



17 DECEMBER 2001

Meeting No 1345

MINUTES of an Extraordinary Meeting of the Council of the City of Sydney held in the Finance Committee Room at the Sydney Town Hall, commencing at 5.45 pm on 17 December 2001 pursuant to Notice 23/1345 dated 13 December 2001.

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PRESENT

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

Councillors - Dixie Coulton, Nick Farr-Jones, Kathryn Greiner, Robert Ho, Fabian Marsden and Lucy Turnbull.

At the commencement of business at 5.45pm those present were:-

The Lord Mayor, Councillors Coulton, Farr-Jones, Greiner, Ho, Marsden and Turnbull.

The Acting General Manager, Deputy General Manager, Director Corporate and Legal Services, Director Living City Services, Director City Projects and Acting Director City Development were also present.

ITEM 1. CONFIRMATION OF MINUTES

Note - The minutes of the meeting of Council held on 22 October 2001 will be submitted for confirmation to the Extraordinary Meeting of Council on 21 December 2001.

Order of Business

In accordance with Clause 12(2) of the Local Government (Meetings) Regulation 1999, the Council resolved that the order of business be altered such that the remaining agenda items be dealt with in the following order:

4. St Peters - Sale of Land and Sale of Equipment Tenders
5. Property Issues
2. City Homeless Brokerage Program: Assessment of Expressions of Interest EOI No 0101
6. Cook and Phillip Park Asset Enhancement Strategy Procurement of Ultra Violet Light Generating Equipment
3. King Street Wharf Development Transfer of Assets - City of Sydney and the Waterways Authority
7. Report of the Special Meeting of the Planning Development and Transport Committee - 17 December 2001
8. Regent Street South Heritage Study

Closed Meeting

At 5.46 pm, the Council resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of -

- Section 10A (2)(d)(i) of the Local Government Act 1993 to discuss Items 2, 4 and 6 on the agenda as these matters comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it; and
- Section 10A (2)(d)(ii) of the Local Government Act 1993 to discuss Items 3 and 5 on the agenda as these matters comprised the discussion of commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council;

and it was further resolved that the meeting be closed for these items on the basis that discussion of these matters in open session would, on balance, be contrary to the public interest, specifically, there is a need to preserve confidentiality having regard to the subject matters and the circumstances of communications.

ITEM 4. ST PETERS - SALE OF LAND AND SALE OF EQUIPMENT TENDERS (S016902/3 & S016831)

Note - In view of the confidential nature of the subject matter, the Council determined that the Resolution on this matter will remain confidential until the exchange of contracts or until the General Manager considers it appropriate to make the Resolution public, whichever is the later.

ITEM 5. PROPERTY ISSUES (S018236)

Note - In view of the confidential nature of the subject matter, the Council determined that the Resolution on this matter will remain confidential until the General Manager considers it appropriate to make the Resolution public.

ITEM 2. CITY HOMELESS BROKERAGE PROGRAM: ASSESSMENT OF EXPRESSIONS OF INTEREST EOI NO. 0101 (S017633)

Moved by Councillor Marsden, seconded by Councillor Turnbull -

That arising from consideration of a report by the Project Manager, Homelessness Strategy, to the Extraordinary Meeting of Council on 17 December 2001 on The City Homeless Brokerage Program - Assessment of Expressions of Interest, it be resolved that:

- (A) the YWCA (of Sydney) be approved as preferred provider for the City Homeless Brokerage Program;
- (B) the initial term of the contract be to 30 June 2002, with the City reserving the right to extend the contractual arrangement (subject to the provider's performance and achievement of outcomes being satisfactory to the City) for further periods of two years (to 30 June 2004) and up to two more extensions of one year each (to 30 June 2006);
- (C) a clause be included in the contract permitting the City to terminate the Agreement by giving a maximum of six-months notice should Department of Housing funding be partially or completely withdrawn;
- (D) authority to negotiate the contract be delegated to the Acting General Manager and all relevant documents be executed by Council's attorney;
- (E) a one-off establishment cost payment to the YWCA of \$5,350 (in addition to annual recurrent funding) be approved for payment on the signing of the contract, with this amount available within the Program budget for 2001-02.

Carried unanimously.

ADDITIONAL MATTER FOR COUNCIL

FILE NO:

DATE: 14/12/01

MINUTE BY THE LORD MAYOR

To Council:

Attached for consideration by Council at its meeting on 17 December 2001, is a confidential report by the Senior Projects Officer, City Projects, on Cook and Phillip Park Asset Enhancement Strategy - Procurement of Ultra Violet Light Generating Equipment.

I bring forward this item for the consideration of Council.

(SGD) COUNCILLOR FRANK SARTOR

Lord Mayor

**ITEM 6. COOK AND PHILLIP PARK ASSET ENHANCEMENT STRATEGY
PROCUREMENT OF ULTRA VIOLET LIGHT GENERATING
EQUIPMENT (S018332)**

Moved by the Chairman (the Lord Mayor), seconded by Councillor Turnbull -

That arising from consideration of a report by the Senior Project Officer, City Projects, to the Extraordinary Meeting of Council on 17 December 2001, on Cook and Phillip Park Asset Enhancement Strategy - Procurement of Ultra Violet Light Generating Equipment, it be resolved that:

- (A) Council accept the lowest priced conforming tender submitted by Trisley's Hydraulic Services Pty Ltd, and commit funds for the procurement and manufacture of the equipment in the amount of \$121,440;
- (B) Council note the maintenance costs for the proposed equipment as follows:
- | | |
|--------|---------|
| Year 1 | \$6,000 |
| Year 2 | \$6,440 |
| Year 3 | \$6,850 |
- (C) authority be delegated to the General Manager to enter into a contract;
- (D) the subject report remain confidential until the completion of the contract works.

Carried.

