

CENTRAL SYDNEY PLANNING COMMITTEE

THURSDAY 10 APRIL 2003

Meeting No 281

MINUTES of the Meeting of the Central Sydney Planning Committee held in the Council Chamber, Sydney Town Hall, on Thursday 10 April 2003 commencing at 5.14pm.

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PRESENT

The Right Hon the Lord Mayor Councillor Lucy Turnbull
(Chair)

Mr Neil Bird, Mr Michael Deegan (Acting Director-General, Department of Urban and Transport Planning), Councillor Fabian Marsden, Councillor Robert Ho, Mr Chris Johnson and Ms Antoinette le Marchant.

The Director City Development and Projects, and Manager Development were also present.

Note - Following the resignation of the previous Lord Mayor, former Councillor Frank Sartor AO, and following the appointment by Her Excellency the Governor of Councillor Lucy Turnbull as Lord Mayor, Councillor Turnbull chaired the meeting in accordance with clause 3 of Schedule 1 of the City of Sydney Act 1988.

Note - An extraordinary vacancy occurred in the office of an elected member (Section 34 (1) (c) following the appointment of Councillor Lucy Turnbull as Lord Mayor. At a meeting of the Council of the City of Sydney held on 7 April 2001, Councillor Fabian Marsden was elected as an elected member of the Central Sydney Planning Committee.

Note - Ms Sue Holliday ceased to be a member of the CSPC when she ceased to be the Director-General, Department of Planning (Section 34 (1) (d)). Mr Michael Deegan, Acting Director-General, Department of Urban and Transport Planning, attended the meeting.

ORDER OF BUSINESS (S002287):

Resolved:

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

5. Development Application: Former Sydney Eye Hospital Site - 60-72 Sir John Young Crescent, Woolloomooloo
4. Stage 1 Development Application: 710A and 710-722 George Street, Sydney (includes frontage to Cunningham Street)
6. Submission on Draft Sydney Regional Environmental Plan and Associated Policies
7. Establishment of a Development Resolution Committee to clear the backlog of Small Applications in the newly acquired areas following the Boundary Changes
8. Presentations by Applicants and Preliminary Advice
9. New Development Application Lodgements and Delegated Items
1. Confirmation of Minutes
2. Matters Arising from the Minutes
10. General Business
3. Development Application: 849-855 George Street, 732 Harris Street, Broadway - Design Competition

ITEM 1. CONFIRMATION OF MINUTES (S023330)

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

That the Minutes of the meeting of the Central Sydney Planning Committee held on 20 March 2003 be taken as read and confirmed.

ITEM 2. MATTERS ARISING FROM THE MINUTES (S023330)

There were no matters arising from the Minutes of the meeting of the Central Sydney Planning Committee held on 20 March 2003.

ITEM 3. DEVELOPMENT APPLICATION: 849-855 GEORGE STREET, 732 HARRIS STREET, BROADWAY - DESIGN COMPETITION (S023330)

Mr David Manfredi of Crone Nation Architects addressed the meeting of the Central Sydney Planning Committee on this matter.

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

That arising from consideration of a report by the Specialist Planner, and following a presentation by Crone Nation Architects at the meeting of the Central Sydney Planning Committee on 10 April 2003, in relation to the Design Competition held in respect of the proposed mixed use development at 849-855 George and 732 Harris Street, Broadway, which has been subject to a Stage 1 development consent (D2002/00650), it be resolved that:-

- (A) the Central Sydney Planning Committee acknowledge the competition process;
- (B) the Central Sydney Planning Committee support the findings and concerns with a site through link, design details of the heritage item and the relationship of the George Street wedge building, and pedestrian safety of the Harris Street footway adjoining the University of Technology Sydney Development Administration Building; and
- (C) the applicant be informed that:
 - (1) the competition process is acknowledged;
 - (2) the proposed access and retail area adjoining this right of way is not supported;
 - (3) the area adjoining the right of way should be redesigned as part of the Stage 2 development application submission to address in full the objectives of the Development Control Plan 1996 and the Design Competition Brief regarding its relationship to providing a viable pedestrian plaza and site through link and better integration with adjoining heritage buildings;
 - (4) the areas of concern, namely the amenity of the north western corner of the site identified in the Stage 1 development application, be thoroughly addressed as part of the Stage 2 development application submission;
 - (5) the proposed Harris Street vehicle entrance requires modification in terms of minimising pedestrian and vehicular conflict with the adjoining University of Technology Sydney Development Administration Building;
 - (6) a detailed design and assessment of the heritage item at 853-855 George Street, including the proposed use and access to the upper floors;

