

CENTRAL SYDNEY PLANNING COMMITTEE

THURSDAY 19 OCTOBER 2000

Meeting No 243

MINUTES of the Meeting of the Central Sydney Planning Committee held in the Council Chamber, Sydney Town Hall, on Thursday 19 October 2000 commencing at 5.22pm.

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PRESENT

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

Mr Neil Bird AM, Councillor Robert Ho, Dr Deborah Dearing (Alternate Member for Ms Sue Holliday (Director-General, Department of Urban Affairs and Planning), Mr Peter Mould (Alternate Member for Mr Chris Johnson), Ms Antoinette le Marchant and Councillor Lucy Turnbull.

The Director City Development was also present.

APOLOGIES

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

An apology had previously been received from Mr Chris Johnson who had requested leave of absence from 5 October 2000 to 20 January 2001. The Central Sydney Planning Committee had previously granted leave of absence for Mr Johnson for that period.

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

That the apology from Ms Holliday be received and leave of absence granted.

ORDER OF BUSINESS (S002287):

Resolved:

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

3. Status Report: Development Application - 30-38 Hickson Road, 1 High Street and 125A Kent Street, Millers Point
4. Development Application: World Square, 644-690 George Street, Sydney
5. Draft Amendment No. 9 to Sydney Regional Environmental Plan No. 26 - Submission to Department of Urban Affairs and Planning
1. Confirmation of Minutes
2. Matters Arising from the Minutes
6. Presentations by Applicants and Preliminary Advice
7. New Development Application Lodgements and Delegated Items
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ITEM 1. CONFIRMATION OF MINUTES (S010833)

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

That the Minutes of the meeting of the Central Sydney Planning Committee of 31 August 2000 be taken as read and confirmed.

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

That the Minutes of the meeting of the Central Sydney Planning Committee of 8 September 2000 be taken as read and confirmed.

ITEM 2. MATTERS ARISING FROM THE MINUTES (S010833)

There were no matters arising from the Minutes of the Central Sydney Planning Committee of 31 August 2000 or 8 September 2000.

**ITEM 3. STATUS REPORT: DEVELOPMENT APPLICATION - 30-38
HICKSON ROAD, 1 HIGH STREET AND 125A KENT STREET,
MILLERS POINT (D2000/00809)**

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

Mr Neil Ingham - representing Georgia Apartments
Mr Ray Newey - Chair of Body Corporate, Highgate Apartments
Mr Ian Stapleton - representing Stamford Property Services

Resolved on the motion of Mr Bird, seconded by Dr Dearing -

That arising from consideration of a status report by the Area Planning Manager to the Central Sydney Planning Committee on 19 October 2000 in relation to the Stage 1 Development Application under the provisions of section 80(4) of the Environmental Planning and Assessment Act 1979 (D2000/00809) made by Delmo for the site at 30-38 Hickson Road, 1 High Street and 125A Kent Street, Millers Point for demolition of selected buildings, construction of two residential/commercial buildings with basement car parking and conservation and adaptive reuse of three buildings, it be resolved that:-

- (A) the request received from Delmo No. 2 on 18 October 2000 under clause 48A of the Environmental Planning and Assessment Regulation 1994 to amend the subject development application be declined because, having received legal advice, the Central Sydney Planning Committee considers that the development application cannot be amended in the manner requested;
- (B) the subject development application be amended and re-advertised as an integrated development in accordance with the provisions of the Environmental Planning and Assessment Act 1979; and
- (C) the Director City Development is to ensure, when preparing a report for the CSPC after the next round of advertising, that the question of uses of the heritage buildings has been addressed and to ensure the compatibility of the proposed development with the heritage status and significance of these buildings.

**ITEM 4. DEVELOPMENT APPLICATION: WORLD SQUARE, 644-690
GEORGE STREET, SYDNEY (D2000/00563)**

Declaration of Interest

The Chairman (the Lord Mayor) declared an interest in this matter and wished the following text that had been circulated in a memo to members of the Central Sydney Planning Committee to be recorded -

“On 8 September 2000, in relation to Development Application D2000/00563 lodged by Meriton in respect of their World Square site, CSPC resolved to:

- (a) support the development, subject to clarification of floor space related issues; and
- (b) delegate authority to the Lord Mayor to determine the development application.

The Development Application has not been approved because of delays in carefully assessing floor space arrangements for the entire World Square site.

Since that time I have formed a view that I should make a disclosure to the CSPC relating to this application. The nature of the disclosure is that, some time ago I exchanged contracts for the purchase of a property off the plan in a development still in progress at Port Melbourne. The development company from whom I am buying a unit has as a Director and shareholder (amongst others) Nonda Katsalidis. Nonda Katsalidis is also a partner in Nation Fender Katsalidis, architects, which is the firm that designed the Meriton building at World Square.

