

CENTRAL SYDNEY PLANNING COMMITTEE

THURSDAY 16 DECEMBER 1999

Meeting No 230

MINUTES of the Meeting of the Central Sydney Planning Committee held in the Council Chamber, Sydney Town Hall, on Thursday 16 December 1999 commencing at 5.20 pm.

INDEX TO MINUTES

Subject	Page No
1. Confirmation of Minutes.....	106
2. Matters Arising from the Minutes.....	106
3. Development Application: AMP Sydney Cove Building, 33 Alfred Street, Sydney	107
4. Development Application: 26-32 Pyrmont Bridge Road, Pyrmont	107
5. Development Application: 376-390 Jones Street, Ultimo.....	134
6. Development Application: 827 - 837 George Street, Sydney, Ultimo Pedestrian Network	162
7. Development Application: (Department of Urban Affairs and Planning Referral): 84-86 Union Street, Pyrmont (Part of the Pyrmont Bay Gateway Site Master Plan Area)	181
8. Status Report on: MSB Stores, 1 High Street, 125A Kent Street and 30-38 Hickson Road, Millers Point	182
9. Exterior Lighting Strategy for the City of Sydney	183
10. Presentations by Applicants and Preliminary Advice	183
11. New Development Application Lodgements and Delegated Items	184
12. Progress Report on Development Applications.....	184
13. General Business: Central Sydney Planning Committee Meetings Schedule for 2000	184
14. Central Sydney Local Environmental Plan 1996 - Draft Amendment No. 10 and Central Sydney Development Control Plan 1996 - Draft Amendment No. 10: Exempt and Complying Development	186
15. Central Sydney Development Control Plan 1996, Adoption of Draft Amendment No. 13 - Development Standards and Exhibition of Draft Amendment No. 14 - Advertising and Notification	186

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, Mr Paul Reid (Alternate Member for Ms Antoinette le Marchant) and Councillor Lucy Turnbull.

The Director City Development was also present.

At 6.36 pm, at the conclusion of discussion on Item 9, the Chairman (the Lord Mayor) left the meeting of the Central Sydney Planning Committee because of a prior commitment and did not return.

At the request of the Lord Mayor, and with the consent of members present, Councillor Turnbull chaired the remainder of the meeting.

At 6.52 pm, during discussion on Item 10.2, Ms Holliday left the meeting of the Central Sydney Planning Committee because of a prior commitment and did not return.

APOLOGY (S006712)

An apology was received from Ms le Marchant who was unable to attend the meeting owing to a prior commitment.

Resolved on the motion of Mr Johnson, seconded by Mr Bird -

That the apology from Ms le Marchant 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. Development Application: AMP Sydney Cove Building, 33 Alfred Street, Sydney
8. Status Report on: MSB Stores, 1 High Street, 125A Kent Street and 30-38 Hickson Road, Millers Point
4. Development Application: 26-32 Pymont Bridge Road, Pymont
6. Development Application: 827-837 George Street, Sydney, Ultimo Pedestrian Network
1. Confirmation of Minutes
2. Matters Arising from the Minutes
5. Development Application: 376-390 Jones Street, Ultimo

7. Development Application: (Department of Urban Affairs and Planning Referral): 84-86 Union Street, Pyrmont (Part of the Pyrmont Bay Gateway Site Master Plan Area)
9. Exterior Lighting Strategy for the City of Sydney
10. Presentations by Applicants and Preliminary Advice -
- 10.2 KENS Site Pre-Development Application: The Rice Daubney Group
- 10.1 Kindersley House Development Application: Brewster Murray Pty Limited
11. New Development Application Lodgements and Delegated Items
12. Progress Report on Development Applications
13. General Business: Central Sydney Planning Committee Meetings Schedule for 2000
14. Central Sydney Local Environmental Plan 1996 - Draft Amendment No. 10 and Central Sydney Development Control Plan 1996 - Draft Amendment No. 10 - Exempt and Complying Development
15. Central Sydney Development Control Plan 1996, Adoption of Draft Amendment No. 13 - Development Standards and Exhibition of Draft Amendment No. 14 - Advertising and Notification

ITEM 1. CONFIRMATION OF MINUTES (S006712)

Resolved on the motion of Mr Reid, seconded by Ms Holliday -

That the Minutes of the Central Sydney Planning Committee held on 25 November 1999 be taken as read and confirmed subject to the following correction on page 99:-

In relation to Item 4 - Development Application: Department of Urban Affairs and Planning Referral - Cnr Edward Street and Pirrama Road, Pyrmont known as the Gateway Site (0/1999/00074), the addition of the word "should" after the words "current form" on the first line of clause (C) of the resolution.

ITEM 2. MATTERS ARISING FROM THE MINUTES (S006712)

There were no matters arising from the Minutes of the Central Sydney Planning Committee held on 25 November 1999.

**ITEM 3. DEVELOPMENT APPLICATION: AMP SYDNEY COVE BUILDING,
33 ALFRED STREET, SYDNEY (D1999/00827)**

The following persons from Peddle Thorp and Walker addressed the meeting of the Central Sydney Planning Committee on this matter -

Mr Tony Thorp
Mr Brian Moore

Resolved on the motion of Ms Holliday, seconded by Councillor Turnbull -

That arising from consideration of a report by the Director City Development to the Central Sydney Planning Committee on 16 December 1999, in relation to Development Application D1999/00827 made by Peddle Thorp and Walker for the site at 33 Alfred Street, Sydney for alterations and additions to the top of the building to facilitate a new function room, it be resolved that authority be delegated to the Lord Mayor to determine the application having regard to the following issues -

- (A) no overall increase in floor space ratio as defined in the Central Sydney LEP 1996;
- (B) no additional overshadowing of First Government House Place during the times nominated in the Central Sydney LEP 1996; and
- (C) increased public access to the roof terrace space.

**ITEM 4. DEVELOPMENT APPLICATION: 26-32 PYRMONT BRIDGE ROAD,
PYRMONT (D99/00812)**

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

Ms Kyann Bunton - Resident
Mr Robert Bokes - Resident
Ms Sandra Robinson - JBA Planning Consultants

Resolved on the motion of Mr Reid, seconded by Mr Bird -

That arising from consideration of a report by the Area Planning Manager to the Central Sydney Planning Committee on 16 December 1999, in relation to Development Application D99/00812 made by Bulawayo Holdings Pty Ltd for the site at 26-32 Pyrmont Bridge Road, Pyrmont for the alteration and extension of existing commercial building, including the provision of a new entrance off Pyrmont Street, new stairs and lift access, and construction of a new three storey building/extension to the northern side incorporating a two level basement car park for 24 cars, it be resolved that:-

- (A) the Central Sydney Planning Committee supports the SEPP 1 objections to the non-compliance with the maximum 2:1 FSR and 9m height limit standards, as the extent of non-compliance is limited and the standards are unnecessary and unreasonable given the circumstances of the case; and

(B) consent be granted subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D99/0081214 October 1999 and Statement of Environ. Effects prepared by JBA Urban Planning Consultants, dated October 1999, and drawings detailed below prepared by Allen Jack and Cottier Architects and dated 2 December 1999:-

Drawing No

DA01 Issue E	-	Site - Roof Plan
DA02 Issue E	-	Basement - Car Park Level 2 Plan
DA03 Issue E	-	Basement - Car Park Level 1 Plan
DA04 Issue E	-	Ground Floor Plan
DA05 Issue E	-	Level 1 Floor Plan
DA06 Issue E	-	Level 2 Floor Plan
DA07 Issue E	-	East Elevation/North Elevation
DA08 Issue E	-	West Elevation/South Elevation
DA09 Issue E	-	Sections

and as amended by the following conditions:

SECTION 94 CONTRIBUTION

- (2) A contribution under section 94 of the Act shall be paid in accordance with the following:

(a) Cash Contribution Required

- (i) In accordance with the adopted "Ultimo Pymont Contributions Plan 1994" a cash contribution shall be paid to Council in accordance with this condition.

(b) Amount of Contribution

- (i) The amount of the contribution shall be \$161,725.90.

- (ii) Note: The contribution will be indexed annually, see paragraph (e) below.

