

Attachment A

Recommended Conditions of Consent
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Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

DEFERRED COMMENCEMENT CONDITION

Relevant matters

This consent does not operate and may not be acted on until the consent authority is satisfied of the following matter(s):

(A) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

- (a) The Voluntary Planning Agreement between the Council of the City of Sydney and Harry Vougdis, George Vougdis, Con Athanassiou, Jim Athanassiou, Basil Athanassiou and Evangelos Vougdis shall be exhibited, executed and submitted to Council; and
- (b) The monetary contribution shall be paid in accordance with the Voluntary Planning Agreement.

Reason

To ensure the development complies with all terms of the planning agreement.

GENERAL CONDITIONS

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/ D/2022/1021 dated 4 October 2022 and the following drawings prepared by Henderson & Co.:

Drawing Number	Drawing Name	Date
A-010 (Revision M)	Site Plan	6 June 2023
DM-110 (Revision M)	Ground Floor Demolition Plan	6 June 2023
DM-111 (Revision M)	First Floor Demolition Plan	6 June 2023
DM-112 (Revision M)	Roof Demolition Plan	6 June 2023

Drawing Number	Drawing Name	Date
A-110 (Revision M)	Ground Floor Plan	6 June 2023
A-111 (Revision M)	First Floor Plan	6 June 2023
A-112 (Revision M)	Roof Plan	6 June 2023
A-500 (Revision M)	South Elevations	6 June 2023
A-501 (Revision M)	East Elevations	6 June 2023
A-600 (Revision M)	Sections	6 June 2023

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the drawings will prevail.

Reason

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

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) the ground floor southern elevation of 13-15 Collins Street must be redesigned to include additional vertically oriented masonry columns and a masonry base (stallboard), to provide 20% more solidity of the ground level (20% less glazed area). The masonry columns must be inserted between the proposed roller door at the western end of the southern facade and the proposed eastern masonry column;
- (b) first floor drawings must be amended to provide raised perimeter landscape planters to the inside edge of balustrade to the eastern and northern edge of the eastern level 1 terrace (the Queen Street frontage) and to the southern edge of the southern level 1 terrace (the Collins Street frontage). Trough planter design must include:
- (i) a minimum 600mm wide glass reinforced concrete (GRC), with adequate soil depth compliant with the City's Landscape Code;
 - (ii) integrated drainage and watering system; and
 - (iii) all planters must include tall shrubs and a hardy, tufting grass understorey, and plant species selected with preference for drought resistant species that contribute to habitat creation and biodiversity.
- (c) the first floor timber structure (columns, beams and joists) of No.11 Collins Street must be retained;

- (d) the two new steel support columns at the central part and within No. 11 Collins Street must be aligned with existing timber support columns, with structural engineering drawings provided to support this positioning;
- (e) the existing timber door of the interwar warehouse building (11 Collins Street), facing Queen Street must be retained and restored and may be installed as a sliding door panel;
- (f) balcony balustrades on the ground floor and first floors of 11 Collins Street must be constructed using steel metal blades that are simple in design and oriented at an angle that minimises their scale in relation to openings and balustrades;
- (g) the operability of amended large door/windows to the Collins Street and Queen Street facades must be shown. Details of windows frames at 1:20 scale are required to be submitted;
- (h) all new external windows and doors to the brick masonry section of 11 Collins Street (facing Queen Street), must be constructed using steel frames to replace existing steel windows;
- (i) the eave and gutter overhanging Queen Street must not encroach beyond the boundary by more than 450 millimetres, for compliance with Schedule 4 of the Sydney DCP 2012;
- (j) the location of air-conditioning unit condensers must be shown, in locations that are not readily visible from the public domain surrounding the site; and
- (k) a signage strategy for the development must be provided, including information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.

The modifications are to be submitted to and approved by Council's Area Planning Manager, prior to the issue of a Construction Certificate.

Reason

To reduce provide a greater solid to void ratio at the ground floor level, provide increased landscape, address heritage issues and provide for suitable signage. To require amendments to the approved plans and supporting documentation following assessment of the development.

(3) LANDSCAPING OF THE SITE

- (a) A detailed landscape design including plans and details drawn to scale, and technical specification, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate. These documents must include (where relevant):
 - (i) Location of existing and proposed planting on the site including existing and proposed trees, planting in natural ground, and planting on structure.

- (ii) Location and details of existing and proposed structures on the site including, but not limited to, paving, walls, services, raised planters minimum 600mm wide, furniture, shade structures, lighting and other features
 - (iii) Engineers report confirming structural capacity of building for proposed roof terrace loads.
 - (v) Details of soil types and depth including any mounding. The minimum soil depths for planting on structure must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers.
 - (vi) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
 - (vii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.
 - (viii) Landscape maintenance plan. This plan is to be complied with during occupation of the property.
- (b) All landscaping in the approved plan must be complete prior to the issue of an Occupation Certificate.