I sought advice on this matter from the Director of Legal Services, and I am advised that I do not have a Pecuniary Interest in this matter. Nevertheless, because of possible perceptions relating to this matter, I felt it important to disclose this interest to Members of the CSPC. Further, I propose not to deal with the matter under delegated authority but to refer it to the next CSPC meeting on Thursday 19 October 2000. I have been advised that I am able to participate and vote on the matter, and I intend to do so, although I will again declare this interest”.

The Chairman (the Lord Mayor) took part in discussion and voting on this item.

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 19 October 2000, in relation to Development Application No. 2000/00563 made by Meriton Apartments Pty Ltd for the site at 644-690 George Street Sydney (known as World Square), erection of a residential apartment building containing 701 apartments, ancillary commercial and retail floor space and 720 basement car parking spaces, it be resolved that: -

- (A) pursuant to Clause 28B(4)(e) of the Central Sydney Local Environmental Plan 1996, the Central Sydney Planning Committee waive the requirement for compliance with an adopted Development Plan as it is considered that the previous planning processes, Master Plan and Stage 1 consents for the site, achieve the objectives of this clause;
- (B) the Central Sydney Planning Committee approves the proposed variations to the 1995 Master Plan consent (refer DA 95/00811), which are considered minor, as detailed in condition Nos 1 and 12 of this recommendation; and
- (C) consent be granted subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

Note: Some conditions in Schedule **1A** are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. 2000/00563 dated 30 June 2000 and the Statement of Environmental Effects prepared by JBA Urban Planning Consultants dated June 2000 (amended material provided dated 23 August 2000 and 1 September 2000) and drawings numbered:-

Revision A DA Issue 1000

Revision A DA Issue 1001

Revision A DA Issue 1003

Revision A DA Issue 1004

Revision A DA Issue 1005

Revision A DA Issue 1006

Revision A DA Issue 1007

Revision A DA Issue 1008

Revision A DA Issue 1009

Revision B DA Issue 1010

Revision A DA Issue 1011

Revision A DA Issue 1012

Revision B DA Issue 1013

Revision A DA Issue 1014

Revision D DA Issue 1016

Revision D DA Issue 1029

Revision A DA Issue 1037

Revision D DA Issue 1039

Revision D DA Issue 1049

Revision D DA Issue 1062

Revision D DA Issue 1075

Revision A DA Issue 1080

Revision A DA Issue 1101

Revision A DA Issue 1102

Revision B DA Issue 1110

Revision B DA Issue 1111

Revision B DA Issue 1112

Revision B DA Issue 1113

Revision A DA Issue 1131

Revision A DA Issue 401

Revision A SK 2130

Revision A SK 2131

Revision A SK 2132

prepared by Nation Fender Katsalidis Architects dated 30 June 2000 and as amended by the following conditions:

APPROVED DESIGN

- (2) The architect of the project as approved *shall* not be changed without the approval of Council.
- (3)
 - (a) In approving the subject development, the Central Sydney Planning Committee was significantly influenced by the design quality of the scheme and the use of materials. Any amendments proposed to this scheme that diminish its design quality are unlikely to be supported.
 - (b) 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.

CONSISTENCY OF DRAWINGS

- (4) 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.

BUILDING NAME

- (5) Any proposed naming of the development that intends to incorporate the name of a city street, park or place is subject to the separate approval of Council. Details of the building name signage are to be submitted for the approval of the Director of City Development.

ADDITIONAL DEVELOPMENT APPLICATIONS REQUIRED

- (6) A separate development application must be submitted at the appropriate time for following uses within the subject tower:-
- (a) The level 13 recreation centre.
 - (b) The level 13 childcare centre.
 - (c) Retail tenancies on levels 10 and 11.

LIVERPOOL STREET PODIUM TREATMENT

- (7) The architectural treatment of the Liverpool Street podium (to the subject tower) shall be revised and approved by the Director of City Development having regard to the design of the northwest corner podium of the World Square site and the matters identified in Condition No. 8 below.

PODIUM DEVELOPMENT APPLICATION

- (8) The applicant shall exercise its best endeavours to ensure that a separate development application is lodged for the northwest podium of World Square adjoining the subject tower within 6 months of the issue of this consent. This development application shall, amongst other matters, include:-
- (a) A revised wind screen treatment incorporated into a higher built form of that podium to address the wind impacts of the subject tower on Liverpool Street as outlined in the Wind Report prepared by MEL Consultants Pty Ltd (see Statement of Environmental Effects prepared by JBA Urban Planning Consultants dated June 2000);
 - (b) A revised elevations of the subject tower podium level to Liverpool Street; and
 - (c) Full mechanically certified details of all car park and commercial exhaust venting (including details of emission standards).

