



7 APRIL 2003

Meeting No 1381

MINUTES of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.45pm on 7 April 2003 pursuant to Notice 6/1381 dated 3 April 2003.

INDEX TO MINUTES

<u>Subject</u>	<u>Page No.</u>
1. Confirmation of Minutes	217
2. Minutes by the Lord Mayor - Thank You	367
3. Memoranda by the General Manager	
(A) Farewell to Lord Mayor.....	370

<u>Subject</u>	<u>Page No.</u>
(B) Resignation of Lord Mayor	375
(C) Election of a New Deputy Lord Mayor (If Required)	377
(D) Casual Vacancies on Council Committees	380
(E) Central Sydney Planning Committee - Election Of Councillors (If Required).....	382
4. Matters for Tabling	217
Reports of Committees -	
5. Planning Development and Transport Committee - 31 March 2003	218
Reports to Council -	
6. Development Application: Sydney Town Hall, 483 George Street, Sydney.....	350
7. Cross City Tunnel, RTA Compulsory Acquisition of Lots 101 and 102 and Easement in DP 1048011 – Consent	365
8. Questions -	
Questions On Notice	366
Questions Without Notice	366
9. Motions	366

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 General Manager, General Counsel, Director Corporate Services, Director City Development and Projects, Director Living City Services and Acting Director Asset Management and Compliance were also present.

The Lord Mayor was greeted with acclamation from the public gallery and staff.

Opening Prayer

The Lord Mayor then opened the meeting with prayer.

ITEM 1. CONFIRMATION OF MINUTES**Minutes of Council Meeting of Monday 17 March 2003**

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That the minutes of the meeting of Council of 17 March 2003, as circulated to Councillors, be confirmed.

Carried.

Minutes of Extraordinary Meeting of Council of 31 March 2003

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That the Minutes of the extraordinary meeting of Council of 31 March 2003, as circulated to Councillors, be confirmed.

Carried.

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 Items 4 to 9 inclusive be brought forward and dealt with before Item 2.

ITEM 4. MATTERS FOR TABLING

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

That the Disclosure of Pecuniary Interest returns be received and noted.

Carried.

ITEM 5. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 31 MARCH 2003

FILE NO:

DATE: 4/4/03

PRESENT

Councillor Lucy Turnbull
(Chairman)

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

At the commencement of business at 6.00pm those present were -

Councillors Coulton, Greiner, Ho, Marsden and Turnbull.

Apologies

Councillor Nick Farr-Jones extended his apologies for his inability to attend the Meeting of the Planning Development and Transport Committee as he was overseas.

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That the apology from Councillor Farr-Jones be accepted and leave of absence from the meeting be granted.

Carried.

The meeting of the Planning Development and Transport Committee concluded at 6.30pm.

Report of the Committee

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That the Report of the Planning Development and Transport Committee of its meeting of Monday 31 March 2003 be received, and the recommendations set out below for Items 5.1 and 5.2 be adopted, with Items 5.3 to 5.5, inclusive, and Item 5.7 being noted, and Item 5.6 not being dealt with.

Carried.

The Committee recommended the following:-

PART "A" - DETERMINED BY COUNCIL**PROGRESS REPORT ON DEVELOPMENT APPLICATIONS (A03-00138/1)****5.1**

That the report by the Manager Development to the Planning Development and Transport Committee on 31 March 2003, in regard to the Progress Report on Development Applications for the month of February 2003, be received and noted.

Carried.

SUBMISSION ON DRAFT SYDNEY REGIONAL ENVIRONMENTAL PLAN AND ASSOCIATED POLICIES (S013219)**5.2**

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 31 March 2003, in relation to the Sharing Sydney Harbour suite of policies/documents, those being:-

- (a) Draft Sydney Regional Environmental Plan 32 (DREP 32) - Sydney Harbour Catchment;
- (b) Development Control Plan (DCP) for Exempt and Complying Development for The Rocks and Darling Harbour Precincts;
- (c) Draft Policy for Outdoor Event Sydney Harbour Foreshore Authority;
- (d) Draft Integrated Land and Water Access Plan; and
- (e) City Foreshore Area Strategy;

it be resolved that -

- (A) authority be delegated to the General Manager to make minor drafting amendments to the submission shown at Attachment A to the subject report, reflecting the issues raised at the meeting of the Planning Development and Transport Committee, including the appropriateness of having high impact outdoor events and, in particular, evening events, in The Rocks, Millers Point and Pyrmont residential precincts, and Darling Harbour precinct;
- (B) when finalised, the submission be forwarded to PlanningNSW as Council's response to the request for comment on the subject policies/documents.

Carried.

PART "B" - DETERMINED BY THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE UNDER DELEGATED AUTHORITY

The Planning Development and Transport Committee recommended that Council note that Items 5.3 to 5.5, inclusive, and Item 5.7 were determined by the Planning Development and Transport Committee under delegated authority.

Carried.

STAGE 2 DEVELOPMENT APPLICATION (PHASE 2): DAVID JONES MARKET STREET STORE, 65-77 MARKET STREET, SYDNEY (D2003/00051)

5.3

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 31 March 2003, in relation to Development Application D2003/00051 made by Crone Nation Architects for the site at 65-77 Market Street Sydney, for Phase 2 conservation and refurbishment works to the David Jones Market Street Store and the staged award of heritage floor space, it be resolved that:

- (A) the requirements for a Development Plan to be in force for the subject land be waived under the provisions of Clause 28B (4) of the Central Sydney Local Environmental Plan 1996;
- (B) development 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. D2003/00051 dated 28 January 2003 and the Statement of Environmental Effects (Revised Stage 2 Development Application for Construction Phase 2 Works) dated 17 January 2003 prepared by Crone Nation Architects, the “Heritage Impact Statement for Proposed Fitout to the Lower Ground Floor of David Jones Market Street Store, 65-77 Market Street, Sydney”, dated 23 January 2003 prepared by Truman, Zaniol and Associates Pty Ltd, and drawings numbered M1102 Revision D and M1202 Revision O, both dated 27 January 2003 and prepared by Crone Associates and as amended by the following conditions:

REPORT TO BE COMPLIED WITH

- (2) The development shall be in accordance with the recommendations of the David Jones Market Street Sydney Store Conservation Plan prepared by Truman, Zaniol and Associates Pty Ltd dated April 2000, as amended by the following conditions:

SECTION 61 CONTRIBUTION AND ITEMISED QUANTITY SURVEYORS’ REPORT

- (3) Prior to the release of the construction certificate evidence must be provided that a levy has been paid to the Council pursuant to section 61 of the City of Sydney Act and in accordance with the adopted “Central Sydney Contributions Plan 1997”.
 - (a) Payment shall be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney.
 - (b) The levy must be 1% of the cost of the proposed development calculated in accordance with the methods and procedures set out below.
 - (c) The proposed development the cost of which is subject to the levy shall ONLY exclude cost of land, marketing expenses (excluding display suites etc), finance & interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment & loose electrical appliances, minor maintenance of existing retained fixtures (eg. patching, repainting) and stamp duty.
 - (d) The person seeking to make payment pursuant to this condition must submit to the Council:-
 - (i) a certificate from a registered quantity surveyor which:
 - a. states that the quantity surveyor has inspected:

- i. the plans the subject of the application for construction certificate;
 - ii. all bills of quantities;
 - iii. lists all the matters listed in subclause (c) above and all itemised estimates in relation to these matters;
 - b. certifies in an itemised report, the estimated costs of the development of all matters as set out in subclause (c) above;
- (ii) copies of all the things referred to in the certificate, including the things the quantity surveyor has inspected.
- (e) The Council will consider the documentation submitted under subclause (c) and (d) and determine the cost of the proposed development having regard to the matters submitted and to such other matters as it considers appropriate and will notify the person accordingly.
- (f) The amount notified by the Council pursuant to subclause (e) is the amount used to determine the contribution payable under this condition prior to the release of the Construction Certificate.

USE OF CONSERVATION ARCHITECT

- (4) 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.

AWARD OF HERITAGE FLOOR SPACE

- (5) The owner may be awarded 250sqm of heritage floor space under the provisions of the Central Sydney Local Environmental Plan 1996, if the elements set out in the following clauses are satisfied:-
- (a) The owner shall complete the conservation work approved by this development consent and future Construction Certificates under the Environmental Planning and Assessment Act 1979, prior to the registration of such heritage floor space (HFS) in Council's Heritage Floor Space Register;
 - (b) The owner shall enter into a deed with Council and register any required covenants on the title of the land on the completion of the conservation works to:-

- (i) ensure the continued conservation and maintenance of the building; and
 - (ii) limit any future development of the site to the total area of the conserved building.
- (c) All legal documentation shall be prepared by Council's solicitor. The cost of preparation and registration of all documentation must be borne by the owner.
- (d) The owner will only be registered as the owner of 250 sqm of heritage floor space following the completion of paragraphs (a) - (c) of this condition.
- (e) On the satisfactory completion of (a) - (c) above, and on application to Council, the owner will be issued with a letter of registration of HFS.

CERTIFICATION OF CONSERVATION AND MAINTENANCE WORK

- (6) The conservation expert is to certify that the approved conservation and maintenance work is carried out in accordance with the approved drawings and conservation plan, prior to the registration of the heritage floor space award.

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

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

- (ii) 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and one copy of a contact sheet printed on fibre-based paper to archival standards;
- (iii) selective black and white enlargements to be advised by Council, printed on fibre-based paper to archival standards to a minimum size of 20cm x 25cm, illustrating the location and context of the site/building, the relationship of adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;
- (iv) A summary report of the photographic documentation, detailing;
 - a. the project description, method of documentation, and any limitations of the photographic record; and
 - b. photographic catalogue sheets, which are referenced to a site plan and floor plans no larger than A3, and indicating the location and direction of all photos (black & white prints and slides) taken.
- (v) Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.

PROPOSED WORKS NOT TO CAUSE DAMAGE TO HERITAGE ITEM

- (9) The proposed works are to be carried out in a manner that minimises demolition, alterations, new penetrations/fixings to the significant fabric of the existing building (not identified in the scope of work of this application) which is listed as a Heritage Item. Particular care shall be taken to minimise damage to the significant fabric of the buildings during the carrying out of the internal fitout and any electrical or plumbing works.
- (10) Significant fabric disturbed in the process of development should be salvaged for re-use elsewhere within the building in consultation with the appointed conservation expert.

USE OF EXPERIENCED TRADEPERSONS

- (11) 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.

INTERPRETATION STRATEGY

- (12) Prior to the issue of a Construction Certificate an Interpretation Strategy for the site must be submitted to and approved by the Director City Development.

- (13) The Interpretation Strategy should include, but is not limited to, the provision of details, of public art interpretation through design and/or the display of selected artefacts and/or other material, appropriate to the education of the public in the history and significance of the site.
- (14) The approved Interpretation Strategy shall be implemented to the satisfaction of the Director City Development prior to the registration of Heritage Floor Space.

SIGNS

- (15) A separate development application for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council prior to the erection or display of any such signs.

Schedule 1B

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

- (16) 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.

ACCESS AND FACILITIES FOR PEOPLE WITH DISABILITIES

- (17) 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.

PAVING MATERIALS

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

GENERAL ENVIRONMENTAL HEALTH REQUIREMENTS

- (19) The wash hand basin, shall be provided in a convenient position.

- (20) The wash hand basin shall be provided with hot and cold water supplied under pressure through an approved mixing device which can be adjusted to enable the hands to be washed under hot running water at a temperature of at least 40°C.
- (21) The appliances shall be capable of keeping food hot, at a temperature of not less than 60°C, or keeping food cold, at a temperature of not more than 5°C and such appliances shall be provided with a thermometer, accurate to 1 °C and able to be easily read from outside the appliance.
- (22) The construction and fitout of the premises must comply with the requirements of the National Code for the Construction and Fitout of Food Premises and the Food Regulation 2001.
- (23) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.
- (24) A double bowl sink or two compartment tub shall be provided in the food preparation area.
- (25) A dish washing machine and double bowl sink or two compartment tub shall be provided in the food preparation area.

Schedule 1C

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

COMPETENCY ASSESSMENT BY P.C.A - SECTION 93 CERTIFIERS

- (26) Prior to commencement of work, the Principal Certifying Authority (P.C.A) must assess the competency of all persons who propose to "certify" works or designs under the provisions of s93 of the Local Government Act. Competency is to be assessed in writing by the P.C.A on the basis of documentary evidence of the person's qualifications, skills and experience in performing the task to be certified. The P.C.A must make a written determination on whether the person is appropriately qualified to "certify" the work of design, with all such documentation to be forwarded to Council (within 14 days of the determination) for its records and random audits.

DEMOLITION DETAILS

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

APPLICATION FOR BARRICADE PERMIT

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

CONTROL OF VERMIN

- (29) Measures for the eradication of vermin from the site during construction work shall be implemented prior to the commencement of any work to the satisfaction of the Principal Certifying Authority. All service ducts and cable entries to existing premises should be sealed prior to any demolition being carried out.

Schedule 1D

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

CITY OF SYDNEY COMPLIANCE INSPECTIONS

- (30) The purpose of this condition is to ensure that the Council is given sufficient notice prior to the issuing of the Occupation Certificate to carry out inspections of soon to be completed buildings, where Council considers it necessary. In doing so, this ensures that the Council is able to provide an independent analysis of whether the building is constructed to a standard that complies with the BCA and in accordance with the development consent.
- (a) The applicant and building owner are to note that it is an offence under S.109N of the Environmental Planning and Assessment Act 1979, to occupy or use a building in whole or in part, unless an Occupation Certificate has been issued in relation to the building or the part.
 - (b) A maximum penalty of 25 penalty units applies under the provisions of the Environmental Planning and Assessment Act 1979, for the contravention of the above requirements.
 - (c) Council officers may undertake random inspections from time to time during construction and toward the end of building works to ensure that buildings or part of buildings are not occupied without a partial or final Occupation Certificate, and to check compliance with conditions of development consent and the BCA.
 - (d) In the event that a Principal Certifying Authority (PCA) other than Council is appointed, written notice shall be given to Council (whether by the developer, builder or other person relying on the development consent) on each of the following occasions:

- (i) Within 7 days of installation of services, such as plumbing, mechanical ventilation and the like which penetrate fire rated walls and slabs (excluding basement areas); and
 - (ii) 7 days prior to the installation of false ceilings or cornices which abut fire rated walls and slabs; and
 - (iii) 14 days prior to the final inspection to be carried out by the PCA for the purpose of issuing an Occupation Certificate.
- (e) The PCA shall be advised in writing (whether by the developer, builder or other person relying on the development consent) of Council's requirements pursuant to paragraph (d).
- (f) This reserves time for Council or persons appointed by Council to conduct any random inspections Council may choose to do, prior to the issue of the Occupation Certificate, in order to ensure that buildings or part of buildings are not occupied without a partial or final occupation certificate, and to undertake random audits of certified works.

HOURS OF WORK AND NOISE

(31) 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) The applicant must provide to Council a 24 hour per day telephone contact number and must ensure such number is continually attended by a person with authority over the building work during the construction period.
- (c) The approved hours of work and the 24 hour telephone number must be prominently displayed at all times on the building site and must be visible from a public street or a public place.
- (d) 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'.
- (e) Note: The "City of Sydney Code of Practice for Construction Hours/Noise 1992" allows extended working hours subject to the making of an application in accordance with the Code and under Section 96(2) of the Environmental Planning and Assessment Act 1979, and the granting of approval thereto.

LOADING AND UNLOADING DURING CONSTRUCTION

(32) The following requirements apply:-

- (a) All loading and unloading associated with construction must be accommodated on site.
- (b) If it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
- (c) If a construction zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

NO OBSTRUCTION OF PUBLIC WAY

(33) 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.

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

OCCUPATION CERTIFICATE

(34) An Occupation Certificate (in accordance with Clause 155 of the Environmental Planning and Assessment Regulation 2000) must be obtained from the Principal Certifying Authority (PCA) (Council or a private accredited certifier) and a copy furnished to Council in accordance with Section 79L of the Environmental Planning and Assessment Amendment Regulation 1998 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building. A copy of the certificate shall be submitted to Council if it was not the PCA.

WASTE COLLECTION CONTRACTS

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

REGISTRATION OF FOOD PREMISES

- (36) Prior to issue of an Occupation Certificate, Council's City Care Unit (Health Section) shall be notified of the premises being used for the preparation, manufacture or storage of food for sale. The premises will be registered on Council's Food Premises Database.

Schedule 1F

Conditions to be complied with during the use of Premises

NO SPRUIKERS OR AMPLIFIED NOISE

- (37) No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking or amplified noise generated within privately owned land must not be audible on Council's footpath adjoining the subject premise.

NOISE – USE

- (38) The use of the premises including music and other activities 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 7.00 a.m. to midnight daily and 0dB above the L90 background between 12 midnight and 7.00 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) During the period 12 midnight to 7.00 a.m. the use shall be inaudible in any habitable room of any residential premises.
 - (d) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.
 - (e) 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.

NOISE - MECHANICAL PLANT

- (39) Noise associated with mechanical plant 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 7.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 7.00 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 subclause does not apply to any such frequencies.
 - (c) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.
 - (d) The method of measurement of vibration in (a) and sound levels in (b), (c) must be carried out in accordance with AS 2973 for vibration measurements. AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

CARE OF BUILDING SURROUNDS

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

NO SIGNS OR GOODS ON PUBLIC AREAS

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

NO FOOD RETAILING WITHOUT GARBAGE CONTRACT

- (42) No food is to be sold on weekends without prior approval of refuse storage facilities on site, or without having a current contract with Council or other licensed refuse service for the daily removal of putrescible wastes.

CERTIFICATION OF MECHANICAL VENTILATION

- (43) 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.

- (44) 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.

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

- (45) 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.

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

Schedule 2

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

Carried unanimously.

STAGE 2 DEVELOPMENT APPLICATION (PHASE 3): DAVID JONES MARKET STREET STORE, 65-77 MARKET STREET, SYDNEY (D2003/00129)

5.4

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 31 March 2003 in relation to Development Application D2003/00129 made by Crone Nation Architects for the site at 65-77 Market Street Sydney, for Phase 3 conservation and refurbishment works to the David Jones Market Street Store and the staged award of heritage floor space, it be resolved that:

- (A) the requirements for a Development Plan to be in force for the subject land be waived under the provisions of Clause 28B(4) of the Central Sydney Local Environmental Plan 1996;
- (B) development 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. D2003/00129 dated 25 February 2003 and the "Statement of Environmental Effects Stage 2 Development Application for Construction Phase 2 Works" dated 24 February 2003 prepared by Crone Nation Architects, the "Heritage Impact Statement for Proposed Fitout to the Sub-Basement and Basement Levels of David Jones Market Street Store, 65-77 Market Street, Sydney", dated 23 February 2003 prepared by Truman, Zaniol and Associates Pty Ltd, and drawings numbered M1100 Revision D, M1101 Revision D, M1200 Revision O and M1201 Revision O, all dated 25 February 2003 and prepared by Crone Associates and as amended by the following conditions:

REPORT TO BE COMPLIED WITH

- (2) The development shall be in accordance with the recommendations of the David Jones Market Street Sydney Store Conservation Plan prepared by Truman, Zaniol and Associates Pty Ltd dated April 2000, as amended by the following conditions:

SECTION 61 CONTRIBUTION AND ITEMISED QUANTITY SURVEYORS' REPORT

- (3) Prior to the release of the construction certificate evidence must be provided that a levy has been paid to the Council pursuant to section 61 of the City of Sydney Act and in accordance with the adopted "Central Sydney Contributions Plan 1997".
 - (a) Payment shall be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney.
 - (b) The levy must be 1% of the cost of the proposed development calculated in accordance with the methods and procedures set out below.
 - (c) The proposed development the cost of which is subject to the levy shall ONLY exclude cost of land, marketing expenses (excluding display suites etc), finance & interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment & loose electrical appliances, minor maintenance of existing retained fixtures (eg. patching, repainting) and stamp duty.
 - (d) The person seeking to make payment pursuant to this condition must submit to the Council:-
 - (i) a certificate from a registered quantity surveyor which:
 - a. states that the quantity surveyor has inspected:

- i. the plans the subject of the application for construction certificate;
 - ii. all bills of quantities;
 - iii. lists all the matters listed in subclause (c) above and all itemised estimates in relation to these matters;
 - b. certifies in an itemised report, the estimated costs of the development of all matters as set out in subclause (c) above;
- (ii) copies of all the things referred to in the certificate, including the things the quantity surveyor has inspected.
- (e) The Council will consider the documentation submitted under subclause (c) and (d) and determine the cost of the proposed development having regard to the matters submitted and to such other matters as it considers appropriate and will notify the person accordingly.
- (f) The amount notified by the Council pursuant to subclause (e) is the amount used to determine the contribution payable under this condition prior to the release of the Construction Certificate.

USE OF CONSERVATION ARCHITECT

- (4) 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.

