

# CENTRAL SYDNEY PLANNING COMMITTEE

THURSDAY 30 MARCH 2000

Meeting No 233

MINUTES of the Meeting of the Central Sydney Planning Committee held in the Council Chamber, Sydney Town Hall, on Thursday 30 March 2000 commencing at 5.26pm.

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## PRESENT

Ms Sue Holliday (Director-General of Department of Urban Affairs and Planning)  
(Chairman)

The Right Hon the Lord Mayor Councillor Frank Sartor, Ms Antoinette le Marchant, Mr Peter Mould (alternate for Mr Chris Johnson), Mr Paul Reid (alternate for Mr Neil Bird), and Councillor Lucy Turnbull.

The Director City Development was also present.

## ELECTION OF CHAIRMAN

An apology was received from the Lord Mayor, Councillor Frank Sartor, who was unable to attend the start of the meeting owing to a prior commitment. An election for the position of Chairman was held in accordance with Clause 14(1) of Schedule 1 of the City of Sydney Act 1988. Nominations for the position of Chairman were called. One nomination was received and accepted by the candidate, as follows:

Ms Sue Holliday - nominated by Ms Le Marchant, seconded by Councillor Turnbull.

Ms Holliday was declared elected and took the chair at 5.26 pm.

At 5.37 pm, during discussion on Item 6, the Lord Mayor, Councillor Frank Sartor, arrived at the meeting. At the request of the Lord Mayor, and with the consent of members present, Ms Sue Holliday continued as chairman and chaired the remainder of the meeting.

## **APOLOGIES**

An apology was received from Mr Chris Johnson who was unable to attend the meeting as he was overseas.

An apology was received from Mr Neil Bird who was unable to attend the meeting owing a prior commitment.

An apology was received from Councillor Robert Ho, who was unable to attend the meeting as he was overseas on business.

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

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

That the apologies from Mr Johnson, Mr Bird and Councillor Ho were received and leave of absence granted.

## **ITEM 1. CONFIRMATION OF MINUTES (S006712)**

**Resolved** on the motion of Councillor Turnbull, seconded by Ms le Marchant -

That the Minutes of the Central Sydney Planning Committee of 2 March 2000 be taken as read and confirmed

## **ITEM 2. MATTERS ARISING FROM THE MINUTES (S006712)**

There were no matters arising from the Minutes of the Central Sydney Planning Committee held on 2 March 2000.

## **ITEM 3. SUPPLEMENTARY REPORT FOR DEVELOPMENT APPLICATION: 1 MARGARET STREET, SYDNEY. (D99-00971)**

**Resolved** on the motion of Councillor Turnbull, seconded by Ms le Marchant -

That arising from consideration of a supplementary report by the Specialist Planner to the Central Sydney Planning Committee on 30 March 2000, in relation to Development Application D/99/00971 made by Bovis Australia for the site at 1 Margaret Street, Sydney for the refurbishment of the existing building to provide a new exterior and new retail units on the Clarence and Kent Street elevations, it be resolved that:-

- (A) the Central Sydney Planning Committee supports the SEPP 1 objection to the non-compliance with the maximum 80m height limit standard, as the extent of non-compliance is limited and the standard is 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. D/99/00971 dated 1 December 1999 and Statement of Environmental Effects prepared by City Plan Services, dated November 1999 and drawings numbered DA02A, 03, 04, 05A, 12, 13A, 14, 15, 16A, 18 and section A-A prepared by Rice Daubney dated November 1999 prepared by Rice Daubney and as amended by the following conditions:

#### **APPROVED DESIGN**

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

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.

#### **FLOOR SPACE RATIO**

- (3) The following applies to Floor Space Ratio:-
  - (a) The Floor Space Ratio of the proposal must not exceed 10.22:1 calculated in accordance with the Central Sydney Local Environmental Plan 1996. For the purpose of the calculation of FSR, the Floor Space Area of the development is 26,968 Sq.m.
  - (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide

certification of the total and component Floor Space Areas (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

- (c) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, documentary evidence (ie. a Heritage Floor Space Allocation Certificate issued by Council) must be produced and acknowledged by Council that 588 Sq.m of heritage floor space was allocated (purchased and transferred) to the development, being that floor space in excess of 10:1 as specified in the Central Sydney Local Environmental Plan 1996.

