

CENTRAL SYDNEY PLANNING COMMITTEE

THURSDAY 18 JULY 2002

Meeting No 271

MINUTES of the Meeting of the Central Sydney Planning Committee held in the Council Chamber, Sydney Town Hall, on Thursday 18 July 2002 commencing at 5.24pm.

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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 Acting Director City Development was 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 Application: 131-133 Murray Street, Pyrmont
4. Development Application: Stage 2 - 259-295 Kent Street, 42-66 Erskine Street and 20-66 Sussex Street, Sydney (also has frontages to Napoleon Street and Sussex Lane) - 'KENS Site'
5. Development Application: 142-148 Goulburn Street, Surry Hills
6. Development Application: Planning NSW DA Referral - Stage/Site 1A Distillery Hill East, Jacksons Landing, Pyrmont
7. Review of Central Sydney Local Environmental Plan 1996: Proposal to Exhibit Proposed Amendments - City of Sydney LEP 2002
1. Confirmation of Minutes
2. Matters Arising from the Minutes
8. Presentations by Applicants and Preliminary Advice
9. New Development Application Lodgements and Delegated Items
10. General Business

ITEM 1. CONFIRMATION OF MINUTES (S010833)

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

That the Minutes of the meeting of the Central Sydney Planning Committee held on 27 June 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 27 June 2002.

ITEM 3. DEVELOPMENT APPLICATION: 131-133 MURRAY STREET, PYRMONT (D/01/00871)

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

Ms Catherine Barnes - resident
Mr Mark Seidl - resident
Mr Terry Byrnes - Byrnes & Associates

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 18 July 2002, in relation to Development Application D2001/00871 made by BOSTEC Pty Ltd for the site at 131-133 Murray Street, Pyrmont, for the demolition of the existing buildings and construction of a new 7 storey mixed use building containing 12 x two bedroom units with retail space at ground level and parking for nine vehicles at basement level, it be resolved that consent be granted under the provisions of Section 80(1) of the Environmental Planning and Assessment Act 1979, subject to the following conditions of consent:-

Schedule 1A

Approved Development, Contributions and Covenants

Note: Some conditions in Schedule A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

Note 2: Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority (whether Council or a private accredited certifier) illustrating compliance with the relevant requirements of the Building Code of Australia (and a copy forwarded to Council where Council is not the certifying authority). If Council is to be the certifying authority, please contact the Building Unit to discuss the requirements prior to submission of the application for construction certificate.

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No.D/01/00871 dated 19 December 2001 and Statement of Environmental Effects prepared by Byrnes and Associates, dated December 2001 and drawings:-

Drawing No.	Architect	Date
2118/01E	Wolski, Lycenko and Brecknock	19 June 2002
2118/02E	Wolski, Lycenko and Brecknock	19 June 2002
2118/03E	Wolski, Lycenko and Brecknock	19 June 2002
2118/04E	Wolski, Lycenko and Brecknock	19 June 2002
2118/05E	Wolski, Lycenko and Brecknock	19 June 2002
2118/06E	Wolski, Lycenko and Brecknock	24 June 2002
2118/08E	Wolski, Lycenko and Brecknock	19 June 2002
2118/09E	Wolski, Lycenko and Brecknock	19 June 2002
2118/10E	Wolski, Lycenko and Brecknock	19 June 2002
2118/11E	Wolski, Lycenko and Brecknock	19 June 2002
01048.1	Anne Hatossy and Assoc. (Landscape Plan)	December 2001

and as amended by the following conditions.

APPROVED DESIGN DETAILS AND FINISHES

- (2) The design details of the proposed building facade including all external finishes and colours, including glazing must be in accordance with the materials schedule and sample board, and specifications prepared by Wolski, Lycenko and Brecknock Architects dated 7 January 2001.

Note:

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

USE OF RIGHT OF WAY

- (3) The Right of Way located to the south and west of the subject site shall remain open and unobstructed throughout the construction period of this development, so as to allow for surrounding residents to access their properties via the rear lane during excavation.

Note: Details as to how this will be achieved shall be provided in response to Condition No. 42 - Excavation Work Method Statement.

ENERGY EFFICIENCY

- (4) The building shall achieve an average NatHERS Rating of 3.5 stars. Recommendations outlined in the Energy Efficiency Report, prepared by Richard Heggie and Associates, dated 14 December 2001, must be implemented to achieve an outcome of 3.5 stars.

DESIGN MODIFICATION

- (5) The proposed translucent glazing at Level 6 on the southern elevation does not form part of this approval.

The design of the southern elevation wall at level 6 shall be consistent with the corresponding southern elevation walls at levels 1-5, particularly in terms of materials and the use of glazing.

The following details are required for the approval of the Director City Development prior to the release of a Construction Certificate:

- (a) Revised design for south elevation, in particular the treatment of Level 6. Any modifications should be provided in the form of a plan and an elevation.

ROOF TERRACE

- (6) A planter box shall be provided, similar in design to that proposed along the northern boundary of the roof terrace, and at least 1m wide across the full rear, west facing roof terrace wall.

- (7) The use of the roof terrace is limited to 9.00am to 9.00pm daily.

TRANSLUCENT GLAZING

- (8) All glazing shown as “Translucent Glazing” on drawing DA9E, prepared by Wolski, Lycenko and Brecknock and dated 19 June 2002, must be obscured to ensure privacy, but may allow the passage of light.

PHYSICAL MODELS

- (9) 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

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

Note:

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

ARCHITECT

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

DEMOLITION/SITE RECTIFICATION

- (11) Demolition or excavation must not commence until a Construction Certificate has been issued under the Environmental Planning and Assessment Act 1979 for construction of the substantive building.

SECTION 94 CONTRIBUTION

- (12) A contribution under section 94 of the Act shall be paid in accordance with the following:-

(a) Cash Contribution Required

- (i) In accordance with the adopted "Ultimo Pymont Contributions Plan 1994" a cash contribution shall be paid to Council in accordance with this condition.

(b) Amount of Contribution

- (i) The amount of the contribution shall be \$77,773.24.
- (ii) Note:

The contribution will be indexed annually, see paragraph (f) below.

(c) Purposes for which Contribution Required

- (i) The contribution is required, and shall be held and applied in accordance with the Act and the "Ultimo Pymont Contributions Plan 1994", for the purposes, and in the proportions, set out as follows.
- (ii) Open Space - 64%
- (iii) Community Facilities - 9.5%
- (iv) Roads and Associated Infrastructure - 26.2%
- (v) Administration - 0.3%

(d) Certification of Contribution

- (i) Certification of the Section 94 Contribution calculation, including verification of gross floor area and resident/worker population as applicable, and indexation of the contribution in accordance with the "Ultimo -Pymont Contributions Plan 1994" (if applicable) shall be submitted for the approval of Council, prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (ii) If the Construction Certificate is to be issued by a private accredited certifier, they must seek Council's endorsement of the calculation prior to its issue.

(e) Timing of Payment

- (i) The contribution shall be paid prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. Payment shall be made payable to the City of Sydney by bank cheque. (Personal or company cheques will not be accepted).

(f) Indexing

- (i) The contribution rate in the “Ultimo Pyrmont Section 94 Contributions Plan 1994” will be adjusted in accordance with clause 19 of the Plan being not less than annually.
- (ii) If the contribution rate is adjusted between the date on which this consent is granted and payment of the contribution, then the figure in paragraph (b) to this condition will be indexed and calculated according to the then current contribution rate.

AFFORDABLE HOUSING CONTRIBUTION

(13) The Affordable Housing Contribution is as follows:-

- (a) In accordance with clause 59 of Sydney Regional Environmental Plan No. 26 - City West and the Affordable Housing Program, and before issue of a Construction Certificate under Environmental Planning and Assessment Act 1979, the applicant must provide evidence to Council that a monetary contribution towards the provision of affordable housing has been paid at Planning NSW by Bank Cheque (Ground Floor, Henry Dean Building, 20 Lee Street, Sydney), or a bank guarantee in favour of Planning NSW to the value of the required contribution has been lodged. The contribution shall be \$24,303.14.
- (b) Certification of the Affordable Housing Contribution calculations including verification of total floor area, prepared by a Quality Surveyor, and indexation of the contribution in accordance with the Affordable Housing Program, shall be submitted for the approval of Council, prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979.
 - (i) If the construction certificate is to be issued by a private accredited certifier, they must seek Council’s endorsement of the calculation prior to issue of the Construction Certificate.
- (c) Before the issue of a Occupation Certificate under the Environmental Planning and Assessment Act 1979, the applicant must provide evidence to Council that the bank guarantee referred to in (a) above has been redeemed as payment of this contribution. If the contribution is paid after 30 June of the year in which this consent is granted, the amount of the contribution must be indexed in accordance with paragraph 3.4 of the adopted Affordable Housing Program.

ARCHEOLOGICAL INVESTIGATION

(14)

- (a) Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.

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

WASTE MANGEMENT

- (15) The development's waste management, storage and collection facilities are to be redesigned to the satisfaction of the Director City Development and in accordance with Council's Code for Waste Handling in Buildings 1994, to provide:-
 - (a) A separate garbage room to accommodate the waste generated by the residential component of the development, large enough to provide for the separation of putrescible waste from waste suitable for recycling and in close proximity to the collection vehicle area.
 - (b) A separate enclosed area to accommodate the waste generated by the retail component of the development.

Note:

The requirement to provide a garbage chute and separate rooms for the storage of recyclables on each floor is excluded from this condition.

SUBDIVISION

- (16) Any proposal to Strata subdivide the building and site will require separate development consent from Council and approval of the final Strata Plan and endorsement of the Strata Certificate in accordance with Section 37 of the Strata Schemes (Freehold Development) Act 1973.

PARKING

- (17) The layout of the car park area shall comply with AS2890.1-1993 including ramp grades and the design of parking spaces for the disabled.
- (18) The following conditions apply to car parking:-
 - (a) The on-site car parking spaces, exclusive of service and visitor car spaces, are not to be used by those other than an occupant, tenant or resident of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant, lessee or resident of a unit in the building.
 - (b) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, a documentary Restrictive Covenant is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of

(a) above. The Covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.

- (c) Any future strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the Strata Titles (Freehold Development) Act, 1973, as amended, burdening all utility car parking allotments in the Strata Plan and/or an appropriate Restrictive Covenant pursuant to Section 88B of the Conveyancing Act 1919, burdening all car parking part - lots in the strata scheme.

Note:

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

RESTRICTION ON PARTICIPATION IN RESIDENT PERMIT PARKING SCHEME

- (19) Residents will be entitled to one resident parking permit per dwelling. The current fee for the permit is \$100, subject to annual review. If a car space is attached to the dwelling, the resident must provide proof that another member of the household is occupying it, prior to consideration of issuing a Permit. The owner of the dwelling must advise all tenants and occupants of the dwelling, at the time of entering into a lease/occupancy, of the restriction on Resident Parking Permits.

Note:

- (a) This restriction on the Resident Parking Scheme will be recorded on the Section 149 Certificate for this property under the Environmental Planning and Assessment Act 1979.

SIGNS

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

RETAIL USE

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

Schedule 1B

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

CONSTRUCTION CERTIFICATE

- (22) 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.

BUILDING CODE OF AUSTRALIA

- (23) For areas not complying with the deemed to satisfy provisions of the BCA an alternate solution will be required to demonstrate compliance with the performance requirements stipulated in the BCA. Any alternative solution must be submitted and approved by the Certifying Authority prior to the issue of the construction certificate. The following information must be provided:-
- (a) Details of the performance requirements that the proposed alternative solution is intended to meet; and
 - (b) Details of the assessment methods used to establish compliance with those performance requirements.
- (24) Window openings in the building must be protected in accordance with Performance Requirements CP2 and CP8 of the Building Code of Australia.
- (25) All wet areas must be mechanically ventilated in accordance with F4.5 of the Building Code of Australia.

ACCESS FOR PEOPLE WITH DISABILITIES

- (26) Access to the rear area of open space shall be provided in accordance with Part D3 of the Building Code of Australia and Council's Access Policy. Prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979, a certificate certifying compliance with this condition OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) must be provided, and a copy submitted to Council.

