

CENTRAL SYDNEY PLANNING COMMITTEE

THURSDAY 4 MAY 2000

Meeting No 235

MINUTES of the Meeting of the Central Sydney Planning Committee held in the Council Chamber, Sydney Town Hall, on Thursday 4 May 2000 commencing at 5.25pm.

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PRESENT

The Right Hon the Lord Mayor Councillor Frank Sartor
(Chairman)

Mr Neil Bird, Councillor Robert Ho, Ms Sue Holliday (Director-General, Department of Urban Affairs and Planning), Mr Chris Johnson and Ms Antoinette le Marchant.

The Director City Development was also present.

APOLOGIES

An apology was received from Councillor Lucy Turnbull who was unable to attend the meeting as she was overseas.

An apology was received from Councillor Dixie Coulton (alternate for Councillor Turnbull) who was unable to attend the meeting owing to a prior commitment.

Resolved on the motion of Ms le Marchant, seconded by Mr Bird -

That the apologies received from Councillor Turnbull and Councillor Coulton be received and leave of absence granted.

ORDER OF BUSINESS (S002287):

Resolved:

That in accordance with Clause 12(2) of the Local Government (Meetings) Regulation 1999, the order of business be altered for the convenience of the public present, such that the agenda items be dealt with in the following order:

3. Status Report on Development Application: MSB Stores, 1 High Street, 125A Kent Street and 30-38 Hickson Road, Millers Point
4. Development Application: Kindersley House, 20-26 O'Connell Street and 33-35 Bligh Street, Sydney
5. Review and Amendment of Central Sydney Section 61 Contributions Plan
6. Heritage Floor Space Awards and Amendment No. 8 to Central Sydney Local Environmental Plan 1996
1. Confirmation of Minutes
2. Matters Arising from the Minutes
7. General Business

ITEM 1. CONFIRMATION OF MINUTES (S006712)

Resolved on the motion of the Chairman (the Lord Mayor), seconded by Ms le Marchant:

That the Minutes of the meeting of the Central Sydney Planning Committee held on 30 March 2000 be taken as read and confirmed.

Resolved on the motion of the Chairman (the Lord Mayor), seconded by Mr Bird -

That the Minutes of the meeting of the Central Sydney Planning Committee held on 13 April 2000 be taken as read and confirmed.

ITEM 2. MATTERS ARISING FROM THE MINUTES (S006712)

There were no matters arising from the Minutes of the meetings of the Central Sydney Planning Committee held on 30 March and 13 April 2000.

ITEM 3. STATUS REPORT ON DEVELOPMENT APPLICATION: MSB STORES, 1 HIGH STREET, 125A KENT STREET AND 30-38 HICKSON ROAD, MILLERS POINT (D99/00857)

Note - Correspondence from Mr Alan J Solomon dated 4 May 2000 was circulated to members prior to the meeting of the Central Sydney Planning Committee.

The following persons addressed the meeting of the Central Sydney Planning Committee on this matter -

Mr Andrew Andersons - Peddle Thorp and Walker
Mr Ray Newey - Chair of Body Corporate, Highgate Apartments
Mr David Winley - representing The Georgia Apartments
Mr Steve Czeref - representing Stamford Apartments
Ms Anne Coffey - resident, Highgate Apartments
Mr John Bennetts - John P. Bennetts Real Estate
Mr Harold van Haltren - resident, Highgate Apartments
Ms Val Christopherson - resident, Highgate Apartments
Ms Shirley Ball - Millers Point Residents Action Group

Note - See also agenda item 7.1, page 295.

Resolved on the motion of Ms le Marchant, seconded by Mr Johnson -

That arising from consideration of a report by the Manager Development to the Central Sydney Planning Committee on 4 May 2000, in relation to the status report on the Development Application D1999/00857 made by Delmo No. 2 Pty Ltd for the site at 1 High Street, 125A Kent Street and 30-38 Hickson Road, Millers Point, it be resolved that:-

- (A) the CSPC recommends to the applicant that the applicant hold a public meeting with the residents; and
- (B) the CSPC recommends to the applicant that the applicant reconsider the height and relevant elements as discussed at the meeting of the CSPC.

ITEM 4. DEVELOPMENT APPLICATION: KINDERSLEY HOUSE, 20-26 O'CONNELL STREET AND 33-35 BLIGH STREET, SYDNEY (D1999/00645)

Note - A set of plans from Rice Daubney Architects (the Applicant) dated 1 May 2000 was circulated to members prior to the meeting of the Central Sydney Planning Committee.

The following persons addressed the meeting of the Central Sydney Planning Committee on this matter -

Mr Robert Willoughby - HBO & EMTB

Mr Peter Maglione - Paladin

Mr John Daubney - Rice Daubney Architects

Resolved on the motion of Councillor Ho, seconded by Mr Johnson -

That arising from consideration of a report by the Area Planning Manager to the Central Sydney Planning Committee on 4 May 2000, in relation to Development Application D99-00645 made by Rice Daubney Architects for the site at 33-35 Bligh Street and 20-26 O'Connell Street, Sydney for demolition of the existing buildings and construction of a 52 level, elevated residential tower with roof top plant to a height of 231.95m comprising 252 residential units with 11 levels of below ground car parking for 310 cars, a below ground supermarket, retail units fronting Bligh and O'Connell Streets and a through site link, it be resolved that consent be granted subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

- (1) In approving the subject development the Central Sydney Planning Committee had particular regard to the high quality materials proposed and the high level of design detail and excellence, consequently any future proposed modifications which diminish the high quality of the design and/or the quality finishes would be unlikely to be supported.
- (2) Development must be in accordance with Development Application No. D1999/00645 dated 30 August 1999 and Statement of Environmental Effects prepared by Byrnes and Associates Pty Ltd dated August 1999 and supplementary information attached to the letter dated 27 March 2000 and drawings numbered:

DA 01/B dated 6 April 2000
 DA 02/A dated 27 March 2000
 DA 03/A dated 27 March 2000
 DA 04/A dated 27 March 2000
 DA 05/A dated 27 March 2000
 DA 06/A dated 27 March 2000
 DA 07/A dated 27 March 2000
 DA 08/A dated 27 March 2000
 DA 09/A dated 27 March 2000
 DA 10/A dated 27 March 2000
 DA 10.01 dated 6 April 2000
 DA 11/B dated 6 April 2000
 DA 12/B dated 6 April 2000
 DA 13/B dated 6 April 2000
 DA 14/B dated 6 April 2000
 DA 15/B dated 6 April 2000

DA 16/B dated 6 April 2000
DA 17/B dated 6 April 2000
DA 18/B dated 6 April 2000
DA 19/A dated 27 March 2000

prepared by Rice Daubney and as amended by the following conditions:

APPROVED DESIGN

- (3) The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the internal layout or external appearance of the building, without the approval of Council.

- (4)
 - (a) The design details of the proposed building facade including all external finishes and colours, including glazing, must be in accordance with the materials schedule and sample board, and specifications prepared by Rice Daubney dated August 1999.

Note:

Any variation to these approved materials and finishes will require the submission of an application under the S96(2) Environmental Planning and Assessment Act 1979 to modify consent and approval thereto.

- (b) The design of the entrances and associated podium on O'Connell Street and Bligh Street is to be redesigned and amended plans are to be submitted to the Director City Development.

- (c) Authority be delegated to the General Manager to determine the matter after consultation with the Director-General, Department of Urban Affairs and Planning or her nominee and Mr Johnson or his nominee.

FLOOR SPACE RATIO

- (5) The following applies to Floor Space Ratio:-
 - (a) The Floor Space Ratio of the proposal must not exceed 15.46:1 calculated in accordance with the Central Sydney Local Environmental Plan 1996. For the purpose of the calculation of FSR, the Floor Space Area of the development is 31,514sqm.

 - (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

BUILDING HEIGHT

- (6)
- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 247.5 (AHD).
 - (b) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the height of the building to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (7) Archival recording for deposit in the City of Sydney Archives must be carried out prior to the removal of any significant building fabric or furnishings from the site, during the removal of fabric on site that exposes significant building fabric or furnishings, and after work has been completed on site, as considered appropriate by the conservation architect commissioned for the project.
- (a) The archival record of significant building fabric or furnishings from the site must be submitted to Council prior to the commencement of any demolition work and prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
 - (b) The archival record of significant building fabric or furnishings from the site that is exposed during demolition or construction and after work has been completed on site is required to be submitted to Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.

The form of recording is to be as follows:-

- (c) Photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:-
 - (i) 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
 - (ii) 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and 2 copies of contact sheets printed on fibre-based paper to archival standards;

- (iii) selective black and white enlargements to be advised by Council, printed on fibre-based paper to archival standards to a minimum size of 20cm x 25cm, illustrating the location and context of the site/building, the relationship of adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;
- (iv) A summary report of the photographic documentation, detailing;
 - a. the project description, method of documentation, and any limitations of the photographic record; and
 - b. photographic catalogue sheets, which are referenced to a site plan and floor plans no larger than A3, and indicating the location and direction of all photos (black and white prints and slides) taken.
- (v) Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.

RESTRICTION ON RESIDENTIAL DEVELOPMENT

- (8) The following restriction applies to buildings approved for residential use:
 - (a) The accommodation portion of the building must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Central Sydney Local Environmental Plan 1996.
 - (b) All approved residential units in the building must be either owner occupied or occupied by a tenant with a residential lease under the Residential Tenancy Act 1987. A certificate signed by the owner or the body corporate (if the development is strata subdivided) or a solicitor (holding a current certificate to practice), must be forwarded to Council within 12 months of the completion of the development, and every 12 months thereafter, certifying that all units approved in the residential building are either owner occupied or are subject to residential leases under the Residential Tenancy Act 1987.
 - (c) A restrictive covenant is to be created pursuant to Section 88E of the Conveyancing Act, 1919, restricting any change of use from residential as defined in the Central Sydney Local Environmental Plan 1996. The covenant is to be executed prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 to the satisfaction of the certifying authority (Council or a private accredited certifier). All costs of the preparation and registration of all associated documentation is to be borne by the applicant.

SECTION 61 CONTRIBUTION

(9) A contribution under Section 61 of the City of Sydney Act 1988 shall be paid in accordance with the following:

(a) **Cash Contribution Required**

- (i) In accordance with the adopted “Central Sydney Contributions Plan 1997” a cash contribution must be paid to Council in accordance with this condition.
- (ii) Payment shall be by bank cheque made payable to the City of Sydney.

(b) **Amount of Contribution**

- (i) The amount of the contribution will be equivalent to 1% of the development cost, at the Construction Certificate stage, as determined in accordance with the “Central Sydney Contributions Plan 1997”.
- (c) Certification of the calculation of the contribution in accordance with the “Central Sydney Contribution Plan 1997” shall be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
 - (i) If the Construction Certificate is to be issued by a private accredited certifier, they must seek Council’s endorsement of the calculation prior to the issue of the Construction Certificate.
 - (ii) For developments over \$2 million in cost, the certification of the building costs must be prepared by a Registered Quantity Surveyor.