(c) Purposes for which Contribution Required

- (i) The contribution is required, and shall be held and applied in accordance with the Act and the "Ultimo Pymont Contributions Plan 1994", for the purposes, and in the proportions, set out as follows:-
- (ii) Open Space - 64%
- (iii) Community Facilities - 9.5%
- (iv) Roads and Associated Infrastructure - 26.2%
- (v) Administration - 0.3%

(d) Timing of Payment

- (i) The contribution shall be paid prior to the issue of a Construction Certificate under Environmental Planning and Assessment Act 1979. Payment shall be made payable to the City of Sydney by bank cheque. (Personal or company cheques will not be accepted).

(e) Indexing

- (i) The contribution rate in "Ultimo Pymont Section 94 Contributions Plan 1994" will be adjusted in accordance with clause 19 of the Plan being not less than annually.
- (ii) If the contribution rate is adjusted between the date on which this consent is granted and payment of the contribution, then the figure in paragraph (b) to this condition will be indexed and calculated according to the then current contribution rate.

AFFORDABLE HOUSING CONTRIBUTION

(3) The Affordable Housing Contribution is as follows :

- (a) In accordance with clause 59 of Sydney Regional Environmental Plan No. 26 - City West and the Affordable Housing Program, and before issue of a Construction Certificate under Environmental Planning and Assessment Act 1979, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the Department of Urban Affairs and Planning (City West Office, Level 2, 137 Pymont Street, Pymont), or a bank guarantee in favour of the Department of Urban Affairs and Planning to the value of the required contribution has been lodged. The contribution shall be \$40,568.53.

- (b) Before the issue of a Occupation Certificate under Environmental Planning and Assessment Act 1979, the applicant must provide evidence to Council that the bank guarantee referred to in (a) above has been redeemed as payment of this contribution. If the contribution is paid after 30 June of the year in which this consent is granted, the amount of the contribution must be indexed in accordance with paragraph 3.4 of the adopted Affordable Housing Program.

DESIGN

- (4) 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.
- (5) The courtyard between the car park ramp and the building adjacent to the backyard of the terraces on the northern side be landscaped to the satisfaction of the Director City Development.
- (6) Precise architectural details of the external facades of the new building, including details of the design of the:-
- (a) Entrance canopies;
 - (b) Louvre screens;
 - (c) Balustrading;
 - (d) Pergolas;
 - (e) Bay windows; entrance doorways; and
 - (f) Window framing;

shall be submitted and approved by the Director City Development prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

Note:

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

- (7) Details of the final external finishes and colours, including glazing, to be used in the construction of the development shall be submitted and approved by the Director City development prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

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.

- (8) All external glazing in the development must be clear and untinted.
- (9) The visible light reflectivity from building materials used on the facade of the building should not exceed 20% and must be otherwise designed so as not to result in glare that causes discomfort or threatens safety of pedestrians or drivers.
- (10) The design of the louvre screens on the north facing and west facing elevations of the new building shall be such as to minimise overlooking of adjoining premises.

CAR PARKING/TRAFFIC

- (11) Car park roller doors shall be designed and constructed for quiet operation.
- (12) The following applies to the design of the car park:-
 - (a) The layout of the car park area shall comply with AS 2809.1-1993 and AS 2890.2-1989;
 - (b) The gradient of the car park access ramp shall be 1 in 20 for at least the first 6m from the street alignment;
 - (c) Parking for no more than 24 cars (excluding (d) below) shall be provided on site;
 - (d) At least one space shall be designed and allocated for use by persons with disabilities;
 - (e) A service vehicle loading bay/parking space shall be provided on Basement Level 1; and
 - (f) A shower and changing room facility shall be provided in the basement adjacent to the bicycle parking.

Details shall be submitted and approved by the Director City Development prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

- (13) The following condition applies to car parking:-
- (a) The on-site car parking spaces are not to be used by those other than an occupant or tenant of the subject building and 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 such car parking spaces to those other than an occupant or tenant in the building;
 - (b) Any strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the Strata Schemes (Freehold Development) Act, 1973 as amended, so burdening all utility car parking allotments in the strata plan and/or an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, burdening all car parking part - lots in the strata plan.
- (14) All costs of traffic management measures associated with the development shall be borne by the developer.

FLOOR SPACE RATIO

- (15) The following applies to Floor Space Ratio:-
- (a) The Floor Space Ratio for the new building must not exceed 2.13:1 calculated in accordance with Sydney Regional Environmental Plan No. 26 - City West. For the purposes of the calculation of Floor Space Ratio, the Gross Floor Area of the new building is 1663 sqm.
 - (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979 of the development, a Registered Surveyor shall provide certification of the total and component Gross Floor Area (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

BUILDING HEIGHT

- (16) The following applies to building height:
- (a) The height of the new building must not exceed:-
 - (i) RL 26.565 at the parapet level of the three storey section of the building and;
 - (ii) RL 23.165 at the parapet level of the two storey section of the building.
 - (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).

USE

- (17) A separate development application shall be submitted at the appropriate time for the showroom use of the ground floor of the new building.

SIGNS

- (18) 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.

ELECTRICITY SUBSTATION

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

MODEL

- (20) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale models of the approved development must be submitted to Council.

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.

NOISE

- (21) 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.

ARCHAEOLOGICAL INVESTIGATION

(22)

- (a) The applicant must apply to the Heritage Office for an excavation permit under Section 140 of the Heritage Act 1977.
- (b) Should any potential archaeological deposit likely to contain Aboriginal artefacts be identified during the planning or historical assessment stage, application be made by a suitably qualified archaeologist to the National Parks and Wildlife Service (NPWS) for an excavation permit for Aboriginal relics.
- (c) The applicant shall comply with the conditions and requirements of any excavation permit required, and are to ensure that allowance for compliance with these conditions and requirements into the development program.
- (d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
- (e) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then 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.
- (f) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance of the area is to stop immediately and the (NPWS) is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

Note:

In some circumstances, conditions imposed by the Heritage Office or NPWS could delay and/or affect how the DA is to proceed.

- (23) The applicant must submit a copy of the archaeological report prepared for the Heritage Council, which outlines the results of the archaeological investigation and/or excavation to the Director of City Development prior to the release of the Occupation certificate.

Schedule 1B

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

PUBLIC DOMAIN PLAN

- (24) The following requirements apply:-

- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect for the approval of Council (to be lodged with the Ultimo Pyrmont 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 Ultimo Pymont Public Domain Technical Manual and the Street Tree Policy - Ultimo Pymont 1996.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Ultimo Pymont Public Domain Technical Manual adapted to suit the specific site requirements as advised by the Ultimo Pymont Public Domain Officer and may include:-
 - (i) Adjustment to paving grades to provide a maximum cross-fall of 2.5% from building line to top of kerb.
 - (ii) Repaving in accordance with Ultimo Pymont Public Domain Technical Manual. 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 Street Tree Policy - Ultimo Pymont 1996.
 - (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.

SYDNEY WATER CERTIFICATE

(25)

- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. You should make immediate application for a Certificate and obtain a Notice of Requirements from Sydney Water.
- (b) Written confirmation that you have obtained a Notice of Requirements must be submitted to the Certifying Authority (Council or a private accredited certifier) prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

Note:

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. Contact Sydney Water, Central Region, Rockdale (Urban Development Section).

STORMWATER AND DRAINAGE

(26) 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

(27) 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.

BUILDING CODE OF AUSTRALIA

- (28) The development shall comply with the provisions of the Building Code of Australia. In particular:-
- (a) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
 - (b) Sanitary and other facilities must be provided in accordance with the Building Code of Australia, Part F2.
 - (c) The building is to comply with Part D of the building Code of Australia.
 - (d) Without passing through another sole occupancy unit every occupant of a storey or part of a storey must have access to at least two exits in accordance with D1.2(g) of the Building Code of Australia.
 - (e) Signage complying with Clause D2.23 of the Building Code of Australia shall be provided to all required fire doors providing direct access to fire stairs.
 - (f) All doors serving as required exits or forming part of a required exit shall be provided in accordance with D2.19, D2.20 and D2.21 of the Building Code of Australia. Where it is proposed to fit a lock-set, failsafe device or any security equipment to a door, a Compliance Certificate (form 10 of the Environmental Planning and Assessment Regulation 1994) shall be obtained to the satisfaction of the Principal Certifying Authority (Council or a private accredited certifier) prior to installation.
 - (g) Any door, shutter, grille or the like which is installed in a path of travel to a required exit shall be provided in accordance with D2.21 of the Building Code of Australia. Where it is proposed to fit a lock-set, failsafe device or any security equipment to a door, a Compliance Certificate (form 10 of the Environmental Planning and Assessment Regulation 1994) shall be obtained to the satisfaction of the Principal Certifying Authority (Council or a private accredited certifier) prior to installation.
 - (h) Services passing through a floor shall either be in shafts complying with specification C1.1 or protected in accordance with C3.14 of the Building Code of Australia.

