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

The plan must include but not be limited to the following:-

- (a) Identification of noise sensitive receivers near to the site.

- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours /Noise Code of Practice 1992* for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement ($L_{A90, 15 \text{ minute}}$) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

(40) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

An Access Report shall be submitted with the detailed design Development Application to demonstrate that the building has been designed and is capable of being constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia.

SCHEDULE 1B

GOVERNMENT AGENCY CONDITIONS

AUSGRID

(41) Supply of Electricity

It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:

- (a) The existing network can support the expected electrical load of the development
- (b) A substation may be required on-site, either a pad mount kiosk or chamber style and;
- (c) site conditions or other issues that may impact on the method of supply.

Please visit Ausgrid's website, www.ausgrid.com.au about how to connect to Ausgrid's network.

(42) Conduit Installation

The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design.

(43) Proximity to Existing Network Assets

(a) Underground Cables

- (i) There are existing underground electricity network assets in Macquarie St and Albert and also entering the proposed development site.
- (ii) Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.
- (iii) Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

- (iv) Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.
- (v) Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

(b) Substation

- (i) There are existing electricity substation assets within the subject site. This is a chamber style substation (S6620).
- (ii) The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.
- (iii) In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.
- (iv) Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment.
- (v) The development must comply with both the Reference Levels and the precautionary requirements of the Draft Radiation Protection Standard for Exposure Limits to Electric and Magnetic Fields 0 Hz – 3 kHz (ARPANSA, 2006).
- (vi) For further details on fire segregation requirements refer to Ausgrid's Network Standard 113.
- (vii) Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.
- (viii) For further details refer to Ausgrid's Network Standard 143.

ROADS AND MARITIME SERVICES

(44) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.

SYDNEY WATER

(45) SYDNEY WATER SERVICING

- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.
- (b) The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.
- (c) Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

(46) BUILDING PLAN APPROVAL

- (a) The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.
- (b) The Tap in™ service provides 24/7 access to a range of services, including:
 - (i) building plan approvals
 - (ii) connection and disconnection approvals
 - (iii) diagrams
 - (iv) trade waste approvals
 - (v) pressure information
 - (vi) water meter installations
 - (vii) pressure boosting and pump approvals

(viii) changes to an existing service or asset, e.g. relocating or moving an asset.

- (c) Sydney Water's Tap in™ online service is available at: <https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

(47) TRADE WASTEWATER REQUIREMENTS

- (a) If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.
- (b) The permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au
- (c) A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

(48) BACKFLOW PREVENTION REQUIREMENTS

- (a) Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.
- (b) All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.
- (c) Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.
- (d) Before you install a backflow prevention device:
- (i) Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
 - (ii) Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.
- (e) For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website: <http://www.sydneywater.com.au/Plumbing/BackflowPrevention/>

(49) WATER EFFICIENCY RECOMMENDATIONS

- (a) Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.
- (b) Some water efficiency measures that can be easily implemented in your business are:
 - (i) Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
 - (ii) Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <http://www.sydneywater.com.au/Water4Life/InYourBusiness/RWTCalcuator.cfm>
 - (iii) Install water-monitoring devices on your meter to identify water usage patterns and leaks.
 - (iv) Develop a water efficiency plan for your business.
- (c) It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

TRANSPORT FOR NSW

(50) PROPOSED CAR PARK AND LOADING BAY OPERATION

Prior to issuing the Construction Certificate, the applicant shall:

- (a) Prepare plans that show swept paths of the vehicles including simultaneous ingress and egress to the car park;
- (b) Provide the details of the capacity of the proposed lifts for cars and service vehicles endorsed by the supplier in writing;
- (c) Undertake a detailed queuing analysis to the satisfaction of the Sydney Coordination Office within TfNSW; and
- (d) Confirm that all vehicles shall enter and exit the site in a forward motion.

(51) PROPOSED CAR PARKING AND LOADING BAY MANAGEMENT

A detailed Car Park and Loading Bay Management Plan shall be prepared and submitted for TfNSW's review prior to issuing the Construction Certificate. The management plan is required to include the following (not limited to):

- (a) Management of queuing along Albert and Phillip Streets as a result of malfunction of the proposed car/loading vehicle lifts;
- (b) Details of alternate car parking locations and loading zones to redirect vehicles due to extensive queuing at the access to the lifts for cars and loading vehicles;
- (c) Management of incidents at the access to the lifts for cars and loading vehicles;
- (d) Management of conflicts between loading vehicles entering the car park and vehicles exiting the car park and vice versa;
- (e) Loading bay management details including loading vehicle movements during peak periods; and
- (f) Details of managing bicycle parking access to and from the loading dock and goods lift entry points.