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

(4) MATERIALS AND SAMPLES SCHEDULE

- (a) A detailed materials, colours and finishes schedule (including visible rainwater goods and services) keyed to each building elevation must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued. The materials and samples schedule/board must not include generic material or colour descriptions, or use terminology such as 'or similar'.
- (b) all sections of replacement cladding, including at the roof level of both buildings, must be installed using a mid-grey colour that is less heat absorbent, with a Solar Absorptance (SA) value of 0.60 or less.

Reason

To require the submission of a materials and samples board following assessment of the development.

(5) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

The terms of the planning agreement entered into in accordance with Deferred Commencement Condition A are to be complied with.

Reason

To ensure the development complies with all terms of the planning agreement.

(6) NATIONAL CONSTRUCTION CODE COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF BUILDING IS REQUIRED

- (a) Pursuant to Section 64 of the Environmental Planning and Assessment Regulation 2021, the whole building must comply with the National Construction Code (previously known as Building Code of Australia) (NCC) including:
 - (i) Fire resistance and stability - Part C1;
 - (ii) Compartmentation and separation - Part C2;
- (b) If compliance with the conditions listed in (a) above cannot be achieved through the deemed-to-satisfy pathway, a performance solution in accordance with Part A2 of the NCC (previously known as BCA) must be prepared and submitted to the Registered Certifier illustrating how the relevant performance provisions are to be satisfied, and must form part of the approval prior to a Construction Certificate being issued.

Reason

To ensure the works comply with relevant regulations.

(7) MAINTAINING SEPARATE TENANCIES

- (a) The approved three (3) commercial tenancies must not be consolidated into larger tenancies without prior approval from Council.

Reason

To ensure the approved three tenancies are not consolidated to create a larger combined tenancy within the Green Square locality.

(8) AFFORDABLE HOUSING CONTRIBUTION – GREEN SQUARE OR EMPLOYMENT LANDS – PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION – PRIOR TO CONSTRUCTION CERTIFICATE

- (a) In accordance with the City of Sydney Affordable Housing Program and prior to the issue of a Construction Certificate, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid to the City of Sydney Council.
- (b) The contribution is \$196,499.63 (indexed at 1 November 2023). This is calculated by establishing the sum of the equivalent monetary contribution \$99.82 multiplied by the total floor area for non-residential development (1,694sqm).
- (c) If the contribution is paid after the indexation period in which the consent is granted, being October 2023 to December 2023, the above contribution will be adjusted according to the Sydney LGA median strata dwelling price ('MDP') using the following formula.

- (d) Contribution payable at Time of Payment = $C \times \text{MDP2} / \text{MDP1}$, where:
- (i) C is the original total contribution amount payable to the City of Sydney as shown above;
 - (ii) MDP2 is the Median Strata Dwelling Price in Sydney LGA taken from the most recent most recent NSW Government Rent and Sales Report at the time of indexation of the equivalent monetary contribution rate; and
 - (iii) MDP1 is the Median Strata Dwelling Price in Sydney LGA taken from the NSW Government Rent and Sales Report used to establish the current equivalent monetary contribution rate, being October 2023 to December 2023.

Contact Council's Planning Assessment Unit at planningsystemsadmin@cityofsydney.nsw.gov.au for written confirmation of the amount payable, with indexation as necessary, prior to payment.

Reason

To ensure development contributions are paid to contribute to the provision of essential affordable rental housing infrastructure.

(9) SECTION 7.11 CONTRIBUTIONS PAYABLE - CONTRIBUTION TOWARDS PUBLIC AMENITIES – CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 – SOUTH PRECINCT

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

<u>Contribution Category</u>	<u>Amount</u>
Open Space	\$27,064.27
Community Facilities	\$4,207.62
Traffic and Transport	\$34,356.30
Stormwater Drainage	\$13,585.62
Total	\$79,213.82

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

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

Where:

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

- Cconsent = Is the contribution at the time of consent, as shown above;
- CPIpayment = Is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment; and
- CPI1consent = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being – 134 for the June 2023 quarter.

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

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

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

Reason

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

(10) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the business use must not exceed 1.26:1. For the purposes of the calculation of FSR, the total Gross Floor Area is 1,591sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.

Reason

To ensure the constructed development complies with the approved floor space ratio.

(11) EXTERNAL LIGHTING

A separate development application is required to be lodged and approved prior to any external floodlighting or illumination of the building or site landscaping.

Reason

To clarify that consent has not been granted for the external floodlighting or illumination of the development.

(12) USE - SEPARATE DA REQUIRED

No consent is granted or implied for the fitout or specific use of the three new commercial tenancies.

A development consent or Complying Development Certificate (as appropriate) is required to be obtained for the fitout and use prior to that fitout or use commencing.