- (i) The enclosing walls of the fire isolated stairway/s shall not be penetrated by any services other than as permitted by C3.9 of the Building Code of Australia.
- (j) Exit signs with directional arrows where necessary, shall be provided in accordance with E4.5, E4.6 and E4.8 of the Building Code of Australia.
- (k) The emergency lighting system shall comply with clauses E4.2 and E4.4 of the Building Code of Australia.
- (l) The exit door leading onto Paternoster Row shall be relocated so as to not open over the boundary.
- (m) The efficient coverage and operation of the fire hose and access to the fire hydrant service shall not be impaired by the partitioning layout.
- (n) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.

Should the development not comply with the deemed to satisfy provisions of the Building Code of Australia details of alternative solutions are to be provided with the application for the Construction certificate.

Details of design changes required to be made to satisfy the requirements of the Building Code of Australia shall be submitted and approved by the Director City Development prior to the issue of a Construction Certificate.

- (29) For alterations and additions to an existing building, a letter from a qualified practising structural engineer (NPER) or a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Act Regulation 1994) shall be submitted to the attached Construction Certificate Application. The letter must state that the existing structure is adequate to support the new loads and that the design will comply with the relevant Australian Standards adopted by the Building Code of Australia (Specification A1.3).
- (30) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".
- (31) 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.

ACCESS

- (32) 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.

WASTE

(33)

- (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with the Code for Waste Handling in Buildings adopted by Council 17 October 1994. The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of Code).

The project may require a garbage room, which must be large enough to store, and allow easy removal of the waste, which will be generated by the proposed use. Allowance must be made for the separation of putrescible waste from waste suitable for recycling.

- (b) The Waste Management Plan for the project must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The Waste Management Plan must be submitted by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.

Note:

- (c) Special requirements exist in Council's Code for premises such as medical and dental surgeries, food premises, skin penetration premises, laboratories and the like.
- (d) The Code recognises the constraints imposed by existing buildings and design issues. In circumstances where full compliance is not possible, an "Alternative Solution" must be submitted to the Certifying Authority.

Schedule 1C

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

UTILITY SERVICES

- (34) 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.

WASTE MANAGEMENT

- (35)
- (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

- (36) 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.

BARRICADE PERMIT

- (37) 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.

APPLICATION FOR SHORING AND ROAD OPENING

- (38) 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:

- (v) 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

(39) 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

(40) 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.

CERTIFICATION OF MECHANICAL VENTILATION

- (41) 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 DOCUMENTATION

(42) 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; and
 - (iv) The relevant Australian Standards listed in the BCA (Specifications A1.3);
 - (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.

GEOTECHNICAL REPORT

- (43) 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;
 - (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

HOURS OF WORK AND NOISE

- (44) The hours of construction and work on the development shall be:
 - (a) All work, including building/demolition and excavation work in connection with the proposed development must only be carried out between the hours of 7.30 a.m. and 5.00 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 3.00 p.m. on Saturdays, with safety inspections being permitted at 7.00 a.m. on work days and no work must be carried out on Sundays or public holidays.

- (b) All work, including demolition, excavation and building work must comply with "The City of Sydney Building Sites Noise Code" and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".
- (45) 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 Building Sites Noise Code". A separate application for approval to use any of these appliances must be made to Council.

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

- (46) 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;

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.

CONSTRUCTION DURING THE OLYMPICS

- (47) 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.

CONSTRUCTION TRAFFIC

- (48) All construction traffic shall use the Ultimo-Pyrmont Construction Traffic Route.
- (49) 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:

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

LOADING AND UNLOADING DURING CONSTRUCTION

- (50) 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.
- (51) 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.

USE OF MOBILE CRANES

- (52) 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.

WATER POLLUTION

- (53) To comply with the Clean Waters Act 1970 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.

CONTROL OF VERMIN

- (54) 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.

PROTECTION OF STREET TREES

- (55) 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.

OBSTRUCTION OF PUBLIC WAY

- (56) 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.

DIAL BEFORE YOU DIG

- (57) 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 e-mail mocsinfo@mocs.com.au to ascertain the presence and type of underground utility services in the vicinity of the development.

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

OCCUPATION CERTIFICATE

- (58) 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.

STRUCTURAL CERTIFICATION

- (59) 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; and
 - (b) The drawing revisions listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.
 - (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.

MECHANICAL VENTILATION

- (60) 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.

FIRE SAFETY

- (61) 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.

STREET NUMBERING

- (62) Prior to issue of an Occupation Certificate street, numbers and the building name if relevant, 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.

LOT CONSOLIDATION

- (63) All land titles within the site must be consolidated into one lot. A plan of consolidation in a form capable of registration shall be lodged with the Land Titles Office prior to issue of a Occupation Certificate under the Environmental Planning and Assessment Act 1979.

TEMPORARY STRUCTURES WITHIN THE PUBLIC WAY

- (64) 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.

ITEM 5. DEVELOPMENT APPLICATION: 376-390 JONES STREET, ULTIMO (D99/00610)

Resolved on the motion of Mr Johnson, seconded by Mr Reid -

That arising from consideration of a report by the Area Planning Manager to the Central Sydney Planning Committee on 16 December 1999, in relation to Development Application D99/00610 made by Aye Ling Koh for the site at 376 Jones Street, Ultimo for conversion of the existing building to accommodate six residential apartments, it be resolved that:-

- (A) the Central Sydney Planning Committee supports the SEPP 1 objections to the non-compliance with the maximum 1.5:1 FSR and 9m height limit standards, as compliance, in the circumstances of the case, is considered unreasonable and unnecessary; and
- (B) consent be granted subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D99/00610 dated 19 August 1999 and Statement of Environmental Effects prepared by Alex Popov Architects, dated April 1999, and drawings detailed below prepared by Alex Popov Architects and dated November 1999:-

Drawing No

0147-DA03 Issue B	-	Car Park
0147-DA04 Issue B	-	Ground Floor
0147-DA05 Issue B	-	First Floor
0147-DA06 Issue B	-	Second Floor

0147-DA07 Issue B	-	Cross Sections A-A and B-B
0147-DA08 Issue B	-	Longitudinal Section C-C
0147-DA09 Issue B	-	Longitudinal Section D-D
0147-DA10 Issue B	-	Elevation Jones Street
0147-DA11 Issue B	-	Elevations Quarry Street and Quarry Lane
0147-DA12 Issue B	-	East Elevation

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 external finishes and colours, including glazing, to be used in the construction of the development must be in accordance with the materials schedule and sample board, and specifications prepared by Alex Popov Architects dated April 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.

DESIGN MODIFICATIONS

- (4) The parapet height of the street wall is to remain at a height of RL 28.6 to ensure that the upper level of the building is primarily viewed as a roof form rather than an additional floor level.

Details shall be submitted and approved by the Director City Development prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

GLAZING

- (5) All external glazing in the development must be clear and untinted.
- (6) The visible light reflectivity from building materials used on the facade of the building should not exceed 20% and must be otherwise designed so as not to result in glare that causes discomfort or threatens safety of pedestrians or drivers.

CAR PARK ENTRY

- (7) Car park roller doors shall be designed and constructed for quiet operation.

FLOOR SPACE RATIO

- (8) The following applies to Floor Space Ratio:-
- (a) The Floor Space Ratio for the use must not exceed 2:1 calculated in accordance with Sydney Regional Environmental Plan No. 26 - City West. For the purposes of the calculation of Floor Space Ratio, the Gross Floor Area of the development is 796 sqm.
 - (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979 of the development, a Registered Surveyor shall provide certification of the total and component Gross Floor Area (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

BUILDING HEIGHT

- (9) The following applies to building height:
- (a) The height of the top of the roof of the building including any structures erected or placed thereon must not exceed RL 30.55 (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).

