

CENTRAL SYDNEY PLANNING COMMITTEE

THURSDAY 18 OCTOBER 2001

Meeting No 261

MINUTES of the Meeting of the Central Sydney Planning Committee held in the Council Chamber, Sydney Town Hall, on Thursday 18 October 2001 commencing at 5.29pm.

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PRESENT

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

Mr Neil Bird, Councillor Dixie Coulton (alternate member for Councillor Lucy Turnbull), Councillor Robert Ho, Ms Sue Holliday (Director-General of Department of Urban Affairs and Planning), Mr Chris Johnson and Ms Antoinette le Marchant.

The Acting Director City Development was also present.

APOLOGY

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

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

That the apology from Councillor Turnbull 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 Item 3 be dealt with first.

ITEM 1. CONFIRMATION OF MINUTES (S010833)

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

That the Minutes of the meeting of the Central Sydney Planning Committee held on 30 August 2001 be taken as read and confirmed.

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

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

ITEM 2. MATTERS ARISING FROM THE MINUTES (S010833)

There were no matters arising from the Minutes of the meetings of the Central Sydney Planning Committee held on 30 August 2001 or 13 September 2001.

ITEM 3. DEVELOPMENT APPLICATION: 42-44 MARGARET STREET, SYDNEY KNOWN AS SCOTS CHURCH (D2001/00276)

Note - The following correspondence was circulated to members prior to the meeting of the Central Sydney Planning Committee -

Letter from Mr John Mageros, Crone Associates, dated 18 October 2001;

Letter from Mr Robert Denning, Fortius Funds Management Pty Limited, dated 18 October 2001; and

Letter from Mr Paul Tesoriero, Incoll Group, dated 18 October 2001.

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

Mr Robert Denning - Fortius Funds Management representing the owner of 50 Margaret Street, Sydney

Mr John Mageros - Crone Associates representing the owner of Le Meridien Hotel

Mr Craig Mason - Le Meridien Hotel

Mr Greg Incoll - Incoll Group representing the applicant

Mr Richard West - Transport & Traffic Planning Associates representing the applicant

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 18 October 2001, in relation to Development Application D/2001/00276 made by Scots Church Development limited for the site at 42-44 Margaret Street, Sydney known as Scots Church for the restoration of the existing Scots Church for its continued use as a church and construction of a 12 level residential tower, incorporating the provision of 148 residential apartments comprising 2 x studio, 98 x 1 bedroom, 45 x 2 bedroom, and 3 x 3 bedroom apartments, excavation for car parking in the form of a car stacker of 85 units including two (2) unloading/loading spaces at basement level and two (2) spaces allocated to the Church also at basement level, and the internal division of the existing assembly hall into a new 389 seat assembly hall including a 62 seat chapel and the provision of other church facilities, offices, meeting rooms, and the provision of approximately 1,166sqm of commercial/retail floor space, it be resolved that:-

(A) a deferred commencement consent be granted under the provisions of Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to the following:

- (1) Margaret Lane is to be adjusted in height to provide a minimum headroom of 3m for at least one of the proposed driveways to the subject site to enable garbage collection vehicles to collect garbage on site and to allow greater access for other vehicles. Details are to be submitted to Council for approval and are to be at the applicant's expense.

A lesser amount of headroom may be approved by the Director City Development in the event that it is not feasible to provide 3m.

- (2) Subject to the approval of the Sydney Traffic Committee and other relevant authorities as noted below, the following works are to be detailed:
 - (a) realignment of the approach of Jamieson Street to its signalised intersection with York Street to provide a Loading Zone in front of the Church site. This would involve deletion of an existing kerb bulge on the northern side and construction of a new kerb bulge on the southern side;
 - (b) use the existing Loading Zone in Margaret Street and dedicate it for funerals/weddings and loading purposes; and
 - (c) subject to the agreement of the State Transit Authority of NSW (STA), use the existing Bus Zone in York Street as a part-time Loading Zone.

- (3) Subject to the approval of the Sydney Traffic Committee and STA, use the existing Bus Zone in York Street as a part-time Construction Zone/Work Zone.
 - (4) Documentary evidence is to be submitted to Council in relation to the major work agreement between the developer and Rail Infrastructure Corporation which addresses a rail safety plan, work method and risk assessment statements and any other matters as directed by Rail Infrastructure Corporation.
 - (5) Subject to clause (B), the maximum number of parking spaces for the mechanical stacker system shall be 85 spaces. These spaces shall be used for residential tenant use only.
 - (6) A Construction, Pedestrian and Traffic Management Plan must be submitted and must include details of:-
 - (a) Proposed ingress and egress of vehicles to and from the construction site;
 - (b) Proposed protection of pedestrians adjacent to the site;
 - (c) Proposed pedestrian management whilst vehicles are entering and leaving the site;
 - (d) Proposed route of construction vehicles to and from the site; and
 - (e) The Pedestrian and Traffic Management Plan shall be implemented during the construction period.
 - (7) The above information shall be submitted to Council's satisfaction and approved by Council within six months from the date of this "deferred commencement" consent;
- (B) authority be delegated to the Lord Mayor to approve (or refuse) an increased number of car parking spaces for the mechanical stacker system up to a maximum of 112, subject to receipt of additional information, including traffic management advice, that would justify an increase over the recommended number;
- (C) subject to satisfactory completion of the above requirements, the development consent shall operate subject to the following conditions and any conditions reasonably arising from clause (A) above.