AWARD OF HERITAGE FLOOR SPACE

- (5) The owner may be awarded 250sqm of heritage floor space under the provisions of the Central Sydney Local Environmental Plan 1996, if the elements set out in the following clauses are satisfied:-
- (a) The owner shall complete the conservation work approved by this development consent and future Construction Certificates under the Environmental Planning and Assessment Act 1979, prior to the registration of such heritage floor space (HFS) in Council's Heritage Floor Space Register;

- (b) The owner shall enter into a deed with Council and register any required covenants on the title of the land on the completion of the conservation works to:-
 - (i) ensure the continued conservation and maintenance of the building; and
 - (ii) limit any future development of the site to the total area of the conserved building.
- (c) All legal documentation shall be prepared by Council's solicitor. The cost of preparation and registration of all documentation must be borne by the owner.
- (d) The owner will only be registered as the owner of 250 sqm of heritage floor space following the completion of paragraphs (a) - (c) of this condition.
- (e) On the satisfactory completion of (a) - (c) above, and on application to Council, the owner will be issued with a letter of registration of HFS.

CERTIFICATION OF CONSERVATION AND MAINTENANCE WORK

- (6) The conservation expert is to certify that the approved conservation and maintenance work is carried out in accordance with the approved drawings and conservation plan, prior to the registration of the heritage floor space award.

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (7) Archival recording for deposit in the City of Sydney Archives must be carried out prior to the removal of any significant building fabric or furnishings from the site, during the removal of fabric on site that exposes significant building fabric or furnishings, and after work has been completed on site, as considered appropriate by the conservation architect commissioned for the project.
 - (a) The archival record of significant building fabric or furnishings from the site must be submitted to Council prior to the commencement of any demolition work and prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
 - (b) The archival record of significant building fabric or furnishings from the site that is exposed during demolition or construction and after work has been completed on site is required to be submitted to Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.

- (8) The form of recording is to be as follows:-
- (a) Photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:-
 - (i) 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
 - (ii) 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and one copy of a contact sheet printed on fibre-based paper to archival standards;
 - (iii) selective black and white enlargements to be advised by Council, printed on fibre-based paper to archival standards to a minimum size of 20cm x 25cm, illustrating the location and context of the site/building, the relationship of adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;
 - (iv) A summary report of the photographic documentation, detailing;
 - a. the project description, method of documentation, and any limitations of the photographic record; and
 - b. photographic catalogue sheets, which are referenced to a site plan and floor plans no larger than A3, and indicating the location and direction of all photos (black & white prints and slides) taken.
 - (v) Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.

PROPOSED WORKS NOT TO CAUSE DAMAGE TO HERITAGE ITEM

- (9) The proposed works are to be carried out in a manner that minimises demolition, alterations, new penetrations/fixings to the significant fabric of the existing building (not identified in the scope of work of this application) which is listed as a Heritage Item. Particular care shall be taken to minimise damage to the significant fabric of the buildings during the carrying out of the internal fitout and any electrical or plumbing works.
- (10) Significant fabric disturbed in the process of development should be salvaged for re-use elsewhere within the building in consultation with the appointed conservation expert.

USE OF EXPERIENCED TRADEPERSONS

- (11) 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.

INTERPRETATION STRATEGY

- (12) Prior to the issue of a Construction Certificate an Interpretation Strategy for the site must be submitted to and approved by the Director City Development.
- (13) The Interpretation Strategy should include, but is not limited to, the provision of details, of public art interpretation through design and/or the display of selected artefacts and/or other material, appropriate to the education of the public in the history and significance of the site.
- (14) The approved Interpretation Strategy shall be implemented to the satisfaction of the Director City Development prior to the registration of Heritage Floor Space.

SIGNS

- (15) A separate development application for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council prior to the erection or display of any such signs.

Schedule 1B

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

- (16) 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.

ACCESS AND FACILITIES FOR PEOPLE WITH DISABILITIES

- (17) 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.

PAVING MATERIALS

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

GENERAL ENVIRONMENTAL HEALTH REQUIREMENTS

- (19) The construction and fitout of the premises must comply with the requirements of the National Code for the Construction and Fitout of Food Premises and the Food Regulation 2001.
- (20) Prior to issue of an Occupation Certificate, Council’s City Care Unit (Health Section) shall be notified of the premises being used for the preparation, manufacture or storage of food for sale. The premises will be registered on Council’s Food Premises Database.
- (21) The following requirements apply to food conveyors:-
- (a) The well formed at the bottom of the food lift shall be constructed so as to provide access for easy cleaning.
 - (b) The outside wall surface of the lift shaft shall be finished with glazed tiles, finished to match the surrounding wall surface and coved to a minimum radius of 25 mm at the intersection with the floor.
 - (c) The internal surfaces of the food lift well shall be cement rendered and steel trowelled to a smooth even finish and coved at all angles.

Schedule 1C

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

COMPETENCY ASSESSMENT BY P.C.A - SECTION 93 CERTIFIERS

- (22) Prior to commencement of work, the Principal Certifying Authority (P.C.A) must assess the competency of all persons who propose to “certify” works or designs under the provisions of s93 of the Local Government Act. Competency is to be assessed in writing by the P.C.A on the basis of documentary evidence of the person’s qualifications, skills and experience in performing the task to be certified. The P.C.A must make a written determination on whether the person is appropriately qualified to “certify” the work of design, with all such documentation to be forwarded to Council (within 14 days of the determination) for its records and random audits.

DEMOLITION DETAILS

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

APPLICATION FOR BARRICADE PERMIT

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

CONTROL OF VERMIN

- (25) Measures for the eradication of vermin from the site during construction work shall be implemented prior to the commencement of any work to the satisfaction of the Principal Certifying Authority. All service ducts and cable entries to existing premises should be sealed prior to any demolition being carried out.

Schedule 1D

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

CITY OF SYDNEY COMPLIANCE INSPECTIONS

- (26) The purpose of this condition is to ensure that the Council is given sufficient notice prior to the issuing of the Occupation Certificate to carry out inspections of soon to be completed buildings, where Council considers it necessary. In doing so, this ensures that the Council is able to provide an independent analysis of whether the building is constructed to a standard that complies with the BCA and in accordance with the development consent.
- (a) The applicant and building owner are to note that it is an offence under S.109N of the Environmental Planning and Assessment Act 1979, to occupy or use a building in whole or in part, unless an Occupation Certificate has been issued in relation to the building or the part.
- (b) A maximum penalty of 25 penalty units applies under the provisions of the Environmental Planning and Assessment Act 1979, for the contravention of the above requirements.

- (c) Council officers may undertake random inspections from time to time during construction and toward the end of building works to ensure that buildings or part of buildings are not occupied without a partial or final Occupation Certificate, and to check compliance with conditions of development consent and the BCA.
- (d) In the event that a Principal Certifying Authority (PCA) other than Council is appointed, written notice shall be given to Council (whether by the developer, builder or other person relying on the development consent) on each of the following occasions:
 - (i) Within 7 days of installation of services, such as plumbing, mechanical ventilation and the like which penetrate fire rated walls and slabs (excluding basement areas); and
 - (ii) 7 days prior to the installation of false ceilings or cornices which abut fire rated walls and slabs; and
 - (iii) 14 days prior to the final inspection to be carried out by the PCA for the purpose of issuing an Occupation Certificate.
- (e) The PCA shall be advised in writing (whether by the developer, builder or other person relying on the development consent) of Council's requirements pursuant to paragraph (d).
- (f) This reserves time for Council or persons appointed by Council to conduct any random inspections Council may choose to do, prior to the issue of the Occupation Certificate, in order to ensure that buildings or part of buildings are not occupied without a partial or final occupation certificate, and to undertake random audits of certified works.

HOURS OF WORK AND NOISE

- (27) 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) The applicant must provide to Council a 24 hour per day telephone contact number and must ensure such number is continually attended by a person with authority over the building work during the construction period.

- (c) The approved hours of work and the 24 hour telephone number must be prominently displayed at all times on the building site and must be visible from a public street or a public place.
- (d) 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'.
- (e) Note: The "City of Sydney Code of Practice for Construction Hours/Noise 1992" allows extended working hours subject to the making of an application in accordance with the Code and under Section 96(2) of the Environmental Planning and Assessment Act 1979, and the granting of approval thereto.

LOADING AND UNLOADING DURING CONSTRUCTION

- (28) The following requirements apply:-
- (a) All loading and unloading associated with construction must be accommodated on site.
 - (b) If it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
 - (c) If a construction zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

NO OBSTRUCTION OF PUBLIC WAY

- (29) 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.

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

OCCUPATION CERTIFICATE

- (30) An Occupation Certificate (in accordance with Clause 155 of the Environmental Planning and Assessment Regulation 2000) must be obtained from the Principal Certifying Authority (PCA) (Council or a private accredited certifier) and a copy furnished to Council in accordance with Section 79L of the Environmental Planning and Assessment Amendment Regulation 1998 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building. A copy of the certificate shall be submitted to Council if it was not the PCA.

WASTE COLLECTION CONTRACTS

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

REGISTRATION OF FOOD PREMISES

- (32) Prior to issue of an Occupation Certificate, Council's City Care Unit (Health Section) shall be notified of the premises being used for the preparation, manufacture or storage of food for sale. The premises will be registered on Council's Food Premises Database.

Schedule 1F

Conditions to be complied with during the use of Premises

NO SPRUIKERS OR AMPLIFIED NOISE

- (33) No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking or amplified noise generated within privately owned land must not be audible on Council's footpath adjoining the subject premise.

NOISE – USE

- (34) The use of the premises including music and other activities 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 7.00 a.m. to midnight daily and 0dB above the L90 background between 12 midnight and 7.00 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) During the period 12 midnight to 7.00 a.m. the use shall be inaudible in any habitable room of any residential premises.
- (d) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.
- (e) 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.

NOISE - MECHANICAL PLANT

- (35) Noise associated with mechanical plant 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 7.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 7.00 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 subclause does not apply to any such frequencies.
 - (c) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.
 - (d) The method of measurement of vibration in (a) and sound levels in (b), (c) must be carried out in accordance with AS 2973 for vibration measurements. AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

CARE OF BUILDING SURROUNDS

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

NO SIGNS OR GOODS ON PUBLIC AREAS

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

NO FOOD RETAILING WITHOUT GARBAGE CONTRACT

- (38) No food is to be sold on weekends without prior approval of refuse storage facilities on site, or without having a current contract with Council or other licensed refuse service for the daily removal of putrescible wastes.

CERTIFICATION OF MECHANICAL VENTILATION

- (39) 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.
- (40) 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.

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

- (41) 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.
- (42) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.

Schedule 2

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

Carried unanimously.

DEVELOPMENT APPLICATION: 161 CLARENCE STREET (ALSO KNOWN AS 296-302 KENT STREET), AND 163-165 CLARENCE STREET, SYDNEY

5.5

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 31 March 2003 in relation to Development Application D2002/00794 made by Multiplex (Clarence St) Pty Ltd for the sites at 161 and 163-165 Clarence Street, and 296-302 Kent Street Sydney, for demolition of the building at 161 Clarence Street and part of the building at 296-302 Kent Street, construction of a 27 level residential building partly cantilevered over the existing building at 163-165 Clarence Street, and the creation of two stratum allotments, it be resolved that:

- (A) the requirements for a Development Plan to be in force for the subject land be waived under the provisions of Clause 28B (4) of the Central Sydney Local Environmental Plan 1996;
- (B) for the purpose of calculating the floor space ratio of the proposed development and to address the requirements of Clause 43A (Calculation of floor space for amalgamated sites) of the Central Sydney LEP 1996 and draft Clause 60 (Site Area and Calculation of Floor Space Area) of the Draft City of Sydney LEP 2002, the site area is determined to be 1157m² on the basis that the following works to the building at 163-165 Clarence Street occur:
 - (i) provision of a basement level service connection between the commercial building at 163-165 Clarence Street and the new Kent Street loading dock within the residential building at 161 Clarence Street. The proposal includes the creation of appropriate easements in favour of the commercial building;
 - (ii) provision of a ground level internal connection between the commercial and residential foyers;
 - (iii) façade upgrade to the lower two Clarence Street levels, including introduction of materials to match the proposed residential building. This upgrade will include a new two storey timber framed glazing, copper clad awning and polished bluestone column cladding and entry walls to match the residential building;
 - (iv) provision and ongoing maintenance of a communal rooftop open space area to reflect a “bosque” garden. This space will be directly accessible from Level 10 of the residential tower and will be available for use by the occupants of the residential and commercial building; and
 - (v) refurbishment of the rear lane presentation by rationalisation of existing building services and a general clean up;

(C) 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. D2002/00794 dated 6 November 2002 and the Statement of Environmental Effects prepared by JBA Urban Planning Consultants dated November 2002 and architectural drawings, all prepared by Tonkin Zulaikah Greer Architects, numbered:

DA01 Revision B dated 18 December 2002
DA02 to DA07, all Revision A and dated 18 December 2002
DA08 Revision B dated 12 February 2003
DA09 Revision B dated 18 December 2002
DA10 Revision C dated 7 February 2003
DA11 to DA17, all Revision A and dated 18 December 2002
DA18 to DA20, all Revision B and dated 7 February 2003
DA21 and DA22, both Revision B and dated 12 February 2003
DA23 and DA24, both Revision A and dated 18 December 2002
DA25 to DA33, all Revision B and dated 12 February 2003
DA34 to DA36, all Revision A and dated 18 December 2002
DA37 to DA39, all Revision C and dated 7 February 2003
DA40 Revision B dated 18 December 2002
DA41 Revision A dated 18 December 2002,

and survey drawings numbered 31176-07 and 31176-08, both dated 25 November 2002 and prepared by Frank M Mason and Co Pty Limited Land and Engineering Surveyors,

and landscape drawings numbered SK03 Revision B dated 27 February 2003 and SK04 Revision A dated 26 February 2003, both prepared by Gillespies Australia,

and as amended by the following conditions:

APPROVED DESIGN ROOF-TOP PLANT

- (2) All roof-top plant and associated equipment shall be located within the approved building envelope, which includes roof-top plant rooms, parapets and screening devices. In satisfying Building Code of Australia provisions relating to such services, should the plant exceed the approved building envelope, then further approval is required from the consent authority.

APPROVED DESIGN DETAILS AND FINISHES

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

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.

SECTION 61 CONTRIBUTION AND ITEMISED QUANTITY SURVEYORS' REPORT

- (4) Prior to the release of the construction certificate evidence must be provided that a levy has been paid to the Council pursuant to section 61 of the City of Sydney Act and in accordance with the adopted "Central Sydney Contributions Plan 1997".
- (a) Payment shall be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney.
- (b) The levy must be 1% of the cost of the proposed development calculated in accordance with the methods and procedures set out below.
- (c) The proposed development the cost of which is subject to the levy shall ONLY exclude cost of land, marketing expenses (excluding display suites etc), finance & interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment & loose electrical appliances, minor maintenance of existing retained fixtures (eg. patching, repainting) and stamp duty.
- (d) The person seeking to make payment pursuant to this condition must submit to the Council:-
- (i) a certificate from a registered quantity surveyor which:
- a. states that the quantity surveyor has inspected:

- i. the plans the subject of the application for construction certificate;
 - ii. all bills of quantities;
 - iii. lists all the matters listed in subclause (c) above and all itemised estimates in relation to these matters;
 - b. certifies in an itemised report, the estimated costs of the development of all matters as set out in subclause (c) above;
- (ii) copies of all the things referred to in the certificate, including the things the quantity surveyor has inspected.
- (e) The Council will consider the documentation submitted under subclause (c) and (d) and determine the cost of the proposed development having regard to the matters submitted and to such other matters as it considers appropriate and will notify the person accordingly.
- (f) The amount notified by the Council pursuant to subclause (e) is the amount used to determine the contribution payable under this condition prior to the release of the Construction Certificate.

FLOOR SPACE RATIO

- (5) The following applies to Floor Space Ratio:-
- (a) The Floor Space Ratio of the proposal must not exceed 10.81 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 12,509sqm.
 - (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 813sqm of Heritage Floor Space was allocated (purchased and transferred) to the development, being that floor space in excess of 8:1, and as reduced by Clauses 28D and Clause 45 of the Central Sydney Local Environmental Plan 1996.

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 100 (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).

ARCHITECTURAL ROOF FEATURE

- (7) At all times, the architectural roof feature:
- (a) shall comprises a decorative element on the upper most portion of a building; and
 - (b) shall not include floor space area and shall not reasonably be capable of modification to include floor space area; and
 - (c) shall not provide access for recreational purposes; and
 - (d) shall not be a structure for signage or advertising; and
 - (e) shall not contain equipment or structures for servicing the building, such as plant, lift motor rooms, fire stairs and the like; and
 - (f) shall be an integral part of the design of the building in its context; and
 - (g) will have minimal overshadowing impact.

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (8) Archival recording for deposit in the City of Sydney Archives must be carried out prior to the removal of any significant building fabric or furnishings from the site, during the removal of fabric on site that exposes significant building fabric or furnishings, and after work has been completed on site, as considered appropriate by the conservation architect commissioned for the project.
- (a) The archival record of significant building fabric or furnishings from the site must be submitted to Council prior to the commencement of any demolition work and prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

- (b) The archival record of significant building fabric or furnishings from the site that is exposed during demolition or construction and after work has been completed on site is required to be submitted to Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.
- (9) The form of recording is to be as follows:-
- (a) Photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:-
- (i) 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
 - (ii) 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and one copy of a contact sheet printed on fibre-based paper to archival standards;
 - (iii) selective black and white enlargements to be advised by Council, printed on fibre-based paper to archival standards to a minimum size of 20cm x 25cm, illustrating the location and context of the site/building, the relationship of adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;
 - (iv) A summary report of the photographic documentation, detailing:
 - a. the project description, method of documentation, and any limitations of the photographic record; and
 - b. photographic catalogue sheets, which are referenced to a site plan and floor plans no larger than A3, and indicating the location and direction of all photos (black & white prints and slides) taken.
 - (v) Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.

PHYSICAL MODELS

- (10) 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

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

Note:

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

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

- (12) Prior to the issue of a Certificate of Occupation under the Environmental Planning and Assessment Act 1979, an accurate 1:1 electronic model of the approved development must be submitted to Council for the electronic City Model.
- (a) The data required to be submitted within the surveyed location shall include and identify:-
 - (i) buildings 'as built' above and below ground;
 - (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
 - (iii) the property boundaries and the kerb lines adjacent to the site.
 - (b) The data is to be submitted as a DXF file on physical media (floppy disc or CD). Preferably, all plans are to be referenced to the Integrated Survey Grid of NSW (ISG), Australian Map Grid (AMG) or Map Grid of Australia (MGA).
 - (c) Within the DXF file each identified structure, feature, utility or service shall be distinguished by a combination of layering and/or symbology schema. The submitted plans shall be accompanied by a comma delimited text file, detailing the layering and/or symbology schema.

- (d) The electronic model shall be constructed in accordance with the City's electronic data protocol. The protocol provides specific details of the information required to be shown and is available at the One Stop Shop. Council's Manager, Spatial Information should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

Note:

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

CONSISTENCY OF DRAWINGS

- (13) In the event that the approved plans incorporate inconsistencies of detail between:
 - (a) the relevant architectural plans and architectural elevations, the details shown in the elevations shall take precedence; and
 - (b) the relevant architectural drawings prepared by Tonkin Zulaikha Greer Architects and the landscape drawings prepared by Gillespies Australia, the details shown on the landscape drawings shall take precedence.

ARCHITECT WHO DESIGNED PROJECT NOT TO CHANGE

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

DEMOLITION/SITE RECTIFICATION

- (15) The following conditions apply to the development:-
 - (a) Demolition or excavation must not commence until a Construction Certificate has been issued under the Environmental Planning and Assessment Act 1979 for construction of the substantive building.
 - (b) Prior to issue of the Construction Certificate, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the General Manager of the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.

(c) Without limiting the generality of paragraph (b), the Deed must provide for:-

(i) a bank guarantee to be provided in the sum of \$208,500.00 as security for the costs of such works provided that:-

a. the maximum liability under the Deed shall not exceed \$208,500.00; and

b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works which meet the objectives of the condition.

(ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:

a. demolition of the existing building has commenced but not been completed;

b. the existing building has been demolished; or

c. the site has been excavated; or

d. the structure has commenced to be erected;

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

e. make the building safe and attractive at ground level;

f. allow the ground level to be landscaped and made attractive from any public vantage point; or

g. for the hole to be covered to allow it to be landscaped and made attractive from any public vantage point; or

h. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenantable stage;

AND to call on such bank guarantee to cover the cost thereof.

- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in an unattractive building site appearance, then the Council will have the readily enforceable rights to:
 - (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (ii)e. - h. to take place on the site; and
 - (ii) in the event of default, shall have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.