Reason

To require separate consent to be obtained for a use.

(13) HOURS OF OPERATION] - MINOR DEVELOPMENT

The hours of operation for the 2 x first level terraces within the site are restricted to between 7:00am and 10:00pm, daily.

Reason

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

(14) PLAN OF MANAGEMENT

The use of the roof terraces must always be operated / managed in accordance with the Plan of Management, prepared by Sutherland and Associates Planning, that has been approved by Council (Ref: 2023/516834). In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

Reason

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

(15) NO SPEAKERS OR MUSIC OUTSIDE

Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain.

Reason

To safeguard the amenity of the surrounding neighbourhood.

(16) SURVEILLANCE CAMERAS – LOW RISK VENUES

Security camera(s) must be installed and maintained in good operational order and placed in strategic places including all public areas, but not limited to the external entrance and exit doors. Removable digital storage devices must have the time and date automatically recorded and be kept in a secure place to ensure their integrity for a minimum period of 28 days before being reused or destroyed, and are to be made available to the Police or a Council Officer upon request.

Reason

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

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

(17) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Prior to the issue of a Construction Certificate a Construction Environmental Management Plan (CEMP) must be prepared by appropriately qualified person for the site and submitted to Council's Area Planning Coordinator | Area Planning Manager for written approval. The CEMP must consider all potential environmental impacts from the approved works including but not limited to sedimentation control, contamination containment, stockpiles, noise and vibration, odours and dust emissions.

All works must be undertaken onsite in accordance with the approved Construction Environmental Management Plan.

Reason

To ensure that construction is appropriately managed.

(18) SITE AUDIT STATEMENT

Prior to the issue of a construction certificate associated with the built form of the development (excluding building work directly related to remediation), a Section A Site Audit Statement must be obtained from a NSW Environment Protection Authority accredited Site Auditor and submitted to the Council's Area Planning Manager at email address:-

hbapplications@cityofsydney.nsw.gov.au

The Site Audit Statement must confirm that the site has been remediated in accordance with the approved Remedial Action Plan and clearly state that site is suitable for the proposed use.

- (a) In circumstances where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council, these must be reviewed and must be approved by the Council's Health and Building Unit in writing through the Area Planning Manager before the Site Audit Statement is issued.
- (b) In circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of Council (such as via a S4.55 modification of the consent pursuant to the provisions of the *Environmental Planning & Assessment Act 1979*).
- (c) **No Occupation Certificate is to be issued** by the Principal Certifier unless a Site Audit Statement has been submitted to and approved by Council in accordance with this condition.

Reason

To ensure that the site is appropriately remediated.

(19) REVISED REMEDIATION ACTION PLAN

Prior to the issue of any Construction Certificate associated with the built form of the development any variations to the approved Remediation Action Plan (RAP) must be submitted to Council and approved by the NSW EPA Site Auditor and Councils Area Planning Manager.

Reason

To ensure that the site is appropriately remediated.

(20) PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Accredited Certifier prior to a Construction Certificate being issued.

Reason

To ensure parking facilities are designed in accordance with the Australian Standards.

(21) ALLOCATION OF PARKING

The number of car parking spaces to be provided for the development must comply with the table below. Details confirming the parking numbers must be submitted to the satisfaction of the Registered Certifier prior to the issue of a Construction Certificate.

Car Parking Type	Number
Office and business parking	10
Accessible office and business parking	1
Office and business visitor parking	1
Subtotal	12
Motorcycle parking	1
Total	13

Reason

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

(22) BICYCLE PARKING AND END OF TRIP FACILITIES

- (a) The minimum number of bicycle parking spaces and end of trip facilities to be provided within the site boundary for the development must comply with the table below.

Bicycle Parking Type	Number	Requirements
Non-residential	10	Spaces must be Class 2/3 bicycle facilities
Non-residential visitor	4	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	2	
Personal lockers	14	

- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Registered Certifier confirming prior to and form part of the Construction Certificate being issued.

Reason

To ensure the allocation of bicycle parking onsite that is in accordance with Australian Standards and the Council's DCP.

(23) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)

Prior to a Construction Certificate being issued, an archival photographic recording of the building at 11 Collins Street is to be prepared to Council's satisfaction. The recording is to be in digital form and prepared in accordance with the NSW Heritage Division guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives.

The form of the recording is to be as follows:

- (a) The Development Application number must be noted on the submitted information.
- (b) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.

- (c) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.
- (d) The report is to be submitted on a USB or digital file transfer in PDF/A format, (created directly from the digital original), with the digital catalogue of images containing the following data for each location, image subject/description and date.
- (e) The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process and avoid duplicate images.

Reason

To ensure appropriate archival documentation of the building.

(24) INSTALLATION OF DUAL-FLUSH TOILETS

All toilets installed within the development must be of water efficient dual-flush or other water-saving capacity with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the approval of the Registered Certifier, prior to a Construction Certificate being issued.

