

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces, I:

- (a) approve the development application referred to in Schedule 1, subject to the conditions in Schedule 2 and Schedule 3; and
- (b) determine that any subsequent stage of the Development not being for the purpose of in-fill affordable housing with an estimated development cost exceeding \$75 million for the residential component is to be determined by the relevant consent authority and that stage of the development ceases to be State Significant Development.

The conditions imposed under this consent are required to:

- meet statutory requirements;
- protect the amenity of the locality; and
- ensure amenity for future residents.



David Gainsford
Deputy Secretary
Development Assessment and Sustainability

Sydney

18 December 2025

File: SSD-79316759

SCHEDULE 1

Application Number:	SSD-79416759
Application lodged by:	T&P Chimes Development Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
Site:	45-53 Macleay Street, Potts Point (SP 934)
Development:	Concept proposal for a shop-top housing development with in-fill affordable housing comprising a building envelope with a maximum height of RL 73.54 and a maximum gross floor area of 5,029 m ² for residential and retail/commercial uses. Stage 1 works including demolition of existing structures.

Right of Appeal

Section 8.7 of the EP&A 1979 provides a right to appeal this decision to the Land and Environment Court, and Section 8.2 provides a right to request a review of this determination, within the timeframe set out in Section 8.10 of that Act.

DEFINITIONS

Interpretation

References in the conditions of this consent to any guideline, protocol, or policy are to such documents in the form they are in as at the date of this consent.

Definitions

Unless otherwise defined in the following definitions table, words and expressions that occur in this development consent have the same meanings as they have in the EP&A Act and EP&A Regulations.

Applicant	The person having the benefit of this consent, or who is carrying out the development.
Australian Standard (AS)	Australian Standard published by Standards Australia Limited and means the standard which applies at the time the relevant work or action is undertaken.
Certifier	A council or person registered as a registered certifier under the <i>Building and Development Certifiers Act 2018</i> .
Concept EIS	The Environmental Impact Statement titled 45-53 Macleay Street, Potts Point prepared by Urbis, dated 27 March 2025, submitted with the application for consent for the Development, including any additional information provided by the Applicant in support of the application.
Consultation	When capitalised, means undertaking a consultation process with a party under which the Applicant: (a) consults with the relevant party prior to submitting the subject document to the Planning Secretary for information or approval; and (b) provides details of the consultation undertaken including: (i) the outcome of that consultation, matters resolved and unresolved; and (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.
Council	City of Sydney.
Department	NSW Department of Planning, Housing and Infrastructure.
Development	Where capitalised, means the Development approved pursuant to this consent.
EPA	NSW Environment Protection Authority.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> .
EP&A Regulations	<i>Environmental Planning and Assessment Regulation 2021</i> and where relevant, other regulations made under the EP&A Act.
Fire Safety Certificate	Has the same meaning as in the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
Incident	An occurrence or set of circumstances that causes or threatens to cause Material Harm to the environment, and as a consequence of that harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance.
Material Harm	Is harm (excluding harm to which Work Health and Safety reporting requirements apply) that: - involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or - results in actual loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).
Minister	The NSW Minister with administrative responsibility for administering the EP&A Act, (or delegate), being at the time of grant of this consent, the Minister for Planning and Public Spaces.
NCC	National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board.
Planning Secretary	The Planning Secretary under the EP&A Act (or delegate).
Prescribed Conditions	The conditions prescribed by the EP&A Regulation (Part 4, Division 2) to which the development consent is subject under s 4.17(11) of the EP&A Act.
Professional Engineer	A Professional Engineer as defined in the <i>Practice Standard for Professional Engineers Requirements for Professional Engineers registered under the Design and Building Practitioners Act 2020</i> .
Registered Surveyor	A person who is registered with the Board of Surveying and Spatial Information.
Report	When capitalised, means a written report including all required information and details set out in the relevant condition, prepared by a suitably qualified Engineer, consultant, or other expert, and where

the condition specifies the type of professional, consultant or other expert, means a suitably qualified professional, consultant or other expert specified.

Sensitive Receiver

Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church), children's day care facility, or other similar uses which may be more sensitive to environmental impacts.

SCHEDULE 2 – CONCEPT PROPOSAL

PART A GENERAL CONDITIONS

ADMINISTRATIVE CONDITIONS

TERMS OF CONSENT

- A1. The Development must be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with the Concept EIS, the Applicant's response to submissions, the Applicant's Amendment Report and the Applicant's response to requests for further information; and
 - (c) in accordance with the approved plans in the table below, as modified by the conditions of this consent:

Architectural drawings prepared by SJB Architects, Job No. 6253-A			
Drawing Number	Rev	Name of Plan	Date
DA-6051	6	Envelope Concept SSDA – Plan	29/08/2025
DA-6061	6	Envelope Concept SSDA – Elevation	29/08/2025
DA-6062	6	Envelope Concept SSDA – Elevation	29/08/2025
DA-6063	9	Height Plane Diagram	09/12/2025

Note: Development which is 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or another environmental planning instrument may be carried out without development consent.

- A2. To the extent of any inconsistency:
- (a) the more recent document in Schedule 2 Condition A1(b) prevails over an earlier document in that section; and
 - (b) the conditions of consent prevail over a document listed in Schedule 2 Condition A1(c).
- A3. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities that employees, contractors (and their sub-contractors) carry out in respect of the Development.