RESTRICTION ON RESIDENTIAL DEVELOPMENT

- (16) The following restriction applies to buildings approved for residential use:
 - (a) The accommodation portion of the building (levels 1 to 25) must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Central Sydney Local Environmental Plan 1996.
 - (b) All approved residential units in the building must be either owner occupied or occupied by a tenant with a residential lease under the Residential Tenancy Act 1987. A certificate signed by the owner or the body corporate (if the development is strata subdivided) or a solicitor (holding a current certificate to practice), must be forwarded to Council within 12 months of the completion of the development, and every 12 months thereafter, certifying that all units approved in the residential building are either owner occupied or are subject to residential leases under the Residential Tenancy Act 1987.
 - (c) A restrictive covenant is to be created pursuant to Section 88E of the Conveyancing Act, 1919, restricting any change of use of levels [*insert*] from residential as defined in the Central Sydney Local Environmental Plan 1996. The covenant is to be executed prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 to the satisfaction of the certifying authority (Council or a private accredited certifier). All costs of the preparation and registration of all associated documentation is to be borne by the applicant.

RESTRICTION OF GROCERY AND CONVENIENCE STORE

(17)

- (a) The part of the building that has been approved as basement grocery or convenience retailing 225 sqm and has been excluded from floor space for the purposes of calculating floor space ratio, must be maintained as grocery or convenience retailing as defined in Central Sydney LEP 1996.
- (b) Prior to the issue of Construction Certificate under the Environmental Planning and Assessment Act 1979 a documentary restrictive covenant to the effect that 225 sqm of the building has been approved as basement grocery or convenience retailing and has been excluded from floor space for the purposes of calculating floor space ratio is to be registered on the title of the development site pursuant to Section 88E of the Conveyancing Act 1919. The covenant is to be created appurtenant to Council and at no cost to Council.

Note: The covenant will be noted on the data base for Section 149 Certificates issued under the Environmental Planning and Assessment Act 1979.

INTERNAL PARTITIONS NOT TO ABUT WINDOWS

- (18) Where internal partitions meet external walls they shall abut window mullions, columns or other such building elements and not glazing.

ARCHEOLOGICAL INVESTIGATION

(19)

- (a) Should any historical relics be unexpectedly discovered on the site during excavation, 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.
- (b) Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

VEHICULAR SPACES

- (20) The design of the building shall be modified by deletion of the five mechanical car stackers on the northern side of Basement Level 1.

- (21) The following car parking requirements apply:-
- (a) The approved 95 vehicle spaces shall be allocated on the development site as follows:
 - 93 residential spaces;
 - 2 courier vehicle spaces located close to service entrance;
 - (b) The equivalent of one space for cycle racks or equivalent cycle storage area. A room containing a shower and change area must be provided close to the cycle racks.
 - (c) The equivalent of one space for motorcycles.
 - (d) One car wash bays with appropriate plumbing and drainage.
 - (e) Two of the above car parking spaces are to be for people with mobility impairment, in accordance with AS 2890.1.
 - (f) All spaces must be allocated and marked according to this requirement. If the development is to be strata subdivided, the carpark layout must respect the above allocation.
- (22) 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.

ON-SITE TRAFFIC MANAGEMENT

- (23) Traffic signals shall be installed to regulate traffic over the common area of the circular ramp system and the car lift entrance on each parking level.
- (24) All vehicles from the car park shall enter and leave the site in a forward direction.
- (25) A “Stop” sign shall be installed at the exit point to require exiting vehicles to stop at the building line.
- (26) All costs of traffic management measures associated with the development shall be borne by the developer.

RESIDENTS ARE NOT ENTITLED TO PARTICIPATE IN RESIDENTIAL PERMIT PARKING SCHEMES

- (27) Residents are not entitled to participate in the residential permit parking schemes. This prohibition on participation in the residential permit parking scheme will be recorded on the Section 149 Certificate for this property under the Environmental Planning and Assessment Act 1979.

RESTRICTION ON USE OF CAR SPACES

(28) 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.

EXTERNAL LIGHTING

- (29) 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.

NAMING RIGHTS FOR NEW DEVELOPMENTS

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

SEPARATE APPLICATION FOR USE OF THE COMMERCIAL/RETAIL TENANCIES

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

SIGNS

- (32) 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.

STRATUM SUBDIVISION

- (33) A separate application must be made to Council to obtain approval and endorsement of the final Plan of Subdivision and endorsement of the Subdivision Certificate in accordance with Part 4A of the Environmental Planning and Assessment Act 1979.
- (34) Any proposal to Strata subdivide part of the site will require a separate application to obtain Development Consent for the proposal from Council and subsequent approval of the final Strata Plan and endorsement of the Strata Certificate by Council or an accredited certifier in accordance with Section 37 of the Strata Schemes (Freehold Development) Act 1973 as amended by the Strata Schemes (Part Strata) Amendment Act 1994.
- (35) The part of proposed Lot 1 designated "Pt. 1 / Pt. 2" is to be limited in depth to RL 57.0 and unlimited in height, and that part of proposed Lot 2 designated "Pt. 1 / Pt. 2" shall be unlimited in depth and limited in height to RL 57.0.
- (36) A documentary Restriction as to User is to be created pursuant to Section 88B of the Conveyancing Act 1919, appurtenant to the Council of the City of Sydney, burdening both lots in the subdivision. The restriction is to be created in terms specifying that the Floor Space Area (as defined by the City of Sydney) of a building erected upon a lot in the subdivision is to be limited to the extent that the aggregate Floor Space Area of the buildings erected on both lots so burdened does not exceed that allowable for the total site.
- (37) A documentary Easement for Light and Air and Building Maintenance is to be created over lot 2 in the subdivision pursuant to Section 88B of the Conveyancing Act 1919. The easement is to burden that part of lot 2 above the existing rooftop, is to be created appurtenant to Lot 1 and in terms granting unrestricted access and transmission of light and air to the building erected on lot 1 and provide rights of access to undertake maintenance, cleaning and repairs to the façade of the building on lot 1, all to Council's satisfaction.
- (38) A documentary Easement for Recreational Use is to be created over that part of lot 2 on the rooftop for recreational purposes, pursuant to Section 88B of the Conveyancing Act 1919. The easement is to burden that part of lot 2 above the existing rooftop, is to be created appurtenant to Lot 1 and in terms granting unrestricted access and use for recreational purposes, all to Council's satisfaction.

- (39) Documentary rights of way and easements for services, drainage, access, support and shelter, light and air, fire egress, repairs and maintenance and any encumbrances, restrictions and covenants required for reciprocal use and occupation of part or all of the proposed lots, as a consequence of the subdivision, are to be created over the affected parts of the appropriate lots pursuant to Section 88B of the Conveyancing Act 1919 to Council's satisfaction.

SYDNEY WATER CERTIFICATE

- (40)
- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. An immediate application for a certificate should be made to obtain a Notice of Requirements from Sydney Water.
 - (b) Written confirmation that a Compliance Certificate has been obtained must be submitted to Council prior to issue of a Subdivision Certificate under Part 4A of the Environmental Planning and Assessment Act 1979.
 - (c) Note: Sydney Water may require the construction of works and/or the payment of developer contributions, details of which will be provided in the Notice of Requirements from Sydney Water. Early advice from Sydney Water may avoid problems in providing water and sewer services to the development and adverse impacts on building design and site layout. Contact Sydney Water, Central Region, Rockdale (Urban Development Section).

SUBDIVISIONS AND BUILDING CODE OF AUSTRALIA

- (41) The subdivision must meet the performance standards of the Building Code of Australia for Type A construction.
- (42) The buildings occupying the separate stratum lots in the subdivision must comply with all requirements of the Building Code of Australia as though they are a single building.
- (43) The subdivision must address Part A4.2 of the Building Code of Australia (Alterations in a United Building).

GARBAGE RECEPTACLE HOLDING AREA DESIGN

- (44) Prior to the issue of a Construction Certificate for the development the proposed ground floor level garbage receptacle holding area is to be redesigned to the satisfaction of the Director City Development and Projects to provide adequate floor space for the storage and movement of 16 x 240 litre bins and is to be fully enclosed in accordance with the provisions of Council's Code for Waste Handling in Buildings 1994.

SEPARATE APPLICATION FOR CONSTRUCTION OF CONCRETE KERB AND FOOTPATH VEHICLE CROSSING

- (45) A separate application is to be made to Council's Civil Engineering Services-Roads and Footways unit for the construction of the concrete kerb and footpath vehicle crossings and the reinstatement of the footpath formation where any existing crossings are no longer required.

STREET FURNITURE

- (46) The applicant must disclose impacts of demolition, excavation, construction and final design upon the City's street furniture such as bus shelters, phone, bollards and litter bins. Street furniture must be accessible during demolition, excavation and construction for use and maintenance. The cost of any removals, storage and relocation during demolition, excavation, construction, and reinstatement upon completion must be borne by the applicant. The applicant must also seek permission from the telecommunications carriers for removal of any public payphones.

METROWEST INVESTIGATION AREA - RAIL INFRASTRUCTURE CORPORATION REQUIREMENTS

- (47) The following condition applies where the building works are within the proposed Metrowest Zone of Influence as identified in drawing SK001 Revision 01 prepared by Connell Wagner.
- (a) Having regard to the submission of the Rail Infrastructure Corporation (RIC) and the proposed tunnels for the Metrowest Rail Link that may be constructed close to the subject site in the future:
- (i) Prior to the commencement of building works (other than demolition) any piles and other structures shall be constructed in accordance with the design criteria in drawings SK001 Revision 01 prepared by Connell Wagner in order to prevent the transfer of loads from the approved building to the proposed Metrowest Zone of Influence as identified in drawing SK001 Revision 01.
- (ii) The said piles and other structures shall only be constructed in accordance with a Construction Certificate complying with the design criteria in the engineering drawing SK001 Revision 01 prepared by Connell Wagner.
- (iii) A qualified practising structural engineer is to issue structural certificates to Council and RIC at each of the stages identified in Condition (iv) below confirming that any piles and other structures in the Zone of Influence have been constructed in accordance with Conditions (i) and (ii) above. The certificate is to be accompanied by:

- a. “as built” drawings prepared by a registered surveyor detailing the location and dimensions of the piles and other structures including the RLs of the top and bottom of the piles and other structures; and
 - b. all geotechnical reports prepared in relation to excavations for the piles and other structures in the proposed Metrowest Zone of Influence identified in drawing SK001 Revision 01.
- (iv) The Applicant must give Council and RIC two (2) working days’ written notice of each of the following events;
- a. pile set out
 - b. other set out of structures within the proposed Metrowest Zone of Influence identified in drawing SK001 Revision 01;
 - c. pile excavation;
 - d. other excavation within the proposed Metrowest Zone of Influence identified in drawing SK001 Revision 01;
 - e. pile concreting; and
 - f. other concreting within the proposed Metrowest Zone of Influence identified in drawing SK001 Revision 01.
- (v) The applicant will allow RIC to inspect the site and works to confirm that these works have been or are being built in accordance with Conditions (i) and (ii) above.
- (vi) Notices by the applicant to RIC must be addressed to the Metrowest Rail Link Project Manager, Planning and Project Development, Strategy and Planning Division, Rail Infrastructure Corporation, Level 15, 55 Market Street, Sydney NSW 2000 (or such other person as may be nominated in writing by RIC) and received by the Metrowest Rail Link Project Manager in person or by facsimile to 02 9224 3098 (or such other facsimile number as may be nominated in writing by RIC) between 8.00am and 5.00pm on a working day.

STRUCTURAL CERTIFICATION FOR DESIGN

In addition to and without limiting the above, the applicant must, prior to the commencement of work (other than demolition), submit the following documentation to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council (if it is not the PCA):

- (vii) Structural Drawings prepared by an appropriately qualified practising Structural Engineer, corresponding with and attached to a Structural Certificate (see Condition (viii) below). A copy of the detailed structural drawings for footings, piles and any slabs on ground located within the proposed Metrowest Zone of Influence must also be submitted to RIC at least two (2) working days prior to land survey work prescribed in Condition (xii) below.
- (viii) Structural Certificate/s for Design, submitted in the form of Attachment S1A completed by the Project/Principal Structural Engineer and Attachment 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:
 - a. The relevant clauses of the Building Code of Australia (BCA);
 - b. The relevant conditions of Development Consent;
 - c. The Architectural Plans incorporated with the Construction Certificate;
 - d. The relevant Australian Standards listed in the BCA (Specifications A1.3); and
 - e. The design criteria for the proposed Metrowest Zone of Influence prescribed by RIC in the form of Connell Wagner drawing SK001 Revision 01.
 - f. Any other relevant report/s or documents. Specify on form S1A.
- (ix) Repeat (vii) and (viii) for any revision, or staged submission of structural drawings.

Notes:

- (x) An appropriately qualified practising structural engineer certifying by completing Attachment S1A must have:-

- a. Appropriate tertiary qualifications in Civil or Structural Engineering; AND
 - b. Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - c. Evidence of relevant experience in the form of a CV/Resume; AND
 - d. Appropriate current professional indemnity insurance.
- (xi) 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.
- a. 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.
 - b. Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use.

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (xii) Prior to pouring any concrete into piles and/or footings located within the proposed Metrowest Zone of Influence as prescribed in the Connell Wagner drawing SK001 Revision 01, 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 (2) 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 to RIC, two (2) working days prior to concreting.
- (xiii) A Structural Inspection Certificate shall be submitted in three stages to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council (if it is not the PCA).
- a. At completion of the piles and other structures within the proposed Metrowest Zone of Influence as prescribed by Connell Wagner drawing SK001 Revision 01. A copy shall be submitted to RIC;
 - b. At completion of structure to street level;

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

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:

- d. The site has been periodically inspected and the project/principal structural certifier is satisfied that the Structural Works are deemed to comply with the current certified Design Drawings; and
 - e. The drawing revisions listed on the Inspection Certificate have been checked with those listed on the current Design Certificate/s.
- (xiv) A copy of the Certificate with a microfilm set of the final drawings shall be submitted to Council.

Notes:

- (xv) An appropriately qualified practising structural engineer certifying by completing Attachment S1C must have:-
- a. Appropriate tertiary qualifications in Civil or Structural Engineering, AND
 - b. Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - c. Evidence of relevant experience in the form of a CV/Resume; AND
 - d. Appropriate current professional indemnity insurance.
- (xvi) 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.

Schedule 1B

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

INFORMATION ILLUSTRATING COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

- (48) 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.

PUBLIC ART

- (49) 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

- (50) 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.

The landscape plan shall also provide details of the Management Plan for all landscaping, in particular paying attention to the on-going care and maintenance of the plants. The Management Plan shall also ensure that reasonable access for recreational purposes is provided and maintained to the rooftop open space for the occupants of both the residential and commercial buildings.

PUBLIC DOMAIN PLAN

- (51) 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 Certificate of Completion. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter.
- (f) An “Application for Approval of Footpath Levels and Gradients” must be submitted at the City’s One Stop Shop with the appropriate fee at the time of lodgement of the public domain proposal. The fee will be determined in accordance with the City of Sydney Schedule of Fees and Charges.

Note:

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

ELECTRICITY SUBSTATION

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

RECEPTACLES FOR CIGARETTE BUTTS

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

NOISE REDUCTION

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

- (a) The report shall indicate measures to preserve the amenity for residents/apartment users such that the repeatable L_{Aeq} (1 hour) level will not exceed the following levels:-
 - (i) In a naturally ventilated - windows closed condition:
 - a. Sleeping areas (night time only: 2200-0700)
35dB
 - b. Living areas (24 hours)
45dB
 - (ii) In a naturally ventilated - windows open condition, (ie windows open up to 5% of the floor area, or attenuated natural ventilation open to 5% of the floor area):
 - a. Sleeping areas (night time only: 2200-0700)
45dB
 - b. Living areas (24 hours)
55dB
 - (iii) Where a naturally ventilated - windows open conditions cannot be achieved, it is necessary to incorporate mechanical ventilation or air conditioning.
 - (iv) The following repeatable maximum L_{Aeq} (1 hour) levels shall not be exceeded when doors and windows are shut and mechanical ventilation or air conditioning is operating. These levels correspond to the combined measured level of external sources and the ventilation system operating normally:-
 - a. Sleeping areas (night time only: 2200-0700)
38dB
 - b. Living areas (24 hours)
46dB

- (b) In the preparation of the report:
 - (i) The environmental noise monitoring at the site of the proposed development shall be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations;
 - (ii) The repeatable maximum L_{Aeq} (1 hour) for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified, and
 - (iii) The L_{Aeq} (1 hour) noise levels within living rooms and bedrooms with windows and doors both open and closed shall be shown.
- (c) All residential buildings and serviced apartments are to be designed and constructed in accordance with the above criteria. The completed work must comply with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

(55)

- (a) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, written confirmation that you have obtained a Notice of Requirements under Part 6, Division 9 of the Sydney Water Act 1994 must be submitted to the Certifying Authority (Council or a private accredited certifier).
- (b) Prior to issue of a construction certificate, under the Environmental Planning and Assessment Act 1979, the approved development application plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whatever the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met and is to be submitted to the Principal Certifying Authority (Council or a private accredited certifier).

Note:

For Quick Check agent details please refer to "your business" section of Sydney Water's website at www.sydneywater.com.au then see Building and Renovating under the heading Building & Developing, or telephone 132 092.

- (c) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a (Developer) Compliance Certificate under Section 73 of the Sydney Water Act 1994 must be submitted to the Principal Certifying Authority (Council or a private accredited certifier).

Note:

- (i) Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the “Notice of Requirements”. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to “your business” section of Sydney Water’s website at www.sydneywater.com.au then the “e-developer” icon or telephone 132 092.
- (ii) The approved plans will also need to be submitted to Sydney Water to determine whether the development will affect sewer and water mains, stormwater drains and/or easements. If the development complies with the requirements, the approved plans will be appropriately stamped by Sydney Water.
- (iii) Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site www.sydneywater.com.au or telephone 132 092.

ACCESS AND FACILITIES FOR PEOPLE WITH DISABILITIES

- (56) 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.

TELECOMMUNICATIONS PROVISIONS

- (57) The following requirements apply to telecommunication facilities in the building:-
- (a) Appropriate access and space within the plant area of the building shall be provided for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery.

- (b) Appropriate ducting and cabling shall be provided for a minimum of three telecommunication carriers or other providers for telecommunication access and broad-band cabling to each apartment of the building.
 - (c) The details of (a) and (b) above shall be submitted for the approval of the certifying authority, prior to issue of a construction certificate for the building under the Environmental Planning and Assessment Act 1979.
- (58) A separate DA must be submitted at the appropriate time for any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development.

REFLECTIVITY INDEX

- (59) 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

- (60) The awning/canopy to 163-165 Clarence Street must comply with the City of Sydney Awnings Policy 2000.

UNDER AWNING LIGHTING

- (61) The awning shall be provided with lighting to ensure pedestrian safety. Such lighting shall be at a minimum level of 10 lux in the horizontal and vertical plane.

Details of the lighting is to be submitted for the approval of Council prior to issue of the Construction Certificate under the Environmental Planning and Assessment Act 1979.

PAVING MATERIALS

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

PROVISION FOR LATER FITOUT FOR PERSONS WITH A DISABILITY

- (63) At least one unit shall be designated for persons with disabilities and shall be designed so as to allow for future fit out in accordance with AS 1428.1 - 1993 "Design for Access and Mobility".

PARKING SPACES FOR PERSONS WITH A DISABILITY

- (64) Parking space(s) designed for persons with a disability must be available for use in conjunction with the unit(s) designated for persons with a disability. Such unit(s) shall be linked in any future strata subdivision of the building.

ACOUSTIC PRIVACY BETWEEN UNITS

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

- (a) In order to assist acoustic control of airborne noise between units:
- (i) A wall shall have a Field Sound Transmission Class (FSTC) of not less than 50 if it separates sole occupancy units or a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like.
 - (ii) A wall separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an FSTC of not less than 55.
 - (iii) A floor separating sole occupancy units must not have a FSTC of less than 50.
- (b) In order to assist acoustic control of impact noise between units:
- (i) A floor shall have an Impact Isolation Class (IIC) of not less than 50 if it separates habitable rooms of sole occupancy units or a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like.
 - (ii) A floor separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an IIC of not less than 55.
 - (iii) Walls between sole-occupancy units shall comply with impact sound resistance standards specified in the BCA.
- (c) Council or the private Principal Certifying Authority must ensure that the completed work complies with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

FLOOR TO CEILING HEIGHT

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

STORMWATER AND DRAINAGE

- (67) The following stormwater details shall be submitted:-
- (a) Details of the proposed stormwater disposal and drainage of the development are to be submitted for approval by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
 - (b) Any proposed connection to the City's underground drainage system will require the owner to enter into a Deed of Agreement with the City Council and obtain registration on Title of a Positive Covenant prior to the commencement of any work within the public way, at no cost to the City.
 - (c) The requirements of Sydney Water (currently the Urban Development Central East Group, Rockdale Regional Office) with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
 - (d) An "Application for Approval of Stormwater Drainage Connections" must be submitted at the City's One Stop Shop with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the City's drainage system. The fee will be determined in accordance with the City of Sydney Schedule of Fees and Charges.

UTILITY SERVICES

- (68) To ensure that utility authorities are advised of the development:-
- (a) A survey is to be carried out of all utility services within the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.

