

CENTRAL SYDNEY PLANNING COMMITTEE

THURSDAY 10 OCTOBER 2002

Meeting No 274

MINUTES of the Meeting of the Central Sydney Planning Committee held in the Council Chamber, Sydney Town Hall, on Thursday 10 October 2002 commencing at 5.26pm.

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PRESENT

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

Mr Neil Bird, Councillor Robert Ho, Ms Sue Holliday (Director-General, Department of Planning), Mr Chris Johnson, Ms Antoinette le Marchant, and Councillor Lucy Turnbull.

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

ORDER OF BUSINESS (S002287):

Resolved:

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

3. Development Applications Status Report: World Square, 385-401 Pitt Street, Sydney
4. Development Application: 142-148 Goulburn Street, Surry Hills
1. Confirmation of Minutes
2. Matters Arising from the Minutes
5. Policy Matters and Referrals
6. Presentations by Applicants and Preliminary Advice
7. Progress Report on Development Applications
8. New Development Application Lodgements and Delegated Items
9. General Business

ITEM 1. CONFIRMATION OF MINUTES (S010833)

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

That the Minutes of the meeting of the Central Sydney Planning Committee held on 29 August 2002 be taken as read and confirmed.

ITEM 2. MATTERS ARISING FROM THE MINUTES (S010833)

There were no matters arising from the Minutes of the meeting of the Central Sydney Planning Committee held on 29 August 2002.

ITEM 3. DEVELOPMENT APPLICATIONS STATUS REPORT: WORLD SQUARE, 385-401 PITT STREET, SYDNEY (D2002/00375, D2002/00376 AND D2002/00377)

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

Mr Greg Crone - Crone Nation Architects
Mr Andrew Merriel - Multiplex Constructions (NSW) Pty Ltd

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

That arising from consideration of a status report by the Specialist Planner to the Central Sydney Planning Committee on 10 October 2002, in relation to Development Application Nos. D2002/00375, D2002/00376 and D2002/00377 made by Multiplex Constructions (NSW) Pty Ltd for the site generally bounded by George Street, Goulburn Street, Pitt Street, and Liverpool Street, Sydney, (known as World Square), it be resolved that consideration of these development applications be deferred and the applicant be requested to submit amended plans and supporting material within 21 days from the date of this resolution, which address the following matters:-

(A) 1995 Master Plan Compliance

- (1) The non-compliance with Central Sydney Local Environmental Plan 1996 Belmore Park Sun Access Plane control and extension of the eastern elevation

of the tower at level 12 into the piazza void is not supported; the building shall comply with the sun access plane or an alternative legitimate architectural roof feature be provided; and

- (2) The deletion of the forum terraces within the Goulburn Street building is not supported, and they should be reinstated.

(B) Floor Space

- (1) A full reconciliation of floor space on the site (taking into account the implications of the amendments sought to better comply with the Master Plan), and also including covered open areas as required by condition Nos. 3 and 4 of the 1995 Master Plan (Notice of Determination 1995/00811).

(C) Traffic and Parking Management Plan

- (1) The Traffic and Parking Management Plan is to be amended to provide for an allocation of car parking specific to each current development application and a layout of service, tenant and public car parking better reflecting the principles outlined in the Sydney Regional Development Advisory Committee's comments on the subject development applications dated 13 August 2002. The following specific amendments to the car parking layout are requested:-
 - (a) The short-stay car park to be moved to an upper level of the car park and segregated from all tenant parking via use of discrete levels or boom gates;
 - (b) The traffic and Parking Management Plan shall also provide for measures to ensure the short-stay parking provisions (i.e. 9.30 am curfew) are adequately implemented for the public car park;
 - (c) The level 7 basement car park should be used as the main loading and service area with appropriate management facilities and secondary service parking located adjacent to other lift cores; and
 - (d) Provision within the car park for cyclists (including change rooms and showers).

(D) Design Details

- (1) Full details of shopfront design (eg materials and finishes and design details at a scale of 1:50 or 1:100) for each style of shopfronts;
- (2) Details of the measures to be adopted within the external facades to address reflectivity impacts;
- (3) An integrated architectural signage strategy or deletion of the currently proposed signage strategy boards within the external elevations; and
- (4) Details of the public art proposed to the level 9 arcade and level 10 piazza.

(E) Relationship between each development application

- (1) Each application should be amended to be able to be approved within the staging process envisaged by the 1995 Master Plan. In particular, floor space, the subject of each application, should also include the adjoining façade system.

(F) Other Matters

- (1) That an Energy Efficiency Star rating of 4.5 for the George Street tower, Goulburn Street buildings and retail podium development applications is adopted; and
- (2) The requirements of the current World Square Deed of Agreement between World Square Pty Ltd and the City of Sydney dated 4 June 1997 shall be fully reconciled. If necessary, the terms of this deed shall be varied and a new deed entered into to ensure that all the unreconciled requirements of the previous deed are carried forward. Conditions in the final consents will reinforce these requirements.

ITEM 4. DEVELOPMENT APPLICATION: 142-148 GOULBURN STREET, SURRY HILLS (D2002/00594 AND D2002/00340 A)

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

Ms Jenna Dunwoodie - resident, Manhattan Apartments
Mr Richard Francis-Jones - MGT Architects

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

That arising from consideration of a report by the Area Planning Manager to the Central Sydney Planning Committee on 10 October 2002 in relation to:-

- (a) the Section 96 Application 2002/00340 made by Carrington Goulburn Street Pty Ltd for the site at 142-148 Goulburn Street, Surry Hills, to amend the Stage 1 consent to delete Condition 21 which requires that the mezzanines within the heritage building are set back 4m, and to delete Condition 26 which requires that the basement car park be accessed solely through the new building; and
- (b) the Stage 2 development application 2002/00594 for the carrying out of alterations and provision of a single storey addition to a Schedule 1 heritage warehouse and conversion to commercial/residential uses on the ground floor with residential apartments above, and the construction of a new seven storey residential building adjacent with both components of the development being serviced by basement level car parks accessed off Weymss Lane,

it be resolved that:-

- (A) The Section 96 application be approved and the consent be amended accordingly; and
- (B) Deferred Commencement consent in accordance with section 80(3) of the Environmental Planning and Assessment Act 1979 be granted in respect to the Stage 2 development application, in accordance with the following terms:-

