

# CENTRAL SYDNEY PLANNING COMMITTEE

THURSDAY 29 NOVEMBER 2001

Meeting No 263

**MINUTES** of the Meeting of the Central Sydney Planning Committee held in the Council Chamber, Sydney Town Hall, on Thursday 29 November 2001 commencing at 5.18 pm.

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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, Department of Urban Affairs and Planning), Mr Chris Johnson and Ms Antoinette le Marchant.

The Acting General Manager and Acting Director City Development were also present.

Note - The Chairman arrived at the meeting of the Central Sydney Planning Committee at 6.20 pm during discussion on Item 8.

### **ELECTION OF CHAIRMAN**

In the temporary absence of the Lord Mayor, Councillor Frank Sartor, an election for the position of Chairman was held in accordance with Clause 14(1) of Schedule 1 of the City of Sydney Act 1988. Nominations for the position of Chairman were called. One nomination was received and accepted by the candidate, as follows:

Ms Holliday - nominated by Mr Johnson, seconded by Ms le Marchant.

Ms Holliday was declared elected and took the chair at 5.19 pm.

### **APOLOGY**

An apology was received from Councillor Turnbull who was unable to attend the meeting owing to a prior commitment.

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

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 the agenda items be dealt with in the following order:

3. Development Application: "Kens Site", 259-295 Kent Street, 42-66 Erskine Street and 20-66 Sussex Street (also has Frontages to Napoleon Street and Sussex Lane) - Stage 1 Development Application
5. Department of Urban Affairs and Planning Referral: Draft Master Plan and Stage 1 Development Application - Elizabeth Macarthur Bay, Pyrmont
8. Pre-Stage 2 Development Application: 124 Phillip Street, Sydney - Presentation by Applicant
4. Department of Urban Affairs and Planning Referral: Sites 1, 2 and 6, Wharves 9 and 10 Darling Harbour
6. Draft State Environmental Planning Policy No. 66 - Integrating Landuse and Transport
7. 5 Year Review of LEP 1996: Decision to Prepare a Local Environmental Plan in accordance with Section 54 of the Environmental Planning and Assessment Act 1979
1. Confirmation of Minutes
2. Matters Arising from the Minutes

9. Progress Report on Development Applications
10. New Development Application Lodgements and Delegated Items
11. Schedule of Central Sydney Planning Committee Meetings and Briefings for 2002
12. General Business

### **ITEM 1. CONFIRMATION OF MINUTES (S010833)**

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

That the Minutes of the meeting of the Central Sydney Planning Committee held on 8 November 2001 be taken as read and confirmed.

### **ITEM 2. MATTERS ARISING FROM THE MINUTES (S010833)**

There were no matters arising from the Minutes of the meeting of the Central Sydney Planning Committee held on 8 November 2001.

### **ITEM 3. STAGE 1 DEVELOPMENT APPLICATION: "KENS SITE", 259-295 KENT STREET, 42-66 ERSKINE STREET AND 20-66 SUSSEX STREET (ALSO HAS FRONTAGES TO NAPOLEON STREET AND SUSSEX LANE) (D2001/00541)**

Mr Mark Gray of Leighton Properties addressed the meeting of the Central Sydney Planning Committee on this matter.

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee (CSPC) on 29 November 2001, in relation to Development Application D2001/00541 made by Leighton Properties Pty Ltd for the site at 259-295 Kent Street, 42-66 Erskine Street and 20-66 Sussex Street, known as the KENS site, for a Stage 1 development proposing a building envelope comprising two tower elements with a common podium and back to back side cores; an infill building envelope at 56-60 Erskine Street; land uses comprising retail and public uses on the various ground levels, commercial office use in the podium and tower elements of the building, a basement public and tenant carpark, and an urban park addressing Napoleon Street; a total floor space of 111,291m<sup>2</sup>; demolition of a number of existing buildings on the site; and basement excavation to accommodate 214 tenant car spaces and 650 shortstay public car parking spaces, it be resolved that:-

- (A) The applicant should note that the approval of the Stage 1 development application does not imply that a Stage 2 development application lodged in accordance with the Stage 1 development application will necessarily be acceptable as a full and thorough assessment under the provisions of Section 79C of the Environmental Planning and Assessment Act 1979 will be required at the time;

- (B) The CSPC supports in principle the proposal, including the architectural direction and quality of the design as being generally consistent with the winning competition scheme by Richard Johnson. Notwithstanding this, the CSPC expects an excellent standard of design detail and finishes to be realised in the Stage 2 development application;
- (C) The CSPC supports the inclusion of the urban park and the public domain improvements proposed in the Stage 1 development application and anticipates that the further design resolution of these aspects of the scheme will result in the creation of a desirable and well utilised public spaces;
- (D) The CSPC acknowledges the significance of this site and its important relationship to significant heritage buildings on the development site. Moreover, in considering the development the CSPC had particular regard to the high quality of the design and the materials proposed. The applicant is advised that any design resolution which diminishes the quality of the development is unlikely to be supported by the CSPC;
- (E) Consent be granted under the provisions of Section 80(4) of the Environmental Planning and Assessment Act 1979, solely for the following parts or aspects of the development as described in the Statement of Environmental Effects prepared by JBA Urban Planning Consultants and dated August 2001:
- (1) a building envelope containing two tower elements with a common podium and back to back side cores and an infill building in Erskine Street;
  - (2) land uses comprising active retail and public uses on the various ground levels, commercial office use in the podium and tower elements of the building, basement public and tenant car parking and an urban park/open space addressing Napoleon Street;
  - (3) a total floor space area of 111,291sqm;
  - (4) demolition of Lewry's Auto Electronics, the Downtown Caltex Shop, the Sussex Lane, the Waterside Workers' Federation Building, the existing carparks/parking on the site and the rear (northern) end of the Foley Building apron; and
  - (5) excavation of five basement levels to a finished floor level of no deeper than RL -12.50 to accommodate 214 tenant car parking spaces and 650 public car parking spaces; and
- (F) the development application be approved subject to the following conditions:-