- (b) Prior to commencement of work the applicant is to negotiate with the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

ALIGNMENT LEVELS

- (69) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act, 1979, footpath alignment levels for the building must be submitted to Council for approval. This submission shall be accompanied by a plan prepared by a Registered Surveyor showing the existing location, size and levels (AHD) of all service covers, trees, poles and street furniture, kerb, gutter and alignment levels at 10m cross/sections, alignment levels at proposed and existing vehicular and/or pedestrian entrances within the footway adjacent to and extending 20 metres past either side of the site.
- (70) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the Application for a Construction Certificate.

BUILDING WASTE MANAGEMENT PLAN

- (71) Prior to issue of a Construction Certificate for the development a Building Waste Management Plan is to be submitted to Council and approved by the Director City Development and Projects. Such plan must address compliance with Council's Code for Waste Handling in Buildings 1994 and include details of the following:
 - (a) The location, design and construction specifications for garbage rooms, recycling rooms, bin washing and collection areas and collection vehicle standing areas.
 - (b) Calculations of the volumes of waste generated by the uses of the development and verification of garbage room sizes.
 - (c) The natural and mechanical ventilation of garbage rooms and service areas in accordance with the Waste Code and Australian Standard 1668.
 - (d) The location and design of garbage chutes and compaction systems required by the Waste Code.
 - (e) The proximity of waste handling facilities to any commercial food areas or loading docks, with a view to avoiding cross contamination.

- (f) The design features incorporated in the building and procedures to be adopted by building management to ensure waste separation and minimization within individual units and offices, on each floor of the building and within the garbage storage and recycling areas.

All requirements of the Building Waste Management Plan must be implemented during the construction of the development and subsequent occupation and use of the building.

WASTE MANAGEMENT COMPLETION VERIFICATION

- (72) Upon completion of construction of the development and prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979 (Form 12) or part thereof, compliance of all the building's waste management facilities with the requirements set out in the approved Building Waste Management Plan and in accordance with Council's Code for Waste handling in Buildings 1994 is to be verified and approved by Council's manager Contracts and Asset Maintenance.

SEPARATION OF WASTE

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

GARBAGE CHUTE REQUIRED

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

NON COMPLIANCE WITH THE DEEMED TO SATISFY PROVISIONS OF THE BUILDING CODE OF AUSTRALIA

- (75) For areas not complying with the deemed to satisfy provisions of the BCA an alternate solution will be required to demonstrate compliance with the performance requirements stipulated in the BCA. Any alternative solution must be submitted and approved by the Certifying Authority prior to the issue of the construction certificate. The following information must be provided:-

- (a) Details of the performance requirements that the proposed alternative solution is intended to meet; and
- (b) Details of the assessment methods used to establish compliance with those performance requirements.

Schedule 1C

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

COMPETENCY ASSESSMENT BY P.C.A - SECTION 93 CERTIFIERS

- (76) Prior to commencement of work, the Principal Certifying Authority (P.C.A) must assess the competency of all persons who propose to “certify” works or designs under the provisions of s93 of the Local Government Act. Competency is to be assessed in writing by the P.C.A on the basis of documentary evidence of the person’s qualifications, skills and experience in performing the task to be certified. The P.C.A must make a written determination on whether the person is appropriately qualified to “certify” the work of design, with all such documentation to be forwarded to Council (within 14 days of the determination) for its records and random audits.

FIRE SAFETY PROCEDURES FOR CONSTRUCTION SITES

- (77) The applicant must ensure that adequate precautions against fire are made on the site during construction works prior to the occupation of the building. In this regard the following measures must be implemented.
- (a) Fire services must be provided in accordance with E1.9 of the Building Code of Australia;
 - (b) An emergency response plan must be developed for the site that includes:-
 - (i) An emergency response point where emergency agencies (fire brigade, police, ambulance, gas and electricity authorities) should access the site;
 - (ii) Preparation of a floor plan showing the layout of the building, including the location of the electrical switchboard, installed fire services, and valve and control locations;
 - (iii) Preparation of a contact list of Project Managers and a designated “Emergency Officer”;
 - (iv) Provision of a hardstand area where fire brigades or police can set up operations.

- (c) Prior to commencement of work the emergency response plan must be submitted to the police, ambulance and fire brigade for evaluation and assessment.

DEMOLITION DETAILS

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

DEMOLITION WORK METHOD STATEMENT

- (79) 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.
- (80) 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:-

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:-

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:-

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:-

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.

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

OTHER DEMOLITION DETAILS

- (82) Prior to the commencement of demolition work, the following additional details are required to be submitted to the Principal Certifying Authority (PCA) (Council or a accredited certifier), and a copy submitted to Council if its not the PCA:-

- (a) A Statement/Letter from an appropriately qualified Structural Engineer certifying concurrence with the structural provisions of the Demolition Work Method Statement and proposed work. If applicable, a Structural Report of the proposed building to be demolished must be attached.

- (b) A Letter nominating the person appropriately qualified as an Occupational Hygiene Consultant for inspecting the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to WorkCover Authority.

- (c) Dilapidation Report/s of adjoining buildings are to be submitted by an appropriately qualified Structural Engineer prior to commencement of demolition/excavation works, and at completion of demolition/excavation works.

- (d) A certified copy of the Public Liability Insurance indemnifying Council for \$10,000,000 against public prosecution for the duration of the demolition works.
- (e) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the WorkCover Authority.

EXCAVATION WORK METHOD STATEMENT

- (83) Prior to commencement of site excavation works, an Excavation Work Method Statement prepared by an appropriately qualified person must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or an accredited certifier) and a copy submitted to Council (if it is not the PCA). The Statement must include:-
- (a) Name and address of the company/contractor undertaking excavation works;
 - (b) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials (if applicable);
 - (c) Name and address of the transport contractor, and location of the disposal site;
 - (d) Type and quantity of material to be removed from site;
 - (e) A Materials Handling Statement for the removal of refuse from the demolition site, in accordance with the provisions of the Waste Minimisation and Management Act 1995;
 - (f) A Dust Control Method Statement for excavated sandstone or other excavation materials;
 - (g) Procedures to be adopted for the prevention, of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment, and the proposed method of cleaning surrounding roadways from such deposits;
 - (h) Measures to enclose the excavation site, including safety barriers, particularly if the excavation is greater than 1.5 metres deep. Plastic jersey kerb barriers are not permitted;
 - (i) Any WorkCover Authority requirements.

Note:

- (i) A copy of all Reports/Statements referenced in the Work Method Statement must be appended to the Statement.

- (ii) The Principal Certifying Authority is to be notified of any proposed alteration of the above information during the course of demolition.
- (iii) On completion of removal of contaminated materials, a certificate shall be submitted to the PCA, and a copy provided to the Council (if it is not the PCA) testifying to the safe and proper disposal, and amount of all such material.

GEOTECHNICAL REPORT AND CERTIFICATION

- (84) 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.
- (85) 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.

NOTIFICATION OF COMMENCEMENT OF WORKS

- (86) The Principal Certifying Authority and Council's City Care Unit must be given a minimum of 48 hours notice that excavation, shoring or underpinning works are about to commence.

ROCK CUTTING INTO BLOCKS

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

WATER AND SEDIMENT CONTROL STATEMENT FOR DEMOLITION AND EXCAVATION

- (88) The following environmental protection measures are required:-
- (a) Prior to the commencement of demolition and/or excavation, a Demolition/Excavation Water and Sediment Control Statement must be submitted to and approved by the Principal Certifying Authority (Council or an accredited officer).
 - (b) Such statement must include:-
 - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
 - (ii) The proposed method of discharge;
 - (iii) The procedures to be adopted for the prevention of run-off from the site onto the public way;
 - (iv) The procedures to be adopted for the prevention of run-off from the site onto the public way.
 - (c) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's Erosion and Sediment Control Manual and the Department of Housing Manual Managing Urban Stormwater - Soils and Construction (August 1998).
 - (d) The Demolition/Excavation Water and Sediment Control Statement shall be implemented during the demolition and/or excavation period.
 - (e) Any seepage or rainwater collected on site during work must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.
 - (f) The applicant must also comply with the NSW Protection of the Environmental Operations Act 1997, whereby it is an offence to pollute classified waters such as Sydney Harbour to which must of the City's street drainage is directly connected.

PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN FOR DEMOLITION AND/OR EXCAVATION

- (89) 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

- (90) 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.
- (91) 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.
- (92) 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.
- (93) All requirements of Waste Management Plans must be implemented during the demolition and/or excavation period of the development.

Note:

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

“DIAL BEFORE YOU DIG” SERVICE

- (94) Prior to the commencement of excavation, the applicant should contact the “Dial Before You Dig” service on telephone (02) 1100, fax number 1300-652-077 or email mocsinfo@mocs.com.au to ascertain the presence and type of underground utility services in the vicinity of the development.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (95) A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect a hoarding or scaffolding in a public place and such application is to include:-
- (a) Architectural, construction and structural details of the design in accordance with the Policy for the Design and Construction of Hoarding (September 1997) and the Guidelines for Temporary Protective Structures (April 2001).
 - (b) Structural certification prepared and signed by an appropriately qualified practising structural Engineer.
 - (c) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.
 - (d) Should the hoarding obstruct the operation of Council’s CCTV Cameras, the applicant shall relocate or replace the CCTV camera within the hoarding or to an alternative position as determined by Council’s Contracts and Asset Management Unit for the duration of the construction of the development. The cost of relocating or replacing the CCTV camera is to be borne by the applicant. Further information and a map of the CCTV cameras is available by contacting Council’s CCTV Unit on 9265 9232.

- (e) Assessment of the impacts of construction and final design upon the City of Sydney's street furniture such as bus shelters, phone booths, bollards and litter bins. Street furniture must be accessible during construction for use and maintenance. Note: The cost of any removals, storage and relocation during construction, and reinstatement upon completion, must be borne by the applicant. The applicant must also seek permission from the telecommunications carrier (eg. Telstra) for the removal of any public payphones.

APPLICATION FOR A ROAD OPENING PERMIT

- (96) A separate Road Opening Permit under Section 138 of the Roads Act 1993 shall be obtained from City Care Unit of the City of Sydney prior to the commencement of any:-
 - (a) Excavation in or disturbance of a public way, or
 - (b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).
- (97) Documents required with the Road Opening Permit application include:-
 - (a) A plan and relevant sections showing scope of works, boundaries, utility services, levels of proposed excavation, and details of method of reinstating public way;
 - (b) Evidence that public utility drawings have been inspected;
 - (c) Evidence of a \$10 million dollar Public Liability Insurance Policy specifically indemnifying the City of Sydney, valid for at least the duration of the project;
 - (d) A Security Deposit for reinstatement of public way.
- (98) The Road Opening Permit will be subject to further conditions that shall be complied with.

APPLICATION FOR BARRICADE PERMIT

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

APPLICATION FOR RETENTION OF FAÇADE ON A PUBLIC PLACE

- (100) A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to retain the façade on the public place, and such application is to include:-

- (a) Architectural, construction and structural details of the design to comply with the WorkCover Authority Code of Practice for Façade Retention, the relevant Australian Standards and the Guidelines for Temporary Protective Structures (April 2001).
- (b) Structural certification prepared and signed by an appropriately qualified practising structural Engineer.
- (c) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition works on site.

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

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

- (a) Prior to the commencement of construction work, a Water and Sediment Control Statement must be submitted and approved by the Principal Certifying Authority.
- (b) Such statement must include:-
 - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
 - (ii) The proposed method of discharge;
 - (iii) The procedures to be adopted for the prevention of run-off from the site onto the public way;
 - (iv) The procedures to be adopted for the prevention of loose material and litter from being blown onto the public way;
 - (v) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's "Erosion and Sediment Control Manual".
- (c) The 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 Water and Sediment Control Statement shall be implemented during the construction period.
- (e) Any seepage or rainwater collected on site during construction must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

- (f) The applicant must also comply with the NSW Protection of the Environment Operations Act 1997, whereby it is an offence to pollute classified waters such as Sydney Harbour to which much of the City's street drainage is directly connected.

CONTROL OF VERMIN

- (102) Measures for the eradication of vermin from the site during construction work shall be implemented prior to the commencement of any work to the satisfaction of the Principal Certifying Authority. All service ducts and cable entries to existing premises should be sealed prior to any demolition being carried out.

USE OF MOBILE CRANES

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

CERTIFICATION OF MECHANICAL VENTILATION

- (104) 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.
- (105) 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

- (106) 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 showing all new fully detailed structural elements, prepared by an appropriately qualified practising Structural Engineer, corresponding with and attached to a Structural Certificate (see (b));
 - (b) Structural Certificate/s for Design, of all new fully detailed structural elements and for checking any structural elements supporting the new work, 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 Attachment 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 so that all structural elements supporting the new work are fully certified by the project structural engineer.
 - (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

CITY OF SYDNEY COMPLIANCE INSPECTIONS

- (107) The purpose of this condition is to ensure that the Council is given sufficient notice prior to the issuing of the Occupation Certificate to carry out inspections of soon to be completed buildings, where Council considers it necessary. In doing so, this ensures that the Council is able to provide an independent analysis of whether the building is constructed to a standard that complies with the BCA and in accordance with the development consent.
- (a) The applicant and building owner are to note that it is an offence under S.109N of the Environmental Planning and Assessment Act 1979, to occupy or use a building in whole or in part, unless an Occupation Certificate has been issued in relation to the building or the part.
 - (b) A maximum penalty of 25 penalty units applies under the provisions of the Environmental Planning and Assessment Act 1979, for the contravention of the above requirements.
 - (c) Council officers may undertake random inspections from time to time during construction and toward the end of building works to ensure that buildings or part of buildings are not occupied without a partial or final Occupation Certificate, and to check compliance with conditions of development consent and the BCA.
 - (d) In the event that a Principal Certifying Authority (PCA) other than Council is appointed, written notice shall be given to Council (whether by the developer, builder or other person relying on the development consent) on each of the following occasions:
 - (i) Within 7 days of installation of services, such as plumbing, mechanical ventilation and the like which penetrate fire rated walls and slabs (excluding basement areas); and
 - (ii) 7 days prior to the installation of false ceilings or cornices which abut fire rated walls and slabs; and
 - (iii) 14 days prior to the final inspection to be carried out by the PCA for the purpose of issuing an Occupation Certificate.
 - (e) The PCA shall be advised in writing (whether by the developer, builder or other person relying on the development consent) of Council's requirements pursuant to paragraph (d).

- (f) This reserves time for Council or persons appointed by Council to conduct any random inspections Council may choose to do, prior to the issue of the Occupation Certificate, in order to ensure that buildings or part of buildings are not occupied without a partial or final occupation certificate, and to undertake random audits of certified works.

HOURS OF WORK AND NOISE

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

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

- (109) 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.

USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE

- (110) This development consent does not extend to the use of appliances which emit noise of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or are not listed in Groups B, C, D, E or F of Schedule 1 of the "City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites". A separate application for approval to use any of these appliances must be made to Council.

LOADING AND UNLOADING DURING CONSTRUCTION

- (111) 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.

PROTECTION OF STREET TREES

- (112) All street trees shall be protected at all times during construction, in accordance with Council's Tree Preservation Order. Any tree on the footpath which is damaged or removed during construction shall be replaced, to the approval of Council and the Principal Certifying Authority.

CONTROL OF RUN-OFF

- (113) To comply with the Protection of the Environment (Operations) Act 1997 whereby it is an offence to pollute classified waters such as Sydney Harbour to which most of the City's street drainage is directly connected:-
- (a) concrete trucks, concrete pumps and their attachments, and trucks used for the disposal of spoil shall not be washed out on the public way;
 - (b) any water collected from on-site washing down of concrete trucks, concrete pumps or their attachments and trucks used for the disposal of spoil shall not be pumped, directed or allowed to flow to the street stormwater system;
 - (c) any seepage or rain water collected on site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council and evidence of approval is to be submitted to the Principal Certifying Authority prior to discharge into such system.

NO OBSTRUCTION OF PUBLIC WAY

- (114) 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.

ACCESS DRIVEWAYS TO BE CONSTRUCTED

- (115) Approved concrete driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

CONSTRUCTION VEHICLES TO BE COVERED

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

Note:

The Protection of the Environment Administration Act 1991, provides for the revocation of transporters' licences where drivers dump wastes illegally.

Schedule 1E

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

OCCUPATION CERTIFICATE

- (117) An Occupation Certificate (in accordance with Clause 155 of the Environmental Planning and Assessment Regulation 2000) must be obtained from the Principal Certifying Authority (PCA) (Council or a private accredited certifier) and a copy furnished to Council in accordance with Section 79L of the Environmental Planning and Assessment Amendment Regulation 1998 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building. A copy of the certificate shall be submitted to Council if it was not the PCA.

WASTE COLLECTION CONTRACTS

- (118) Prior to issue of an Occupation Certificate and/or commencement of the use of the premises, all required contracts or arrangements for the collection and removal of wastes and recyclable material must be finalised.
- (119) Prior to issue of an Occupation Certificate and/or prior to commencement of the use the building owner must ensure that there is a contract either with Council or a licensed contractor for the removal of trade waste. No garbage is to be placed on the public way eg. Footpaths, roadways, plazas, and reserves at any time.

TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS

- (120) For temporary shoring, a separate application must be lodged to Council under the provisions of Section 68 of the Local Government Act 1993.
- (121) For temporary ground anchors, new permanent basement wall/s or other ground retaining elements:-
- (a) Prior to issue of a Construction Certificate, the following documents shall be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA):-
 - (i) Dilapidation Report of adjoining buildings/structures.
 - (ii) Evidence that public utility services have been investigated.

- (iii) If adjoining a Public Way:-
 - a. Evidence of a \$10 million dollar Public Liability Insurance Policy specifically indemnifying the City of Sydney, valid for at least the duration of the project. The original document shall be submitted to Council.
 - b. Bank Guarantee in accordance with the City's Fees and Charges. The original document shall be submitted to Council.
- (b) Prior to commencement of work:-
 - (i) The location of utility services shall be fully surveyed and the relevant Public Utility Authority requirements complied with; and
 - (ii) The following documents shall be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA):-
 - a. Structural drawings and certification as prescribed elsewhere in this Schedule.
 - b. Geotechnical Report and certification as prescribed elsewhere in this Schedule.
- (c) Prior to issue of Occupation Certificate, the City's Development Engineer shall be notified on 9265 9105 when the Restoration of the Public Way is complete and in accordance with the following:-
 - (i) All ground anchors shall be de-stressed and isolated from the building prior to completion of the project.
 - (ii) The temporary structure, including foundation blocks, anchors and piers shall be removed above and below the public way, prior to completion of project, down to a depth of 2m.
 - (iii) All timber shall be removed.
 - (iv) The voids then backfilled with stabilised sand (14 parts sand to 1 part cement).
- (d) After satisfying (c) (i) to (iv), notification in writing by the contractor shall accordingly be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA).

- (e) All costs for any reinstatement of the public way made necessary because of an unstable, damaged or uneven surface to the public way shall be borne by the owner of the land for works approved under this consent.

NUMBERING

- (122) 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.

COMPLIANCE CERTIFICATE FOR NOISE REDUCTION

- (123) 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 certifying authority). This must certify compliance with the Noise Reduction conditions in Schedule B of this consent, being the requirements in the Central Sydney DCP 1996 Amendment No. 5 - Internal Residential Amenity. A copy of the Certificate shall be submitted to Council if it was not the PCA.

COMPLIANCE CERTIFICATE FOR ACOUSTIC PRIVACY

- (124) 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 the Acoustic Privacy conditions in Schedule B of this consent, being the requirements in Clauses 6.1.13 – 6.1.16 of the Central Sydney DCP 1996 Amendment No. 5 - Internal Residential Amenity. A copy of the Certificate shall be submitted to Council if it was not the PCA.

PUBLIC DOMAIN WORKS, INCLUDING STORMWATER DRAINAGE CONNECTIONS

- (125) Prior to the issue of an Occupation Certificate, a ‘Certificate of Completion’ issued by the City’s Development Engineer must be submitted to the Principal Certifying Authority (PCA) for the public domain works including stormwater drainage connections. Any bank guarantees held by the City to pertaining to these works will only be released after the ‘Certificate of Completion’ has been issued.

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

- (126) 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 OF GEOTECHNICAL INSPECTION

- (127) 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.

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (128) 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.
- (129) 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 SIC 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.

COMMEMORATIVE PLAQUE

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

Schedule 1F

Conditions to be complied with during the use of Premises

REMOVAL OF GRAFFITI

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

NO SPRUIKERS OR AMPLIFIED NOISE

- (132) No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking or amplified noise generated within privately owned land must not be audible on Council's footpath adjoining the subject premise.

NOISE - USE

- (133) The use of the premises including music and other activities 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 7.00 a.m. to midnight daily and 0dB above the L90 background between 12 midnight and 7.00 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) During the period 12 midnight to 7.00 a.m. the use shall be inaudible in any habitable room of any residential premises.
 - (d) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.

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.