FLOOR SPACE

(9) *The following requirements apply to the floor space of the proposed development:-*

(a) *The floor space of the development shall comply with the Master Plan consent for the site (see DA Z95-00811), in particular condition No. 3 requiring a maximum floor space ratio for the whole World Square site of 13.4:1 shall apply to the development. The allocation of floor space on the World Square site shall be as detailed in the below table:-*

<i>Stage</i>	<i>Total</i>
<i>Stage 1</i>	<i>44,342 sqm (5,059.5 sqm allocation to Meriton DA 2000/00563)</i>
<i>Stage 2</i>	<i>54,205 sqm</i>
<i>Stage 3</i>	<i>28,727 sqm</i>
<i>Stage 4</i>	<i>58,082 sqm</i>
<i>Stage 5</i>	<i>73,206 sqm (allocated to Meriton - DA2000/00536)</i>

(b) *The floor space of the proposal must not exceed 73,206 sqm (Stage 5 tower component) and 5,059.5 sqm (Stage 1 podium component, being the floor space directly below the Stage 5 tower only) calculated in accordance with the Central Sydney Local Environmental Plan 1993 (including an exclusion of the floor areas of enclosed balconies and communal recreational areas up to 5% of the total Gross Floor Area).*

(c) *A floor space reconciliation for all approved and built development on the World Square shall be provided to Council prepared by a Registered Surveyor, providing certification of the total and component Floor Space Areas (by use) on the World Square site utilising the above definition of floor space.*

Details of the above matters shall be submitted to the satisfaction of Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979 for the site.

BUILDING HEIGHT

(10)

- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 248.38 (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

- (11) A Section 61 contribution pursuant to the City of Sydney Act 1988 shall be paid, for the second Stage detailed development application, in accordance with the following:-

Amount of Contribution

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

This amount payable shall be proportionally offset against the value of works and contributions already paid, as specified in condition No 1 (b) being \$1 million of the World Square Master Plan development consent Z95-00811. Such a proportional offset shall be based on the floor space area of the Stage 5 tower compared to the overall floor space area approved in development consent Z95-00811.

(For example, if the Stage 5 floorspace were to be 78,266 m² and a total development floorspace on the World Square site were to be 258,107 m², then the Section 61 Contribution would be reduced by 30.3% of the \$1 million Contribution under condition 1 (b) of the Masterplan consent Z95-00811, ie \$303,000). In the event that the development costs for the subject development at the time of release of the Construction Certificate is \$174 million then the consequent Section 61 Contribution would be \$1.437 million (ie \$1.74 million less \$303,000).

Payment

Payment shall be by bank cheque made payable to the City of Sydney. The contribution must be paid prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

MODIFICATION OF DEVELOPMENT APPLICATION D1999/00836

- (12) The applicant shall modify the existing Stage 1 consent given in Notice of Determination No. 1999/00836 dated 15 December 1999, pursuant to Section 80(A)(5) of the Environmental Planning and Assessment Act 1979 and in accordance with the prescribed Form 3 of the Environmental Planning and Assessment Amendment Regulation 1998, prior to approval of a Construction Certificate under the Environmental Planning and Assessment Act 1979 for the proposal.

The modifications required to be made are (changes shown highlighted bold and underlined) -

- (a) Modify condition No. 5 regarding Compliance with Development Approval Z95-00811 as follows:-

“COMPLIANCE WITH DEVELOPMENT APPROVAL Z95-00811

The development shall comply with the conditions of the Staged development consent granted to the Masterplan on 25 March 1996, as relevant to the works included in the subsequent detailed development application for Stage 5. **[Previous text deleted]**. In particular, the requirements of the deed required by Condition 1 of Z95-00811 shall be met and the overall parking provision for the World Square site and the maximum height and approved floor space ratio for the Stage 5 tower must not be exceeded.”

- (b) Modify condition No. 7 regarding the preparation of a Parking and Traffic Management Plan.

“PARKING AND TRAFFIC MANAGEMENT PLAN

An internal Parking and Traffic Management Plan (to replace the approved Parking and Traffic Management Plan dated 25 February 1999 for the site) shall be submitted for the whole of the World Square development addressing the following issues -

- (i) The orderly and efficient use of the all proposed car parking and vehicular facilities on the World Square site.
- (ii) Compliance with all conditions of the Master Plan approval for the premises (DA No. 95-00811) and subsequent condition of consent for the development applications for individual stages of relevance to parking and servicing.
- (iii) The impact of the change of use of the Stage 5 tower to residential, in particular -
 - (a) any need to provide for visitor parking outside of the curfew hours of the existing public car park for future residents of the Stage 5 tower; and

- (b) any need to expand tenant parking to deal with increased demand from the Stage 1 retail podium.
- (iv) How any remaining public car parking on the site is to be managed and effectively separated from all tenant and residential parking on the site.

The Parking and Traffic Management Plan required above is to be prepared by an appropriately qualified transport planner or traffic engineer and shall be submitted, **prior to the release of the Construction Certificate applicable to development consent D2000/00563 for the approval of the Director City Development.**

REFLECTIVITY

- (13) The recommendations of the Solar Reflectivity Analysis prepared for the building by Windtech Consultants Pty Ltd shall be fully implemented in the design and selection of external materials for the proposed building.