The consent shall not operate until such time as the conditions listed below are complied with to the satisfaction of the Director City Development and Projects. The amendments/additional information are to be made and submitted to Council within 6 months of the date of this determination. The consent shall then operate upon the Director City Development and Project's written approval of compliance with the following conditions:

DESIGN

- (1) Final plans/details are submitted and approved by the Director City Development and Projects which detail the following:
- (a) An amended unit mix consistent with the proposed unit mix outlined in the correspondence of 1 October 2002 and detailed in the report to the Central Sydney Planning Committee on 10 October 2002; and
 - (b) Apartment sizes consistent with that outlined in the correspondence of 1 October 2002 and detailed in the report to the CSPC on 10 October 2002;
 - (c) The redesign/reduction in height of the ground level wall of the new building fronting Brisbane Street (including possible artwork/sculpture);
 - (d) The deletion/redesign of the roof top shading structure (through a reduction in depth in the order of 2m) to provide a more appropriate transition in built form between the existing building to the north and the heritage building to the south, reduce overshadowing impacts of the building and better comply with the approved Stage 1 building envelope;
 - (e) The architectural detailing and finishes proposed for the ground level wall of the new building fronting Wemyss Lane;
 - (f) The redesign of all doors opening onto the alignments of Brisbane Street, Goulburn Street and Wemyss Lane to eliminate their encroachment upon the public way (in accordance with the provisions of the Roads Act (General) Regulation 1994);
 - (g) The redesign of the putrescible waste collection room at the base of the garbage chute, on Car Parking Level 0 of the building, to provide adequate floor space for the manoeuvring of 240 litre receptacles and the installation of an approved chute/receptacle waste discharge management system and vertical alignment of the garbage chute from the upper level of the building to the chute discharge room (this may entail the loss of some car parking); and

- (h) The redesign of the waste management and collection room on Level 0 of the building to provide adequate space for the storage and manoeuvring of the appropriate number of garbage receptacles capable of accommodating the total volume of waste generated by the development, calculated in accordance with the building waste generation rate provisions of Council's Code (NB: The room must also be large enough to provide for the separation of putrescible and recyclable waste. The redesign of the room may result in the loss of car parking spaces).

HERITAGE

- (2) Final plans/details are submitted and approved by the Director City Development and Projects which detail the following:-
- (a) A comprehensive schedule of conservation works to be carried out as part of the development and a long term cyclic maintenance plan for the heritage building prepared in accordance with Heritage Office guidelines;
 - (b) The treatment of the perimeter walls and exposed bearers of Warehouse Level 3 at their former junction with Warehouse Level 4 timber floor and the interpretation of the former location of the floor within the new apartments and the treatment of the junction between existing timber columns and new columns on Warehouse Level 4/5;
 - (c) The treatment of openings to the Atelier Units on Brisbane Street and the entry to the car park on Wemyss Lane including the treatment of brickwork, the design of framing, and infill panels;
 - (d) The extent of removal/retention of pressed metal cladding within the building and the extent of the replacement/repair of the existing timber windows throughout the heritage item (in this regard it should be noted that the complete removal of all timber windows as detailed in the submitted Schedule of Conservation works is not approved);
 - (e) The location and presentation of the lift motor and interpretation of the location of the lift shaft, the treatment of the parapet in the location of the chimney to allow either retention or interpretation of this structure, and the presentation and interpretation of the former roof on the inner side of the parapet; and
 - (f) The design, materials, location and fixing of the balustrade behind the parapet of the Warehouse building.

BCA

- (3) Plans/details and information to demonstrate compliance with the Building Code of Australia:-
- (a) The provision of natural light to all habitable rooms (including kitchens) in accordance with Part F of the Building Code of Australia. The

provision of alternate means of egress from the car park to Wemyss Lane to comply with Part D of the Building Code of Australia;

- (b) The redesign of the egress from the new part of the building so that either:
 - (i) each stair discharges directly to open space, or
 - (ii) the discharge of the basement and residential level stairs to Brisbane Street is reversed so that the stairs from the residential levels discharges direct to open space; and
- (c) The provision of stairs or a ramp to connect the floor levels of the heritage building and new building where horizontal egress is provided.

STRUCTURAL ISSUES

- (4) A Structural Engineer's report detailing the structural performance of the timber floor structure of the heritage building in the event of fire with sprinkler failure, is to be submitted to and approved by the Director City Development and Projects.

Upon satisfactory completion of the deferred commencement conditions above, consent shall operate subject to the following conditions, and any additional conditions reasonably arising from the compliance with the deferred commencement conditions above.

Schedule 1A

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D2002/00594 dated 2 September 2002 and drawings numbered DA2-01 to DA2-04, DA2-10 to DA2-14, DA2-21 to DA2-27, DA2-30 to DA2-31, DA2-33 to DA2-35 and DA2-38 prepared by MGT Architects and as amended by the following conditions:

(NB: As may be amended as a result of compliance with the deferred commencement conditions).

DESIGN

- (2) The architects/designers of the project as approved (being MGT and Phillippe Starck) should not be changed without prior notice to Council. In this regard, prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the applicant shall furnish a letter to Council detailing the architect's role through the design documentation and construction phase of the development.

- (3) Final samples of external finishing materials to be used in the construction of the development shall be submitted to and be approved by the Director City Development and Projects prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (4) 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.
- (5) 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.
- (6) 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.
- (7) All plant to service the development shall be fully contained within the approved building envelope.

USE

- (8) Separate development applications are to be submitted at the appropriate time for the specific use of ground level retail tenancies and the Atelier units.