**ITEM 3. KING STREET WHARF DEVELOPMENT TRANSFER OF ASSETS -
CITY OF SYDNEY AND THE WATERWAYS AUTHORITY
(S009772)**

Moved by Councillor Turnbull, seconded by Councillor Farr-Jones -

That arising from consideration of a report by the Manager, Contracts & Asset Management, to the Extraordinary Meeting of Council on 17 December 2001 on King Street Wharf Development Transfer of Assets - City of Sydney and Waterways Authority, it be resolved that:

- (A) Council accept the dedication of roads, including civil infrastructure assets in fee simple, upon and not prior to the Lord Mayor being satisfied that the matters of due diligence have been achieved and are acceptable to Council, including, but not limited to:
- (i) roads surfaces to be transferred are of an appropriate depth;
 - (ii) in respect to structures to be used by the City but owned by another party (eg gully pits) there is an enforceable obligation on that party to maintain and renew that structure;

- (iii) that the City has no liability to the owners or occupiers of the stratum of the lot below except where the City has been negligent in maintaining the asset to be acquired;
 - (iv) that the benefit of warranties in respect of assets to be transferred is assigned to the City;
 - (v) that in respect of any claims occurring prior to transfer, the City is indemnified in respect to those claims.
- (B) Council approve entering into a Deed of Agreement to Compulsorily Acquire Land and First Right of Refusal between Council and Waterways Authority per option (b) paragraph 18 of the subject report, in terms approved by the General Manager with the concurrence of the Lord Mayor.
- (C) Council's attorney execute all necessary documentation.

Carried.

At 6.20 pm, the Extraordinary Meeting of Council was re-opened to the public.

ADDITIONAL ITEM

FILE NO:

DATE: 17/12/01

MINUTE BY THE LORD MAYOR

To Council:

The Report of the Special Meeting of the Planning Development and Transport Committee of 17 December 2001, has been prepared for consideration at the Extraordinary Meeting of Council on 17 December 2001.

I now bring forward this item for consideration by Council.

(SGD) COUNCILLOR FRANK SARTOR
LORD MAYOR

**REPORT OF THE SPECIAL MEETING OF THE PLANNING DEVELOPMENT
AND TRANSPORT COMMITTEE - 17 DECEMBER 2001**

FILE NO:

DATE: 18/12/01

PRESENT

Councillor Lucy Turnbull
(Chairman)

Councillors - Dixie Coulton, Nick Farr-Jones, Kathryn Greiner, Robert Ho and Fabian Marsden.

At the commencement of business at 3.20 pm those present were -

Councillors Coulton, Farr-Jones, Greiner, Marsden and Turnbull.

Councillor Ho, having previously advised that he may be late for the meeting, arrived at the meeting of the Planning Development and Transport Committee at 4.05 pm, during discussion on Item 7.8 which had been brought forward.

Order of Business

The Planning Development and Transport Committee resolved, in accordance with Clause 12 (2) of the Local Government (Meetings) Regulation 1999, that 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:

6. Integrated Development Application and Development Plan: 52 Regent Street, Chippendale
7. Integrated Development Application: 2 Macleay Street, Potts Point (Jenner House)
8. Development Application: 27-29 Commonwealth Street, Sydney
5. Development Application: 767-769 George Street and 21 Valentine Street
3. Department of Planning Referral: Draft Master Plan Amendment - Distillery Hill and Waterfront West Precincts, Pyrmont
2. Central Sydney Local Environmental Plan 1996 - Draft Amendment: Hickson Road and Height Issues
4. Development Application: Referral from the Department of Urban Affairs and Planning (DUAP) - Repair and Maintenance of Cliff Top Walk and Landscaping of Parbury Park, Walsh Bay - Submission
1. Progress Report on Development Applications

The Special Meeting of the Planning Development and Transport Committee concluded at 5.12 pm.

Report of the Committee

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That the Report of the Special Meeting of the Planning Development and Transport Committee of Monday 17 December 2001 be received, and the recommendations set out below for Items 7.1 to 7.8, inclusive, be adopted.

Carried.

The Committee recommended the following:-

PART "A" - DETERMINED BY COUNCIL

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

7.1

That arising from consideration of a report by the Manager Development to the Special Meeting of the Planning Development and Transport Committee on 17 December 2001, in relation to the Progress Report on Development Applications, it be resolved that the report be received and noted.

Carried.

CENTRAL SYDNEY LOCAL ENVIRONMENTAL PLAN 1996 - DRAFT AMENDMENT: HICKSON ROAD AND HEIGHT ISSUES (S011712)

7.2

That arising from consideration of a report by the Acting Manager - Urban Design and Architecture to the Special Meeting of the Planning Development and Transport Committee on 17 December 2001, regarding the Draft Amendment to Central Sydney Local Environmental Plan 1996, it be resolved that:

- (A) the Draft Amendment to Central Sydney Local Environmental Plan 1996 be endorsed for the purposes of public exhibition; and
- (B) authority be delegated to the Lord Mayor to make any drafting changes required as a result of legal opinion advice on the Draft Amendment.

Carried.

DEPARTMENT OF PLANNING REFERRAL: DRAFT MASTER PLAN AMENDMENT – DISTILLERY HILL AND WATERFRONT WEST PRECINCTS, PYRMONT (O2001/00076)

7.3

That arising from consideration of a report by the Area Planning Manager to the Special Meeting of the Planning Development and Transport Committee on 17 December 2001, in relation to the draft Master Plan Amendment for the Distillery Hill and Waterfront West - Lend Lease Master Plan, from the Department of Planning for the new built form, road and open space configuration, it be resolved that:-

- (A) the subject report be received and noted; and
- (B) a copy of the submission, as circulated at the Special Meeting of the Planning Development and Transport Committee, along with selected photographs as tabled at the Special Meeting of the Planning Development and Transport Committee, be forwarded to the Department of Planning for its consideration in the adoption of the draft Master Plan Amendment.

Carried.

DEVELOPMENT APPLICATION: REFERRAL FROM THE DEPARTMENT OF URBAN AFFAIRS AND PLANNING (DUAP) – REPAIR AND MAINTENANCE OF CLIFF TOP WALK AND LANDSCAPING OF PARBURY PARK, WALSH BAY - SUBMISSION (02001/00046)

7.4

That arising from consideration of a report by the Specialist Planner to the Special Meeting of the Planning Development and Transport Committee on 17 December 2001 in relation to the referral from the Department of Urban Affairs and Planning for the Stage 2 Development Application for Parbury Park and the Cliff Top Walk including bitumen sheeting, landscaping works, lighting, signage, street furniture within the Walsh Bay Redevelopment Area, it be resolved that:-

- (A) the report be received and noted;
- (B) a copy of the submission, as circulated at, and further amended at, the Special Meeting of the Planning Development and Transport Committee, be forwarded to the Director-General, Department of Urban Affairs and Planning for consideration by the Minister in the determination of the development application.