- (7) the proposed blank western façade of the wedge building fronting George Street shall be redesigned with greater emphasis on providing a more engaging and active façade. The design through the use of quality material and finishes needs to provide a better relationship with the George Street/Broadway vista and be sympathetic to the adjoining heritage item and streetscape;
- (8) where there is an inconsistency between the Stage 1 Development Application consent and the proposed Stage 2 development application, the Stage 1 Development Application consent will need to be modified by a separate Section 96 application(s) as appropriate;
- (9) a detailed assessment of the design against the requirements of the Central Sydney Local Environmental Plan 1996, Central Sydney Heritage Local Environmental Plan 2000, Central Sydney Development Control Plan 1996, and the Building Code of Australia and associated Australian Standards, has not been conducted. In this regard:
 - (a) the advice is non-binding and does not fetter the discretion of the consent authority;
 - (b) the consent authority must conduct a thorough and objective assessment of the Stage 2 development application as required by the Environmental Planning and Assessment Act 1979, including an assessment of any public submissions received as a result of the advertising and notification of the application; and
 - (c) the consent authority incurs no liability for any expense borne by the owner/applicant as a result of reliance upon this pre-development application advice.

ITEM 4. STAGE 1 DEVELOPMENT APPLICATION: 710A AND 710-722 GEORGE STREET, SYDNEY (INCLUDES FRONTAGE TO CUNNINGHAM STREET) (D2002/00800)

Mr Bill Tsakalos of Project Architecture addressed the meeting of the Central Sydney Planning Committee on this matter.

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 10 April 2003, in relation to Development Application D2002/00800 made by Maroun Construction for the site at 710A and 710-722 George Street, Sydney, for a Stage 1 development proposing demolition of existing commercial and retail buildings at 710-722 George Street, Sydney; a building envelope comprising two tower elements with a common podium including a maximum building height of 112.2 metres and floor space ratio of 12.61:1; land uses comprising a 35 storey mixed retail/commercial and residential building (231 units), it be resolved that authority be delegated to the Lord Mayor to determine the Stage 1 application, particularly in regard to

the relationship between the Stage 1 building envelope and the eventual Stage 2 building design to ensure design excellence.

ITEM 5. DEVELOPMENT APPLICATION: FORMER SYDNEY EYE HOSPITAL SITE - 60-72 SIR JOHN YOUNG CRESCENT, WOOLLOOMOOLOO (D2002/00915)

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

Mr David Emerson - secretary of the Owners Corporation of Crown Gardens Apartments
 Mr Alan Linbury - resident of No. 2 Crown Street, Woolloomooloo
 Mr Robert Day - resident of Crown Gardens Apartments
 Mr Kenneth Mansergh - resident of Crown Gardens Apartments
 A resident who wishes their name and address to be withheld from the minutes

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 10 April 2003, in relation to Development Application D2002/00915 made by Ikon Developments Pty Ltd for the site at the former Sydney Eye Hospital, 60-72 Sir John Young Crescent, Woolloomooloo for a mixed use (commercial/retail and residential) building fronting Sir John Young Crescent and Crown Street, with basement parking, 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 (CSLEP 96) for the following reasons:
- (1) the proposed development complies with the heads of consideration under Clause 28C (general requirements for development plans) of the CSLEP 1996,
 - (2) site specific development guidelines have been adopted and are contained in Central Sydney Development Control Plan 1996 (CSDCP 1996),
 - (3) the site specific CSDCP 1996 development guidelines are effectively a "development plan",
 - (4) the proposed development is consistent with the relevant objectives of the site specific CSDCP 1996 development guidelines,
 - (5) a development plan is of limited value as the optimum location of development bulk on the site has been determined by the site specific CSDCP 1996 development guidelines, and
 - (6) the proposed development has arisen from a competitive design process undertaken in accordance with CSDCP 1996 and is considered a superior proposal than the previously approved and commenced development;