FLOOR SPACE RATIO

- (9) The following applies to Floor Space Ratio:-
 - (a) The Floor Space Ratio of the proposal must not exceed 4.73:1 calculated in accordance with the Central Sydney Local Environmental Plan 1996. For the purpose of the calculation of FSR, the Floor Space Area of the development is 7,870sqm.
 - (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

- (10) The roof height of the development must not exceed RL 48.640 (AHD) for the new building and RL 42.07 (AHD) for the heritage building excluding the minor projections for plant as detailed on the approved plans.

Prior to issue of an Occupation Certificate under the 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).

DEMOLITION/SITE RECTIFICATION

(11) 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 170,000 dollars as security for the costs of such works provided that:-
 - a. the maximum liability under the Deed shall not exceed 170,000 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works which meet the objectives of the condition.
- (d) Council to be given sufficient contractual rights to be able to ensure that in any of the following events, namely:
 - (i) demolition of the existing building has commenced but not been completed;
 - (ii) the existing building has been demolished; or
 - (iii) the site has been excavated; or
 - (iv) 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:
 - (v) make the building safe and attractive at ground level;
 - (vi) allow the ground level to be landscaped and made attractive from any public vantage point; or

- (vii) for the hole to be covered to allow it to be landscaped and made attractive from any public vantage point; or
- (viii) 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.

- (e) 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

- (12) The following restriction applies to buildings approved for residential use:-
- (a) The residential accommodation portion of the development (levels 2 to 5 of the heritage building and levels 1 to 7 of the new building) must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Central Sydney Local Environmental Plan 1996.
 - (b) All approved residential units in the building must be either owner occupied or occupied by a tenant with a residential lease under the Residential Tenancy Act 1987. A certificate signed by the owner or the body corporate (if the development is strata subdivided) or a solicitor (holding a current certificate to practice), must be forwarded to Council within 12 months of the completion of the development, and every 12 months thereafter, certifying that all units approved in the residential building are either owner occupied or are subject to residential leases under the Residential Tenancy Act 1987.
 - (c) A restrictive covenant is to be created pursuant to Section 88E of the Conveyancing Act, 1919, restricting any change of use of levels 2 to 5 of the heritage Warehouse building and levels 1 to 7 of the new building 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.

SECTION 61 CONTRIBUTION

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

(a) **Cash Contribution Required**

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

(b) **Amount of Contribution**

- (i) The amount of the contribution will be equivalent to 1% of the development cost, at the Construction Certificate stage, as determined in accordance with the "Central Sydney Contributions Plan 1997" and including all development costs described in the development application excluding only painting, floor coverings beyond wet areas, and movable furniture.
- (ii) Certification of the calculation of the contribution in accordance with the "Central Sydney Contribution Plan 1997" shall be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (iii) If the Construction Certificate is to be issued by a private Principal Certifying Authority (P.C.A), the P.C.A must obtain Council's written endorsement of the calculation prior to the issue of the Construction Certificate. Copies of the letter of endorsement from Council are to be retained by the P.C.A with all other records of the approved Construction Certificate, and a copy forwarded to Council accompanying the approved Construction Certificate.
- (iv) For developments over \$2 million in cost, the certification of the building costs must be prepared by a Registered Quantity Surveyor and must stipulate all inclusions and exclusions made in carrying out the certification. The calculation must include all development costs described in the development application excluding only painting, floor coverings beyond wet areas, and movable furniture.

(c) Timing of Payment

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

HERITAGE

(14)

- (a) The applicant is to commission an experienced conservation architect to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (b) Prior to the commencement of work, the applicant is to submit to Council a copy of the contractual terms for the appointment of the conservation architect and appropriate information to demonstrate that the terms of this consent can be complied with, including the requirement for all conservation work to be inspected by the appointed conservation architect.
- (c) Additionally, a Register is to be kept on the site that details all visits by the appointed conservation architect, the length of stay and the works inspected during each visit. This Register is to be made available to Council on request.

(15)

- (a) The applicant is to commission experienced trades persons (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed scope of works to the heritage items.
- (b) Prior to the commencement of work, the applicant is to submit to Council a copy of the contractual terms for the appointment of the site manager and trades persons and appropriate information to demonstrate that they have the appropriate skills required to undertake the approved scope of conservation work.

HERITAGE INTERPRETATION STRATEGY

(16)

- (a) A heritage interpretation strategy, with recommendations for appropriate signage and exhibition of selected artefacts and other material, shall be prepared and implemented to assist users of the

development to understand the history and significance of the heritage buildings on the site.

- (b) Details shall be submitted to and approved by the Director City Development and Projects prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (c) The Interpretation Strategy could include, but is not limited to, the provision of details, of public art and/or interpretation through design and/or the display of selected artefacts and/or other material (including plans and/or photographs), appropriate to the education of the public in the history and significance of the site. The siting and location of interpretative material shall be such as to be of maximum benefit to the public understanding of the place and these details are to be included in the strategy.
- (d) The approved Interpretation Strategy shall be implemented to the satisfaction of the Director City Development and Projects prior to the issue of an Occupation Certificate.

ARCHAEOLOGICAL INVESTIGATION

(17)

- (a) The applicant must apply for an excavation permit under Section 140 of the Heritage Act 1977 for consent to carry out test excavations of selected areas of the development site, and obtain consent from Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (b) The test excavations should aim to establish the following:-
 - (i) The integrity of the deposits below the car park and below the existing warehouse building;
 - (ii) Ground proof the location and character of structures depicted in the historical documentation;
 - (iii) Reassess the significance of the archaeology; and
 - (iv) Provide an informed management strategy ensuring appropriate archaeological resource management and satisfactory development outcome.
- (c) The extent of the excavations should be initially outlined in a detailed research design to be submitted with the Section 140 application. Results of the test program will guide future archaeological management of the site. This may involve additional archaeological excavation.

- (d) The approved test excavation works are to be carried out prior to the commencement of the construction of the development.
- (e) The City of Sydney is the delegated approval body for issuing excavation permits for monitoring and test excavation. In this regard the submission of the application and research design should be made to the City of Sydney and copied to the NSW Heritage Office.