## **Schedule 1A**

### **Approved Development, Contributions and Covenants**

#### **APPROVED DEVELOPMENT**

- (1) Development must be in accordance with the following:

- (a) Development Application No. D2001/00541 dated 22 August 2001;
- (b) The Statement of Environmental Effects prepared by JBA Urban Planning Consultants, dated August 2001;
- (c) Drawings numbered:-

DA1-01	00	28/08/01
DA1-02	00	20/08/01
DA1-03	00	20/08/01
DA1-04	01	19/11/01
DA1-05	01	19/11/01
DA1-06	01	19/11/01
DA1-07	01	19/11/01
DA1-08	01	19/11/01
DA1-09	00	20/08/01
DA1-10	00	20/08/01
DA1-11	00	20/08/01
DA1-12	00	20/08/01
DA1-13	00	20/08/01
DA1-14	00	20/08/01
DA1-15	00	20/08/01
DA1-16	01	19/11/01
DA1-17	01	19/11/01
DA1-18	01	19/11/01
DA1-19	01	19/11/01
DA1-20	01	19/11/01
SK 29	A	27/06/01
SK 27	00	27/06/01
SK 28	01	05/10/01
SK 36	00	27/06/01

- (d) The Report on Kitchen Exhaust Discharge Location prepared by George Floth Pty Ltd and dated 5 October 2001;
- (e) The Memorandum from Leighton Properties dated 5 October 2001 and the attached Drawings SK27 - SK28 and SK38 showing the relationship of the new commercial building and the Erskine Street Terraces;
- (f) The Memorandum from Leighton Properties dated 10 October 2001 regarding carpark entry dimensions; and
- (g) The Memorandum from Leighton Properties dated 16 November 2001 titled "Supplementary Information Package No.7 - Stage 1 DA Envelope".

and as amended by the following conditions:

#### **APPROVED DESIGN**

- (2) The approved Stage 1 building envelope must not be changed without the approval of Council.
- (3) A complete materials board including all external finishes, colours and specifications including all glazing must be submitted with the Stage 2 development application for the approval of the Council. Quality materials, finishes and detailing is required to ensure that design excellence is realised in the completed building.

Note:

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

#### **FLOOR SPACE AREA**

- (4) The following applies to Floor Space Area:-
  - (a) The Floor Space Area of all buildings on the land must not exceed 111,291sqm in accordance with Clause 32(7) of the Central Sydney Local Environmental Plan 1996.
  - (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979 of the development, a Registered Surveyor shall provide certification of the total and component Gross Floor Area (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).
  - (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 5,960m<sup>2</sup> of heritage floor

space was allocated (purchased and transferred) to the development, being 50% of the HFS purchase required by Clause 45 of CS LEP 1996.

### **BUILDING HEIGHT**

- (5)
- (a) The height of the tower buildings (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 145m to Kent Street and RL 110m to Sussex Street as defined by Clause 32(7) of the Central Sydney Local Environmental Plan 1996. All other aspects of the building must not exceed the relevant RL's defined on the drawings referred to in Condition 1 (c) above.
  - (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).

### **BUILDING ENVELOPE CONTROLS**

- (6) The Stage 2 development is to fit wholly within the building envelope indicated on the drawings referenced in Condition 1 (c) of this consent. The building envelope is only approved on the basis that the ultimate building design (Stage 2) will be smaller than the building envelope and generally consistent with the indicative building detailed on the approved Stage 1 drawings. In this regard, the Stage 2 development application should demonstrate a consistency with the objectives and provisions of the Central Sydney Local Environmental Plan 1996 and Development Control Plan 1996 and the Central Sydney Heritage Local Environmental Plan 2000.
- (7) The tower floor plate of the final building must not completely fill the approved envelope, which is larger than necessary to facilitate a development consistent with the indicative building (Stage 1) and to comply with the provisions of Clause 32(7) of Central Sydney Local Environmental Plan 1996.
- (8) The Stage 2 development is to fully comply with the provisions of Clause 32(7) of the Central Sydney Local Environmental 1996.

### **SEDA GREEN HOUSE RATING**

- (9) Details are to be provided with the Stage 2 application to confirm that the building has been designed to incorporate the opportunities for improved energy efficiency and environmental performance recommended in the Energy Efficiency Report prepared by Hyder Consulting. The building is to be designed is to achieve at least a 4 Star rating and should preferably achieve a 4 ½ star rating under the SEDA greenhouse rating scheme for the base building.

## PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (10) 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 or demolition, 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.
  - (c) The form of recording is to be as follows:-
    - (i) 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:-
    - (ii) 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
    - (iii) 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;
    - (iv) 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;
    - (v) 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.

Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.

### **CONSISTENCY OF DRAWINGS**

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

### **STAGE 2 DEVELOPMENT APPLICATION DETAILS**

- (13) The following details shall be submitted with the Stage 2 application:
  - (a) Fully detailed drawings confirming the treatment of all building elevations including part sections at a scale of 1:50 of the podium detail and design of shopfronts which present to the public domain.
  - (b) An elevation of the development detailing the northern façade of the building when viewed from the urban park.
  - (c) A north/south and east/west sections through the development, as considered appropriate, to confirm the design detail in particular the podium height relationship with buildings and public domain on the site.
  - (d) The final siting of the towers is to be supported by a detailed View Analysis which establishes the optimal siting and dimensions of view corridors from adjacent buildings, in particular buildings to the east of the subject site. The View Analysis is also to make an assessment of the impact of the buildings on views from Darling Harbour to the City.
  - (e) Final details of all awnings are to be submitted including lighting details to ensure pedestrian safety (such lighting shall be at a minimum level of 10 lux in the horizontal and vertical plane).