DETERMINATION OF FUTURE DEVELOPMENT APPLICATIONS

- A4. In accordance with section 4.22 of the EP&A Act, all physical works and subsequent stages to the Development are to be subject of future development application(s), except for demolition works approved under this development consent as described in Schedule 3.
- A5. In accordance with section 4.24 of the EP&A Act, future development application(s) must be consistent with this development consent as described in Schedule 1 and subject to the conditions in Schedule 2 and Schedule 3, unless the consent authority imposes a condition requiring the modification or surrender of the concept consent in accordance with Section 4.24(4) of the EP&A Act.

LIMITS ON CONSENT

- A6. This consent will lapse five years from the date the consent is published on the NSW Planning Portal unless the works associated with the Development have physically commenced.
- A7. This consent does not approve the following:
- (a) tree removal, excavation, remediation and/or any construction works (other than the demolition works specified in Schedule 3 of this consent);
 - (b) the height in storeys or street frontage height in storeys;
 - (c) any subdivision;
 - (d) the layout and number of residential apartments and non-residential tenancies;
 - (e) the depth, extent, layout and design of basement levels;
 - (f) the design and number of car parking spaces, bicycle spaces, car share and/or loading spaces/zones;
 - (g) the precise quantum of gross floor area (GFA); and

- (h) any building height or floor space design excellence uplift under clause 6.21D of the Sydney Local Environmental Plan (SLEP) 2012.

DESIGN EXCELLENCE AND COMPETITIVE DESIGN PROCESS

- A8. Prior to the lodgement of any future development application(s) for the detailed design, a competitive design process must be undertaken in accordance with the provisions of SLEP 2012 and the City of Sydney Competitive Design Policy.
- A9. The competitive design process is to be undertaken in accordance with the Design Excellence Strategy, prepared by Urbis, Revision 3, dated 31 October 2024, prepared in consultation with the Government Architect NSW (GANSW).
- A10. A Design Integrity Panel (DIP) must be established by the Applicant prior to the lodgement of any future development application(s) for the detailed design. The DIP must comprise at least three of the members of the competition jury selected in consultation with the GANSW and in accordance with the GANSW's Design Excellence Competition Guidelines (being one nominee from each of the Applicant, GANSW and local authority).
- A11. Prior to the establishment of the DIP, a detailed DIP Terms of Reference must be prepared in consultation with the GANSW and a copy submitted to the Planning Secretary, clearly outlining:
- (a) the role of the DIP to review and advise on the detailed building design to ensure the achievement of design excellence, complying with the requirements of this consent and built form controls;
 - (b) that the DIP will review and provide advice prior to the lodgement of any future development application(s), and be retained during the assessment and post-approval stages; and
 - (c) governance arrangements, including meeting frequency, secretariat functions, dispute resolution and deliverables.
- A12. The detailed design must be presented to a DIP prior to the lodgement of any future development application(s).

SUBMISSION OF ELECTRONIC CAD MODELS

- A13. Prior to the lodgement of any future development application(s) for the detailed design, an accurate 1:1 electronic CAD model of the envelope approved by this consent must be submitted to Council for Council's electronic Visualisation City Model.
- A14. The data required to be submitted within the surveyed location must include and identify:
- (a) above ground envelope design in accordance with the development consent;
 - (b) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

The data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file; and
 - (c) the electronic model must be constructed in accordance with Council's 3D CAD electronic model specification. The specification is available online at <http://www.cityofsydney.nsw.gov.au/development/applicationguide/application-process/model-requirements>.

Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of his consent.

PART B CONDITIONS TO BE SATISFIED IN FUTURE DEVELOPMENT APPLICATIONS

BUILT FORM

DESIGN QUALITY

- B1. Future development application(s) for the detailed design must ensure that the development achieves a high-quality design and:
- (a) the tower's form, design and detailing reduces the perception of bulk and scale of the building;
 - (b) the podium design (Ground floor to level 3) responds to the existing pattern of the block, with reference to the highly patterned fine grain facades of the adjacent Macleay Street buildings;
 - (c) ensures that the solid to void ratio of the facades emulates the characteristic buildings in the locality;
 - (d) provides a mix of colours and materials, which considers the heritage context of the site and the predominant material in the locality;
 - (e) provides street activation strategies for the Macleay Street and McDonald Street frontages;
 - (f) the number, location and design of residential lobbies, ensuring that they are clearly visible from the public domain;
 - (g) ensures plant and lift overruns are incorporated into the roof form of the building and either provided with architectural roof features, or located and provided with parapet screening so they are not visible from the public domain or adjoining developments.
- B2. Future development application(s) for the detailed design that include the construction of building(s) must exhibit design excellence and have regard to the matters under Clause 6.21C of the SLEP 2012.

BUILDING ENVELOPE

- B3. Future development application(s) for the detailed design must demonstrate that buildings are wholly contained within the building envelopes consistent with the plans listed in Schedule 2 Condition A1, as modified by any conditions of consent.
- B4. The approved concept building envelope establishes the maximum parameters for the competitive design process and the future built form on the site. The maximum permissible floor space and building height of the detailed design must be consistent with the relevant provisions of the SLEP 2012, the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) and the conditions of this development consent, and the detailed design of the building may not necessarily end up occupying the entirety of the envelope.