Schedule 1A

Approved Development, Contributions and Covenants

Note 1: Some conditions in Schedule A 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.

Note 2: Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority (whether Council or a private accredited certifier) illustrating compliance with the relevant requirements of the Building Code of Australia (and a copy forwarded to Council where Council is not the certifying authority). If Council is to be the certifying authority, please contact the Building Unit to discuss the requirements prior to submission of the application for construction certificate.

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No.D/01/00276 dated 14 May 2001 and Scots Church redevelopment Statement of Environmental effects Volume 1 and 2 prepared by City Plan Services, dated April 2001, and drawings numbered:

DA- 001 Revision C	Site Plan and Roof Plan
DA- 002 Revision D	Basement 1 Plan
DA- 003 Revision E	Basement Plan
DA- 004 Revision C	Ground Floor Plan
DA- 005 Revision F	Level 1 Plan
DA- 006 Revision E	Level 2 Plan
DA- 007 Revision E	Level 3 Plan
DA- 008 Revision E	Level 4 Plan
DA- 009 Revision G	Level 5 Plan
DA- 010 Revision F	Level 6 Plan
DA- 011 Revision F	Level 6a Plan
DA- 012 Revision E	Level 7 Plan

DA- 013 Revision E	Level 7a Plan
DA- 014 Revision E	Level 8 Plan
DA- 015 Revision E	Level 8a Plan
DA- 016 Revision E	Level 9 Plan
DA- 017 Revision E	Level 9a Plan
DA- 018 Revision E	Level 10 Plan
DA- 019 Revision E	Level 10a Plan
DA- 020 Revision C	Level 11 Plan
DA- 021 Revision C	Level 11a Plan
DA- 022 Revision C	Level 12 Plan
DA- 023 Revision C	Level 12a Plan
DA- 024 Revision C	Level 12b Plan
DA- 025 Revision F	Section AA and BB
DA- 026 Revision C	Section CC and DD and EE
DA- 027/1 Revision C	Elevations North
DA- 027/2 Revision C	Elevations West
DA- 028/1 Revision C	Elevations South

DA- 028/2 Revision C	Elevations East
DA- 029	Church Stratum Basement Plan
DA- 030 Revision D	Church Stratum Ground Floor Plan
DA- 031 Revision D	Church Stratum First Floor Plan
DA- 032 Revision D	Church Stratum Sections A and B
Sk-23 Revision 1	Ground Assembly Hall Floor Temporary Removal
SK-24 Revision 1	Car Stacker Construction Case 2
SK-25 Revision 1	Car Stacker Construction Case 1
SK 100	Part western Elevation, Zinc Profile
SK 101	Part Western Elevation Zinc Profile
SK 102	Part western Elevation Zinc and Window Study
SK105	Part West Elevation Window Cladding Study
SK 107	Amended South Elevation
SK 108	Amended South elevation
SK 109	Amended South Elevation and Plan
SK 111	Southern View
SK 112	Southern View
SK 113	York Street Façade Study
SK115	Roof Study
SK 117	North Façade Study
SK 118	Loft Apartment Ventilation
SK 119	Loft Apartment

SK 120	Cross Section
SK 121	Cross Section/Long Section

prepared by TZG/JTCW Architects dated August 2001 and as amended by the following conditions:

APPROVED DESIGN

- (2) The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the internal layout or external appearance of the building, without the approval of Council.
- (3) The quality of the lower part of the Margaret Lane façade be treated to the satisfaction of the Director City Development in order to achieve an adequate standard that will not detract from the amenity of the porte cochere of the hotel opposite.

FLOOR SPACE RATIO

- (4) The following applies to Floor Space Ratio:-
 - (a) The Floor Space Ratio of the proposal must not exceed 11.15:1 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 18,883.5sqm.
 - (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 2,666sqm of heritage floor space was allocated (purchased and transferred) to the development, being that floor space in excess of 8:1 as specified in the Central Sydney Local Environmental Plan 1996.

BUILDING HEIGHT

- (5)
- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 91.10 (AHD).
 - (b) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the height of the building, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (6) Archival recording for deposit in the City of Sydney Archives must be carried out prior to the removal of any significant building fabric or furnishings from the site, during the removal of fabric on site that exposes significant building fabric or furnishings, and after work has been completed on site, as considered appropriate by the conservation architect commissioned for the project.
- (a) The archival record of significant building fabric or furnishings from the site must be submitted to Council prior to the commencement of any demolition work and prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
 - (b) The archival record of significant building fabric or furnishings from the site that is exposed during demolition or construction and after work has been completed on site is required to be submitted to Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.
- (7) The form of recording is to be as follows:-
- (a) Photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:-
 - (i) 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
 - (ii) 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and one copy of a contact sheet printed on fibre-based paper to archival standards;

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

PHYSICAL MODELS

- (8) 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 in Town Hall House; and
- (9) Prior to the issue of the Occupation Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale mode of the development as constructed must also be submitted to Council for placement in the City Model at the City Exhibition Space.

Note:

- (a) The models shall be constructed in accordance with the Model Specifications, available from the One Stop Shop. Council's model maker should be consulted prior to construction of the model for Town Hall House. The Manager City Exhibition Space should be consulted prior to the construction of the model for City Exhibition Space.
- (b) The models are to comply with all of the conditions of the Development Consent.
- (c) The models must be amended to reflect any further approvals under S96(2) of the Environmental Planning and Assessment Act 1979, that affect the external appearance of the building.