## **BUILDING HEIGHT**

(4)

- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 104.92 (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 61 CONTRIBUTION**

- (5) A contribution under Section 61 of the City of Sydney Act 1988 shall be paid in accordance with the following:
  - (a) Cash Contribution Required
    - (i) In accordance with the adopted "*Central Sydney Contributions Plan 1997*" a cash contribution must be paid to Council in accordance with this condition.
    - (ii) Payment shall be by bank cheque made payable to the City of Sydney.
  - (b) Amount of Contribution
    - (i) The amount of the contribution will be equivalent to 1% of the development cost, at the Construction Certificate stage, as determined in accordance with the "*Central Sydney Contributions Plan 1997*".
  - (c) Certification of the calculation of the contribution in accordance with the "*Central Sydney Contribution Plan 1997*" shall be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

- (i) If the Construction Certificate is to be issued by a private accredited certifier, they must seek Council's endorsement of the calculation prior to the issue of the Construction Certificate.
  - (ii) For developments over \$2 million in cost, the certification of the building costs must be prepared by a Registered Quantity Surveyor.
- (d) Timing of Payment
- (i) The contribution must be paid prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

### **EXTERNAL LIGHTING**

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

### **BUILDING NAME**

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

### **SIGNS**

- (8) 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.

### **REPORT TO BE COMPLIED WITH**

- (9) The development shall be in accordance with the recommendations of the wind assessment report by Mel Consultants Pty Ltd dated 22 November 1999.
- (10) The development shall be in accordance with the recommendations of the report by Vipac Engineers and Scientists Ltd. entitled 'Proposed Commercial Redevelopment, 1 Margaret Street – An Assessment of the Reflectivity Impact.'

### **RESTRICTION ON USE OF CAR PARK SPACES**

- (11) The following conditions apply to car parking:
  - (a) The on-site car parking spaces, exclusive of service carspaces, are not to be used by those other than an occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to

lease, license or transfer ownership of any car parking spaces to those other than an occupant or tenant of the building.

- (b) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 a documentary Restrictive Covenant, is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a) above. The Covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
- (c) Any future strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the Strata Titles (Freehold Development) Act, 1973 as amended, so burdening all utility car parking allotments in the Strata Plan and/or an appropriate Restrictive Covenant pursuant to Section 88B of the Conveyancing Act 1919 burdening all car parking part - lots in the Strata Scheme.

#### **REMOVAL OF GRAFFITI**

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

#### **NOISE**

- (13) 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.

### **CARE OF BUILDING SURROUNDS**

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

### **WINDOW CLEANING**

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

### **CONSISTENCY OF DRAWINGS**

- (16) In the event that the approved plans incorporate inconsistencies of detail between the relevant plans and elevations, the details shown in the elevations shall take precedence.

### **DEMOLITION/SITE RECTIFICATION**

- (17) The following conditions apply to the development:-
- (a) Demolition or excavation must not commence until a Construction Certificate has been issued under the Environmental Planning and Assessment Act 1979 for construction of the substantive building.
  - (b) Prior to issue of the Construction Certificate, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the General Manager of the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
  - (c) Without limiting the generality of paragraph (b), the Deed must provide for:-
    - (i) a bank guarantee to be provided in the sum of \$659500 as security for the costs of such works provided that:-
      - a. the maximum liability under the Deed shall not exceed \$659500 ; and
      - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works which meet the objectives of the condition.

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

#### **SEPARATE APPLICATION(S) FOR RETAIL USES**

- (18) A separate development application(s) must be submitted at the appropriate time for the retail units shown on the approved drawings.



## WASTE COLLECTION

- (19) Waste collection activities which are not undertaken wholly inside the building where the waste is generated, must only occur during the hours specified in the “Waste Collection Operating Hours Policy 1994”.

## Schedule 1B

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

#### DESIGN MODIFICATIONS

- (20) The design of the building shall be modified as follows:
- (a) The appearance of the Margaret Street and Kent Street elevations shall be modified as shown on the perspective drawing received 15 February 2000.
  - (b) Final details of the wind screen element on the corner of Margaret Street and Kent Street shall ensure that the screen does not project over public land.
  - (c) The amendments shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

#### LANDSCAPING OF THE SITE

- (21) The landscaping approved 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.

## **PUBLIC DOMAIN PLAN**

(22) The following requirements apply:-

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

- (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.
- (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.
- (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
- (v) The repair and where required the resetting of all stone kerbing to 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed to the centre line of the carriageway.
- (vi) The retention and repair of any existing pavement lights.
- (vii) The retention and repair of any existing serviceable stone gutters.
- (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.
- (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.

## **PUBLIC TELEPHONES**

- (23) 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.