(d) **Timing of Payment**

- (i) The contribution must be paid prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

RESTRICTION OF SUPERMARKET

(10)

- (a) The part of the building that has been approved as basement supermarket (694sqm) and has been excluded from floor space for the purposes of calculating floor space ratio, must be maintained as grocery or convenience retailing as defined in Central Sydney LEP 1996.

- (b) Prior to the issue of Construction Certificate under the Environmental Planning and Assessment Act 1979 a documentary restrictive covenant to the effect that x sqm of the building has been approved as basement grocery or convenience retailing and has been excluded from floor space for the purposes of calculating floor space ratio is to be registered on the title of the development site pursuant to Section 88E of the Conveyancing Act 1919. The covenant is to be created appurtenant to Council and at no cost to Council.
 - (i) Note: The covenant will be noted on the database for Section 149 Certificates issued under the Environmental Planning and Assessment Act 1979.

CONSISTENCY OF DRAWINGS

- (11) In the event that the approved plans incorporate inconsistencies of detail between the relevant plans and elevations, the details shown in the elevations shall take precedence.
- (12) The architect of the project as approved should not be changed without prior notice to Council.

DEMOLITION/SITE RECTIFICATION

- (13) The following conditions apply to the development:-
 - (a) Demolition or excavation must not commence until a Construction Certificate has been issued under the Environmental Planning and Assessment Act 1979 for construction of the substantive building.
 - (b) Prior to issue of the Construction Certificate, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the General Manager of the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
 - (c) Without limiting the generality of paragraph (b), the Deed must provide for:-
 - (i) a bank guarantee to be provided in the sum of \$2 million dollars as security for the costs of such works provided that:-
 - a. the maximum liability under the Deed shall not exceed \$2 million dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works which meet the objectives of the condition.

- (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the structure has commenced to be erected;
 - e. that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
 - f. make the building safe and attractive at ground level;
 - g. allow the ground level to be landscaped and made attractive from any public vantage point; or
 - h. for the hole to be covered to allow it to be landscaped and made attractive from any public vantage point; or
 - i. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenatable stage;
 - j. AND to call on such bank guarantee to cover the cost thereof.
- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in an unattractive building site appearance, then the Council will have the readily enforceable rights to:
 - (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (ii)e. - h. to take place on the site; and
 - (ii) in the event of default, shall have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.

ARCHEOLOGICAL INVESTIGATION

(14)

- (a) Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (b) Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

REPORTS TO BE COMPLIED WITH

- (15) The development shall be in accordance with the recommendations of the Wind Environment Study reports prepared by Windtech Consultants Pty Ltd dated 14 March 2000.
- (16) The development shall be in accordance with the recommendations of Assessment of Daylight and Solar Access reports prepared by Windtech Consultants Pty Ltd dated 14 March 2000.
- (17) The development shall be in accordance with the recommendations of the Energy Efficiency report prepared by Norman Disney & Young dated August 1999.
- (18) The development shall be in accordance with the recommendations of the Solar Reflectivity report prepared by Windtech Consultants Pty Ltd dated August 1999.
- (19) The development shall be in accordance with the recommendations of the acoustic assessment reports by Renzo Tonin & Associates Pty Ltd dated August 1999 and February 2000.
- (20) The following conditions apply to car parking:-
 - (a) The on-site car parking spaces, exclusive of service and visitor car spaces, are not to be used by those other than an occupant, tenant or resident of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant, lessee or resident of a unit in the building.

- (b) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, a documentary Restrictive Covenant is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a) above. The Covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
 - (c) Any future strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the Strata Titles (Freehold Development) Act, 1973, as amended, burdening all utility car parking allotments in the Strata Plan and/or an appropriate Restrictive Covenant pursuant to Section 88B of the Conveyancing Act 1919 burdening all car parking part - lots in the strata scheme.
- (21) Each pair of stacked parking spaces shall be assigned to the same tenant through the strata plan.
 - (22) All costs of traffic management measures associated with the development shall be borne by the developer.
 - (23) Residents of the properties shall not be entitled to participate in the City's on-street resident or residents' visitors parking schemes.
 - (24) Any proposal to Strata subdivide the building will require a separate application to Council to obtain approval and endorsement of the Strata Plan in accordance with Section 37 of the Strata Schemes (Freehold Development) Act 1973.

RECEIVING DEVICE

- (25) For each form of transmitter, there shall be only one common receiving device installed on the subject development.

EXTERNAL LIGHTING

- (26) A separate development application is required to be lodged for any proposed external floodlighting or illumination of the building. Such application shall be submitted and approved by Council prior to the installation of any external lighting.

NAMING RIGHTS

- (27) Any proposed naming of the development which intends to incorporate the name of a city street, park or place, is subject to the separate approval of Council.

EXPOSED WALLS

- (28) The exposed wall(s) of the adjoining building(s), shall be treated with the approval of the owners, to the satisfaction of Council.

REMOVAL OF GRAFFITI

- (29) The owner/manager of the site shall be responsible for the removal of all graffiti from the building within 48 hours of its application.
- (30) A separate development application must be submitted at the appropriate time for the specific use of the retail units fronting Bligh and O'Connell Street and the below ground supermarket.

NOISE

- (31) The use of the premises must not give rise to any one or more of the following:
 - (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
 - (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 8.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 8.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies.
 - (c) A sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055. "Acoustics - Description and Measurement of Environmental Noise".
 - (d) An "offensive noise" as defined in the Protection of the Environment (Operations) Act 1997.
 - (e) The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.
 - (f) The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) must be carried out in accordance with AS 2973 for vibration measurements, AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

WINDOW CLEANING

- (32) The owner/manager of the building shall ensure that all windows on the façade of the building are cleaned regularly and, in any event, not less than annually.

CARE OF BUILDING SURROUNDS

- (33) In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the building shall ensure that the forecourt and the surrounds of the building including pavements and gutters are to be kept clean and free of litter at all times.

SIGNS

- (34) A separate development application for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council prior to the erection or display of any such signs.

Schedule 1B

Conditions to be complied with prior to issue of Construction Certificate to the satisfaction of the Certifying Authority

DESIGN MODIFICATIONS

- (35) The design of the building shall be modified as follows:

- (a) The basement levels shall be redesigned to:
- (i) Delete parking bay 12 on each level;
 - (ii) Relocate loading dock No.1 on basement level B2 away from the entrance;
 - (iii) Provide allocated parking spaces for the retail components of the development in accordance with the provisions of the DCP;
 - (iv) Provide no more than 290 car parking spaces in total;
 - (v) Indicate visitor parking space location and management;
 - (vi) Provide cycle racks and motorcycle facilities in accordance with the provisions of the DCP 1996;
 - (vii) Provide spaces for people with disabilities in accordance with the provisions of the DCP 1996; and
 - (viii) Provide details of basement storage for the residential units in accordance with the provisions of the DCP 1996.

The above details shall demonstrate that the security and safety of residents and visitors can be ensured and appropriately maintained through the use of lighting, mirrors, no obscured spaces and security systems.

- (b) The through site link shall be able to be secured when closed to the public. Details of the means of enclosing the space having regard to the importance of maintaining an interesting and active street frontage are to be provided.

The amendments shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

BASEMENT STORAGE

- (36) All basement storage areas (other than for plant and equipment) shall be linked to residential units within the development to the satisfaction of Council. In this regard, the applicant shall attach each storage area to a residential unit on any strata subdivision plan for the development.

POTENTIAL LOSS OF VIEWS

- (37) In regard to each residential unit within the development, the applicant shall comply with the following:
- (a) The applicant shall, prior to the issue of an Occupation Certificate, effect registration on the title of the land by way of a covenant. The covenant shall:
 - (i) be prepared by Council's solicitor at the cost of the applicant;
 - (ii) vest the benefit thereof in the Council of the City of Sydney; and
 - (iii) have the effect that a purchaser of the land, or of any part of the land, or of any residential lot in a strata plan which might be registered on the land, or of any shares which might give a right of occupation of any part of the land or any building erected thereon, or a lessee, shall be notified prior to entering into any binding obligation so as to purchase or lease, that there is no right to the maintenance and continuation of any views afforded to the occupants.
 - (b) All costs associated with the drafting, approval, stamping and registration of such covenant which might be incurred by the Council shall be borne by the applicant.
 - (c) All section 149(2) certificates issued henceforth in relation to the building that is the subject of this development are to contain an appropriate advisory note in relation to (a) above.
 - (d) The Body Corporate shall be required to note that this notation exists on the Section 149(2) Certificate for the site.

SIGNAGE STRATEGY

- (38) Prior to issue of the construction certificate a Signage Strategy must be submitted to and approved by the Director City Development. The Strategy must indicate the size, design, materials, illumination and location of signage for the entire development. All future development applications must comply with the approved strategy.

LIGHTING STRATEGY

- (39) Prior to issue of the construction certificate a Lighting Strategy must be submitted to and approved by the Director City Development. The Strategy must indicate the type, location, intensity and spread of the lighting for the entire development. All future development applications must comply with the approved strategy.

THROUGH SITE LINK

- (40) The through site link shall be open to the public between the hours of 6am and 10pm daily.

PUBLIC ART

- (41) High quality art work shall be provided within the development in publicly accessible locations eg. near main entrances, lobbies and street frontages, in accordance with the Central Sydney DCP 1996 and the 'Public Art Policy'. Details of the art work must be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

LANDSCAPING OF THE SITE

- (42) The site must be landscaped and maintained to the approval of Council. A detailed landscape plan, to scale, drawn by a landscape architect or approved landscape consultant, must be lodged and approved by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The plan must include:
- (a) Location of existing and proposed structures on the site including existing trees (if applicable);
 - (b) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (c) Location, numbers and type of plant species;
 - (d) Details of planting procedure and maintenance;
 - (e) Details of drainage and watering systems; and
 - (f) Special attention must be paid to the treatment of landscaping above a slab.

DEDICATION OF LAND

- (43) That part of the site between the building alignment and the boundary alignment on Bligh Street is to be dedicated in stratum from ground level to the roof slab of the level below, to Council, free of charge, as Public Reserve appurtenant to Richard Johnson Square.