NOISE - MECHANICAL PLANT

- (134) Noise associated with mechanical plant 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 7.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 7.00 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 subclause does not apply to any such frequencies.
 - (c) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.

The method of measurement of vibration in (a) and sound levels in (b), (c) must be carried out in accordance with AS 2973 for vibration measurements. AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

CARE OF BUILDING SURROUNDS

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

NO SIGNS OR GOODS ON PUBLIC AREA

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

ALARM TO BE FITTED WITH TIMING DEVICE

- (137) Any intruder alarm must be fitted with a timing device in accordance with the requirements of Clause 22 of the Noise Control (Miscellaneous Articles) Regulation 1995, and Australian Standard 2201.

Schedule 2

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

Carried.

DEVELOPMENT APPLICATION: SYDNEY TOWN HALL 483 GEORGE STREET SYDNEY (D/03/00092)

5.6

Note - no report was circulated and this matter was not discussed at the meeting of the Planning Development and Transport Committee.

DEVELOPMENT APPLICATION: 185 MACQUARIE STREET, SYDNEY (D2002/00758)

5.7

Moved by Councillor Turnbull, seconded by Councillor Marsden -

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 31 March 2003 in relation to Development Application D2002/00758 made by Crone Nation Architects for the site at 185 Macquarie Street Sydney, for the demolition of the existing commercial building (known as FAI House) and the construction of a 14 storey residential apartment building comprising 44 units including 7 levels of basement carpark for 61 cars, it be resolved that:-

- (A) the requirement for a Development Plan be waived in accordance with Clause 28B(4)(e) of the Central Sydney Local Environmental Plan 1996;
- (B) a “deferred commencement” consent be granted under the provision of Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to the following:
 - (1) The consent is not to operate until the applicant provides written evidence to Council, within six (6) months of the date of the determination, that:
 - (a) the applicant has addressed the impact of the proposed development upon the safety, structural integrity, and appropriate protection of the underground rail facilities and continued operation of rail services, to the satisfaction of Rail Infrastructure Corporation, State Rail Authority and the Office of the Coordinator General of Rail. An executed agreement between the applicant and Rail Infrastructure Corporation, State Rail Authority, and Office of the Coordinator General of Rail will be conclusive proof of the satisfaction of this part (a);

- (b) the applicant has satisfied Rail Infrastructure Corporation in respect of the detailed work methodologies and associated investigation/studies relating to the excavation of the site to a depth of 24 m (RL 9.425) and any sub-surface construction works, including pile construction (particularly the impacts on the condition of the ground segment, deflection damage to the tunnel and stability of rock pillar) and other work related to the construction of the basement levels of the development;
- (C) subject to satisfactory completion of the above requirements, the development consent shall operate subject to the following conditions and any conditions reasonably arising from Clause (B)(1)(a) above:

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. D2002/00758 dated 29 October 2002 and Statement of Environmental Effects – Mixed Residential Building, 185 Macquarie Street, Sydney prepared by JBA Urban Planning Consultants, dated October 2002, the materials sample board prepared by Crone Nation Architects dated October 2002 and the following drawings prepared by Crone Nation Architects:

Drawing Number:	Date:
A DA 1003 A	25.10.02
A DA 1004 A	25.10.02
A DA 1005 A	25.10.02
A DA 1006 A	25.10.02
A DA 1007 A	25.10.02
A DA 1008 A	25.10.02
A DA 1009 A	25.10.02
A DA 1010 A	25.10.02
A DA 1011 A	25.10.02

A DA 1012 A	25.10.02
A DA 1013 A	25.10.02
A DA 1015 A	25.10.02
A DA 1022 A	25.10.02
A DA 1023 A	25.10.02
A DA 1024 A	25.10.02
A DA 1025 A	25.10.02
A DA 2010 A	25.10.02
A DA 2011 A	25.10.02
A DA 2012 A	25.10.02
A DA 2013 A	25.10.02
A DA 3010 A	25.10.02
A DA 3011 A	25.10.02
A DA 3012 A	25.10.02
A DA 3013 A	25.10.02
A DA 3014 A	25.10.02

and as amended by the following conditions:

SECTION 61 CONTRIBUTION AND ITEMISED QUANTITY SURVEYORS' REPORT

- (2) Prior to the release of the construction certificate evidence must be provided that a levy has been paid to the Council pursuant to section 61 of the City of Sydney Act and in accordance with the adopted "Central Sydney Contributions Plan 1997".
- (a) Payment shall be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney.
- (b) The levy must be 1% of the cost of the proposed development calculated in accordance with the methods and procedures set out below.
- (c) The proposed development the cost of which is subject to the levy shall ONLY exclude cost of land, marketing expenses (excluding display suites etc), finance & interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment & loose electrical appliances, minor maintenance of existing retained fixtures (eg. patching, repainting) and stamp duty.
- (d) The person seeking to make payment pursuant to this condition must submit to the Council:-
- (i) a certificate from a registered quantity surveyor which:
- a. states that the quantity surveyor has inspected:
- i. the plans the subject of the application for construction certificate;

- ii. all bills of quantities;
 - iii. lists all the matters listed in subclause (c) above and all itemised estimates in relation to these matters;
- b. certifies in an itemised report, the estimated costs of the development of all matters as set out in subclause (c) above;
- (ii) copies of all the things referred to in the certificate, including the things the quantity surveyor has inspected.
- (e) The Council will consider the documentation submitted under subclause (c) and (d) and determine the cost of the proposed development having regard to the matters submitted and to such other matters as it considers appropriate and will notify the person accordingly.
- (f) The amount notified by the Council pursuant to subclause (e) is the amount used to determine the contribution payable under this condition prior to the release of the Construction Certificate.

APPROVED DESIGN

- (3) The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the internal layout or external appearance of the building, without the approval of Council.

BUILDING HEIGHT

- (4)
 - (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 80.595 (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).

FLOOR SPACE RATIO

- (5) The following applies to Floor Space Ratio:-
 - (a) The Floor Space Ratio of the proposal must not exceed 12.73:1 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 7,318sqm.

- (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).

DESIGN MODIFICATIONS

- (6) The design of the building shall be modified as follows:
 - (a) The proposed vertical steel framed dividing wall on the east building façade shall be strengthened to provide a more pronounced vertical element from the base of the building.
 - (b) The façade treatment of the top two levels to Macquarie Street shall be modified to provide a stronger termination of the building.
 - (c) The recessed ground floor shop front to Macquarie Street shall be extended to the street alignment.
 - (d) One (1) bicycle parking space and one (1) motor cycle parking space shall be provided in the basement carpark.

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

DETAILS TO BE SUBMITTED

- (7) The applicant shall submit the following details for the approval of Director City Development and Projects prior to the issue of a Construction Certificate:
 - (a) Details of the proposed car lifts including the design and dimensions.
 - (b) Details of the treatment roof top areas including design, materials, finishes and colours.
 - (c) Details of the proposed awning to Macquarie Street including design, materials, finishes and colours.

AWNING

- (8) The awning/canopy must comply with the City of Sydney Awnings Policy 2000.
- (9) The proposed awning over Macquarie Street public footway shall comply with Council's requirements and not extend within 800mm of the kerb in that street.

- (10) A maintenance plan for the awning must be submitted for the approval of Council prior to the commencement of construction, including the proposed methods of cleaning and a detailed maintenance schedule to ensure the structural integrity of the awning. The maintenance plan and schedule are to include annual inspection of steelwork, connections and support, regular cleaning of drains and the footpath under the awning, tri-annual repainting of the awning, regular cleaning of lighting and replacement of defective lighting, and regular cleaning of the awning glazing at least every six months or more frequently if required.
- (11) The awning shall be provided with lighting to ensure pedestrian safety. Such lighting shall be at a minimum level of 10 lux in the horizontal and vertical plane.

Details of the lighting is to be submitted for the approval of Council prior to issue of the Construction Certificate under the Environmental Planning and Assessment Act 1979.

CONSTRUCTION MANAGEMENT

- (12) A Construction Liaison Committee shall be established within 14 days of the issue of a Construction Certificate. Details and terms of reference of the Committee are to be in writing and to the satisfaction of Council. The Construction Liaison Committee shall comprise representatives from the neighbouring properties including, but not limited to, 183 Macquarie Street and 187 Macquarie Street, Sydney and the applicant/site owner. The applicant shall notify the Construction Liaison Committee of the construction programme and any changes to that programme not requiring the modification of consent in order to resolve any issues relating to construction activities on site.
- (13) A construction management plan detailing the management of all construction activities including demolition of the existing building, excavation of the subject site and construction of the new building shall be submitted for the approval of the Director City Development and Projects prior to the issue of a Construction Certificate. The plan shall include measures to reduce noise and vibrations impacts on the neighbouring properties.
- (14) The applicant shall ensure the structural integrity of the adjoining buildings shall not be adversely impacted by the construction activities of the subject development.
- (15) The applicant shall provide access to the adjoining buildings during the construction period.

CONSISTENCY OF DRAWINGS

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

RESTRICTION ON RESIDENTIAL DEVELOPMENT

- (17) The following restriction applies to buildings approved for residential use:
- (a) The accommodation portion of the building (levels 1 to 14) must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Central Sydney Local Environmental Plan 1996.
 - (b) All approved residential units in the building must be either owner occupied or occupied by a tenant with a residential lease under the Residential Tenancy Act 1987. A certificate signed by the owner or the body corporate (if the development is strata subdivided) or a solicitor (holding a current certificate to practice), must be forwarded to Council within 12 months of the completion of the development, and every 12 months thereafter, certifying that all units approved in the residential building are either owner occupied or are subject to residential leases under the Residential Tenancy Act 1987.
 - (c) A restrictive covenant is to be created pursuant to Section 88E of the Conveyancing Act, 1919, restricting any change of use of levels 1 to 14 from residential as defined in the Central Sydney Local Environmental Plan 1996. The covenant is to be executed prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 to the satisfaction of the certifying authority (Council or a private accredited certifier). All costs of the preparation and registration of all associated documentation is to be borne by the applicant.

DEMOLITION/SITE RECTIFICATION

- (18) The following conditions apply to the development:-
- (a) Demolition or excavation must not commence until a Construction Certificate has been issued under the Environmental Planning and Assessment Act 1979 for construction of the substantive building.
 - (b) Prior to issue of the Construction Certificate, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the General Manager of the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
 - (c) Without limiting the generality of paragraph (b), the Deed must provide for:-

- (i) a bank guarantee to be provided in the sum of 143,750 dollars as security for the costs of such works provided that:-
 - a. the maximum liability under the Deed shall not exceed 143,750 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works which meet the objectives of the condition.

- (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the structure has commenced to be erected;

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

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

AND to call on such bank guarantee to cover the cost thereof.

- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in an unattractive building site appearance, then the Council will have the readily enforceable rights to:

- (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (ii)e. - h. to take place on the site; and
- (ii) in the event of default, shall have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.

STRATA SUBDIVISION

- (19) Any proposal to strata subdivide the building and site shall require separate development applications to obtain consent from Council and subsequent approval of the Final Strata Plan and execution of the Strata Certificate by Council or an accredited certifier, in accordance with Section 37 of the Strata Scheme (Freehold Development) Act 1973.

RIGHT OF CARRIAGEWAY

- (20) Prior to the issue of a Construction Certificate for the development, a documentary Right of Carriageway is to be created over the adjacent development at 124-142 Phillip Street, Sydney to provide formal rights of vehicle access from Phillip Street to the Basement Levels 2 and 3 car parking area of the subject development. The Right of Carriageway is to be registered on Title of the 124-142 Phillip Street development site, appurtenant to the subject site, created in stratum over the area traversed by vehicles within that building from Phillip Street, via the vehicle entry ramp and aisles, to the common boundary of the subject site at its Basement Levels 2 and 3 vehicle entry, in terms granting unrestricted vehicle access and to Council's satisfaction.

VEHICULAR SPACES

- (21) The following car parking requirements apply:-
 - (a) The approved vehicle spaces shall be allocated on the development site as follows:
 - 60 residential spaces;
 - 1 of service vehicle space located close to service entrance;
 - (b) The equivalent of one car space to accommodate motor cycle parking space.
 - (c) The equivalent of one car space for cycle racks or equivalent cycle storage area.
 - (d) 1 car wash bay with appropriate plumbing and drainage.
 - (e) 1 of the above car parking spaces are to be for people with mobility impairment, in accordance with AS 2890.1.

- (f) All spaces must be allocated and marked according to this requirement. If the development is to be strata subdivided, the carpark layout must respect the above allocation.

RESTRICTION ON USE OF CAR SPACES – RESIDENTIAL BUILDING

(22) 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:

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

ARCHEOLOGICAL INVESTIGATION

(23)

- (a) Should any historical relics be unexpectedly discovered on the site during excavation, 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.
- (b) Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

TRAFFIC/PARKING REQUIREMENTS

- (24) Car parking and service vehicle provisions shall satisfy the requirements of Council's Central Sydney Local Environmental Plan 1996 and Central Development Control Plan 1996.
- (25) The layout of the car parks and service vehicle parking area, including aisle widths, manoeuvring areas, ramp grades, etc. shall comply with Australian Standards AS 2890.1-1993 and AS 2890.2-1989.
- (26) Door width of the car lifts shall be wide enough to allow unobstructed entry and exit of a B99 vehicle.
- (27) "STOP" signs shall be installed at the exit point to require existing vehicles to stop at the building line.
- (28) All vehicles to enter and leave the site in a forward direction.
- (29) 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 Certificate that is issued under the Environmental Planning and Assessment Act 1979.
- (30) All cost of traffic management measures associated with the development shall be borne by the developer.

BUILDING REQUIREMENTS

- (31) The discharge of the fire isolated stair must comply with Performance Requirement DP4 and DP5 of the Building Code of Australia.
- (32) A fire control room must be provided in accordance with Performance Requirement EP1.6 of the Building Code of Australia.

GARBAGE ROOM

- (33) A separate garbage room shall be provided in the building to accommodate the storage, separation and collection of waste generated by the retail component of the development.

SEPARATE APPLICATIONS

- (34) A separate development application must be submitted at the appropriate time for the specific use and fitout of the retail tenancies on ground level.
- (35) 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.

- (36) 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.
- (37) A separate application shall be made to Council's Civil Engineering Services, Roads and Footway Unit for the removal of the existing concrete vehicle footpath and kerb crossing in Macquarie Street and the reinstatement of the footway formation.

PHYSICAL MODELS

- (38) 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
- (39) Prior to the issue of the Occupation Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale mode of the development as constructed must also be submitted to Council for placement in the City Model at the City Exhibition Space.

Note:

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

Schedule 1B

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

- (40) 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.

TELECOMMUNICATIONS PROVISIONS

- (41) The following requirements apply to telecommunication facilities in the building:-
- (a) Appropriate access and space within the plant area of the building shall be provided for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery.
 - (b) Appropriate ducting and cabling shall be provided for a minimum of three telecommunication carriers or other providers for telecommunication access and broad-band cabling to each apartment of the building.
 - (c) The details of (a) and (b) above shall be submitted for the approval of the certifying authority, prior to issue of a construction certificate for the building under the Environmental Planning and Assessment Act 1979.
- (42) A separate DA must be submitted at the appropriate time for any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development.

PUBLIC DOMAIN PLAN

- (43) 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 Certificate of Completion. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter.
- (f) An “Application for Approval of Footpath Levels and Gradients” must be submitted at the City’s One Stop Shop with the appropriate fee at the time of lodgement of the public domain proposal. The fee will be determined in accordance with the City of Sydney Schedule of Fees and Charges.

Note:

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

STREET FURNITURE

- (44) The applicant must disclose impacts of construction and final design upon the City's street furniture such as bus shelters, phone bollards and litter bins. Street furniture must be accessible during construction for use and maintenance. The cost of any removals, storage and relocation during construction, and reinstatement upon completion, must be borne by the applicant. The applicant must also seek permission from the telecommunications carriers (eg. Telstra) for the removal of any public payphones.

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

(45)

- (a) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, written confirmation that you have obtained a Notice of Requirements under Part 6, Division 9 of the Sydney Water Act 1994 must be submitted to the Certifying Authority (Council or a private accredited certifier).
- (b) Prior to issue of a construction certificate, under the Environmental Planning and Assessment Act 1979, the approved development application plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whatever the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met and is to be submitted to the Principal Certifying Authority (Council or a private accredited certifier).
- (c) Note:
- (i) For Quick Check agent details please refer to "your business" section of Sydney Water's website at www.sydneywater.com.au then see Building and Renovating under the heading Building & Developing, or telephone 132 092.
- (d) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a (Developer) Compliance Certificate under Section 73 of the Sydney Water Act 1994 must be submitted to the Principal Certifying Authority (Council or a private accredited certifier).

- (e) Note:
- (i) Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the "Notice of Requirements". Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to "your business" section of Sydney Water's website at www.sydneywater.com.au then the "e-developer" icon or telephone 132 092.
 - (ii) The approved plans will also need to be submitted to Sydney Water to determine whether the development will affect sewer and water mains, stormwater drains and/or easements. If the development complies with the requirements, the approved plans will be appropriately stamped by Sydney Water.
 - (iii) Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site www.sydneywater.com.au or telephone 132 092.

STORMWATER AND DRAINAGE

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

- (a) Details of the proposed stormwater disposal and drainage of the development are to be submitted for approval by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) Any proposed connection to the City's underground drainage system will require the owner to enter into a Deed of Agreement with the City Council and obtain registration on Title of a Positive Covenant prior to the commencement of any work within the public way, at no cost to the City.
- (c) The requirements of Sydney Water (currently the Urban Development Central East Group, Rockdale Regional Office) with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

- (d) An “Application for Approval of Stormwater Drainage Connections” must be submitted at the City’s One Stop Shop with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the City’s drainage system. The fee will be determined in accordance with the City of Sydney Schedule of Fees and Charges.

UTILITY SERVICES

- (47) To ensure that utility authorities are advised of the development:-
 - (a) A survey is to be carried out of all utility services within the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
 - (b) Prior to commencement of work the applicant is to negotiate with the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

ELECTRICITY SUBSTATION

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

ALIGNMENT LEVELS

- (49) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act, 1979, footpath alignment levels for the building must be submitted to Council for approval. This submission shall be accompanied by a plan prepared by a Registered Surveyor showing the existing location, size and levels (AHD) of all service covers, trees, poles and street furniture, kerb, gutter and alignment levels at 10m cross/sections, alignment levels at proposed and existing vehicular and/or pedestrian entrances within the footway adjacent to and extending 20 metres past either side of the site.
- (50) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the Application for a Construction Certificate.

RECEPTACLES FOR CIGARETTE BUTTS

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

BUILDING WASTE MANAGEMENT PLAN

- (52) A Building Waste Management Plan shall be submitted to Council and approved by the Director City Development and Projects prior to the issue of a Construction Certificate for the development. Such plan must address compliance with the Code for Waste Handling in Buildings 1994 and include details of the following:
- (a) The location, design and construction of garbage rooms, recycling rooms, bin washing and collection areas, and vehicle standing areas.
 - (b) Calculations of the volumes of waste generated by the uses of the development and verification of garbage room sizes to accommodate the waste generated by the development.
 - (c) The natural and mechanical ventilation of garbage rooms and service areas, in accordance with the Code and Australian Standard 1668.
 - (d) The location and design of garbage chutes and compaction system required.
 - (e) The proximity of waste handling facilities to any commercial food areas or loading docks, with the view to avoiding cross contamination.

- (f) The design features incorporated in the building and procedures adopted to ensure waste separation and minimization within individual units and offices on each floor of the building and within the garbage storage and recycling areas.
- (g) The Plan shall detail the management of waste generated by the development from source to collection.

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

- (53) Upon the completion of construction of the development and prior to the issue of an Occupation Certificate for the development, compliance of all building's waste management facilities with the requirements set out in the approved Building Waste Management Plan in accordance with Council's Code for Waste Handling in Buildings is to be verified and approved by Council's Manager, Contracts and Asset Maintenance.

WASTE SEPARATION

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

GARBAGE CHUTE

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

ACCESS FOR PERSONS WITH DISABILITIES

- (56) 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.

NON COMPLIANCE WITH THE DEEMED TO SATISFY PROVISIONS OF THE BCA

- (57) 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.

NOISE REDUCTION

- (58) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an acoustic assessment report must be submitted to and approved by Council or the private accredited certifying authority addressing the requirements of the Central Sydney DCP 1996 Amendment No.5 Internal Residential Amenity. The approved drawings and specifications for construction are to be in accordance with the following:
- (a) The report shall indicate measures to preserve the amenity for residents/apartment users such that the repeatable L_{Aeq} (1 hour) level will not exceed the following levels:-
 - (i) In a naturally ventilated - windows closed condition:
 - a. Sleeping areas (night time only: 2200-0700)
35dB
 - b. Living areas (24 hours)
45dB
 - (ii) In a naturally ventilated - windows open condition, (ie windows open up to 5% of the floor area, or attenuated natural ventilation open to 5% of the floor area):
 - a. Sleeping areas (night time only: 2200-0700)
45dB
 - b. Living areas (24 hours)
55dB
 - (iii) Where a naturally ventilated - windows open conditions cannot be achieved, it is necessary to incorporate mechanical ventilation or air conditioning.