Note:

All awnings are to comply with the City of Sydney Awning Policy 2000 and not project within 800mm of the kerb.

- (f) Design details are to be submitted to address the recommendations of the Wind Report prepared by Windtech (ie. the planting of evergreen trees along Sussex Street and the northern part of the site and to address the potential wind impacts on the retail colonnade).
- (g) Design details to address the recommendations of the Acoustic Report prepared by RFA Acoustic Design Pty Ltd are to be submitted. The details are to address the design resolution of the building to ensure acceptable noise levels are achieved during construction and building

occupation with respect to noise from building services and from external sources including the Western Distributor.

- (h) A Reflectivity Statement analysis of facade material properties is to be submitted. Additionally, due to the close proximity of the development to the western distributor, the analysis should conclude that the building will not cause adverse glare events at surrounding locations and to vehicles and should confirm that the façade materials achieve a reflectivity coefficient of less than 20% .
- (i) Details at a scale of 1:50 illustrating the design of all architectural fins, decorative elements and louvres proposed as additions to the base building façade are to be submitted for approval.
- (j) Details of all the mechanical services and plant required to service the entire building. Details of the efficiency and adequacy of the plant/services to service the building is to be provided by a suitably qualified engineer.
- (k) The Stage 2 building is to have the capacity to accommodate all the mechanical design requirements for all retail tenancies at the podium level of the building. Details of all exhaust systems and external ducts are to be provided with the Stage 2 application and their efficiency and adequacy verified by a suitably qualified engineer.
- (l) The final design detail for all external plant rooms including materials and finishes are to be submitted with the Stage 2 application. The plant is not to exceed the maximum height limits defined in CSLEP 1996 for the towers.
- (m) Details of the reinstatement of the original shoreline in soft landscaping and sandstone retaining wall.

The above details shall be submitted for the approval of Council with the Stage 2 development application.

- (14) The potential for a pedestrian bridge to link the Erskine Street terraces (new infill building) with the Tower podium as a means of addressing the level changes in the building is to be further investigated. The applicant is to liaise with Director City Development regarding further design resolution of this matter prior to the submission of the Stage 2 application.
- (15) The potential for a pedestrian connection across Sussex Street to link with the King Street Wharf development should be investigated. The applicant is to liaise with the Director City Development regarding further design resolution of this matter prior to the submission of the Stage 2 development application.
- (16) The applicant is to liaise with Director City Development regarding the resolution of the architectural roof feature prior to the submission to the Stage 2 application. In this regard, the architect should consider alternative solutions for the termination on the building within the defined building envelope.

**SUSSEX LANE**

- (17) Specific design details are to be submitted with the Stage 2 application to address the following matters:
- (a) Details of surface materials and finishes;
  - (b) A circulation plan detailing access links to the Erskine Street Terraces and the tower podium;
  - (c) To investigate opportunities to improve access for those with mobility impairments to Lane;
  - (d) Detailed elevations of the Erskine Street Terraces and the tower podium to assist in understanding the pedestrian amenity and urban design qualities of the Lane including lighting, signage and security; and
  - (e) Fully scaled, dimensioned and detailed drawing at a scale of 1:100.

**PUBLIC ART**

- (18) 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 with the Stage 2 development application.

**GLAZING**

- (19) The visible light reflectivity from building materials used on the facade of the building should not exceed 20% and must be otherwise designed so as not to result in glare that causes discomfort or threatens safety of pedestrians or drivers.
- (20) The glass shop front must not be tinted, screened by blinds, curtains or the like or obscured.

**UNDER AWNING LIGHTING**

- (21) The awning shall be provided with lighting to ensure pedestrian safety. Such lighting shall be at a minimum level of 10 lux in the horizontal and vertical plane.
- (22) Details of the lighting is to be submitted for the approval of Council prior to issue of the Construction Certificate under the Environmental Planning and Assessment Act 1979.

**PAVING MATERIALS**

- (23) 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**

- (24) Access to the development shall be in accordance with the requirements of "The City of Sydney Access Policy December 1992".
- (25) 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. Details for mobility impaired access to the mid-block connections shall be submitted for the approval of Council with the Stage 2 development application.

### **SIGNAGE STRATEGY**

- (26) A Signage Strategy which identifies the number, type, size and location of signs (and their illumination as appropriate) to ensure adequate way finding, naming of buildings and tenancies within the development shall be submitted for the approval with the Stage 2 development application.

### **LIGHTING STRATEGY**

- (27) A detailed Lighting Strategy which identifies the number, type, size, design luminosity and location of lighting in relation to the exterior of the building and public spaces including individual tenancy lighting is to be submitted for approval with the Stage 2 development application.

### **DEMOLITION/SITE RECTIFICATION**

- (28) No excavation, demolition or construction shall commence in relation to this Stage 1 development until the approval of a Stage 2 development application and relevant construction Certificate.
- (29) The following conditions apply to the development:-
  - (a) Demolition or excavation must not commence until a Construction Certificate has been issued under the Environmental Planning and Assessment Act 1979 for construction of the substantive building.
  - (b) Prior to issue of the Construction Certificate, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the General Manager of the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
  - (c) Without limiting the generality of paragraph (b), the Deed must provide for:-

- (i) a bank guarantee to be provided in the sum of 2.7million dollars as security for the costs of such works provided that:-
  - a. the maximum liability under the Deed shall not exceed 2.7million 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;

that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:

- e. make the building safe and attractive at ground level;
- f. allow the ground level to be landscaped and made attractive from any public vantage point; or
- g. for the hole to be covered to allow it to be landscaped and made attractive from any public vantage point; or
- h. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenatable stage;

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**

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

- (a) **Cash Contribution Required**

In accordance with the adopted "Central Sydney Contributions Plan 1997" a cash contribution must be paid to Council in accordance with this condition.

Payment shall be by BANK CHEQUE made payable to the City of Sydney.