REFLECTIVITY

- (27) 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 the safety of pedestrians or drivers.

ACOUSTIC PRIVACY BETWEEN UNITS

- (28) 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).

PUBLIC DOMAIN PLAN

(29) The following requirements apply:-

- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect for the approval of Council (to be lodged with the Ultimo Pyrmont 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 Ultimo Pymont Public Domain Technical Manual and the Street Tree Policy - Ultimo Pymont 1996.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Ultimo Pymont Public Domain Technical Manual adapted to suit the specific site requirements as advised by the Ultimo Pymont 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 Ultimo Pymont Public Domain Technical Manual. 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 Street Tree Policy - Ultimo Pymont 1996.
 - (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 kerbs and 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.
- (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:

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

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

(30)

- (a) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, written confirmation that you have obtained a Notice of Requirements under Part 6, Division 9 of the Sydney Water Act 1994 must be submitted to the Certifying Authority (Council or a private accredited certifier).
- (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a (Developer) Compliance Certificate under section 73 of the Sydney Water Act 1994 must be submitted to the Principal Certifying Authority (Council or a private accredited certifier).
- (c) Note:
 - (i) Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the Notice of Requirements. Early advice from Sydney Water will avoid problems in providing water and sewer services to your development and adverse impacts on building design and site layout.

- (ii) The approved plans will also need to be submitted to Sydney Water to determine whether the development will affect sewer and water mains, stormwater drains and/or easements. If the development complies with the requirements, the approved plans will be appropriately stamped by Sydney Water.
- (iii) Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site www.sydneywater.com.au or telephone 132092.

STORMWATER AND DRAINAGE

(31) 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.

ALIGNMENT LEVELS

(32) The following shall be submitted to Council:-

- (a) A separate application including footpath alignment levels must be submitted for approval for the design of the building.
- (b) Such application must be accompanied by a plan prepared by a Registered Surveyor showing the existing location, size and levels (AHD) of all service covers, trees, poles and street furniture, kerb, gutter and alignment levels at 10m cross/sections, alignment levels at proposed and existing vehicular and/or pedestrian entrances within the footway adjacent to and extending 20 metres past either side of the site.
- (c) These levels as approved by Council are then to be incorporated into the plans submitted with the Application for a Construction Certificate.

BUILDING WASTE MANAGEMENT PLAN

- (33) A Building Waste Management Plan is to be submitted to Council and approved by the Director City Development prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 for the development. Such a Plan must address compliance with Council's Code for Waste Handling in Buildings and provide details of the following:-
- (a) The location, design and construction of garbage rooms, recycling rooms and service areas and bin washing and collection areas including calculations of garbage generation volumes to verify the size of garbage rooms.
 - (b) The natural and mechanical ventilation of garbage rooms and service areas, in accordance with the Building Code of Australia and AS.1668.
 - (c) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.
 - (d) The design features incorporated in the building and procedures to be adopted to ensure waste separation and minimisation within individual units and retail spaces, on each floor of the building and within the garbage storage and collection areas.

Note:

The development shall comply with the provisions of Council's Code for Waste Handling in Buildings except for the requirement to install a garbage chute and the provision of storage rooms on each floor.

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

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

RECYCLING AREAS

- (35) 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.

TELECOMMUNICATIONS PROVISIONS

- (36) 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.
- (37) A separate DA must be submitted at the appropriate time for any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development.

Schedule 1C

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

DEMOLITION DETAILS

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

DEMOLITION WORK METHOD STATEMENT

- (39) 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.

The Statement must be in compliance with AS2601-1991 Demolition of Structures, the requirements of WorkCover Authority and conditions of the Development Approval, and must include provisions for:-

- (a) Enclosing and making the site safe, any temporary protective structures must comply with the Guidelines for Temporary Protective Structures (April 2001);
- (b) Induction training for on-site personnel;
- (c) Inspection and removal of asbestos, and contamination and other hazardous materials;
- (d) Dust Control:
 - (i) Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site.
- (e) Disconnection of Gas and Electrical Supply;
- (f) Fire Fighting:
 - (i) Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed.
- (g) Access and egress:
 - (i) No demolition activity shall cause damage to or adversely affect the safe access and egress of this building.
- (h) Waterproofing of any exposed surfaces of adjoining buildings;
- (i) Control of water pollution and leachate and cleaning of vehicles tyres:
 - (i) Proposals shall be in accordance with the Protection of the Environmental Operations Act 1997.
- (j) Working hours, in accordance with this Development Consent;
- (k) Confinement of demolished materials in transit;
- (l) Proposed truck routes, in accordance with this Development Consent;
and

- (m) Location and method of waste disposal and recycling in accordance with the Waste Minimisation and Management Act 1995.

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

OTHER DEMOLITION DETAILS

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

EXCAVATION WORK METHOD STATEMENT

- (41) Prior to commencement of site excavation works, an Excavation Work Method Statement prepared by an appropriately qualified person must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or an accredited certifier) and a copy submitted to Council (if it is not the PCA). The Statement must include:-
 - (a) Name and address of the company/contractor undertaking excavation works;
 - (b) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials (if applicable);
 - (c) Name and address of the transport contractor, and location of the disposal site;
 - (d) Type and quantity of material to be removed from site;

- (e) A Materials Handling Statement for the removal of refuse from the demolition site, in accordance with the provisions of the Waste Minimisation and Management Act 1995;
- (f) A Dust Control Method Statement for excavated sandstone or other excavation materials;
- (g) Procedures to be adopted for the prevention, of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment, and the proposed method of cleaning surrounding roadways from such deposits;
- (h) Measures to enclose the excavation site, including safety barriers, particularly if the excavation is greater than 1.5 metres deep. Plastic jersey kerb barriers are not permitted;
- (i) Measures to ensure the safe use of the Right of Way, including methods to prevent the collapse of the Right of Way during excavation and beyond;
- (j) 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.

WATER AND SEDIMENT CONTROL STATEMENT FOR DEMOLITION AND EXCAVATION

(42) 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 must of the City's street drainage is directly connected.

PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN FOR DEMOLITION AND/OR EXCAVATION

- (43) 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

- (44) 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.
- (c) Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
- (d) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition and excavation operations including:-
 - (i) Type and quantities of material expected from demolition and excavation;
 - (ii) Name and address of transport company;
 - (iii) Address of proposed site of disposal;
 - (iv) Name/address of company/organisation accepting material;
 - (v) Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
 - (vi) Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
 - (vii) Material for disposal and justification of disposal; and
 - (viii) If details of items (ii) to (vii) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contracts.

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

Note:

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

BARRICADE PERMIT

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

FOOTPATH DAMAGE BANK GUARANTEE

- (46) Prior to release of a temporary structure approval under Section 68 of the Local Government Act 1993 (Hoarding Approvals), the owner of the site must provide a bank guarantee prior to the release of an Occupation Certificate, for an amount to be calculated by Council, as security for any footpath damage rectification.

USE OF MOBILE CRANES

- (47) 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

- (48) 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; and
- (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

- (49) 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; and
- (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.

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.

Schedule 1D

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

CONSTRUCTION TRAFFIC

- (51) All construction traffic shall use the Ultimo-Pyrmont Construction Traffic Route.

HOURS OF WORK AND NOISE

- (52) The hours of construction and work on the development shall be:-
- (a) All work, including building/demolition and excavation work in connection with the proposed development must only be carried out between the hours of 7.30 a.m. and 5.00 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 3.00 p.m. on Saturdays, with safety inspections being permitted at 7.00 a.m. on work days and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with "The City of Sydney Building Sites Noise Code" and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE

- (53) This development consent does not extend to the use of appliances, which emit noise of a highly intrusive nature (such as pile-drivers and hydraulic hammers) or are not listed in Groups B, C, D, E, or F of Schedule 1 of the "City of Sydney Building Sites Noise Code". A separate application for approval to use any of these appliances must be made to Council.

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

- (54) A site notice(s) is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:-
- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;

- (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
- (c) A copy of the first page of the development approval and construction certificate (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
- (d) The approved hours of work, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint are to be displayed on the site notice; 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. If demolition is being undertaken, the words, Danger - Demolition Site, with an international logo must be displayed.

LOADING AND UNLOADING DURING CONSTRUCTION

(55) 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.

PROTECTION OF STREET TREES

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

STORMWATER RUN OFF CONTROL

- (57) 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.

PUBLIC WAY/RIGHT OF WAY

- (58) The public way and the Right of 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.

FOOTPATH CROSSING

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

CONSTRUCTION VEHICLES

- (60) 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.

CITY OF SYDNEY COMPLIANCE INSPECTIONS

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

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

Schedule 1E

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

- (62) 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.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (63) A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect a hoarding or scaffolding in a public place and such application is to include:-
- (a) Architectural, construction and structural details of the design in accordance with the “Policy for the Design and Construction of Hoarding” (September 1997) and the “Guidelines for Temporary Protective Structures” (April 2001).
 - (b) Structural certification prepared and signed by an appropriately qualified practising structural Engineer.
 - (c) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.

APPLICATION FOR A ROAD OPENING PERMIT AND SHORING

- (64) Prior to the commencement of any excavation work in a public way, or excavation on a building site where proposed work abuts the public way, a separate Road Opening Permit is to be obtained from City Care Unit of the City of Sydney. This is an application for approval under Section 138 of the Roads Act 1993.
- (a) Documents required with the application include:-
 - (i) A plan and relevant sections showing scope of works, boundaries, utility services; levels of proposed excavation, and details of method of reinstating public way;
 - (ii) Evidence that public utility drawings have been inspected;
 - (iii) Evidence of a Public Liability Insurance Policy specifically indemnifying the City of Sydney; and
 - (iv) A Security Deposit for reinstatement of public way.
 - (b) The Road Opening Permit will be subject to conditions that must be complied with.
 - (c) Application design and installation of Temporary and Permanent Shoring shall be in accordance with the “Guidelines for Temporary Protective Structures” (April 2001).

WASTE COLLECTION

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

TEMPORARY STRUCTURES WITHIN THE PUBLIC WAY

- (66) Any temporary structure, whether shoring, anchors or footings installed in the public way below pavement level shall be removed prior to completion of the project to a depth of two metres, and the void is to be backfilled with stabilised sand (14 parts sand to 1 part cement), in accordance with the requirements and to the satisfaction of Council and evidence of such is to be submitted to the Principal Certifying Authority (Council or a private accredited certifier) prior to issue of a Occupation Certificate.

NUMBERING

- (67) 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.

COMMEMORATIVE PLAQUE

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

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (69) 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.

Schedule 1F

Conditions to be complied with during the use of Premises

REMOVAL OF GRAFFITI

- (70) 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

- (71) 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

- (72) 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

- (73) 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

- (74) 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.
- (75) 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.

RECEPTACLES FOR CIGARETTE BUTTS

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

Schedule 2

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

(1)

- (a) The work must be carried out in accordance with the requirements of the "Building Code of Australia" (as in force on the date the application for the relevant construction certificate is made); and
- (b) This condition does not apply to:-

- (i) the extent to which an exemption is in force under Clause 187 or 188, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the “Environmental Planning and Assessment Regulation 2000”; or
 - (ii) the erection of a temporary building; and
- (2) In the case of residential building work for which the “Home Building Act 1989” requires that there be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force.