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (18) Archival recording for deposit in the City of Sydney Archives must be carried out prior to the removal of any significant building fabric or furnishings from the site, during the removal of fabric on site that exposes significant building fabric or furnishings, and after work has been completed on site, as considered appropriate by the conservation architect commissioned for the project.
 - (a) The archival record of significant building fabric or furnishings from the site must be submitted to Council prior to the commencement of any demolition work and prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
 - (b) The archival record of significant building fabric or furnishings from the site that is exposed during demolition or construction and after work has been completed on site is required to be submitted to Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.
 - (c) The form of recording is to be as follows:-
 - (i) Photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:
 - a. 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
 - b. 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and one copy of a contact sheet printed on fibre-based paper to archival standards;
 - c. selective black and white enlargements to be advised by Council, printed on fibre-based paper to archival standards to a minimum size of 20cm x 25cm, illustrating the location and context of the site/building, the relationship of adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;

- (ii) A summary report of the photographic documentation, detailing:
 - a. the project description, method of documentation, and any limitations of the photographic record; and
 - b. photographic catalogue sheets, which are referenced to a site plan and floor plans no larger than A3, and indicating the location and direction of all photos (black and white prints and slides) taken; and
 - c. written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.

STRATA SUBDIVISION APPROVAL

- (19) A separate Development Application is required to be submitted for the strata subdivision of the approved development.

SUBDIVISION CERTIFICATE

- (20) A separate Application for Subdivision Certificate must be made to Council to approve the Plan of Subdivision in accordance with Part 4A of the Environmental Planning and Assessment Act 1979.

EXTERNAL LIGHTING

- (21) 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.

BUILDING NAME

- (22) 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.

Schedule 1B

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

- (23) 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.

CONSERVATION OF HERITAGE BUILDING

- (24) The owner shall complete the conservation work approved by this development consent prior to the issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.

PARKING

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

Note:

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

ACCESS

- (26) 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.
- (27) The unit(s) designated for persons with disabilities shall be designed so as to allow for future fit out in accordance with AS 1428.1 - 1993 "Design for Access and Mobility".

- (28) 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.

PARKING

- (29) The approved vehicle parking spaces shall be allocated on the development site in the manner consistent with the provisions of the Central Sydney Local Environmental Plan 1996 and the Central Sydney Development Control Plan 1996.
- (a) Details shall be submitted to and approved by the Director City Development and Projects prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (b) All spaces must be allocated and marked according to this requirement. If the development is to be strata subdivided, the car park layout must respect the above allocation.

STORAGE

- (30) The storage provided within the basement is to be allocated to individual apartments via the strata plan of subdivision. In allocating amounts of storage to individual apartments, preference is to be given to the size of apartments and the amounts of internal storage. Details of the allocated amounts are to be submitted for the approval of the Director City Development and Projects prior to release of the construction certificate.

SIGNAGE STRATEGY

- (31) A signage strategy shall be prepared for the development detailing the location and types of signage that may be appropriately applied to the building. The strategy shall be submitted to and approved by the Director City Development and Projects prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

PHYSICAL MODELS

- (32)
- (a) 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
- (b) Prior to the issue of the Occupation Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale mode of the development as constructed must also be submitted to Council for placement in the City Model at the City Exhibition Space.

Note:

The models shall be constructed in accordance with the Model Specifications, available from the One Stop Shop. Council's model maker should be consulted prior to construction of the model for Town Hall House. The Manager City Exhibition Space should be consulted prior to the construction of the model for City Exhibition Space.

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

ACOUSTIC PRIVACY BETWEEN UNITS

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

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

- (iii) Walls between sole-occupancy units shall comply with impact sound resistance standards specified in the BCA.
- (c) Council or the private Principal Certifying Authority must ensure that the completed work complies with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

NOISE REDUCTION

- (34) 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:-

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:-

- (a) In a naturally ventilated - windows closed condition:
 - (i) Sleeping areas (night time only: 2200-0700) 35dB
 - (ii) Living areas (24 hours) 45dB
- (b) 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):
 - (i) Sleeping areas (night time only: 2200-0700) 45dB
 - (ii) Living areas (24 hours) 55dB
- (c) Where a naturally ventilated - windows open conditions cannot be achieved, it is necessary to incorporate mechanical ventilation or air conditioning.
- (d) 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:-
 - (i) Sleeping areas (night time only: 2200-0700) 38dB
 - (ii) Living areas (24 hours) 46dB

In the preparation of the report:

- (a) 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;

- (b) 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
- (c) The L_{Aeq} (1 hour) noise levels within living rooms and bedrooms with windows and doors both open and closed shall be shown.

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).

PARKING/TRAFFIC

- (35) Car park roller doors shall be designed and constructed for quiet operation. Details shall be submitted to and approved by the certifying authority prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (36)
 - (a) The layout plan of the car park is to be in accordance with Australian Standard AS 2890.1 - 1993 "Parking Facilities Part 1: Off Street Car Parking". All parking spaces are to be line marked.
 - (b) The layout of the service vehicle areas is to comply with Australian Standard AS 2890.2 - 1989 "Off Street Parking Part 2 - Commercial Vehicles Facilities".
 - (c) Details of the above shall be submitted to and approved by the certifying authority prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (37) Traffic signals shall be installed to control movements in the inter floor ramp. Details of the above shall be submitted to and approved by the certifying authority prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (38)** A "STOP" sign shall be installed at the exit point to require exiting vehicles to stop at the building line. Details of the above shall be submitted to and approved by the certifying authority prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

LOADING/UNLOADING

- (39) 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.

RESIDENT PARKING SCHEME

- (40) Residents of the properties shall not be entitled to participate in the City's On-street Resident Parking Schemes. The exclusion from the parking schemes shall appear on the Section 149 Certificates that are issued under the Environmental Planning and Assessment Act 1979.

TRAFFIC MANAGEMENT

- (41) All costs of traffic management measures associated with and reasonably arising from the development, including temporary measures during construction and permanent measures as a result of the development, the development shall be borne by the developer.