ELECTRONIC MODEL - BUILDINGS 'AS BUILT' AND UNDERGROUND UTILITIES AND SERVICES

- (10) Prior to the issue of a Certificate of Occupation under the Environmental Planning and Assessment Act 1979, an accurate 1:1 electronic model of the approved development must be submitted to Council for the electronic City Model.
- (a) The data required to be submitted within the surveyed location shall include and identify:-
 - (i) buildings 'as built' above and below ground;
 - (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts; and
 - (iii) the property boundaries and the kerb lines adjacent to the site.
 - (b) The data is to be submitted as a DXF file on physical media (floppy disc or CD). Preferably, all plans are to be referenced to the Integrated Survey Grid of NSW (ISG), Australian Map Grid (AMG) or Map Grid of Australia (MGA).
 - (c) Within the DXF file each identified structure, feature, utility or service shall be distinguished by a combination of layering and/or symbology schema. The submitted plans shall be accompanied by a comma delimited text file, detailing the layering and/or symbology schema.
 - (d) The electronic model shall be constructed in accordance with the City's electronic data protocol. The protocol provides specific details of the information required to be shown and is available at the One Stop Shop. Council's Manager, Spatial Information should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

Note:

- (e) The submitted model/data must be amended to reflect any further approvals under Section 96 of the Environmental Planning and Assessment Act 1979, that affect the location of any of the underground services or structures and/or external configuration of building above ground.

ARCHITECT

- (11) The architect of the project as approved should not be changed without prior notice to Council.

DEMOLITION/SITE RECTIFICATION

- (12) 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 \$1 million dollars as security for the costs of such works provided that:
 - a. the maximum liability under the Deed shall not exceed \$1 million dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works which meet the objectives of the condition.
 - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the structure has commenced to be erected;
 - e. that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the above mentioned 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 tenantable 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.

SECTION 61 CONTRIBUTION

- (13) 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; and
 - (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; and

- (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.

HERITAGE

- (14) The proposed works are to be carried out in a manner that minimises demolition, alterations, new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (15) In areas of exceptional and considerable significance new services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
- (16) The applicant is to commission an experienced conservation architect to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (17) An interpretation strategy for the site must be prepared and implemented to assist public understanding of the history and significance of the site. It should be submitted for approval of the Director City Development prior to the issue of any Construction Certificate. This strategy should include recommendations regarding appropriate signage and exhibition of selected artefacts and/or other material to assist the public to understand the history and significance of the site. It must also address the following “interpretation through design” issues:
 - (a) Treatment of previously exterior walls of light wells to aid an understanding of their original function;
 - (b) The treatment of the former lift entries in the Jamieson Street lobby, including the retention and reuse of fabric in the lobby and in the new lift cars;
 - (c) The treatment of the Hall of Remembrance including new wall at the north end, treatment of walls after plaque and memorial removal and treatment of blocked openings and new lift doors. Details to be resolved should include materials, finishes and colours and heritage justification for their choice;

- (d) The proposal for the Assembly Hall should retain a representative sample of the original or early seating with its decorative end panels;
 - (e) The Lang pulpit should be returned to the space and used for its original purpose or its use interpreted; and
 - (f) All existing plaques and memorials should be accounted for in terms of relocation or retention in situ.
- (18) The removal of the Assembly Hall floor must be undertaken with adequate protection for the exceptionally significant fabric of the Assembly Hall. The use of dust barriers and a catch scaffold or equivalent is required. Details of methods to be employed are to be endorsed by the Heritage Consultant for the project and are to be submitted for the Approval of the Director City Development prior to the issue of a Construction Certificate.
- (19) This consent excludes the removal of the dais in the Assembly Hall.
- (20) The pavement lightwells in and adjacent to the footways adjoining the site must be upgraded and maintained according to the requirements of and to the approval of Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.
- (21) A statement is to be provided to confirm that modification of edge beams for car park entry on Margaret Lane will not impact on the curved beam under Assembly Hall. This statement is to be endorsed by the Heritage Consultant for the project and is to be furnished prior to the issue of a Construction Certificate.
- (22) Where internal partitions meet external walls they shall abut window mullions, columns or other such building elements and not glazing.

ARCHAEOLOGICAL INVESTIGATION

- (23)
- (a) The applicant must apply to the Heritage Office for an excavation permit under Section 140 of the Heritage Act 1977;
 - (b) Should any potential archaeological deposit likely to contain Aboriginal artefacts be identified during the planning or historical assessment stage, application should be made by a suitably qualified archaeologist to the National Parks and Wildlife Service (NPWS) for an excavation permit for Aboriginal relics;
 - (c) The applicant shall comply with the conditions and requirements of any excavation permit required, and are to ensure that allowance for compliance with these conditions and requirements into the development program;

- (d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required;
- (e) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977;
- (f) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance of the area is to stop immediately and the (NPWS) is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974; and

Note:

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

REPORT TO BE COMPLIED WITH

- (24) The development shall be in accordance with the recommendations of:

Heritage Impact Assessment	Brian McDonald & Assoc.
Archaeological Impact Assessment	Godden Mackay Logan
Traffic and Parking Report	Colston Budd Hunt & Kafes
Wind Environment Report	Vipac
Acoustic Report	PKA Consulting
Energy and Reflectivity	Vipac
Services Report	Donneley Simpson Cleary
BCA Report	City Plan Services
Access Review	Morris Goding Accessibility Consulting

- (25) An alternate solution to demonstrate compliance with the Performance Requirement CP1 and CP2 of the Building Code of Australia must be prepared for the fire resistance of any existing structure. Prior to the issue of the Construction Certificate details of work to ensure compliance, including Heritage Impact Statement, must be submitted and approved by the Director City Development.