ITEM 4. DEVELOPMENT APPLICATION: STAGE 2 - 259-295 KENT STREET, 42-66 ERSKINE STREET AND 20-66 SUSSEX STREET, SYDNEY (ALSO HAS FRONTAGES TO NAPOLEON STREET AND SUSSEX LANE) - 'KENS SITE' (D2001/00886)

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

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 18 July 2002, in relation to Development Application D2001/00886 made by Leighton Properties Pty Ltd for the site at 259-295 Kent Street, 42-66 Erskine Street and 20-66 Sussex Street, Sydney (also has frontages to Napoleon Street and Sussex Lane) - the KENS site, for a Stage 2 development application proposing the demolition of the existing buildings and construction of a new commercial two-tower development incorporating 650 short stay public car parking spaces and 214 tenant spaces, some retailing in the podium of the building, construction of a new infill building in Erskine Street, conservation works to the existing Erskine Street terraces and associated demolition and excavation works, it be resolved that authority be delegated to the Lord Mayor to determine the subject application, subject to the following:-

- (A) The resolution of all outstanding property matters relating to the site; and
- (B) Should it be proposed to grant consent to the subject DA, regard be had to the draft conditions of consent, as amended at the meeting of the Central Sydney Planning Committee, as follows:

DRAFT CONDITIONS

Schedule 1A

Approved Development, Contributions and Covenants

Note: Some conditions in Schedule A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

Note 2: Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority (whether Council or a private accredited certifier) illustrating compliance with the relevant requirements of the Building Code of Australia (and a copy forwarded to Council where Council is not the certifying authority). If Council is to be the certifying authority, please contact the Building Unit to discuss the requirements prior to submission of the application for construction certificate.

APPROVED DEVELOPMENT

- (1) Development must be in accordance with the following:-
 - (a) Development Application No.D2001/00886 dated 24 December 2001;
 - (b) The Statement of Environmental Effects titled 'Stage 2 Development Application: KENS Site Commercial Development' including Appendices A-W prepared by JBA Urban Planning Consultants Pty Ltd on behalf of Leighton Properties Pty Limited and dated December 2001;
 - (c) Facsimiles from Leighton Properties:
 - (i) Kent Tower Façade - dated 11 March 2002
 - (ii) Car park FSA - dated 11 April 2002;
 - (iii) Energy Australia - dated 11 April 2002
 - (iv) Stage 2 Materials Board - dated 16 April 2002; and
 - (v) Architectural Roof Feature Design Statement - dated 9 July 2002.
 - (d) Letter from Leighton Properties dated 30 April 2002 titled "Summary of responses to SCC Letter dated 7 February 2002".
 - (e) Supplementary Information Packages (including attachments) from Leighton Properties:
 - (i) No.1 - "Carparking Layouts" dated 1 March 2002;
 - (ii) No.2 - "Building Matters" dated 12 March 2002 enclosing Alternative Solutions Summary Report dated 12 March 2002;
 - (iii) No.3 - "Revised DA drawings" dated 12 March
 - (iv) No.4 - "Traffic & Parking" dated 27 March 2002;
 - (v) No.5 - "Floor Space Area" dated 27 March 2002;
 - (vi) No.6 - "Facade Glass dated 2002 including Stage 2 Glass Selection Report" dated 5 April 2002 prepared by Hyder Consulting;

- (vii) No.7 - “Heritage” dated 10 April 2002;
- (viii) No.8 - “Sample Board” dated 11 April 2002;
- (ix) No.9 - “Revised DA drawings” dated 26 April 2002 (Deleting connection to Sussex Park from Napoleon Stairs);
- (x) No.10 - “Disabled Access” dated 2 May 2002; and
- (xi) No.11 - “Napoleon Street Kerb, Sussex Park Finishes & Commercial Lobby floor finishes” dated 12 July 2002.

(f) **Drawings prepared by Johnson Pilton Walker as detailed below:**

Plan No.	Rev. No.	Title
DA2-000	Rev. 003	Da Stage 2 Drawing Schedule
DA2-001	Rev. 001	Area Schedule
DA2-002	Rev. 000	Location Plan
DA2-003	Rev. 002	Site Plan
DA2-004	Rev. 002	Building Setbacks and Roof Plan
DA2-011	Rev. 003	Public Domain & Landscape Plan
DA2-012	Rev. 003	Sussex Park Plan
DA2-100	Rev. 000	Basement O6
DA2-101	Rev. 001	Basement O5
DA2-102	Rev. 001	Basement O4
DA2-103	Rev. 001	Basement O3
DA2-104	Rev. 001	Basement O2
DA2-105	Rev. 001	Basement O1
DA2-111	Rev. 002	Ground - Urban Park Level
DA2-112	Rev. 002	Ground - Kent Street Level
DA2-121	Rev. 001	Podium Level 01
DA2-122	Rev. 001	Podium Level 02
DA2-123	Rev. 001	Podium Level 03
DA2-124	Rev. 001	Podium Level 04
DA2-125	Rev. 001	Lowrise Level 05 - 06
DA2-126	Rev. 001	Lowrise Level 07 Transfer
DA2-127	Rev. 001	Midrise Level 08 Lift Overrun
DA2-128	Rev. 001	Midrise Level 09 LMR
DA2-129	Rev. 001	Midrise Level 10
DA2-130	Rev. 001	Midrise Levels 11-14
DA2-131	Rev. 001	Midrise Level 15 Transfer
DA2-132	Rev. 001	Highrise Level 16 Lift Overrun
DA2-133	Rev. 001	Highrise Level 17 LMR
DA2-134	Rev. 001	Highrise Levels 18-21
DA2-135	Rev. 001	Highrise Level 22 Sky Terrace
DA2-136	Rev. 001	Highrise Level 23 Transfer
DA2-137	Rev. 001	Skyrise Level 24 Lift Overrun
DA2-138	Rev. 001	Skyrise Level 25 Lift Overrun
DA2-139	Rev. 001	Skyrise Level 26 LMR
DA2-140	Rev. 001	Skyrise Levels 27-30
DA2-141	Rev. 001	Skyrise Level 31
DA2-142	Rev. 001	Skyrise Level 32
DA2-143	Rev. 001	Plant Room Level 33

Plan No.	Rev. No.	Title
DA2-144	Rev. 000	Roof Level
DA2-151	Rev. 001	Section East-West
DA2-152	Rev. 001	Section North-South
DA2-161	Rev. 001	Elevation East - Kent Street
DA2-162	Rev. 001	Elevation West - Sussex Street
DA2-163	Rev. 001	Elevation North - Napoleon Street
DA2-164	Rev. 001	Elevation South - Sussex Lane
DA2-201	Rev. 001	Sections - Key Plan
DA2-202	Rev. 001	Section EW-01
DA2-203	Rev. 001	Section EW-02
DA2-204	Rev. 001	Section EW-03
DA2-211	Rev. 001	Section NS-01-North
DA2-212	Rev. 001	Section NS-01-South
DA2-213	Rev. 001	Section NS-02-North
DA2-214	Rev. 001	Section NS-02-South
DA2-221	Rev. 000	Erskine Street Terraces & Sussex Lane Plan
DA2-222	Rev. 001	Erskine Street Terraces South Elevation
DA2-223	Rev. 001	Erskine Street Terraces Sussex Lane Elevation
DA2-231	Rev. 001	Kent Street Entry
DA2-232	Rev. 001	Kent Street Shopfront
DA2-233	Rev. 001	Sussex Street Detail
DA2-234	Rev. 001	Napoleon Street Entry
DA2-241	Rev. 000	Rendered Podium Elevation - Kent Street
DA2-242	Rev. 000	Rendered Podium Elevation - Sussex Street
DA2-243	Rev. 000	Rendered Podium Elevation - Sussex Lane
DA2-301	Rev. 000	Sussex Tower E-W Facade Part Plan/Elevation
DA2-302	Rev. 000	Kent Tower E-W Facade Part Plan/Elevation
DA2-303	Rev. 000	Kent-Sussex Tower N Facade Part Plan/Elevation
DA2-304	Rev. 000	Highrise W Facade Part Plan/Elevation
DA2-305	Rev. 000	Facade Sections 1
DA2-306	Rev. 000	Facade Sections 2
DA2-401	Rev. 000	Western View from Balmain: Existing
DA2-402	Rev. 000	Western View from Balmain: Proposed
DA2-403	Rev. 000	Northern View: Existing
DA2-404	Rev. 000	Northern View: Proposed
DA2-405	Rev. 000	Northern View from Margaret Street: Existing
DA2-406	Rev. 001	Northern View from Margaret Street: Proposed
DA2-407	Rev. 000	Southern View from Kent Street: Existing
DA2-408	Rev. 001	Southern View from Kent Street: Proposed
DA2-409	Rev. 001	North west View: Proposed
DA2-410	Rev. 000	Sussex Lane View: Proposed
DA2-500	Rev. 000	Proposed Materials & Finishes

Plan No.	Rev. No.	Title
FSA-000	Rev. 001	FSA Drawing Schedule
FSA-001 to 026	Rev. 001	Various levels as detailed on Drawing Schedule
SK2-000	Rev.001	Sketch Cover Sheet
SK2-100 to 106	Rev.000	DA1 & 2 Envelope Comparison
SK2-150 to 153	Rev.000	Urban Park, Pedestrian & Disabled Access
SK2-161 to 164	Rev.000	Building Elevations- Proposed Signage
SK2-170	Rev.000	Tree Inspection Plan
SK2-200 to 202	Rev.000	View Corridors

APPROVED DESIGN

- (2) 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.

APPROVED DESIGN ROOF-TOP PLANT

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

ENERGY EFFICIENCY OF BUILDINGS

- (4) The design of the building and its services must achieve a rating of at least 4.0 stars (whole building and base building) under the Sustainable Energy Development Authority's (SEDA's) "Australian Building Greenhouse Rating Scheme". This can be demonstrated by:-
- (a) Entering into a Commitment Agreement⁽ⁱ⁾ with SEDA, to deliver this star rating⁽ⁱⁱ⁾ for the base building⁽ⁱⁱⁱ⁾, being services traditionally supplied as 'common' to tenants^(iv), such as air conditioning, lifts and common area lighting) or for the whole building^(v) where there is to be one tenant to occupy the whole building. The applicant must provide a copy of the completed Commitment Agreement with their construction certificate application; and
 - (b) Providing a copy of the independent energy assessment report submitted to SEDA and submitted as part of the construction certificate application, that follows the current guidelines in SEDA's "Australian Building Greenhouse Rating Scheme Design Energy Efficiency Review" and the "Energy Efficiency Design Review.xls." This report should be based on the same documents as submitted with the construction certificate.

Note:

Definitions referred to in clause (a) above:

- (i) “Commitment Agreement” means an agreement that is set out in accordance with SEDA’s “Australian Building Greenhouse Rating Commitment Agreement”, which is made/signed between SEDA and the applicant/building owner/building manager, to design, build and commission the premises to an agreed star rating.
- (ii) “Star rating” refers to the benchmarking system applied by SEDA for measuring the energy efficiency of a building, and known as the “Australian Building Greenhouse Rating Scheme”.
- (iii) “Tenancies” means office space within a building covering tenant light and power. This may include tenancy air conditioning if this has been installed to service particular tenant loads, but does not include central services (Source: SEDA, September 2001).
- (iv) “Base building” means central services and common areas of a building (Source: SEDA, September 2001).
- (v) “Whole building” means all of the building, being the fabric of the building itself and all services and fit-outs (Source: SEDA, September 2001).

FLOOR SPACE RATIO

(5) The following applies to Floor Space Ratio:-

- (a) The Floor Space Ratio of the proposal must not exceed 10.1:1 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 111,291sqm.
- (b) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, a documentary Restrictive Covenant pursuant to Section 88B of the Conveyancing Act 1919 is to be registered on the title of the development site, to the effect of (a) above limiting the FSR on the site to 10.1:1 (111,291sqm).

Note:

The covenant/restriction will be noted on the Section 149 Certificate.

- (c) 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).

- (d) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, documentary evidence (ie. a Heritage Floor Space Allocation Certificate issued by Council) must be produced and acknowledged by Council that 5,960sqm of heritage floor space was allocated (purchased and transferred) to the development, being 50% of the HFS purchase required by Clause 45 of the Central Sydney Local Environmental Plan 1996.

BUILDING HEIGHT

- (6)
 - (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 145 (Kent Street Tower) and RL 99.5 (Sussex Street Tower).
 - (b) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the height of the building, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

THROUGH SITE LINK

- (7) A documentary Right of Public Access is to be created over the 'through-site-link' from Kent Street to Sussex Street and is to be registered on the Title of the site. Such Right of Public Access is to be created as detailed below:-
 - (a) in stratum being limited to the width of the structure/s defining the pedestrian thoroughfare through the building and the urban park;
 - (b) is to be created appurtenant to Council,
 - (c) is to grant rights of public pedestrian access from Kent Street to Sussex Street; and
 - (d) is to be created at no expense to Council.