PUBLIC DOMAIN PLAN

(44) The following requirements apply:-

- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect and shall be approved by Council (to be lodged with the Public Domain Officer at City Projects) prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The plans shall relate to the public domain within the development and directly adjoining the development including Richard Johnson Square in its entirety. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.
- (b) The Public Domain Plan shall be as follows:-
 - (i) Drawn at 1:100 scale.
 - (ii) Show the entire layout of flagstone paving where this paving is required.
 - (iii) Nominate the location, type and material of all existing and proposed public pavement elements including trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture, utility poles, parking meters, pedestrian and traffic signals, service pits and stormwater pits.
 - (iv) Include a longitudinal section of the pavement showing existing and proposed levels at 10 metre intervals at the building alignment, the kerb and the gutter on a common datum line. This longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale. This section is to ensure that any significant longitudinal gradient change, such as flattening for vehicle entries, occurs within the building line and not at the public pavement.
 - (v) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
 - (vi) Include specifications of the proposed works.
- (c) The Public Domain Plan shall comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer and may include:-

- (i) Adjustment to paving grades to provide a maximum crossfall of 2.5% from building line to top of kerb.
 - (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.
 - (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.
 - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
 - (v) The repair and where required the resetting of all stone kerbing to 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed to the centre line of the carriageway.
 - (vi) The retention and repair of any existing pavement lights.
 - (vii) The retention and repair of any existing serviceable stone gutters.
 - (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.
 - (ix) The provision of Smartpole(s)TM (to be provided at the applicants cost).
- (e) Random checks by Council officers may be made throughout the construction process to advise the contractor of non-complying elements. However, no parts of the work are to be considered approved until receipt of the City of Sydney letter of approval. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter.

MODEL

- (45) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale model of the approved development must be submitted to Council for the City Model. A second 1:500 model may be required for developments with a value of over \$50m or developments on significant sites, for placement in the City Model at the City Exhibition Space.

Notes:

- (a) The model is to comply with all of the conditions of the Development Consent. Council's model maker should be consulted prior to construction of the model.
- (b) The model must be amended to repeat any further approvals under S96(2) of the Environmental Planning and Assessment Act 1979, that affect the external appearance of the building.
- (c) Please contact the model maker to ascertain whether a model for City Exhibition space will also be required.

NOISE REDUCTION

(46) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an acoustic assessment report must be submitted to and approved by Council or the private accredited certifying authority addressing the requirements of the Central Sydney DCP 1996 Amendment No.5 Internal Residential Amenity. The approved drawings and specifications for construction are to be in accordance with the following:

- (a) The report shall indicate measures to preserve the amenity for residents/apartment users such that the repeatable L_{Aeq} (1 hour) level will not exceed the following levels:-
 - (i) In a naturally ventilated - windows closed condition:
 - a. Sleeping areas (night time only: 2200-0700) 35dB
 - b. Living areas (24 hours) 45dB
 - (ii) In a naturally ventilated - windows open condition, (ie windows open up to 5% of the floor area, or attenuated natural ventilation open to 5% of the floor area):
 - a. Sleeping areas (night time only: 2200-0700) 45dB
 - b. Living areas (24 hours) 55dB
 - (iii) Where a naturally ventilated - windows open conditions cannot be achieved, it is necessary to incorporate mechanical ventilation or air conditioning.
 - (iv) The following repeatable maximum L_{Aeq} (1 hour) levels shall not be exceeded when doors and windows are shut and mechanical ventilation or air conditioning is operating. These levels correspond to the combined measured level of external sources and the ventilation system operating normally:-

- a. Sleeping areas (night time only: 2200-0700) 38dB
 - b. Living areas (24 hours) 46dB
- (b) In the preparation of the report:
- (i) The environmental noise monitoring at the site of the proposed development shall be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations;
 - (ii) The repeatable maximum L_{Aeq} (1 hour) for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified, and
 - (iii) The L_{Aeq} (1 hour) noise levels within living rooms and bedrooms with windows and doors both open and closed shall be shown.
- (c) All residential buildings and serviced apartments are to be designed and constructed in accordance with the above criteria. The completed work must comply with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

SYDNEY WATER CERTIFICATE

(47)

- (a) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, written confirmation that you have obtained a Notice of Requirements under Part 6, Division 9 of the Sydney Water Act 1994 must be submitted to the Certifying Authority (Council or a private accredited certifier).
- (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a (Developer) Compliance Certificate under section 73 of the Sydney Water Act 1994 must be submitted to the Principal Certifying Authority (Council or a private accredited certifier).
- (c) Note:
 - (i) Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the Notice of Requirements. Early advice from Sydney Water will avoid problems in providing water and sewer services to your development and adverse impacts on building design and site layout.

- (ii) The approved plans will also need to be submitted to Sydney Water to determine whether the development will affect sewer and water mains, stormwater drains and/or easements. If the development complies with the requirements, the approved plans will be appropriately stamped by Sydney Water.
 - (iii) Contact Sydney Water Rockdale (Urban Development Section), Ph. 132092.
- (48) Access for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and Council's Access Policy. Prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979, a certificate certifying compliance with this condition OR a Compliance Certificate (Form 10 Environmental Planning and Assessment Act Regulation 1998) must be provided, and copy submitted to Council.
- (49) Appropriate access to the building shall be provided for up to three telecommunications carriers. Details shall be submitted to and approved by the Certifying Authority provided prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979.

CAR PARK ENTRY FINISH

- (50) Car park roller doors shall be designed and constructed for quiet operation. The internal finishes of the car park on basement level B2 (entry from O'Connell Street) shall be comparable and sympathetic to the external finishes and materials. No service ducts or plant shall be visible from the street.

PAVING MATERIALS

- (51) The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 3661.1:1993 "Slip Resistance of Pedestrian Surfaces Part 1: Requirements", Appendices A and B.

ACCESS FOR PERSONS WITH A DISABILITY

- (52) Access to the building including car park, through site link and retail units shall be in accordance with the requirements of "The City of Sydney Access Policy December 1992".

ACOUSTIC PRIVACY BETWEEN UNITS

- (53) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an acoustic assessment report must be submitted to and approved by the Certifying Authority (Council or a private accredited certifying authority) addressing the requirements of the Central Sydney DCP 1996 Amendment No.5 Internal Residential Amenity. The approved drawings and specifications for construction are to be in accordance with the following:

- (a) In order to assist acoustic control of airborne noise between units:
 - (i) A wall shall have a Field Sound Transmission Class (FSTC) of not less than 50 if it separates sole occupancy units or a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like.
 - (ii) A wall separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an FSTC of not less than 55.
 - (iii) A floor separating sole occupancy units must not have a FSTC of less than 50.
- (b) In order to assist acoustic control of impact noise between units:
 - (i) A floor shall have an Impact Isolation Class (IIC) of not less than 50 if it separates habitable rooms of sole occupancy units or a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like.
 - (ii) A floor separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an FSTC of not less than 55.
 - (iii) Walls between sole-occupancy units shall comply with impact sound resistance standards specified in the BCA.
- (c) Council or the private Principal Certifying Authority must ensure that the completed work complies with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

FLOOR TO CEILING HEIGHT

- (54) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the certifying authority (Council or a private accredited certifying authority) must ensure that all living rooms and bedrooms in sole occupancy units shall have a minimum floor to ceiling height of not less than 2.7 metres.

CAR PARK AND SERVICE VEHICLE LAYOUT

(55)

- (a) The layout plan of the carpark is to be in accordance with Australian Standard AS 2890.1 - 1993 "Parking Facilities Part 1: Off Street Car Parking". All parking spaces are to be linemarked.

- (b) The layout of the service vehicle areas is to comply with Australian Standard AS 2890.2 - 1989 "Off Street Parking Park 2 - Commercial Vehicles Facilities".
- (c) The details shall be submitted to and approved by the certifying authority prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

STORMWATER AND DRAINAGE

(56) The following stormwater details shall be submitted:-

- (a) Details of the proposed stormwater disposal and drainage of the development are to be submitted for approval by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) Any proposed connection to Council's underground drainage system will require the owner to enter into a deed of Agreement with Council and obtain registration on Title of a Positive Covenant prior to the commencement of any work within the public way, at no cost to Council.
- (c) The requirements of Sydney Water (currently the Urban Development Central East Group, Rockdale Regional Office) with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

UTILITY SERVICES

(57) To ensure that public utility authorities are advised of the development:

- (a) A survey is to be carried out of all utility services within the site including relevant information from public utility authorities and excavation if necessary, to determine the position and level of services.
- (b) Prior to commencement of work the applicant is to negotiate with the public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

ELECTRICITY SUBSTATION

- (58) The owner must dedicate to Energy Australia, free of cost, an area of land adjoining the street alignment to enable an electricity substation to be established. The size and location of the substation is to be submitted for Council approval prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (59) The applicant shall prepare and submit a Security Management Plan which specifies security patrol, surveillance and other security and response methods and security management of the public and private domain within and surrounding the site. The Plan shall be approved by Council, prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

ALIGNMENT LEVELS

- (60) The following shall be submitted to Council:-
- (a) A separate application including footpath alignment levels must be submitted for approval for the design of the building.
 - (b) Such application must be accompanied by a plan prepared by a Registered Surveyor showing the existing location, size and levels (AHD) of all service covers, trees, poles and street furniture, kerb, gutter and alignment levels at 10m cross/sections, alignment levels at proposed and existing vehicular and/or pedestrian entrances within the footway adjacent to and extending 20 metres past either side of the site.
 - (c) These levels as approved by Council are then to be incorporated into the plans submitted with the Application for a Construction Certificate.
- (61) The following requirements apply to storage and waste handling:
- (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with Council's Code for Waste Handling in Buildings (adopted 17 October 1994). The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of the Code).
 - (b) Certification of compliance with the design and constructional requirements of the Code including the associated Waste Management Plans and with the Conditions of Development Application consent relating to waste must be submitted to and approved by the Certifying Authority in the attached form W1 prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. Such Certification must be given by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.

- (c) The Certified Plans and Specifications must address compliance with the Waste Code including details of the following, where applicable:-
- (i) The location, design and construction of the garbage room, recycling rooms, bin washing areas and collection areas.
 - (ii) The natural or mechanical ventilation, in accordance with the Building Code of Australia and Australian Standard 1668.
 - (iii) The location and design of any garbage chutes or compaction units required by Council's Code.
 - (iv) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.

Note:

- (d) Certification will also be required on completion of the building, prior to issue of a Certificate.
- (62) The following provisions apply to recycling areas:
- (a) The building design must incorporate separate garbage rooms constructed in accordance with Council's Code, for the separation of commercial waste from residential waste, including recyclable materials.
 - (b) The building must incorporate design features which will allow waste to be minimised and managed within each individual unit or office, on each floor of the building, and within the garbage/recycling storage and collection area.
 - (c) The building design must allow easy access to the garbage and recycling areas by residents and tenants, but prevent their use by non-residents/tenants.
- (63) A complying garbage chute is required in all residential developments (Class 2) greater than 3 storeys in height. A chute and compactor is required if the building is greater than 25 metres in effective height.

SANITARY FACILITIES

- (64) Sanitary and other facilities must be provided in accordance with the Building Code of Australia, Part F2.
- (65) Prior to issue of an Occupation Certificate, Council's City Care Unit (Health Section) shall be notified of the premises being used for the preparation, manufacture or storage of food for sale. The premises will be registered on Council's Food Premises Database.