Carried.

DEVELOPMENT APPLICATION: 767-769 GEORGE STREET AND 21 VALENTINE STREET (D2001/00668)**7.5**

That arising from consideration of a report by the Specialist Planner to the Special Meeting of the Planning Development and Transport Committee on 17 December 2001 in relation to Development Application D2001/00668 made by Donmastry Pty Ltd for the site at 767 to 769 George Street and 21 Valentine Street Haymarket, to retain and refurbish 767 and 769 George Street (ground floor retail and upper floors hotel accommodation), construct an 8 storey new building to be used as a hotel (24 rooms) behind the retained facade of 21 Valentine Street, it be resolved that consent be granted subject to the conditions as detailed in the subject report, as amended at the Special Meeting of the Planning Development and Transport Committee, to read as follows -

Schedule 1A**Approved Development, Contributions and Covenants**

Note: 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. D2001/00668 dated 5 October 2001 and the Statement of Environmental Effect prepared by City Plan Services, dated October 2001 and drawings numbered DA-00 and DA-01 to DA-19, prepared by Michael Tan and Stanley Ho dated September 2001 (as amended on 11 December 2001) and as amended by the following conditions:

FLOOR SPACE RATIO

- (2) The following applies to Floor Space Ratio:-
 - (a) The Floor Space Ratio of the proposal must not exceed 4.37 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 1,212 sqm.

- (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).

BUILDING HEIGHT

(3)

- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 40.74 (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).

EMBELLISHMENT OF SIDE WALLS

- (4) Side walls to the new addition are to contain appropriate architectural embellishment, such as window blanks and parapet cornices. Details of the embellishment proposed are to be approved to the satisfaction of the Director of City Development prior to submission of the Construction Certificate for the development.

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (5) 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.
 - (i) 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.
 - (ii) 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.

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:-
- b. 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
- c. 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;
- d. 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;
- e. A summary report of the photographic documentation, detailing;
 - i. the project description, method of documentation, and any limitations of the photographic record; and
 - ii. photographic catalogue sheets, which are referenced to a site plan and floor plans no larger than A3, and indicating the location and direction of all photos (black & white prints and slides) taken.

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

DEMOLITION

- (6) 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.

SECTION 61 CONTRIBUTION

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

(a) **Cash Contribution Required**

- (i) In accordance with the adopted "Central Sydney Contributions Plan 1997" a cash contribution must be paid to Council in accordance with this condition.
- (ii) Payment shall be by BANK CHEQUE made payable to the City of Sydney.

(b) **Amount of Contribution**

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

(c) Certification of the calculation of the contribution in accordance with the "Central Sydney Contribution Plan 1997" shall be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

- (i) If the Construction Certificate is to be issued by a private accredited certifier, they must seek Council's endorsement of the calculation prior to the issue of the Construction Certificate.
- (ii) For developments over \$2 million in cost, the certification of the building costs must be prepared by a Registered Quantity Surveyor.

(d) **Timing of Payment**

- (i) The contribution must be paid prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.

LOADING VALENTINE STREET

- (8) On-street loading from Valentine Street is permitted in this instance subject to approval of a loading zone adjacent the subject site. Approval for the loading zone to be gained prior to issue of an Occupation Certificate for the development from Council's Transport and Access Unit.

HERITAGE

- (9) 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.
- (10) The development shall be in accordance with the recommendations of Heritage Impact Statement prepared by Godden Mackay Logan dated October 2001.

HERITAGE - CONSERVATION MANAGEMENT PLAN REQUIRED

- (11) Prior to submission of Construction Certificate the applicant shall commission an experienced Conservation Architect to prepare a Conservation Management Plan for works to and the maintenance of 769 George Street, 767 George Street and the retained facade of 21 Valentine Street. The Conservation Management Plan shall be prepared in accordance with the guidelines of the NSW Heritage Manual prepared by the NSW Heritage Office and to the satisfaction of the Director of City Development.
- (12) 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.
- (13) The following matters shall be determined to the satisfaction of the site's Conservation Architect and reflected in the Conservation Management Plan for the site (see above conditions) prior to release of the Construction Certificate for the development:-
 - (a) A colour scheme for the external facades of the retained buildings, retained facade and new building to be prepared based on paint scape and historical evidence.
 - (b) Working drawings showing details of timber shopfront windows and doors, to a design sympathetic to the late Victorian character of the retained buildings and facade.
 - (c) The retention and repair of interior timber floors, balustrades, fireplaces architraves and other original detailing.
 - (d) Reinstatement of the historic awning for 767 to 769 George Street. A separate and contemporary awning is acceptable to the hotel foyer and to 21 Valentine Street.

- (e) The George Street buildings should be inspected and a report prepared by a qualified engineer with experience in historic buildings. Strategies for repair work should be proposed in consultation with the Conservation Architect. Details of any alterations required to the building as a result of structural surveys are to be to the satisfaction of the Conservation Architect.
 - (f) Details of the method of acoustic glazing to internal face of existing double-hung windows. The windows should be detailed to ensure minimal impact on significant fabric, including window sashes, joinery etc.
 - (g) Significant internal fabric should be repaired in accordance with the outline scope of conservation works outlined in the Heritage Impact Statement prepared for the site and the Conservation Management Plan (required above) and any future cyclical maintenance program.
 - (h) Cyclic, long-term maintenance plans to be developed and implemented. Plan to be developed in accordance with NSW Heritage Office guidelines.
 - (i) The detailed design of the fire sprinkler system, including the location and reticulation of pipework and the location of sprinkler heads etc. should be informed by input from an experienced heritage practitioner in order to minimise adverse impacts.
 - (j) The construction of the new building should be undertaken in a manner, which does not disturb the stability or significant fabric of the George Street buildings or the facade of the Valentine Street building.
- (14) This consent is granted on the basis that various dispensations under the Building Code of Australia are required for the restoration and reuse of 767 and 769 George Street, in particular in respect to matters such as retention of non-complying stairs. Nevertheless, the extent of these dispensations shall be determined within the Construction Certificate giving full consideration to the heritage significance of the building and public safety requirements.

ARCHAEOLOGICAL INVESTIGATION

- (15)
- (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.

EXTERNAL LIGHTING

- (16) 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.
- (17) 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.

DEVELOPMENT APPLICATION REQUIRED FOR RETAIL USES

- (18) A separate development application must be submitted at the appropriate time for the specific use of all retail uses proposed within the development..