The maintenance and cleansing of the areas shall be the responsibility of the owner in accordance with terms and conditions following consultation with Council.

ENCROACHMENTS ON THE PUBLIC WAY

- (8) Any architectural embellishments or elements of the new building (such as masonry stud elements or glass blade projections) which overhang the public footway are to comply with Council's requirements and not encroach upon the alignment of the street in excess of 450mm.

Note:

Any projections in excess of 450mm are to be submitted for the approval of Council in accordance with the Design Details/Modification condition-Schedule 1B.

LOWER STUB - Western Distributor

- (9) The applicant shall at no cost to the State Government demolish the redundant lower stub of the western distributor roadway over the subject site, including obtaining all necessary approvals and providing any additional construction that may be required to ensure the stability of the upper roadway (subject to the approval of the RTA and relevant landowners). Any subsequent Development Application for above ground works lodged after the date of this consent shall include the demolition of the lower deck of the western distributor and any necessary additional construction (unless a Development Application for such works has already been lodged). The removal of the lower stub is to be completed prior to the issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.

Note:

- (a) “If appropriate, the applicant may consult with the owners/developers of Site 1 and Site 6, Darling Harbour to share the cost associated with the demolition.
- (b) Should the removal of the Lower Stub not eventuate then the applicant is to liaise with the RTA regarding opportunities to embellish the appearance of the underside and columns of the structure including the use of decorative lighting to invigorate the space/structure.”

WESTERN DISTRIBUTOR - RTA advice

- (10) The applicant is to liaise with the RTA regarding any potential impact the proposal may have on the existing Western Distributor viaduct and the widening of the Western Distributor. In this regard, the applicant is to obtain written advice from the RTA confirming whether additional building setbacks from the western distributor will be required on the development site and furthermore, whether easements for access will need to be established on the subject site.

Any design modifications resulting from such written advice are to be submitted for the approval of the Director City Development prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (11) 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.

The form of recording is to be as follows:-

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

PHYSICAL MODELS

- (12) 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
- (13) Prior to the issue of the Occupation Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale mode of the development as constructed must also be submitted to Council for placement in the City Model at the City Exhibition Space.

Note:

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

CONSISTENCY OF DRAWINGS

- (14) 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.
- (15) The architect for the project, Richard Johnson (Johnson Pilton Walker), as approved, should not be changed without prior notice to Council.

COMMUNITY LIAISON

- (16) Prior to the commencement of any demolition, excavation, construction or operations on any part of the site, a public liaison officer shall be appointed for the duration of all works on the site. The officer shall be available during normal business hours to provide information to the public about activities on site and to bring any complaints to the attention of the applicant. The name and contact number of the officer(s) including an after hours emergency number, shall be clearly displayed at the street frontages of the site.
- (17) The public liaison officer shall maintain regular liaison with Council during development to ensure that all reasonable endeavours are made to minimise any disruption caused by demolition, excavation and construction works to adjoining properties.

DEMOLITION/SITE RECTIFICATION

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

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued under the Environmental Planning and Assessment Act 1979 for construction of the substantive building.
- (b) Prior to issue of the Construction Certificate, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the General Manager of the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:-
 - (i) a bank guarantee to be provided in the sum of 2.7 million dollars as security for the costs of such works provided that:-
 - a. the maximum liability under the Deed shall not exceed 2.7 million dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works which meet the objectives of the condition.
 - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the structure has commenced to be erected;

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

 - e. make the building safe and attractive at ground level;
 - f. allow the ground level to be landscaped and made attractive from any public vantage point; or

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

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

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

SECTION 61 CONTRIBUTION

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

(a) **Cash Contribution Required**

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

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

(b) **Amount of Contribution**

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

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

If the Construction Certificate is to be issued by a private accredited certifier, they must seek Council's endorsement of the calculation prior to the issue of the Construction Certificate.

For developments over \$2 million in cost, the certification of the building costs must be prepared by a Registered Quantity Surveyor.

(d) **Timing of Payment**

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

HERITAGE CONDITIONS

- (20) The proposed works are to be carried out in a manner that minimises demolition, alterations, new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (21) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
- (22) 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.
- (23) The applicant is to commission experienced tradepersons (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (24) Prior to the issue of a Construction Certificate a "Heritage Interpretation Strategy" for the site must be submitted to and approved by the Director City Development.

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.

The approved Interpretation Strategy shall be implemented to the satisfaction of the Director City Development prior to the registration of an Occupation Certificate.

Note:

The inclusion of an area in the Urban Park for an Interpretative Display is acknowledged. Opportunities for an Interpretative Display for Sussex Lane

should be considered including detailing the significance of the Erskine Street Terraces and the site. Final details shall be submitted for the approval of the Director of City Development prior to the issue of a Construction Certificate.

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

ARCHAEOLOGICAL INVESTIGATION

(26)

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

Note:

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

STRATA PLAN APPROVAL

- (27) A separate Development Application for Subdivision must be made to Council if subdivision is proposed.

SUBDIVISION CERTIFICATE

- (28) 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.
- (29) All pavement lights and vaults connected with the property are to be considered part of the property for the purposes of use and on-going maintenance. A notation to this effect must be included in the strata plan submitted for certification.

VEHICULAR SPACES

- (30) The following car parking requirements apply:-
- (a) The approved vehicle spaces shall be allocated on the development site as follows:
 - (i) 214 business/commercial premises spaces; and
 - (ii) 650 public short stay spaces;
 - (b) 1.5% of the above car parking spaces are to be for people with mobility impairment, in accordance with AS 2890.1.
 - (c) All spaces must be allocated and marked according to this requirement. If the development is to be strata subdivided, the carpark layout must respect the above allocation.
- (31) The following condition applies to the tenant car park (214 spaces):-
- (a) The on-site car parking spaces are not to be used by those other than an occupant or tenant of the subject building and any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of such car parking spaces to those other than an occupant or tenant in the building;
 - (b) The strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the Strata Schemes (Freehold Development) Act, 1973 as amended, so burdening all utility car parking allotments in the strata plan and/or an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, burdening all car parking part - lots in the strata plan.

Note:

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

SHORT STAY PARKING

- (32) The following is the pricing structure for short stay car parking stations and is to apply between 9.30 a.m. and 6.00 p.m. Mondays to Fridays, except on public holidays. Where N = the hourly rate determined by the car park operator:-

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

No person shall park in the building except those working in the building, or those parking in the building on a short term casual basis paying the tariff.

Parking in areas other than designated car spaces is prohibited.

Short stay car parking stations shall not operate between 5.30 a.m. and 9.30 a.m. on weekdays. Operation is unrestricted on weekends and public holidays.

TRAFFIC CONDITIONS

- (33) Car parking provision and service vehicle provision shall satisfy Council's LEP and DCP 1996.
- (34) The layout of the car parks and service vehicle parking area shall comply with Australian Standards AS 2890.1-1993 and AS 2890.2-1989.
- (35) All disabled car parking spaces are to be located in close proximity to any elevators or lifts.
- (36) All vehicles including trucks must enter and leave the site in a forward direction.
- (37) Service vehicles are prohibited from using Sussex Lane.

- (38) The use of landscaping should not affect the driver's eye sight distances to see other vehicle/pedestrians/children etc for vehicles entering, exiting and manoeuvrability throughout the site. The use of low growing shrubs and vegetation around the driveway if landscaping is required, is recommended.
- (39) All works/regulatory signposting associated with the development is to be at no cost the Roads and Traffic Authority.
- (40) Car park roller doors shall be designed and constructed for quiet operation.
- (41) The ramp grade at property line shall be 1 in 20 maximum across the property line or building alignment for at least the first 6m into the car park.
- (42) The ramp grade at vehicular control points shall be 1 in 20 maximum for at least 6m prior to the control point.
- (43) The position of the control device e.g. card reader shall be such that drivers can activate the device without the need of getting out of the vehicles.
- (44) The vehicular queuing area grade shall be 1 in 10 maximum for not less than 0.8 of the required queuing length.
- (45) Parking bays abutting walls shall have their widths widened by an extra 300mm.
- (46) An application must be made to operate a public car park in accordance with clause 113 of the Local Government (Approvals) Regulation 1993 and approval obtained under clause 115 of the Regulation, before the operation commences.
- (47) Approval to operate the public car park shall be subjected to compliance of Part 5 Division 3 of the Local Government (Approvals) Regulation 1999.
- (48) Any roller shutter proposed for the retail or public areas must be of an anodised or powder coated finish with polycarbonate infills allowing penetration of at least 50% of available light.
- (49) A "STOP" sign shall be installed at the exit point to require exiting vehicles to stop at the building line.
- (50) 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; and

- (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.
- (51) All costs of traffic management measures associated with the development shall be borne by the developer.

TRACHYTE KERBING

- (52) Any trachyte kerbing on the site to be removed or relocated is to be protected, stored and reinstated on the site in accordance with Council's requirements and to its satisfaction.

EXTERNAL LIGHTING

- (53) A separate development application is required to be lodged for any proposed external floodlighting or illumination of the building and the site. Such application shall be submitted and approved by Council prior to the installation of any external lighting and should be generally consistent with the Lighting Strategy prepared by Barry Webb & Associates (NSW) Pty Limited dated 20 December 2001 Issue B.

NAMING OF THE DEVELOPMENT

- (54) 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.

PLACE OF PUBLIC ENTERTAINMENT

- (55) No Public Entertainment, as defined under the Local Government Act 1993, is to be provided on the site without the prior separate approval of Council. The occupier shall obtain approval from Council under Section 68 of the Local Government Act 1993 for any proposal to use the premises or part thereof as a Place of Public Entertainment.

SEPARATE APPROVAL

- (56) A separate development application must be submitted at the appropriate time for the specific use and fit-out of the retail and food court/food outlets in the podium of the new building.
- (57) A separate development application/s must be submitted at the appropriate time for the future conservation work, specific use and fit-out of the Erskine Street terraces with the exception of the modifications to the northern facades as detailed in the approved drawing DA2-223. Such work shall be consistent with the Conservation Management Plan approved for the site prepared by Noel Bell Ridley Smith & Partners.

- (58) A separate development application must be submitted at the appropriate time for the specific use and fit-out of the new infill building in Erskine Street.

SIGNAGE STRATEGY

- (59) An Amended Signage Strategy is to be submitted for the development site. The Strategy is to be amended to reduce the number of zones for external signage on the exterior of the building and is to comply with the provisions of Section 8.0 of the Central Sydney DCP 1996. Signage Zones 6 and 13 are to be deleted from the final Strategy and the extent of Zones 1, 2, 3, 4, 7, 8, 9 and 10 are to be revised down. In addition, the Strategy is to be expanded to incorporate standard design details for retail signage.
- (60) A separate development application for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council prior to the erection or display of any such signs. Such application must be consistent with the approved Amended Signage Strategy for the site prepared by JPW.
- (61) At no time is the intensity, period of intermittency and hours of illumination of the sign to cause injury to the amenity of the neighbourhood. If, in the opinion of Council, injury is likely to be caused, the intensity, period of intermittency and hours of illumination must be varied to the approval of Council.

BCA CONDITIONS

- (62) The detailed design of the building shall be adjusted as required to meet the performance requirements of the BCA.
- (63) Where any proposed Category 2 fire safety measures will serve the building so as not to meet the Deemed to Satisfy requirements of the BCA, such measures shall be provided in accordance with the requirements of Clause 144 of the Environmental Planning and Assessment Act Regulations 2000 and the New South Wales Fire Brigades.

NAPOLEON STEPS

- (64) The applicant is to liaise with the Roads and Traffic Authority and the owner of the Napoleon Steps regarding their future possible integration into the Urban Park including introducing an opening into the southern wall to connect to the Urban Park and upgrading the tiles surface of the steps.