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

ACOUSTIC PRIVACY BETWEEN UNITS

- (59) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an acoustic assessment report must be submitted to and approved by the Certifying Authority (Council or a private accredited certifying authority) addressing the requirements of the Central Sydney DCP 1996 Amendment No.5 Internal Residential Amenity. The approved drawings and specifications for construction are to be in accordance with the following:
 - (a) In order to assist acoustic control of airborne noise between units:
 - (i) A wall shall have a Field Sound Transmission Class (FSTC) of not less than 50 if it separates sole occupancy units or a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like.

- (ii) A wall separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an FSTC of not less than 55.
 - (iii) A floor separating sole occupancy units must not have a FSTC of less than 50.
- (b) In order to assist acoustic control of impact noise between units:
- (i) A floor shall have an Impact Isolation Class (IIC) of not less than 50 if it separates habitable rooms of sole occupancy units or a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like.
 - (ii) A floor separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an IIC of not less than 55.
 - (iii) Walls between sole-occupancy units shall comply with impact sound resistance standards specified in the BCA.
- (c) Council or the private Principal Certifying Authority must ensure that the completed work complies with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

FLOOR TO CEILING HEIGHT

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

Schedule 1C

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

DEMOLITION DETAILS

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

DEMOLITION WORK METHOD STATEMENT

- (62) 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.
- (63) 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:-

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:-
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:-
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:-
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.
- (64) The demolition by induced collapse, the use of explosives or on-site burning is not permitted.

OTHER DEMOLITION DETAILS

- (65) Prior to the commencement of demolition work, the following additional details are required to be submitted to the Principal Certifying Authority (PCA) (Council or a accredited certifier), and a copy submitted to Council if its not the PCA:-
- (a) A Statement/Letter from an appropriately qualified Structural Engineer certifying concurrence with the structural provisions of the Demolition Work Method Statement and proposed work. If applicable, a Structural Report of the proposed building to be demolished must be attached.
 - (b) A Letter nominating the person appropriately qualified as an Occupational Hygiene Consultant for inspecting the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to WorkCover Authority.

- (c) Dilapidation Report/s of adjoining buildings are to be submitted by an appropriately qualified Structural Engineer prior to commencement of demolition/excavation works, and at completion of demolition/excavation works.
- (d) A certified copy of the Public Liability Insurance indemnifying Council for \$10,000,000 against public prosecution for the duration of the demolition works.
- (e) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the WorkCover Authority.

EXCAVATION WORK METHOD STATEMENT

- (66) Prior to commencement of site excavation works, an Excavation Work Method Statement prepared by an appropriately qualified person must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or an accredited certifier) and a copy submitted to Council (if it is not the PCA). The Statement must include:-
 - (a) Name and address of the company/contractor undertaking excavation works;
 - (b) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials (if applicable);
 - (c) Name and address of the transport contractor, and location of the disposal site;
 - (d) Type and quantity of material to be removed from site;
 - (e) A Materials Handling Statement for the removal of refuse from the demolition site, in accordance with the provisions of the Waste Minimisation and Management Act 1995;
 - (f) A Dust Control Method Statement for excavated sandstone or other excavation materials;
 - (g) Procedures to be adopted for the prevention, of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment, and the proposed method of cleaning surrounding roadways from such deposits;
 - (h) Measures to enclose the excavation site, including safety barriers, particularly if the excavation is greater than 1.5 metres deep. Plastic jersey kerb barriers are not permitted;

- (i) Any WorkCover Authority requirements.

Note:

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

GEOTECHNICAL REPORT AND CERTIFICATION

- (67) 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.
- (68) 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.

WATER AND SEDIMENT CONTROL STATEMENT FOR DEMOLITION AND EXCAVATION

- (69) 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

- (70) 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

- (71) 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.
- (72) 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.
- (73) 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.

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

Note:

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

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

- (75) The following environmental protection measures are required:-
- (a) Prior to the commencement of construction work, a Water and Sediment Control Statement must be submitted and approved by the Principal Certifying Authority.
 - (b) Such statement must include:-
 - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
 - (ii) The proposed method of discharge;
 - (iii) The procedures to be adopted for the prevention of run-off from the site onto the public way;
 - (iv) The procedures to be adopted for the prevention of loose material and litter from being blown onto the public way;
 - (v) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's "Erosion and Sediment Control Manual".
 - (c) The 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 Water and Sediment Control Statement shall be implemented during the construction period.
 - (e) Any seepage or rainwater collected on site during construction must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.
 - (f) The applicant must also comply with the NSW Protection of the Environment Operations Act 1997, whereby it is an offence to pollute classified waters such as Sydney Harbour to which much of the City's street drainage is directly connected.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (76) A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect a hoarding or scaffolding in a public place and such application is to include:-
- (a) Architectural, construction and structural details of the design in accordance with the Policy for the Design and Construction of Hoarding (September 1997) and the Guidelines for Temporary Protective Structures (April 2001).
 - (b) Structural certification prepared and signed by an appropriately qualified practising structural Engineer.
 - (c) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.
 - (d) Should the hoarding obstruct the operation of Council's CCTV Cameras, the applicant shall relocate or replace the CCTV camera within the hoarding or to an alternative position as determined by Council's Contracts and Asset Management Unit for the duration of the construction of the development. The cost of relocating or replacing the CCTV camera is to be borne by the applicant. Further information and a map of the CCTV cameras is available by contacting Council's CCTV Unit on 9265 9232.
 - (e) Assessment of the impacts of construction and final design upon the City of Sydney's street furniture such as bus shelters, phone booths, bollards and litter bins. Street furniture must be accessible during construction for use and maintenance. Note: The cost of any removals, storage and relocation during construction, and reinstatement upon completion, must be borne by the applicant. The applicant must also seek permission from the telecommunications carrier (eg. Telstra) for the removal of any public payphones.

APPLICATION FOR A ROAD OPENING PERMIT

- (77) A separate Road Opening Permit under Section 138 of the Roads Act 1993 shall be obtained from City Care Unit of the City of Sydney prior to the commencement of any:-
- (a) Excavation in or disturbance of a public way, or
 - (b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).

- (78) Documents required with the Road Opening Permit application include:-
- (a) A plan and relevant sections showing scope of works, boundaries, utility services, levels of proposed excavation, and details of method of reinstating public way;
 - (b) Evidence that public utility drawings have been inspected;
 - (c) Evidence of a \$10 million dollar Public Liability Insurance Policy specifically indemnifying the City of Sydney, valid for at least the duration of the project;
 - (d) A Security Deposit for reinstatement of public way.
- (79) The Road Opening Permit will be subject to further conditions that shall be complied with.

BARRICADE PERMIT

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

FOOTPATH DAMAGE BANK GUARANTEE

- (81) Prior to release of a temporary structure approval under Section 68 of the Local Government Act 1993 (Hoarding Approvals), the owner of the site must provide a bank guarantee for the sum of \$67,000 equivalent to 134 square metres of footway adjacent to the Macquarie Street frontage of the development site, as security for any damage rectification.
- (82) The following protective measures shall be provided under any hoarding on the public footway during construction of the development to the satisfaction of the Council:-
- (a) Plastic sheeting to cover the stone paving;
 - (b) Minimum 12mm thick plywood on top of the plastic sheeting; and
 - (c) These measures shall be maintained in a safe and tidy condition for the duration of construction.

USE OF MOBILE CRANES

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

CERTIFICATION OF MECHANICAL VENTILATION

- (84) 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.
- (85) 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 CERTIFICATE

- (86) Prior to the commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council:
- (a) Structural Drawings prepared by an appropriately qualified practising Structural Engineer, corresponding with and attached to a Structural Certificate (see (b));
 - (b) Structural Certificate/s for Design, submitted in the form of Attachment S1A completed by the Project/Principal Engineer and S1B completed usually by the Architect, OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998), after the structural drawings have been checked and comply with:
 - (i) The relevant clauses of the Building Code of Australia (BCA);
 - (ii) The relevant conditions of Development Consent;
 - (iii) The Architectural Plans incorporated with the Construction Certificate; and

- (iv) The relevant Australian Standards listed in the BCA (Specifications A1.3);
 - (v) Any other relevant report/s or documents. Specify on form S1A.
- (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.
- (d) Notes:
- (i) An appropriately qualified practising structural engineer certifying by completing Attachment S1A must have:-
 - a. Appropriate tertiary qualifications in Civil or Structural Engineering; AND
 - b. Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - c. Evidence of relevant experience in the form of a CV/Resume;
 - d. Appropriate current professional indemnity insurance.
 - (ii) An appropriately qualified practising structural engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
 - (iii) An appropriately qualified person certifying by completing Attachment S1B must have a good working knowledge of the Building Code of Australia and Structural and Architectural drawing co-ordination.
 - (iv) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.
 - (v) Council reserves the right to randomly audit any structural documentation.

ACOUSTICAL INVESTIGATION

- (87) An acoustical investigation of the proposed development shall be undertaken by a suitably qualified acoustical consultant describing and assessing the impact of noise emission from the proposed demolition of the existing building, excavation of the site and construction of the proposed building. This investigation shall include but not be necessarily limited to the following:
- (a) The identification of sensitive noise receivers potentially impacted by the proposal;
 - (b) A statement indicating that the development is capable of complying with the relevant criteria together with details of acoustic control measures that will be incorporated into the development.

CONSTRUCTION NOISE

- (88) The noise from demolition/construction activities associated with the development shall have regard to the guidelines contained in the NSW EPA, Environmental Noise Control Manual Chapter 171, that is:
- (a) Construction periods greater than 4 weeks: The LA10 level measured over a period of not less than 15 minutes when a construction site is in operation must not exceed the background (LA90) noise level by more than 10db(A) when assessed to any sensitive noise receiver.

CONTROL OF VERMIN

- (89) Measures for the eradication of vermin from the site during construction work shall be implemented prior to the commencement of any work to the satisfaction of the Principal Certifying Authority. All service ducts and cable entries to existing premises should be sealed prior to any demolition being carried out.

Schedule 1D

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

CITY OF SYDNEY COMPLIANCE INSPECTIONS

- (90) The purpose of this condition is to ensure that the Council is given sufficient notice prior to the issuing of the Occupation Certificate to carry out inspections of soon to be completed buildings, where Council considers it necessary. In doing so, this ensures that the Council is able to provide an independent analysis of whether the building is constructed to a standard that complies with the BCA and in accordance with the development consent.

- (a) The applicant and building owner are to note that it is an offence under S.109N of the Environmental Planning and Assessment Act 1979, to occupy or use a building in whole or in part, unless an Occupation Certificate has been issued in relation to the building or the part.
- (b) A maximum penalty of 25 penalty units applies under the provisions of the Environmental Planning and Assessment Act 1979, for the contravention of the above requirements.
- (c) Council officers may undertake random inspections from time to time during construction and toward the end of building works to ensure that buildings or part of buildings are not occupied without a partial or final Occupation Certificate, and to check compliance with conditions of development consent and the BCA.
- (d) In the event that a Principal Certifying Authority (PCA) other than Council is appointed, written notice shall be given to Council (whether by the developer, builder or other person relying on the development consent) on each of the following occasions:
 - (i) Within 7 days of installation of services, such as plumbing, mechanical ventilation and the like which penetrate fire rated walls and slabs (excluding basement areas); and
 - (ii) 7 days prior to the installation of false ceilings or cornices which abut fire rated walls and slabs; and
 - (iii) 14 days prior to the final inspection to be carried out by the PCA for the purpose of issuing an Occupation Certificate.
- (e) The PCA shall be advised in writing (whether by the developer, builder or other person relying on the development consent) of Council's requirements pursuant to paragraph (d).
- (f) This reserves time for Council or persons appointed by Council to conduct any random inspections Council may choose to do, prior to the issue of the Occupation Certificate, in order to ensure that buildings or part of buildings are not occupied without a partial or final occupation certificate, and to undertake random audits of certified works.

DEMOLITION WORKS

- (91) All Demolition Work shall be carried out in a safe manner by trained personnel under the management of a licensed demolisher who is registered with the WorkCover Authority, in accordance with:-
 - (a) The approved Demolition Work Method Statement;
 - (b) Australian Standard AS2601-1991- Demolition of Structures;

- (c) Relevant Codes of Practice of the WorkCover Authority (NSW);
 - (d) The Construction Safety Act 1912 and Demolitions Regulations;
 - (e) The Occupational Health and Safety Act 1983; and
 - (f) All other relevant Acts and Regulations.
- (92) Demolished combustible materials shall not be stockpiled. Material must be removed regularly.

LOADING AND UNLOADING DURING CONSTRUCTION

- (93) The following requirements apply:-
- (a) All loading and unloading associated with construction must be accommodated on site.
 - (b) The structural design of the building shall be such as to permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
 - (c) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
 - (d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
 - (e) If a construction zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

STREET TREE PROTECTION

- (94) All street trees shall be protected at all times during construction, in accordance with Council's Tree Preservation Order. Any tree on the footpath which is damaged or removed during construction shall be replaced, to the approval of Council and the Principal Certifying Authority.

CONTROL OF RUN-OFF DURING CONSTRUCTION

- (95) To comply with the Protection of the Environment (Operations) Act 1997 whereby it is an offence to pollute classified waters such as Sydney Harbour to which most of the City's street drainage is directly connected:-

- (a) concrete trucks, concrete pumps and their attachments, and trucks used for the disposal of spoil shall not be washed out on the public way;
- (b) any water collected from on-site washing down of concrete trucks, concrete pumps or their attachments and trucks used for the disposal of spoil shall not be pumped, directed or allowed to flow to the street stormwater system;
- (c) any seepage or rain water collected on site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council and evidence of approval is to be submitted to the Principal Certifying Authority prior to discharge into such system.

NO OBSTRUCTION OF PUBLIC WAY

- (96) 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.

CONSTRUCTION ACCESS DRIVEWAYS

- (97) Approved concrete driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

CONSTRUCTION VEHICLES TO BE COVERED

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

Note:

The Protection of the Environment Administration Act 1991, provides for the revocation of transporters' licences where drivers dump wastes illegally.

Schedule 1E

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

- (99) An Occupation Certificate (in accordance with Clause 155 of the Environmental Planning and Assessment Regulation 2000) must be obtained from the Principal Certifying Authority (PCA) (Council or a private accredited certifier) and a copy furnished to Council in accordance with Section 79L of the Environmental Planning and Assessment Amendment Regulation 1998 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building. A copy of the certificate shall be submitted to Council if it was not the PCA.

WASTE COLLECTION CONTRACTS

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

TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS

- (101) For temporary shoring, a separate application must be lodged to Council under the provisions of Section 68 of the Local Government Act 1993.

TEMPORARY STRUCTURES WITHIN THE PUBLIC WAY

- (102) For temporary ground anchors, new permanent basement wall/s or other ground retaining elements:-
- (a) Prior to issue of a Construction Certificate, the following documents shall be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA):-
 - (i) Dilapidation Report of adjoining buildings/structures.
 - (ii) Evidence that public utility services have been investigated.
 - (iii) If adjoining a Public Way:-
 - a. Evidence of a \$10 million dollar Public Liability Insurance Policy specifically indemnifying the City of Sydney, valid for at least the duration of the project. The original document shall be submitted to Council.

- b. Bank Guarantee in accordance with the City's Fees and Charges. The original document shall be submitted to Council.
- (b) Prior to commencement of work:-
- (i) The location of utility services shall be fully surveyed and the relevant Public Utility Authority requirements complied with; and
 - (ii) The following documents shall be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA):-
 - a. Structural drawings and certification as prescribed elsewhere in this Schedule.
 - b. Geotechnical Report and certification as prescribed elsewhere in this Schedule.
- (c) Prior to issue of Occupation Certificate, the City's Development Engineer shall be notified on 9265 9105 when the Restoration of the Public Way is complete and in accordance with the following:-
- (i) All ground anchors shall be de-stressed and isolated from the building prior to completion of the project.
 - (ii) The temporary structure, including foundation blocks, anchors and piers shall be removed above and below the public way, prior to completion of project, down to a depth of 2m.
 - (iii) All timber shall be removed.
 - (iv) The voids then backfilled with stabilised sand (14 parts sand to 1 part cement).
- (d) After satisfying (c) (i) to (iv), notification in writing by the contractor shall accordingly be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA).
- (e) All costs for any reinstatement of the public way made necessary because of an unstable, damaged or uneven surface to the public way shall be borne by the owner of the land for works approved under this consent.

VENTILATION

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

CERTIFICATION OF GEOTECHNICAL INSPECTION

- (104) 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.

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (105) 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.

- (106) 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.

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

- (107) 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.

NUMBERING

- (108) 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.
- (109) 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

NOISE - USE

- (110) The use of the premises including music and other activities 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 7.00 a.m. to midnight daily and 0dB above the L90 background between 12 midnight and 7.00 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) During the period 12 midnight to 7.00 a.m. the use shall be inaudible in any habitable room of any residential premises.
 - (d) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.

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.

NOISE - MECHANICAL PLANT (IF ANY)

- (111) Noise associated with mechanical plant 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 7.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 7.00 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 subclause does not apply to any such frequencies.
- (c) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.

The method of measurement of vibration in (a) and sound levels in (b), (c) must be carried out in accordance with AS 2973 for vibration measurements. AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

CARE OF BUILDING SURROUNDS

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

REMOVAL OF GRAFFITI

- (113) 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

- (114) 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.

WASTE NOT TO BE PLACED ON PUBLIC WAY WITHOUT PERMISSION

- (115) The loading operation, including the movement of garbage receptacles, must take place within the building alignment on a level surface away from gradients and vehicle ramps. No waste is to be placed on the public way (eg. Footpaths, roadways, plazas, reserves or building colonnade areas) at any time.

Carried unanimously.

ITEM 6. DEVELOPMENT APPLICATION: SYDNEY TOWN HALL, 483 GEORGE STREET, SYDNEY

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by Gary Shiels and Associates to Council on 7 April 2003, in relation to Development Application 03/00092 made by City of Sydney Council for the site at 483 George Street, Sydney, known as the Town Hall, for alterations and additions of the existing building including construction of a new Drutt Street entrance and two new lifts, it be resolved that consent be granted subject to the following conditions:-

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

- (1) Development must be in accordance with Development Application No. 03/00092 dated 12 February 2003 and Statement of Environmental Effects prepared by Centennial Town Planning, dated February 2003 and Heritage Impact Statement prepared by Otto Cserhalmi and Partners Pty Ltd and drawings numbered DA-01 to DA-10 prepared by Durbach Block Architects dated January 2003 and as amended by the following conditions:

HERITAGE CONSERVATION

- (2) The following matters are required to be addressed by way of design modifications or via the submission of additional information for the approval of the Director of City Development and Projects, prior to the release of the Construction Certificate:
 - (a) Further investigation regarding the possible retention of the original stone area walls to the window of LG52-54 on the lower ground floor level is required.
 - (b) The time capsule outside the north west corner of the town hall is to be relocated. Details of the methodology to ensure the protection of the time capsule, the proposed location and interpretive information are to be submitted.
 - (c) The ticket booth on the lower ground floor is to be recorded and salvaged for interpretation and relocation.
 - (d) The new raised floors at the northern end of the lower ground floor level should be further documented. All works associated with the construction of the floors is to be reversible.