PUBLIC ART

- (42) 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.

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

- (43)
 - (a) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, written confirmation that you have obtained a Notice of Requirements under Part 6, Division 9 of the "Sydney Water Act 1994" must be submitted to the Certifying Authority (Council or a private accredited certifier).
 - (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a (Developer) Compliance

Certificate under section 73 of the “Sydney Water Act 1994” must be submitted to the Principal Certifying Authority (Council or a private accredited certifier).

Note:

- (i) Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the Notice of Requirements. Early advice from Sydney Water will avoid problems in providing water and sewer services to your development and adverse impacts on building design and site layout.
- (ii) The approved plans will also need to be submitted to Sydney Water to determine whether the development will affect sewer and water mains, stormwater drains and/or easements. If the development complies with the requirements, the approved plans will be appropriately stamped by Sydney Water.
- (iii) Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site www.sydneywater.com.au or telephone 132092.

TELECOMMUNICATIONS PROVISIONS

- (44) 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.
- (45) A separate DA must be submitted at the appropriate time for any external receiving/transmitting device(s) proposed to be installed.

FIRE SAFETY

- (46) So as to provide adequate fire safety in the building, the following requirements must be complied with prior to the issue of a Construction Certificate:-

- (a) The passageways to levels 2, 4, 5 and 6 of the building must be pressurised in accordance with AS 1668.1 to restrict the spread of smoke into the egress corridor;
- (b) An AS 1670 smoke detection system must be installed in the Atelier/Retail/Residential units on the ground level of the existing building;
- (c) The lift lobbies for the existing and new parts of the building must be pressurised at street level in accordance with AS 1668.1 to restrict the entry of smoke into the lobby to ensure safe egress by the occupants of the building;
- (d) The lift lobbies and corridors of the new part of the building on levels 2, 4, 5 and 6 of the building must be free of combustible linings, furniture and materials. A Management in Use Plan must be prepared to limit the combustibility of these areas. The Management in Use Plan must be included as an essential fire safety or other measure in the building.
- (e) With regard to (c) and (d) above, details of the location of letterboxes must be submitted to and be approved by the Director City Development and Projects prior to the issue of a Construction Certificate.

GEOTECHNICAL REPORT AND CERTIFICATION

- (47) Prior to commencement of any foundation or bulk excavation, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy submitted to Council (if it is not the Principal Certifying Authority):-
 - (a) A Geotechnical Report which shall include the following information as appropriate:-
 - (i) Borehole/test pit logs or inspection records;
 - (ii) Field/laboratory test results;
 - (iii) General geotechnical description of site;
 - (iv) Recommended safe bearing values and likely settlements of foundation material;
 - (v) Recommendations for stability and protection of excavations;
 - (vi) Opinion on the effect of the new works on adjoining buildings and recommendations for any underpinning or other measures required to maintain stability; and
 - (vii) Method of proving and assessing foundations underpinning and/or excavation stability in accordance with design.

- (b) A Structural Engineer's Report/Letter stating to the effect that, based on the Geotechnical Report, the proposed excavation and construction work will not adversely affect the adjoining building/s.
- (c) An Inspection and Test Plan (ITP) that reflects the requirements of the geotechnical report, project drawings and specifications.
- (d) A completed Geotechnical Certificate for the Report and ITP, submitted in the form of Attachment G1 completed by the Project/Principal Geotechnical Engineer OR, a compliance certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) after satisfying (a), (b) and (c) above.

Notes:

- (i) An appropriately qualified practising geotechnical engineer certifying by completing Attachment G1 must have:-
 - a. Appropriate tertiary qualifications in civil or geotechnical engineering; AND
 - b. Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - c. Evidence of relevant experience in the form of a CV/Resume;
 - d. Appropriate current professional indemnity insurance.
- (ii) An appropriately qualified practising geotechnical engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Geotechnical Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
- (iii) Geotechnical inspections and testing must be in accordance with the ITP. A Geotechnical Inspection Certificate will be required prior to issue of the Occupation Certificate. Refer to Schedule E.
- (e) For alterations and additions to an existing building, a letter from a qualified practising structural engineer (NPER) or a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) shall be attached to the Construction Certificate Application. The letter must state that the existing structure is adequate to support the new loads and that the design will comply with the relevant Australian Standards adopted by the Building Code of Australia (Specification A1.3).

PUBLIC DOMAIN PLAN

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

Note:

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

STORMWATER AND DRAINAGE

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

- (a) Details of the proposed stormwater disposal and drainage of the development are to be submitted for approval by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

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

UTILITY SERVICES

- (50) 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.

WASTE

- (51) A Building Waste Management Plan is to be submitted to Council and approved by the Director City Development and Projects prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 for construction of the development. Such Plan must address compliance with the Code for Waste Handling in Buildings 1994 and include details of the following:-
 - (a) The location, design and construction of the garbage rooms, recycling rooms, bin washing and collection areas and vehicle standing areas;
 - (b) Calculations of the volumes of waste generated by the uses of the development and verification of garbage room sizes;
 - (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; and

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

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

(52) 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; and
- (d) 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.

Details shall be submitted to Council and approved by the Director City Development and Projects prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 for construction of the development.

WASTE MANAGEMENT COMPLETION

- (53) 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 is to be verified and approved by Council's Manager Contracts and Asset Maintenance.