SIGNS

- (19) 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.

Schedule 1B

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

- (20) 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.

DISABLED ACCESS

- (21) 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.
- (22) For alterations and additions to an existing building, a letter from an appropriately qualified practising structural engineer (NPER) shall be submitted to the Certifying Authority with the Application for a Construction Certificate. The letter must state that the existing structure is adequate to support the new loads and that the design of the alterations/additions will comply with the relevant Australian Standards adopted by the Building Code of Australia (Specification A1.3).
- (23) 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.
 - (c) A copy of any alternative solution be provided to Council.
- (24) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (25) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".

PUBLIC ART

- (26) High quality art work shall be provided within the development in publicly accessible locations eg. near main entrances, lobbies and street frontages, in accordance with the Central Sydney DCP 1996 and the 'Public Art Policy'. Details of the artwork must be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

GLAZING

- (27) All external glazing in the development must be clear and untinted.
- (28) 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.

AWNINGS

- (29) The awning/canopy must comply with the City of Sydney Awnings Policy 2000.

Schedule 1C

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

GEOTECHNICAL REPORT AND CERTIFICATION

- (30) 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 Dilapidation Report for the buildings adjoining the site at 17-19 Valentine Street, 771 George Street and 773 George Street. This report shall include 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. Copies of this report are to be given to affected property owners prior to the commencement of construction works.
 - (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

- (31) 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.

CERTIFICATION OF MECHANICAL VENTILATION

- (32) 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.

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.

STRUCTURAL CERTIFICATION FOR DESIGN - MAJOR WORKS

- (33) 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.

DEMOLITION WORK METHOD STATEMENT

- (34) 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.
- (35) 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;
 - (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.
- (36) The demolition by induced collapse, the use of explosives or on-site burning is not permitted.

WATER AND SEDIMENT CONTROL STATEMENT FOR DEMOLITION AND EXCAVATION

- (37) 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 most of the City's street drainage is directly connected.

PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN FOR DEMOLITION AND/OR EXCAVATION

- (38) A Pedestrian and Traffic Management Plan must be submitted to and approved by Council prior to commencement of demolition and/or excavation. It must include details of the:-
- (a) Proposed ingress and egress of vehicles to and from the construction site;
 - (b) Proposed protection of pedestrians adjacent to the site;
 - (c) Proposed pedestrian management whilst vehicles are entering and leaving the site;
 - (d) Proposed route of construction vehicles to and from the site.
 - (e) The Pedestrian and Traffic Management Plan shall be implemented during the demolition and/or excavation period.

WASTE MANAGEMENT DURING DEMOLITION AND EXCAVATION

- (39) 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.
- (40) 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.
- (41) 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;
 - (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.

All requirements of Waste Management Plans must be implemented during the demolition and/or excavation period of the development.

Note:

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

Schedule 1D

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

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

- (42) 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.

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

HOURS OF WORK AND NOISE

- (44) The hours of construction and work on the development shall be as follows:
- (a) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.
 - (b) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

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

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

- (45) A site notice(s) is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:-
- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
 - (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
 - (d) The approved hours of work, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint are to be displayed on the site notice;
 - (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is to state that unauthorised entry to the site is not permitted.
- (46) 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.

- (47) 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.
- (48) 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.

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

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (49) 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.

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:

- (c) 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.
- (d) 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

- (50) 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

- (a) An appropriately qualified practising geotechnical engineer certifying by completing Attachment G2 and 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.
- (b) 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.

Schedule 2

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

Carried.

**INTEGRATED DEVELOPMENT APPLICATION AND DEVELOPMENT PLAN:
52 REGENT STREET, CHIPPENDALE (D2001/00540)**

7.6

That arising from consideration of a report by the Specialist Planner to the Special Meeting of the Planning Development and Transport Committee on 17 December 2001

(A) in relation to Development Plan prepared by Angelo Candalepas on behalf of Historic Regent Hotel Pty Ltd for the site known as 52 Regent Street, Chippendale it be resolved that consent be granted subject to the following conditions:-

- (1) Development Plan must be in accordance with the information dated 18 October 2001 titled Development Plan 52 Regent Street prepared by Angelo Candalepas & Associates and as amended by the following conditions:

DEVELOPMENT PLAN MODIFICATIONS

- (2) The envelope of any proposed building on the site shall be modified as follows:
 - (i) the proposed setback above the Regent street frontage shall be increased to 6 - 8 metres to enhance and reinforce the streetscape;
 - (ii) reducing the area of the top floor to that part west of a plane defined by the west face of the spire base of Mortuary Station perpendicular to the site.

The amendments shall be submitted for the approval of the Director of City Development prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

- (3) The significant views and curtilage of the Mortuary Station shall be conserved and maintained by the modified building envelope.
- (4) The proposed FSR of the site shall be increased from 2:1 to 3:1 under the provisions of the Central Sydney Local Environmental Plan 1996, provided that the modifications as prescribed in Condition 2 are incorporated into the Development Plan and any future development.
- (5) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 36.03m (AHD) with the height of the atrium lantern decorative roof element not to exceed RL 37.2m(AHD).
- (6) Materials and finishes of any proposed development shall be sympathetic to the streetscape and the heritage significance of the Mortuary Station.

- (7) Adequate landscaping shall be incorporated to soften the visual impact of the any proposed building and provide adequate amenity for residents.
 - (8) Any proposed development shall have regard to the Metrowest tunnel easements and zones of influence. Specifically the need to appropriately design foundations to transfer loads away from the Metrowest tunnel.
 - (9) Any proposed development shall have regard to any proposed road widening imposed by the Roads and Traffic Authority.
- (B) in relation to Development Application D2001/00540 made by Historic Regent Street Hotel Pty Ltd for the site at 52 Regent Street for the construction of a five storey residential building comprising of 40 residential apartments (3 x Studio, 14 x 1 bedroom, 16 x 2 bedroom, 6 x 3 bedroom), ground level retail, the provision of 42 vehicle parking spaces, it be resolved that consent be granted subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

Note: 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. D2001/00540 dated 22 August 2001 and Development Plan prepared by Angelo Candalepas & Associates, dated 18 October 2001 and drawings numbered DA 00, 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15 prepared by Angelo Candalepas & Associates dated 26 November 2001 and as amended by the following conditions:
- (2) The design details of the proposed building facade including all external finishes and colours, including glazing must be in accordance with the materials schedule and revised sample board, and specifications prepared by Angelo Candalepas & Associates dated 26 November 2001.