- (e) The proposed new door opening from the northern stair landing on the lower ground floor is to be detailed so as to be compatible, in elevation, with the adjacent arch corbel. The door opening should not undercut the corbel.
 - (f) The existing 'waratah' electrolier conflicts with the lift overrun and will require relocation. Details of the proposed new location, the extent of fabric change and proposed interpretation measures are to be submitted.
 - (g) Given the relocation of the electrolier, a revised lighting strategy for the stair hall is to be submitted.
 - (h) Details of any further change to existing fabric arising from the construction of the southern lift (e.g. removal of existing balustrade stanchions) and full documentation of any new openings in the wrought iron and timber balustrades is to be submitted.
 - (i) A methodology for the demolition of the existing floor to allow for the required lift pit.
 - (j) The suspended vaulted ceilings in the lower ground floor toilets appear to be included for aesthetic, rather than technical reasons. They obscure significant architectural fabric such as rendered arches, openings and mouldings and are likely to confuse the reading of significant fabric and should be deleted.
 - (k) The arches on the north side of the northern toilets on the lower ground floor should be made visible from inside the toilets. If possible, the new walls should be centred on the existing arches.
 - (l) The windows on the west side of stairwell LG93, on the lower ground floor should not to be blocked with masonry as proposed. If necessary, they should be fitted with internal glass panels or sealed with drywall construction.
 - (m) To minimise disturbance to significant window joinery on the northern wall of the northern female toilet G44 on the ground floor level, further information regarding the location and method of attachment of the central three hand basins, to ensure retention and protection of the window joinery, is required.
 - (n) In the southern toilets G18, on the ground floor, the air lock passage doors at east and west ends should be relocated to avoid unnecessary conflict with the existing door and window joinery.
- (3) Any amendments, including those arising from design development and detailing to avoid or minimise the impact on significant fabric or the retention of trees, shall be detailed on working drawings to the satisfaction of the nominated heritage conservation architect for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

- (4) In order to minimise impact on significant fabric, comprehensively detailed working drawings of all alteration and additions, including mechanical, electrical, sewerage, and other installation services shall be prepared to the satisfaction of the nominated conservation architect prior to the commencement of any demolition work and prior to the issue of a Construction Certificate and shall form part of the approved development. The detailing shall retain and/or minimise impact on significant fabric wherever possible, including stonework, ceilings, windows and the c1930 ticket office.
- (5) The nominated conservation architect shall inspect the work at regular intervals to be agreed with the certifying authority and provide written confirmation to the certifying authority that the work has been undertaken in accordance with the approved drawings including the detailed, and any relevant policies contained in the CMP.
- (6) Elements or fabric of known or potential heritage significance (including moveable items), contained within those parts of the building to be demolished/partially demolished are to be salvaged and stored, preferably on site or at an approved location, for potential future re-instatement and/or for interpretation purposes. A schedule of significant elements to be salvaged and stored shall be prepared by the nominated conservation architect and submitted to the certifying authority prior to the commencement of any demolition work. Written confirmation that the salvage and storage of significant elements is in accordance with the schedule and recommendations shall be provided to by the nominated conservation architect to the certifying authority prior to issue of an Occupation Certificate.
- (7) The proposed works are to be carried out in a manner that minimises demolition, alterations, new penetrations/fixings to the significant fabric of the existing building to the satisfaction of the nominated conservation architect and detailed on the working drawings.
- (8) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric to the satisfaction of the nominated conservation architect and detailed on the working drawings.
- (9) The applicant is to commission experienced trades persons (as appropriate, as confirmed in writing by the nominated conservation architect) that are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (10) The need for the removal of the three street trees along the Druitt Street frontage should be further substantiated by the applicant and reviewed by Council's Tree Preservation Officers with the aim to retain them if their removal is not considered necessary.

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (11) Archival recording for deposit in the City of Sydney Archives, the Mitchell Library and the (NSW Heritage Office, if required) must be carried out prior to the removal of any significant building fabric or moveable items/furnishings, during the removal of fabric on site that exposes significant building fabric or moveable items/furnishings, and after work has been completed on site, as considered appropriate by the nominated conservation architect.
- (a) The archival record of significant building fabric or moveable items/furnishings from the site must be submitted to Council and other nominated bodies prior to the commencement of any demolition work and prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
 - (b) The archival record of significant building fabric or moveable items/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.
- (12) The form of recording is to be undertaken in accordance with the NSW Heritage Office guidelines for a site of State significance, and include the following:
- (a) Photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:-
 - (i) 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
 - (ii) 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and one copy of a contact sheet printed on fibre-based paper to archival standards;
 - (iii) selective black and white enlargements to be advised by the nominated conservation architect, printed on fibre-based paper to archival standards to a minimum size of 20cm x 25cm, illustrating the location and context of the site/building, the relationship of adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;
 - (iv) A summary report of the photographic documentation, detailing;
 - (v) the project description, method of documentation, and any limitations of the photographic record; and

- (vi) 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.
- (vii) Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.

ARCHAEOLOGICAL INVESTIGATION

- (13) The applicant must apply to the Heritage Office for an excavation permit under Section 140 of the Heritage Act 1977.
 - (a) 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.
 - (b) The applicant shall comply with the conditions and requirements of any excavation permit required, and to ensure that allowance for compliance with these conditions and requirements are incorporated into the development program.
 - (c) Any excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
 - (d) 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.
 - (e) 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. Any excavation of the site is expected to require monitoring by an archaeologist in accordance with the conditions and requirements of any excavation permit issued under Section 140 of the Heritage Act 1977.

RECEPTACLES FOR CIGARETTE BUTTS

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

HOURS OF WORK AND NOISE

- (15) 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) The applicant must provide to Council a 24 hour per day telephone contact number and must ensure such number is continually attended by a person with authority over the building work during the construction period.
 - (c) The approved hours of work and the 24 hour telephone number must be prominently displayed at all times on the building site and must be visible from a public street or a public place.
 - (d) 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 making of an application in accordance with the Code and under Section 96(2) of the Environmental Planning and Assessment Act 1979, and the granting of approval thereto.

Schedule 1B

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

- (16) 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.
- (17) For alterations and additions to an existing building, a letter from a qualified practising structural engineer (NPER) or a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) shall be attached to the Construction Certificate Application. The letter must state that the existing structure is adequate to support the new loads and that the design will comply with the relevant Australian Standards adopted by the Building Code of Australia (Specification A1.3).

Schedule 1C

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

DEMOLITION WORKS

- (18) All Demolition Work shall be carried out in a safe manner by trained personnel under the management of a licensed demolisher who is registered with the WorkCover Authority, in accordance with:-
 - (a) The approved Demolition Work Method Statement;
 - (b) Australian Standard AS2601-1991- Demolition of Structures;
 - (c) Relevant Codes of Practice of the WorkCover Authority (NSW);
 - (d) The Construction Safety Act 1912 and Demolitions Regulations;
 - (e) The Occupational Health and Safety Act 1983; and
 - (f) All other relevant Acts and Regulations.
- (19) Demolished combustible materials shall not be stockpiled. Material must be removed regularly.

DEMOLITION DETAILS

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

EXCAVATION WORK METHOD STATEMENT

- (21) Prior to commencement of site excavation works, an Excavation Work Method Statement prepared by an appropriately qualified person must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or an accredited certifier) and a copy submitted to Council (if it is not the PCA). The Statement must include:-

- (a) Name and address of the company/contractor undertaking excavation works;
- (b) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials (if applicable);
- (c) Name and address of the transport contractor, and location of the disposal site;
- (d) Type and quantity of material to be removed from site;
- (e) A Materials Handling Statement for the removal of refuse from the demolition site, in accordance with the provisions of the Waste Minimisation and Management Act 1995;
- (f) A Dust Control Method Statement for excavated sandstone or other excavation materials;
- (g) Procedures to be adopted for the prevention, of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment, and the proposed method of cleaning surrounding roadways from such deposits;
- (h) Measures to enclose the excavation site, including safety barriers, particularly if the excavation is greater than 1.5 metres deep. Plastic jersey kerb barriers are not permitted;
- (i) Any WorkCover Authority requirements.

Note:

- (j) A copy of all Reports/Statements referenced in the Work Method Statement must be appended to the Statement.

- (k) The Principal Certifying Authority is to be notified of any proposed alteration of the above information during the course of demolition.
- (l) On completion of removal of contaminated materials, a certificate shall be submitted to the PCA, and a copy provided to the Council (if it is not the PCA) testifying to the safe and proper disposal, and amount of all such material.

CERTIFICATION OF MECHANICAL VENTILATION

- (22) 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.
- (23) 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

- (24) 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 showing all new fully detailed structural elements, prepared by an appropriately qualified practising Structural Engineer, corresponding with and attached to a Structural Certificate (see (b));
 - (b) Structural Certificate/s for Design, of all new fully detailed structural elements and for checking any structural elements supporting the new work, 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 Attachment 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 so that all structural elements supporting the new work are fully certified by the project structural engineer.
 - (ii) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions. 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.

Schedule 1D

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

WASTE MANAGEMENT DURING DEMOLITION AND EXCAVATION

- (25) 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.
- (26) 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.
- (27) 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;
 - (c) 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.
- (28) All requirements of Waste Management Plans must be implemented during the demolition and/or excavation period of the development.

Note:

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

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

- (29) A Pedestrian and Traffic Management Plan must be submitted to and approved by Council prior to commencement of construction on the site and must include details of:-
- (a) Proposed ingress and egress of vehicles to and from the construction site;
 - (b) Proposed protection of pedestrians adjacent to the site;
 - (c) Proposed pedestrian management whilst vehicles are entering and leaving the site;
 - (d) Proposed route of construction vehicles to and from the site.

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

- (e) 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.
- (f) To comply with the Protection of the Environment (Operations) Act 1997 whereby it is an offence to pollute classified waters such as Sydney Harbour to which most of the City's street drainage is directly connected:-
 - (i) concrete trucks, concrete pumps and their attachments, and trucks used for the disposal of spoil shall not be washed out on the public way;
 - (ii) any water collected from on-site washing down of concrete trucks, concrete pumps or their attachments and trucks used for the disposal of spoil shall not be pumped, directed or allowed to flow to the street stormwater system;
 - (iii) any seepage or rain water collected on site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council and evidence of approval is to be submitted to the Principal Certifying Authority prior to discharge into such system.

CITY OF SYDNEY COMPLIANCE INSPECTIONS

- (30) The purpose of this condition is to ensure that the Council is given sufficient notice prior to the issuing of the Occupation Certificate to carry out inspections of soon to be completed buildings, where Council considers it necessary. In doing so, this ensures that the Council is able to provide an independent analysis of whether the building is constructed to a standard that complies with the BCA and in accordance with the development consent.
 - (a) The applicant and building owner are to note that it is an offence under S.109N of the Environmental Planning and Assessment Act 1979, to occupy or use a building in whole or in part, unless an Occupation Certificate has been issued in relation to the building or the part.
 - (b) A maximum penalty of 25 penalty units applies under the provisions of the Environmental Planning and Assessment Act 1979, for the contravention of the above requirements.
 - (c) Council officers may undertake random inspections from time to time during construction and toward the end of building works to ensure that buildings or part of buildings are not occupied without a partial or final Occupation Certificate, and to check compliance with conditions of development consent and the BCA.

- (d) In the event that a Principal Certifying Authority (PCA) other than Council is appointed, written notice shall be given to Council (whether by the developer, builder or other person relying on the development consent) on each of the following occasions:
 - (i) Within 7 days of installation of services, such as plumbing, mechanical ventilation and the like which penetrate fire rated walls and slabs (excluding basement areas); and
 - (ii) 7 days prior to the installation of false ceilings or cornices which abut fire rated walls and slabs; and
 - (iii) 14 days prior to the final inspection to be carried out by the PCA for the purpose of issuing an Occupation Certificate.
- (e) The PCA shall be advised in writing (whether by the developer, builder or other person relying on the development consent) of Council's requirements pursuant to paragraph (d).
- (f) This reserves time for Council or persons appointed by Council to conduct any random inspections Council may choose to do, prior to the issue of the Occupation Certificate, in order to ensure that buildings or part of buildings are not occupied without a partial or final occupation certificate, and to undertake random audits of certified works.

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

NUMBERING

- (31) 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.
- (32) An Occupation Certificate (in accordance with Clause 155 of the Environmental Planning and Assessment Regulation 2000) must be obtained from the Principal Certifying Authority (PCA) (Council or a private accredited certifier) and a copy furnished to Council in accordance with Section 79L of the Environmental Planning and Assessment Amendment Regulation 1998 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building. A copy of the certificate shall be submitted to Council if it was not the PCA.

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

- (33) 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

- (34) 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:

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.
- (c) 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.

Carried.

ITEM 7. CROSS CITY TUNNEL, RTA COMPULSORY ACQUISITION OF LOTS 101 AND 102 AND EASEMENT IN DP 1048011 – CONSENT (S017852)

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

That arising from consideration of a report by the Senior Property Manager to Council on 7 April 2003, on Cross City Tunnel, RTA Compulsory Acquisition of Lots 101 and 102 and Easement in DP 1048011 - Consent, it be resolved that -

- (A) Council grant consent to the compulsory acquisition of Lots 101 and 102 by the Roads and Traffic Authority (RTA) as shown in DP 1048011 at Attachment A to the subject report;
- (B) Council grant a licence to RTA for the occupation of the area proposed for the construction/installation of the rock anchors below Town Hall and Town Hall House;
- (C) Council notify RTA that it reserves its rights to make a submission for the Valuer General's consideration in regard to loss of future development potential of Town Hall House in assessing compensation for any easements;
- (D) authority be delegated to the General Manager to accept the determined compensation payable for the land;
- (E) Council's Attorney be authorised to execute all necessary documentation.

Carried.

ITEM 8. QUESTIONS ON NOTICE

There were no Questions on Notice for this meeting of Council.

QUESTIONS WITHOUT NOTICE

There were no Questions without Notice for this meeting of Council.

ITEM 9. NOTICES OF MOTION

There were no Notices of Motion for this meeting of Council.

Photographing of Council Meeting

At this stage of the meeting, the Lord Mayor advised Council that a request had been received to film portion of the meeting of Council.

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

That permission be granted for the filming of the remainder of the Council meeting.

Carried.

ITEM 2. THANK YOU (S023910)

Prior to submitting his Mayoral Minute, the Lord Mayor addressed Council -

I introduce my Mayoral Minute, which basically outlines my gratitude to a whole range of people. I do not want to canvass it in detail because it is expressed here in writing and, of course, there will be a function later, hosted by the Deputy Lord Mayor, where I will speak for a bit longer.

I should start by acknowledging the contribution of my family. Judy is here tonight. Judy was involved in all those, what seemed at the time, incredibly pointless meetings and resident activities. She was extremely supportive of me when I contested the Council election in 1988 and again in 1991, and was terrific in supporting me all the way through. Also, my boys - Jack, who is here, and Oliver, who is on his way. I would especially like to express my gratitude to my family.

I would also like to express my gratitude to my colleagues and staff who were very helpful and understanding in the period when my partner was very ill. I would like to thank Lucy Turnbull. She has been absolutely fantastic over the last three and a half years - a phenomenal person to work with throughout that time, as sharp as a razor blade. Staff, be aware, she is much sharper than I am; she reads everything and understands it. To my other colleagues, my Living Sydney Team, and to Kathryn, Nick and Robert, thank you.

A special thank you to all the staff. There have been some General Managers who have made a very good contribution - Katie Lahey, Greg Maddock and now Robert Domm, who is ploughing through a whole range of issues, including the boundary changes, and is smiling. Underneath that surly appearance, there abides a very warm and happy man.

To the staff in my office over the years, you have done a great job: Janina Jancu, my current Chief of Staff; Francesca Hynes, my previous Chief of Staff; Liz Carroll, my Personal Assistant; Linda Newton; Craig Middleton - they were there the longest. Thank you to all the others who did a great job.

My thanks to the people of Sydney for their enormous support, contribution, and putting faith in me at times when things were a little more difficult. Colleagues, that is all I have to say. It has been a great, great privilege. I could not have asked for a better opportunity and I am just so lucky to have had the privilege. And all the knocks don't matter because, at the end of the day, it has been a privilege to serve this Council and this absolutely fantastic City of ours.

I submit my Mayoral Minute.

MINUTE BY THE LORD MAYOR

To Council:

After almost 19 years of association with the City of Sydney, this is my final Lord Mayor's Minute. It is not to propose a new policy, endorse a new project or announce major change. Simply it is to say farewell and thank you.

Having been sworn in as a Minister of the New South Wales Government, I have advised the General Manager of my resignation from the position of Lord Mayor of Sydney, effective from 12 pm Tuesday 8 April 2003.

The prospect of leaving the City of Sydney to take up new challenges fills me with mixed emotions. I am extremely grateful at having been given the opportunity to serve the people of Sydney for such a long time and am proud of all the things that the City has achieved during my time as Lord Mayor.

My catch cry in 1991 when I first took office as Lord Mayor was, "Judge people by what they do, not what they say". Similarly, I saw my election as Lord Mayor not as a goal achieved, but a journey begun. The Lord Mayoralty was never a personal ambition but an avenue through which I could play a greater role in guiding the direction and future of our great city. As I leave this office I am happy to let the record of my actions as Lord Mayor be judged and sincerely hope that it has met the community's expectations.

During my time in office I have had the support of some terrific people. Thank you to the Lady Mayoress, Judith Fleming, who made my full time commitment to the role of Lord Mayor possible. She has been unswervingly supportive and helpful throughout.

Thank you to Oliver and Jack, my wonderful boys (now young men), who have not only been supportive, but also have injected humour at many critical times when it was needed.

I would like to acknowledge the support of my late partner, Hephzibah Tintner, especially leading up to the Olympic Games. I thank my colleagues and staff for the understanding they showed at those times when I needed to support her during her illness.

I would like to thank the Deputy Lord Mayor, Lucy Turnbull for her unstinting support, advice, hard work and goodwill over the past 3 ½ years. To Dixie Coulton and Fabian Marsden, my Living Sydney colleagues, thank you for your loyalty and for sharing the vision for our City.

This Council has, despite its political divisions, been remarkably unified in its stewardship of the City of Sydney. Remarkably few issues cause conflict at our meetings and I believe all seven councillors around the table share in the outcomes we have achieved. Thank you Councillors Greiner, Farr-Jones and Ho - and your predecessors before you, for your contribution during my time as Lord Mayor.

I have been extremely fortunate to work with exceptionally talented people, both in my Office and on the City staff. Their splendid and tireless efforts made it possible to achieve the many goals that were set, often under the pressure of difficult timeframes. It was their commitment to the vision of building a better city that made this a reality. Their work during my period in office has been exemplary and is a model for all local government in Australia.

In particular I would like to thank Katie Lahey, Greg Maddock and Robert Domm for their great stewardship of the organisation during their respective tenures as General Manager. My staff in the Office of the Lord Mayor also deserve a special mention especially my current Chief of Staff, Janina Jancu, and her predecessors Francesca Hynes and Simon Eldridge. Thank you also to my Personal Assistant, Liz Carroll, Protocol Manager, Linda Newton and my former Press Secretary, Craig Middleton, all of whom have been with me for much of the journey.

I also should take this opportunity to thank the people of the City; the residents, the business people, the workers and the visitors who make Sydney such a fantastic place. Much was said during the Olympic Games about how wonderful the City was and what warm and welcoming people Sydneysiders were. But, I have always thought that and everyday in this job I have reflected upon the privilege it has been to be Lord Mayor of this City and her community.

As the City of Sydney undergoes its next transformation, with imminent boundary changes, I am confident that the state in which the City finds itself today leaves it perfectly positioned for success in the future.

I thank again all those with whom I have been associated with during my time as Councillor and Lord Mayor, and wish the City of Sydney all the best, long into the future.

(SGD) COUNCILLOR FRANK SARTOR
Lord Mayor

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a Minute by the Lord Mayor to Council on 7 April 2003, entitled Thank You, it be resolved that the subject Minute be endorsed and adopted.

Carried unanimously.

ITEM 3A. FAREWELL TO LORD MAYOR (S023910)

MEMORANDUM BY THE GENERAL MANAGER

To Council:

Tonight the Council bids farewell to the City's longest serving Lord Mayor, Councillor Frank Sartor AO, MP.

The Lord Mayor was elected as Member for Rockdale in the State Election held on 22 March 2003. Councillor Sartor leaves the position of Lord Mayor, and Councillor, of the City of Sydney to take up a Cabinet position as the Minister for Energy and Utilities, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer), and the Minister Assisting the Premier on the Arts in the newly elected State Labor Government.

Councillor Sartor has had an extraordinary association with the City of Sydney over the past two decades. He was first elected as an Alderman in the former Sydney City Council in 1984. He became Lord Mayor in September 1991 and has been elected to that position continuously since. He became the City's longest serving Lord Mayor in September 2000, a record that is unlikely to be challenged for a long time.

The Lord Mayor is also Chairman of the Central Sydney Planning Committee, Chairman of the Sydney Festival and has served as a Director of the Sydney Harbour Foreshore Authority as well as other instrumentalities. He was formerly a Vice President of the Sydney Organising Committee for the Olympic Games (SOCOG).

The City can be very proud of the numerous and significant achievements attained during the Lord Mayor's period of office, not the least of which was the part the City played in delivering the "best ever" Olympic Games in 2000.

After inheriting an administration in severe financial difficulty, the Lord Mayor can now rightly boast a "AAA" credit rating and a debt free Council.

The Lord Mayor has helped change the organisation's culture into that of a vibrant, customer-service oriented, outcomes-focussed, corporate entity - at the same time preserving its local government essence.

The Lord Mayor has also transformed the City itself by introducing the Living City vision - achieving the aim of making Sydney one of the most exciting and livable cities in the world.

By assiduously promoting the concept of design excellence, the Lord Mayor has ensured that developments in the City are of the highest standard. Awareness and understanding of the importance of our built environment is at the forefront of City planning philosophy and practice.

City officials are generally remembered most for the legacies they leave on the built environment. In the lead up to the Olympics, the Lord Mayor steered the City through a major upgrade of the public domain. Capital works projects such as at East Circular Quay, Circular Quay, Martin Place, Cook and Phillip Park, granite footpaths and so on helped transform the City for the local and international community and significantly contributed to the huge success of the Games.

Other major projects such as the restoration of the Capitol Theatre and the City Recital Hall at Angel Place have had a profound impact on the City's heritage and culture. Significant works remain in the pipeline as a result of the Lord Mayor's stewardship. These include recreating and beautifying the major thoroughfares into the City through the ambitious and innovative Gateways Project, reconstruction of Customs House and the stunningly designed Ultimo Aquatic Centre.