Reason

To ensure the provision of water efficient toilets.

(25) INSTALLATION OF WATER EFFICIENT URINALS

New urinal suites, urinals and urinal flushing control mechanisms must use waterless technology. Where it is submitted that this is not feasible, it must be demonstrated that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). Systems must include "smart controls" to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to and approved by the Registered Certifier, prior to a Construction Certificate being issued.

Reason

To ensure the provision of water efficient urinals.

(26) INSTALLATION OF WATER EFFICIENT TAPS

All taps and shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details are to be submitted for the approval of the Principal Certifier, prior to any Occupation Certificate being issued.

Reason

To ensure the provision of water efficient taps.

(27) INTERNAL LIGHTING SYSTEM

The internal lighting system for the commercial office spaces must provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off during non-working hours. LED lighting technology (or other technology with an improved lighting power density – watts per square metre) must be implemented. Details of the internal lighting system must be submitted to and approved by the Registered Certifier prior to a Construction Certificate being issued.

Reason

To ensure the provision of energy efficient lighting.

(28) DESIGN FOR ENVIRONMENTAL PERFORMANCE

(a) Prior to the issue of a Construction Certificate, the Design for Environmental Performance Report prepared by Con Athanassiou dated Wednesday, November 16, 2022 (Council Ref: 2022/594042) is to be amended as follows:

(i) Section 4 – Energy Efficiency and Greenhouse Gas Abatement

a. Further details on HVAC design are to be provided when finalised following detailed design.

(ii) Section 6 – On site Renewable Energy Generation and Storage

a. Further details on Solar Photovoltaic design are to be provided when finalised following detailed design; and

b. Architectural drawings are to be updated and are to identify area requirements and output capacity associated with final Solar Photovoltaic design.

(iii) Section 8 – Designing for mains potable water savings and water efficiency

a. Confirmation and further details (if required) are to be provided in relation to stormwater detention following detailed design.

(b) Prior to the issue of any Construction Certificate, the Registered Certifier must be satisfied that those matters listed in the following sections of the approved Design for Environmental Performance report are incorporated into the relevant construction plans and accompanying documentation:

(i) Section 4 – Energy Efficiency and Greenhouse Gas Abatement

(ii) Section 5 – Passive Design for Thermal Performance – Building Envelope Design

- (iii) Section 6 – On site Renewable Energy Generation and Storage
 - (iv) Section 7 – Design for Resilience to Climate Change
 - (v) Section 8 – Designing for mains potable water savings and water efficiency
 - (vi) Section 9 – Storm water quality
- (c) Changes to any commitments including those required by part (a) of this condition and as listed in the approved Design for Environmental Performance report must be submitted to and approved by Council’s Area Planning Manager/Coordinator prior to the issue of any relevant Construction Certificate.

Reason

To ensure the environmental performance of the development.

(29) PUBLIC DOMAIN DAMAGE BOND

- (a) A Public Domain Damage Deposit calculated on the basis of 146 square metres of concrete site frontage must be lodged with Council in accordance with the City of Sydney’s adopted Schedule of Fees and Charges. The bond must be provided as security for repairing any damage to the public domain in the vicinity of the site.
- (b) The City’s Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The Bond must be lodged with the City prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier.
- (c) The bond in this condition will be released in full when the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council’s satisfaction. If rectification works are required the City will release 90% of the total Bond, with the remaining 10% balance to be held for the duration of a 6 months Defect Liability Period.

Reason

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

(30) DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to an approval for demolition and preparatory works being granted or the issue of any Construction Certificate, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared as described in the Public Domain Manual and submitted for approval by Council’s Public Domain Unit. The City’s *Public Domain Manual* is available for download from the City’s website at <https://www.cityofsydney.nsw.gov.au/>

The submission is to include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

Reason

To establish and document the condition of the public domain for comparison as building work progresses and is completed.

(31) STORMWATER AND DRAINAGE - MINOR DEVELOPMENT

The drainage system is to be constructed in accordance with the City's standard requirements as detailed in the City of Sydney's Stormwater Drainage Manual. The development is to be designed so that the flow of pollutants from the site due to stormwater is reduced.

The requirements of Sydney Water regarding the on-site detention (OSD) of stormwater must be ascertained and complied with. Evidence of the on-site detention (OSD) approval must be submitted to City's Public Domain Unit prior to issue of any Construction Certificate other than demolition.

Reason

To ensure the drainage system is constructed in accordance with Council's requirements.

(32) PUBLIC DOMAIN WORKS SECURITY BOND

- (a) The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The bond must be lodged with the City prior to an approval being issued for the approval of the Public Domain Plan.
- (b) The bond in this condition will be released in full when the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. If rectification works are required the City will release 90% of the total Bond, with the remaining 10% balance to be held for the duration of a 6 months Defect Liability Period.
- (c) A Public Domain Damage Deposit calculated on the basis of 146 square metres of concrete site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The bond must be provided as security for repairing any damage to the public domain in the vicinity of the site.