Schedule 1B

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

BCA COMPLIANCE

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

DESIGN DETAILS/MODIFICATIONS

- (66) The following design details/modifications of the building shall be submitted:-
- (a) Final details at a scale of 1:100 illustrating the design of all architectural fins, decorative elements, louvres and glass blade projections. Such details are to be fully dimensioned including details of those which extend/project beyond 450mm.
 - (b) The design details for the louvres (plant) proposed on the Napoleon Street (northern elevation) and Sussex Lane (southern elevation) elevations including confirmation of materials and finishes.
 - (c) Final design details and material application for the carpark entrance on Sussex Street and Kent Street including the design of the carpark roller doors.
 - (d) Final design details for the carpark exhaust on the Sussex Street elevation including materials and finishes.
 - (e) Final design details for the substation which presents on the Sussex Street elevation including confirmation of materials and finishes.
 - (f) Final design details for the architectural roof feature including materials and finishes.
 - (g) Final design details for Sussex Lane;
 - (h) Samples and specifications for all external surface materials which are publicly accessible ie. through-site-link and Sussex Lane. A sample of the reconstituted granite paving should be submitted for approval;
 - (i) The final detailed design resolution of the new Erskine Street infill building (Erskine Street and Sussex Lane elevations) including materials application.
 - (j) Coloured elevations detailing the final design and materials applicant to the building and the Erskine Street terraces for record purposes. Such drawings are to be accompanied by a final materials board for the development which includes samples of the paving materials and the white fritted glazing for the Sussex Street Tower.

Note:

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

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

CONSERVATION MANAGEMENT PLAN

(67) The Conservation Management Plan prepared by Noel Bell Ridley Smith & Partners Pty Ltd and dated April 2002 (Amended Issue) is to be amended as detailed below:-

- (a) To include a bibliography;
- (b) To provide references for photographs Figures 25 and 26;
- (c) To reword the Conservation Policy Section to eliminate references to it as a 'preliminary conservation strategy' and also references to a 'future conservation plan' including in the sections of the report: Policy 1.3, Section 7.2.2, Policy 4.2 and Policy 4.3;
- (d) To include a curtilage diagram;
- (e) To expand the Interpretation Policy to cover interpretation of the place for the public including interpretative signage and displays; and
- (f) To provide strategies for implementation of the Conservation Policies by renaming the Conservation Policies in Section 5 as 'Strategies' and moving them to a more appropriate place within the document.

The amended Conservation Management Plan is to be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

STREET TREES

(68) The applicant is to liaise with Council's City Projects Unit regarding the requirements for the replacement and removal of the street trees identified in the 'Landscape Architects Report on Existing Trees' prepared by Paul Geehan and dated 18 December 2001. All tree replacements and planting details are to comply with the City's Street Tree Policy.

Note:

- (a) "Tree Numbers T01 and T06: Platanus x hybrida" - Shall be retained and protected during construction;

- (b) “Tree Numbers T07 to T11: Ficus Hilli” - Trees can be removed. Replacement trees and planting details are to comply with the City’s Street Tree Policy;
- (c) “Tree Numbers T12, T14 and T15: Ficus Hilli” - Report to be provided on the proposed removal and possible transplant within the site. Report to be prepared by a qualified Arborist;
- (d) “Tree Number T18: Ficus Hilli” - Report to be provided on the structural integrity of the tree before any removal is agreed to. Report to be prepared by a qualified Arborist; and
- (e) “Tree Numbers T20 and T21 are not Street Trees. Details for their removal should be included in the site landscape plan”.

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

LANDSCAPING OF THE SITE

- (69) The site must be landscaped and maintained to the approval of Council. A detailed landscape plan, to scale, drawn by a landscape architect or approved landscape consultant, must be lodged and approved by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The plan should be generally consistent with the Public Domain (Stage 2) and Landscape Plan (Stage 2) prepared by JPW and must include:-
 - (a) Location of existing and proposed structures on the site including existing trees (if applicable);
 - (b) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (c) Location, numbers and type of plant species;
 - (d) Details of planting procedure and maintenance; and
 - (e) Details of drainage and watering systems.

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

PAVING MATERIALS

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

PUBLIC DOMAIN PLAN

(71) 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 applicant is to liaise with the Director City Development regarding the detailed design of the northern boundary of the site where the footway integrated with the urban park with the view to improving pedestrian movement around the perimeter of the urban park at Napoleon Street. Such details are to be generally consistent with Drawing DA2-011 Rev.003 prepared by JPW.
- (c) The Public Domain Plan should include samples of all paving materials (ie. reconstructed granite paver proposed for Sussex Lane).

Note:

Exterior paving to withstand vehicular traffic should be a minimum thickness of 50mm with a 150mm reinforced concrete slab with F62 trench meshing to prevent cracking as per the City's Development Specifications for Roads and Footways.

- (d) 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. Typical public domain details are required at a scale of 1:20. These should include but are not restricted to paving layouts, pit lid details, planter details, tree pit details and lighting details. All details should be in accordance with the relevant Public Domain Guidelines.
 - (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. These sections are required both in east-west and north-south directions through the public domain.

- (v) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
- (vi) Include specifications of the proposed works.
- (e) 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.
- (f) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer and may include:-
 - (i) Adjustment to paving grades to provide a maximum crossfall of 2.5% from building line to top of kerb.
 - (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.
 - (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.
 - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
 - (v) The repair and where required the resetting of all stone kerbing to 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed to the centre line of the carriageway.
 - (vi) The retention and repair of any existing pavement lights.
 - (vii) The retention and repair of any existing serviceable stone gutters.
 - (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.

- (ix) The provision of smart pole(s), (to be provided at the applicants cost).

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.

PROVISION OF SMARTPOLES™

- (72) The applicant shall pay the cost of installation of smartpoles™ in the public way adjacent to the development, or in any area within the development which is intended to be dedicated as part of the public domain, to the requirements of Council. The details of the location of the smartpoles™ must be submitted for the approval of Council, prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. You should liaise with the Public Domain Officer in City Projects in this regard.

DETAILED ROAD AND DRAINAGE ENGINEERING DESIGN AND CONSTRUCTION PLANS

- (73) Detailed road and drainage works engineering design and construction plans for the proposed civil works in the public way are to be submitted to Council and approval gained prior to the commencement of any associated work. Such plans and documentation are to include:
- (a) Location of all public utility services in the vicinity of the proposed works and details of any alterations and deviations required.
 - (b) Geometric design, materials and specifications of any proposed road and lane carriageway and footway reconstruction including kerb and gutter realignment, vehicle crossings and pram ramps.
 - (c) Details of all existing road formation to be altered, removed or relocated.
 - (d) Hydraulic and geometric design of any proposed alterations or deviations of stormwater drainage systems and any property connections required.
 - (e) Details of proposed street furniture, bollards and street lighting.

All proposed civil works are to be designed and constructed in accordance with Council's standards and requirements and AUSPEC #1 specifications.

The submission to Council is to include:

- (i) The detailed engineering plans in duplicate and a Certification Form prepared and signed by an appropriately qualified practising Civil Engineer.
- (ii) The certification repeated for each revision issued to Council.
- (iii) The nomination of an appropriately qualified practising engineer who is to supervise construction and certify that upon completion, all works and procedures comply with the certified plans and specifications.

PAVEMENT LIGHTWELLS

- (74) The pavement lightwells in the footways adjoining the site must be upgraded and maintained according to the requirements of and to the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

METAL FIXINGS FOR FACADE

- (75) Any metal fixings for facade panels or curtain walls to a building must be stainless steel (Grade 303) unless the element/component is designed principally as a flexural member as follows:-
 - (a) The fixing shall be designed so that in the event of imminent corrosion failure, the deformation in the fixing/s should cause the panel to displace downward (and preferably outward at the bottom of the panel).
 - (b) The flexural member/component may then be Hot Dipped Galvanised Steel and designed so that the design life of the fixing is minimum 100 years, using:-
 - (i) Average Corrosion Rate of “Hot Dipped Galvanised Coating” to be 2 microns per year; and
 - (ii) The Average Corrosion Rate of “mild steel” in the facade environment taken to be 20 microns per year; and
 - (iii) The Pitting Rate of “mild steel” taken to be 10 times the Average Corrosion Rate; and
 - (iv) After the section has corroded full thickness at Pitting Corrosion Rate, the Average Corrosion Rate “doubles”.

ALTERNATE SOLUTION

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

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

ELECTRICITY SUBSTATION

- (77) The owner must comply with the requirements of Energy Australia in relation to the dedication to Energy Australia, free of cost, an area of land adjoining the street alignment to enable an electricity substation to be established, as appropriate.

PUBLIC TELEPHONES

- (78) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the certifying authority must approve:-
- (a) Details that two public telephones will be provided in the development free of cost, (similar to the Telstra Blue Phone), in consultation with the applicant's preferred provider.
 - (i) The telephones should be located at footpath level and two square metres should be allowed for each telephone.
 - (ii) At least one telephone should be accessible for use by persons with a disability, to be designed and installed in accordance with the requirements of AS 1428.2.
 - (b) The telephones must be available for public use during the normal opening hours of the building.

TOILETS AVAILABLE FOR USE BY THE PUBLIC

- (79) Provision shall be made for the inclusion of toilet facilities at ground floor level of the building. Such facilities shall be located adjacent to the entrance foyer or lift lobby and shall remain available for public use during the normal opening hours of the building. The facilities shall be signposted. Details of the location shall be approved by the Certifying Authority prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

RECEPTACLES FOR CIGARETTE BUTTS

- (80) Provision must be made on the site, adjacent to the entrance/s to the building, for an adequate number of receptacles for the disposal of cigarette butts. Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the location and design of the receptacle/s must be approved by Council. The receptacle/s must:-
- (a) be located entirely on private property and must not be located on or over Council's footpath;

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

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

(81)

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

SECURITY MANAGEMENT PLAN

- (82) The applicant shall prepare and submit a Final Security Management Plan which specifies security patrol, surveillance and other security and response methods and security management of the public and private domain within

and surrounding the site. The Final Plan is to include the out-of-hours security strategy and detail the location of the CCTV camera. The Final Plan is to be generally consistent with the Security Management Plan prepared by Barry Webb & Associates (NS) Pty Limited Issue A dated 6 December 2001. The Final Plan shall be approved by Council, prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

DISABLED ACCESS

- (83) Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and Council's Access Policy. Prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979, a certificate certifying compliance with this condition OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) must be provided, and copy submitted to Council.

TELECOMMUNICATIONS PROVISIONS

- (84) 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.
- (85) A separate DA must be submitted at the appropriate time for any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development.

REFLECTIVITY

- (86) 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.

CAR PARK AND SERVICE VEHICLE LAYOUT

(87)

- (a) The layout plan of the carpark is to be in accordance with Australian Standard AS 2890.1 - 1993 "Parking Facilities Part 1: Off Street Car Parking". All parking spaces are to be linemarked.
- (b) The layout of the service vehicle areas is to comply with Australian Standard AS 2890.2 - 1989 "Off Street Parking Park 2 - Commercial Vehicles Facilities".
- (c) The details shall be submitted to and approved by the certifying authority prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

CAR PARK MANAGEMENT PLAN

- (88) A Car Parking Management Plan to the satisfaction Director City Development that specifies the management of both the tenant and public car park, charging rates, signage and conditions of use is to be submitted for approval by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

PEDESTRIAN CROSSING

- (89) The applicant is to liaise with Council's Transport and Access Unit and the RTA regarding the final location and installation of pedestrian crossings in Sussex Street and Kent Street. In this regard, the application is to submit a Traffic and Pedestrian Report to address which addresses the following matters:-
- (a) To establish the predicted pedestrian and vehicular volumes and check this data against the "Warrant Graph for Pedestrian Crossings" in the RTA Guidelines to establish whether the marked footcrossing is justified and adequate. Such data may indicate the need to provide a traffic signal crossing.
 - (b) With the predicted vehicular flow and given the traffic control devices up-stream of the crossings (eg. signalised intersection, another marked crossing etc) to determine the time gap in the vehicular traffic flow available to the pedestrians. In the event that the calculated time gap for pedestrians is found to be inadequate for the predicted pedestrian volume, consideration might be required to upgrade the design to a signalised crossing to avoid unacceptable delay in the vehicular traffic flow.