Schedule 1C

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

SITE CONTAMINATION REPORTS

- (54) Prior to commencement of site excavation works, a Site Contamination Survey Report, prepared by a qualified Environmental Consultant, in accordance with the provisions of the “Contaminated Land Management Act 1997” must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or an accredited certifier).
- (a) Where a site is determined to be a “Contaminated Site” under the definition contained in ANZECC/NHMRC 1992 definitions, prior to commencement of site excavation works:-
- (i) A Remediation Action Plan (RAP), which details the proposed method for the proper cleaning of contaminated materials from the site is to be provided to the satisfaction of the PCA, (and a copy to sent to Council if it is not the PCA).
 - (ii) A suitability qualified and accredited “Independent Auditor”, to the satisfaction of Council, (in terms of Section 7A of the “Environmental Planning and Assessment Act 1979”) is to be appointed in accordance with the requirements of the “Contaminated Land Management Act 1997, and Regulations 1998”.
 - (iii) The approved Remediation Action Plan, must be available on the site at all times during the progress of the work.
 - (iv) The Independent Auditor is to provide a letter to the satisfaction of the PCA, that the RAP is appropriate to remediate the land to the standard suitable for the proposed redevelopment of the land and that common or public areas meet the criteria for common property or designated public space.
 - (v) On completion of the excavation works, a validation certificate must be submitted to the PCA (and a copy sent to Council if it is not the PCA). The certificate signed by the Independent Auditor, must testify that the requirements detailed in the Remediation Action Plan, have been satisfactorily completed, and have achieved results as required under the requirements of the “Contaminated Land Management Act 1997, and Regulations 1998”.

UTILITY SERVICES

- (55) 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; and
 - (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.

DEMOLITION

- (56) Prior to the commencement of demolition work, the details including plans and elevations showing distances of the subject building from the site boundaries, locations of common/party walls, and (where applicable) proposed method/s of facade retention must be submitted to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy sent to Council (if it is not the PCA).
- (57) Prior to the commencement of demolition work a licensed demolisher who is registered with the WorkCover Authority must prepare a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy sent to Council (if it is not the PCA). A copy of the Statement must also be submitted to the WorkCover Authority.
- (a) The Statement must be in compliance with “AS2601-1991 Demolition of Structures”, the requirements of WorkCover Authority and conditions of the Development Approval, and must include provisions for:
 - (b) Enclosing and making the site safe, any temporary protective structures must comply with the “Guidelines for Temporary Protective Structures (April 2001)”;
 - (c) Induction training for on-site personnel;
 - (d) Inspection and removal of asbestos, and contamination and other hazardous materials;
 - (e) Dust Control:-
 - (i) Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site.
 - (f) Disconnection of Gas and Electrical Supply;
 - (g) Fire Fighting:-
 - (i) Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed.
 - (h) Access and egress:-

- (i) No demolition activity shall cause damage to or adversely affect the safe access and egress of this building.
 - (i) Waterproofing of any exposed surfaces of adjoining buildings;
 - (j) Control of water pollution and leachate and cleaning of vehicles tyres:-
 - (i) Proposals shall be in accordance with the "Protection of the Environmental Operations Act 1997".
 - (k) Working hours, in accordance with this Development Consent;
 - (l) Confinement of demolished materials in transit;
 - (m) Proposed truck routes, in accordance with this Development Consent; and
 - (n) Location and method of waste disposal and recycling in accordance with the "Waste Minimisation and Management Act 1995".
- (58) The demolition of buildings by induced collapse, the use of explosives or on-site burning is not permitted.
- (59) Prior to the commencement of demolition work, the following additional details are required to be submitted to the Principal Certifying Authority (PCA) (Council or a accredited certifier), and a copy submitted to Council if it is not the PCA:-
- (a) A Statement/Letter from an appropriately qualified Structural Engineer certifying concurrence with the structural provisions of the Demolition Work Method Statement and proposed work. If applicable, a Structural Report of the proposed building to be demolished must be attached;
 - (b) A Letter nominating the person appropriately qualified as an Occupational Hygiene Consultant for inspecting the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to WorkCover Authority;
 - (c) Dilapidation Reports for the existing buildings to be retained on the site and all adjacent buildings adjoining the site;
 - (d) A certified copy of the Public Liability Insurance indemnifying Council for \$10,000,000 against public prosecution for the duration of the demolition works; and
 - (e) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the WorkCover Authority.

EXCAVATION

- (60) Prior to commencement of site excavation works, an Excavation Work Method Statement prepared by an appropriately qualified person must be

submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or an accredited certifier) and a copy submitted to Council (if it is not the PCA). The Statement must include:-

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

Note:

- (i) A copy of all Reports/Statements referenced in the Work Method Statement must be appended to the Statement.
 - (ii) The Principal Certifying Authority is to be notified of any proposed alteration of the above information during the course of demolition.
 - (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.
- (61) 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.

- (62) 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

- (63) 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; and
 - (iv) The procedures to be adopted for the prevention of run-off from the site onto the public way.
- (c) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's "Erosion and Sediment Control Manual" and the Department of Housing Manual "Managing Urban Stormwater - Soils and Construction (August 1998)".
- (d) The Demolition/Excavation Water and Sediment Control Statement shall be implemented during the demolition and/or excavation period.
- (e) Any seepage or rainwater collected on site during work must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.
- (f) The applicant must also comply with the "NSW Protection of the Environmental Operations Act 1997", whereby it is an offence to pollute classified waters such as Sydney Harbour to which most of the City's street drainage is directly connected.

PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN FOR DEMOLITION AND/OR EXCAVATION

- (64) A Pedestrian and Traffic Management Plan must be submitted to and approved by Council prior to commencement of demolition and/or excavation. It must include details of the:-

- (a) Proposed ingress and egress of vehicles to and from the construction site;
- (b) Proposed protection of pedestrians adjacent to the site;
- (c) Proposed pedestrian management whilst vehicles are entering and leaving the site;
- (d) Proposed route of construction vehicles to and from the site; and
- (e) The Pedestrian and Traffic Management Plan shall be implemented during the demolition and/or excavation period.

WASTE MANAGEMENT DURING DEMOLITION AND EXCAVATION

- (65) 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.
 - (a) 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.
 - (b) 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:-
 - (i) Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
 - (ii) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition and excavation operations including:
 - a. Type and quantities of material expected from demolition and excavation;
 - b. Name and address of transport company;
 - c. Address of proposed site of disposal;
 - d. Name/address of company/organisation accepting material;
 - e. Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;

- f. Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
 - g. Material for disposal and justification of disposal;
- (iii) If details of items (a) to (g) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contracts.
- (c) All requirements of Waste Management Plans must be implemented during the demolition and/or excavation period of the development.