Reason

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

(33) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

- (a) The Waste and Recycling Management Plan accompanying this Development Application has been approved by this consent.
- (b) All requirements of the approved Waste and Recycling Management Plan must be implemented during construction and operation of the development and include:
 - (i) Dedicated space to be provided within the development for the storage and recycling of bulky waste, problem waste, strip out and food waste;
 - (ii) Collection points for waste and recycling must be wholly located within the boundary of the development;
 - (iii) The nominated waste and recycling storage areas must be constructed to meet the relevant conditions required by the City's Guidelines for Waste Management in New Developments 2018;
 - (iv) Provision and storage within the boundary of the development of waste and recycling receptacles and any bulky waste at all times;
 - (v) Commercial tenancies must have a commercial waste contract(s) in place prior to commencement of business trading;
 - (vi) The path of travel between the bin storage areas/bulky waste storage areas and the designated waste/recycling collection point is to have a minimum 1,200mm wall- to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:14. The use of a lift is permitted, but consideration should be given to the inclusion of a service lift in this instance.

Note: The building manager/strata title manager or body corporate is responsible for ensuring all tenants are kept informed regarding Council's policies, and best practice waste and recycling source separation.

UPON COMPLETION OF THE DEVELOPMENT

- (c) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifier must ensure that waste handling works have been completed in accordance with the Waste and Recycling Management Plan; other relevant development consent conditions; and Council's Guidelines for Waste Management in New Developments 2018.

Reason

To ensure that waste and recycling is appropriately managed.

BEFORE BUILDING WORK COMMENCES

DURING BUILDING WORK

(34) DILAPIDATION REPORT – MINOR

Subject to the receipt of permission of the affected landowner, dilapidation report/s of adjoining buildings are to be prepared by an appropriately qualified practising structural engineer and submitted for the approval of the Registered Certifier prior to the issue of a construction certification.

Reason

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

(35) HAZARDOUS MATERIALS SURVEY REQUIRED

A Hazardous Materials Survey Report must be prepared by a certified Occupational Hygienist (*Australia Institute of Occupational Hygienists*) and submitted to the satisfaction of Council's Area Coordinator Planning Assessments / Area Planning Manager prior to any demolition / refurbishment work commencing at the site. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to their safe management and/or removal to ensure the site is made safe for demolition, construction and future use/occupation.

Reason

To ensure that hazardous materials on the site are identified and appropriately managed.

(36) DECOMMISSIONING OF UNDERGROUND PETROLEUM STORAGE TANKS

(a) The removal of underground petroleum storage tanks must be undertaken in accordance with Safework NSW requirements which includes writing to the Chief Inspector of Dangerous Goods and complying with any conditions imposed and all relevant NSW Environmental Protection Authority/Office of the Environment and Heritage Guidelines and Australian Standards including following;

- (i) NSW EPA Technical Note: Decommissioning, Abandonment and Removal of UPSS (January 2010),
- (ii) NSW EPA Technical Note: Investigation of Service Station Sites (April 2014),
- (iii) AS 1940 –2004: Storage and handling of flammable and combustible liquids,
- (iv) AS 4976 – 2008: The removal and disposal of underground petroleum storage tanks.

- (b) A site contamination assessment must be conducted in accordance with the Guidelines for Consultants Reporting on Contaminated Sites (NSW Office of the Environment and Heritage 2011) and the Sampling Design Guidelines (NSW Environmental Protection Authority September 1995) to determine whether petroleum has contaminated soil and groundwater in the vicinity of the storage system and whether remediation is required to ensure the land remains suitable for the continued approved land use.
- (c) Subsequent remediation of the site must be undertaken in accordance with the Managing Land Contamination – Planning Guidelines (Department of Urban Affairs and Planning 1998), and the
- (d) State Environmental Planning Policy (Resilience and Hazards 2021) including notification to Council’s Area Planning Manager at the start and completion of land remediation.
- (e) The removal or in-situ decommissioning of the underground petroleum storage system and any subsequent contamination assessment, preparation of a remediation strategy and final decommissioning reporting must be carried out by a duly qualified person, who has competencies and experience in relation to this area of work that are recognised as appropriate by the relevant industry and the NSW Environmental Protection Authority.

Reason

To ensure the removal of underground petroleum storage tanks is appropriately managed.