- (B) having regard to the proposed development, with a height of 22.38m, exceeding the 22m maximum permissible building height pursuant to the Central Sydney Local Environmental Plan 1996 and the extent of non-compliance proposed, the Central Sydney Planning Committee considers the objection made under State Environmental Planning Policy No. 1 - Development Standards regarding the non-compliance to be well-founded for the following reasons:
- (1) compliance with the development standard would hinder attainment of the objects specified in section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979 to encourage:
 - (a) “the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
 - (b) the promotion and co-ordination of the orderly and economic use and development of land,”
 - (2) the proposed development is consistent with the underlying objects or purposes of State Environmental Planning Policy No. 1 - Development Standards.
 - (3) the proposed development is consistent with the relevant objectives within Clause 29 (objectives for the control of height of buildings) of the CSLEP 1996.
 - (4) the proposed development is consistent with the relevant site specific objectives within the CSDCP 1996,
 - (5) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- (C) 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. D2002/00915 dated 23 December 2002 and Statement of Environmental Effects dated December 2002, and Supplementary Statement of Environmental Effects dated March 2003, both prepared by The Turnbull Group Pty Limited, and drawings numbered DA02 to DA14, DA16 to DA18, and DA25 all Issue B and dated 28 February 2003, DA30 Issue A dated 28 February 2003, all prepared by Marchese & Popov, and landscape plan LP-SD-01 Revision A dated 19 December 2002 and prepared by Arterra Design Pty Ltd, 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

- (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.

SURRENDER OF CONSENT

- (4) The applicant shall surrender that part of the existing consent given in Notice of Determination dated 26 February 1998 (as amended) for Development Application D1997/00487 relating to 60-72 Sir John Young Crescent, Woolloomooloo, in accordance with the prescribed Form 3 of the Environmental Planning and Assessment Amendment Regulation 1998, prior to issue of a Construction Certificate for any part or stage of the development.

SECTION 61 CONTRIBUTION AND ITEMISED QUANTITY SURVEYORS REPORT

- (5) 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 and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment and 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

- (6) The following applies to Floor Space Ratio:-
 - (a) The Floor Space Ratio of the proposal must not exceed 4.37:1 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 8,669sqm.
 - (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

BUILDING HEIGHT

(7)

- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 27.68 (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).

PHYSICAL MODEL

- (8) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale model of the approved development must be submitted to Council for the City Model in Town Hall House; and

Note:

- (a) The model 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.
- (b) The model is to comply with all of the conditions of the Development Consent.
- (c) The model must be amended to reflect any further approvals under S96(2) of the Environmental Planning and Assessment Act 1979, that affect the external appearance of the building.

CONSISTENCY OF DRAWINGS

- (9) 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.

ARCHITECT WHO DESIGNED PROJECT NOT TO CHANGE

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

SEPARATE APPLICATIONS FOR STRATA SUBDIVISION

- (11) Any proposal to Strata subdivide the building and site will require separate applications to obtain development consent for the proposal from Council and 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.

DEMOLITION/SITE RECTIFICATION

(12) The following conditions apply to the development:-

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued under the Environmental Planning and Assessment Act 1979 for construction of the substantive building.
- (b) Prior to issue of the Construction Certificate, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the General Manager of the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:
 - (i) a bank guarantee to be provided in the sum of \$496,500.00 as security for the costs of such works provided that:
 - a. the maximum liability under the Deed shall not exceed \$496,500.00; 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

(13) The following restriction applies to buildings approved for residential use:-

- (a) The accommodation portion of the building (Ground Level to Level 7) 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 ground level to level 7 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.