Schedule 1C

Conditions to be complied with prior to commencement of construction or demolition or work to the satisfaction of the Principal Certifying Authority

WASTE MANAGEMENT

(66)

- (a) A Waste Management Plan for the construction period of the proposed development must be submitted to the satisfaction of the Principal Certifying Authority before commencement of work on the site.
- (b) Certification that the plan is in accordance with the Development Approval Conditions, Council's Code for Waste Handling in Buildings and the Waste Minimisation and Management Act 1995, must be submitted in the attached form W3 to the satisfaction of the Principal Certifying Authority. Such Certification must be submitted by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
- (c) The Waste Management Plan must address demolition, excavation and construction of the premises, as applicable. The plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:
 - (i) Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
 - (ii) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition, excavation and construction operations including:
 - a. Type and quantities of material expected from demolition and excavation;
 - b. Name and address of transport company;
 - c. Address of proposed site of disposal;
 - d. Name/address of company/organisation accepting material;
 - e. Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
 - f. Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;

- g. Material for disposal and justification of disposal.
 - h. If details of items (ii) to (vii) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contracts.
- (d) All requirements of Waste Management Plans must be implemented during the construction period of the development.

Note:

- (e) The Principal Certifying Authority must be notified of any proposed change in any of the above details throughout the course of construction.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (67) A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect a hoarding or scaffolding in a public place and such application is to include:-
- (a) Architectural, construction and structural details of the design in accordance with the Policy for the Design and Construction of Hoarding (September 1997) and the Interim Policy for Temporary Protective Structures.
 - (b) Structural certification prepared and signed by an appropriately qualified practising structural Engineer.
 - (c) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.

APPLICATION FOR SHORING AND ROAD OPENING

- (68) Prior to the commencement of any excavation of the building site and where shoring abuts the public way:-
- (a) A Road Opening Permit is to be obtained from Council.
 - (b) Detailed shoring plans, associated documentation and certification are to be submitted to and approved by Council. Such documentation is to include:-
 - (i) Structural shoring plans in duplicate and a Certification form in Attachment C prepared and signed by an appropriately qualified practising Structural Engineer and repeated for each revision issued to Council.

- (ii) The nomination of an appropriately qualified practising Structural Engineer who is to:-
 - a. Certify that upon completion of installation the shoring complies with the certified plans.
 - b. Undertake a minimum of six-monthly inspections certifying continuing structural stability of the shoring by submitting a completed Section 2 of the Structural Certification form in Attachment C to Council.
- (iii) The nomination of an appropriately qualified practising geotechnical consultant who is to inspect and ensure a stable excavated site and public way and submit to Council:-
 - a. A geotechnical report.
 - b. The proving and certification of the foundation material.
- (iv) A thorough survey of all utility services within the public way adjoining the site, the locations of such services are to be shown upon the shoring plans.
 - a. Evidence of Council's acceptance of the shoring plans, documentation and certification is to be submitted to the Principal Certifying Authority prior to the commencement of any excavation of the building site.

Note:

- (c) Council reserves the right to randomly audit any structural documentation submitted and either accept or reject the certification or part thereof and to randomly inspect the site.

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

- (69) A Pedestrian and Traffic Management Plan must be submitted to and approved by Council and the RTA prior to commencement of demolition/excavation or construction on the site and must include details of:-
 - (a) Proposed ingress and egress of vehicles to and from the construction site;
 - (b) Proposed protection of pedestrians adjacent to the site;
 - (c) Proposed pedestrian management whilst vehicles are entering and leaving the site;
 - (d) Proposed route of construction vehicles to and from the site; and

- (e) The Pedestrian and Traffic Management Plan shall be implemented during the construction period.

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

- (70) The following environmental protection measures are required:
 - (a) Prior to the commencement of work, a Water and Sediment Control Statement must be submitted and approved by the Principal Certifying Authority.
 - (b) Such statement must include:
 - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
 - (ii) The proposed method of discharge;
 - (iii) The procedures to be adopted for the prevention of run-off from the site onto the public way;
 - (iv) The procedures to be adopted for the prevention of loose material and litter from being blown onto the public way;
 - (v) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's "Erosion and Sediment Control Manual".
 - (c) The Water and Sediment Control Statement shall be implemented during the construction period.
 - (d) Any seepage or rainwater collected on site during construction must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council. The applicant must comply with the protection of the Environment Operations Act (NSW) 1997, whereby it is an offence to pollute classified waters such as Sydney Harbour to which much of the City's street drainage is directly connected.
- (71) Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

DESIGN OF FOOD PREMISES

(72)

- (a) All parts of the premises to be used for or in connection with the delivery, storage, preparation or service of food or beverages must be designed, constructed and have facilities which comply with the National Code for the Construction and Fitout of Food Premises, the Food Act 1989, and the Food (General) Regulation 1997. The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.
- (b) Plans and specifications of the design, together with Certification of Design, must be submitted to the satisfaction of either:
 - (i) the Certifying Authority with the construction certificate application, ie.
 - a. *an Environmental Planning and Assessment Regulation 1994 Form 10 Compliance Certificate; or
 - b. *Certification in the form of Attachment F1 signed by an Architect or other persons appropriately qualified and experienced in the design, codes and legislative provisions for food premises, when the Certifying Authority is the Council,

OR

- (ii) the Principal Certifying Authority prior to the commencement of the work, ie.
 - a. *an Environmental Planning and Assessment Regulation 1994 Form 10 Compliance Certificate; or
 - b. *Certification in the form of Attachment F1 signed by an Architect or other persons appropriately qualified and experienced in the design, codes and legislative provisions for food premises, when the Principal Certifying Authority is the Council.

Note:

- (iii) Separate Certification is required for all new or altered Mechanical Ventilation systems, compliance with Councils Code for Waste Handling in Buildings and for major food areas, hotels, food courts and similar establishments.

CERTIFICATION OF MECHANICAL VENTILATION

- (73) The details of any mechanical ventilation or air conditioning must be certified by a competent person to comply with Council's Ventilation Code, the Building Code of Australia and relevant Australian Standards, to the satisfaction of the Principal Certifying Authority prior to commencement of any mechanical services work.
- (a) To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority.
 - (b) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations.
 - (c) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted).
 - (i) Supply Air Ducts, Shafts and Fans - Blue
 - (ii) Return Air Ducts, Shafts and Fans - Pink
 - (iii) Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green
 - (iv) Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange
 - (v) Mixing Boxes and Conditions - Yellow
 - (vi) Fire Dampers and Electric Heaters - Red
 - (d) Drawings which show, where applicable, the existing and proposed air intakes, air discharges and cooling towers and their relative position to each other, the boundaries of the site, openable windows, and adjoining buildings.
 - (e) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of Attachment M1, together with the Curriculum Vitae of the Design Engineer or other appropriate Certifier must be submitted to Principal Certifying Authority (PCA). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council by the PCA.
 - (f) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.
- (74) Prior to the commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council:
- (a) Structural Drawings prepared by an appropriately qualified practising Structural Engineer, corresponding with and attached to a Structural Certificate (see (b));

- (b) Structural Certificate/s for Design, submitted in the form of Attachment S1A completed by the Project/Principal Engineer and usually by the Architect, OR a Compliance Certificate (Form S1B completed under 10 of the Environmental Planning and Assessment Regulation 1998), after the structural drawings have been checked and comply with:
- (i) The relevant clauses of the Building Code of Australia (BCA);
 - (ii) The relevant conditions of Development Consent;
 - (iii) The Architectural Plans incorporated with the Construction Certificate;
 - (iv) The relevant Australian Standards listed in the BCA (Specifications A1.3); and
 - (v) Any other relevant report/s or documents. Specify on form S1A.
- (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.
- (d) Notes:
- (i) An appropriately qualified practising structural engineer certifying by completing Attachment S1A must have:-
 - a. Appropriate tertiary qualifications in Civil or Structural Engineering; AND
 - b. Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - c. Evidence of relevant experience in the form of a CV/Resume;
 - d. Appropriate current professional indemnity insurance.
 - (ii) An appropriately qualified practising structural engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
 - (iii) An appropriately qualified person certifying by completing Attachment S1B must have a good working knowledge of the Building Code of Australia and Structural and Architectural drawing co-ordination.
 - (iv) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.

- (v) Council reserves the right to randomly audit any structural documentation.
- (75) Prior to commencement of work for foundation, shoring or underpinning works, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council:
- (a) A geotechnical report which shall include the following information as appropriate:-
 - (i) Borehole/test pit logs or inspection records;
 - (ii) Field/laboratory test results;
 - (iii) General geotechnical description of site;
 - (iv) Recommended safe bearing values and likely settlements of foundation material;
 - (v) Recommendations for stability and protection of excavations;
 - (vi) Opinion on the effect of the new works on existing buildings and recommendations for any underpinning or other measures required to maintain stability; and
 - (vii) Method of proving and assessing foundations underpinning and/or excavation stability in accordance with design.
 - (b) An Inspection and Test Plan (ITP) that reflects the requirements of the geotechnical report, project drawings and specifications;
 - (c) The completed Geotechnical Certificate for the Report and ITP, submitted in the form of Attachment G1 completed by the Project/Principal Geotechnical Engineer OR a compliance certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998) after satisfying (a) and (b);
 - (d) A Dilapidation Report of adjoining building/s that may be affected by the proposed excavation/construction work;

Notes:

(76)

- (a) An appropriately qualified practising geotechnical engineer certifying by completing Attachment G1 must have:-
 - (i) Appropriate tertiary qualifications in Civil or Geotechnical Engineering, AND

- (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume;
 - (iv) Appropriate current professional indemnity insurance.
- (b) An appropriately qualified practising geotechnical engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Geotechnical Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
- (c) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.
- (d) Council reserves the right to randomly audit any geotechnical documentation.

Schedule 1D

Conditions to be complied with during construction

HOURS OF WORK AND NOISE

- (77) The hours of construction and work on the development shall be as follows:
- (a) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.
 - (b) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.
 - (c) Note: 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 96(2) of the Environmental Planning and Assessment Act 1979.

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

- (78) A site notice(s) 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 name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint 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 to state that unauthorised entry to the site is not permitted.

USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE

- (79) This development consent does not extend to the use of appliances which emit noise of a highly intrusive nature (such as pile-drivers and hydraulic hammers) or are not listed in Groups B, C, D, E or F of Schedule 1 of the "City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites". A separate application for approval to use any of these appliances must be made to Council.

CONSTRUCTION DURING THE OLYMPICS

- (80) Should construction be required to take place during the period 1 September 2000 to 1 October 2000 it may only be carried out in accordance with a Traffic and Pedestrian Management Plan and a Construction Program submitted and approved by Council, after consultation with the relevant Olympic authorities, such submission to be made at least three months prior to September 2000.

LOADING AND UNLOADING DURING CONSTRUCTION

- (81) The following requirements apply:-
- (a) All loading and unloading associated with construction must be accommodated on site.