SECTION 94 CONTRIBUTION

- (10) A contribution under section 94 of the Act shall be paid in accordance with the following:
- (a) Cash Contribution Required
 - (i) In accordance with the adopted "Ultimo Pymont Contributions Plan 1994" a cash contribution shall be paid to Council in accordance with this condition.
 - (b) Amount of Contribution
 - (i) The amount of the contribution shall be \$ 30,087.78.
 - (ii) Note: The contribution will be indexed annually, see paragraph (e) below.

(c) Purposes for which Contribution Required

- (i) The contribution is required, and shall be held and applied in accordance with the Act and the "Ultimo Pymont Contributions Plan 1994", for the purposes, and in the proportions, set out as follows:-
- (ii) Open Space - 64%
- (iii) Community Facilities - 9.5%
- (iv) Roads and Associated Infrastructure - 26.2%
- (v) Administration - 0.3%

(d) Timing of Payment

- (i) The contribution shall be paid prior to the issue of a Construction Certificate under Environmental Planning and Assessment Act 1979. Payment shall be made payable to the City of Sydney by bank cheque. (Personal or company cheques will not be accepted).

(e) Indexing

- (i) The contribution rate in "Ultimo Pymont Section 94 Contributions Plan 1994" will be adjusted in accordance with clause 19 of the Plan being not less than annually.
- (ii) If the contribution rate is adjusted between the date on which this consent is granted and payment of the contribution, then the figure in paragraph (b) to this condition will be indexed and calculated according to the then current contribution rate.

AFFORDABLE HOUSING CONTRIBUTION

(11) The Affordable Housing Contribution is as follows :

- (a) In accordance with clause 59 of Sydney Regional Environmental Plan No. 26 - City West and the Affordable Housing Program, and before issue of a Construction Certificate under Environmental Planning and Assessment Act 1979, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the Department of Urban Affairs and Planning (City West Office, Level 2, 137 Pymont Street, Pymont), or a bank guarantee in favour of the Department of Urban Affairs and Planning to the value of the required contribution has been lodged. The contribution shall be \$17,070.08.

- (b) Before the issue of a Occupation Certificate under Environmental Planning and Assessment Act 1979, the applicant must provide evidence to Council that the bank guarantee referred to in (a) above has been redeemed as payment of this contribution. If the contribution is paid after 30 June of the year in which this consent is granted, the amount of the contribution must be indexed in accordance with paragraph 3.4 of the adopted Affordable Housing Program.

RESIDENTIAL DEVELOPMENT

(12) The following restrictions apply to the development:

- (a) The development must be for "residential development" as defined in Sydney Regional Environmental Plan No. 26 - City West, and must be for permanent accommodation and must not be used for the purposes of a hotel, apartment hotel, motel, serviced apartments, tourist accommodation or the like.
- (b) All units 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 for residential development are either owner occupied or are subject to residential leases under the Residential Tenancy Act 1987.

CAR PARKING

(13) The following conditions apply to car parking:-

- (a) The on-site car parking spaces, exclusive of ANY 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.
- (14) The following applies in respect of resident parking permits:-
- (a) Residents of the development shall only be entitled to one resident parking permit.
 - (b) The number of resident parking permits allowed per address is the number of vehicles registered at that address, less the number of available off-street parking spaces. In any event, the number of permits to be issued is to be a maximum of 1 permit per residential address.
 - (c) If there is a car space attached to the dwelling, the resident is required to provide proof that another member of the household is occupying it, prior to the issue of a resident parking permit.
- (15) The individual sets of stacked car parking spaces shall be allocated to the same apartment.

STRATA SUBDIVISION

- (16) Any proposal to strata subdivide the site and building will require separate applications to Council to obtain Development Consent to the proposal and subsequent approval and endorsement of the final Strata Plan in accordance with the provisions of Section 37 of the Strata Schemes (Freehold Development) Act 1973 as amended.

PUBLIC DOMAIN PLAN

- (17) The following requirements apply:-
- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect for the approval of Council (to be lodged with the Ultimo Pyrmont 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 Ultimo Pymont Public Domain Technical Manual and the Street Tree Policy - Ultimo Pymont 1996.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Ultimo Pymont Public Domain Technical Manual adapted to suit the specific site requirements as advised by the Ultimo Pymont Public Domain Officer and may include:-
- (i) Adjustment to paving grades to provide a maximum cross-fall of 2.5% from building line to top of kerb.
 - (ii) Repaving in accordance with Ultimo Pymont Public Domain Technical Manual. 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 Street Tree Policy - Ultimo Pymont 1996.
 - (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.

SIGNS

- (18) 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.

ELECTRICITY SUBSTATION

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

MODEL

- (20) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale models of the approved development must be submitted to Council.

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.

NOISE IMPACT ASSESSMENT REPORT

- (21) The following shall be submitted:
 - (a) A noise impact assessment report, prepared by a qualified acoustic consultant 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.

- (b) The report shall address the noise impacts from traffic.. The report shall indicate measures to preserve residential amenity such that the L₁₀ (20 minute) noise level in the unit with windows and external facade doors closed shall be less than 40dB(A). The assessment shall be between the hours of 6.00 p.m. to 8.00 p.m.

The building shall be designed and constructed in accordance with the above criteria.

SYDNEY WATER CERTIFICATE

- (22) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. You should make immediate application for a Certificate and obtain a Notice of Requirements from Sydney Water.

Written confirmation that you have obtained a Notice of Requirements must be submitted to the Certifying Authority (Council or a private accredited certifier) prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

Note:

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. Contact Sydney Water, Central Region, Rockdale (Urban Development Section).

STREET NAME PLATE/NUMBERING

- (23) 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.
- (24) Prior to the issue of an occupation certificate Council's standard street name plate shall be affixed to all street frontages of the building, visible to both pedestrian and vehicular traffic. The signs shall be obtained and installed at no cost to Council. (Contact the Team Leader - Urban Domain, Service Planning Policy).

ARCHAEOLOGICAL INVESTIGATION

(25)

- (a) The applicant must apply to the Heritage Office for an excavation permit under Section 140 of the Heritage Act 1977.

- (b) Should any potential archaeological deposit likely to contain Aboriginal artefacts be identified during the planning or historical assessment stage, application be made by a suitably qualified archaeologist to the National Parks and Wildlife Service (NPWS) for an excavation permit for Aboriginal relics.
- (c) The applicant shall comply with the conditions and requirements of any excavation permit required, and are to ensure that allowance for compliance with these conditions and requirements into the development program.
- (d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
- (e) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then 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.
- (f) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance of the area is to stop immediately and the (NPWS) is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

Note:

In some circumstances, conditions imposed by the Heritage Office or NPWS could delay and/or affect how the DA is to proceed.

- (26) The applicant must submit a copy of the archaeological report prepared for the Heritage Council, which outlines the results of the archaeological investigation and/or excavation to the Director of City Development prior to the release of the Occupation certificate.

NOISE

- (27) 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.

Schedule 1B

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

STORMWATER AND DRAINAGE

- (28) 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

(29) 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.

WASTE

(30)

- (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with the Code for Waste Handling in Buildings adopted by Council 17 October 1994. The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of Code).
 - (i) The project may require a garbage room, which must be large enough to store, and allow easy removal of the waste, which will be generated by the proposed use. Allowance must be made for the separation of putrescible waste from waste suitable for recycling.
- (b) The Waste Management Plan for the project must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The Waste Management Plan must be submitted by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.

Note:

- (c) Special requirements exist in Council's Code for premises such as medical and dental surgeries, food premises, skin penetration premises, laboratories and the like.

- (d) The Code recognises the constraints imposed by existing buildings and design issues. In circumstances where full compliance is not possible, an “Alternative Solution” must be submitted to the Certifying Authority.