- (b) **Amount of Contribution**

The amount of the contribution will be equivalent to 1% of the development cost, at the Construction Certificate stage (Stage 2), 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 for the Stage 2 substantive building under the Environmental Planning and Assessment Act 1979.

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.

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**

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

## **HERITAGE CONDITIONS**

- (31) Fully detailed design resolution of the Erskine Street infill building including the selection of materials and finishes are to be submitted for approval with the Stage 2 development application. The design of the infill building is to ensure that the gables of the Foley building remain prominent.

- (32) The height of the building envelope for the south-eastern end of the podium (corner Kent Street and Sussex Lane) should be limited to approximately RL 33.00 (as illustrated by the indicative building) to ensure an acceptable height relationship with the adjacent terrace.
- (33) The southern edge of the building envelope for the western tower should be setback at least 4 metres (in accordance with the indicative building) from the proposed northern alignment of Sussex Lane.
- (34) Detailed drawings at 1:50 scale of the southern facades of the podium (to Sussex Lane) and the infill building (to Erskine Street) shall be submitted with the Stage 2 application.
- (35) 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.

### **Heritage Council Conditions**

The following conditions were recommended by the NSW Heritage Office:-

- (36) In accordance with the recommendations made in Archaeological Assessment submitted with the development application (Appendix F), an Archaeological Research Design (which includes recommendations for the appropriate management/retention of relics) is to be prepared and submitted to the NSW Heritage Office for approval prior to the Stage 2 Development Application being submitted to Sydney City Council. The Research Design is to be accompanied by an application for an Excavation Permit. Any modifications to the Stage 1 Development Application (particularly the basement parking area) that may be required as a result of the recommendations made in the Research Design are to be submitted to the NSW Heritage Office at this time.
- (37) Opportunities for the interpretation of historical subdivision/street patterns and other heritage assets located on the site are to be investigated and details submitted with the Stage 2 Development Application.
- (38) In accordance with the recommendations made in the Statement of Heritage Impact submitted with the development application (Appendix F), a detailed Conservation Management Plan (CMP) for the Erskine Street terraces is to be submitted to Council with the Stage 2 Development Application. The CMP is to be prepared in accordance with NSW Heritage Office guidelines.
- (39) Detailed plans of all proposed buildings and works (including details regarding external materials, finishes and colour schemes) are to be submitted with the Stage 2 Development Application. The overall architectural form, massing, style, character and materials of any new buildings is to consider and reflect the heritage significance of the site through sympathetic design elements.
- (40) A separate application being made to the NSW Heritage Office under the provisions of Section 60 of the NSW Heritage Act for any further works

proposed to be undertaken to Moreton's Hotel, other than those works proposed in the Reviewed Conservation Management Plan submitted with the development application (Appendix F) or works that are exempt from requiring approval under the provisions of Section 57(2) of the Heritage Act.

## **ARCHAEOLOGICAL INVESTIGATION**

(41)

- (a) The applicant must apply to the Heritage Office for an excavation permit under Section 140 of the Heritage Act 1977.
- (b) Should any potential archaeological deposit likely to contain Aboriginal artefacts be identified during the planning or historical assessment stage, application be made by a suitably qualified archaeologist to the National Parks and Wildlife Service (NPWS) for an excavation permit for Aboriginal relics.
- (c) The applicant shall comply with the conditions and requirements of any excavation permit required, and are to ensure that allowance for compliance with these conditions and requirements into the development program.
- (d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
- (e) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (f) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance of the area is to stop immediately and the (NPWS) is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

Note:

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

- (42) The applicant is to commission an experienced conservation architect to work with the consultant team throughout the design development of the Stage 2 development application, 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.

- (43) The applicant is to commission experienced tradepersons (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (44) An interpretation strategy for the site must be prepared and submitted with the Stage 2 application to assist public understanding of the history and significance of the site. 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.
- (45) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.

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

- (46) The Stage 2 development application shall be in accordance with the recommendations of the following reports:
  - (a) Statement of Heritage Impact prepared by Noel Bell, Ridley Smith & Partners dated June 2001;
  - (b) Archaeological Assessment prepared by Wendy Thorp Cultural Resources Management dated February 1999;
  - (c) The preliminary Conservation Strategy for Erskine Street Terraces prepared by Noel Bell, Ridley Smith & Partners dated June 2001;
  - (d) Heritage Statement identifying Conservation Works for Buildings at 20-26 Sussex Street, Sydney prepared by Rod Howard Heritage Conservation Pty Ltd dated August 2001;
  - (e) Assessment of Traffic and Parking Implications prepared by Transport and Traffic Planning Associates dated August 2001;
  - (f) Wind Environment Statement prepared by Windtech dated 30 June 2001;
  - (g) Energy Efficiency Report prepared by Hyder Consulting dated 10 July 2001;
  - (h) Demolition & Excavation Plans prepared by Metropolitan Demolitions Pty Ltd dated 22 June 2001;
  - (i) Geotechnical Report prepared by Golder Associates dated July 2001;
  - (j) Phase 1 Environmental Assessment prepared by Golder Associates dated June 2001;

- (k) Waste Management Plan prepared by Leighton Properties Pty Limited dated August 2001;
- (l) Acoustic Report prepared by RFA Acoustic Design Pty Ltd dated 1 August 2001;
- (m) Reflectivity Statement prepared by JM Computer Modelling dated 2 August 2001;
- (n) Building Regulation Compliance Statement prepared by Johnson Pilton Walker Pty Ltd undated; and
- (o) Building Services Reports dated July 2001 comprising:
  - (i) Air conditioning and mechanical systems prepared by George Floth Pty Ltd;
  - (ii) Electrical, Lighting and Communications prepared by Barry Webb & Associates;
  - (iii) Hydraulic and fire protection systems prepared by Connell Mott McDonald; and
  - (iv) Vertical transportation services prepared by NDY.