- (b) The structural design of the building shall be such as to permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
 - (c) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
 - (d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
 - (e) If a construction zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (82) All street trees shall be protected at all times during construction, in accordance with Council's Tree Preservation Order. Any tree on the footpath which is damaged or removed during construction shall be replaced to the approval of Council and the Principal Certifying Authority.
- (83) Prior to the commencement of excavation, the applicant should contact the "Dial Before You Dig" service on telephone (02) 1100, fax number 1300-652-077 or email mocsinfo@mocs.com.au to ascertain the presence and type of underground utility services in the vicinity of the development.

LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS

- (84) The applicant shall ensure that lighting of the site, whilst any work is undertaken outside of Council's standard hours of construction, is such that at no time will the intensity, hours of illumination or location of the lighting cause injury to the amenity of the neighbourhood. If, in the opinion of Council, injury is likely to be caused, the intensity, hours of illumination and location of the lighting must be varied so that it does not cause injury to nearby residents.

CONSTRUCTION PROGRESS CERTIFICATION

- (85) For the duration of the construction process a Construction Progress Certificate in the form of Attachment P1 shall be provided to Council on a three monthly basis to the effect that the construction work, including architectural detail, is in accordance with the approved development application drawings and conditions of development consent and the approved Construction Certificate drawings and specifications.

USE OF MOBILE CRANES

- (86) Permits required for use of mobile cranes:-
- (a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council, will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
 - (b) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
 - (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes shall not be delivered to the site prior to 7.30am without the prior approval of Council.
- (87) The public way must not be obstructed by any materials, vehicles refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of Notice by Council to stop all work on site.
- (88) To comply with the Protection of the Environment (Operations) Act 1997 whereby it is an offence to pollute classified waters such as Sydney Harbour to which must of the City's street drainage is directly connected:-
- (a) concrete trucks, concrete pumps and their attachments, and trucks used for the disposal of spoil shall not be washed out on the public way;
 - (b) any water collected from on-site washing down of concrete trucks, concrete pumps or their attachments and trucks used for the disposal of spoil shall not be pumped, directed or allowed to flow to the street stormwater system;
 - (c) any seepage or rain water collected on site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council and evidence of approval is to be submitted to the Principal Certifying Authority prior to discharge into such system.
- (89) Approved concrete driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.
- (90) Vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material.

Note:

- (a) The Protection of the Environment Administration Act 1991 provides for the revocation of transporters' licences where drivers dump wastes illegally.

CONTROL OF VERMIN

- (91) Measures for the eradication of vermin from the site during construction work shall be implemented prior to the commencement of any work to the satisfaction of the Principal Certifying Authority. All service ducts and cable entries to existing premises should be sealed prior to any demolition being carried out.

Schedule 1E

Conditions to be complied with prior to issue of Occupation Certificate and prior to commencement of use, to the satisfaction of the Principal Certifying Authority

COMPLIANCE CERTIFICATE FOR ACOUSTIC PRIVACY

- (92) Prior to issue of an Occupation Certificate, a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1994) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier). This must certify compliance with the Acoustic Privacy conditions in Schedule B of this consent, being the requirements in Clauses 6.1.13 - 6.1.16 of the Central Sydney DCP 1996 Amendment No. 5 - Internal Residential Amenity. A copy of the Certificate shall be submitted to Council if it was not the PCA.

COMPLIANCE CERTIFICATE FOR NOISE REDUCTION

- (93) Prior to issue of an Occupation Certificate, a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1994) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifying authority). This must certify compliance with the Noise Reduction conditions in Schedule B of this consent, being the requirements in the Central Sydney DCP 1996 Amendment No. 5 - Internal Residential Amenity. A copy of the Certificate shall be submitted to Council if it was not the PCA.

COMMEMORATIVE PLAQUE

- (94) The following is required:

- (a) A commemorative plaque must be incorporated in the new building, in a prominent position at ground floor level at or near the main entrance to the building, to commemorate the major participants in the development. The details contained on the plaque are to include the names of the developer, architect, and consent authority and the year in which the building was completed.
- (b) The proposed location of the plaque and details of its proposed size, colour and materials, and text must be submitted for the approval of Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.
- (c) The approved plaque must be installed prior to Occupation.

NUMBERING

- (95) Prior to issue of an Occupation Certificate, street numbers and the building name shall be clearly displayed at either end of the ground level frontage in accordance with the "Policy on Numbering of Premises within the City of Sydney". If new street numbers or a change to street numbers are required, a separate application shall be made to Council.
- (96) Prior to issue of an Occupation Certificate, shop numbers must be clearly displayed in accordance with the "Policy on Numbering of Premises within the City of Sydney".

TEMPORARY STRUCTURES WITHIN THE PUBLIC WAY

- (97) Any temporary structure, whether shoring, anchors or footings installed in the public way below pavement level shall be removed prior to completion of the project to a depth of two metres, and the void is to be backfilled with stabilised sand (14 parts sand to 1 part cement), in accordance with the requirements and to the satisfaction of Council and evidence of such is to be submitted to the Principal Certifying Authority (Council or a private accredited certifier) prior to issue of a Occupation Certificate.

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (98) Certification of completion of waste handling works in accordance with the relevant Development Approval Conditions and Councils Code for Waste Handling in Buildings 1994, must be submitted in the form of Attachment W2 to the satisfaction of the Principal Certifying Authority (PCA), (Council or a private accredited certifier) prior to the issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979 or prior to use of the premises. A copy of the Certificate shall be submitted to Council if it was not the PCA.
 - (a) Such Certification must be given by the Architect or other appropriated qualified person experienced in Waste Handling Design and Environmental Management.

- (99) Prior to issue of an Occupation Certificate and/or prior to commencement of the use, the building owner must ensure that there is a contract either with Council or a licensed contractor for the removal of trade waste. No garbage is to be placed on the public way eg. footpaths, roadways, plazas and reserves at any time.
- (100) Prior to the use of any part of the premises for or in connection with the delivery, storage, preparation or service of food or beverages, or prior to issue of an Occupation Certificate, a Certificate of Completion must be submitted to the satisfaction of the Principal Certifying Authority;

EITHER

- (a) an Environmental Planning and Assessment Regulation 1994 Form 10 Compliance Certificate;

OR

- (b) a Food Premises Certificate of Completion in the form of Attachment F2 signed by an Architect or other person appropriately qualified and experienced in construction, fitout, codes and legislative provisions for food premises, when the Principal Certifying Authority is the Council.
- (101) All evaporative cooling warm water or water cooling systems installed on the premises must comply with the Public Health Act 1991 and Public Health Regulation 1991 and be registered by Council.
- (102) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.
- (103) Prior to commencement of the use, the owner or occupier of the premises must apply to Council for the registration of water-cooling systems (cooling towers and evaporative condensers), evaporative cooling systems and warm-water systems which heat and deliver water at less than 60°C at each outlet installed on the premises.
- (104) An Occupation Certificate (form 12 under the Environmental Planning and Amendment Regulation 1998) must be obtained from the Principal Certifying Authority (PCA) (Council or a private accredited certifier) and a copy furnished to Council in accordance with Section 79L of the Environmental Planning and Assessment Amendment Regulation 1998 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. A copy of the certificate shall be submitted to Council if it was not the PCA.

- (105) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979 and following the completion, installation, and testing of all the mechanical ventilation systems covered by the approval, a Mechanical Ventilation Certificate of Completion and Performance in the form of Attachment M2 must be submitted to the Principal Certifying Authority (PCA) (Council or a private accredited certifier). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council if it was not the PCA.

Note:

- (a) Council reserves the right to randomly audit any mechanical ventilation documentation.

- (106) Prior to issue of an Occupation Certificate or use of the premises, a Structural Inspection Certificate in the form of Attachment S1C OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier) after:

- (a) The site has been periodically inspected and the structural certifier is satisfied that the Structural Works are deemed to comply with the final Design Drawings;
- (b) The drawing revisions listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s; and
- (c) A copy of the Certificate with a microfilm set of the final drawings shall be submitted to Council if it was not the PCA.

Notes:

- (d) An appropriately qualified practising structural engineer certifying by completing Attachment S1C must have:-
- (i) Appropriate tertiary qualifications in Civil or Structural Engineering, AND;
- (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
- (iii) Evidence of relevant experience in the form of a CV/Resume;
- (iv) Appropriate current professional indemnity insurance.
- (e) An appropriately qualified practising structural engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.

- (f) Council reserves the right to randomly audit any structural documentation.
- (107) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (108) A Fire Safety Certificate (form 15 under the Environmental Planning and Assessment Amendment Regulation 1998) must be furnished to the Principal Certifying Authority (PCA) (Council or a private accredited certifier) for all of the items listed in the Fire Safety Schedule forming part of this approval prior to any consent for occupancy/partial occupancy being granted. A copy of the Certificate must be submitted to Council if it was not the PCA.
- (109) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".
- (110) The building shall be constructed with elements having a resistance to fire in accordance with C1 of the Building Code of Australia.
- (111) The basement loading dock/carpark shall be partitioned to control the spread of fire in compliance with Part C of the Building Code of Australia.
- (112) The parts of the building having different classifications shall be separated in accordance with Part C of the building Code of Australia.
- (113) The lift shafts shall be separated in accordance with part C and E of the Building Code of Australia.
- (114) The openings adjacent to the northern boundary shall be protected in accordance with part C of the Building Code of Australia.
- (115) The void glazing to the entries of the penthouse units shall meet the requirements for bounding construction under Part C of the Building Code of Australia.
- (116) The corridors serving the class 2 parts of the building shall be designed to limit the spread of smoke in accordance with C2 of the Building Code of Australia.
- (117) The fire safety measures shall be provided to serve the building in accordance with E of the BCA.
- (118) That all sole-occupancy units shall be provided with sanitary facilities in accordance with F2 of the Building Code of Australia and lighting and ventilation in compliance with F4 of the Building Code of Australia. All windows required to light habitable rooms adjacent to the south western boundary of the allotment shall be set back from that boundary at a distance not less than the minimum required by F4 of the building Code of Australia.

- (119) The building shall be provided with means of cleaning windows in accordance with G1 of the Building Code of Australia.

Schedule 2

The prescribed conditions in accordance with Clause 78 of the Environmental Planning and Assessment Regulation 1998 apply to this development.

ITEM 5. REVIEW AND AMENDMENT OF CENTRAL SYDNEY SECTION 61 CONTRIBUTIONS PLAN (S000247)

Resolved on the motion of the Chairman (the Lord Mayor), seconded by Mr Johnson -

That arising from consideration of a report by the Specialist Planner - Strategic/Section 94 to the Central Sydney Planning Committee on 4 May 2000, on the Review and Amendment of Central Sydney Section 61 Contributions Plan, it be resolved that the Central Sydney Planning Committee:-

- (A) endorse the proposed amendments to the Exemptions to delete hotels and serviced apartments from the Exemptions;
- (B) endorse the exhibition of the proposed amendment as Draft Amendment No. 1 to the Section 61 Plan, for a minimum period of 28 days; and
- (C) seek the concurrence of the Minister for Urban Affairs and Planning to the proposed amendment.