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.

HERITAGE

- (3) The significant views and curtilage of the Mortuary Station shall be conserved and maintained.
- (4) The 19th century stone plinth and iron palisade fence along the eastern boundary separating the site from Mortuary Station shall be retained and adequately protected during construction.

FLOOR SPACE RATIO

- (5) The following applies to Floor Space Ratio:-
 - (a) The Floor Space Ratio of the proposal must not exceed 3:1 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 3440.8 m².
 - (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).

BUILDING HEIGHT

- (6)
 - (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 36.03m (AHD).
 - (b) The height of the atrium lantern decorative roof feature must not exceed RL 37.2m(AHD).
 - (c) 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).

PHYSICAL MODELS

- (7) 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

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.

CONSISTENCY OF DRAWINGS

- (8) 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.
- (9) The architect (Angelo Candalepas & Associates) of the project as approved should not be changed without prior notice to Council.

SECTION 61 CONTRIBUTION

- (10) 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, 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.

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.

TRAFFIC AND PARKING

- (11) Car parking and service vehicle provision shall satisfy Council’s Central Sydney Local Environmental Plan and Development Control Plan 1996.
- (12) The layout of the car parks and service vehicle parking area shall comply with Australian Standards AS 2890.1-1993 and AS 2890.2-1989. (In this regard, the layout of the proposed loading dock is such that it can only be used by cars.)
- (13) Car parking bays Nos. 11, 12, 16 and 42 shall be widened from 2.4m to 2.7m.
- (14) Mirror shall be installed at the corner of the curved section of the ramp on Lower Ground Level to improve sight distance.
- (15) Spaces for parking of disabled shall be designated and designed to the appropriate standards.
- (16) A “STOP” sign shall be installed at the exit point to require exiting vehicles to stop at the building line.
- (17) All costs of traffic management measures associated with the development shall be borne by the developer.

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

- (a) The on-site car parking spaces, exclusive of service and visitor car spaces, are not to be used by those other than an occupant, tenant or resident of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant, lessee or resident of a unit in the building.
- (b) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 a documentary Restrictive Covenant, is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a) above. The Covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
- (c) Any future strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the Strata Titles (Freehold Development) Act, 1973, as amended, burdening all utility car parking allotments in the Strata Plan and/or an appropriate Restrictive Covenant pursuant to Section 88B of the Conveyancing Act 1919 burdening all car parking part - lots in the strata scheme.

Note:

The covenant/restriction will be noted on the Section 149 Certificates for all the units/building so burdened by this condition.

- (19) Residents of the properties shall not be entitled to participate in the City's On-street Resident Parking Schemes. The exclusion from the parking schemes shall appear on the Section 149 Certificates that are issued under the Environmental Planning and Assessment Act 1979.
- (20) All loading, unloading and other construction activities shall be accommodated on-site except that:-
 - (a) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a Work Zone may be considered by Council. The applicant shall submit a proposal to the Sydney Traffic Committee stating the justification for not complying;
 - (b) In addition to any approved Work Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.

- (c) If a Work Zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a Work Zone may be given for a specified period and certain hours of the 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.

SIGNS

- (21) 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.

Schedule 1B

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

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.

DESIGN MODIFICATIONS

- (22) The design of the building shall be modified as follows:
 - (i) the proposed setback above the Regent street frontage shall be increased to 6 - 8 metres to enhance and reinforce the streetscape;
 - (ii) reducing the area of the top floor to that part west of a plane defined by the west face of the spire base of Mortuary Station perpendicular to the site.

The amendments shall be submitted for the approval of the Director of City Development prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

METROWEST INVESTIGATION AREA

- (23) Prior to the commencement of building works any Load Transfer Structures shall be constructed in accordance with the design criteria in drawings CT001, CT002, CT003, CT004 prepared by Connell Wagner in order to prevent the transfer loads from the lift core and other parts of the approved building to the proposed Standard Metrowest Tunnel Easement as identified in drawings CT003 and CT004.

Note: Drawings are available from RAIL INFRASTRUCTURE CORPORATION, Level 15, 55 Market Street, Sydney Phone 9224 2158.

- (24) The said Load Transfer Structures shall only be constructed in accordance with a Construction Certificate complying with the design criteria in engineering drawings prepared by Connell Wagner.
- (25) The applicant will allow Rail Infrastructure Corporation to inspect the site works to confirm that these works have been or are being built in accordance with the conditions stated.
- (26) A qualified practising structural engineer is to issue structural certificates to Council and Rail Infrastructure Corporation at each of the stages identified in (iii) below confirming that any Load Transfer Structures and other piles and structures in the proposed zone of influence have been constructed in accordance with the conditions of consent. The certificate is to be accompanied by:
- (i) “as built drawings prepared by a registered surveyor detailing the location and dimensions of the piles and other structures including RLs of the top and bottom of the piles and other structures in the proposed Easements and zones of influence identified in drawing CT004.
 - (ii) all geotechnical reports prepared in relation to excavations for the Load Transfer Structures and other piles and structures in the proposed Easements and Zones of Influence identified in drawing CT004.
 - (iii) the applicant must give Rail Infrastructure Corporation two working days written notice of each of the following events:
 - a. load transfer structure set out;
 - b. pile set out;
 - c. other set out of structures within the proposed Easements and Zones of Influence identified in drawing CT004;
 - d. load transfer structure excavation;
 - e. pile excavation;

- f. other excavation within the proposed Easements and Zones of Influence identified in drawing CT004;
 - g. load transfer structure concreting; and
 - h. other concreting within the proposed Easement and Zones of Influence identified in drawing CT004.
- (27) Notices by the applicant to Rail Infrastructure Corporation must be addressed to the Director Planning and Project Development, Asset Planning Division, Rail Infrastructure Corporation, Level 15, 55 Market Street, Sydney NSW 2000 (or such other person as may be nominated in writing by Rail Infrastructure Corporation) and received by the Director Planning and Project Development in person or facsimile to 02 9224 3629 2000 (or such a number as may be nominated in writing by Rail Infrastructure Corporation) between 8.00 a.m. and 5.00 p.m. on a working day.