- (26) An alternate solution to demonstrate compliance with the Performance Requirement CP4 of the Building Code of Australia must be prepared for the fire hazard properties of materials in the existing building. Prior to the issue of the Construction Certificate details of work to ensure compliance, including Heritage Impact Statement, must be submitted and approved by the Director City Development.
- (27) An alternate solution to demonstrate compliance with the Performance Requirements of the Building Code of Australia must be prepared for the existing open heritage stair that connects five levels of the building. Prior to the issue of the Construction Certificate details of the proposed upgrading, including Heritage Impact Statement, must be submitted and approved by the Director City Development.
- (28) Smoke hazard management must be provided in the heritage building to comply with Performance Requirement EP2.2 of the Building Code of Australia. Prior to the issue of the Construction Certificate details of work to ensure compliance, including Heritage Impact Statement, must be submitted and approved by the Director City Development.
- (29) Glazing to the existing windows in the heritage building must comply with Performance Requirement DP3 of the Building Code of Australia for balustrade requirements. Prior to the issue of the Construction Certificate details of any alterations to the glazing or new balustrading to the windows, including Heritage Impact Statement, must be submitted and approved by the Director City Development.
- (30) The owners of the site are to dedicate to the public for road purposes a curved splay of approximately 3.6m x 3.6m at the intersection of the alignments of Jamison Street and York Street prior to issue of Occupation Certificate. Such dedication is to be unlimited in stratum, at no cost to Council, and is to be on the understanding that the affected part of the site is to be available for the calculation of the Floor Space Area of the subject building.
- (31) In accordance with Council's requirements any proposed balconies, bay windows, window hoods, overhangs and architectural embellishments are not to encroach upon the public way below 3.6m above footpath level nor encroach in excess of 450mm beyond the alignment thereof.
- (32) Any proposal to Strata subdivide part of the site is to be undertaken in accordance with the provisions of the Strata Schemes (Part Strata) Amendment Act 1994. Separate applications are to be made to Council to obtain Development Consent to the stratum (land) subdivision of the development and subsequent approval and endorsement of the Plan of Subdivision and issue of a Subdivision Certificate in accordance with Part 4A of the Environmental Planning and Assessment Act 1979. Any subsequent Strata Plan of a stratum lot will require approval and endorsement by Council or an accredited Certifier and issue of a Strata Certificate pursuant to Section 37 of the Strata Schemes (freehold Development) Act 1973.

WASTE MANAGEMENT

- (33) The development's waste management, storage and collection facilities are to be redesigned to the satisfaction of the Director City Development and in accordance with Council's Code for Waste Handling in Buildings 1994, and the development is to provide:
- (a) A separate garbage room to accommodate the waste generated by the residential component of the development, large enough to provide for the separation of putrescible from waste suitable for recycling and constructed in accordance with Part 5 of the Code for Waste handling in Buildings;
 - (b) The residential garbage room is to incorporate an approved putrescible waste compaction system in accordance with Part 7 of the Code for Waste Handling in Buildings;
 - (c) Two additional separate garbage rooms to accommodate the waste generated by the Church and the commercial/retail uses of the building, large enough to provide for the separation of putrescible from waste suitable for recycling and constructed in accordance with Part 5 of the Code for Waste Handling in Buildings; and
 - (d) A complying garbage chute within the building providing access by the occupants of all residential apartments in the building via separate transfer/recycling rooms on each level of the building which are to accommodate recycling receptacles and a chute access hopper.
- (34) In the event that waste cannot be collected on site and is collected off Margaret Lane, then the collection of waste shall not occur between the hours of 7.00am and 10.00am and the hours of 4.00pm and 7.00pm.
- (35) A Building Waste Management Plan is to be submitted and approved by the Director City Development prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 for construction of the development. Such plan must address compliance with Council's Code for Waste handling in Buildings and provide details of the following:
- (a) The location, design and construction of the garbage rooms, recycling rooms, bin washing and collection areas and vehicle access and standing areas;
 - (b) Details of the location, method and management of the transfer of garbage receptacles from the residential garbage room to the vehicle standing area for Council's domestic waste collection vehicles;
 - (c) The natural and mechanical ventilation of garbage rooms and service areas in accordance with the Building Code of Australia and Australian Standard 1668;
 - (d) The location and design of garbage chutes and compaction units required by the Code;

- (e) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross-contamination; and
- (f) The design features incorporated in the building and procedures to be undertaken by building management to ensure waste separation and minimisation within individual units and offices, on each floor of the building and within the garbage storage , recycling and collection areas.

All requirements of the approved Building Waste Management Plan must be implemented during the construction of the development.

- (36) At no time are the garbage receptacles permitted to stand within Margaret Lane or Jamieson Street.
- (37) Upon completion of construction and prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act for the development or part thereof, compliance of all the building's waste facilities with the requirements set out in the approved Building Waste management Plan and the provisions of Council's Waste Code is to be verified by Council's Manager Contracts and Asset management.