Where the above reports make recommendations regarding modifications to the development, details regarding compliance with the recommendations of the reports are to be submitted and fully documented with the Stage 2 development application.

#### **VEHICULAR SPACES/PARKING**

- (47) The Stage 1 basement envelope is approved to allow flexibility in the car parking design. The maximum number of carparking spaces provided in the Stage 2 development application shall be:
  - (a) 214 tenant car parking spaces; and
  - (b) 650 short stay public car parking spaces.
- (48) The following condition applies to tenant car parking:-
  - (a) The on-site car parking spaces are not to be used by those other than an occupant or tenant of the subject building and any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of such car parking spaces to those other than an occupant or tenant in the building;
  - (b) The strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the Strata Schemes (Freehold Development) Act, 1973 as amended, so burdening all utility car parking allotments in

the strata plan and/or an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, burdening all car parking part - lots in the strata plan.

Note:

- (i) The restriction will be noted on the Section 149 Certificates for all the units/building so burdened by this condition.
- (49) The following is the pricing structure for short stay car parking stations and is to apply between 9.30 a.m. and 6.00 p.m. Mondays to Fridays, except on public holidays. Where N = the hourly rate determined by the car park operator:-

**Duration      Charge per Hour**

	\$
1st hour	N
2nd hour	N
3rd hour	N
4th hour	N
5th hour	$\geq 1.5N$
6th hour	$\geq 1.5N$
7th hour	$\geq 1.5N$
each hour thereafter	$\geq 1.5N$

- (50) No person shall park in the building except those working in the building, or those parking in the building on a short term casual basis paying the tariff referred to in the above Condition.
- (51) Parking in areas other than designated car spaces is prohibited.
- (52) An application must be made to operate a public car park in accordance with clause 113 of the Local Government (Approvals) Regulation 1993 and approval obtained under clause 115 of the Regulation, before the operation commences.
- (53) Short stay car parking stations shall not operate between 5.30 a.m. and 9.30 a.m. on weekdays. Operation is unrestricted on weekends and public holidays.

**TRAFFIC CONDITIONS**

- (54) The Stage 2 development application shall comply with the following requirements:
- (a) Car parking provision and service vehicle provision shall be in accordance with the provisions of Council's LEP and DCP 1996.
  - (b) A "STOP" sign shall be installed at the exit point to require vehicles to stop at the building line.
  - (c) All disabled carparking spaces should be located in close proximity to any elevators/lifts.
  - (d) The width of each driveway should be kept to the minimum but commensurate with the operational needs.
  - (e) A median island is to be installed in between the entry lane and the two exit lanes in the Sussex Street driveway for better channelisation.
- (55) Approval to operate the public car park shall be subjected to compliance of Part 5 Division 3 of the Local Government (Approvals) Regulation 1999.
- (56) A Traffic Management Plan shall be submitted with the Stage 2 development application assessing the implication of the proposed traffic measures in Sussex Street to facilitate northbound vehicles in Sussex Street to right turn into the premises. A hard copy and electronic copy of this report is also to be submitted to [James.Hall@rta.nsw.gov.au](mailto:James.Hall@rta.nsw.gov.au).
- (57) The applicant is to liaise with Council's Transport and Access Unit regarding the pedestrian crossing in Sussex Street prior to the submission of the Stage 2 development application.
- (58) Car park roller doors shall be designed and constructed for quiet operation.
- (59) All costs of traffic management measures associated with the development shall be borne by the developer.
- (60)
- (a) The layout plan of the carpark is to be in accordance with Australian Standard AS 2890.1 - 1993 "Parking Facilities Part 1: Off Street Car Parking". All parking spaces are to be linemarked.
  - (b) The layout of the service vehicle areas is to comply with Australian Standard AS 2890.2 - 1989 "Off Street Parking Part 2 - Commercial Vehicles Facilities".
  - (c) The details shall be submitted to and approved by the certifying authority prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

## **PROPERTY ISSUES**

- (61) In relation to the necessary legal and administrative procedures to close and transfer the location of Sussex Lane, the applicant is advised of the following:
- (a) The General Manager will not finalise the closure of Sussex Lane or the transfer of the lane to the owners of the KENS site unless and until:
    - (i) The Stage 1 and Stage 2 development applications for the subject development have been approved and the period for challenge of the legality of the consent has lapsed;
    - (ii) Council is satisfied that there is a legally binding contract to construct the development;
    - (iii) A deed of agreement is executed between Leighton, the land owner of the KENS site, and the City in which:
      - a. The City will undertaken to transfer titles of Sussex Lane to the owners of the site subsequent to the resolution of issues of consideration for the incorporation of Sussex Lane within the development, and upon receipt of the transfer to the City of the new relocated Sussex Lane;
      - b. The developer undertaking to construct the new Sussex Lane including landscaping and lighting at no cost Council and to a design approved by Council; and
      - c. The landowner undertakes to dedicate to Council a 9m width of land, or some other width approved by the Lord Mayor, unlimited in height and depth, to the east of the relocated Sussex Lane for the purposes of a pedestrian thoroughfare to Kent Street. The dedication is to become operative prior to the issue of Certificate of Occupation for the development.
    - (iv) The General Manager in consultation Lord Mayor has negotiated the consideration for the transfer of title of the land.

The applicant is to liaise with Council to progress the resolution of the above property matters prior to the submission of the Stage 2 development application.

## **NAMING RIGHTS FOR NEW BUILDING, PARK OR PLACE**

- (62) 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.

### **SEPARATE APPROVALS FOR FITOUT**

- (63) A separate development application must be submitted at the appropriate time for the specific use and fitout of the commercial and retail tenancies within the podium of the building once the Stage 2 consent has been issued.
- (64) The use of any part of the premises must not involve gaming machines, place of public entertainment or the use of amusement machines unless a separate development application is submitted for the specific use and approval obtained.