Note:

- (d) The Principal Certifying Authority must be notified of any proposed change in any of the above details throughout the course of work.
- (66) Prior to the commencement of excavation, the applicant should contact the “Dial Before You Dig” service on telephone (02) 1100, fax number 1300-652-077 or email mocsinfo@mocs.com.au to ascertain the presence and type of underground utility services in the vicinity of the development.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (67) A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect a hoarding or scaffolding in a public place and such application is to include:-
- (a) Architectural, construction and structural details of the design in accordance with the “Policy for the Design and Construction of Hoarding (September 1997)” and the “Guidelines for Temporary Protective Structures (April 2001)”;
 - (b) Structural certification prepared and signed by an appropriately qualified practising structural Engineer; and
 - (c) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.
- (68) The temporary structure approval under Section 68 of the Local Government Act 1993 (Hoarding Approvals) may be subject to conditions including a requirement for the owner of the site to provide a bank guarantee as security for any damage rectification.

APPLICATION FOR A ROAD OPENING PERMIT

- (69) 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);
 - (c) Documents required with the Road Opening Permit application include:
 - (d) A plan and relevant sections showing scope of works, boundaries, utility services, levels of proposed excavation, and details of method of reinstating public way;
 - (e) Evidence that public utility drawings have been inspected;
 - (f) 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;
 - (g) A Security Deposit for reinstatement of public way; and
 - (h) The Road Opening Permit will be subject to further conditions that shall be complied with.
- (70) 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

- (71) 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; and
 - (e) The Pedestrian and Traffic Management Plan shall be implemented during the construction period.

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

(72) 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; and
 - (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

(73) 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

(74) 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

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

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

- (a) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
- (b) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted).
 - (i) Supply Air Ducts, Shafts and Fans - Blue
 - (ii) Return Air Ducts, Shafts and Fans - Pink
 - (iii) Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green
 - (iv) Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange
 - (v) Mixing Boxes and Conditions - Yellow
 - (vi) Fire Dampers and Electric Heaters - Red
- (c) Drawings which show where applicable the existing and proposed air intakes, air discharges and cooling towers and their relative position to each other, the boundaries of the site, openable windows, and adjoining buildings;

- (d) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of Attachment M1, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) together with the Curriculum Vitae of the Design Engineer or other appropriate Certifier must be submitted to Principal Certifying Authority (PCA). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council by the PCA;
- (e) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.

STRUCTURAL CERTIFICATION FOR DESIGN - MAJOR WORKS

- (76) 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

DEMOLITION WORKS

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

HOURS OF WORK AND NOISE

(79) The hours of construction and work on the development shall be as follows:-

- (a) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of 7.30 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 7.00am 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 Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

Note:

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

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

(80) A site notice(s) is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:-

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

USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE

(81) This development consent does not extend to the use of appliances which emit noise of a highly intrusive nature (such as pile - drivers and hydraulic

hammers) or are not listed in Groups B, C, D, E or F of Schedule 1 of the "City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites". A separate application for approval to use any of these appliances must be made to Council.

LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS

- (82) The applicant shall ensure that lighting of the site, whilst any work is undertaken outside of Council's standard hours of construction, is such that, at no time will the intensity, hours of illumination or location of the lighting cause injury to the amenity of the neighbourhood. If in the opinion of Council, injury is likely to be caused, the intensity, hours of illumination and location of the lighting must be varied so that it does not cause injury to nearby residents.

LOADING AND UNLOADING DURING CONSTRUCTION

- (83) The following requirements apply:-
- (a) All loading and unloading associated with construction must be accommodated on site.
 - (b) The structural design of the building shall be such as to permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
 - (c) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
 - (d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
 - (e) If a construction zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (84) 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.
- (85) Vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material.

Note:

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

ENVIRONMENTAL PROTECTION

(86) 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; and
- (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.

(87) The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of Notice by Council to stop all work on site.

Schedule 1E**Conditions to be complied with prior to issue of Occupation Certificate and prior to commencement of use, to the satisfaction of the Principal Certifying Authority****CITY OF SYDNEY COMPLIANCE INSPECTIONS**

(88) 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.
- (89) 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.

CONSOLIDATION OF LOTS

- (90) The lots shall be consolidated into one prior to the issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (91) Certification of completion of waste handling works in accordance with the relevant Development Approval Conditions and Councils Code for Waste Handling in Buildings 1994, must be submitted in the form of Attachment W2 to the satisfaction of the Principal Certifying Authority (PCA), (Council or a private accredited certifier) prior to the issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979 or prior to use of the premises. A copy of the Certificate shall be submitted to Council if it was not the PCA.

Such Certification must be given by the Architect or other appropriated qualified person experienced in Waste Handling Design and Environmental Management.

- (92) 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.

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

- (93) 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.

CONTINUED PERFORMANCE OF MECHANICAL VENTILATION

- (94) The efficient operation and performance of any mechanical ventilation, air pressurisation or other smoke control system must not be impaired by the partitioning layout. Adequate relief/transfer air openings must be provided to ensure the performance of systems during fire and non-fire conditions is not impaired.

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (95) Prior to issue of an Occupation Certificate or use of the premises, a Structural Inspection Certificate in the form of Attachment S1C OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier) after:-

- (a) The site has been periodically inspected and the structural certifier is satisfied that the Structural Works are deemed to comply with the final Design Drawings; and
- (b) The drawing revisions listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

A copy of the Certificate with a microfilm set of the final drawings shall be submitted to Council if it was not the PCA.

Notes:

- (c) An appropriately qualified practising structural engineer certifying by completing Attachment S1C must have:-
 - (i) Appropriate tertiary qualifications in Civil or Structural Engineering, AND;
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume;
 - (iv) Appropriate current professional indemnity insurance.
- (d) An appropriately qualified practising structural engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.

CERTIFICATION OF GEOTECHNICAL INSPECTION

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

Notes:

- (a) An appropriately qualified practising geotechnical engineer certifying by completing Attachment G2 and must have:-
 - (i) Appropriate tertiary qualifications in civil or geotechnical engineering; AND
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume;

- (iv) Appropriate current professional indemnity insurance.
- (b) An appropriately qualified practising geotechnical engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Geotechnical Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.