VEHICLE PARKING AND ACCESS

- (38) The layout of the basement car park and service vehicle parking area shall comply with Australian Standards AS 2890.1-1993 and AS 2890.2-1989.
- (39) The design of the mechanical stacker and its associated facilities shall be in full compliance with the supplier's specifications and shall be to the satisfaction of the Director of City Development that:
 - (a) No vehicle is required to queue on the public street; and
 - (b) All vehicles enter and exit the site in a forward direction.
- (40) Consideration must be given under E2.3 of the BCA regarding any special fire hazards from the basement car park/stacker.
- (41) A fire safety assessment must be made on the car stacker prior to the issue of a Construction Certificate. Particular attention must be given on determining the Fire Resistance Level of the floor slab and beams over the car stackers, the adjoining columns including turntables, and method of active fire protection/smoke hazard management.
- (42) The headroom for the basement shall be 3m minimum over areas traversed by trucks.
- (43) A "STOP" sign shall be installed and maintained at the exit point to compel all vehicles to stop before proceeding onto the public street.
- (44) All costs of traffic management measures associated with the development shall be borne by the developer.

- (45) Loading and unloading activities, and servicing of the building must not occur in Margaret Lane.

NO PARTICIPATION IN RESIDENT PERMIT PARKING SCHEME

- (46) Residents are not eligible to participate in the resident permit parking schemes.

Note:

- (a) This prohibition on participation in the resident permit parking scheme will be recorded on the Section 149 Certificate for this property under the Environmental Planning and Assessment Act 1979.

EXTERNAL LIGHTING

- (47) 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.
- (48) 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.
- (49) A separate development application must be submitted at the appropriate time for the specific use of the commercial/retail tenancies.

SIGNS

- (50) 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.
- (51) At no time is the intensity, period of intermittency and hours of illumination of the sign to cause injury to the amenity of the neighbourhood. If, in the opinion of Council, injury is likely to be caused, the intensity, period of intermittency and hours of illumination must be varied to the approval of Council.

Schedule 1B

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

DESIGN MODIFICATIONS

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

- (a) Assembly Hall: Further design refinement needs to be undertaken to ensure that ancillary uses such as server room and chair store are not accommodated in the gallery undercroft;
- (b) Further refinement of the Assembly Hall adaptation should expose to view the ceiling of the undercroft; and
- (c) Landings providing access to offices at the Margaret Street end of the building are to be redesigned to be minimal, elegantly and sympathetically detailed.

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.

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.

PUBLIC DOMAIN PLAN

- (54) 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; and
 - (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; and
- (ix) The provision of smart pole(s), (to be provided at the applicants cost).
- (e) Random checks by Council officers may be made throughout the construction process to advise the contractor of non-complying elements. However, no parts of the work are to be considered approved until receipt of the City of Sydney letter of approval. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter.

Note:

- (f) Three copies of the Public Domain Plan are to be lodged with the Manager Design, City Projects.

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

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

(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).

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) Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site www.sydneywater.com.au or telephone 132092.
- (57) The applicant shall prepare and submit a Security Management Plan which specifies security patrol, surveillance and other security and response methods and security management of the public and private domain within and surrounding the site. The Plan shall be approved by Council, prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

GLAZING

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

PAVING MATERIALS

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

ACCESS FOR PERSONS WITH A DISABILITY

- (60) Access to the building including the car park, residential, retail, commercial and church tenancies shall be in accordance with the requirements of "The City of Sydney Access Policy December 1992".
- (61) The unit(s) designated for persons with disabilities shall be designed so as to allow for future fit out in accordance with AS 1428.1 - 1993 "Design for Access and Mobility".
- (62) 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.
- (63) 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 (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) must be provided, and copy submitted to Council.

ACOUSTIC PRIVACY BETWEEN UNITS

(64) 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; and
 - (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 IIC of not less than 55; and
 - (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).

STORMWATER AND DRAINAGE

(65) 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

(66) To ensure that 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 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 utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) 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.

(67) 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; and
- (iv) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.

Note:

- (d) Certification will also be required on completion of the building, prior to issue of an Certificate.
- (68) 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; and
 - (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.
- (69) 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

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

METAL FIXING

- (71) Any metal fixings for facade panels or curtain walls to a building must be stainless steel (Grade 303) unless the element/component is designed principally as a flexural member as follows:-
- (a) The fixing shall be designed so that in the event of imminent corrosion failure, the deformation in the fixing/s should cause the panel to displace downward (and preferably outward at the bottom of the panel).

- (b) The flexural member/component may then be Hot Dipped Galvanised Steel and designed so that the design life of the fixing is minimum 100 years, using:-
- (i) Average Corrosion Rate of Hot Dipped Galvanised Coating to be 2 microns per year; and
 - (ii) The Average Corrosion Rate of mild steel in the facade environment taken to be 20 microns per year; and
 - (iii) The Pitting Rate of mild steel taken to be 10 times the Average Corrosion Rate; and
 - (iv) After the section has corroded full thickness at Pitting Corrosion Rate, the Average Corrosion Rate doubles.

ELECTRICITY SUBSTATION

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

ALIGNMENT LEVELS

- (73) 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.
- (74) For alterations and additions to an existing building, a letter from a qualified practising structural engineer (NPER) or a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) shall be 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).

- (75) For areas not complying with the deemed to satisfy provisions of the BCA an alternate solution will be required to demonstrate compliance with the performance requirements stipulated in the BCA. Any alternative solution must be submitted and approved by the Certifying Authority prior to the issue of the construction certificate. The following information must be provided:-
- (a) Details of the performance requirements that the proposed alternative solution is intended to meet; and
 - (b) Details of the assessment methods used to establish compliance with those performance requirements.