BUILDING HEIGHT AND GROSS FLOOR AREA

- B5. The maximum building height for the detailed design must not exceed the RLs (AHD) specified on the approved plans referenced in Schedule 2 Condition A1.
- B6. The maximum achievable GFA for the detailed design must not exceed the maximum permitted under the Housing SEPP, being 5,029.05 m².
- B7. The maximum GFA can only be achieved subject to demonstrating:
- (a) compliance with the conditions of this concept approval; and
 - (b) being wholly contained within the approved building envelope.
- B8. Notwithstanding Schedule 2 Conditions B5 to B7, the detailed design may be eligible for up to a bonus under Clause 6.21D(3) of the Sydney Local Environmental Plan (SLEP) 2012, provided the consent authority is satisfied that the subsequent detailed design development application demonstrates design excellence and results from a competitive design process.
- B9. Building height and gross floor area are to be measured in accordance with the definitions contained in the SLEP 2012.

RESIDENTIAL AMENITY

- B10. Future development application(s) must provide an assessment and demonstrate that the residential component of the detailed design satisfies the design principles for residential apartment development set out in Schedule 9 of the Housing SEPP and achieves amenity outcomes consistent with the Apartment Design Guide (ADG) design criteria, with particular attention to the following matters:
- (a) ADG objectives 2F Building separation and 3F-1 Visual privacy;
 - (b) ADG objective 4B-1 Natural ventilation;
 - (c) ADG objective 4B-3 Natural cross ventilation; and
 - (d) ADG objective 4J Noise and pollution – with noise and natural ventilation addressed through siting and layout, facade treatment and design and lastly through attenuated passive ventilation devices.

- B11. Future development application(s) that include the construction of building(s) must have regard to the Apartment Mix objectives of the ADG, and to ensure greater diversity within the development, provide a minimum of 50% of the total apartments as studio dwellings.
- B12. Future development application(s) that include the construction of building(s) must be accompanied by a BASIX certificate in accordance with the requirements of State Environmental Planning Policy (Sustainable Buildings) 2022.

WIND

- B13. Future development application(s) must include a wind assessment report, including wind tunnel testing, to ascertain the impacts of the development on the wind environment and conditions on the surrounding streets, neighbouring buildings, and communal external areas, private open space areas and any breezeways within the development.
- B14. Any recommendations of the wind assessment report and wind tunnel testing required by Schedule 2 Condition B13 must be incorporated into any detailed design submitted with any future development application(s).

NOISE IMPACT ASSESSMENT

- B15. Future development application(s) must be accompanied by a Noise and Vibration Impact Assessment, prepared in accordance with the relevant NSW Environment Protection Authority guidelines. The assessment must detail construction and operational noise and vibration impacts on nearby sensitive receivers and structures and outline the proposed management and mitigation measures that would be implemented.

AFFORDABLE HOUSING

- B16. Future development application(s) must demonstrate that 15% of the total GFA of the project is allocated as affordable housing.
- For the purposes of this condition, affordable housing has the meaning as defined in Section 13 of Chapter 2, Part 1 of the Housing SEPP, and is to be managed by a registered community housing provider for a period of at least 15 years from the date of an Occupation Certificate being issued for the development.

WASTE MANAGEMENT

- B17. Future development application(s) must demonstrate that adequately sized waste management facilities including waste storage areas and truck access and loading comply with the Sydney Development Control Plan (SDCP) 2012 and Council's Guidelines for Waste Management in New Developments.

PARKING DESIGN

- B18. Future development application(s) must demonstrate:
- (a) that the design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities comply with Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities; and
 - (b) that all vehicles can enter and depart the site in a forward direction.
- B19. Future development application(s) must demonstrate that all loading and unloading operations associated with servicing the site can be carried out within the confines of the site, at all times and not obstruct other properties/units or the public way.
- B20. Future development application(s) must include a swept path and vertical clearance assessment for the largest vehicle to access the loading area.
- B21. Future development application(s) must:
- (a) include details of the location, number and class of bicycle parking;
 - (b) demonstrate that the minimum number of bicycle parking spaces and end of trip facilities comply with the rates specified in the SDCP 2012;
 - (c) demonstrate that the layout, design and security of bicycle facilities comply with Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities.

LANDSCAPING AND STREET TREES

- B22. All street trees surrounding the site must be retained in any future development application(s).
- B23. Future development application(s) must include a detailed assessment of potential impacts on the existing street trees, including detailed root investigation to inform the design and construction methodologies for the future construction to avoid damage to structural roots.

- B24. The location of any new driveways must not require the removal of any existing street trees. The driveway must be appropriately set back so it does not have adverse impacts both below and above ground upon any existing street trees.
- B25. Future development application(s) must demonstrate how the proposal maximises the provision of deep soil zones at ground level by achieving or exceed the Apartment Design Guide design criteria in Objective 3E-1. Deep soil zones must be unencumbered by built elements either above or below. This includes basements, on-site detention below, structures and balconies above.

PUBLIC ART STRATEGY

- B26. Future development application(s) must include a preliminary Public Art Strategy. The preliminary Public Art Strategy must comply with the SDCP 2012, the Public Art Policy, and the Interim Guidelines Public art in private developments, and detail:
- (a) the potential locations for public art
 - (b) commit 1% of the construction budget to the provision of public art.

LAND CONTAMINATION

- B27. Future development application(s) must include reports and documentation to address the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land.