(37) UNDERGROUND PETROLEUM STORAGE SYSTEM - DECOMMISSIONING REPORT

- (a) The underground petroleum storage system must be investigated for contamination and a site investigation report obtained from a suitably qualified Environmental Consultant in accordance with NSW Environmental Protection Authority guidelines, must be submitted to Council’s Area Planning Manager within 60 days of completion of either validation that no site remediation is necessary or completion of any necessary remediation works. The report must provide confirmation that the site is suitable for continued approved land use or prior approved remediation criteria.
- (b) The report must be undertaken in accordance with clause 13 and 15 of the Protection of the Environment (Underground Petroleum Storage Systems) Regulation 2014 and the NSW Department of the Environment, Climate Change and Water Underground Petroleum Storage System Technical Note: Site Validation Reporting – January 2010 and Guidelines for Consultants Reporting on Contaminated Sites (NSW Office of the Environment and Heritage 2011).
- (c) The decommissioning report must contain:
 - (i) A description of the scale and nature of any contamination originally present,

- (ii) A description of the remedial methods used, including objectives, where applicable, A statement about the site's ongoing or future use,
- (iii) A description of the extent of any remaining contamination and how this was assessed,
- (iv) A site plan delineating the area being validated and any contamination remaining after site works,
- (v) A clear conclusion on the suitability of the site for its ongoing or future use.

Reason

To ensure the removal of underground petroleum storage tanks and contamination of the site is appropriately managed.

(38) VEHICLE FOOTWAY CROSSING

A separate application is to be made to, and approved by, Council for the construction of any proposed vehicle footway crossing or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are no longer required.

All disused or redundant vehicle crossings and laybacks must be removed and footway, kerb, gutter and road restoration reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers. All construction and replacement works are to be completed in accordance with the approved plans prior to the issue of any Occupation Certificate.

Note: In all cases the construction materials should reinforce the priority of pedestrian movement over that of the crossing vehicle.

Reason

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

(39) ASSOCIATED ROADWAY COSTS

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

Reason

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

(40) MATERIALS FOR MAKING GOOD

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

Reason

To ensure appropriate materials and finishes are used.

(41) ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Safework NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence which ever applies.

A copy of the relevant licence must be made available to any authorised Council officer on request within 24 hours.

- (b) Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All work must be carried out in accordance with the *Work Health and Safety Regulation 2017* and the NSW Government and SafeWork NSW document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW) December 2011* and the *City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines*.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance.
- (f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.

- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the written approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

- (i) contact person for the site;
- (ii) telephone and facsimile numbers and email address; and
- (iii) site activities and time frames.

Reason

To ensure that the handling and removal of asbestos from the site is appropriately managed.

(42) LAND REMEDIATION (Where Site Auditor engaged)

The site is to be remediated and validated in accordance with the Remedial Action Plan (RAP) prepared by EIA Australia dated 21st July 2023, referenced: E25501.E06, Council Ref: 2023/108600, and any subsequent RAP following the additional investigations required in the RAP, and the Letter of Interim Advice prepared by NSW Environment Protection Authority accredited Site Auditor Julie Evans dated 4th August 2023, referenced: E070, Council Ref: 2023/108600-21. All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the Contaminated Land Management Act 1997.

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

Any variations to the approved Remediation Action Plan must be approved in writing by the Site Auditor and Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the commencement of such work.

Reason

To ensure that the site is appropriately remediated.

(43) NOTIFICATION – NEW CONTAMINATION EVIDENCE

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

Reason

To ensure that the site is appropriately remediated.

(44) IMPORTED FILL MATERIALS

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

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

- (a) Imported fill must be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

Reason

To ensure that imported fill is not contaminated.

(45) CLASSIFICATION OF WASTE

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the *Environment Operations Act 1997* and the *NSW DECC Waste Classification Guidelines, Part 1: Classifying Waste (July 2009)*. The classification of the material is essential to determine where the waste may be legally taken. The *Protection of the Environment Operations Act 1997* provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

Reason

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

(46) STOCKPILES

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

Reason

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

(47) STREET TREE PROTECTION

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

- (a) Tree trunk and major limb protection must be undertaken prior to the commencement of any works (including demolition). The protection must be installed and certified by a qualified Arborist (AQR Level 3) and must include:
 - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, and trucks at all times.
 - (ii) Tree trunk/s and/or major branches must be protected by wrapped thick underlay carpet or similar padding material to limit damage, and
 - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals and must be fixed against the trunk with tie wire, or strapping. The thick underlay carpet or similar padding material and timber planks must not be fixed to the tree in any instance, or in any fashion.
 - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works and must be removed at the completion of the project.
- (b) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
- (c) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree pits. Supporting columns must not be placed on any tree roots that are exposed.