ITEM 6. HERITAGE FLOOR SPACE AWARDS AND AMENDMENT NO.8 TO CENTRAL SYDNEY LOCAL ENVIRONMENTAL PLAN 1996 (S011163)

Resolved on the motion of the Chairman (the Lord Mayor), seconded by Mr Bird -

That arising from consideration of a report by the Strategic Planning and Research Manager to the Central Sydney Planning Committee on 4 May 2000 on Heritage Floor Space Awards and Amendment No.8 to Central Sydney Local Environmental Plan, it be resolved that:-

- (A) the report be received and noted; and
- (B) Section 7.3 of Central Sydney Development Control Plan 1996, relating to the Award and allocation of Heritage Floor Space, remain unchanged following the gazettal of Amendment No.8 to Central Sydney Local Environmental Plan.

ITEM 7. GENERAL BUSINESS

7.1 Development Application: MSB Stores, 1 High Street, 125A Kent Street and 30-38 Hickson Road, Millers Point (D1999/00857)

Note - See also agenda item 3, page 254.

The Lord Mayor tabled a petition received from residents of Hickson Road relating to this development application. The Central Sydney Planning Committee agreed that the petition be received and noted and circulated to members of the CSPC.

Business of which due notice had not been given

Pursuant to Clause 14(3) of the Local Government (Meetings) Regulation 1999, the Central Sydney Planning Committee resolved that the following business of which due notice had not been given be transacted at this meeting, namely:-

- (a) Central Sydney Local Environmental Plan 1996 - Draft Amendment No. 11 (D1999/00857); and
- (b) Development Application: 20 - 24 Lee Street, Railway Square, known as Stages 3 and 4, Henry Deane Park Development (D/99/00571).

7.2 Central Sydney Local Environmental Plan 1996 - Draft Amendment No. 11 (D1999/00857)

The Central Sydney Planning Committee resolved that the resolution of the CSPC at its meeting on 13 April 2000 concerning the height and floor space ratio of Hickson Road be proceeded with and the sub-committee comprising -

- Dr Dearing
- Mr Johnson
- Ms le Marchant and
- Councillor Turnbull

be convened for the purpose of the preparation and exhibition of an amendment to the LEP.

7.3 Development Application: 20 - 24 Lee Street, Railway Square, known as Stages 3 and 4, Henry Deane Park Development (D/99/00571)

Declaration of Interest

Ms Holliday declared an interest in that the Department of Urban Affairs and Planning is involved in this matter.

The Lord Mayor referred to the delegated authority granted to him by the Central Sydney Planning Committee on 30 March 2000 to determine the Development Application: 20-24 Lee Street, Railway Square, known as Stages 3 and 4, Henry Deane Park Development.

As the design development of certain important aspects of the proposed building was guided by a sub-committee of the CSPC, the Lord Mayor requested that the Committee, as a whole, determine the application.

The Committee subsequently **resolved** on the motion of Mr Bird, seconded by Mr Johnson, that consent be granted to the application subject to the conditions recommended in the report submitted to the CSPC meeting held on 30 March 2000 (as follows), and also subject to the following additional condition:

The design of both buildings is to be amended to incorporate the provision of masonry columns at the corners for the full height of the buildings, to the satisfaction of the Director City Development.

The Conditions in the report submitted to the CSPC meeting on 30 March 2000 are as follows:-

Schedule 1A

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D/99/00571 dated 9 August 1999 and as amended 15 October 1999 and Statement of Environmental Effects prepared by Rice Daubney Group, dated July 1999 and as amended by the Statement of Revision dated 15 October 1999 and drawings numbered:

99007 DA01 Issue A	Site Survey	10 June 1999
99007 DA02 Issue C	Site Plan	25 February 2000
99007 DA03 Issue B	Basement 2 & 3 Plan	25 February 2000
99007 DA04 Issue C	Basement 1 Plan	25 February 2000
99007 DA05 Issue C	Ground Level Plan	25 February 2000
99007 DA06 Issue C	Level 1 Plan	25 February 2000

99007 DA07 Issue C	Level 2 - 5 Plan	25 February 2000
99007 DA08 Issue C	Level 6 Plan	25 February 2000
99007 DA09 Issue C	Level 7 Plan	25 February 2000
99007 DA10 Issue C	Level 8 & Plan Level Plan	25 February 2000
99007 DA11 Issue C	Lee Street Elevation	25 February 2000
99007 DA12 Issue C	South Elevation	25 February 2000
99007 DA13 Issue C	North Elevation	25 February 2000
99007 DA14 Issue C	East Elevation	25 February 2000
99007 DA15 Issue C	Section A	25 February 2000
99007 DA16 Issue C	Section B	25 February 2000

prepared by Rice Daubney dated 25 February 2000 and as amended by the following conditions:

APPROVED DESIGN

- (2) The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the internal layout or external appearance of the building, without the approval of Council.
- (3) The design details of the proposed building facade including all external finishes and colours, including glazing must be in accordance with the materials schedule and sample board, and specifications prepared by The Rice Daubney Group dated July 1999 and as amended 29 February 2000.

Note:

- (a) Any variation to these approved materials and finishes will require the submission of an application under the S96(2) Environmental Planning and Assessment Act 1979 to modify consent and approval thereto.

- (4) The development for Stages 3 & 4 of the Henry Deane Park Development is to be carried out in accordance with the relevant conditions as approved in Notice of Determination No. D98/00093, dated 16 June 1998.

REPORT TO BE COMPLIED WITH

- (5) The development shall be in accordance with the recommendations of the following reports:
- (a) Traffic Report prepared by Colston Budd Hunt & Kafes Pty Ltd dated July 1999,
 - (b) Building Services Report prepared by Addicoat Hogarth Wilson Pty Ltd dated June 1999,
 - (c) Building Code of Australia Compliance Report prepared by Widnell Property & Construction Consultants dated 5 August 1999,
 - (d) Energy Efficiency Report prepared by Addicoat Hogarth Wilson Pty Ltd dated August 4 1999,
 - (e) Wind Environment Statement prepared by Windtech Wind Engineers Pty Ltd dated January 15 1998,
 - (f) Solar Reflectivity Analysis prepared by Windtech Wind Engineers Pty Ltd dated January 14, 1998.

Except as amended by any of the listed conditions of consent.

FLOOR SPACE RATIO

- (6) The following applies to Floor Space Ratio:-
- (a) The Floor Space Ratio of the whole of the staged development (includes all Stages of development) must not exceed 3:1 calculated in accordance with the Central Sydney Local Environmental Plan 1996. For the purpose of the calculation of FSR, the Floor Space Area of this development (Stages 3 & 4) is 24,095sqm.
 - (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development. To the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

BUILDING HEIGHT

- (7) The maximum height of the buildings (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 59.00 (AHD).

- (a) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the height of the building, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

SECTION 61 CONTRIBUTION

- (8) A contribution under Section 61 of the City of Sydney Act 1988 shall be paid in accordance with the following:

- (a) **Cash Contribution Required**

- (i) In accordance with the adopted "Central Sydney Contributions Plan 1997" a cash contribution must be paid to Council in accordance with this condition.
- (ii) Payment shall be by bank cheque made payable to the City of Sydney.

- (b) **Amount of Contribution**

- (i) The amount of the contribution will be equivalent to 1% of the development cost, at the Construction Certificate stage, as determined in accordance with the "Central Sydney Contributions Plan 1997".

- (c) Certification of the calculation of the contribution in accordance with the "Central Sydney Contribution Plan 1997" shall be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

- (i) For developments over \$2 million in cost, the certification of the building costs must be prepared by a Registered Quantity Surveyor.

- (d) **Timing of Payment**

- (i) The contribution must be paid prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

VEHICULAR SPACES

- (9) The design of the car park shall be amended to reduce the number of car spaces in accordance with Condition 65 of Notice of Determination No. D98/00093 dated 16 June 1998 and Condition 10 of this consent. Amended details are to be submitted to the satisfaction of the Director City Development prior to the release of the Construction Certificate.

- (10) The following car parking requirements apply:-

- (a) The approved vehicle spaces shall be allocated on the development site as follows:
 - (i) Maximum of 75 business/commercial premises spaces;
 - (ii) Minimum of 11 service vehicle spaces located close to service entrance, being 6 courier spaces and 5 truck spaces;
 - (b) Of the above car parking spaces are to be provided for people with mobility impairment, in accordance with AS 2890.1. Details are to be provided upon the submitted plans prior to release of Construction Certificate.
 - (c) All spaces must be allocated and marked according to this requirement.
 - (d) If the development is to be strata subdivided, the carpark layout must respect the above allocation.
 - (e) Car space No.1 on Basement 1 under the Henry Deane building shall be deleted.
- (11) The following conditions apply to car parking:
- (a) The on-site car parking spaces, exclusive of service carspaces, are not to be used by those other than an occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant or tenant of the building.
 - (b) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, a documentary Restrictive Covenant is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a) above. The Covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
 - (c) Any future strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the Strata Titles (Freehold Development) Act 1973, as amended, so burdening all utility car parking allotments in the Strata Plan and/or an appropriate Restrictive Covenant pursuant to Section 88B of the Conveyancing Act 1919 burdening all car parking part - lots in the Strata Scheme.

TRAFFIC MANAGEMENT

- (12) A Traffic Management proposal in accordance with Condition 62 of Notice of Determination No. D98/00093 dated 16 June 1998 shall be submitted to the satisfaction of the Director City Development prior to the release of the Construction Certificate.

- (13) All costs of Traffic Management measures associated with the development shall be borne by the developer.

RECEIVING DEVICE

- (14) For each form of transmitter, there shall be only one common receiving device installed on the subject development.

EXTERNAL LIGHTING

- (15) A separate development application is required to be lodged for any proposed external floodlighting or illumination of the building. Such application shall be submitted and approved by Council prior to the installation of any external lighting.

SEPARATE APPLICATION

- (16) A separate development application must be submitted at the appropriate time for the specific use of each of the commercial and retail tenancies.

NOISE

- (17) Prior to release of the Construction Certificate, consultation is to be carried out with Estate Rail to ensure that noise attenuation measures within the development are in accordance with Rail Estate requirements for rail related noise and vibration. Evidence of the concurrence of Rail Estate with respect to the above is to be provided to Council, prior to the release of the Construction Certificate.

- (18) The use of the premises must not give rise to any one or more of the following:

- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
- (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 8.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 8.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies.
- (c) A sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055. "Acoustics - Description and Measurement of Environmental Noise".
- (d) An "offensive noise" as defined in the Noise Control Act 1975.