### **RECEPTACLES FOR CIGARETTE BUTTS**

- (24) Provision must be made on the site, adjacent to the entrance/s to the building, for an adequate number of receptacles for the disposal of cigarette butts. The receptacle/s must:-
- (a) be located entirely on private property and must not be located on or over Council's footpath;
  - (b) not obstruct any required means of egress or path of travel from the building required by the Building Code of Australia;
  - (c) not obstruct any required access/egress path for people with disabilities;
  - (d) be appropriately secured to the building; and
  - (e) the emptying and maintenance of the receptacle/s is the responsibility of the building owner/manager and will not be undertaken by Council.
    - (i) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the location and design of the receptacle/s must be approved by Council.

### **MODEL**

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

#### Notes:

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

**PAVING MATERIALS**

- (26) 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.

**DEMOLITION/SITE RECTIFICATION**

- (27) Demolition or excavation must not commence until a Construction Certificate has been issued under the Environmental Planning and Assessment Act 1979 for construction of the substantive building.

**PUBLIC ART**

- (28) 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.

**ACCESS FOR PEOPLE WITH DISABILITIES**

- (29) 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.

**REFLECTIVITY INDEX OF EXTERNAL GLASS**

- (30) 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.

**SANITARY FACILITIES**

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

**ACCESS FOR PERSONS WITH A DISABILITY**

- (32) Access to the building shall be in accordance with the requirements of “The City of Sydney Access Policy December 1992”.

**Schedule 1C**

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

### **WASTE MANAGEMENT**

(33)

- (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:

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

### **CERTIFICATION OF MECHANICAL VENTILATION**

- (34) 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**

- (35) 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.

#### **PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION**

- (36) 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**

- (37) 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.

### **BARRICADE PERMIT REQUIRED**

- (38) 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.

### **STRUCTURAL CERTIFICATION**

- (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.
- (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.

## **Schedule 1D**

### **Conditions to be complied with during construction**

## **HOURS OF WORK AND NOISE**

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

## **SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**

- (41) 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 enquires, including construction/noise complaint are to be displayed on the site notice;
  - (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is to state that unauthorised entry to the site is not permitted.

## **USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE**

- (42) 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**

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

### **LOADING AND UNLOADING DURING CONSTRUCTION**

- (44) The following requirements apply:-

- (a) **All loading and unloading associated with construction must be accommodated on site.**
- (b) 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.

### **UNDERGROUND UTILITY SERVICES CHECK**

- (45) 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](mailto:mocsinfo@mocs.com.au) to ascertain the presence and type of underground utility services in the vicinity of the development.

### **CONSTRUCTION PROGRESS CERTIFICATION**

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

### **CONTROL OF VERMIN**

- (47) 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**

## (48) Permits required for use of mobile cranes:-

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

**NO OBSTRUCTION OF PUBLIC WAY**

- (49) 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.

**PROTECTION OF STREET TREES**

- (50) 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.

**LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS**

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

**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**

## **HEALTH REQUIREMENTS**

- (52) 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.
- (53) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.

## **OCCUPATION CERTIFICATE**

- (54) 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.

## **ALL MATERIALS TO COMPLY WITH BCA**

- (55) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.

## **MECHANICAL VENTILATION**

- (56) 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.

- (57) The efficient operation and performance of any mechanical ventilation, air pressurisation or other smoke control system must not be impaired by the partitioning layout. Adequate relief/transfer air openings must be provided to ensure the performance of systems during fire and non-fire conditions is not impaired.

## **FIRE SAFETY**

- (58) 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.

### **STRUCTURAL INSPECTION CERTIFICATE**

- (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.

**ITEM 4. DEVELOPMENT APPLICATION: 52 REGENT STREET, CHIPPENDALE (D/00/00017)**

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 30 March 2000, in relation to Development Application 2000/00017 made by Regent Street Developments Pty Ltd for the site at 52 Regent Street, Chippendale for construction of a new eight storey residential building comprising 63 apartments and basement level parking for 72 vehicles, it be resolved that:-

- (A) the Central Sydney Planning Committee note that variations to the application, lodged by the applicant on 29 March 2000, raise questions as to which authority is the appropriate consent authority for the application;
- (B) that should Council be the appropriate consent authority, Council be advised that, had the application, in the form submitted to the Central Sydney Planning Committee (CSPC) on 30 March 2000, been considered by the CSPC, the application would have been refused for the reasons outlined in the subject report;
- (C) that the Director City Development be requested to provide a report on the implications of this case for both the Central Sydney Planning Committee and Council in the consideration of such issues in future.