VEHICLE ACCESS/CAR PARKING

- (31) The basement car parking area shall be designed so that:-
 - (a) The layout of the basement car parking area complies with AS 2809.1-1993 and AS 2890.2-1989.
 - (b) The driveway gradient and transitions shall be such that it accommodates the Ground Clearance Template contained in Appendix D of AS 2890.1-1993.
 - (c) Headroom for the disabled car parking space is not less than 2.5m extending from the entrance to the space to a distance of not less than 2.16m from the front of the space.
 - (d) The driveway shall be a minimum of 3m wide.

FIRE DOOR

- (32) The fire egress door opening onto Quarry Lane is to be set back or redesigned to eliminate its encroachment upon the public road in compliance with the provisions of Divisions 5 Section 21 of the Roads Act (General) Regulation 1994. Details shall be submitted and be approved by the Director City Development prior to the of a Construction Certificate

BUILDING CODE OF AUSTRALIA

- (33) The development shall comply with the provisions of the Building Code of Australia. In particular:-
 - (a) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
 - (b) Sanitary and other facilities must be provided in accordance with the Building Code of Australia, Part F2.
 - (c) Two means of egress from the basement shall be provided in accordance with D1.2 of the Building Code of Australia.
 - (d) Openings to the northern facade shall be protected in accordance with C3.2 and C3.4 of the Building Code of Australia.
 - (e) The atrium shall be constructed in accordance with G3 of the Building Code of Australia.
 - (f) Smoke hazard management shall be installed in accordance with E2 of the Building Code of Australia.

- (g) All doors serving as required exits or forming part of a required exit shall be provided in accordance with D2.19, D2.20 and D2.21 of the Building Code of Australia. Where it is proposed to fit a lock set, failsafe device or any security equipment to a door, a Compliance Certificate (form 10 of the Environmental Planning and Assessment Regulation 1994) shall be obtained to the satisfaction of the Principal Certifying Authority (Council or a private accredited certifier) prior to installation.
- (h) Any door, shutter, grille or the like which is installed in a path of travel to a required exit shall be provided in accordance with D2.21 of the Building Code of Australia. Where it is proposed to fit a lock set, failsafe device or any security equipment to a door, a Compliance Certificate (form 10 of the Environmental Planning and Assessment Regulation 1994) shall be obtained to the satisfaction of the Principal Certifying Authority (Council or a private accredited certifier) prior to installation.
- (i) Exit signs with directional arrows where necessary, shall be provided in accordance with E4.5, E4.6 and E4.8 of the Building Code of Australia.
- (j) The emergency lighting system shall comply with clauses E4.2 and E4.4 of the Building Code of Australia.
- (k) Signage complying with Clause D2.23 of the Building Code of Australia shall be provided to all required fire doors providing direct access to fire stairs.
- (l) Services passing through a floor shall either be in shafts complying with specification C1.1 or protected in accordance with C3.14 of the Building Code of Australia.
- (m) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.

Details of design changes required to be made to satisfy the requirements of the Building Code of Australia shall be submitted and approved by the Director City Development prior to the issue of a Construction Certificate.

- (34) Any proposed electronic locks shall comply with the following:
 - (a) The electronic locking device shall be power energised to the locking mode and shall be deactivated to release upon direct or response power termination to the device to enable the door to be opened by single handed action in the direction of egress;
 - (b) The smoke detectors shall be provided on both sides of the security door, 1500mm from the centre of the door in the position described in Clause 5.7.5 of AS 1905.1 (1990);

- (c) The locking device shall consist of an approved electronic door interlock system such that in the event of fire being detected by the building's sprinkler system and smoke/thermal alarm system (including smoke detectors required in the mechanical ventilation system by AS 1668 (1991)), the locking system will be deactivated to release by the termination of power to enable the door to be opened by single-handed action in the direction of egress;
- (d) An emergency switch/button, not contained in a protective enclosure, shall be provided in a conspicuous position in the lift lobby area adjacent to the subject door.

The switch/button shall be available to deactivate the locking system by power termination in an emergency. A sign shall be provided to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier) adjacent to the switch/button indicating its purpose;

- (e) Suitable directional exit signs shall be provided to the satisfaction of the PCA (Council or a private accredited certifier);
- (f) Upon completion of work and prior to the operation of the security locking device and to the occupation of the subject tenancy, a Compliance Certificate (form 10 of the Environmental Planning and Assessment Regulation 1994) shall be furnished to the Principal Certifying Authority (PCA) (Council or a private accredited certifier). A copy of the Certificate shall be submitted to Council if it was not the PCA.

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

Schedule 1C

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

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (36) 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.

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.

- (37) 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.

APPLICATION FOR SHORING AND ROAD OPENING

- (38) 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:

- (v) 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

- (39) 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.

CERTIFICATION OF MECHANICAL VENTILATION

- (40) 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.

GEOTECHNICAL REPORT

- (41) 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;
 - (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.

STRUCTURAL DOCUMENTATION

- (42) 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; and
 - (iv) The relevant Australian Standards listed in the BCA (Specifications A1.3);
 - (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.

WASTE MANAGEMENT

(43)

- (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 contacts.
- (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.

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

- (44) 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.

UTILITY SERVICES

- (45) 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.

Schedule 1D

Conditions to be complied with during construction

HOURS OF WORK AND NOISE

- (46) The hours of construction and work on the development shall be:
- (a) All work, including building/demolition and excavation work in connection with the proposed development must only be carried out between the hours of 7.30 a.m. and 5.00 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 3.00 p.m. on Saturdays, with safety inspections being permitted at 7.00 a.m. on work days and no work must be carried out on Sundays or public holidays.
 - (b) All work, including demolition, excavation and building work must comply with "The City of Sydney Building Sites Noise Code" and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".
- (47) 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

- (48) 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.

SITE NOTICE OF PROJECT DETAILS AND APPROVALS

- (49) 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.

CONSTRUCTION TRAFFIC

- (50) All construction traffic shall use the Ultimo-Pyrmont Construction Traffic Route.
- (51) 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:

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

LOADING AND UNLOADING DURING CONSTRUCTION

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

- (c) 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.

PROTECTION OF STREET TREES

- (53) 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.

DIAL BEFORE YOU DIG

- (54) 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.

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.

USE OF MOBILE CRANES

- (56) 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.

OBSTRUCTION OF PUBLIC WAY

- (57) 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.

WATER POLLUTION

- (58) 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.

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****OCCUPATION CERTIFICATE**

- (59) 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.

TEMPORARY STRUCTURES WITHIN THE PUBLIC WAY

- (60) 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.

STRUCTURAL CERTIFICATION

- (61) 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; and
 - (b) The drawing revisions listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.
 - (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.

MECHANICAL VENTILATION

- (62) 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.

FIRE SAFETY

- (63) 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.

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (64) 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.

WATER COOLING SYSTEMS

- (65) 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.

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.

ITEM 6. DEVELOPMENT APPLICATION: 827 - 837 GEORGE STREET, SYDNEY, ULTIMO PEDESTRIAN NETWORK (D/1999/00928)

Declaration of Interest

The Lord Mayor declared an interest in that he is a Board member of the Sydney Harbour Foreshore Authority.

Declaration of Interest

Ms Holliday declared an interest in that she is a Board member of the Sydney Harbour Foreshore Authority.

Declaration of Interest

Mr Johnson declared an interest in that the Department of Public Works and Services is involved in project management in respect of the subject site.

Ms Tina Spiegel addressed the meeting of the Central Planning Committee on this matter.