PUBLIC ART

- (28) High quality art work shall be provided within the development in publicly accessible locations eg. near main entrances, lobbies and street frontages, in accordance with the Central Sydney DCP 1996 and the 'Public Art Policy'. Details of the art work must be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

LANDSCAPING OF THE SITE

- (29) The site must be landscaped and maintained to the approval of Council. A detailed landscape plan, to scale, drawn by a landscape architect or approved landscape consultant, must be lodged and approved by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The plan must include:
- (a) Location of existing and proposed structures on the site including existing trees (if applicable);
 - (b) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (c) Location, numbers and type of plant species;
 - (d) Details of planting procedure and maintenance;
 - (e) Details of drainage and watering systems;
- Special attention must be paid to the treatment of landscaping above a slab.

PUBLIC DOMAIN PLAN

(30) The following requirements apply:-

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

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

3 Copies of the Public Domain Plan are to be lodged with the Manager Design, City Projects.

- (31) 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.
- (32) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".

Schedule 1C

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

GEOTECHNICAL REPORT AND CERTIFICATION

- (33) 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.
- (34) 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.

CERTIFICATION OF MECHANICAL VENTILATION

- (35) 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.

SITE CONTAMINATION REPORT

- (36) Prior to commencement of site excavation works, a Site Contamination Survey Report, 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).
- (37) 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.
- (38) 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.

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (39) Prior to any pouring any concrete into piles and/or footings located over the proposed rail easements and zones of influence as prescribed in the Connell Wagner drawings CT001, CT002, CT003, CT004, a registered Land Surveyor shall be engaged to survey the location and excavation levels of same. Council and RIC must be notified in writing at least two working days prior to commencement of this survey work. A copy of the survey results pertaining to each concrete pour shall be submitted to Council and RIC, two days prior to concreting.

STRUCTURAL CERTIFICATION FOR DESIGN - MAJOR WORKS

- (40) 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)); A copy of the detailed structural drawings for footings, piles and any slabs on the ground located over the proposed rail easement and zone of influence must be submitted to the RIC at least two working days prior to any land survey work prescribed in pouring any concrete.
 - (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) The design criteria for the proposed tunnel and zone of influence prescribed by RIC in the form of Connell Wagner drawings CT001, CT002, CT003 and CT004.
 - (vi) 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.

(41) Notes:

- (a) 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.
- (b) 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.

Schedule 1D

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

- (42) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code. However, any change to the approved building envelope must be by way of a Section 96 application and must not negatively impact on the streetscape or the setting of the Mortuary Station.

HOURS OF WORK AND NOISE

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

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

- (44) A site notice(s) is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:-
- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
 - (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;

- (d) The approved hours of work, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint are to be displayed on the site notice;
 - (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is to state that unauthorised entry to the site is not permitted.
- (45) 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.

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

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

- (46) 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.

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (47) A Structural Inspection Certificate shall be submitted in three stages to the satisfaction of the PCA and a copy of same must be submitted to Council (if it is not the PCA).
- (i) At completion of the transfer structure over the proposed rail easements and zones of influence as prescribed by Connell Wagner drawings CT001, CT002, CT003, CT004. A copy shall be submitted to RIC;
 - (ii) At completion of the structure to street level;

- (iii) Prior to the issue of an Occupation Certificate or use of the premises. The certificate shall include the entire project down to and including the footings.

Prior to issue of an Occupation Certificate or use of the premises, each 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:

- (b) 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
 - (c) The drawing revisions listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.
- (48) 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:

- (a) 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.
- (b) 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

- (49) 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).

(50) Notes

- (a) An appropriately qualified practising geotechnical engineer certifying by completing Attachment G2 and 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.
- (b) 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.

NOISE

- (51) 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.

COMPLIANCE CERTIFICATE FOR ACOUSTIC PRIVACY

- (52) Prior to issue of an Occupation Certificate, 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). This must certify compliance with Acoustic Privacy Clauses 6.1.13 – 6.1.16 of the Central Sydney DCP 1996 Amendment No. 5 - Internal Residential Amenity. A copy of the Certificate shall be submitted to Council if it was not the PCA.

HISTORIC MARKER

- (53) A brass plaque must be placed in the pavement adjacent to the site or on the facade of the building relating to the history of the site (Weslyn Church). The design, location and wording of the plaque shall be submitted for the approval of Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979. The approved plaque shall be installed prior to Occupation.

NUMBERING

- (54) 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.
- (55) 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".

Schedule 1F

Conditions to be complied with during the use of Premises

REMOVAL OF GRAFFITI

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

WINDOW CLEANING

- (57) 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.
- (58) 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 the development.

Schedule 3

Terms of Approval

Other Integrated Development Approvals

The Terms of Approval for Integrated Development as advised by Roads and Traffic Authority.

Carried.

Note - Ms Jeanette Brokman and Mr Angelo Candalepas addressed the Special Meeting of the Planning Development and Transport Committee on Item 7.6.

INTEGRATED DEVELOPMENT APPLICATION: 2 MACLEAY STREET, POTTS POINT (JENNER HOUSE) (D2001/00470)

7.7

That arising from consideration of a report by the Specialist Planner to the Special Meeting of the Planning Development and Transport Committee on 17 December 2001 in relation to Integrated Development Application D2001/00470 made by Nordon Jago Architects for the site at 2 Macleay Street, Potts Point for the proposed adaptive reuse and extension to an existing building, known as "Jenner House" for seven residential apartments, 76 sq m of retail space and a basement car parking for 16 spaces, it be resolved that:

- (A) Consent be refused for the following reasons: -
- (1) Under Section 91A(4) of the Environmental Planning and Assessment Act 1979, Council is obliged to refuse the application, given the Approval Body (NSW Heritage Council) has advised it will not grant approval for the proposal.
 - (2) The proposal does not meet the aims and objectives of Central Sydney Local Environmental Plan 1996 in relation to the achievement of a high quality of urban form and design in buildings and in the relationship of buildings with neighbouring development and the public domain and the conservation of heritage items and areas.
 - (3) The proposed development is inconsistent with the objectives and provision of Part 3A of Central Sydney Local Environmental Plan 1996 in relation to urban form and design excellence.
 - (4) The proposed development does not meet the aims and objectives of Central Sydney Heritage Local Environmental Plan 2000, which seek to conserve heritage item and only allow development which does not detract from the heritage significance of a heritage item.
 - (5) The proposed Floor Space Ratio of the development is inconsistent with Clause 10 of Central Sydney Heritage Local Environmental Plan 2000 relating to Floor Space Ratio of the Schedule 1 Heritage Item.
 - (6) The proposal would have an adverse impact on the heritage significance of the subject building which is identified as a Schedule 1 Heritage Item in Central Sydney Local Environmental Plan 2000 (Building and sites).
 - (7) The proposal does not satisfy the objectives and provisions in Section 2 and Section 5 of Central Sydney Development Control Plan 1996 in relation to Building Form and Character and On-site Parking.
 - (8) The proposal does not comply with Part 2 of Draft State Environmental Planning Policy No 65 – Design Quality for Residential Flat Buildings relating to Design Quality Principles for residential flat buildings.
 - (9) The proposal would have an adverse impact on the visual quality of the streetscape/public domain, particularly noting the adjoining development to the north was specifically required to be setback from the street to maintain vista to “Jenner House”, which is compromised by the proposal.
 - (10) Granting consent would not be in the public interest.
- (B) Council endorse the following design principles as a guide for the external massing of new additions to the front of the building facing Macleay Street:

(a) Heritage

Any addition in front of the existing house on Macleay Street should be located only on the site of the original stable block, and should preferably be of a similar scale and form as the stable. It must respect the design of the house by avoiding obstruction to the existing openings on the second and third floor and by a roof pitch, configuration and materials that respond to the existing roof form.

The existing garden wall to the front of the house to Macleay Street is a remnant of the original stable wall and should be retained. Any additions immediately to the rear of this wall should not be visible in any way above the wall.

Furthermore, the principal rooms of the existing building should be retained in their original configurations and the new services should be contained within the new structures therefore minimising damage to significant fabric by the introduction of services.

A simple architectural treatment should be adopted to retain the legibility of the existing building. The formal eastern garden should be preserved and restored and the roof and balustrade should be reconstructed to the original detail.

(b) View Corridors

Important view corridors exist from the corner of Macleay Street on the opposite site of the street to the existing main house façade. Any addition must not obstruct the view to the main house including the corner treatment of the façade to the north of the site.

(c) Addition to Macleay Street

Any addition in front of the existing building on Macleay Street should be predominantly single storey of a height similar to the original stable block. There is a potential for a second storey element that does not unreasonably obscure the front of the existing building so long as the massing is contained within 5 metres of the façade of the existing servant wing to the north of the house. The resolution of massing in terms of forms and materials should be sympathetic with the existing building.

(d) Amenity

To preserve amenity to the apartments located in the building to the north of the site and any new addition in front of the existing house on Macleay Street should provide insets such as courtyards along the boundary relating to the massing of the adjoining building. This will alleviate the monotony of a straight, solid wall and allow light and outlook to both the existing apartments and the new massing. The configuration should be carefully design to preserve privacy.

(e) Parking

The provision of parking on this site is difficult to achieve. Therefore, it is preferred that any parking for the building should be located above ground to avoid disturbance to the significant entrance to the building.

(f) Apartment Unit under the East Garden

Sufficient setback should be provided for any apartment unit under the East Garden from the eastern site boundary to ensure the amenity of the unit.

(g) Retail Use

Any retail use within the site is inappropriate and should not be included in future development proposals.

Carried.

DEVELOPMENT APPLICATION: 27-29 COMMONWEALTH STREET, SYDNEY (D/01/00515)

7.8

That arising from consideration of a report by the Area Planning Manager to the Special Meeting of the Planning Development and Transport Committee on 17 December 2001 in relation to Development Application D/01/00515 made under Section 80(4) of the Environmental Planning and Assessment Act 1979 by McDivitt Group Architects for the site at 27-29 Commonwealth Street, Sydney, for a Stage 1 development application proposing a building envelope for a mixed use development, including height, footprint and floor area, 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 approval will necessarily be acceptable, as a full and thorough assessment under the provisions of Section 79C of the Act will be required at the appropriate time;
- (B) Consent be granted under the provisions of Section 80(4) of the Environmental Planning and Assessment Act 1979 solely for the following:
 - (a) A building envelope;
 - (b) Land uses comprising servicing facilities at ground level fronting Alberta Street, retail at ground level fronting Commonwealth Street and residential above (no basement car parking);
 - (c) The provision of service vehicle access from Alberta Street;
 - (d) A maximum FSR in accordance with the mixed use formula contained in LEP 1996.

- (C) That the Stage 2 development application shall be the subject of a competitive process or design competition, which should address Council objectives of achieving design excellence, improving the public domain and pedestrian and residential amenity to the adjacent apartment blocks, addressing the relationship between proposed development and existing development in the vicinity as well as the relationship with the existing streetscapes, street activation and the use of high quality materials.
- (D) That the development application be approved subject to the conditions as detailed in the subject report, as amended at the Special Meeting of the Planning Development and Transport Committee to read as follows -

APPROVED DEVELOPMENT

(1) Stage 1 development consent is granted for:-

- (a) The arrangement of uses within the development being the provision of servicing facilities at ground level fronting Alberta Street, the provision of a retail unit at ground level fronting Commonwealth Street and the provision of residential apartments above accessed off Commonwealth Street;
- (b) The building envelope including maximum height, street wall height and setbacks;
- (c) The provision of a vehicle access from Alberta Street (NB: the provision of on site car parking (if any) is to be the subject of further justification and design development at Stage 2);
- (d) A maximum floor space ratio for the development calculated in accordance with the mixed use formula contained in the Central Sydney Local Environmental Plan 1996;

as broadly detailed in the submitted prepared by McDivitt Group Architects detailed below:-

Plan No		Date
DA02 B	Basement Parking and Ground Floor	November 2001
DA03 B	Studios, 1, 2 & 3 Bedroom Apartments	November 2001
DA05 B	Revised East Elevation	November 2001
DA06 B	Revised South Elevation	November 2001
DA07 B	Revised West elevation	November 2001
DA08 B	Revised North Elevation	November 2001

except as amended by the following conditions:-

BUILDING ENVELOPE

- (2) The approved building envelope is generally defined as follows:-
- (a) Maximum height of 60m above Commonwealth Street (RL83.55);
 - (b) Maximum street wall height of 13.75m to Commonwealth Street (RL37.35);
 - (c) Maximum street wall height of 50.95m to Alberta Street to align with the cornice line on the Travleodge building (RL71.75);
 - (d) Setback of 4m above street wall height to Commonwealth Street (in line with the adjoining Travelodge building); and
 - (e) Setback of 4m above street wall height to Alberta Street.
- (3) Protrusions above the height of the building defined in Condition 2 to accommodate a lift over run/plant room may be allowed subject to their detailed design being of a high quality and fully integrated with the final detailed design of the building. In this regard any such protrusions shall be subject to detailed assessment at Stage 2.