### **LANDSCAPING OF THE SITE**

- (65) The site must be landscaped and maintained to the approval of Council. A detailed landscape plan, to scale, drawn by a landscape architect or approved landscape consultant, must be lodged and approved by Council with the Stage 2 development application. The plan must include:
  - (a) Location of existing and proposed structures on the site including existing trees (if applicable);
  - (b) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
  - (c) Location, numbers and type of plant species;
  - (d) Details of planting procedure and maintenance; and
  - (e) Details of drainage and watering systems.

Special attention must be paid to the treatment of landscaping above a slab.

### **PUBLIC DOMAIN PLAN**

- (66) 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 must be submitted for the approval of Council with the Stage 2 development application.
  - (b) The Public Domain Plan shall be as follows:-
    - (i) Drawn at 1:100 scale.
    - (ii) Show the entire layout of flagstone paving where this paving is required.
    - (iii) Nominate the location, type and material of all existing and proposed public pavement elements including trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture, utility poles, parking meters, pedestrian and traffic signals, service pits and stormwater pits.

- (iv) Include a longitudinal section of the pavement showing existing and proposed levels at 10 metre intervals at the building alignment, the kerb and the gutter on a common datum line. This longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale. This section is to ensure that any significant longitudinal gradient change, such as flattening for vehicle entries, occurs within the building line and not at the public pavement.
- (v) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
- (vi) Include specifications of the proposed works.
- (c) The Public Domain Plan shall comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer and may include:-
  - (i) Adjustment to paving grades to provide a maximum crossfall of 2.5% from building line to top of kerb.
  - (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.
  - (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.
  - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
  - (v) The repair and where required the resetting of all stone kerbing to 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed to the centre line of the carriageway.
  - (vi) The retention and repair of any existing pavement lights.
  - (vii) The retention and repair of any existing serviceable stone gutters.

- (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.

#### **ELECTRICITY SUBSTATION**

- (67) The applicant must liaise with Energy Australia (Jason Henniker - ph.9663 9349) regarding their requirements for electrical substations on the site. Details of the size, design and location of the substation/s shall be included in the Stage 2 development application to the satisfaction of Energy Australia and shall be incorporated within the building envelope.

#### **PUBLIC TELEPHONES**

- (68) The Stage 2 development application must provide:
  - (a) Details that two public telephones will be provided in the development free of cost, (similar to the Telstra Blue Phone), in consultation with the applicant's preferred provider.
    - (i) The telephones should be located at footpath level and two square metres should be allowed for each telephone.
    - (ii) At least one telephone should be accessible for use by persons with a disability, to be designed and installed in accordance with the requirements of AS 1428.2.
  - (b) The telephones must be available for public use during the normal opening hours of the building.

#### **TOILETS AVAILABLE FOR USE BY PUBLIC**

- (69) Provision shall be made for the inclusion of toilet facilities at ground floor level of the building. Such facilities shall be located adjacent to the entrance foyer or lift lobby and shall remain available for public use during the normal opening hours of the building. The facilities shall be signposted. Details of the location shall be provided with the Stage 2 development application.

#### **RECEPTACLES FOR CIGARETTE BUTTS**

- (70) Provision must be made on the site, adjacent to the entrance/s to the building, for an adequate number of receptacles for the disposal of cigarette butts. The following details shall be provided with the Stage 2 development application. The receptacle/s must:-
  - (a) be located entirely on private property and must not be located on or over Council's footpath;

- (b) not obstruct any required means of egress or path of travel from the building required by the Building Code of Australia;
- (c) not obstruct any required access/egress path for people with disabilities;
- (d) be appropriately secured to the building;
- (e) the emptying and maintenance of the receptacle/s is the responsibility of the building owner/manager and will not be undertaken by Council; and
- (f) emptying of receptacle/s must be carried out on a daily basis.

### **SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)**

(71)

- (a) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, written confirmation that you have obtained a Notice of Requirements under Part 6, Division 9 of the Sydney Water Act 1994 must be submitted to the Certifying Authority (Council or a private accredited certifier).
- (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a (Developer) Compliance Certificate under section 73 of the Sydney Water Act 1994 must be submitted to the Principal Certifying Authority (Council or a private accredited certifier).
- (c) Note:
  - (i) Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the Notice of Requirements. Early advice from Sydney Water will avoid problems in providing water and sewer services to your development and adverse impacts on building design and site layout.
  - (ii) The approved plans will also need to be submitted to Sydney Water to determine whether the development will affect sewer and water mains, stormwater drains and/or easements. If the development complies with the requirements, the approved plans will be appropriately stamped by Sydney Water.
  - (iii) Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 132092.

### **SECURITY MANAGEMENT PLAN**

- (72) The applicant shall prepare and submit a Security Management Plan detailing the security, surveillance and management of the public and private domain within and surrounding the site. The Plan shall be submitted for the approval

of Council with the Stage 2 development application and should also consider lighting of the public domain in conjunction with the provision of 24 hour access.

### **TELECOMMUNICATIONS PROVISIONS**

(73) The following requirements apply to telecommunication facilities in the building:-

- (a) Appropriate access and space within the plant area of the building shall be provided for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery.
- (b) Appropriate ducting shall be provided for a minimum of three telecommunication carriers or other providers for telecommunication access and broad-band cabling to each apartment of the building.

The details of (a) and (b) above shall be submitted for the approval of Council with the Stage 2 application.

### **STORMWATER AND DRAINAGE**

(74) 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**

(75) 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.

### **ALIGNMENT LEVELS**

(76) 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.

### **METAL FIXINGS FOR THE FACADE**

(77) 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.

## **BCA CONDITIONS**

- (78) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (79) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.
- (80) Sanitary and other facilities must be provided in accordance with the Building Code of Australia, Part F2.
- (81) 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.

## **DEMOLITION DETAILS**

- (82) A Demolition Work Method Statement 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 with the Stage 2 application.