Resolved on the motion of Councillor Turnbull, seconded by Councillor Ho -

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 16 December 1999, in relation to Development Application 99/00928 made by the Sydney Harbour Foreshore Authority for the site at the Rail Corridor between Ultimo Road and 827 George Street, Sydney and the extension of the Devonshire Street Tunnel to provide a pedestrian access and open space network from the Devonshire Street Tunnel, through to Ultimo Road and the campuses of the University of Technology, Sydney and the Sydney Institute of Technology, it be resolved that:

- (A) having regard to the development exceeding the 7m height limit pursuant to SREP 26 - City West, the Central Sydney Planning Committee supports the objection made under SEPP No.1 - Development Standards as the degree of non-compliance is acceptable and compliance with the height standard is considered unreasonable and unnecessary in this instance; and
- (B) consent be granted subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No.99/00928 dated 16 November 1999 and Statement of Environmental Effects to Accompany a Development Application for Stage 1 of the Ultimo Pedestrian Network prepared by BBC Consulting Planners, dated November 1999 and drawings numbered:

2052	DA001	Landscape Site Plan
2052	DA401	Aerial Perspective
2052	DA002	Landscape Detail Plans
2052	DA101	Architectural Plan at UTS Level 2 & Devonshire Street Tunnel
2052	DA201	Architectural Elevations/Sections
2052	DA310	Landscape Sections

prepared by Denton Corker Marshall Group undated and as amended by the following conditions:

REPORT TO BE COMPLIED WITH

- (2) The area at the southern end of the site that is contended to be within the Wembley House site as shown hatched on plan number DA101 (project number 2052) dated November 1999 is excluded from this consent unless the Director City Development is satisfied that the owner's consent to all land has been granted.
- (3) The development shall be in accordance with the recommendations of Statement of Heritage Impact prepared by Otto Cserhalmi and Partners dated November 1999 and Archaeological Assessment Ultimo Rail Corridor prepared by Wayne Johnson.

DEVONSHIRE STREET TUNNEL

- (4) The Devonshire Street Tunnel is to remain open 24 hours a day, seven (7) days a week for safety and security purposes.

HERITAGE REQUIREMENTS

- (5) The proposed works are to be carried out in a manner that minimises any demolition, alteration, new penetrations/fixing or irreversible damage to the significant fabric of the existing building which is listed as a Heritage Item in Central Sydney Heritage LEP 1992. Particular care shall be taken to minimise damage to the significant fabric of the building during the carrying out of the internal fitout and any electrical or plumbing works.

- (6) The applicant is to commission an experienced conservation architect to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (7) All fitments/fixtures attached to significant fabric must involve the least possible damage and interference with significant fabric. This work should be undertaken in consultation with heritage architect noted above.
- (8) That further design details (materials, design and appearance) be provided regarding the shop fronts in the basement. Details to the satisfaction of the Director City Development prior to works commencing.
- (9) That the proposed plaster board ceiling in the basement of the Marcus Clarke building that extends the Devonshire Street subway be deleted from the application in order to reveal the original volume of the basement space. Further design details are to be provided to the satisfaction of the Director City Development prior to works commencing.
- (10) The insertion of services into the basement should be carried out in such a manner to minimise intervention into significant fabric. Where possible the original sprinklers should be retained in situ. Required services (lighting) in the central walkway of the basement should be designed to complement the original column layout (including its surviving decorative detail). Required services for the shops where possible be accommodated within the ceiling space of the retail units. A services plan and a heritage impact statement relating to the insertion of services is to be provide to the satisfaction of the Director City Development prior to works commencing.
- (11) An interpretation strategy should be prepared and implemented to assist the public to understand the history and significance of the Darling Harbour railway line and related structures to the satisfaction of the Director City Development. This strategy should include recommendations regarding appropriate signage and exhibition of selected artefacts and/or other material to assist the public to understand the history and significance of the line.

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (12) Prior to the removal of any significant building fabric or furnishings from the site, and prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the applicant is required to submit the following to Council, for deposit in the City of Sydney Archives:-

- (a) 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 & 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.
- (b) Documentation shall be submitted to Council for lodging with the City of Sydney Archives, prior to the commencement of the removal of any building fabric or any demolition at the site.

ARCHAEOLOGICAL INVESTIGATION

(13)

- (a) The applicant must apply to the Heritage Office for an excavation permit under Section 140 of the Heritage Act 1977.
- (b) Should any potential archaeological deposit likely to contain Aboriginal artefacts be identified during the planning or historical assessment stage, application be made by a suitably qualified archaeologist to the National Parks and Wildlife Service (NPWS) for an excavation permit for Aboriginal relics.

- (c) The applicant shall comply with the conditions and requirements of any excavation permit required, and are to ensure that allowance for compliance with these conditions and requirements into the development program.
- (d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
- (e) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then 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.
- (f) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance of the area is to stop immediately and the (NPWS) is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

Note:

In some circumstances, conditions imposed by the Heritage Office or NPWS could delay and/or affect how the DA is to proceed.

REMOVAL OF GRAFFITI

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

EXTERNAL LIGHTING

- (15) Details of the type, number and location of the proposed lighting shall be submitted and approved by Council prior to the installation of any lighting.

CARE OF BUILDING SURROUNDS

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

SIGNS

- (17) Details of the signage strategy as proposed is to be submitted and shall be to the satisfaction of the Director City Development prior to works commencing.
- (18) Portable signs or goods for sale or display must not be placed on the footway or other public areas.

SHOP FIT OUTS

- (19) A separate development application must be submitted at the appropriate time for the shop fit outs and their signage.

SCREEN

- (20) The elevated screen (identified as No.1 upon the submitted plans) located adjacent to Wembley House is to be deleted. The Sydney Harbour Foreshore Authority should have further discussions with the owners of Wembley House regarding the screening of Wembley House; issues relating to the façade of the building and the interface between the building and the Ultimo Pedestrian Network; and existing easements with the neighbouring property.

BCA REQUIREMENTS

- (21) Openings within 6 metres of the metal walkway located at the area of Wembley House and providing a means of egress from the building must be protected to comply with D1.7(c) of the Building Code of Australia.
- (22) Services and equipment must be installed in the basement level of the Sydney Institute of Technology Building to comply with Parts C & E of the Building Code of Australia for the proposed uses on that level.
- (23) Construction separating the Sydney Institute of Technology building and the Devonshire street Tunnel must have a minimum 180 minute fire resistance level to restrict the spread of fire between buildings.
- (24) An annual Fire Safety Statement (form 15A under the Environmental Planning and Assessment Amendment Regulation 1998) must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which Council receives the initial Fire Safety Certificate.

Schedule 1B**Conditions to be complied with prior to commencement of work****DESIGN MODIFICATIONS**

- (25) The design of the proposed link shall be modified as follows:
- (a) Detailed design documentation including detailed plans/elevations, material samples and methodology is to be provided for the following:
 - (i) Ground surface in the area where the escalators and steps are located;
 - (ii) The ramp linkage to the new extension of the Devonshire Street Tunnel;

- (iii) Indication and submission of the finishes and materials for the stairs, bridge, screens, fence and floor surface;
 - (iv) Provide a planting species list of all low ground covers container sizes and approximate spacings;
 - (v) Details of the irrigation of the planting areas;
 - (vi) Provide a suitable disabled access treatment across the rail tracks from Thomas Street and the new ramp;
 - (vii) Provide details of the proposed light pole types;
 - (viii) Indicate proposed location of CCTV cameras ensuring that locations and conditions satisfy relevant performance requirements outlined in City Projects Public Lighting Requirements document, the following locations are considered appropriate;
 - a. Location 1 - Building mounted at exit point of pedestrian tunnel adjacent to Bijou Lane. View coverage into the pedestrian tunnel, east along Bijou Lane, vicinity of Rail Tunnel entrance, entry to escalator and steps for entry to UTS;
 - b. Location 2 - A pole to be mounted on the western side of UPN (130 metres from location 1, 3 metres from western side of UPN and ABC), in alignment with the southern kerb of Thomas Street; and
 - c. Location 3 - within Devonshire St tunnel at bottom of escalators leading to Railway Square, on eastern side of George St. Camera to be on north side of tunnel in vicinity of apex in tunnel (will replace current 7 cameras)
- or as directed by the Manager, Safe City.
- (ix) Stormwater gully grates are to be of a design that is safe for bicycle traffic;
 - (x) Specifications and detailed construction plans for sub surface infrastructure to be submitted to the Senior Project Officer, City Asset Maintenance;
 - (xi) Works as executed plans to be submitted to assist in mapping of drainage systems and other sub-surface infrastructure;
 - (xii) Due to the shared use of the corridor with tourist steam trains, design of external elements, especially bridges, stairs, railings, fences, glass, furniture should address cleaning requirements imposed by ash and materials carried by smoke emitted by the steam trains on a regular basis;