- (d) Young street trees must be protected by installing three (3) wooden stakes around the edge of the tree pits or a minimum of 1 metre from the base of the trunk. Hessian must be wrapped around the stakes. If existing stakes or a metal tree guard are already in place, these suffice as tree protection.
- (e) Materials or goods, including site sheds, must not be stored or placed:
 - (i) around or under the tree canopy; or
 - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (f) Any excavation within any area known to or suspected of having tree roots greater than 30mm diameter must be undertaken by hand.
- (g) Any trenching works for services, hydraulics, drainage etc. must not be undertaken within [specify] metres of the trunk of any street tree. Alternate installation methods for services such as directional boring/drilling or redirection of services must be employed where roots greater than 30mm diameter are encountered during installation of any services.
- (h) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the Council's Tree Management Officer.
- (i) Any damage sustained to street tree/s as a result of the erection of any construction activities (including demolition) must be immediately reported to the Council's Tree Management Officer on 9265 9333. Any damage to street trees as a result of any construction activities may result in prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

Reason

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

(48) STORMWATER DRAINAGE CONNECTION

For approval of a connection into the City of Sydney's drainage system an "*Application for Approval of Stormwater Drainage Connections*" must be submitted to the City, together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges. This must be approved prior to approval being issued for the construction of public domain work.

Reason

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

(49) COMPLIANCE WITH NATIONAL CONSTRUCTION CODE

All proposed work must comply with the *National Construction Code (previously known as Building Code of Australia)*.

Reason

(Prescribed condition - EP&A Regulation 2021 clause 69(1)).

(50) HOURS OF WORK AND NOISE – OUTSIDE CBD

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

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Team, prior to works proceeding.

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

Reason

To protect the amenity of the surrounding area.

(51) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

A site notice is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:

- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
- (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;

- (d) The approved hours of work, the Principal Certifier including contact address and certification details, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint, and the estimated date of completion of the project are to be displayed on the site notice;
- (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is also to state that unauthorised entry to the site is not permitted.
- (f) All notices and signs must be displayed in locations as specified in the City's Guidelines for Hoardings and Scaffolding.

Reason

(Prescribed condition EP&A Regulation, clauses 98A (2) and (3)).

(52) NOTIFICATION OF EXCAVATION WORKS OR USE OF HIGH NOISE EMISSION APPLIANCES/PLANT

The immediately adjoining neighbours must be given a minimum of 48 hours notice that excavation, shoring or underpinning works or use of high noise emission appliances / plant are about to commence.

Reason

To protect the amenity of the surrounding area.

(53) SYDNEY WATER CERTIFICATE

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to Council or the Principal Certifier prior to any Occupation Certificate or subdivision/strata certificate being issued.

Reason

To ensure the requirements of Sydney Water are met.

(54) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

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

Reason

To protect the amenity of the public domain.

(55) NO OBSTRUCTION OF PUBLIC WAY

Unless otherwise approved by Council, the public way must not be obstructed by any materials, vehicles, waste receptacles, skip-bins or the like. Non-compliance with this requirement may result in the issue of a notice by Council to stop all work on the site.

Reason

To protect the amenity of the public domain.

(56) SURVEY SETOUT PRIOR TO COMMENCEMENT

PRIOR TO FOUNDATION STAGE - All footings and walls adjacent to a boundary or setback line must be set out by a surveyor registered under the Surveying & Spatial Information Act, 2002, in particular the facades along Queen Street and Collins Street, and a copy of the survey report provided to the Principal Certifier. No part of the wall or windows should encroach over the street alignment.

Advisory note: It is recommended that proposed walls on boundaries are set back a minimum of 20 millimetres to allow for construction tolerances and minimise the risk of encroachment and subsequent costs and delays.

Reason

To ensure that the building does not encroach.

(57) CHECK SURVEY DURING CONSTRUCTION

Upon commencement of construction of the facades and new cladding along Collins Street and Queen Street, by the time these walls and cladding have reached one metre in height, all work on the perimeter walls must cease unless a survey and report prepared by a registered surveyor has been submitted to the Principal Certifier indicating the position of external walls in relation to the boundaries of the allotment, and the setbacks. Any encroachments of the subject building over the road alignments or side boundaries must be removed prior to continuation of building construction work, or alternatively a letter supplied from the registered proprietor(s) of the adjoining lot(s) confirming that they are aware of the nature & extent of the encroachment, and undertaking to execute all necessary documentation to permit the creation of an easement to permit the encroachment to remain. Encroachments on public roads must be approved by Council's Area Planning Manager, if supported, otherwise the encroachments must be removed.

Reason

To ensure that the building either does not encroach, or alternatively that any encroachments are formalised on title.

(58) WASTE/RECYCLING COLLECTION - COMMERCIAL

- (a) Waste storage and the collection of waste and recycling must only occur during the designated zone collection times as outlined in the City's Waste Policy – Local Approvals Policy for Managing Waste in Public Places 2017.
- (b) Waste and recycling bins must not be placed on the street for collection. Services must be conducted within the property boundary or as a wheel-out/wheel-back service.
- (c) Unimpeded access must be provided for collection vehicles to set down within 10 metres of waste storage areas during zone collection times on collection days.