## **EXCAVATION WORK METHOD STATEMENT**

- (83) An Excavation Work Method Statement prepared by an appropriately qualified person must be submitted with the Stage 2 development application. 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.
- (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.

## **SITE CONTAMINATION REPORTS**

- (84) An Environmental Assessment Report is required in accordance with the recommendation of the Environmental Assessment prepared for the Stage 1 application by Golder Associates to confirm the existence of contaminated fill on the service station site and the potential for the fill to have been placed on other part of the site. The investigation of the site is required to characterise the fill and identify other potential areas of contamination associated with past and present activity including beneath the buildings once demolished. The Report is to be prepared by a qualified Environmental Consultant, in accordance with the provisions of the Contaminated Land Management Act 1997 must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or an accredited certifier).
- (85) Where a site is determined to be a “Contaminated Site” under the definition contained in ANZECC/NHMRC 1992 definitions, prior to commencement of site excavation works:-
  - (a) A Remediation Action Plan (RAP), which details the proposed method for the proper cleaning of contaminated materials from the site is to be provided to the satisfaction of the PCA, (and a copy to sent to Council if it is not the PCA).

- (b) A suitability qualified and accredited “Independent Auditor”, to the satisfaction of Council, (in terms of Section 7A of the Environmental Planning and Assessment Act 1979) is to be appointed in accordance with the requirements of the Contaminated Land Management Act 1997, and Regulations 1998.
- (c) The approved Remediation Action Plan, must be available on the site at all times during the progress of the work.
- (d) The Independent Auditor is to provide a letter to the satisfaction of the PCA, that the RAP is appropriate to remediate the land to the standard suitable for the proposed redevelopment of the land and that common or public areas meet the criteria for common property or designated public space.
- (e) On completion of the excavation works, a validation certificate must be submitted to the PCA (and a copy sent to Council if it is not the PCA). The certificate signed by the Independent Auditor, must testify that the requirements detailed in the Remediation Action Plan, have been satisfactorily completed, and have achieved results as required under the requirements of the Contaminated Land Management Act 1997, and Regulations 1998.

#### **STORAGE AND HANDLING OF WASTE**

- (86) The Stage 2 development must be designed to meet the following requirements for storage and waste handling:
  - (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with Council’s Code for Waste Handling in Buildings (adopted 17 October 1994). The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure “A” of the Code).
  - (b) Certification of compliance with the design and constructional requirements of the Code including the associated Waste Management Plans and with the Conditions of Development Application consent relating to waste must be submitted to and approved by the Certifying Authority in the attached form W1 prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. Such Certification must be given by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
  - (c) The Certified Plans and Specifications must address compliance with the Waste Code including details of the following, where applicable:-
    - (i) The location, design and construction of the garbage room, recycling rooms, bin washing areas and collection areas.

- (ii) The natural or mechanical ventilation, in accordance with the Building Code of Australia and Australian Standard 1668.
- (iii) The location and design of any garbage chutes or compaction units required by Council's Code.
- (iv) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.

Note:

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

- (87) The following provisions apply to recycling areas:
- (a) The building design must incorporate separate garbage rooms constructed in accordance with Council's Code, for the separation of commercial waste from residential waste, including recyclable materials.
  - (b) The building must incorporate design features which will allow waste to be minimised and managed within each individual unit or office, on each floor of the building, and within the garbage/recycling storage and collection area.
  - (c) The building design must allow easy access to the garbage and recycling areas by residents and tenants, but prevent their use by non-residents/tenants.

#### **DETAILED SHADOW IMPACT**

- (88) The Stage 2 development application shall provide a detailed assessment of the shadow impact of the proposed development, including any architectural roof features, particularly in regard to the impact on adjoining and neighbouring streets and buildings.

#### **WIND ASSESSMENT**

- (89) The Stage 2 development application us to provide a full wind assessment report based on wind tunnel tests. The design of the building is to fully address all wind amelioration issues arising out to the wind report having regard to issues of urban design and heritage.

#### **GEOTECHNICAL REPORT AND CERTIFICATION**

- (90) 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:

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.

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.

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.

### **ROCK CUTTING INTO BLOCKS**

- (91) Removal of rock by cutting into blocks is not permitted, unless a separate development application is submitted to, and approved by Council for this use.

### **CERTIFICATION OF MECHANICAL VENTILATION**

- (92) 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.
- (a) 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;

### **LOT CONSOLIDATION AND SUBDIVISION**

- (93) A plan of lot consolidation and/or subdivision (after consolidation), as appropriate, in a form capable of registration shall be lodged with the Land Titles Office prior to issue of a Occupation Certificate under the Environmental Planning and Assessment Act 1979.

### **NOISE**

- (94) The use of the premises must not give rise to any one or more of the following:
- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
- (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level 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.

- (c) A sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055. "Acoustics - Description and Measurement of Environmental Noise".
- (d) The "emission of an offensive noise" under the Protection of the Environment (Operations) Act 1997.
- (e) The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.

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.

- (95) Noise and vibration from the use of any plant, equipment and/or building service associated with the premises shall not cause a nuisance.

## Schedule 2

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

- (G) All other matters including architectural design and detailing are to be determined as part of the Stage 2 development application

The Acting Chairman, Ms Holliday, wished to record the Central Sydney Planning Committee's appreciation of the co-operative and constructive participation of all parties involved in progressing this development.

### **ITEM 4. DEPARTMENT OF URBAN AFFAIRS AND PLANNING REFERRAL: SITES 1, 2 AND 6, WHARVES 9 AND 10 DARLING HARBOUR (02001/00065)**

#### **Declaration of Interest**

Ms Holliday declared an interest in this matter as she will be providing advice to the Minister for Urban Affairs and Planning who is the consent authority.