- (xiii) An Access Plan should be prepared and submitted for the approval of City of Sydney. The plan should address shared-use issues and disabled access, in addition to the broader issues of pedestrian access;
- (xiv) A Management Plan is to be submitted which addresses function and management of the shared use corridor, including issues of safety, impact on pedestrian use, impact of train movements on other pedestrian and community uses;
- (xv) A safety management plan (in addition to a security plan) for all proposed train usage should be prepared by a suitably qualified person and provided to Council by the operator/owner of the train prior to its operation. Details of additional safety systems - barriers, warning lights and sirens, safety personal, emergency procedures, evacuation plans, etc - are required to be submitted to City of Sydney. The plan should address the variety of rolling stock (steam loco, diesel loco, flat bed cars and carriages);
- (xvi) A signage and way finding scheme needs to be provided. Such systems should conform to the overall design requirements provide a means to interpret the history and heritage of the precinct, provide a viable means of way finding and assist in the provision of a safe and useable public space;
- (xvii) Emergency exits need to be clearly and effectively marked. A higher than standard provision is required due to the high pedestrian use, the confined environment, difficult sight lines and the shared use with the Powerhouse train;
- (xviii) Firefighting systems are required to be installed and construction materials used are to be fire retardant to meet Australian Standards. Access to water hydrants and other facilities is to be functional and clearly marked;

The above amendments and information shall be submitted for the approval of Council prior to the commencement of work.

PUBLIC ART

- (26) 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

- (27) 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;
 - (f) Special attention must be paid to the treatment of landscaping above a slab.
- (28) Details are to be submitted of tree species which will compliment the area and are to be planted in accordance with Council's Street Tree details located in the interim Public Domain Technical Manual, to the satisfaction of the Director City Development.
- (29) The developer is to provide a maintenance manual and is to carry out maintenance work for all landscape works for a period of 12 months after practical completion.

PUBLIC DOMAIN PLAN

- (30) The following requirements apply:-
- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect for the approval of Council (to be lodged with the Ultimo Pyrmont 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 Ultimo Pymont Public Domain Technical Manual and the Street Tree Policy - Ultimo Pymont 1996.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Ultimo Pymont Public Domain Technical Manual adapted to suit the specific site requirements as advised by the Ultimo Pymont 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 Ultimo Pymont Public Domain Technical Manual. 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 Street Tree Policy - Ultimo Pymont 1996.
 - (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.

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.

PUBLIC TELEPHONES

- (31) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the certifying authority must approve:
 - (a) Details that two public telephones will be provided in the development free of cost, (similar to the Telstra Blue Phone), in consultation with the applicant's preferred provider.
 - (i) The telephones should be located at footpath level and two square metres should be allowed for each telephone.
 - (ii) At least one telephone should be accessible for use by persons with a disability, to be designed and installed in accordance with the requirements of AS 1428.2.
 - (b) The telephones must be available for public use during the normal opening hours of the building.

SECURITY MANAGEMENT PLAN

- (32) 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.

DISABLED ACCESS

- (33) 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.

GLAZING

- (34) All external glazing in the development must be clear and untinted.

PAVING MATERIALS

- (35) 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.

CERTIFICATION OF ADJOINING STRUCTURE

- (36) For alterations and additions to an existing building, a letter from a qualified practising structural engineer (NPER) or a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Act Regulation 1994) shall be submitted to the satisfaction of Council. The letter must state that the existing structure is adequate to support the new loads and that the design will comply with the relevant Australian Standards adopted by the Building Code of Australia (Specification A1.3).

Schedule 1C**Conditions to be complied with prior to commencement of construction or demolition or work****CERTIFICATION**

- (37) Structural certification by a qualified engineer of at least 5 years experience for all sub-surface structures and retaining walls shall be provided prior to transfer to City of Sydney.
- (38) Detailed manuals for all systems, constructions, plant and equipment to be provided to City Asset Maintenance Section prior to transfer to City of Sydney.
- (39) 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; and
 - (iv) The relevant Australian Standards listed in the BCA (Specifications A1.3);
 - (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.

CERTIFICATION OF MECHANICAL VENTILATION

- (40) 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.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (41) 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.

GEOTECHNICAL REPORT

- (42) 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;
 - (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.

STORMWATER

- (43) The existing stormwater and drainage systems which are proposed to be transferred to City of Sydney or existing combined sewer, stormwater systems that are proposed to be retained as a stormwater system and transferred to City of Sydney should be inspected by CCTV and the tapes and accompanying consultant's reports provided to City of Sydney for mapping and database/records updating. A report is to be submitted to the satisfaction of the Director City Development.

Schedule 1D

Conditions to be complied with during construction

CONTROL OF VERMIN

- (44) 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.

HOURS OF WORK AND NOISE

- (45) The hours of construction and work on the development shall be:
- (a) All work, including building/demolition and excavation work in connection with the proposed development must only be carried out between the hours of 7.30 a.m. and 5.00 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 3.00 p.m. on Saturdays, with safety inspections being permitted at 7.00 a.m. on work days and no work must be carried out on Sundays or public holidays.
 - (b) All work, including demolition, excavation and building work must comply with "The City of Sydney Building Sites Noise Code" and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

SITE NOTICE OF PROJECT DETAILS AND APPROVALS

- (46) 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.

CONSTRUCTION DURING THE OLYMPICS

- (47) 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.

PUBLIC WAY NOT TO BE OBSTRUCTED

- (48) 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.

CONSTRUCTION VEHICLES TO BE COVERED

- (49) 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:

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

CONSTRUCTION TRAFFIC ROUTE

- (50) All construction traffic shall use the Ultimo-Pyrmont Construction Traffic Route.

LOADING AND UNLOADING DURING CONSTRUCTION

- (51) 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.

Schedule 1E

Conditions to be complied with prior to commencement of use

- (52) 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.
- (53) 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.

- (54) 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; and
 - (b) The drawing revisions listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.
 - (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.

Schedule 2

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

ITEM 7. DEVELOPMENT APPLICATION: (DEPARTMENT OF URBAN AFFAIRS AND PLANNING REFERRAL): 84-86 UNION STREET, PYRMONT (PART OF THE PYRMONT BAY GATEWAY SITE MASTER PLAN AREA) (O/99/00083)

Declaration of Interest

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

Resolved on the motion of Councillor Turnbull, seconded by Mr Reid -

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 16 December 1999, in relation to the Department of Urban Affairs and Planning Referral DA 203-10-99 made by Tsang and Lee Architects for the site at 84-86 Union Street, for the demolition of the existing structures and the erection of a commercial building comprising a car park for 11 vehicles at basement level, restaurant use at ground and first floor levels, health club at second and third floor levels and plant room at fourth floor level, it be resolved that:-

- (A) having regard to the development exceeding the 15 metre height limit pursuant to the Gateway Site - Pyrmont Bay Master Plan, the Central Sydney Planning Committee does support the Development Standard as the degree of non compliance is unacceptable and the height standard is considered to be reasonable and necessary in this instance. It is noted that the applicant has not submitted a SEPP 1 objection justifying this non compliance;

- (B) the proposal is unacceptable in its current form and the applicant should be requested to amend the proposal to comply with the 15 metre maximum height limit; and
- (C) the submission at Attachment C to the subject report be forwarded to the Department of Urban Affairs and Planning.

ITEM 8. STATUS REPORT ON: MSB STORES, 1 HIGH STREET, 125A KENT STREET AND 30-38 HICKSON ROAD, MILLERS POINT (D1999/00857)

Correspondence from MinterEllison dated 14 December 1999 was circulated to members during the meeting of the Central Sydney Planning Committee.

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

Ms Megan Jones - Tanner & Associates Pty Ltd
Mr Neil Ingham - Ingham Planning
Ms Janet Thompson - Peddle Thorp and Walker
Mr Andrew Andersons - Peddle Thorp and Walker
Mr David Logan
Mr David Baldock - Resident

Resolved on the motion of Councillor Turnbull, seconded by Ms Holliday -

That arising from consideration of a Status Report by the Area Planning Manager to the Central Sydney Planning Committee on 16 December 1999, in relation to the Status Report for the Development Application D1999/00857 made by Delmo No. 2 Pty Ltd for the site at 30-38 Hickson road, 1 High Street and 125A Kent Street for a stage 1 development application for demolition of buildings and construction of a two new residential/commercial buildings and the conservation and adaptive reuse of two existing buildings, it be resolved that:-

- (A) for the purpose of calculating the height of any development on this site, under the provisions of the Central Sydney Local Environmental Plan 1996, the Central Sydney Planning Committee determines Jenkins Street and High Street not to be streets and that the height of any development on this site should be measured from Hickson Road; consistent with the advice contained in the letter from the Director City Development dated 25 June 1999.