- (e) The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.
- (f) The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) must be carried out in accordance with AS 2973 for vibration measurements. AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

GLASS SHOP FRONT

- (19) The glass shop fronts must not be tinted, screened by blinds, curtains or the like or obscured.

CARE OF BUILDING SURROUNDS

- (20) In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the buildings shall ensure that the forecourt and the surrounds of the buildings including pavements and gutters are to be kept clean and free of litter at all times.

REMOVAL OF GRAFFITI

- (21) The owner/manager of the site shall be responsible for the removal of all graffiti from the buildings within 48 hours of its application.

SIGNS

- (22) A separate signage strategy (which will include all proposed signage for the two buildings) is to be submitted for approval as a whole prior to release of Construction Certificate and/or prior to lodgement of development applications for signage and is to be approved by the Director City Development.
- (23) A separate development application for any proposed signs which are either externally fitted or applied must be submitted for the approval of the Director City Development prior to the erection or display of any signs.
- (24) Portable signs or goods for sale or display must not be placed on the footway or other public areas.
- (25) Where internal partitions meet external walls they shall abut window mullions, columns or other such building elements and not glazing.

HERITAGE

- (26) Details of Conditions 9 - 11 of Notice of Determination No. D98/00093 dated 16 June 1998, are to be submitted and are to be shown as having been complied with to the satisfaction of the Director City Development prior to the release of the Construction Certificate.

- (27) Details of Condition 14 (Interpretation Strategy), Condition 47 (Historic Marker), Condition 56 (Recording of Work) of Notice of Determination No. D98/00093 dated 16 June 1998, are to be submitted and are to be shown as having been complied with to the satisfaction of the director City development prior to the release of the Construction Certificate.

ARCHEOLOGICAL INVESTIGATION

(28)

- (a) Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (b) Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

Schedule 1B

Conditions to be complied with prior to issue of Construction Certificate to the satisfaction of the Certifying Authority

DESIGN MODIFICATIONS

- (29) Details of the screening of the rooftop communications plant shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

PUBLIC ART

- (30) High quality art work shall be provided within the development in publicly accessible locations eg. near main entrances, lobbies and street frontages, in accordance with the Central Sydney DCP 1996 and the 'Public Art Policy'. Details of the art work must be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

PUBLIC DOMAIN PLAN

- (31) The following requirements apply:-

- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect and shall be approved by Council (to be lodged with the Public Domain Officer at City Projects) prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.
- (b) The Public Domain Plan shall be as follows:-
 - (i) Drawn at 1:100 scale.
 - (ii) Show the entire layout of flagstone paving where this paving is required.
 - (iii) Nominate the location, type and material of all existing and proposed public pavement elements including trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture, utility poles, parking meters, pedestrian and traffic signals, service pits and stormwater pits.
 - (iv) Include a longitudinal section of the pavement showing existing and proposed levels at 10 metre intervals at the building alignment, the kerb and the gutter on a common datum line. This longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale. This section is to ensure that any significant longitudinal gradient change, such as flattening for vehicle entries, occurs within the building line and not at the public pavement.
 - (v) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
 - (vi) Include specifications of the proposed works.
- (c) The Public Domain Plan shall comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer and may include:-
 - (i) Adjustment to paving grades to provide a maximum crossfall of 2.5% from building line to top of kerb.
 - (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications.

- (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.
 - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
 - (v) The repair and where required the resetting of all stone kerbing to 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed to the centre line of the carriageway.
 - (vi) The retention and repair of any existing pavement lights.
 - (vii) The retention and repair of any existing serviceable stone gutters.
 - (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.
- (e) Random checks by Council officers may be made throughout the construction process to advise the contractor of non-complying elements. However, no parts of the work are to be considered approved until receipt of the City of Sydney letter of approval. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter.

ELECTRICITY SUBSTATION

- (32) If required, the owner must dedicate to Energy Australia, free of cost, an area of land within the development to enable an electricity substation to be established. The size and location of such substation is to be submitted for Council approval prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

STORMWATER AND DRAINAGE

- (33) The following stormwater details shall be submitted:-
- (a) Details of the proposed stormwater disposal and drainage of the development are to be submitted for approval by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

- (b) Any proposed connection to Council's underground drainage system will require the owner to enter into a deed of Agreement with Council and obtain registration on Title of a Positive Covenant prior to the commencement of any work within the public way, at no cost to Council.
- (c) The requirements of Sydney Water (currently the Urban Development Central East Group, Rockdale Regional Office) with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

ALIGNMENT LEVELS

(34) The following shall be submitted to Council:-

- (a) A separate application including footpath alignment levels must be submitted for approval for the design of the building.
- (b) Such application must be accompanied by a plan prepared by a Registered Surveyor showing the existing location, size and levels (AHD) of all service covers, trees, poles and street furniture, kerb, gutter and alignment levels at 10m cross/sections, alignment levels at proposed and existing vehicular and/or pedestrian entrances within the footway adjacent to and extending 20 metres past either side of the site.
- (c) These levels as approved by Council are then to be incorporated into the plans submitted with the Application for a Construction Certificate.

CERTIFICATION OF WASTE HANDLING

(35) The following requirements apply to storage and waste handling:

- (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with Council's Code for Waste Handling in Buildings (adopted 17 October 1994). The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of the Code).
- (b) Certification of compliance with the design and constructional requirements of the Code including the associated Waste Management Plans and with the Conditions of Development Application consent relating to waste must be submitted to and approved by the Certifying Authority in the attached form W1 prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. Such Certification must be given by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.

- (c) The Certified Plans and Specifications must address compliance with the Waste Code including details of the following, where applicable:-
 - (i) The location, design and construction of the garbage room, recycling rooms, bin washing areas and collection areas.
 - (ii) The natural or mechanical ventilation, in accordance with the Building Code of Australia and Australian Standard 1668.
 - (iii) The location and design of any garbage chutes or compaction units required by Council's Code.
 - (iv) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.

Note:

- (d) Certification will also be required on completion of the building, prior to issue of a Certificate.

SEPARATION OF WASTE

(36) The following provisions apply to recycling areas:

- (a) The building design must incorporate separate garbage rooms constructed in accordance with Council's Code, for the separation of commercial waste from residential waste, including recyclable materials.
- (b) The building must not incorporate design features which will allow waste to be minimised and managed within each individual unit or office, on each floor of the building, and within the garbage/recycling storage and collection area.
- (c) The building design must allow easy access to the garbage and recycling areas by residents and tenants, but prevent their use by non-residents/tenants.

ACCESS FOR MOBILITY IMPAIRED

(37) Access for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and Council's Access Policy. Prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979, a certificate certifying compliance with this condition OR a Compliance Certificate (Form 10 Environmental Planning and Assessment Act Regulation 1998) must be provided, and copy submitted to Council.

SANITARY FACILITIES

- (38) Sanitary and other facilities must be provided in accordance with the Building Code of Australia, Part F2.

Schedule 1C

Conditions to be complied with prior to commencement of construction or demolition or work to the satisfaction of the Principal Certifying Authority

WASTE MANAGEMENT

- (39)
- (a) A Waste Management Plan for the construction period of the proposed development must be submitted to the satisfaction of the Principal Certifying Authority before commencement of work on the site.
 - (b) Certification that the plan is in accordance with the Development Approval Conditions, Council's Code for Waste Handling in Buildings and the Waste Minimisation and Management Act 1995, must be submitted in the attached form W3 to the satisfaction of the Principal Certifying Authority. Such Certification must be submitted by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
 - (c) The Waste Management Plan must address demolition, excavation and construction of the premises, as applicable. The plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:
 - (i) Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
 - (ii) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition, excavation and construction operations including:
 - a. Type and quantities of material expected from demolition and excavation;
 - b. Name and address of transport company;
 - c. Address of proposed site of disposal;
 - d. Name/address of company/organisation accepting material;

- e. Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
 - f. Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
 - g. Material for disposal and justification of disposal.
 - h. If details of items (ii) to (vii) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contracts.
- (d) All requirements of Waste Management Plans must be implemented during the construction period of the development.

Note:

The Principal Certifying Authority must be notified of any proposed change in any of the above details throughout the course of construction.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (40) A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect a hoarding or scaffolding in a public place and such application is to include:-
- (a) Architectural, construction and structural details of the design in accordance with the Policy for the Design and Construction of Hoarding (September 1997) and the Interim Policy for Temporary Protective Structures.
 - (b) Structural certification prepared and signed by an appropriately qualified practising structural Engineer.
 - (c) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.

APPLICATION FOR SHORING AND ROAD OPENING

- (41) Prior to the commencement of any excavation of the building site and where shoring abuts the public way:-
- (a) A Road Opening Permit is to be obtained from Council.
 - (b) Detailed shoring plans, associated documentation and certification are to be submitted to and approved by Council. Such documentation is to include:-

- (i) Structural shoring plans in duplicate and a Certification form in Attachment C prepared and signed by an appropriately qualified practising Structural Engineer and repeated for each revision issued to Council.
- (ii) The nomination of an appropriately qualified practising Structural Engineer who is to:-
 - a. Certify that upon completion of installation, the shoring complies with the certified plans; and
 - b. Undertake a minimum of six-monthly inspections certifying continuing structural stability of the shoring by submitting a completed Section 2 of the Structural Certification form in Attachment C to Council.
- (iii) The nomination of an appropriately qualified practising geotechnical consultant who is to inspect and ensure a stable excavated site and public way and submit to Council:-
 - a. A geotechnical report.
 - b. The proving and certification of the foundation material.
- (iv) A thorough survey of all utility services within the public way adjoining the site, the locations of such services are to be shown upon the shoring plans.
 - a. Evidence of Council's acceptance of the shoring plans, documentation and certification is to be submitted to the Principal Certifying Authority prior to the commencement of any excavation of the building site.

Note:

- (c) Council reserves the right to randomly audit any structural documentation submitted and either accept or reject the certification or part thereof and to randomly inspect the site.

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

- (42) A Pedestrian and Traffic Management Plan must be submitted to and approved by Council prior to commencement of demolition/excavation or construction on the site and must include details of:-
 - (a) Proposed ingress and egress of vehicles to and from the construction site;
 - (b) Proposed protection of pedestrians adjacent to the site;

- (c) Proposed pedestrian management whilst vehicles are entering and leaving the site;
- (d) Proposed route of construction vehicles to and from the site;
- (e) The Pedestrian and Traffic Management Plan shall be implemented during the construction period.

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

(43) The following environmental protection measures are required:

- (a) Prior to the commencement of work, a Water and Sediment Control Statement must be submitted and approved by the Principal Certifying Authority.
- (b) Such statement must include:
 - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
 - (ii) The proposed method of discharge;
 - (iii) The procedures to be adopted for the prevention of run-off from the site onto the public way;
 - (iv) The procedures to be adopted for the prevention of loose material and litter from being blown onto the public way;
 - (v) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's "Erosion and Sediment Control Manual".
- (c) The Water and Sediment Control Statement shall be implemented during the construction period.
- (d) Any seepage or rainwater collected on site during construction must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council. The applicant must comply with the Clean Waters Act, 1970, whereby it is an offence to pollute classified waters such as Sydney Harbour to which much of the City's street drainage is directly connected.