RECEIVING DEVICE

- (14)
 - (a) A separate development application must be submitted at the appropriate time for the specific use of any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development.
 - (b) *Appropriate access and space within the plant area within the building shall be provided for a minimum of three telecommunication carriers or other providers of broadband access by ground and satellite delivery, at the option of the carrier or provider. Details shall be submitted to and approved by the Certifying Authority provided prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979.*
 - (c) Appropriate ducting shall be provided for three telecommunication carriers or other providers to provide telecommunication access and broadband cabling to each apartment of the building.

SIGNS

- (15) 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.

NOISE

- (16) 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

- (17) 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.

REMOVAL OF GRAFFITI

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

TRAFFIC MATTERS

- (19) A Pedestrian and Traffic Management Plan for the construction period of the proposed tower shall be submitted to Council and prior to any work commencing obtain the concurrence of the Roads and Traffic Authority's Sydney Regional Advisory Committee. The Traffic Management Plan shall address matters such as -
 - (a) Loading and unloading of materials during construction and means of ingress and egress of vehicles to and from the construction site.

- (b) The location of any construction zones adjoining the site. In this regard, a construction zone will not be approved on the site's Liverpool Street frontage and any construction zone on the site's George Street frontage shall allow for the loading, unloading and manoeuvring of all vehicles to be accommodated on site once the development has reached ground level.
- (c) The impact of any construction zone on George Street with the operation of State Transit bus services. The developer should contact Peter Hammond of the State Transit Authority (phone 9245 5614) to discuss this matter before the submission of the Traffic Management Plan.
- (d) The relationship of construction related traffic with other users of the World Square car park.
- (e) Proposed protection of pedestrians adjacent to the site.
- (f) Proposed pedestrian management whilst vehicles are entering and leaving the site.
- (g) Proposed route of construction vehicles to and from the site.

The Pedestrian and Traffic Management Plan shall be implemented during the construction period.

- (20) The layout of the car parks and service vehicle parking area shall comply with Australian Standards AS2890.1 - 1993 and AS2890.2 - 1989. Residential parking areas should always remain segregated from "other use" parking areas within the site for traffic management and security reasons.
- (21) The key card readers for operating the boom gates/roller doors shall be so positioned so that vehicles queuing in front of them shall not cause obstructions to the circulation aisles.
- (22) For parking spaces having storage cage fence/wall on both sides, the minimum bay width shall be increased by 600mm on top of the minimum width required for open parking bays to allow for the opening of car doors.
- (23) Each pair of stacked parking spaces shall be assigned to the same tenant.
- (24) On Level 7, the width between columns of the entry one-way aisle at X08 - Y11 shall be increased from 2.4m to a minimum of 2.9m.
- (25) The headroom for the spaces assigned to the disabled shall not be less than 2.5m extending from the entrance of the space to a distance of not less than 2.16m from the front of the space.
- (26) All disabled parking spaces, if required, shall be relocated to a position where the space is accessible without the need to reverse over a considerable distance before being able to drive in a forward direction.

- (27) Visitor spaces should be clearly designated and signposted within the residential parking areas.
- (28) Residents of the properties shall not be entitled to participate in the City's On-street Resident Parking Schemes. The exclusion from the parking schemes shall appear on the Section 149 Certificates that are issued under the Environmental Planning and Assessment Act 1979.
- (29) A Dock Master shall man the loading dock between 5.00 am to 10.00 pm.
- (30) All loading, unloading and other construction activities shall be accommodated on site except that:
- (a) If, during construction, it is not feasible for loading and unloading to take place on site, the provision of a Work Zone may be considered by Council. The applicant shall submit a proposal to Council's Traffic Committee outlining the justification after approval of the Traffic Management Plan for the site (referred to above).
 - (b) In addition to any approved Work Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
 - (c) If a Work Zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a Work Zone may be given for a specified period and certain hours of the day to reflect the particular need of the site for such a facility at various stages of construction. The approval shall be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (31) All costs of traffic management measures associated with the development shall be borne by the developer.

VEHICULAR SPACES

- (32) The following car parking requirements apply:-
- (a) The approved vehicle spaces shall be allocated on the development site as follows:
 - 691 residential spaces;
 - 29 business/commercial premises spaces (total tenant car parking 720 spaces);
 - 27 service vehicle spaces located close to service entrance;
 - 94 sqm of motor cycle parking;

- 94 spaces for cycle racks or equivalent cycle storage area. A room containing a shower and change area must be provided close to the cycle racks;
 - 1 car wash bays with appropriate plumbing and drainage is to be provided on each basement level;
 - 2% of the above car parking spaces are to be for people with mobility impairment, in accordance with AS 2890.1.
- (b) All spaces must be allocated and marked according to this requirement. If the development is to be strata subdivided, the carpark layout must respect the above allocation.
- (33) The following conditions apply to car parking:
- (a) The on-site car parking spaces, exclusive of service and visitor spaces are not to be used by those other than an occupant, tenant or resident of the subject development. 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 space to those other than an occupant, tenant, lessee or resident of a unit in the building. Any such rights shall be attached to the lease or licence not to the person. This restriction is to be noted on the Section 149 Certificate under the Environmental Planning and Assessment Act 1979 for the subject premises.
 - (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 (or Titles) 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 building and site is to include a Restriction on User pursuant to Section 39 of the Strata Schemes (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 Plan to the effect of (a) above.