Reason

To ensure that waste and recycling is appropriately managed.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

(59) OCCUPATION CERTIFICATE TO BE SUBMITTED

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

Reason

To ensure the site is authorised for occupation.

(60) TRANSPORT ACCESS GUIDE

A Transport Access Guide (TAG) must be implemented and maintained by the operator/s of the premises to inform visitors and guests how they can access the site by sustainable transport options including public transport, taxis, cycling and walking or a combination of these modes. This TAG should include:

- (a) that the site provides limited vehicle parking which will need to be pre-booked
- (b) the provision and access for onsite bicycle parking
- (c) public transport access
- (d) other information as relevant to the site.

The TAG and the Implementation Plan must be approved by Council prior to the issue of an Occupation Certificate for the site/use. The implementation plan should include details on how the TAG will be communicated to visitors and guests, including (but not limited to) digital information, promotion by staff such as with phone bookings, printed material, other as relevant.

Reason

To ensure sustainable transport options are considered during the operation of the development.

(61) WASTE AND RECYCLING COLLECTION CONTRACT

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

Reason

To ensure that waste and recycling is appropriately managed.

(62) COMPLIANCE WITH HAZARDOUS MATERIALS SURVEY REPORT

All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the approved Hazardous Materials Survey Report.

Prior to the issue of any Occupation Certificate, certification must be submitted to the Principal Certifier from a certified Occupational Hygienist (Australia Institute of Occupational Hygienists) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations given in the approved Hazardous Materials Survey Report and that the site is safe for future occupation in accordance with the approved use.

Reason

To ensure that hazardous materials on the site are appropriately managed.

(63) SITE AUDIT STATEMENT - ENVIRONMENTAL MANAGEMENT PLAN

Where the ongoing land use suitability and release of the Final (Section A) Site Audit Statement is dependent upon the implementation of an Environmental Management Plan (EMP) in relation to any residual contamination remaining onsite, the EMP must be approved by the Site Auditor and Council's Area Planning Manager prior to the issue of the final Site Audit Statement.

The owner of the land is required to comply with the ongoing obligations of any EMP which form part of the final Site Audit Statement for the site.

A covenant must be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated/remaining contaminated materials, including the discharge or prevention of discharge from any contaminants or for any works subsequently required by the NSW Environment Protection Authority

A copy of the revised certificate of land title recording the covenant must be submitted to Council's Area Planning Manager and the Principal Certifier prior to the issue of any Occupation Certificate.

Reason

To ensure that contamination is appropriately managed.

(64) LOT CONSOLIDATION - LODGEMENT OF PLAN PRIOR TO OCCUPATION CERTIFICATE

- (a) Prior to the issue of any Staged or Final Occupation Certificate, a consolidation plan shall be prepared by a registered surveyor, completed and lodged with the Office of NSW Land Registry Services, showing the new components of the buildings and creating any easements as necessary. It is recommended that the boundary definition component is commenced prior to demolition to permit survey of evidence on site prior to its destruction

Evidence of lodgement of the consolidation plan with NSW Land Registry Services must be supplied to the Principal Certifier prior to the issue of a Staged or Final Occupation Certificate.

- (b) Note that a subdivision certificate and / or Council approval is not required for registration

Reason

To ensure land titles within the site are consolidated and that the position of the new walls is shown on public record.

(65) SURVEY CERTIFICATE PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

AT COMPLETION – Prior to the issue of any staged or Final Occupation Certificate for the building, a Final Identification Survey prepared and signed by a Surveyor registered under the Surveying & Spatial Information Act, 2002 must be submitted at the completion of the building work certifying the location of the building and showing offsets in relation to the boundaries of the allotment. Any encroachments of the building including gutters and downpipes over the side boundaries must be removed, or alternatively appropriate easements under Section 88B of the Conveyancing Act, 1919, with terms to the satisfaction of Council, must be lodged with the office of NSW Land Registry Services, and evidence of lodgement provided to the Principal Certifier prior to the issue of any staged or Final Occupation Certificate. Encroachments upon public roads must, if supported, be approved by Council's Area Planning Manager prior to the issue of any staged or final Occupation Certificate. The eave and gutter of the building overhanging Queen Street must not encroach by more than 0.45 metres.

Reason

To ensure land titles within the site are consolidated and that the position of the new walls is shown on public record.

OCCUPATION AND ONGOING USE

(66) SIGNS AT EGRESS

The following signs must be installed prior to the issue of any occupation certificate, to the satisfaction of the Principal Certifier, and maintained within the site at the point(s) of vehicle egress:

- (a) Compelling drivers to "Give Way to Pedestrians" before crossing the footway.

Reason

To ensure the safety of surrounding pedestrians.

(67) WASTE AND RECYCLING MANAGEMENT - GENERAL

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

Reason

To ensure that waste and recycling is appropriately managed.