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

STORMWATER AND DRAINAGE

- (90) 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

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

ALIGNMENT LEVELS

- (92) The following shall be submitted to Council:-
- (a) A separate application including footpath alignment levels must be submitted for approval for the design of the building.
 - (b) Such application must be accompanied by a plan prepared by a Registered Surveyor showing the existing location, size and levels (AHD) of all service covers, trees, poles and street furniture, kerb, gutter and alignment levels at 10m cross/sections, alignment levels at proposed and existing vehicular and/or pedestrian entrances within the footway adjacent to and extending 20 metres past either side of the site.

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

VENTILATION/HEATING/COOLING SYSTEMS

- (93) The proposed podium retail tenancy must not be used for cooking or heating of food unless a system of mechanical ventilation is installed to the cooking or heating appliances. Certified Plans and specifications showing details of any proposed mechanical ventilation system must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

STORAGE AND WASTE HANDLING

- (94) The following requirements apply to storage and waste handling:-
- (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with Council's Code for Waste Handling in Buildings (adopted 17 October 1994). The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of the Code).
 - (b) Certification of compliance with the design and constructional requirements of the Code including the associated Waste Management Plans and with the Conditions of Development Application consent relating to waste must be submitted to and approved by the Certifying Authority in the attached form W1 prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. Such Certification must be given by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
 - (c) The Certified Plans and Specifications must address compliance with the Waste Code including details of the following, where applicable:-
 - (i) The location, design and construction of the garbage room, recycling rooms, bin washing areas and collection areas.
 - (ii) The natural or mechanical ventilation, in accordance with the Building Code of Australia and Australian Standard 1668.
 - (iii) The location and design of any garbage chutes or compaction units required by Council's Code.
 - (iv) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.

Note:

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

RECYCLING AREAS

- (95) 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.

SANITARY FACILITIES

- (96) Sanitary and other facilities must be provided in accordance with the Building Code of Australia, Part F2.

STRUCTURAL CERTIFICATION

- (97) For alterations and additions to the existing Erskine Street Terraces, 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).

ALTERATIONS, ENLARGEMENT OR EXTENSION OF AN EXISTING BUILDING NOT INVOLVING CHANGE OF USE

- (98) The certifying authority must not issue a construction certificate for the work unless it is satisfied that the fire protection and structural capacity of the existing elements of the building will not be reduced.

Schedule 1C

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

DEMOLITION WORK METHOD STATEMENT

- (99) 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.

(100) The Statement must be in compliance with “AS2601-1991 Demolition of Structures”, the requirements of WorkCover Authority and conditions of the Development Approval, and must include provisions for:-

(a) Enclosing and making the site safe, any temporary protective structures must comply with the “Guidelines for Temporary Protective Structures” (April 2001);

(b) Induction training for on-site personnel;

(c) Inspection and removal of asbestos, and contamination and other hazardous materials;

(d) Dust Control:-

Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site.

(e) Disconnection of Gas and Electrical Supply;

(f) Fire Fighting:-

Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed.

(g) Access and egress:-

No demolition activity shall cause damage to or adversely affect the safe access and egress of this building.

(h) Waterproofing of any exposed surfaces of adjoining buildings;

(i) Control of water pollution and leachate and cleaning of vehicles tyres:-

Proposals shall be in accordance with the “Protection of the Environmental Operations Act 1997”.

(j) Working hours, in accordance with this Development Consent;

(k) Confinement of demolished materials in transit;

(l) Proposed truck routes, in accordance with this Development Consent;

- (m) Location and method of waste disposal and recycling in accordance with the “Waste Minimisation and Management Act 1995”.

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

STRUCTURAL CERTIFICATION FOR DESIGN - MAJOR WORKS

(102) 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.

CERTIFICATION OF MECHANICAL VENTILATION

- (103) The details of any mechanical ventilation or air conditioning must be certified by a competent person to comply with AS/NZS: 1668 Part 1 1998 and Part 2 1991 of 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.
- (104) 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.

GEOTECHNICAL REPORT AND CERTIFICATION

(105) Prior to commencement of any foundation or bulk excavation, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy submitted to Council (if it is not the Principal Certifying Authority):-

- (a) A Geotechnical Report which shall include the following information as appropriate:-
 - (i) Borehole/test pit logs or inspection records;
 - (ii) Field/laboratory test results;
 - (iii) General geotechnical description of site;
 - (iv) Recommended safe bearing values and likely settlements of foundation material;
 - (v) Recommendations for stability and protection of excavations;
 - (vi) Opinion on the effect of the new works on adjoining buildings and recommendations for any underpinning or other measures required to maintain stability; and
 - (vii) Method of proving and assessing foundations underpinning and/or excavation stability in accordance with design.
- (b) A Structural Engineer's Report/Letter stating to the effect that, based on the Geotechnical Report, the proposed excavation and construction work will not adversely affect the adjoining building/s.
- (c) An Inspection and Test Plan (ITP) that reflects the requirements of the geotechnical report, project drawings and specifications.
- (d) A completed Geotechnical Certificate for the Report and ITP, submitted in the form of Attachment G1 completed by the Project/Principal Geotechnical Engineer OR, a compliance certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) after satisfying (a), (b) and (c) above.

Notes:

- (e) An appropriately qualified practising geotechnical engineer certifying by completing Attachment G1 must have:-
 - (i) Appropriate tertiary qualifications in civil or geotechnical engineering; AND
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume;
 - (iv) Appropriate current professional indemnity insurance.
 - (f) An appropriately qualified practising geotechnical engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Geotechnical Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
- (106) 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.

OTHER DEMOLITION DETAILS

- (107) Prior to the commencement of demolition work, the following additional details are required to be submitted to the Principal Certifying Authority (PCA) (Council or a accredited certifier), and a copy submitted to Council if its not the PCA:-
- (a) A Statement/Letter from an appropriately qualified Structural Engineer certifying concurrence with the structural provisions of the Demolition Work Method Statement and proposed work. If applicable, a Structural Report of the proposed building to be demolished must be attached.
 - (b) A Letter nominating the person appropriately qualified as an Occupational Hygiene Consultant for inspecting the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to WorkCover Authority.
 - (c) Dilapidation Report/s of adjoining buildings.
 - (d) A certified copy of the Public Liability Insurance indemnifying Council for \$10,000,000 against public prosecution for the duration of the demolition works.
 - (e) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the WorkCover Authority.

EXCAVATION WORK METHOD STATEMENT

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

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

Note:

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

SITE CONTAMINATION REPORTS

- (109) 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).
- (110) Where a site is determined to be a “Contaminated Site” under the definition contained in ANZECC/NHMRC 1992 definitions, prior to commencement of site excavation works:-
- (a) A Remediation Action Plan (RAP), which details the proposed method for the proper cleaning of contaminated materials from the site is to be provided to the satisfaction of the PCA, (and a copy to sent to Council if it is not the PCA).
 - (b) A suitability qualified and accredited “Independent Auditor”, to the satisfaction of Council, (in terms of Section 7A of the “Environmental Planning and Assessment Act 1979”) is to be appointed in accordance with the requirements of the “Contaminated Land Management Act 1997, and Regulations 1998”.
 - (c) The approved Remediation Action Plan, must be available on the site at all times during the progress of the work.
 - (d) The Independent Auditor is to provide a letter to the satisfaction of the PCA, that the RAP is appropriate to remediate the land to the standard suitable for the proposed redevelopment of the land and that common or public areas meet the criteria for common property or designated public space.
 - (e) On completion of the excavation works, a validation certificate must be submitted to the PCA (and a copy sent to Council if it is not the PCA). The certificate signed by the Independent Auditor, must testify that the requirements detailed in the Remediation Action Plan, have been satisfactorily completed, and have achieved results as required under the requirements of the “Contaminated Land Management Act 1997, and Regulations 1998”.

NOTIFICATION OF EXCAVATION WORKS

- (111) 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.

ARCHAEOLOGICAL MONITORING DURING EXCAVATION

- (112) Excavation of the site requires the works to be monitored by an archaeologist and any remains are to be suitably recorded. To this effect, the applicant must make application to the Heritage Office for an archaeological monitoring permit under Section 140 of the “Heritage Act 1977”.

ROCK CUTTING INTO BLOCKS

(113) 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

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

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

PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN FOR DEMOLITION AND/OR EXCAVATION

- (115) 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

- (116) 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.
- (117) 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.
- (118) The Waste Management Plan must address demolition and excavation, as applicable. The Plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:-
- (a) Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
 - (b) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition and excavation operations including:-
 - (i) Type and quantities of material expected from demolition and excavation;
 - (ii) Name and address of transport company;
 - (iii) Address of proposed site of disposal;

- (iv) Name/address of company/organisation accepting material;
 - (v) Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
 - (vi) Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
 - (vii) Material for disposal and justification of disposal; and
 - (viii) If details of items (ii) to (vii) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contracts.
- (119) All requirements of Waste Management Plans must be implemented during the demolition and/or excavation period of the development.

Note:

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

- (120) 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

- (121) A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect a hoarding or scaffolding in a public place and such application is to include:-
- (a) Architectural, construction and structural details of the design in accordance with the “Policy for the Design and Construction of Hoarding” (September 1997) and the “Guidelines for Temporary Protective Structures” (April 2001).
 - (b) Structural certification prepared and signed by an appropriately qualified practising structural Engineer.
 - (c) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.

APPLICATION FOR A ROAD OPENING PERMIT

- (122) 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).

(123) Documents required with the Road Opening Permit application include:-

- (a) A plan and relevant sections showing scope of works, boundaries, utility services, levels of proposed excavation, and details of method of reinstating public way;
- (b) Evidence that public utility drawings have been inspected;
- (c) Evidence of a \$10 million dollar Public Liability Insurance Policy specifically indemnifying the City of Sydney, valid for at least the duration of the project;
- (d) A Security Deposit for reinstatement of public way.

Note:

The Road Opening Permit will be subject to further conditions that shall be complied with.

BARRICADE PERMIT

(124) 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

(125) A Pedestrian and Traffic Management Plan must be submitted to and approved by Council prior to commencement of construction on the site and must include details of:-

- (a) Proposed ingress and egress of vehicles to and from the construction site;
- (b) Proposed protection of pedestrians adjacent to the site;
- (c) Proposed pedestrian management whilst vehicles are entering and leaving the site;
- (d) Proposed route of construction vehicles to and from the site.

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

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

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

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

FOOTPATH DAMAGE BANK GUARANTEE

(127) Prior to release of a temporary structure approval under Section 68 of the Local Government Act 1993 (Hoarding Approvals), the owner of the site must provide a bank guarantee at a value equivalent to square metres of footway adjacent to the frontage of the development site, as security for any damage rectification. The value of the bank guarantee is to be determined on application.

(128) The following protective measures shall be provided under any hoarding on the public footway during construction of the development to the satisfaction of the Council:-

- (a) Plastic sheeting to cover the stone paving;
- (b) Minimum 12mm thick plywood on top of the plastic sheeting; and
- (c) These measures shall be maintained in a safe and tidy condition for the duration of construction.

CONTROL OF VERMIN

(129) 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

(130) 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.

Schedule 1D

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

CITY OF SYDNEY COMPLIANCE INSPECTIONS

(131) The purpose of this condition is to ensure that the Council is given sufficient notice prior to the issuing of the Occupation Certificate to carry out inspections of soon to be completed buildings, where Council considers it necessary. In doing so, this ensures that the Council is able to provide an

independent analysis of whether the building is constructed to a standard that complies with the BCA and in accordance with the development consent.

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

DEMOLITION WORKS

(132) 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.

(133) Demolished combustible materials shall not be stockpiled. Material must be removed regularly.

HOURS OF WORK AND NOISE

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

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

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

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

(135) 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

- (136) 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

- (137) 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

- (138) The following requirements apply:-

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

periodically for any adjustment necessitated by the progress of the construction activities.

STREET TREES

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

PROTECTION OF THE ENVIRONMENT

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

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

OBSTRUCTION OF PUBLIC WAY

(141) 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.