STRATA SUBDIVISION

- (34) Any proposal to subdivide the western sector of the World Square site to define in stratum the boundaries of the subject development site and separate in Title the subject development from the remainder of the site will require separate applications to Council to obtain Development Consent to the proposal and subsequent approval and endorsement of the Plan of Subdivision and issue of a Subdivision Certificate in accordance with Section 109 of the Environmental Planning and Assessment Act 1979 as amended.

- (35) Any proposal to Strata subdivide the subject development is to be undertaken in accordance with the provisions of the Strata Schemes (Part Strata) Amendment Act 1994. Should the development comprise an allotment or allotments in separate current registered plans the separate Strata Plans of those allotments will require approval and endorsement in accordance with Section 37 of the Strata Schemes (Freehold Development) Act 1973 as amended. Such Strata Plans are to include the creation of appropriate easements, Rights of Way, Restrictions on Use or other covenants to Council's satisfaction to ensure that the registered proprietor of any car parking utility lot in either Strata scheme is concurrently a registered proprietor of a residential, retail or commercial lot in the World Tower Strata scheme, such lot not being a utility lot.
- (36) All dual key apartments are to be contained on one strata lot.
- (37) 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 to the 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).
- (38) Access and facilities 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.

Schedule 1B

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

BASEMENT STORAGE

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

POTENTIAL LOSS OF VIEWS

- (40) In regard to each residential unit within the development, the applicant shall comply with the following:
- (a) The applicant shall, prior to the issue of an Occupation Certificate, effect registration on the title of the land by way of a covenant. The covenant shall:

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

SIGNAGE STRATEGY

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

PUBLIC DOMAIN PLAN

- (42) 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) Additional to the general requirements for the Public Domain Plan specified below, the following matters shall be satisfactorily addressed in the Public Domain Plan for the site:-

- (i) Details of the proposed flagstone granite paving and granite kerb (existing to be retained) on Liverpool Street footpath as generally proposed in the landscape plan submitted with the subject application (see drawing No. 1161 prepared by Nation Fender Katsalidis Architects). The extent of the street works is to be to the approval of the Director of City Development.
 - (ii) The materials to be used in and the design of the recessed foyer off Liverpool Street shall reflect and be sympathetic to the George Street paving materials and/or those to be used in the upgrade of the Liverpool Street footway to create a seamless sense of the public domain.
 - (iii) Details of the materials to be used in the proposed ground level entry points to the northwest podium of George Street and Liverpool Street.
- (c) 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.
- (d) 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.
- (e) 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 *as amended*.
 - (v) The repair and where required the resetting of all stone kerbing to 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed to the centre line of the carriageway.
 - (vi) The retention and repair of any existing pavement lights.
 - (vii) The retention and repair of any existing serviceable stone gutters.
 - (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.
 - (ix) The provision of smart pole(s), (to be provided at the applicants cost).
- (f) Random checks by Council officers may be made throughout the construction process to advise the contractor of non-complying elements. However, no parts of the work are to be considered approved until receipt of the City of Sydney letter of approval. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter.

ELECTRICITY SUBSTATION

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

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

(44)

- (a) **Prior to issue of a Construction Certificate** under the Environmental Planning and Assessment Act 1979, written confirmation that you have obtained a Notice of Requirements under Part 6, Division 9 of the *Sydney Water Act 1994* must be submitted to the Certifying Authority (Council or a private accredited certifier).
- (b) **Prior to issue of an Occupation Certificate** under the Environmental Planning and Assessment Act 1979, a (Developer) Compliance Certificate under section 73 of the *Sydney Water Act 1994* must be submitted to the Principal Certifying Authority (Council or a private accredited certifier).

Note:

- (i) Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the Notice of Requirements. Early advice from Sydney Water will avoid problems in providing water and sewer services to your development and adverse impacts on building design and site layout.
- (ii) The approved plans will also need to be submitted to Sydney Water to determine whether the development will affect sewer and water mains, stormwater drains and/or easements. If the development complies with the requirements, the approved plans will be appropriately stamped by Sydney Water.
- (iii) Contact Sydney Water, Ph. 132092.

STORMWATER AND DRAINAGE

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

- (a) Details of the proposed stormwater disposal and drainage of the development are to be submitted for **approval by Council** prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) Any proposed connection to Council's underground drainage system will require the owner to enter into a deed of Agreement with Council and obtain registration on Title of a Positive Covenant prior to the commencement of any work within the public way, at no cost to Council.