UTILITIES

- B28. Future development application(s) must include a Utility Services Infrastructure Assessment which addresses the existing capacity and any augmentation requirements of the development for the provision of utilities, including staging of infrastructure. The Utility Services Infrastructure Assessment must be prepared in consultation with relevant agencies and service providers.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- B29. Future development application(s) must incorporate Environmentally Sustainable Design (ESD) targets aligned with the Competition Brief endorsed by Government Architect NSW. This includes achieving a BASIX Energy score of at least +5 and full electrification, unless a minimum average 7-star NatHERS rating across the development demonstrates a superior environmental outcome.

WATER MANAGEMENT/FLOODING

- B30. Future development application(s) must include an integrated water management plan.
- B31. Future development application(s) must include appropriate tie-in works to the existing footpath across the frontage of the adjoining property. The proposed raised footpath must be designed to minimise any increase in flood levels within the roadway.
- B32. Future development application(s) must demonstrate compliance with the recommended flood planning levels (FPL) requirements as specified in Table 10 of the Flood Impact and Risk Assessment (FIRA), prepared by Arcadis, dated 13 March 2025.

GROUNDWATER / DEWATERING

- B33. Future development application(s) for the detailed design must consider groundwater impacts and address the following requirements:
- (a) finalise the basement design for impact assessment purposes where proposed (tanked or drained);
 - (b) provide an assessment of predicted water take requirements including apportionment of water take by water sources at the site;
 - (c) ensure sufficient water entitlement is held in a water access licence(s) to account for the maximum predicted take for each water source prior to take occurring unless an exemption applies;
 - (d) include an assessment against the Aquifer Interference Policy (2012) including any necessary mitigation measures;
 - (e) demonstrate that adequate arrangements will be in place to ensure that the minimal impacts occur in accordance with DPE Water's Groundwater SSD Guidelines and Dewatering Guidelines and Minimum Requirements for Dewatering in NSW; and
 - (f) demonstrate that any necessary approvals have been obtained for the discharge of any water from the site.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- B34. Future development application(s) shall be accompanied by a Crime Prevention Through Environmental Design (CPTED) Report which addresses how CPTED principles will be integrated into the development, in accordance with the *Crime Prevention and the Assessment of Development Applications Guidelines*.

HERITAGE NSW

ARCHAEOLOGY

- B35. Future development application(s) must have regard to the proposed archaeological excavation works outlined in the Archaeological Research Design and Excavation Methodology (ARDEM), prepared by Urbis and dated August 2025, prepared for the concept application.
- B36. All reasonable steps must be taken to avoid harm, modification of or impact to heritage items and relics except as authorised by this approval. No relics of State significance are approved for excavation or impact under this, or any future development application.

BUILT HERITAGE

- B37. Future development application(s) for the detailed design must be prepared in consultation with a suitably qualified and experienced heritage specialist to ensure that the visual impacts of the development are minimised.
- B38. Future development application(s) must demonstrate how the detailed design has considered the use of materiality, scale, form, articulation and colour to minimise visual impacts on surrounding heritage items and streetscapes.
- B39. Future development application(s) must be accompanied by a Statement of Heritage Impact (SoHI) prepared by a suitably qualified and experienced heritage specialist which assesses the impacts on all heritage items and heritage conservation areas in the vicinity, with reference to their Statements of significance.
- B40. The Registered Aboriginal Parties (RAPs) must be kept informed about the SSD. The RAPs must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements of the SSD.

SCHEDULE 3 – STAGE 1 DEMOLITION WORKS

PART A GENERAL CONDITIONS

ADMINISTRATIVE CONDITIONS

TERMS OF CONSENT

- A1. The development must be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with the Concept EIS, the Applicant's response to submissions, the Applicant's Amendment Report and the Applicant's response to requests for further information; and
 - (c) in accordance with the approved plans in the table below, as modified by the conditions of this consent:

Architectural drawings prepared by SJB Architects, Job No. 6253-A			
Drawing Number	Rev	Name of Plan	Date
DA-0203	5	Demolition Elevation	08/08/2025
DA-0204	8	Demolition Site Plan	16/10/2025

Note: Development which is 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or another environmental planning instrument may be carried out without development consent.

- A2. To the extent of any inconsistency:
- (a) the more recent document in Schedule 3 Condition A1(b) prevails over an earlier document in that section; and
 - (b) the conditions of consent prevail over a document listed in Schedule 3 Condition A1(c).
- A3. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities that employees, contractors (and their sub-contractors) carry out in respect of the development.

LIMITS ON CONSENT

- A4. This consent does not approve the demolition or removal of the existing building slab on ground or building foundations/footings.

HERITAGE NSW

ARCHAEOLOGY

- A5. All reasonable steps must be taken to avoid harm, modification of or impact to heritage items and relics except as authorised by this approval. No relics of State significance are approved for excavation or impact under this, or future detailed design approvals.
- A6. Workers on site must receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions.
- A7. All archaeological works must be undertaken in accordance with the ARDEM dated August 2025. Any substantial amendments to the proposed methodology must be submitted to Heritage NSW for review and approval.

ABORIGINAL HERITAGE

- A8. All reasonable steps must be taken so as not to harm, modify or otherwise impact Aboriginal objects except as authorised by this approval.