**ITEM 5. SUPPLEMENTARY REPORT ON DEVELOPMENT APPLICATION: 20 - 24 LEE STREET RAILWAY SQUARE KNOWN AS STAGES 3 & 4 HENRY DEANE PARK DEVELOPMENT (D/99/00571)**

**Resolved** on the motion of Councillor Turnbull, seconded by Ms le Marchant -

That arising from consideration of a supplementary report by the Specialist Planner to the Central Sydney Planning Committee on 30 March 2000, in relation to Development Application D99-00571 made by Australand for the site at 20 - 24 Lee Street, Railway Square known as Stages 3 & 4 Henry Deane Park Development for 2 x eight storey office building structures to be known as Gateway House & Henry Deane Building and associated off street parking, it be resolved that -

- (A) consideration of this matter be deferred on the basis that the views of the sub-committee which has been considering this application have not been made clear to the members of the Central Sydney Planning Committee present at this meeting;
- (B) authority be delegated to the Lord Mayor to determine the application, following further consultation with the sub-committee and subject to the achievement of a satisfactory outcome of the design issues associated with the revised proposal.

Mr. John Daubney of The Daubney Group addressed the meeting of the Central Sydney Planning Committee on this matter.



**ITEM 6. 1999 DEVELOPMENT MONITORING REPORT (S003607)**

**Resolved** on the motion of the Lord Mayor, seconded by Ms le Marchant -

That arising from consideration of a report by the A/Specialist Research Planner, Planning Policy to the Central Sydney Planning Committee on 30 March 2000, in relation to the 1999 Development Monitoring Report, it be resolved that the report be received and noted.

**ITEM 7. PRESENTATIONS BY APPLICANTS AND PRELIMINARY ADVICE (S002287)**

There were no presentations at this meeting of the Central Sydney Planning Committee

**ITEM 8. NEW DEVELOPMENT APPLICATION LODGEMENTS AND DELEGATED ITEMS (S00-2287)**

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

That arising from consideration of a report by the Manager Development to the Central Sydney Planning Committee on 30 March 2000, in regard to the report on new development application lodgements and delegated items, it be resolved that the report be received and noted.

**ITEM 9. PROGRESS REPORT ON DEVELOPMENT APPLICATIONS (A03-00138/1)**

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

That arising from consideration of a report by the Manager Development, to the Central Sydney Planning Committee on 30 March 2000, in regard to the progress report for the month of February 2000, it be resolved that the report be received and noted.

**ITEM 10. GENERAL BUSINESS**

**10.1 Premier's Forum on Residential Flat Design**

At the request of the Lord Mayor, Ms Holiday reported on the Premier's Forum on Residential Flat Design:

The forum, held on 29 March 2000, was attended by over 250 participants.

Following the opening address by the Premier, speakers included -

- Councillor David Borger, Mayor of Parramatta, on issues in the western part of Sydney
- Mr Chris Johnson and Ms Sue Holliday, on architectural and planning perspectives
- Representatives of the development industry (both large and small developers)
- The Hon. Terry Sheehan, on the Land and Environment Court.

At the conclusion of the forum, a communiqué was issued and a new Urban Design Advisory Committee was asked to report back within three months on recommendations to improve the design quality of residential flat buildings. The Urban Design Committee, chaired by Ken Maher, includes representatives from the Institute of Architects and the Planning Institute, universities, and local government.

Issues raised at the conference included -

- a strong emphasis on the need for involvement of architects in the design of residential flat buildings
- the implications of the Strata Title Act in regard to the opportunity for comprehensive development and to demolition of older residential apartments.
- the need for more explicit planning guides which deal with design quality as an outcome rather than concentrating on matters such as floor space, height and density controls.
- the need for better education in the development industry, local government, and the planning and designer professions, and for more emphasis on urban design skills.
- the role of the Land and Environment Court and the question of whether it should have a panel to assist its decisions with regard to design merit.

Ms Holliday concluded that the day had provided a great deal of constructive discussion.

## **10.2 Growth of traffic in greater Sydney**

The Lord Mayor requested that a copy of Dr Deborah Dearing's paper on growth of traffic in greater Sydney, presented to an urban design conference on 28 March, be circulated to all CSPC members.

## **10.3 Regional Environment Plan**

Ms Holliday advised that the Department of Urban Affairs and Planning intended to update the current regional plan covering Parramatta River and Sydney Harbour; it was intended that there would ultimately be a broad regional policy which could be incorporated into the LEP's of the many different local councils on the Parramatta River and Sydney Harbour.

The meeting concluded at 5.50pm.

CHAIRMAN

The next meeting of the Central Sydney Planning Committee is scheduled for 4 May 2000.