(52) CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN

- (a) The applicant shall prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with the Sydney Coordination Office within TfNSW. The CPTMP needs to specify, but not to be limited to, the following:
 - (i) Location of the proposed work zone;
 - (ii) Haulage routes;
 - (iii) Construction vehicle access arrangements;

- (iv) Proposed construction hours;
 - (v) Estimated number of construction vehicle movements;
 - (vi) Construction program;
 - (vii) Consultation strategy for liaison with surrounding stakeholders;
 - (viii) Any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
 - (ix) Cumulative construction impacts of projects including the Sydney Light Rail Project, Sydney Metro City and Southwest and several surrounding private developments. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the road network; and
- (b) Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.

SCHEDULE 2

PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* apply:

- Clause 98 Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*
- Clause 98A Erection of signs
- Clause 98B Notification of *Home Building Act 1989* requirements
- Clause 98C Conditions relating to entertainment venues
- Clause 98D Conditions relating to maximum capacity signage
- Clause 98E Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. 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 Heritage NSW are as follows:

(53) THE HERITAGE COUNCIL APPROVALS COMMITTEE

The Heritage Council Approvals Committee agrees to issue approval for the conservation of the Health Department Building (former), in accordance with Section 4.47 of the Environmental Planning and Assessment Act 1979, subject to the following terms of approval:

- (a) Detailed schedule of conservation works along with an implementation plan shall be submitted with a future application to carry out these works;
- (b) This conservation works schedule must be prepared in consultation with an appropriately qualified and experienced heritage consultant;
- (c) All conservation works must be implemented as part of the adaptive reuse works prior to an occupation certificate being issued for the Health Department Building (former).
- (d) The adaptive reuse of the Health Department Building (former) is not approved at this stage as no details have been provided for internal and external changes required to achieve this use. The use is to be considered as part of the Stage 2 development application along with such details.

IMPORTANT ADDITIONAL INFORMATION

Advisory notes:

1. It is advised that the City of Sydney Neighbourhood Parking Policy may apply to this development. Eligibility for parking permits for residents or users of the development will be determined by the terms of this policy or subsequent future policies.
2. The State Government has commenced planning for the construction of the CBD South East Light Rail (CSELR). You may need to consider the potential impacts of this project in programming your development. The CSELR route includes Alfred St, George St, Rawson Place, Eddy Ave, Chalmers St, and Devonshire St. For construction and programming information contact the Transport for NSW Infoline on 1800 684 490 or www.transport.nsw.gov.au/projects.

The Environmental Planning and Assessment Act 1979 requires you to:

1. Obtain a **Construction Certificate** prior to the commencement of any works. An application may be lodged with Council, or you may apply to a private accredited certifier for a Construction Certificate. An accredited certifier **must obtain Council's approval** to certain conditions of this development consent, where indicated before issuing the Construction Certificate.
2. **Note: it is compulsory to lodge digital copies of applications, including plans and documentation if lodging an application with Council. Please refer to the link below for any further information about digital requirements and electronic files.**

<http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/digital-requirements>.
3. Nominate a **Principal Certifier** which may be either Council or an accredited certifier and notify Council of that appointment. You **cannot lawfully** commence works without complying with this requirement.
4. Give Council at least two days notice of your intention to commence the erection of a building **before** commencing construction works. You cannot lawfully commence works without complying with this requirement.
5. Obtain an **Occupation Certificate** before commencing occupation or commencing to use the building or on the completion of other works including the erection of a sign. You cannot lawfully commence occupation or the use of a building without complying with this requirement.

You may also need to:

6. Obtain approval through the lodgement of an application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* for an activity which is proposed to be undertaken in, on or above a road reservation (including footways). Such activities include:
 - (a) installation of hoardings/scaffolding;
 - (b) installation and/or alterations to advertising/business signs and street awnings;
 - (c) crane operation and other hoisting activities;
 - (d) temporary works (e.g.: barricading, road openings, mobile hoisting devices);
 - (e) works zone (for loading and unloading from the roadway); and
 - (f) temporary ground anchoring and shoring to support a roadway when excavating.Application forms are available on the City's website.
7. Lodge an **Application for Subdivision** to obtain a **Subdivision Certificate** if a land (including stratum) subdivision is proposed and an Application for Subdivision to obtain **Strata Title Subdivision** under the relevant Strata Titles Act, if strata title of the development is proposed.
8. Comply with the Food Act 2003, the Australia New Zealand Food Standards Code, Australian Standard 4674 – 2004, and register the business with Council if the premises is used for the manufacture, preparation, packing, storing, conveying or delivering of food or beverage for sale.
9. Contact Sydney Water regarding the water and sewerage services to this development. For further information go to www.sydneywater.com.au.
10. Carry out critical stage inspections in accordance with Section 6.5 of the EP&A Act 1979 and clauses 162A, 162B and 163 of the EP&A Regulation 2000.

Applications and submissions referred to in this consent may be lodged at:

CBD Level 2, Town Hall House, 456 Kent St, Sydney.

KINGS CROSS 50-52 Darlinghurst Rd, Kings Cross.

GLEBE Customer Service Centre, 186 Glebe Point Rd, Glebe.

If you have any enquiries on any aspect of this consent, contact Marie Burge ph. 02 9288 5850, email mburge@cityofsydney.nsw.gov.au.