It has been stated by others that the Lord Mayor has arguably made the greatest individual impact on the City's built environment since Governor Lachlan Macquarie. Many will agree with this proposition.

The range and quality of facilities, services and cultural opportunities that have been delivered during the Lord Mayor's term are unmatched in the City's history. From the spectacular and internationally-renowned New Years Eve fireworks and celebrations through to the bold and challenging artistry of the Sydney Festival, the City of Sydney is a major player in Australia's cultural landscape.

The Lord Mayor has been an ardent advocate for better-resourced and stronger local government. Resulting from his drive and commitment, the City's boundaries will soon be expanded and residents in the new areas will soon be experiencing enhanced services and infrastructure delivery.

It is a great pity that the Lord Mayor, through the circumstance of timing, will not get to personally oversee his ambitious project. Nevertheless, City staff will faithfully ensure that Council's policies are fulfilled for the benefit of all our new residents, thereby fulfilling the promise of the Lord Mayor's reform agenda.

As if he were not busy enough already, the Lord Mayor throws himself into social causes. He recently established the Sydney National Cancer Foundation, and is Chairman of the Foundation. He is also a member of the Board of the Sydney Cancer Institute. Those who know the Lord Mayor know that he will not rest until Sydney is a centre of world excellence in cancer research, treatment and cures. His new vocation will significantly assist in this regard.

The Lord Mayor also established, and chairs, the Hephzibah Tintner Foundation, which grants annual fellowships to talented young artists in the fields of music and dance. This Foundation was established in honour of his late partner, Hephzibah Tintner, who died of cancer in June 2001.

I am sure that the Executive and all City staff will join me in extending our sincere thanks to the Lord Mayor for all he has achieved for the City and for the Council organisation. The City is a better place to live, work and visit because of Councillor Sartor's vision, drive and determination.

We send him our heartfelt best wishes for his future career in the NSW Parliament and for a long, successful and rewarding period in the State Ministry.

RECOMMENDATION:

That the memorandum by the General Manager farewelling the Lord Mayor be endorsed and adopted.

(SGD) ROBERT DOMM
General Manager

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a Memorandum by the General Manager to Council on 7 April 2003, on Farewell to Lord Mayor, it be resolved that the subject Memorandum be endorsed and adopted.

Carried unanimously.

Note. During discussion on this motion, all Councillors in turn spoke in support of the motion and paid tribute to the Lord Mayor.

Councillor Turnbull

Lord Mayor, I would like to say a couple of things about your resignation. It is a great watershed in the City of Sydney. I think you have been a Mayor who has undoubtedly achieved the most over the longest period. Not only have you served the longest period, but you have been the best Lord Mayor the City has ever had. I think your achievements are there for everyone to see. They are in the public domain, the public realm, in the cultural program. The City is really a "living city" now and I think you can take most of the credit for that, Lord Mayor.

Councillor Greiner

Lord Mayor, you have been waiting for me to say nice things about you for eight years!

It is a great opportunity to say thank you for your undoubted energy, capacity and commitment to this city, not only when you started in Local Government in the 1980s, but through your time as Lord Mayor from 1991 until now. With my colleague, Nick, and those who have come before us, I think they would want us to recognise your undying commitment to reforming Local Government. You have a passion about Local Government working for the people and working in the public interest.

What you have shown to the rest of the community is that Local Government can deliver services for the community without having to actually own the wherewithal and employ all the people. I think people in local government should look very carefully at the model that has occurred because of that. I think that is your outstanding legacy to this City and, indeed, to this State. I think it would be sad if that was not recognised at this point in time.

Lord Mayor, thank you. You and I have enjoyed our stoushes both within the building and without the building and you go with the thoughts and best wishes of Sydney Alliance.

Councillor Coulton

I don't appear to be as happy as Kathryn. It is a happy and sad occasion tonight for me to be saying goodbye to you as Lord Mayor, fellow Councillor and colleague. It is certainly a happy occasion for you to be going on to new challenges as an Honourable Member and Minister of this State Government. I want to thank you for asking me to join your Living Sydney team in 1999 and giving me the opportunity to become a Councillor of this City.

It has been an enormous learning curve and a great honour to be part of a team and a Council led by you. It has been one that gets things done and, by and large, good things. Much, particularly of late, has been written and said about you, singing your praises - and rightly so. But the one thing I have learned in working with you is not just that you have all those qualities which have been written about - vision, insight, intelligence, undoubted capacity for hard work - but you have a commonsense approach to getting things done and an ability to get these things done. You have never been too lazy or busy to probe an issue to find out what is going on and to get on with it. It is certainly a lesson for all democratically elected people. I thank you very much and wish you all the best of luck.

Councillor Farr-Jones

Lord Mayor, I suppose the thing that delights me in this parting gesture is that, in a quasi political arena, there is so much goodwill that exists around this table. That is a fantastic thing. When I first ran as Kathryn's running partner, I only knew of two types of people: people who knew you and who generally accepted you and people who did not know you, but were not against you. When I was knocking on doors, I came up against a third type: people who, for whatever reason, did not like you because you stood for something.

Yet this Council comes together and I think, generally speaking, it has been a terrific Council to work for. People have often said, "What's it like working on the Council of the City of Sydney? What is the Lord Mayor like?" Ninety-nine percent of the time I say I really enjoyed it, a great bunch of people. The Lord Mayor might be a bit of a control freak, but he is really a good guy. It has been a great working Council and I have enjoyed it. You are a man of great vision, yet amongst that vision you have been a man of tremendous detail, and I think that will always be remembered.

I wish you all the best in the future, especially in this new role, this new brief as the Minister Assisting the Minister for Health (Cancer). I know you have had a personal experience with cancer, as have I. It is a new brief, a challenging brief, an enormous brief.

You have overseen this Council through some major events, none greater than the Olympics. We have the Rugby World Cup coming up. Ten years of my life revolved around rugby and ten years of your life revolved around the City of Sydney. As a final gesture, maybe we can have a function together, worked around the Rugby World Cup, to raise funds for ongoing cancer research.

I, with Kathryn, wish you huge success in your new role. May it be very rewarding, very challenging and very fulfilling. Well done. It has been a pleasure to work with you.

Councillor Marsden

I was recently sifting through some old boxes of papers from a time long ago, when I was Chairman of the Rocks Chamber of Commerce, and I came across a letter from Frank Sartor which described the Living Sydney vision. It was hand typed on an old foolscap piece of paper. The presentation and syntax was a bit touchy but, notwithstanding that, the message was clear. That message has followed through over a number of years.

I first came to know Frank initially through some of my clients in the pharmacy. One woman told me how Frank had helped her write a letter to a Government Department which was causing her a degree of grief. The outcome was good, but the point that I make here is that, once upon a time, Frank actually had patience enough to do that sort of thing.

It was Frank's genuine, local networking and developing sense of what Sydney should be that led to my support for him as an independent Councillor. It has not always been easy supporting Frank. In fact, playing a role of obedient political lieutenant is probably the most challenging role I have ever performed in my life! Notwithstanding that, it is support I don't regret and I wish you well.

Councillor Ho

Lord Mayor, fellow Councillors, ladies and gentlemen: I strongly support the previous Councillors' remarks, and I am sure no-one will or can deny the City is in such good shape because it is due to the vision, the energy and the determination of our Lord Mayor.

I can also say that I am looking forward to working with you as a fellow comrade, and I wish you well.

Note. At this stage of the meeting, the Chairman (the Lord Mayor) invited the General Manager to speak.

General Manager

Lord Mayor, the sentiments I have expressed in my Memorandum say it all in terms of the staff appreciating your contribution. I would like to thank you very much for what has been a long, rewarding and quite unique journey in the annals of local government and the City of Sydney, in particular.

It is not true to say that staff will look forward to your going. They will miss you when you have gone and we look back on this period, which is an unprecedented period of achievement. On behalf of all the staff of the City of Sydney, thank you very much indeed. It has been a wonderful journey and, for the last two years I have been here, it has been a fantastic journey. Thank you very much.

ITEM 3B. RESIGNATION OF LORD MAYOR (S023910)**MEMORANDUM BY THE GENERAL MANAGER**To Council:

I have received a notice of resignation from the Lord Mayor (including as a Councillor) with effect from 8 April 2003.

A number of steps are required under the Local Government Act as a consequence of the Lord Mayor's resignation.

Firstly, Council may nominate a replacement Lord Mayor to the Governor in order to fill the vacancy arising from the Lord Mayor's resignation, pursuant to section 294(3) of the Local Government Act 1993.

Accordingly, I invite Council to resolve to nominate a Councillor to be the Lord Mayor of Sydney to fill the vacancy arising from the resignation of Councillor Frank Sartor.

Application that casual vacancy not be filled

Upon the Lord Mayor's resignation becoming effective, and upon the appointment of a Councillor to the position of Lord Mayor, there will be a casual vacancy in the office of a councillor. Under section 294(2) of the Local Government Act, the Minister for Local Government may make an order that the casual vacancy not be filled.

In view of the short time until the next Council election, I recommend that Council resolve to apply to the Minister for Local Government to make an order that the vacancy in the office of councillor (created by the appointment of a Councillor to the position of Lord Mayor) not be filled.

RECOMMENDATION:

That arising from consideration of a Memorandum by the General Manager to Council on 7 April 2003, on the Resignation of the Lord Mayor, and consequent upon the Lord Mayor's resignation becoming effective; it be resolved that:

- (A) In accordance with Section 294(3) of the Local Government Act 1993, Council nominates [a Councillor – insert name] to be the Lord Mayor of Sydney to fill the vacancy arising from the resignation of Councillor Frank Sartor, for the term from the date of his/her appointment by the Governor until the next ordinary election of Council;
- (B) Council write to the Minister for Local Government advising him of Council's decision in paragraph (A) requesting that the Minister communicate Council's decision to the Governor of NSW pursuant to Section 294 (3) of the Local Government Act 1993;

- (C) Council apply to the Minister for Local Government, pursuant to Section 294(2)(a) of the Local Government Act, to make an Order that the vacancy in the office of Councillor created by the appointment of [insert name of Councillor] to the position of Lord Mayor of Sydney not be filled.

(SGD) ROBERT DOMM
General Manager

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

That arising from consideration of a Memorandum by the General Manager to Council on 7 April 2003, on the Resignation of the Lord Mayor, and consequent upon the Lord Mayor's resignation becoming effective, it be resolved that:

- (A) in accordance with Section 294(3) of the Local Government Act 1993, Council nominate Councillor Lucy Turnbull to be the Lord Mayor of Sydney to fill the vacancy arising from the resignation of Councillor Frank Sartor, for the term from the date of her appointment by the Governor until the next ordinary election of Council;
- (B) Council write to the Minister for Local Government advising him of Council's decision in clause (A) requesting that the Minister communicate Council's decision to the Governor of NSW pursuant to Section 294 (3) of the Local Government Act 1993;
- (C) Council apply to the Minister for Local Government, pursuant to Section 294(2)(a) of the Local Government Act, to make an Order that the vacancy in the office of Councillor created by the appointment of Councillor Lucy Turnbull to the position of Lord Mayor of Sydney not be filled.

Carried unanimously.

Note. Following the passing of this resolution, which was met with acclamation from Councillors, staff and the public gallery, Councillors spoke to congratulate Councillor Turnbull.

Lord Mayor

Lucy, congratulations. I know you will do a brilliant job. You have the boundary changes coming up which, I am sure, will always be challenging. Again, I would like to repeat my thanks for your incredible contribution. I can't think of anyone better prepared or better placed to see this Council through its next phase. Congratulations and good luck.

Councillor Farr-Jones

Hearty congratulations to Lucy. I think she is thoroughly deserving of the job, with her dedication to the job, and her commitment to you, Lord Mayor, as Deputy has been fantastic. I think the acclamation we have just heard from staff, friends, family and other people just shows that she is the lady for the job, given the procedural elements go through. I understand she is the first lady Lord Mayor ever. From this side of the table we say, "Well done."

Lord Mayor

Thomas Hughes was Lucy's great grandfather. He was the first Lord Mayor of Sydney in 1902. Lucy will become the first female Lord Mayor of Sydney. This is a bit of history in the making.

Councillor Turnbull

Thank you very much to all my colleagues for your unanimous support. I am deeply honoured and moved by that. I will do my best to continue the Living City vision until - and I hope beyond - the next election. I would like to acknowledge my family, Malcolm and Daisy, and my father, Tom, without whose support I could not possibly be here. Thank you.

**ITEM 3C. ELECTION OF A NEW DEPUTY LORD MAYOR (IF REQUIRED)
(S023910)****MEMORANDUM BY THE GENERAL MANAGER**

To Council:

Election of Deputy Lord Mayor

Section 231 of the Local Government Act 1993 provides that Councillors may elect a Deputy Lord Mayor, either for the term of the Lord Mayor or for a shorter term.

Council has previously resolved that the term of the Deputy Lord Mayor is a two year period. Councillor Lucy Turnbull was most recently elected as Deputy Lord Mayor on 29 August 2001 for a term from September 2001 until the next election of Council.

Councillor Lucy Turnbull has been nominated by Council to be the Lord Mayor of Sydney. That nomination will be effective upon her appointment by the Governor.

Accordingly, it is appropriate to elect a new Deputy Lord Mayor for a term commencing on the appointment by the Governor of Councillor Lucy Turnbull as Lord Mayor until the next ordinary election of Council.

Election Process

The Local Government (Elections) Regulation 1998 requires that nominations be made in writing by two or more Councillors, one of whom may be the nominee. The regulation provides the method of conducting an election for Deputy Lord Mayor. If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by preferential (secret) ballot, ordinary (secret) ballot, or open, exhaustive voting.

Previously, the method of voting selected by the Council was open exhaustive voting.

The regulation also provides that the General Manager (or a person appointed by the General Manager) is the Returning Officer.

RECOMMENDATION:

That arising from consideration of a Memorandum by the General Manager to Council on 7 April 2003 on Election of Deputy Lord Mayor, and consequent upon the resignation of the Lord Mayor becoming effective, it be resolved that:

- (A) Council elect a Deputy Lord Mayor for a term commencing from the appointment by the Governor of Councillor Lucy Turnbull as Lord Mayor of Sydney, until the next ordinary election of Council;
- (B) the method of voting be by open, exhaustive voting;
- (C) the General Manager conduct the election forthwith.

(SGD) ROBERT DOMM
General Manager

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

That arising from consideration of a Memorandum by the General Manager to Council on 7 April 2003, on Election of Deputy Lord Mayor, and consequent upon the resignation of the Lord Mayor becoming effective, it be resolved that:

- (A) Council elect a Deputy Lord Mayor for a term commencing from the appointment by the Governor of Councillor Lucy Turnbull as Lord Mayor of Sydney, until the next ordinary election of Council;
- (B) the method of voting be by open, exhaustive voting;
- (C) the General Manager conduct the election forthwith.

Carried unanimously.

At this stage of the meeting, the General Manager appointed the General Counsel as Returning Officer.

The General Counsel, as Returning Officer, then invited nominations from Councillors for the office of Deputy Lord Mayor.

The General Counsel announced that two duly completed, written nominations had been received, namely, for Councillor Dixie Coulton and Councillor Robert Ho.

An election for the position of Deputy Lord Mayor was then conducted and resulted as follows -

Councillor Coulton	-	5 votes
Councillor Ho	-	2 votes

The General Counsel then declared Councillor Coulton duly elected to the office of Deputy Lord Mayor in accordance with the provisions of Section 231 of the Local Government Act for a term commencing on the appointment by the Governor of Councillor Lucy Turnbull as Lord Mayor until the next ordinary election of Council.

Note. Following the declaration of the result of this election, Councillors spoke to congratulate Councillor Coulton.

Lord Mayor

I would like to take this opportunity to congratulate Councillor Coulton. Another piece of history is made. For the first time, the Lord Mayor and Deputy Lord Mayor are both female. Congratulations, Dixie. Good luck for the next phase of Council.

Councillor Coulton

Thank you very much, Frank. Thank you, colleagues, for your confidence in bestowing this on me tonight. I hope that I shall have your support for the remainder of this term of Council. I look forward to working with each and every one of you over the next period.

I congratulate Lucy on being elected to the role of Lord Mayor and look forward to working with her. I feel fortunate to be involved in an historical moment, namely, the election of two women as Lord Mayor and Deputy Lord Mayor. In doing so, I acknowledge Councillor Greiner and her contribution to women in politics and to women in Council. She has certainly paved the way for women to take on the top jobs of politics.

Having said that, I do not forget Frank Sartor's role in supporting women. It was Frank who asked Lucy and myself to be Number 2 and Number 3 respectively on his ticket in the 1999 election. He also had former Councillor Julie Walton as his Number 2 on the last two Councils. She is here tonight, and she is another person who has paved the way for women in politics, particularly in local government. Thank you very much.

ITEM 3D. CASUAL VACANCIES ON COUNCIL COMMITTEES (S023910)

MEMORANDUM BY THE GENERAL MANAGER

To Council:

Upon the resignation of the Lord Mayor becoming effective, there will be a number of vacancies on the standing committees of Council.

On 3 September 2001, Council resolved to renew the standing committees of Council for the remaining term of this Council.

The positions on those committees which are held by the Lord Mayor, Councillor Frank Sartor are as follows:

1. Finance, Properties and Tenders Committee – Chairperson
2. Cultural and City Care Committee – Deputy Chairperson

The Lord Mayor is also the Chair of the Central Sydney Planning Committee. The constitution of this Committee is determined in accordance with the City of Sydney Act. Changes to its membership are the subject of a separate report to Council (if required).

The Local Government (Meetings) Regulation 1999 provides:

Clause 40 (1) The chairperson of each committee of council must be:

- (a) the mayor; or
- (b) if the mayor does not wish to be the chairperson of a committee- a member of the committee elected by the council; or
- (c) if the council does not elect such a member – a member of the committee elected by the committee.

- (2) A council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.

Previously, the method of voting selected by Council was open exhaustive voting.

RECOMMENDATION:

That arising from consideration of a Memorandum by the General Manager to Council 7 April 2003, on Casual Vacancies on Council Committees, and consequent upon the resignation of the Lord Mayor becoming effective, it be resolved that:

- (A) Council elect persons to each of the positions of the relevant standing committees that become vacant, with effect from the date of the vacancy;

- (B) The method of voting be open, exhaustive voting;
- (C) The General Manager conduct the election forthwith.

(SGD) ROBERT DOMM
General Manager

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

- (A) Council elect persons to each of the positions of the relevant standing committees that become vacant, with effect from the date of the vacancy;
- (B) The method of voting be open, exhaustive voting;
- (C) The General Manager conduct the election forthwith.

Carried.

At this stage of the meeting, nominations were invited from Councillors for the position of Chairperson of the Finance, Properties and Tenders Committee.

The General Counsel announced that one nomination had been received, namely, Councillor Lucy Turnbull.

The General Counsel then declared Councillor Turnbull duly elected to the position of Chairperson of the Finance, Properties and Tenders Committee

At this stage of the meeting, nominations were invited for the election of a Councillor to the position of Deputy Chairperson of the Cultural and City Care Committee.

The General Counsel announced that one nomination had been received, namely, Councillor Fabian Marsden.

The General Counsel then declared Councillor Marsden duly elected to the position of Deputy Chairperson of the Cultural and City Care Committee.

At this stage of the meeting, nominations were invited for the election of a Councillor to the position of Deputy Chairperson of the Finance, Properties and Tenders Committee.

The General Counsel announced that one nomination had been received, namely, Councillor Robert Ho.

The General Counsel then declared Councillor Ho duly elected to the position of Deputy Chairperson of the Finance, Properties and Tenders Committee.

ITEM 3E. CENTRAL SYDNEY PLANNING COMMITTEE - ELECTION OF COUNCILLORS (IF REQUIRED) (S023910)

Note. No report was circulated on this matter. However, due notice of the matter having been given, an election was held in accordance with the provisions of section 34(1)(c) and Schedule 1 of the City of Sydney Act, 1988.

The General Counsel, as Returning Officer, invited nominations for the election of a Councillor to be a member of the Central Sydney Planning Committee with effect from the appointment of Councillor Lucy Turnbull as Lord Mayor until the next ordinary election of Council.

The General Counsel, as Returning Officer, subsequently announced that one nomination had been received, namely, Councillor Fabian Marsden.

Councillor Marsden indicated his acceptance of the nomination.

The General Counsel declared Councillor Fabian Marsden to be an elected member of the Central Sydney Planning Committee with effect from the appointment of Councillor Lucy Turnbull as Lord Mayor until the next ordinary election of Council.

Close

In closing the meeting, the Lord Mayor, Councillor Frank Sartor, stated:

I extend congratulations to everybody and good luck to the team. I hope it goes well for you. Thank you very much. It has been a great pleasure to be on this Council. I am much relieved that, from tomorrow, I only have one job. Thank you.

At 6.20pm the meeting concluded to a standing ovation for the Lord Mayor from Councillors, staff and the public gallery.

Chairman of a meeting of the Council of the City
of Sydney held on 12 May 2003 at which
meeting the signature herein was subscribed.