PART B PRIOR TO COMMENCEMENT OF DEMOLITION WORKS

MANAGEMENT PLANS

DEMOLITION ENVIRONMENTAL MANAGEMENT PLAN

- B1. Prior to the commencement of any demolition work, the Applicant must prepare and submit to the Certifier a Demolition Environmental Management Plan (**DEMP**) for the development with measures to reduce environmental impacts and harm during demolition, including, at a minimum, the following information:
- (a) details of:
 - (i) hours of work;
 - (ii) 24 hour contact details of the site manager and complaint handling procedure;
 - (iii) demolition program and demolition methodology;
 - (iv) traffic management in consultation with Council;
 - (v) noise and vibration management;
 - (vi) management of dust and odour;
 - (vii) stormwater control and discharge, including ensuring that vehicles leaving the site do not transfer dirt to roadways;
 - (viii) management of stockpiles of soil or other materials;
 - (ix) waste management;
 - (x) external lighting in compliance with applicable Australian Standards; and
 - (xi) site security, including fencing or hoarding.
 - (b) Demolition Traffic and Pedestrian Management Sub-Plan in accordance with Schedule 3 Condition B2;
 - (c) Demolition Noise and Vibration Management Sub-Plan in accordance with Schedule 3 Condition B3;
 - (d) Air Quality Management Sub-Plan in accordance with Schedule 3 Condition B4;
 - (e) Demolition Waste Management Sub-Plan in accordance with Schedule 3 Condition B5;
 - (f) Demolition Soil and Water Management Sub-Plan in accordance with Schedule 3 Condition B6;
 - (g) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure, including but not limited to ensuring compliance with Schedule 3 Condition C23;
 - (h) waste classification (for materials to be removed) and validation (for materials to remain) to be undertaken to confirm the contamination status of relevant areas of the site.

DEMOLITION TRAFFIC AND PEDESTRIAN MANAGEMENT SUB-PLAN

- B2. Prior to the commencement of any work, the Applicant must submit to the Certifier a final Demolition Traffic and Pedestrian Management Sub-Plan (**DTPMP**) for the development with measures to reduce environmental impacts and harm during demolition arising from construction traffic, including, at a minimum, the following information:
- (a) evidence of consultation with Council;
 - (b) location of proposed work zone(s);
 - (c) construction vehicle access arrangements and haulage routes;
 - (d) predicted number and timing of construction vehicle movements and vehicle types;
 - (e) identification of potential conflicts between vehicle movements required for construction and general traffic, cyclists, pedestrians, bus services within the vicinity of the site from construction vehicles.

DEMOLITION NOISE AND VIBRATION MANAGEMENT SUB-PLAN

- B3. Prior to the commencement of any work, the Applicant must submit to the Certifier a site-specific Demolition Noise and Vibration Management Sub-Plan (**DNVMP**) for the development prepared by a Professional Engineer with measures to minimise environmental impacts and harm during demolition of the development arising from construction noise and vibration, including, at a minimum, the following information:
- (a) identification of noise sources and Sensitive Receivers;
 - (b) quantification of the rating background noise level (**RBL**) for Sensitive Receivers;
 - (c) describe procedures for achieving the noise management levels in EPA's Interim Construction Noise Guideline (DECC, 2009) (**ICNG**) (as may be updated or replaced from time to time);
 - (d) prediction and assessment of potential noise, ground-borne noise (as relevant) and vibration levels from the proposed construction methods expected at Sensitive Receiver premises against the objectives identified in the ICNG, EPA's Assessing Vibration: Technical Guideline and relevant standards;

- (e) noise mitigation measures that can be implemented to reduce construction noise and vibration impacts, including:
 - (i) installation of acoustic barriers/enclosures;
 - (ii) alternative excavation methods;
- (f) describe the measures to be implemented to manage high noise generating works (such as piling and rock breaking) or activities that may be particularly annoying (as defined in the ICNG), in close proximity to sensitive receivers;
- (g) measures to identify non-conformances with the requirements of the DNVMP, and procedures to implement corrective and preventative action and to respond to complaints;
- (h) procedures for notifying sensitive receivers of construction activities that are likely to affect their noise and vibration amenity;
- (i) include strategies that have been developed in consultation with the directly adjoining properties for managing vibration such as any alternative construction methods with lower source vibration levels and provision for respite periods;
- (j) include a complaints management system that would be implemented for the duration of the development;
- (k) as adjoining buildings are heritage items, detail that maximum vibration limits shall not exceed the Category 3 criteria of the German Standard DIN 4150-3, which must be verified and recommended by a suitably qualified structural engineer. The DNVMP must also outline actions if vibration exceedance occurs including measures to review and alter the demolition methodology;
- (l) demonstration that the proposed demolition works will incorporate all recommendations contained in the Noise and Vibration Management Plan, prepared by E-Lab Consulting, dated 25 August 2025;
- (m) demonstration that demolition work complies with the City of Sydney Code of Practice for Construction Hours/Noise 1992.

AIR QUALITY MANAGEMENT SUB-PLAN

- B4. Prior to the commencement of any work, the Applicant must submit to the Certifier an Air Quality Management Sub-Plan (**AQMP**) for the development. The AQMP must be prepared by a suitably qualified and experienced expert in accordance with the EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW and include, as a minimum, the following information:
- (a) relevant environmental criteria to be used to guide management of dust and odours;
 - (b) dust and odour management practices to be implemented, including:
 - (i) watering of exposed surfaces and stockpiles;
 - (ii) covering of truck loads;
 - (iii) prevention of dirt from trucks tracking onto public roads and cleaning of any tracked dirt;
 - (iv) progressive land stabilisation works to minimise exposed surfaces.
 - (v) monitoring requirements;
 - (vi) communication strategy; and
 - (vii) system and performance review for continuous improvements; and
 - (c) measures to identify non-conformances with the requirements of the DNVMP, and procedures to implement corrective and preventative action and to respond to complaints.