(142) 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.

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

Note:

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

Schedule 1E

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

OCCUPATION CERTIFICATE

- (144) 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.

FIRE SAFETY CERTIFICATE

- (145) A Fire Safety Certificate (in accordance with Clause 174 of the Environmental Planning and Assessment Regulation 2000) must be furnished to the Principal Certifying Authority (PCA) (Council or a private accredited certifier) for all of the items listed in the Fire Safety Schedule forming part of this approval prior to any consent for occupancy/partial occupancy being granted. A copy of the Certificate must be submitted to Council if it was not the PCA.

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

- (146) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979 and following the completion, installation, and testing of all the mechanical ventilation systems covered by the approval, a Mechanical Ventilation Certificate of Completion and Performance in the form of Attachment M2, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the Principal Certifying Authority (PCA) (Council or a private accredited certifier). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council if it was not the PCA.

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (147) 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.
- (148) A copy of the Certificate with a microfilm set of the final drawings shall be submitted to Council if it was not the PCA.
- (149) Notes:
- (a) An appropriately qualified practising structural engineer certifying by completing Attachment S1C must have:-
 - (i) Appropriate tertiary qualifications in Civil or Structural Engineering, AND;
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume;
 - (iv) Appropriate current professional indemnity insurance.
 - (b) An appropriately qualified practising structural engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.

CERTIFICATION OF GEOTECHNICAL INSPECTION

- (150) 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.

MATERIALS - BCA

- (151) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.

GLAZING - AS 1288 S.A.A

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

PUBLIC ART

- (153) 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 Occupation Certificate under the Environmental Planning and Assessment Act 1979 and should be consistent with the Public Art Strategy prepared by JPW (undated) as contained in "Appendix E of the Statement of Environmental Effects (Stage 2)" prepared by JBA and dated December 2001.

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (154) 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.

- (155) 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.

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

CONTINUED PERFORMANCE OF MECHANICAL VENTILATION

- (157) 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.

COOLING SYSTEMS

- (158) 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.
- (159) 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.

VENTILATION - BCA

- (160) The premises must be ventilated in accordance with the Building Code of Australia and AS/NZS: 1668 Part 1 and Part 2 1991.

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

- (161) For temporary shoring, a separate application must be lodged to Council under the provisions of Section 68 of the Local Government Act 1993.
- (162) 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.

LOT CONSOLIDATION

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

SYDNEY WATER CERTIFICATE

(164)

- (a) Prior to release of the final Strata Plan endorsed by Council under Section 37 of the “Strata Schemes (Freehold Development) Act 1973”, written confirmation that you have obtained a (Developer) Compliance Certificate under Section 73 of the “Sydney Water Act 1994” for the development must be submitted to Council; OR
- (b) Evidence must be submitted to Council that the requirements of Sydney Water with regards to the strata subdivision proposal have been satisfied.

Note:

- (i) Sydney Water may require you to construct works and/or pay developer charges. Contact Sydney Water, Ph. 132092.

HISTORIC MARKER

(165) 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.

COMMEMORATIVE PLAQUE

(166) The following is required:-

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

NUMBERING

(167) 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.

STREET NAME PLATE

(168) Council’s standard street name plate shall be affixed to all street frontages of the building, visible to both pedestrian and vehicular traffic. The signs shall be obtained and installed at no cost to Council. (Contact the Team Leader – Urban Domain, Service Planning Policy).

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

Schedule 1F

Conditions to be complied with during the use of Premises

LOADING AND UNLOADING

(170) All loading and unloading operations must be carried out via the basement car park.

REMOVAL OF GRAFFITI

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

SPRUIKING

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

NOISE - USE

(173) 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 subclause does not apply to any such frequencies.

- (c) During the period 12 midnight to 7.00 a.m. the use shall be inaudible in any habitable room of any residential premises.
- (d) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.

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

NOISE - MECHANICAL PLANT

(174) 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.

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.

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

GLASS SHOP FRONTS

(176) The glass shop front must not be tinted, screened by blinds, curtains or the like or obscured.

CARE OF BUILDING SURROUNDS

(177) 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

(178) 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.

PORTABLE SIGNS

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

INTRUDER ALARMS

(180) 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 COLLECTION ACTIVITIES

(181) 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".

(182) 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.

AIR CONDITIONING OR REFRIGERATION SYSTEMS

(183) Air conditioning or refrigeration systems which contain R11 or R12 or any other controlled substance as defined in the Ozone Protection Regulation 1997, must not be installed in the building. Air conditioning and refrigeration systems must use environmentally friendly refrigerants.

MICROWAVE/LASER COMMUNICATION SYSTEM

(184) All microwave/laser communication system devices/apparatus, as appropriate must incorporate all necessary safety features to prevent any person being exposed to radiation in excess of that permitted by the Radiation Control Act 1990, and Regulations thereunder, Australia Standard 2772 - 1990 and any other relevant Code or Standard.

Schedule 2

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

- (C) On the assumption that consent is granted, the Lord Mayor has delegated authority to vary those aspects of Condition (9) that relate to the timing of the removal of the lower stub and pre-conditions attached to them as opposed to varying the requirement to remove the stub; and
- (D) The Director-General of Planning NSW be requested to convene a meeting with relevant parties, including an appropriate representative of the City of Sydney, to assist in the achievement of Condition (9).

ITEM 5. DEVELOPMENT APPLICATION: 142-148 GOULBURN STREET, SURRY HILLS (D2002/00340)

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

Mr Richard Francis-Jones - MGT Architects

Mr Kim Landy - Chairman, Owners Corporation, Belvedere Apartments

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

That arising from consideration of a report by the Area Planning Manager to the Central Sydney Planning Committee on 18 July 2002, in relation to Development Application 2002/00340 made by Carrington Goulburn Street Pty Ltd for the site at 142-148 Goulburn Street, Sydney, for a Stage 1 consent 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 State Environmental Planning Policy No 1 objection submitted in respect of the development's non-compliance with the 15m and 18m height limits contained in the Central Sydney Local Environmental Plan 1996 is considered well founded on the grounds that strict compliance with the standards would be unreasonable and unnecessary having regard to the particular circumstances of the case, in particular:
 - (1) The proposed building envelope is contextually appropriate, as -
 - (a) Surrounding sites are subject to varying height limits. The site adjoining to the north has a height limit of 30m, those on the opposite side of Brisbane Street have a height limit of 45m, and those on the opposite side of Weymss Lane and Goulburn Street have a height limit of 15m; and

- (b) The heights of the buildings at 17.6m and 21m are consistent with other nearby buildings within the Wentworth Avenue Special Area, such as those on the opposite side of Weymss Lane which range in height from 14m to 28m, and are substantially less than other nearby buildings such as the Belvedere on the opposite side of Brisbane Street and Sydney Mansions on the opposite side of Goulburn Street.
- (2) The proposed building envelope is consistent with the objectives of the relevant controls, including:-
- (a) “to provide a transition of building heights between localities and street blocks;
- (b) to provide a high quality urban form for all buildings, maintaining satisfactory sky exposure and daylight ...; and
- (c) to ensure an appropriate height relationship between new development and heritage items or heritage streetscapes”.
- (3) The non-compliances relate in each case to one additional level, which is set back from the street frontages and parapets to reduce apparent height.
- (4) The proposed roof top addition to the heritage building will not have a significant visual impact on the heritage qualities of the building or adjoining streetscapes.
- (5) The existing heritage building has a height of approximately 16m above Brisbane Street to its roof ridgeline (17m above Goulburn Street) with other elements on the roof such as the lift motor room and water tank exceeding this height. The roof top addition will result in a height of 17.6m above Brisbane Street (RL 42.07) being a non-compliance with the height limit of 2.6m and an increase in height of the building by 1.6m. The apparent height of the building from many viewpoints within the street will however appear to be the existing parapet height of the building.
- (6) The height of the new building is consistent with that of the adjoining commercial building to the north and the building envelope provides an appropriate transition between the commercial building to the north and the lower scale form of the heritage building to the south.
- (7) The new building has a maximum height of 21.5m above Brisbane Street (RL 48.64) resulting in a non-compliance with the 18m height limit by 3. The apparent height of the building from many view points within the street will however appear less as the building has a street wall height of 18m with the upper floor set back.
- (8) The southern blank wall elevation of the adjacent commercial building is currently an eyesore of poor construction, which would not be improved if the development were designed in compliance with existing controls;

- (B) The applicant be informed that the Central Sydney Planning Committee do not require the Stage 2 development application to be the subject of a competitive design process on the basis that the balance of the “new” building is to take place on a site less than 1500sqm in area. Nevertheless, the Central Sydney Planning Committee does expect:
- (1) the applicant to retain the architects/designers (MGT and Phillipe Starck) for the Stage 1 development application to carry out the design for the Stage 2 development application and through the construction phase; and
 - (2) that in submitting the Stage 2 development application the architect clearly documents the various design concepts/options that have been considered for the development; and
- (C) Consent be granted subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

- (1) Stage 1 development consent is granted for:-
 - (a) 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;
 - (b) the construction of a new seven storey residential building adjacent ; and
 - (c) the provision of basement level car parks accessed off Weymss Lane;

generally as detailed in Development Application No. 2002/00340 as amended on 16 July 2002 and drawings dated 15 July 2002 prepared by MGT Architects and detailed below:-

Drawings

- (a) 1.0 Envelope Description - (including 3D images of proposed building envelope, envelope plan and warehouse cross section);
- (b) 2.0 Site Plan - Drawing No DA 03
- (c) 3.0 Section 1 - Long Section;
- (d) 4.0 Section 2 - Cross Section Warehouse;
- (e) 5.0 Section 3 - Cross Section Warehouse;
- (f) Elevation Weymss Lane - Drawing No 010;

(g) Elevation Brisbane Street - Drawing No 011; and

(h) Elevation Goulburn Street - Drawing No 012

and as amended by the following conditions:

APPROVED BUILDING ENVELOPE

(2) The approved building envelope is generally as detailed below:-

Roof Top Addition to Heritage Warehouse

(a) Set back from Goulburn Street - 6.5m;

(b) Set back from Brisbane Street - 3m;

(c) Set back from Weymss Lane - 3m;

(d) Maximum height - 17.6m (RL 42.07).

New Building

(a) Street wall height to Brisbane Street - 18.4m (RL 45.44);

(b) Setback above streetwall height on Brisbane Street - 3m;

(c) Street wall height to Weymss Lane - 20m (RL 45.44);

(d) Setback above streetwall height on Brisbane Street - 3m;

(e) Setback above streetwall height on Weymss Lane - 3m;

(f) Top floor set back from boundary with heritage warehouse - 3m;

(e) Maximum height - 21.5m (RL 48.64).

The Stage 2 development application shall generally be contained entirely within this approved envelope. Minor projections beyond this envelope to provide architectural detailing and roof top plant may be approved as part of the Stage 2 development application subject to satisfying design excellence.

APPROVED ARRANGEMENT OF USES

(3) The approved arrangement of uses is generally as detailed below:-

Heritage Warehouse

(a) Retail units either side of residential entrance at Ground level on Goulburn Street;

(b) "Atelier" live/work units at ground level on Brisbane Street with direct access to the street;

- (c) Residential apartments on the upper levels;
- (d) Car parking at basement level.

New Building

- (e) Residential apartments on ground and upper levels;
- (f) Car parking at basement level.

FLOOR SPACE RATIO

- (4) The Floor Space Ratio of the proposal detailed in the Stage 2 development application must not exceed the maximum floor space ratio calculated in accordance with the mixed use formula contained in Part 5 of the Central Sydney Local Environmental Plan 1996.
- (5) Prior to the 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).