ALTERATIONS, ENLARGEMENT OR EXTENSION OF AN EXISTING BUILDING NOT INVOLVING CHANGE OF USE

- (76) The certifying authority must not issue a construction certificate for the work unless it is satisfied that the fire protection and structural capacity of the existing elements of the building will not be reduced.

Schedule 1C

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

DEMOLITION DETAILS

- (77) Prior to the commencement of demolition work, the details including plans and elevations showing distances of the subject building from the site boundaries, locations of common/party walls, and (where applicable) proposed method/s of facade retention must be submitted to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy sent to Council (if it is not the PCA).

DEMOLITION WORK METHOD STATEMENT

- (78) Prior to the commencement of demolition work a licensed demolisher who is registered with the WorkCover Authority must prepare a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy sent to Council (if it is not the PCA). A copy of the Statement must also be submitted to the WorkCover Authority.
- (79) The Statement must be in compliance with AS2601-1991 Demolition of Structures, the requirements of WorkCover Authority and conditions of the Development Approval, and must include provisions for:-
- (a) Enclosing and making the site safe, any temporary protective structures must comply with the Guidelines for Temporary Protective Structures (April 2001);
 - (b) Induction training for on-site personnel;

- (c) Inspection and removal of asbestos, and contamination and other hazardous materials;
 - (d) Dust Control:-
 - (i) Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site.
 - (e) Disconnection of Gas and Electrical Supply;
 - (f) Fire Fighting:-
 - (i) Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed.
 - (g) Access and egress:-
 - (i) No demolition activity shall cause damage to or adversely affect the safe access and egress of this building.
 - (h) Waterproofing of any exposed surfaces of adjoining buildings;
 - (i) Control of water pollution and leachate and cleaning of vehicles tyres:-
 - (i) Proposals shall be in accordance with the Protection of the Environmental Operations Act 1997.
 - (j) Working hours, in accordance with this Development Consent;
 - (i) Construction hours shall be determined by the Director City Development after approval of the Construction, Pedestrian and Traffic Management Plan referred to in Condition (A)(6) and after consultation with the Le Meridien Hotel.
 - (k) Confinement of demolished materials in transit;
 - (l) Proposed truck routes, in accordance with this Development Consent;
 - (m) Location and method of waste disposal and recycling in accordance with the Waste Minimisation and Management Act 1995.
- (80) The demolition by induced collapse, the use of explosives or on-site burning is not permitted.

OTHER DEMOLITION DETAILS

- (81) Prior to the commencement of demolition work, the following additional details are required to be submitted to the Principal Certifying Authority (PCA) (Council or a accredited certifier), and a copy submitted to Council if its not the PCA:-
- (a) A Statement/Letter from an appropriately qualified Structural Engineer certifying concurrence with the structural provisions of the Demolition Work Method Statement and proposed work. If applicable, a Structural Report of the proposed building to be demolished must be attached.
 - (b) A Letter nominating the person appropriately qualified as an Occupational Hygiene Consultant for inspecting the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to WorkCover Authority.
 - (c) Dilapidation Report/s of adjoining buildings.
 - (d) A certified copy of the Public Liability Insurance indemnifying Council for \$10,000,000 against public prosecution for the duration of the demolition works.
 - (e) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the WorkCover Authority.

EXCAVATION WORK METHOD STATEMENT

- (82) Prior to commencement of site excavation works, an Excavation Work Method Statement prepared by an appropriately qualified person must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or an accredited certifier) and a copy submitted to Council (if it is not the PCA). The Statement must include:-
- (a) Name and address of the company/contractor undertaking excavation works;
 - (b) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials (if applicable);
 - (c) Name and address of the transport contractor, and location of the disposal site;
 - (d) Type and quantity of material to be removed from site;
 - (e) A Materials Handling Statement for the removal of refuse from the demolition site, in accordance with the provisions of the Waste Minimisation and Management Act 1995;
 - (f) A Dust Control Method Statement for excavated sandstone or other excavation materials;

- (g) Procedures to be adopted for the prevention, of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment, and the proposed method of cleaning surrounding roadways from such deposits;
- (h) Measures to enclose the excavation site, including safety barriers, particularly if the excavation is greater than 1.5 metres deep. Plastic jersey kerb barriers are not permitted; and
- (i) Any WorkCover Authority requirements.

Note:

- (i) A copy of all Reports/Statements referenced in the Work Method Statement must be appended to the Statement;
- (ii) The Principal Certifying Authority is to be notified of any proposed alteration of the above information during the course of demolition; and
- (iii) On completion of removal of contaminated materials, a certificate shall be submitted to the PCA, and a copy provided to the Council (if it is not the PCA) testifying to the safe and proper disposal, and amount of all such material.

WATER AND SEDIMENT CONTROL STATEMENT FOR DEMOLITION AND EXCAVATION

(83) The following environmental protection measures are required:-

- (a) Prior to the commencement of demolition and/or excavation, a Demolition/Excavation Water and Sediment Control Statement must be submitted to and approved by the Principal Certifying Authority (Council or an accredited officer).
- (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 run-off from the site onto the public way.

- (c) 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 and the Department of Housing Manual Managing Urban Stormwater - Soils and Construction (August 1998).
- (d) The Demolition/Excavation Water and Sediment Control Statement shall be implemented during the demolition and/or excavation period.
- (e) Any seepage or rainwater collected on site during work must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.
- (f) The applicant must also comply with the NSW Protection of the Environmental Operations Act 1997, whereby it is an offence to pollute classified waters such as Sydney Harbour to which must of the City's street drainage is directly connected.