- (c) The requirements of Sydney Water (currently the Urban Development Central East Group, Rockdale Regional Office) with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

UTILITY SERVICES

- (46) 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 HANDLING REQUIREMENTS

- (47) The following requirements apply to storage and waste handling:
 - (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with Council's Code for Waste Handling in Buildings (adopted 17 October 1994). The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of the Code).
 - (b) Certification of compliance with the design and constructional requirements of the Code including the associated Waste Management Plans and with the Conditions of Development Application consent relating to waste must be submitted to and approved by the Certifying Authority in the attached form **W1** prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. Such Certification must be given by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
 - (c) The Certified Plans and Specifications must address compliance with the Waste Code including details of the following, where applicable:-
 - (i) The location, design and construction of the garbage room, recycling rooms, bin washing areas and collection areas.
 - (ii) The natural or mechanical ventilation, in accordance with the Building Code of Australia and Australian Standard 1668.

- (iii) The location and design of any garbage chutes or compaction units required by Council's Code.
- (iv) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.

Note:

Certification will also be required on completion of the building, prior to issue of an Certificate.

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

SANITARY FACILITIES

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

LIGHTING STRATEGY

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

PUBLIC ART

- (53) 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.

MODEL

- (54) 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.

NOISE REDUCTION

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

- (a) The report shall indicate measures to preserve the amenity for residents/apartment users such that the repeatable L_{Aeq} (1 hour) level will not exceed the following levels:-
 - (i) In a naturally ventilated - windows closed condition:

a. Sleeping areas (night time only: 2200-0700)	35dB
b. Living areas (24 hours)	45dB

- (ii) In a naturally ventilated - windows open condition, (ie windows open up to 5% of the floor area, or attenuated natural ventilation open to 5% of the floor area):
 - a. Sleeping areas (night time only: 2200-0700) 45dB
 - b. Living areas (24 hours) 55dB
- (iii) Where a naturally ventilated - windows open conditions cannot be achieved, it is necessary to incorporate mechanical ventilation or air conditioning.
- (iv) The following repeatable maximum $L_{Aeq(1 \text{ hour})}$ levels shall not be exceeded when doors and windows are shut and mechanical ventilation or air conditioning is operating. These levels correspond to the combined measured level of external sources and the ventilation system operating normally:-
 - a. Sleeping areas (night time only: 2200-0700) 38dB
 - b. Living areas (24 hours) 46dB
- (b) In the preparation of the report:
 - (i) The environmental noise monitoring at the site of the proposed development shall be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations;
 - (ii) The repeatable maximum $L_{Aeq(1 \text{ hour})}$ for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified, and
 - (iii) The $L_{Aeq(1 \text{ hour})}$ noise levels within living rooms and bedrooms with windows and doors both open and closed shall be shown.
- (c) All residential buildings and serviced apartments are to be designed and constructed in accordance with the above criteria. The completed work must comply with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

SYDNEY WATER CERTIFICATE

(56)

- (a) **Prior to issue of a Construction Certificate** under the Environmental Planning and Assessment Act 1979, written confirmation that you have obtained a Notice of Requirements under Part 6, Division 9 of the *Sydney Water Act 1994* must be submitted to the Certifying Authority (Council or a private accredited certifier).

- (b) **Prior to issue of an Occupation Certificate** under the Environmental Planning and Assessment Act 1979, a (Developer) Compliance Certificate under section 73 of the *Sydney Water Act 1994* must be submitted to the Principal Certifying Authority (Council or a private accredited certifier).
- (c) **Note:**
- (i) Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the Notice of Requirements. Early advice from Sydney Water will avoid problems in providing water and sewer services to your development and adverse impacts on building design and site layout.
 - (ii) The approved plans will also need to be submitted to Sydney Water to determine whether the development will affect sewer and water mains, stormwater drains and/or easements. If the development complies with the requirements, the approved plans will be appropriately stamped by Sydney Water.
 - (iii) Contact Sydney Water Rockdale (Urban Development Section), Ph. 132092.

- (57) Appropriate access to the building shall be provided for up to three telecommunications carriers. Details shall be submitted to and approved by the Certifying Authority provided prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979.

ACCESS FOR PERSONS WITH A DISABILITY

- (58) Access to the all areas of the premises shall be in accordance with the requirements of "The City of Sydney Access Policy December 1992" and 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.
- (59) 15 units shall be designed so as to allow for future fit out in accordance with AS 1428.1 - 1993 "Design for Access and Mobility".
- (60) Parking space(s) designed for persons with a disability must be available for use in conjunction with the unit(s) designated for persons with a disability. Such unit(s) shall be linked in any future strata subdivision of the building.