Any such roof top plant should have minimal visual impact from street level and should be appropriately set back from the boundaries of the site.

- (4) Protrusions beyond the plane of the elevations of the building as defined in Condition 2, including the eastern street wall of the building to incorporate balconies or other architectural features may be allowed subject to their detailed design being of a high quality and being fully integrated with the final detailed design of the building. In this regard any such protrusions shall be subject to detailed assessment at Stage 2 and achieve design unity and excellence.

Balconies which project beyond the approved building envelope should be limited in size and projection and should be of a light weight design that does not dominate the elevations of the building or detract from the perceived set backs of the building elevations.

FLOOR SPACE RATIO

- (5) The following applies to Floor Space Ratio:-
- (a) The floor space ratio of the development shall be restricted to a maximum floor space determined in accordance with the application of the mixed use formula contained in the Central Sydney Local Environmental Plan 1996.

- (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 the relevant amount of heritage floor space was allocated (purchased and transferred) to the development, being 50% of that floor space in excess of 8:1 as specified in the Central Sydney Local Environmental Plan 1996.

STAGE 2 DEVELOPMENT APPLICATION

- (6) All other matters not covered by Conditions 1, 2 and 3 shall be appropriately addressed and resolved in a Stage 2 development application. In particular the Stage 2 development application shall address:-
 - (a) The detailed design of the exterior of the building, so that the reflectivity of surfaces and balconies be reconfigured, to provide for privacy in the case of balconies, and reflected light down the street in the case of finishes;
 - (b) The detailed floor layouts of the interior of the building including the layout and unit mix of residential apartments in accordance with the provisions of the Central Sydney development Control Plan 1996;
 - (c) The detailed design of the on site servicing facilities.
- (7) The details the subject of the Stage 2 development application shall be the subject of a competitive process which facilitates design excellence as referred to in Clause 28D (2) (c) of the Central Sydney local environmental Plan 1996.
- (8) General design issues arising from the Stage 1 development application that affect the design of the building that need to be addressed in detail in the Stage 2 development application include:-
 - (a) The need for the design of the building to respond to its context, both in terms of its architectural detailing and the relationship of its uses with the public domain and adjoining/surrounding uses;
 - (b) The treatment of the blank south side elevation of the podium on Commonwealth Street and the blank north side elevation of the building;
 - (c) The treatment of the vehicle entrance off Alberta Street and the Alberta Street ground level frontage in general;
 - (d) The treatment and extent of any roof top plant and equipment and its integration with the design of the building;

- (e) The detailed design of balconies;
 - (f) The external lighting of the building (if any); and
 - (g) a signage strategy for the building.
- (9) The Stage 2 development application shall be supported by a wind analysis report (including wind testing) which clearly identifies the wind impacts of the development and any necessary amelioration measures that are to be incorporated into the final design of the building.
- (10) The Stage 2 development application shall be supported by a reflectivity analysis report that clearly identifies the reflectivity impacts of the development and any necessary amelioration measures that are to be incorporated into the final design of the building.
- (11) The Stage 2 development application shall be supported by a energy efficiency report that clearly identifies energy efficiency measures to be incorporated into the development.

In this regard the provision of dual aspect apartments as detailed in the indicative floor layout plans submitted with the Stage 1 development application is strongly supported.

- (12) The owner must dedicate to Energy Australia, free of cost, an area of land within the development to enable an electricity substation to be established. The size and location of the substation is to be submitted for Council approval as part of the Stage 2 development application.

PUBLIC DOMAIN

- (13) The public domain adjacent to the site (both Commonwealth Street and Alberta Street) shall be appropriately upgraded as part of the development. In this regard details of such an upgrade shall be addressed in a Public Domain Plan as part of the Stage 2 development application.

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.

ACCESS

- (14) 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.

SECTION 61 CONTRIBUTION

(15) 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, as determined in accordance with the “Central Sydney Contributions Plan 1997”.

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.

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.

(c) **Timing of Payment**

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

SEPARATE APPLICATION FOR SPECIFIC USE

(16) A separate development application must be submitted at the appropriate time for the specific use and fitout of retail units.

SIGNS

- (17) 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.

Carried.

Note - Mr Terry Gunn, Mr David Gray and Ms Sheila Bolton addressed the Special Meeting of the Planning Development and Transport Committee on Item 7.8.

ADDITIONAL MATTER FOR COUNCIL

FILE NO:

DATE: 17/12/01

MINUTE BY THE LORD MAYOR

To Council:

Attached for consideration by Council at its meeting on 17 December 2001, is a report by the Heritage Manager on Regent Street South Heritage Study.

I bring forward this item for the consideration of Council.

(SGD) COUNCILLOR FRANK SARTOR

Lord Mayor

ITEM 8. REGENT STREET SOUTH HERITAGE STUDY (S016210)

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Acting Director City Development to the Extraordinary Meeting of Council on 17 December 2001, on Regent Street South Heritage Study, it be resolved that Council endorse, as part of the Local Environmental Plan 1996 and the Heritage Local Environmental Plan 2000 (HLEP 2000) review currently under way -

- (A) the Schedule 1 list and the Schedule 1 map of the HLEP 2000 be amended to include the Co-Masonic Temple at 54 Regent Street Sydney as an additional Heritage item;

(B) consideration of a special area/streetscape and the inclusion of the following items as additional heritage items be deferred pending an appropriate planning and urban design study that will address the planning objectives and urban design issue for the precinct between the brewery and Regent Street -

1. Kensington Street Terraces 14-40 Kensington Street
2. Goold Street Terraces 5-17 Goold Street
3. Berlei Building 39-47 Regent Street

(C) a heritage study of the Kent Brewery site be undertaken as part of the master planning requirements for the site.

Carried.

At 6.25 pm the meeting concluded.

Chairman of a meeting of the Council of the City
of Sydney held on 21 December 2001 at which
meeting the signature herein was subscribed.