COOLING SYSTEMS

- (97) All evaporative cooling warm water or water cooling systems installed on the premises must comply with the Public Health Act 1991 and Public Health Regulation 1991 and be registered by Council.
- (98) Prior to commencement of the use, the owner or occupier of the premises must apply to Council for the registration of water-cooling systems (cooling towers and evaporative condensers), evaporative cooling systems and warm-water systems which heat and deliver water at less than 60°C at each outlet installed on the premises.

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.

COMPLIANCE CERTIFICATE FOR ACOUSTIC PRIVACY

- (101) 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.

COMPLIANCE CERTIFICATE FOR NOISE REDUCTION

- (102) 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.

HISTORIC MARKER

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

NUMBERING

(104) 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.

(105) Prior to issue of an Occupation Certificate, shop numbers must be clearly displayed in accordance with the "Policy on Numbering of Premises within the City of Sydney".

STREET NAME PLATE

(106) Council's standard street name plate shall be affixed to the street frontages of the buildings on the corners of George Street and Albion Place and Kent Street and Albion Place. The signs shall be obtained and installed at no cost to Council (Contact the Team Leader – Urban Domain, Service Planning Policy). Details of the location and method of fixing of the signs shall be submitted to and approved by the Director City development prior to installation.

Schedule 1F

Conditions to be complied with during the use of Premises

SIGNS

(107) A separate development application for any proposed signs which are either externally fitted or applied or otherwise visible from the public way must be submitted for the approval of Council prior to the erection or display of any such signs.

CARE OF BUILDING SURROUNDS

(108) In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the building shall ensure that the forecourt and the

surrounds of the building including pavements and gutters are to be kept clean and free of litter at all times.

REMOVAL OF GRAFFITI

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

NOISE - USE

(110) The use of the premises including music and other activities must not give rise to any one or more of the following:-

- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
- (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level or greater than 5dB at the boundary of any affected property in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00 a.m. to midnight daily and 0dB above the L90 background between 12 midnight and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies.
- (c) During the period 12 midnight to 7.00 a.m. the use shall be inaudible in any habitable room of any residential premises.
- (d) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.
- (e) The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) must be carried out in accordance with AS 2973 for vibration measurements. AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

NOISE - MECHANICAL PLANT

(111) Noise associated with mechanical plant must not give rise to any one or more of the following:-

- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
- (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level or greater than 5dB at the boundary of any affected property in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 7.00 a.m. the following

morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.

- (c) A sound level at any point on the boundary of the site greater than 50dBA.
- (d) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.
- (e) The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) must be carried out in accordance with AS 2973 for vibration measurements, AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

CARE OF BUILDING SURROUNDS

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

WINDOW CLEANING

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

ALARM

- (114) 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.

WASTE

- (115) Waste collection activities which are not undertaken wholly inside the building where the waste is generated, must only occur during the hours specified in the "Waste Collection Operating Hours Policy 1994".
- (116) The loading operation, including the movement of garbage receptacles, must take place within the building alignment on a level surface away from gradients and vehicle ramps. No waste is to be placed on the public way (eg. Footpaths, roadways, plazas, reserves or building colonnade areas) at any time.

ACCESS

- (117) A clear vision of sight is to be maintained at all times for the driveway entry and exit points.

(118) The driveway entry/exit is to remain free from obstruction at all times.

(119) All vehicles must enter and leave the site in a forward direction.

Schedule 2

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

ITEM 5. POLICY MATTERS AND REFERRALS (S010833)

There were no policy matters or referrals for this meeting of the Central Sydney Planning Committee.

ITEM 6. PRESENTATIONS BY APPLICANTS AND PRELIMINARY ADVICE (S010833)

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

ITEM 7. PROGRESS REPORT ON DEVELOPMENT APPLICATIONS (A03-00138/1)

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

That arising from consideration of a report by the Manager Development, to the Central Sydney Planning Committee on 10 October 2002, in regard to the progress report for the month of August 2002, it be resolved that the report be received and noted.

ITEM 8. NEW DEVELOPMENT APPLICATION LODGEMENTS AND DELEGATED ITEMS (S00-2287)

Note - A letter from Mr Laurence Rodny, Chairman, Georgia Owners Corporation and Mr Raymond Newey, Chairman, Highgate Owners Corporation, dated 4 October 2002, relating to 30-34 Hickson Road, Millers Point - Section 96(2) Modification, was tabled by Councillor Turnbull.

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

That arising from consideration of a report by the Manager Development to the Central Sydney Planning Committee on 10 October 2002, in regard to the report on new development application lodgements and delegated items, it be resolved that:-

(A) the report be received and noted; and

(B) in respect of 30-34 Hickson Road, Millers Point - Section 96(2) Modification

That -

- (1) the CSPC note that the Design Committee which examined the design variations to this development is highly satisfied with the outcome;
- (2) the CSPC note the representations made by the objectors (and tabled at the meeting) to the roof garden;
- (3) the CSPC expresses the view that a roof garden is a positive feature of the development and any consent should allow it to be properly utilized; and
- (4) authority be delegated to the Lord Mayor to determine the Section 96(2) application.

ITEM 9. GENERAL BUSINESS

9.1 Building Rectification Program

The Lord Mayor gave a progress report on building rectification being carried out in respect of three sites (The Summit, The Mirage and Regis Towers).

Deeds had been signed in respect of the first two and negotiations were continuing for the latter.

A similar approach is being sought in respect of Hyde Park Towers which is the subject of litigation.

9.2 Transport Co-ordination Committee

The Committee requested that the Department of Transport be invited to brief the Committee on the Central Sydney Transport Strategy being prepared by the Transport Co-ordination Committee, and that the draft report be made available to CSPC members.

The meeting concluded at 6.32pm.

CHAIRMAN

The next meeting of the Central Sydney Planning Committee is scheduled for 31 October 2002.