WASTE MANAGEMENT DURING DEMOLITION AND EXCAVATION

- (84) A Waste Management Plan for the demolition and/or excavation of the proposed development must be submitted to the satisfaction of the Principal Certifying Authority (and a copy submitted to Council if it is not the PCA) before commencement of work on the site.
- (85) 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 an appropriately qualified person experienced in Waste Handling Design and Environmental Management.
- (86) The Waste Management Plan must address demolition and excavation, as applicable. The Plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:-
 - (a) Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
 - (b) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition and excavation operations including:-
 - (i) Type and quantities of material expected from demolition and excavation;
 - (ii) Name and address of transport company;
 - (iii) Address of proposed site of disposal;
 - (iv) Name/address of company/organisation accepting material;

- (v) Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
 - (vi) Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
 - (vii) Material for disposal and justification of disposal; and
 - (viii) 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.
- (87) All requirements of Waste Management Plans must be implemented during the demolition and/or excavation period of the development.

Note:

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

STRUCTURAL CERTIFICATION FOR DESIGN - MAJOR WORKS

- (88) 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 (if it was not the PCA):
- (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 (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979), 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:

- (d) 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.
- (e) An appropriately qualified practising structural engineer certifying by issuing a 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.
 - (i) 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.
 - (ii) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.

GEOTECHNICAL REPORT AND CERTIFICATION

- (89) Prior to commencement of any foundation or bulk excavation, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy submitted to Council (if it is not the Principal Certifying Authority):-
 - (a) A Geotechnical Report which shall include the following information as appropriate:-
 - (i) Borehole/test pit logs or inspection records;
 - (ii) Field/laboratory test results;
 - (iii) General geotechnical description of site;
 - (iv) Recommended safe bearing values and likely settlements of foundation material;
 - (v) Recommendations for stability and protection of excavations;

- (vi) Opinion on the effect of the new works on adjoining buildings and recommendations for any underpinning or other measures required to maintain stability; and
 - (vii) Method of proving and assessing foundations underpinning and/or excavation stability in accordance with design.
- (b) A Structural Engineer's Report/Letter stating to the effect that, based on the Geotechnical Report, the proposed excavation and construction work will not adversely affect the adjoining building/s.
 - (c) An Inspection and Test Plan (ITP) that reflects the requirements of the geotechnical report, project drawings and specifications.
 - (d) A completed Geotechnical Certificate for the Report and ITP, submitted in the form of Attachment G1 completed by the Project/Principal Geotechnical Engineer OR, a compliance certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) after satisfying (a), (b) and (c) above.

Notes:

- (e) An appropriately qualified practising geotechnical engineer certifying by completing Attachment G1 must have:-
 - (i) Appropriate tertiary qualifications in civil or geotechnical engineering; AND
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume;
 - (iv) Appropriate current professional indemnity insurance.
 - (f) An appropriately qualified practising geotechnical engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Geotechnical Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
- (90) Geotechnical inspections and testing must be in accordance with the ITP. A Geotechnical Inspection Certificate will be required prior to issue of the Occupation Certificate. Refer to Schedule E.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (91) 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 “Guidelines for Temporary Protective Structures” (April 2001);
 - (b) Structural certification prepared and signed by an appropriately qualified practising structural Engineer; and
 - (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.
- (92) If an Alternate Building Solution Report is intended to demonstrate compliance with the Building Code of Australia and in particular structural adequacy in the event of a fire, then prior to the issue of a Construction Certificate:
- (a) The applicant is to submit the Alternate Building solution Report to the certifying authority, prepared by an appropriately qualified Fire engineer. The Report must include Critical design Fire Temperature/s for the affected structural elements; and
 - (b) A Complementary structural Report, prepared by an appropriately qualified structural engineer, must then demonstrate that the structure satisfies Australian standards adopted by the BCA including the Fire Limit State requirements of AS1170 Part 1.
 - (i) The project engineer should advise on the following:
 - a. The likely lateral movement of the rock and associated footings adjoining the car stacker excavation;
 - b. The most suitable excavation equipment to have the least impact on the building;
 - c. The associated vibration characteristics (Peak Particle Velocity Value) of the equipment proposed and likely impact on adjoining buildings and occupants.
- (93) To contain dust and prevent silt blocking City Infrastructure, no excavated materials handling should occur on the public way. The applicant should adjust the excavation work method statement to include that excavated material will be loaded onto skips, covered and tied down within the building, prior to transferring to a truck within the nominated Construction Zone.
- (94) That the whole structure as altered, including all new works is to comply with AS1170 Part 4.

APPLICATION FOR A ROAD OPENING PERMIT AND SHORING

- (95) 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.

- (96) Documents required with the application include:-
- (a) A plan and relevant sections showing scope of works, boundaries, utility services; levels of proposed excavation, and details of method of reinstating public way;
 - (b) Evidence that public utility drawings have been inspected;
 - (c) Evidence of a Public Liability Insurance Policy specifically indemnifying the City of Sydney;
 - (d) A Security Deposit for reinstatement of public way.
- (97) The Road Opening Permit will be subject to conditions that must be complied with.
- (98) Application design and installation of Temporary and Permanent Shoring shall be in accordance with the "Guidelines for Temporary Protective Structures" (April 2001).