AWNINGS

- (61) The awning/canopy provided to the proposed tower's Liverpool Street foyer must comply with the Draft City of Sydney Awnings Policy 1998.

ACOUSTIC PRIVACY BETWEEN UNITS

- (62) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an acoustic assessment report must be submitted to and approved by the Certifying Authority (Council or a private accredited certifying authority) addressing the requirements of the Central Sydney DCP 1996 Amendment No.5 Internal Residential Amenity. The approved drawings and specifications for construction are to be in accordance with the following:
- (a) In order to assist acoustic control of airborne noise between units:
 - (i) A wall shall have a Field Sound Transmission Class (FSTC) of not less than 50 if it separates sole occupancy units or a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like.
 - (ii) A wall separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an FSTC of not less than 55.
 - (iii) A floor separating sole occupancy units must not have a FSTC of less than 50.
 - (b) In order to assist acoustic control of impact noise between units:
 - (i) A floor shall have an Impact Isolation Class (IIC) of not less than 50 if it separates habitable rooms of sole occupancy units or a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like.
 - (ii) A floor separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an FSTC of not less than 55.
 - (iii) Walls between sole-occupancy units shall comply with impact sound resistance standards specified in the BCA.
 - (c) Council or the private Principal Certifying Authority must ensure that the completed work complies with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

FLOOR TO CEILING HEIGHT

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

CAR PARK AND SERVICE VEHICLE LAYOUT

(64)

- (a) The layout plan of the car park is to be in accordance with Australian Standard AS 2890.1 - 1993 "Parking Facilities Part 1: Off Street Car Parking". All parking spaces are to be linemarked.
- (b) The layout of the service vehicle areas is to comply with Australian Standard AS 2890.2 - 1989 "Off Street Parking Park 2 - Commercial Vehicles Facilities".
- (c) The details shall be submitted to and approved by the certifying authority prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

ALIGNMENT LEVELS

(65) 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.
- (66) A complying garbage chute is required in all residential developments (Class 2) greater than 3 storeys in height. A chute and compactor is required if the building is greater than 25 metres in effective height.

STRUCTURAL REQUIREMENTS

- (67) **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:

An appropriately qualified practising structural engineer certifying by completing **Attachment S1A** 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.

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.

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.

Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.

Council reserves the right to randomly audit any structural documentation.

PUBLIC TELEPHONES

- (68) The owner/s must provide, free of cost, an area for the installation of public telephones. The area must be furnished with two public telephones (similar to the Telstra Blue Phone) in consultation with the applicant's preferred provider, but should be located at footpath level and should provide two square metres for each telephone. At least one telephone should be accessible for use by persons with a disability. The telephones must be available for public use during the normal opening hours of the building. Details shall be approved by the Certifying Authority prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

RECEPTACLES FOR CIGARETTE BUTTS

- (69) Provision must be made outside the entrance/s to the building for an adequate number of receptacles for the disposal of cigarette butts. The design of the receptacle/s must be **approved by Council** prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

Note:

The emptying and maintenance of the receptacle/s is the responsibility of the building owner/manager and will not be undertaken by Council.

COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

- (70) The following requirements of the Building Code of Australia shall be addressed in the building's design prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 :-
- (a) The main tower's fire stairs shall not discharge within the entrance foyer but shall discharge into a public area as required under the BCA.
 - (b) The proposed level 13 child care centre shall include a safe haven for the exclusive use of the childcare centre as required under the BCA.
 - (c) The proposed Fire Control Room to address the performance requirements of Part E1.8 of the BCA.
 - (d) The proposed Storage rooms (Class 7b) must be separated from the remainder of the building by 4 hour fire rated construction, in accordance with Specification C1.1 table 3.
 - (e) Plant and equipment shall be separated from the remainder of the building in accordance with Part C2.12 of the Building Code of Australia.

Details of the above matters are to be submitted with the Construction Certificate Application for the proposed tower.

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

(71)

- (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.

- (iii) 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

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

APPLICATION FOR A ROAD OPENING PERMIT

- (73) Prior to the commencement of any excavation work in a public way, or excavation on a building site where proposed work abuts the public way, a separate **Road Opening Permit** is to be obtained from City Care Unit of the City of Sydney. This is an application for approval under Section 138 of the Roads Act 1993.
- (a) Documents required with the application include:-
 - (i) A plan and relevant sections showing scope of works, boundaries, utility services; levels of proposed excavation, and details of method of reinstating public way;
 - (ii) Evidence that public utility drawings have been inspected;
 - (iii) Evidence of a Public Liability Insurance Policy specifically indemnifying the City of Sydney;
 - (iv) A Security Deposit for reinstatement of public way.

- (b) The Road Opening Permit will be subject to conditions that must be complied with.

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

(74) 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".

The Water and Sediment Control Statement shall be implemented during the construction period.

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.