Notwithstanding the maximum height limit permissible on the site, according to this decision, the applicant shall have regard to the issues raised on page 271 of the subject report, in that the maximum height of each end of building 1 and all of building 2 should be significantly lower than 45m above Hickson Road;

- (B) the Central Sydney Planning Committee draws to the attention of the applicant the concerns expressed in the subject report and further notes that, subject to a full and comprehensive assessment being submitted, the Central Sydney Planning Committee has serious concerns about this development proposal and is unlikely to grant development approval in its current form;
- (C) the Director City Development prepare a report to the next meeting of Council in relation to the determination of the definition of height for any development on this site; and
- (D) the applicant be advised that an updated Conservation Management Plan must be prepared for the site prior to any determination of the current proposal, and must address the significance (or otherwise) of all existing structures on the site, including the cliff face and Jenkins Street.

ITEM 9. EXTERIOR LIGHTING STRATEGY FOR THE CITY OF SYDNEY (S009041)

Resolved on the motion of the Chairman (the Lord Mayor), seconded by Councillor Turnbull -

That arising from consideration of a report by the Co-ordinator Special Projects to the Central Sydney Planning Committee on 16 December 1999, on the draft City of Sydney Exterior Lighting Strategy, it be resolved that consideration of this matter be deferred to enable a briefing of Central Sydney Planning Committee members to be held.

ITEM 10. PRESENTATIONS BY APPLICANTS AND PRELIMINARY ADVICE (S002287)

10.1 Kindersley House Development Application - The Rice Daubney Group

A presentation by The Rice Daubney Group was made to the Central Sydney Planning Committee on this matter.

The presentation was noted and the following concerns raised -

- (a) appropriate access to light and air is to be obtained across the adjoining sites; and
- (b) the form of the building with particular reference to the size of the void.

It was further noted that a report is to be brought back to the Central Sydney Planning Committee.

10.2 The KENS Site Pre-Development Application - Brewster Murray Pty Limited

A submission from Brewster Murray Architects dated 16 December 1999 was circulated to members prior to the meeting of the Central Sydney Planning Committee.

A presentation made by Sunlord Holding Pty Ltd to the Central Sydney Planning Committee on this matter was noted.

A pre-DA submission is to be prepared no later than 14 days before the next meeting of the Central Sydney Planning Committee in order that the applicant can respond in writing.

ITEM 11. NEW DEVELOPMENT APPLICATION LODGEMENTS AND DELEGATED ITEMS (S002287)

No new development application lodgements and delegated items were received.

ITEM 12. PROGRESS REPORT ON DEVELOPMENT APPLICATIONS (A03-00138/1)

Resolved on the motion of Mr Johnson, seconded by Mr Bird -

That arising from consideration of a report by the Manager Development, to the Central Sydney Planning Committee on 16 December 1999, in regard to the monthly report on Development Applications, it be resolved that the report be received and noted.

ITEM 13. GENERAL BUSINESS

1. Central Sydney Planning Committee Meetings Schedule for 2000

Resolved on the motion of Councillor Turnbull, seconded by Mr Bird -

That arising from consideration of a report by the Committee Secretary to the Central Sydney Planning Committee on 16 December 1999, on Central Sydney Planning Committee Meetings Schedule for 2000, it be resolved that the Schedule of Meetings and Briefings for 2000, as listed below, be approved and submitted for confirmation at the next meeting of the Central Sydney Planning Committee.

**SCHEDULE OF MEETINGS AND BRIEFINGS FOR 2000
CENTRAL SYDNEY PLANNING COMMITTEE**

DATE	MEETING/BRIEFINGS
Thursday 10 February	Meeting
Thursday 17 February	Briefings
Thursday 2 March	Meeting
Thursday 9 March	Briefings
Thursday 30 March	Meeting
Thursday 6 April	Briefings
Thursday 4 May	Meeting
Thursday 11 May	Briefings
Thursday 25 May	Meeting
Thursday 1 June	Briefings
Thursday 15 June	Meeting
Thursday 22 June	Briefings
Thursday 6 July	Meeting
Thursday 13 July	Briefings
Thursday 27 July	Meeting
Thursday 3 August	Briefings
Thursday 17 August	Meeting
Thursday 24 August	Briefings
September	<i>Olympic Period</i>
Thursday 12 October	Meeting
Thursday 19 October	Briefings
Thursday 2 November	Meeting
Thursday 9 November	Briefings
Thursday 23 November	Meeting
Thursday 30 November	Briefings
Thursday 14 December	Meeting

Business of which due notice had not been given

Pursuant to Clause 14(3) of the Local Government (Meetings) Regulation 1990, the Central Sydney Planning Committee resolved that the following business of which due notice had not been given be transacted at this meeting, namely -

(Item 14) Central Sydney Local Environmental Plan 1996 - Draft Amendment No. 10 and Central Sydney Development Control Plan 1996 - Draft Amendment No. 10: Exempt and Complying Development; and

(Item 15) Central Sydney Development Control Plan 1996, Adoption of Draft Amendment No. 13 - Development Standards and Exhibition of Draft Amendment No. 14 - Advertising and Notification.

The Chairperson (Councillor Turnbull) ruled the business to be of great urgency.

ITEM 14. CENTRAL SYDNEY LOCAL ENVIRONMENTAL PLAN 1996 - DRAFT AMENDMENT NO. 10 AND CENTRAL SYDNEY DEVELOPMENT CONTROL PLAN 1996 - DRAFT AMENDMENT NO. 10: EXEMPT AND COMPLYING DEVELOPMENT (S00 7283)

Resolved on the motion of Councillor Turnbull, 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 16 December 1999, regarding Draft Amendment No. 10 to Central Sydney Local Environmental Plan 1996 and Draft Amendment No. 10 to Central Sydney Development Control Plan 1996, it be resolved that the Central Sydney Planning Committee:-

- (A) endorse Draft Amendment No. 10 to LEP 1996, shown at Attachment A to the subject report, and as amended at the meeting of the Central Sydney Planning Committee, for submission to the Department of Urban Affairs and Planning for gazettal;
- (B) endorse Draft Amendment No. 10 to DCP 1996, shown at Attachment B to the subject report, and as amended at the meeting of the Central Sydney Planning Committee, for approval; and
- (C) authorise the Lord Mayor to make any minor drafting changes necessary to finalise the Draft Amendments for gazettal/approval.

ITEM 15. CENTRAL SYDNEY DEVELOPMENT CONTROL PLAN 1996, ADOPTION OF DRAFT AMENDMENT NO. 13 - DEVELOPMENT STANDARDS AND EXHIBITION OF DRAFT AMENDMENT NO. 14 - ADVERTISING AND NOTIFICATION (S007532)

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

That arising from consideration of a report by the Specialist Planner - Strategic/Section 94 to the Central Sydney Planning Committee on 16 December, 1999, regarding Draft Amendment No. 13 and Draft Amendment No. 14 to Central Sydney Development Control Plan 1996, it be resolved that the Central Sydney Planning Committee:-

- (A) resolve to approve Draft Amendment No. 13 to Central Sydney Development Control Plan 1996, generally in accordance with the proposed draft that is Column 2 in Attachment A to the subject report; and as amended at the meeting of the Central Sydney Planning Committee;
- (B) resolve to exhibit Draft Amendment No. 14 to Central Sydney Development Control Plan 1996, generally in accordance with the proposed draft that is Column 3 of Attachment B to the subject report, and as amended at the meeting of the Central Sydney Planning Committee, for a period of 28 days; and

- (C) authorise the Lord Mayor to make any minor drafting changes necessary for the exhibition of Draft Amendment No. 14 to Central Sydney Development Control Plan 1996.

The meeting concluded at 7.32 pm.

CHAIRMAN

The next meeting of the Central Sydney Planning Committee is scheduled for 10 February 2000.