DEMOLITION WASTE MANAGEMENT SUB-PLAN

- B5. Prior to the commencement of any work, the Applicant must submit to the Certifier a Demolition Waste Management Sub-Plan (**DWMP**) for the development. The DWMP must include, as a minimum, the following information:
- (a) requirement that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";
 - (b) demonstrate that an appropriate area will be provided for the storage of bins and recycling containers and all waste and recyclable material generated by the works;
 - (c) procedures for minimising the movement of waste material around the site and double handling;
 - (d) requirement that waste (including litter, debris or other matter) is not caused or permitted to enter any waterways;
 - (e) requirements that any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
 - (f) requirement that the wheels of any vehicle, trailer or mobilised plant leaving the site are cleaned of debris prior to leaving the premises;

- (g) details in relation to the transport of waste material within the site and from the site, including (at a minimum):
 - (i) a traffic plan showing transport routes within the site;
 - (ii) a commitment to retain waste transport details for the life of the project to demonstrate compliance with the *Protection of the Environment Operations Act 1997*; and
 - (iii) the name and address of each licensed facility that will receive waste from the site.

DEMOLITION SOIL AND WATER MANAGEMENT PLAN SUB-PLAN

- B6. Prior to the commencement of any work, the Applicant must submit to the Certifier a Demolition Soil and Water Management Sub-Plan (**DSWMP**) for the development. The DSWMP must be prepared by a suitably qualified expert, in Consultation with Council and include, at a minimum, the following information:
- (a) describe all erosion and sediment controls to be implemented during demolition
 - (b) provide a plan of how all construction works will be managed in a wet-weather event (i.e. storage of equipment, stabilisation of the site);
 - (c) detail all off-site flows from the site during construction; and
 - (d) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.

DOCUMENTATION REQUIREMENTS AND MEASURES

PRE-DEMOLITION DILAPIDATION REPORTS

- B7. Prior to the commencement of any work, the Applicant must submit to the Certifier a Pre-Demolition Dilapidation Report, prepared by a suitably qualified Engineer, which details the structural condition of all adjoining land, buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restrictions and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence', prior to construction.
- B8. Where only part of a building on privately affected land may fall within the 'zone of influence', any Pre-Demolition Dilapidation Report for that building must include details of the whole building.
- B9. In the event that access for undertaking a Pre-Demolition Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.
- B10. A copy of the Pre-Demolition Dilapidation Report is to be forwarded to the Planning Secretary and each of the affected property owners.

PROTECTION OF PUBLIC INFRASTRUCTURE AND TREES

- B11. Prior to the commencement of works, the Applicant must:
- (a) undertake Consultation with the relevant owner and provider of services that will be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a Dilapidation Report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths) and submit a copy of the dilapidation Report to the Certifier, Planning Secretary and Council; and
 - (c) ensure all onsite trees and all street trees directly outside the site not approved for removal are retained and protected in accordance with the applicable Australian Standards.
- B12. The design of any hoarding and scaffolding must not result in any street tree branch removals exceeding 50mm diameter, or the removal of more than 5% live canopy of surrounding street trees. Any additional pruning required must be subject to assessment by the Project Arborist and approved by Council and the Certifier.
- B13. No removal of any trees, shrubs or soil within the public domain will be permitted during demolition works.

HAZARDOUS MATERIALS SURVEY

- B14. Prior to the commencement of any demolition works, a Hazardous Materials Survey must be completed by a suitably qualified and experienced profession in accordance with the recommendations of the Detailed Site Inspection (DSI) prepared by JK Environments, dated 13 February 2025. The survey must:
- (a) identify potentially hazardous materials that may be released to the environment during demolition works; and

- (b) recommend appropriate management measures for any hazardous materials identified which must be implemented during any demolition works to maintain worker health and safety, and prevent spreading of hazardous materials to site soils and into the environment.

Recommendations of the survey must be complied with at all times and a copy is to be provided to the Principal Certifier.

INSTALLATION OF ARTWORK AND IMAGES ON HOARDINGS AND SCAFFOLDING (DEMOLITION / CONSTRUCTION WRAPS)

- B15. Where hoardings and scaffolding are to be installed to undertake the proposed demolition, an approved artwork / historic image installation must be provided on the hoarding and scaffolding system to screen the development from the public domain, minimise adverse visual impacts on the locality and add visual and public art in the streetscape. The artwork installation must be printed, installed and maintained in accordance with Council's Guidelines for Hoardings and Scaffolding. Details of the proposed installation must be submitted to and approved by Council prior to the commencement of demolition works.

Note: The scaffolding system on which a required artwork wrap is to be installed must be designed to safely and adequately accommodate and support the wrap mesh material on which the artwork is printed/displayed. This includes designing the scaffold to address potential increased wind loads that may be encountered in the locality.

RODENT TREATMENT PROGRAM

- B16. Prior to the commencement of any demolition works, a programme of baiting and monitoring of rodent activity is to be put in place at the site. A licenced Pest Control Operative must carry out all pest control work and prepare a report, confirming that there is no evidence of any rodent activity at the site prior to the commencement of any demolition works. The report must be submitted to the Certifier.