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 29 November 2001, in relation to the referral from the Department of Urban Affairs and Planning on the Stage 1 development application for the development of Sites 1, 2 and 6, Wharves 9 and 10 Darling Harbour, it be resolved that:-

- (A) the subject report be received and noted; and

- (B) the copy of the submission at Attachment A to the subject report, amended to incorporate matters raised during discussion at the meeting, such amendments to be made to the satisfaction of the Director City Development, be forwarded to the Department of Urban Affairs and Planning for consideration in the determination of the Stage 1 Development Application.

**ITEM 5. DEPARTMENT OF URBAN AFFAIRS AND PLANNING REFERRAL:  
DRAFT MASTER PLAN AND STAGE 1 DEVELOPMENT  
APPLICATION - ELIZABETH MACARTHUR BAY, PYRMONT  
(02001/00073)**

**Declaration of Interest**

Ms Holliday declared an interest in this matter as she will be providing advice to the Minister for Urban Affairs and Planning who is the consent authority.

Note - A report prepared by the Pyrmont Community Group was circulated to members at the meeting of the Central Sydney Planning Committee.

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

Mr Tom Wynyard - resident  
Mr Geoffrey Twibill - resident  
Ms Annelise Stricker - resident  
Dr Giles Yates - resident  
Mr Philip Moss - Sydney Harbour Foreshore Authority

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

That arising from consideration of a report by the Area Planning Manager to the Central Sydney Planning Committee on 29 November 2001, in relation to the draft Master Plan for Elizabeth Macarthur Bay and the Stage 1 Development Application referral No. 292-10-2001 from the Department of Urban Affairs and Planning for the alignment and layout of the public domain, including a re-aligned Pirrama Road, new shareways and public open space and the creation of three new development sites with proposed building envelopes at Elizabeth Macarthur Bay, it be resolved that the Central Sydney Planning Committee defer consideration of this matter to the next meeting in order to further examine issues raised at the meeting.

**ITEM 6. DRAFT STATE ENVIRONMENTAL PLANNING POLICY NO. 66 -  
INTEGRATING LANDUSE AND TRANSPORT (SO 18159)**

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

That arising from consideration of a report by the Strategic Planning Manager and the Senior Transport Planner to the Central Sydney Planning Committee on 29 November 2001, in relation to the Draft State Environmental Planning Policy No. 66 'Integration of Landuse and Transport' (SEPP 66), it be resolved that the Central Sydney Planning Committee endorse the submission shown at Attachment A to the subject report for lodgement with the Department of Urban Affairs and Planning as a response to Draft SEPP 66.

**ITEM 7. 5 YEAR REVIEW OF LEP 1996: DECISION TO PREPARE A LOCAL ENVIRONMENTAL PLAN IN ACCORDANCE WITH SECTION 54 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (S016796)**

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

That arising from consideration of a report by the Manager Strategic Planning and Research to the Central Sydney Planning Committee on 29 November 2001, on the Review of City of Sydney LEP 1996, it be resolved that the CSPC endorse the proposal that Council:-

- (A) amend Central Sydney Local Environmental Plan 1996 generally, as shown in Attachment A to the subject report, to -
  - (1) amalgamate Central Sydney Heritage LEP 2000;
  - (2) incorporate Sydney Regional Environmental Plan 26 (other than Masterplan sites); and
  - (3) undertake operational and policy amendments.
- (B) notify the Department of Urban Affairs and Planning of its resolution to prepare a local environmental plan in accordance with Section 54 (Decision to prepare a local environmental plan) of the Environmental Planning and Assessment Act 1979 and Section 9 of the Environmental Planning and Assessment Regulations;
- (C) undertake consultation in accordance with Section 62 of the Environmental Planning and Assessment Act 1979; and
- (D) exercise its delegated powers under Section 65 (Certificate of Director) and Section 69 (Report by Director) of the Environmental Planning and Assessment Act 1979, in accordance with the Best Practice Guidelines published by the Department of Urban Affairs and Planning in January 1997, and titled "LEPs and Council land - Guidelines for Councils using delegated powers to prepare LEPs involving land that is or was controlled by Council".

**ITEM 8. PRE-STAGE 2 DEVELOPMENT APPLICATION: 124 PHILLIP STREET, SYDNEY - PRESENTATION BY APPLICANT**

The following persons provided a presentation to the Central Sydney Planning Committee on this matter -

Mr Ken Maher - Hassell Pty Ltd  
Dr Caroline Mackeley - Bovis Lend Lease Pty Limited  
Mr David Nelson - Fosters and Partners

Mr Chris Waggett of BT Funds Management Limited further addressed the meeting of the Central Sydney Planning Committee on this matter.

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

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

That arising from consideration of a report by the Manager Development to the Central Sydney Planning Committee on 29 November 2001, in regard to the progress report for the month of October 2001, it be resolved that the report be received and noted.

**ITEM 10. NEW DEVELOPMENT APPLICATION LODGEMENTS AND DELEGATED ITEMS (S00-2287)**

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

That arising from consideration of a report by the Manager Development to the Central Sydney Planning Committee on 29 November 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 11. SCHEDULE OF CENTRAL SYDNEY PLANNING COMMITTEE MEETINGS AND BRIEFINGS FOR 2002 (S010833)**

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

That arising from consideration of a report by the Committee Secretary to the Central Sydney Planning Committee on 29 November 2001, on the Schedule of Central Sydney Planning Committee Meetings and Briefings for 2002, it be resolved that the schedule of meetings and briefings for 2002, as shown at Attachment A to the subject report, be adopted.

**ITEM 12. GENERAL BUSINESS**

**12.1 Department of Urban Affairs and Planning**

Ms Holliday advised members of a change of name for the Department of Urban Affairs and Planning. That organisation, for legal purposes, is now the Department of Planning and will operate under the name Planning NSW.

The meeting concluded at 7.13 pm.

CHAIRMAN

The next meeting of the Central Sydney Planning Committee is scheduled for 13 December 2001.