BARRICADE PERMIT

- (44) Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

CERTIFICATION OF MECHANICAL VENTILATION

- (45) The details of any mechanical ventilation or air conditioning must be certified by a competent person to comply with Council's Ventilation Code, the Building Code of Australia and relevant Australian Standards, to the satisfaction of the Principal Certifying Authority prior to commencement of any mechanical services work.
- (a) To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority;
 - (b) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
 - (c) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted);
 - (i) Supply Air Ducts, Shafts and Fans - Blue
 - (ii) Return Air Ducts, Shafts and Fans - Pink
 - (iii) Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green
 - (iv) Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange
 - (v) Mixing Boxes and Conditions - Yellow
 - (vi) Fire Dampers and Electric Heaters - Red
 - (d) Drawings which show where applicable the existing and proposed air intakes, air discharges and cooling towers and their relative position to each other, the boundaries of the site, openable windows, and adjoining buildings;
 - (e) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of Attachment M1, together with the Curriculum Vitae of the Design Engineer or other appropriate Certifier must be submitted to Principal Certifying Authority (PCA). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council by the PCA;

- (f) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.

STRUCTURAL CERTIFICATION

(46) Prior to the commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council:

- (a) Structural Drawings prepared by an appropriately qualified practising Structural Engineer, corresponding with and attached to a Structural Certificate (see (b));
- (b) Structural Certificate/s for Design, submitted in the form of Attachment S1A completed by the Project/Principal Engineer and S1B completed usually by the Architect, OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998), after the structural drawings have been checked and comply with:
- (i) The relevant clauses of the Building Code of Australia (BCA);
 - (ii) The relevant conditions of Development Consent;
 - (iii) The Architectural Plans incorporated with the Construction Certificate;
 - (iv) The relevant Australian Standards listed in the BCA (Specifications A1.3); and
 - (v) Any other relevant report/s or documents. Specify on form S1A.
- (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.

Notes:

- (i) An appropriately qualified practising structural engineer certifying by completing Attachment S1A must have:-
- a. Appropriate tertiary qualifications in Civil or Structural Engineering; AND
 - b. Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - c. Evidence of relevant experience in the form of a CV/Resume;
 - d. Appropriate current professional indemnity insurance.

- (ii) An appropriately qualified practising structural engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
 - (iii) An appropriately qualified person certifying by completing Attachment S1B must have a good working knowledge of the Building Code of Australia and Structural and Architectural drawing co-ordination.
 - (iv) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.
 - (v) Council reserves the right to randomly audit any structural documentation.
- (47) Prior to commencement of work for foundation, shoring or underpinning works, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council:
- (a) A geotechnical report which shall include the following information as appropriate:-
 - (i) Borehole/test pit logs or inspection records;
 - (ii) Field/laboratory test results;
 - (iii) General geotechnical description of site;
 - (iv) Recommended safe bearing values and likely settlements of foundation material;
 - (v) Recommendations for stability and protection of excavations;
 - (vi) Opinion on the effect of the new works on existing buildings and recommendations for any underpinning or other measures required to maintain stability;
 - (vii) Method of proving and assessing foundations underpinning and/or excavation stability in accordance with design.
 - (b) An Inspection and Test Plan (ITP) that reflects the requirements of the geotechnical report, project drawings and specifications;
 - (c) The completed Geotechnical Certificate for the Report and ITP, submitted in the form of Attachment G1 completed by the Project/Principal Geotechnical Engineer, OR a compliance certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998) after satisfying (a) and (b);

- (d) A Dilapidation Report of adjoining building/s that may be affected by the proposed excavation/construction work;

Notes:

- (e) An appropriately qualified practising geotechnical engineer certifying by completing Attachment G1 must have:-
- (i) Appropriate tertiary qualifications in Civil or Geotechnical Engineering; AND
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume; and
 - (iv) Appropriate current professional indemnity insurance.
- (f) An appropriately qualified practising geotechnical engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Geotechnical Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
- (g) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.
- (h) Council reserves the right to randomly audit any geotechnical documentation.

Schedule 1D

Conditions to be complied with during construction

LOADING AND UNLOADING DURING CONSTRUCTION

- (48) The following requirements apply:-
- (a) All loading and unloading associated with construction must be accommodated on site.
 - (b) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
 - (c) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.

- (d) If a construction zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

STREET TREES

- (49) All street trees shall be protected at all times during construction, in accordance with Council's Tree Preservation Order. Any tree on the footpath which is damaged or removed during construction shall be replaced, to the approval of Council and the Principal Certifying Authority.

USE OF MOBILE CRANES

- (50) Permits required for use of mobile cranes:-
- (a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
 - (b) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
 - (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes shall not be delivered to the site prior to 7.30am without the prior approval of Council.

NO OBSTRUCTION OF PUBLIC WAY

- (51) The public way must not be obstructed by any materials, vehicles refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of Notice by Council to stop all work on site.

CLEAN WATERS ACT

- (52) To comply with the Clean Waters Act 1970 whereby it is an offence to pollute classified waters such as Sydney Harbour to which most of the City's street drainage is directly connected:-
- (a) concrete trucks, concrete pumps and their attachments, and trucks used for the disposal of spoil shall not be washed out on the public way;

- (b) any water collected from on-site washing down of concrete trucks, concrete pumps or their attachments and trucks used for the disposal of spoil shall not be pumped, directed or allowed to flow to the street stormwater system;
- (c) any seepage or rain water collected on site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council and evidence of approval is to be submitted to the Principal Certifying Authority prior to discharge into such system.

CONSTRUCTION ACCESS DRIVEWAYS

- (53) Approved concrete driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

CONSTRUCTION VEHICLE LOADS TO BE COVERED

- (54) Vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material.

Note:

- (a) The Protection of the Environment Administration Act 1991 provides for the revocation of transporters' licences where drivers dump wastes illegally.

CONTROL OF VERMIN

- (55) Measures for the eradication of vermin from the site during construction work shall be implemented prior to the commencement of any work to the satisfaction of the Principal Certifying Authority. All service ducts and cable entries to existing premises should be sealed prior to any demolition being carried out.

Schedule 1E

Conditions to be complied with prior to issue of Occupation Certificate and prior to commencement of use, to the satisfaction of the Principal Certifying Authority

NUMBERING

- (56) Prior to issue of an Occupation Certificate street, numbers and the building name, shall be clearly displayed at either end of the ground level frontage in accordance with the "Policy on Numbering of Premises within the City of Sydney". If new street numbers or a change to street numbers are required, a separate application shall be made to Council.

- (57) Prior to issue of an Occupation Certificate, shop numbers must be clearly displayed in accordance with the "Policy on Numbering of Premises within the City of Sydney".

TEMPORARY STRUCTURES WITHIN THE PUBLIC WAY

- (58) Any temporary structure, whether shoring, anchors or footings installed in the public way below pavement level shall be removed prior to completion of the project to a depth of two metres, and the void is to be backfilled with stabilised sand (14 parts sand to 1 part cement), in accordance with the requirements and to the satisfaction of Council and evidence of such is to be submitted to the Principal Certifying Authority (Council or a private accredited certifier) prior to issue of a Occupation Certificate.

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (59) Certification of completion of waste handling works in accordance with the relevant Development Approval Conditions and Councils Code for Waste Handling in Buildings 1994, must be submitted in the form of Attachment W2 to the satisfaction of the Principal Certifying Authority (PCA), (Council or a private accredited certifier) prior to the issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979 or prior to use of the premises. A copy of the Certificate shall be submitted to Council if it was not the PCA.

- (a) Such Certification must be given by the Architect or other appropriated qualified person experienced in Waste Handling Design and Environmental Management.

TRADE WASTE COLLECTION CONTRACT

- (60) Prior to issue of an Occupation Certificate and/or prior to commencement of the use the building owner must ensure that there is a contract either with Council or a licensed contractor for the removal of trade waste. No garbage is to be placed on the public way eg. footpaths, roadways, plazas, and reserves at any time.

OCCUPATION CERTIFICATE

- (61) An Occupation Certificate (form 12 under the Environmental Planning and Amendment Regulation 1998) must be obtained from the Principal Certifying Authority (PCA) (Council or a private accredited certifier) and a copy furnished to Council in accordance with Section 79L of the Environmental Planning and Assessment Amendment Regulation 1998 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. A copy of the certificate shall be submitted to Council if it was not the PCA.

- (62) Prior to issue of an Occupation Certificate or use of the premises, a Structural Inspection Certificate in the form of Attachment S1C OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier) after:
- (a) The site has been periodically inspected and the structural certifier is satisfied that the Structural Works are deemed to comply with the final Design Drawings;
 - (b) The drawing revisions listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s; and
 - (c) A copy of the Certificate with a microfilm set of the final drawings shall be submitted to Council if it was not the PCA.

Notes:

- (d) An appropriately qualified practising structural engineer certifying by completing Attachment S1C must have:-
 - (i) Appropriate tertiary qualifications in Civil or Structural Engineering AND
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume; and
 - (iv) Appropriate current professional indemnity insurance.
 - (e) An appropriately qualified practising structural engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
 - (f) Council reserves the right to randomly audit any structural documentation.
- (63) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979 and following the completion, installation, and testing of all the mechanical ventilation systems covered by the approval, a Mechanical Ventilation Certificate of Completion and Performance in the form of Attachment M2 must be submitted to the Principal Certifying Authority (PCA) (Council or a private accredited certifier). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council if it was not the PCA.

Note:

Council reserves the right to randomly audit any mechanical ventilation documentation.

- (64) Prior to commencement of the use, the owner or occupier of the premises must apply to Council for the registration of water-cooling systems (cooling towers and evaporative condensers), evaporative cooling systems and warm-water systems which heat and deliver water at less than 60°C at each outlet installed on the premises.

BCA REQUIREMENTS

- (65) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (66) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.
- (67) All evaporative cooling warm water or water cooling systems installed on the premises must comply with the Public Health Act 1991 and Public Health Regulation 1991 and be registered by Council.
- (68) Future partitioning shall be designed so that access to all fire stairs from all areas including public areas is available at all times and so that not less than two exits shall be readily available at all times from every point on the floor including the lift lobby area. Lockable or security doors or partitioning preventing access to at least two exits from the lift lobby area will not be permitted.

GLAZING

- (69) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".

Schedule 2

The prescribed conditions in accordance with Clause 78 of the Environmental Planning and Assessment Regulation 1998 apply to this development.

The meeting concluded at 7.05 pm.

CHAIRMAN

The next meeting of the Central Sydney Planning Committee was held on 25 May 2000.

The subsequent meeting of the Central Sydney Planning Committee is scheduled for 15 June 2000.