HERITAGE ARCHIVAL

- B17. Prior to the commencement of any demolition works, the existing building must be photographically archivally recorded in accordance with the Heritage NSW "Guidelines for preparing archival recordings of heritage items as a condition of consent" and submitted to Council and the Planning Secretary.

NOTIFICATIONS AND COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

- B18. The Applicant must notify the Department in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.

DIAL BEFORE YOU DIG SERVICE

- B19. Prior to the commencement of any demolition on or near the site, the Applicant must submit to the Certifier written confirmation from NSW Dial Before You Dig Service that the proposed demolition will not conflict with any underground utility services.

DEMOLITION

- B20. Before the commencement of demolition works, the Applicant must submit to the Certifier a statement of compliance with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and any work plans required by AS 2601-2001, accompanied by a written statement from a suitably qualified person work plans complies with the safety requirements of the Australian Standard.

PART C DURING DEMOLITION WORKS

SITE NOTICE

- C1. The Applicant must erect site notices in prominent positions on the site informing the public of project details including, but not limited to:
- (a) the name, address and telephone number of the builder, Certifier and Professional Engineer;
 - (b) the name of the principal contractor (if any), its address and 24-hour contact phone number for any inquiries, including demolition/noise complaints;
 - (c) stating the approved hours of work;
 - (d) stating that unauthorised entry to the work site is prohibited.
- C2. The site notices must:
- (a) be positioned prominently at the site informing the public of key project details;
 - (b) have dimensions of at least A1 size with large writing
 - (c) be durable and weatherproof.

HOURS OF DEMOLITION

- C3. Demolition, including the delivery of materials or machinery to and from the site, may only be carried out between the following hours:
- (a) 7am to 6pm, Monday to Friday
 - (b) 8am to 1pm, Saturday
- C4. No work may be carried out on Sundays or public holidays.
- C5. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials to and from the site; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- C6. Notification of activities undertaken in the circumstances in Schedule 3 Condition C5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- C7. Demolition 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.

IMPLEMENTATION OF MANAGEMENT PLANS

- C8. The Applicant must implement and comply with the requirements of any management plan or sub-plan required under this consent. To the extent of any inconsistency between a condition of consent and a management plan or sub-plan, the condition of consent prevails.

DEMOLITION NOISE LIMITS AND VIBRATION CRITERIA

- C9. The Applicant must ensure construction vehicles do not arrive at the subject site or surrounding residential precincts outside of the hours of work outlined under this consent.
- C10. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, audible movement alarms of a type that would minimise noise impacts on surrounding Sensitive Receivers.
- C11. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of LAeq 75dBA) as measured at any Sensitive Receiver is only undertaken in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. For the purposes of this condition 'continuous' includes any period during which there is less than 1 hour respite between ceasing and recommencing any of the work the subject of this condition.
- C12. Vibration at any residence or structure outside the site caused by demolition must be limited to:
- (a) for structural damage, the latest version of DIN 4150-3 (2016) Vibration in Buildings - Effects on Structures, English Translation (German Institute for Standardisation, 2016);
 - (b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006) (as may be updated or replaced from time to time).
- C13. Vibratory compactors must not be used within 30 metres of residential or heritage buildings unless vibration monitoring confirms compliance with the vibration criteria specified above. These limits apply unless otherwise outlined in the project specific DNVMP required by this consent.

AIR QUALITY

- C14. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

DAMAGE TO PUBLIC WAY

- C15. Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant to the satisfaction of the public authority responsible for the public way.

TREE PROTECTION

- C16. While site or building work is being carried out, the Applicant must maintain all tree protection measures required under this consent, in accordance with relevant requirements of applicable Australian Standards and any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

EROSION AND SEDIMENT CONTROL

- C17. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the demolition works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques are, as a minimum, to be in accordance with the publication Managing Urban Stormwater: *Soils & Construction* (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book' and must comply with the DSWMSP.

DISPOSAL OF SEEPAGE AND STORMWATER

- C18. Any seepage or rainwater collected on-site during and after demolition or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the EPA in accordance with the *Protection of the Environment Operations Act 1997*.
- C19. Adequate provisions must be made to collect and discharge stormwater drainage during and after demolition of the development. Prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.
- C20. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of section 138 of the *Roads Act 1993*.

ASBESTOS

- C21. The Applicant must ensure that any asbestos encountered on site is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in consultation with SafeWork NSW and in accordance with any requirements of SafeWork NSW and any relevant guidelines, including:
- (a) *Work Health and Safety Regulation 2017*;
 - (b) SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace September 2016;
 - (c) SafeWork NSW Code of Practice – How to Safely Remove Asbestos September 2016; and
 - (d) *Protection of the Environment Operations (Waste) Regulation 2014*, including Part 7 – 'Transportation and management of asbestos waste'.

CONTACT TELEPHONE NUMBER

- C22. The Applicant must ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the demolition.

UNCOVERING RELICS OR ABORIGINAL OBJECTS

- C23. If a Relic (as defined in the Heritage Act 1977) or Aboriginal object (as defined in the *National Parks and Wildlife Act 1974*) is unexpectedly discovered:
- (a) all works must cease immediately;
 - (b) the Applicant must notify the Heritage Council of NSW in respect of a Relic and notify the Planning Secretary and the Heritage Council of NSW in respect of an Aboriginal object; and
 - (c) the Applicant must otherwise comply with the unexpected finds protocol required as part of the DEMP.
- C24. Demolition work may recommence at a time confirmed by either the Heritage Council of NSW or the Planning Secretary.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- C25. The Applicant must notify the Department within 24 hours of becoming aware of an Incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the Incident including:

- (a) date, time and location;
- (b) a brief description of what occurred and why it has been classified as an Incident;
- (c) a description of what immediate steps were taken in relation to the Incident; and
- (d) identifying a contact person for further communication regarding the Incident.