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

DESIGN OF FOOD PREMISES

- (76) All parts of the premises to be used for or in connection with the delivery, storage, preparation or service of food or beverages must be designed, constructed and have facilities which comply with the National Code for the Construction and Fitout of Food Premises, the Food Act 1989, and the Food (General) Regulation 1997. The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.

Plans and specifications of the design together with Certification of Design, must be submitted to the satisfaction of **either**:

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

OR

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

Note:

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

HOURS OF WORK AND NOISE

- (77) The hours of construction and work on the development shall be as follows:
- (a) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.

- (b) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

Note:

The "City of Sydney Code of Practice for Construction Hours/Noise 1992" allows extended working hours subject to the approval of an application in accordance with the Code and under Section 96(2) of the Environmental Planning and Assessment Act 1979.

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

- (78) A site notice(s) is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:-
- (a) Noise complaint are to be displayed on the site notice;
 - (b) The 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;
 - (c) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
 - (d) 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;
 - (e) 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 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

- (79) 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.

Schedule 1D

Conditions to be complied with during construction

LOADING AND UNLOADING DURING CONSTRUCTION

(80) 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.

(81) 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.

CONTROL OF VERMIN

(82) 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.

CERTIFICATION OF MECHANICAL VENTILATION

(83) 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
 - (vii) Cabling for telecommunication and broadband access - Purple
- (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;
 - (i) 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;
 - (ii) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.

USE OF MOBILE CRANES

(84) 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.
- (85) 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.
- (86) To comply with the Protection of the Environment (Operations) Act 1997 whereby it is an offence to pollute classified waters such as Sydney Harbour to which 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.
- (87) 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.
- (88) 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.

Schedule 1E

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

COMPLIANCE CERTIFICATE FOR ACOUSTIC PRIVACY

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

COMPLIANCE CERTIFICATE FOR NOISE REDUCTION

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

COMMEMORATIVE PLAQUE

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

NUMBERING

- (92) 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.
- (93) Prior to issue of an Occupation Certificate, shop numbers must be clearly displayed in accordance with the “Policy on Numbering of Premises within the City of Sydney”.

TEMPORARY STRUCTURES WITHIN THE PUBLIC WAY

- (94) 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.
- (95) Prior to issue of an Occupation Certificate and/or commencement of the use of the premises, all required contracts or arrangements for the collection and removal of wastes and recyclable material must be finalised.

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (96) 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.

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

- (97) Prior to the use of any part of the premises for or in connection with the delivery, storage, preparation or service of food or beverages, or prior to issue of an Occupation Certificate, a Certificate of Completion must be submitted to the satisfaction of the Principal Certifying Authority;

EITHER

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

OR

- (b) a **Food Premises Certificate of Completion** in the form of **Attachment F2** signed by an Architect or other person appropriately qualified and experienced in construction, fitout, codes and legislative provisions for food premises, when the Principal Certifying Authority is the Council.

- (98) 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.

- (99) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.
- (100) 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.
- (101) **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:

An appropriately qualified practising structural engineer certifying by completing **Attachment S1C** 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.

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.

Council reserves the right to randomly audit any structural documentation.

- (102) 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.

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

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

Schedule 2

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

ITEM 5. DRAFT AMENDMENT NO. 9 TO SYDNEY REGIONAL ENVIRONMENTAL PLAN NO. 26 - SUBMISSION TO DEPARTMENT OF URBAN AFFAIRS AND PLANNING

Declaration of Interest

Dr Dearing declared an interest in that the Department of Urban Affairs and Planning had prepared the Draft Amendment to Sydney Regional Environmental Plan No. 26.

Dr Dearing did not take part in discussion or voting on this matter.

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

That arising from consideration of a report by the Deputy Director City Development and Manager Planning Policy to the Central Sydney Planning Committee on 19 October 2000, on Draft Amendment No. 9 to Sydney Regional Environmental Plan No. 26, it be resolved that the Central Sydney Planning Committee endorse the submission on the Draft Amendment No. 8 to Sydney Regional Environmental Plan No. 26 and Draft Ultimo/Pymont Urban Development Plan 1998 Update, as shown in Attachment A to the subject report, as amended at the meeting of the Central Sydney Planning Committee, and forward it to the City West Planning Office of the Department of Urban Affairs and Planning.

**ITEM 6. PRESENTATIONS BY APPLICANTS AND PRELIMINARY ADVICE
(S010833)**

There were no presentations by applicants and preliminary advice for this meeting of the Central Sydney Planning Committee.

**ITEM 7. NEW DEVELOPMENT APPLICATION LODGEMENTS AND
DELEGATED ITEMS (S010833)**

There were no new development application lodgements and delegated items at this meeting of the Central Sydney Planning Committee.

ITEM 8. GENERAL BUSINESS

There were no items of general business raised at the meeting of the Central Sydney Planning Committee on 19 October 2000.

The meeting concluded at 5.54pm.

CHAIRMAN

The next meeting of the Central Sydney Planning Committee is scheduled for 2 November 2000.