INTERNAL PARTITIONS NOT TO ABUT WINDOWS

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

ARCHEOLOGICAL INVESTIGATION

(15)

- (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

- (16) The vehicular parking layout must be in accordance with drawings DA06 to DA08, all Issue B, dated 28 February 2003 and prepared by Marchese & Popov, as modified as follows:-

- (a) The 75 vehicle spaces shall be allocated on the development site as follows:
 - 73 residential spaces;
 - 2 business/commercial premises spaces
- (b) A room containing a shower and change area must be provided close to the cycle racks.
- (c) One car wash bays with appropriate plumbing and drainage must be provided.
- (d) Seven of the above car parking spaces are to be for people with mobility impairment, in accordance with AS 2890.1.
- (e) 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.

- (17) 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.

CROWN STREET DRIVEWAY DESIGN

- (18) The width of the vehicular cross over in Crown Street shall be reduced to 5.5m.
- (19) A “STOP” sign shall be installed at the exit point to require exiting vehicles to stop at the building line.
- (20) 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

- (21) Residents are not entitled to participate in the residential permit parking schemes. This exclusion from 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

- (22) The following conditions apply to car parking:-
 - (a) The on-site car parking spaces, exclusive of service 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

- (23) 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

- (24) 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

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

SIGNS

- (26) 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.

SYDNEY WATER CERTIFICATE

(27)

- (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).

PEDESTRIAN LIGHTING

- (28) Pedestrian lighting complying to Australian Standard AS1158.3.1:1999 - Category P1 must be provided on all public access areas around the building, including footpaths on Crown Street and Sir John Young Crescent.

SEPARATE APPLICATION FOR CONSTRUCTION OF CONCRETE KERB AND FOOTPATH VEHICLE CROSSING

- (29) 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.

GENERAL BUILDING CODE OF AUSTRALIA MATTERS

- (30) The car park is to be provided with sprinklers to comply with Clause E1.5 of the Building Code of Australia.
- (31) The home offices and the balance of the building shall be separated with construction having a FRL of not less than 120/120/120.
- (32) Should the commercial units be used for retail purposes, the units shall be separated from the balance of the building with construction having a FRL of not less than 180/180/180.
- (33) Any windows and openings closer than 3 metres to a boundary shall be protected to comply with Clause C3.2 of the Building Code of Australia.
- (34) At least one lift shall be capable of carrying a stretcher to comply with Clause E3.2 of the Building Code of Australia.

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**

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

DESIGN MODIFICATIONS

(36) The design of the development shall be modified as follows:-

- (a) The design of the free form boundary wall to Sir John Young Crescent shall be refined, through the use of activation, lighting, sculptural elements, street numbering and the like, so as to reduce the mass of the wall, to ensure that the wall will not encourage anti-social behaviour (eg. graffiti, skateboarding and the like), and to ensure that it will not result in public safety concerns;
- (b) The stone clad boundary fence to Crown Street shall be designed to allow for activating of the space;
- (c) In order to reduce overlooking of neighbouring properties, the south elevation windows shall either have obscure glazing, or be high level (over 1.5m above the finished floor level) slot windows for light and air purposes only;
- (d) The common area corridors shall have a minimum width of 2 metres to facilitate ease of movement except for the corridors within the Crown Street building containing an external west facing glazed wall;
- (e) Unit 7 on Level 1 of the Crown Street building shall be redesigned by deletion of Bedroom 2 and its replacement with an open study, as shown on the facsimile transmission from The Turnbull Group Pty Ltd dated 31 March 2003; and
- (f) "Flexi Units" 2 to 7 on Level 1 of the Sir John Young Crescent building shall be redesigned such that the distance from the primary window to the front of the Bedroom 2/Office is not more than 6 metres, as shown on the facsimile transmission from The Turnbull Group Pty Ltd dated 27 March 2003.

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.

ELECTRICITY SUBSTATION

- (37) The owner must make provision of accommodation for an electricity substation within the development.
- (38) The proposed provision of a freestanding electricity substation kiosk is not approved. The electricity substation shall be placed and fully integrated into the building proper.