FOOTPATH DAMAGE BANK GUARANTEE

- (99) Prior to release of a temporary structure approval under Section 68 of the Local Government Act 1993 (Hoarding Approvals), the owner of the site must provide a bank guarantee in the sum of an amount to be assessed by Council as security for any damage rectification.
- (100) The following protective measures shall be provided under any hoarding on the public footway during construction of the development to the satisfaction of the Council:-
- (a) Plastic sheeting to cover the stone paving;
 - (b) Minimum 12mm thick plywood on top of the plastic sheeting; and
 - (c) These measures shall be maintained in a safe and tidy condition for the duration of construction.

USE OF MOBILE CRANES

- (101) 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.

CERTIFICATION OF MECHANICAL VENTILATION

(102) 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 (Council or an accredited certifier) prior to commencement of any mechanical services work.

(103) To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:-

- (a) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
- (b) 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
- (c) 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;
- (d) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of Attachment M1, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) 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;

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

Schedule 1D

Conditions to be complied with during work on site to the satisfaction of the Principal Certifying Authority

LOADING AND UNLOADING DURING CONSTRUCTION

(104) 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.

(105) 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.

(106) 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.
- (107) 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.
- (108) 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.
- (109) Vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material.

Note:

- (a) The Protection of the Environment Administration Act 1991, provides for the revocation of transporters' licences where drivers dump wastes illegally; and
- (b) Margaret Lane must not be used as a construction zone.

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

- (110) 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.

TEMPORARY STRUCTURES WITHIN THE PUBLIC WAY

- (111) 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.

NUMBERING

- (112) 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.
- (113) 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".

STREET NAME PLATE

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

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (115) 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 (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) 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 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.

CERTIFICATION OF GEOTECHNICAL INSPECTION

- (116) Prior to issue of an Occupation Certificate or use of the premises, a Geotechnical Inspection Certificate in the form of Attachment G2, or a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy submitted to Council, (if it was not the PCA).

Notes:

An appropriately qualified practising geotechnical engineer certifying by completing Attachment G2 and must have:-

- (a) Appropriate tertiary qualifications in civil or geotechnical 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 geotechnical engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Geotechnical Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

- (117) 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, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) 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.

- (118) An Occupation Certificate (in accordance with Clause 155 of the Environmental Planning and Assessment Regulation 2000) 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.

Schedule 1F

Conditions to be complied with during the use of Premises

REMOVAL OF GRAFFITI

(119) 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

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

- (f) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
- (g) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level or greater than 5dB at the boundary of any affected property 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.
- (h) 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".
- (i) The "emission of an offensive noise" under the Protection of the Environment (Operations) Act 1997.
- (j) 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.
- (k) 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

(121) 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

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

(123) Portable signs or goods for sale or display must not be placed on the footway or other public areas.

Schedule 2

The prescribed conditions in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000 apply to this development.

ITEM 4. CENTRAL SYDNEY DEVELOPMENT CONTROL PLAN 1996: DRAFT AMENDMENT NO. 17 - TOURIST AND VISITOR ACCOMMODATION, DRAFT POLICY FOR THE PROVISION OF TOURIST AND VISITOR ACCOMMODATION IN CENTRAL SYDNEY, AND DRAFT POLICY FOR THE PROVISION OF TOURIST AND VISITOR ACCOMMODATION (S011164)

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 18 October 2001, regarding Draft Amendment No. 17 to the Central Sydney Development Control Plan 1996, the Draft Policy for the Provision of Tourist and Visitor Accommodation in Central Sydney, and the Draft Policy for the Provision of Tourist and Visitor Accommodation, it be resolved that the Committee:-

- (A) approve Draft Amendment No. 17 to the Central Sydney DCP 1996 (as shown at Attachment E to the subject report);
- (B) approve the Draft Policy for the Provision of Tourist and Visitor Accommodation in Central Sydney (as shown at Attachment F to the subject report);
- (C) approve the Draft Policy for the Provision of Tourist and Visitor Accommodation (as shown at Attachment G to the subject report);
- (D) authority be delegated to the Lord Mayor to approve any minor drafting changes;

- (E) write to other consent authorities in the City of Sydney (ie. Sydney Harbour Foreshore Authority and the Department of Urban Affairs and Planning) requesting that they adopt the Development Control Plan amendments and Policies as a Policy; and
- (F) give public notice of this Resolution.

ITEM 5. PRESENTATIONS BY APPLICANTS AND PRELIMINARY ADVICE (S010833)

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

ITEM 6. PROGRESS REPORT ON DEVELOPMENT APPLICATIONS (A03-00138/1)

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

That arising from consideration of a report by the Manager Development, to the Central Sydney Planning Committee on 18 October 2001, in regard to the progress report for the month of September 2001, it be resolved that the report be received and noted.

ITEM 7. NEW DEVELOPMENT APPLICATION LODGEMENTS AND DELEGATED ITEMS (S00-2287)

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

That arising from consideration of a report by the Manager Development to the Central Sydney Planning Committee on 18 October 2001, in regard to the report on new development application lodgements and delegated items, it be resolved that the report be received and noted.

ITEM 8. GENERAL BUSINESS

There were no items of general business raised at the meeting of the Central Sydney Planning Committee on 18 October 2001.

The meeting concluded at 6.54pm.

CHAIRMAN

The next meeting of the Central Sydney Planning Committee is scheduled for 8 November 2001.