C26. The Applicant must provide the Department with a subsequent Incident report in accordance with Appendix 1 (Incident Notification and Reporting Requirements).

NON-COMPLIANCE NOTIFICATION

C27. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify the Development (including the development application number and name), set out the condition of this consent that the Development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

Note: A non-compliance which has been notified as an Incident does not need to also be notified as a non-compliance.

OBSTRUCTION OF PUBLIC WAY

- C28. The public way, footpaths, road reserves and the like, must not be obstructed by any mobile cranes, materials, vehicles, refuse, skips or the like, under any circumstances unless in accordance with a Work Zone Permit.
- C29. All loading and unloading associated with demolition must be accommodated on-site, unless in accordance with a Work Zone Permit.

PART D POST-DEMOLITION WORKS

DILAPIDATION AND REPAIRS

POST-DEMOLITION DILAPIDATION REPORT

- D1. Following the completion of demolition works, the Applicant is to provide a Report (**Post-Demolition Dilapidation Report**) to the Certifier:
- (a) stating whether, based on a comparison of the Pre-Demolition Dilapidation Report and Post-Demolition Dilapidation Report, there has been any structural damage to any adjoining buildings, infrastructure or roads;
 - (b) if there has been structural damage to any adjoining buildings, infrastructure or roads, the structural damage that is the result of the carrying out of the demolition works;
 - (c) whether relevant authorities have confirmed that there is no adverse structural damage to their infrastructure and roads.

The Applicant is to provide a copy of the Post-Demolition Dilapidation Report to the Planning Secretary and to the relevant adjoining property owner(s).

ROAD DAMAGE

- D2. Following the completion of demolition works, the cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of demolition works associated with the approved development is to be paid in full by the Applicant.

PROTECTION OF PUBLIC INFRASTRUCTURE AND OTHER REPAIRS

- D3. Unless the Applicant and the applicable public authority agree otherwise, the Applicant must:
- (a) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the demolition works; and
 - (b) repair/reconstruct, or pay the full costs associated with repairing/reconstructing, any public infrastructure (including but not limited to ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) in the vicinity of the development that is damaged by carrying out the demolition works.
- D4. Following the completion of demolition works, any damage identified in Schedule 3 Condition D1 as being caused by the carrying out of the Development not subject to Schedule 3 Condition D3 must be fully repaired and rectified by the Applicant.

RETENTION OF HOARDING AND SITE SECURITY MEASURES

- D5. Following the completion of demolition works, hoarding and site security measures must be maintained until the commencement of construction works under any future development application(s) to mitigate any long term adverse visual impacts.

ADVISORY NOTES

- AN1. The development consent is subject to, and the Applicant must comply with, the Prescribed Conditions.
- AN2. No condition of this consent overcomes any obligation on the Applicant to obtain, renew or comply with licences, permits, approvals, certifications and consents which may be required under law required to carry out the development. The Applicant is responsible for obtaining any such licences, permits, approvals, certifications and consents, licences, permits, approvals, certifications and consents may include but are not limited to:
- (a) modifications to this consent or other development consents required under the EP&A Act;
 - (b) certificates under Part 6 of the EP&A Act;
 - (c) approval under section 138 of the *Roads Act 1993* for activities and works including road occupancy, hoarding, scaffolding, barricades and other construction/building works requiring the use of a public place including a road or footpath;
 - (d) approvals for the installation of any hoardings over Council footways or road reserves;
 - (e) approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act);
 - (f) approvals required under the *Sydney Water Act 1994*.
- AN3. The Applicant is responsible for ensuring that all agreements required to carry out the Development are obtained from other authorities or other parties, as relevant.
- AN4. No condition of this consent removes any obligation on the Applicant to comply with laws, including but not limited to:
- (a) work health and safety laws;
 - (b) environmental laws including *Protection of the Environment Operations Act 1997* and its regulations;
 - (c) *Disability Discrimination Act 1992* (Cth);
 - (d) *Building and Construction Industry Long Service Payments Act 1986*;
 - (e) *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*;
 - (f) *Airports (Protection of Airspace) Regulations 1996*.

APPENDIX 1 – INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. All Incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under Condition C25 or, having given such notification, subsequently forms the view that an Incident has not occurred.
3. Within 7 days (or as otherwise agreed by the Planning Secretary) of the Applicant making the immediate Incident notification (in accordance with Condition C25), the Applicant is required to submit a subsequent Incident report that (in accordance with Condition C26):
 - (a) identifies how the Incident was detected;
 - (b) identifies when the Applicant became aware of the Incident;
 - (c) identifies any actual or potential non-compliance with conditions of consent;
 - (d) identifies further action(s) that will be taken in relation to the Incident;
 - (e) a summary of the Incident;
 - (f) outcomes of an Incident investigation, including identification of the cause of the Incident;
 - (g) details of the corrective and preventative actions that have been, or will be, implemented to address the Incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and
 - (h) details of any communication with other stakeholders regarding the Incident.
4. The Applicant must submit any further reports as directed by the Planning Secretary