Details of the location and how the substation is to be fully integrated into the building shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

PUBLIC ART

- (39) 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

- (40) The site must be landscaped and maintained to the approval of Council. A detailed landscape plan, to scale, drawn by a landscape architect or approved landscape consultant, must be lodged and approved by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The plan must include:-

- (a) Location of existing and proposed structures on the site including existing trees (if applicable);
- (b) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
- (c) Location, numbers and type of plant species;
- (d) Details of planting procedure and maintenance;
- (e) Details of drainage and watering systems;

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

PUBLIC DOMAIN PLAN

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

RECEPTACLES FOR CIGARETTE BUTTS

- (42) 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

(43) 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)

(44)

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

- (45) 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 the 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

- (46) 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.
- (47) A separate development application 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

- (48) 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.

PAVING MATERIALS

- (49) 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

- (50) 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

- (51) 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

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

- (a) In order to assist acoustic control of airborne noise between units:
- (i) A wall shall have a Field Sound Transmission Class (FSTC) of not less than 50 if it separates sole occupancy units or a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like;
 - (ii) A wall separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an FSTC of not less than 55; and
 - (iii) A floor separating sole occupancy units must not have a FSTC of less than 50.
- (b) In order to assist acoustic control of impact noise between units:
- (i) A floor shall have an Impact Isolation Class (IIC) of not less than 50 if it separates habitable rooms of sole occupancy units or a sole

occupancy unit from a plant room, stairway, public corridor, hallway or the like;

- (ii) A floor separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an IIC of not less than 55; and
 - (iii) Walls between sole-occupancy units shall comply with impact sound resistance standards specified in the BCA.
- (c) Council or the private Principal Certifying Authority must ensure that the completed work complies with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

FLOOR TO CEILING HEIGHT

- (53) 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

- (54) 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.

- (55) As the development is located adjacent to a sag in Crown Street, which under certain conditions may flood, the building should be flood proof for a 100 year storm.

UTILITY SERVICES

- (56) 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

- (57) 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.
- (58) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the Application for a Construction Certificate.

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

- (59) 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.

BUILDING WASTE MANAGEMENT PLAN

- (60) 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

- (61) 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.

WASTE SEPARATION

- (62) 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

- (63) 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.

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

- (64) 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.

EXCAVATION WORK METHOD STATEMENT

- (65) 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.

NOTIFICATION OF COMMENCEMENT OF EXCAVATION WORKS

- (66) 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

- (67) 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

- (68) 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.

"DIAL BEFORE YOU DIG" SERVICE

- (69) 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.

WASTE MANAGEMENT DURING DEMOLITION AND EXCAVATION

- (70) 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.
- (71) 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.

- (72) 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 contacts.
- (73) 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.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (74) 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

- (75) 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).
- (76) 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.
- (77) The Road Opening Permit will be subject to further conditions that shall be complied with.

APPLICATION FOR BARRICADE PERMIT

- (78) 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.

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

- (79) 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.

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

- (80) 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

- (81) 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

- (82) 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

- (83) The details of any mechanical ventilation or air conditioning must be certified by a competent person to comply with Council's Ventilation Code, the Building Code of Australia and relevant Australian Standards, to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) prior to commencement of any mechanical services work.
- (84) 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

- (85) 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

- (86) 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

- (87) The hours of construction and work on the development shall be:-
- (a) All work, including building/demolition and excavation work in connection with the proposed development must only be carried out between the hours of 7.30 a.m. and 5.00 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 3.00 p.m. on Saturdays, with safety inspections being permitted at 7.00 a.m. on work days 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 Building Sites Noise Code" and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

- (88) 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 and construction certificate (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. If demolition is being undertaken, the words, Danger - Demolition Site, with an international logo must be displayed.

USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE

- (89) 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 Building Sites Noise Code". A separate application for approval to use any of these appliances must be made to Council.

LOADING AND UNLOADING DURING CONSTRUCTION

- (90) 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

- (91) 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

- (92) 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

- (93) 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

- (94) 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

- (95) 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

- (96) 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

- (97) 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.
- (98) 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

- (99) For temporary shoring, a separate application must be lodged to Council under the provisions of Section 68 of the Local Government Act 1993.
- (100) 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.

GLAZING MATERIALS TO COMPLY WITH CODE

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

NUMBERING

- (102) 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

- (103) 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

- (104) 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

- (105) 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

- (106) 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

- (107) 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.

- (108) 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.

COMMEMORATIVE PLAQUE

- (109) 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

- (110) 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

(111) 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

(112) 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

(113) 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

- (114) 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

- (115) 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

- (116) 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 unanimously.

ITEM 6. SUBMISSION ON DRAFT SYDNEY REGIONAL ENVIRONMENTAL PLAN AND ASSOCIATED POLICIES (S013219)

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 10 April 2003, in relation to the Sharing Sydney Harbour suite of policies/documents, those being:-

- (a) Draft Sydney Regional Environmental Plan 32 (DSREP 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 the Central Sydney Planning Committee endorse the submission shown at Attachment A to the subject report as a response to Planning NSW's request for comment on the above policies/documents.

ITEM 7. ESTABLISHMENT OF A DEVELOPMENT RESOLUTION COMMITTEE TO CLEAR THE BACKLOG OF SMALL APPLICATIONS IN THE NEWLY ACQUIRED AREAS FOLLOWING THE BOUNDARY CHANGES (S-023556)

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

That arising from consideration of a report by the Director City Development and Projects to the Central Sydney Planning Committee on 10 April 2003, regarding the establishment of a Development Resolution Committee to determine outstanding applications transferred from South Sydney and Leichhardt Councils, it be resolved that:-

- (A) subject to any necessary approval by the Minister administering the Environmental Planning and Assessment Act 1979, authority be delegated to the Development Resolution Committee, established by the City of Sydney, to determine development applications that:
 - (1) are lodged in respect of sites located in those areas of Leichhardt Municipality and South Sydney City which will form part of the City of Sydney effective from 8 May 2003, and
 - (2) involve an objection under the provisions of State Environmental Planning Policy No. 1 for proposals:
 - (a) where a development clearly meets the objectives of the development standard(s) and it is demonstrably onerous not to grant consent to the variation, having regard to the circumstances of a case;
 - (b) where granting consent would have no adverse effect on the environment; and
 - (c) where the SEPP1 objection relates to a single dwelling, or a development having a height under 9 metres;
- (B) the delegation referred to in clause (A) will cease when the Development Resolution Committee ceases.

Carried unanimously.

ITEM 8. PRESENTATIONS BY APPLICANTS AND PRELIMINARY ADVICE

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

ITEM 9. NEW DEVELOPMENT APPLICATION LODGEMENTS AND DELEGATED ITEMS

No new development application lodgements or delegated items were presented at this meeting of the Central Sydney Planning Committee.

ITEM 10. GENERAL BUSINESS

10.1 Congratulations to the Hon. Frank Sartor AO MP

The Central Sydney Planning Committee conveyed its congratulations to former Councillor Frank Sartor on his election to the NSW Parliament and his appointment as Minister for Energy and Utilities, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer), and Minister Assisting the Premier on the Arts.

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

That former Councillor Frank Sartor be congratulated for his appointment as a Minister of the State Government.

All CSPC members supported this recommendation and the motion was carried unanimously.

10.2 Director-General, Department of Planning

The Central Sydney Planning Committee conveyed its appreciation to Ms Sue Holliday, Director-General, Department of Planning, who had served on the CSPC for over 12 years, and for her enormous contribution to the City

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

That Ms Holliday be congratulated for her excellent contribution to the City.

10.3 Policies and Transport Co-ordination

In response to Mr Deegan's request for information on policy matters in relation to the Central Sydney Planning Committee, the Manager Development explained the process for referring and considering policy matters.

Mr Deegan also expressed a desire to work closely with the CSPC and the City of Sydney in relation to future public transport issues.

Mention was made of a previous briefing by representatives of the Department of Transport on an Integrated Transport Strategy.

The Chair (the Lord Mayor) asked that a report on Public Transport Infrastructure Planning be brought forward for consideration by the CSPC in the near future.

The meeting concluded at 6.37pm.

CHAIRMAN

The next meeting of the Central Sydney Planning Committee is scheduled for 1 May 2003.