STAGE 2 DEVELOPMENT APPLICATION

- (6) The detailed design of the development, including but not restricted to:-
 - (a) the architectural form and external treatment of the roof top addition to the heritage building;
 - (b) the architectural form and external treatment of the new building;
 - (c) the internal layouts of both buildings including the detail of the incorporation of the internal structure of the heritage building within apartment layouts; and
 - (d) the detailed design of the car park and service areas;
 shall be the subject of a Stage 2 development application.
- (7) The Stage 2 development application must be consistent with the approved Stage 1 development consent.
- (8) The architect of the approved Stage 1 development application shall not be changed without prior notice to Council.
- (9) The applicant is to commission an experienced conservation architect to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation

architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

- (10) The Stage 2 development application must satisfy the tests contained in Clause 11 of the Central Sydney Heritage Local Environmental Plan 2000 that include the need for the development to exhibit design excellence, be superior in quality to the existing heritage item, and make a superior contribution to the quality of the public domain to that made by the existing heritage item.
- (11) The Stage 2 development shall be designed to minimise the embodied energy on a whole of building approach and to incorporate opportunities for improved energy efficiency. Details shall be submitted with the Stage 2 development application.

UNIT MIX AND APARTMENT LAYOUT

- (12) The unit mix detailed in the Stage 2 development application shall satisfy the unit mix provisions contained in Part 6 of the Central Sydney development Control Plan 1996.
- (13) The provision of two storey apartments and cross ventilated apartments in the Stage 2 development is encouraged as a general principle in order to provide for a high level of amenity for the intended occupiers of the apartments. In addition the provision of larger apartments, and double bay apartments within the heritage building is encouraged to maximise amenity, facilitate an appreciation of the internal spatial volumes and timber structure of the building.
- (14) The design of the apartments fronting Weymss Lane shall have special regard to the limited separation distance the commercial premises on the opposite side of the laneway. In this regard details of how potential issues of overlooking from the commercial properties to the residential apartments have been addressed shall be submitted with the Stage 2 development application.

NOISE

- (15) The apartments shall be designed to comply with the noise reduction requirements of the Central Sydney DCP 1996 Amendment No.5 Internal Residential Amenity. Details shall be submitted with the Stage 2 development application.

ACCESS

- (16) Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and Council's Access Policy. Details shall be provided with the Stage 2 development application.

- (17) 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".
- (18) 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.

FLOOR TO CEILING HEIGHTS

- (19) The floor to ceiling heights within all apartments is to be a minimum of 2.7m in accordance with the provisions of the Central Sydney Development Control Plan 1996. Where mezzanines are provided this may be reduced in accordance with Clause 6.1.21 of the Central Sydney Development Control Plan 1996 and subject to the achievement of an overall satisfactory level of amenity.

HERITAGE

- (20) The detailed design and layout of the apartments within the warehouse building that is to be submitted as part of the Stage 2 development application shall be such that it retains a clear understanding of the original internal form and spatial qualities, structure and detailing of the warehouse building.
- (21) The relocation of the level three floor level is not preferred and will only be allowed subject to a detailed investigation of the impacts of the proposed relocation of the floor on the heritage qualities of the internal structure and the ability for the structure to be appropriately incorporated within the design of the apartments.
- (22) Any mezzanines within the apartments contained within the warehouse building shall be set back a minimum of 4m from the internal face of the building to facilitate an appreciation of the internal spatial volumes of the building (and subject to meeting the floor to ceiling height requirements).
- (23) A structural engineers report shall be submitted in support of the Stage 2 development application certifying that the existing warehouse building can withstand the amount of proposed intervention and in particular addressing the removal of the ground floor structure and the provision of underground car parking and the repositioning of the existing Level 3 floor level (if proposed).

CONSERVATION MANAGEMENT PLAN

- (24) The submitted Conservation Management Plan (CMP) shall be amended and resubmitted for approval by the Director City Development prior to the submission of the Stage 2 development application. In this regard:-
 - (a) The CMP needs to be revised to be in accordance with the NSW Heritage Manual. The terminology used in the assessment of significance is out of date and the level of assessment has not been included. The Statement of Significance contradicts itself and needs to

be rewritten. A comparative analysis of other similar buildings and reference to the Survey of Woolstores and Warehouses within the City of Sydney should be included.

- (b) The assessment of fabric is confusing with policy statements included in 2 separate areas of the document. The policy statements need to be separated from the assessment criteria.
- (c) The use of architectural terminology needs to be reviewed in some instances.
- (d) Further justification and analysis where the assessment differs from that contained in Councils Heritage Inventory sheet is required to be incorporated.
- (e) An assessment of the external tiling and appropriate policy needs to be included.
- (f) The recommendations of some policy statements need rewording/clarification.
- (g) The archaeological assessment is inadequate and needs to be more detailed.

In carrying out these amendments to the CMP, the applicant's heritage architect should liaise with Council's heritage specialist.

- (25) The Stage 2 development application shall be consistent with the approved Conservation Management Plan (CMP), shall include a detailed Heritage Impact Statement, and shall also include a detailed schedule of conservation works to be carried out as part of the development.

HERITAGE INTERPRETATION STRATEGY

- (26) A "Heritage Interpretation Strategy" for the site must be submitted as part of the Stage 2 development application.
 - (a) 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 (such as the lift motor) 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.
 - (b) The approved Interpretation Strategy shall be implemented to the satisfaction of the Director City Development prior to the issue of an Occupation Certificate for the development.

CAR PARKING

- (27) The design of the basement car park shall be amended so that it is accessed off Weymss Lane solely through the new building.
- (28) The number of car parking spaces to be provided in the Stage 2 development application shall not exceed the maximum car parking allowed under Part 6 of the Central Sydney Local Environmental Plan 1996.
- (29) On site servicing shall be provided within the basement car park in accordance with the provisions of Part 5 of the Central Sydney Development Control Plan 1996.
- (30) 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".
- (31) 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".

SIGNAGE

- (32) A signage strategy for the development shall be submitted with the Stage 2 development application.

WASTE

- (33) The design of the building and the methods of storage and handling of waste and recyclable material must comply with Council's Code for Waste Handling in Buildings (adopted 17 October 1994). Details shall be submitted with the Stage 2 development application.

SECTION 61 CONTRIBUTION

- (34) A contribution under Section 61 of the City of Sydney Act 1988 shall be paid in accordance with the following:
 - (a) **Cash Contribution Required**
 - (i) In accordance with the adopted "Central Sydney Contributions Plan 1997" a cash contribution must be paid to Council in accordance with this condition.
 - (ii) Payment shall be by BANK CHEQUE made payable to the City of Sydney.
 - (b) **Amount of Contribution**
 - (i) The amount of the contribution will be equivalent to 1% of the development cost, at the Construction Certificate stage, as

determined in accordance with the “Central Sydney Contributions Plan 1997”.

- (c) Certification of the calculation of the contribution in accordance with the “Central Sydney Contribution Plan 1997” shall be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
 - (i) If the Construction Certificate is to be issued by a private accredited certifier, they must seek Council’s endorsement of the calculation prior to the issue of the Construction Certificate.
 - (ii) For developments over \$2 million in cost, the certification of the building costs must be prepared by a Registered Quantity Surveyor.
- (d) **Timing of Payment**
 - (i) The contribution must be paid prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

COMMENCEMENT OF DEMOLITION/CONSTRUCTION

- (35) No demolition or construction shall take place until such time as the Stage 2 Development Application for the detailed design of the development has been submitted and approved by the Central Sydney Planning Committee and a Construction certificate under the Environmental Planning and Assessment Act 1979 has been issued in respect of the construction of the development.

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (36) 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;
 - d. A summary report of the photographic documentation, detailing;
 - i. the project description, method of documentation, and any limitations of the photographic record; and
 - ii. photographic catalogue sheets, which are referenced to a site plan and floor plans no larger than A3, and indicating the location and direction of all photos (black and white prints and slides) taken.
 - e. Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.

DEMOLITION/SITE RECTIFICATION

(37) 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 135,000 dollars as security for the costs of such works provided that:-
 - a. the maximum liability under the Deed shall not exceed 135,000 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.
 - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the structure has commenced to be erected;
 - e. 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:
 - f. make the building safe and attractive at ground level;
 - g. allow the ground level to be landscaped and made attractive from any public vantage point; or
 - h. for the hole to be covered to allow it to be landscaped and made attractive from any public vantage point; or
 - i. 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;
 - j. AND to call on such bank guarantee to cover the cost thereof.
- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in an unattractive building site appearance, then the Council will have the readily enforceable rights to:

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

ARCHAEOLOGICAL INVESTIGATION

(38)

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

Note:

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

PUBLIC DOMAIN PLAN

(39) 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.
- (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 (3) copies of the Public Domain Plan are to be lodged with the Manager Design, City Projects.

UTILITY SERVICES

(40) 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.

HOURS OF WORK AND NOISE

- (41) The hours of construction and work on the development shall be:-
- (a) All work, including building/demolition and excavation work in connection with the proposed development must only be carried out between the hours of 7.30 a.m. and 5.00 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 3.00 p.m. on Saturdays, with safety inspections being permitted at 7.00 a.m. on work days and no work must be carried out on Sundays or public holidays.
 - (b) All work, including demolition, excavation and building work must comply with "The City of Sydney Building Sites Noise Code" and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

LOADING AND UNLOADING DURING CONSTRUCTION

- (42) 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.

ITEM 6. DEVELOPMENT APPLICATION: PLANNING NSW DA REFERRAL-STAGE/SITE 1A DISTILLERY HILL EAST, JACKSONS LANDING, PYRMONT (O/02/00030)

Declaration of Interest

Ms Holliday declared an interest in this item as she will be providing advice to the Minister for Planning who is the consent authority. Ms Holliday took no part in discussion or voting on this item.

Councillor Kathryn Greiner addressed the meeting of the Central Sydney Planning Committee on this matter.

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 18 July 2002, in relation to Planning NSW Development Application Referral No. 126-5-2002 made by Lend Lease Development for the site at Distillery Hill East comprising Site/Stage 1A consisting of the erection of a 19 storey residential building, a low-rise apartment block, 9 x 2 storey town houses, and basement parking for 341 vehicles, it be resolved that:-

- (A) the subject report be received and noted; and
- (B) the submission, as shown at Attachment A to the subject report, be forwarded to Planning NSW for their consideration prior to determination, together with a copy of the previous comments on the Master Plan, as shown at Attachment B to the subject report, as amended at the meeting of the Central Sydney Planning Committee.

ITEM 7. REVIEW OF CENTRAL SYDNEY LOCAL ENVIRONMENTAL PLAN 1996: PROPOSAL TO EXHIBIT PROPOSED AMENDMENTS - CITY OF SYDNEY LEP 2002 (SO16796)

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

That arising from consideration of a report by the Strategic Manager to the Central Sydney Planning Committee on 18 July 2002, in relation to the review of Central Sydney Local Environmental Plan 1996 and the proposal to exhibit draft amendments for public comment, it be resolved that the Central Sydney Planning Committee:-

- (A) endorse the draft amendments to the Central Sydney Local Environmental Plan 1996, for public exhibition, as shown at Attachment A to the subject report;
- (B) delegate authority to the Lord Mayor to make changes to the draft amendments for submission to Planning NSW to certify the draft amendment for public exhibition (under Section 65 of the Environmental Planning and Assessment Act 1979);

- (C) request Council, pursuant to Section 72 of the Environmental Planning and Assessment Act 1979, to prepare amendments to the Central Sydney Development Control Plan 1996, as shown at Attachment C to the subject report, including the provisions contained in the Urban Development Plan for Ultimo-Pyrmont; and
- (D) note the letter received from the Director-General, Planning NSW, dated 17 July 2002, and in particular that the Department wishes to further discuss issues relating to:
 - (1) limitation to the application of State Environmental Planning Policy No. 1 (SEPP 1);
 - (2) provisions for sites less than 800 sq.m. in area;
 - (3) prohibition of brothels around the Star City Casino;
 - (4) LEP Boundary; and
 - (5) any other issues that may arise from consideration of the draft amendments by Planning NSW.

ITEM 8. PRESENTATIONS BY APPLICANTS AND PRELIMINARY ADVICE (S010833)

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

ITEM 9. NEW DEVELOPMENT APPLICATION LODGEMENTS AND DELEGATED ITEMS (S010833)

There were no new development application lodgements or delegated items for this meeting of the Central Sydney Planning Committee.

ITEM 10. GENERAL BUSINESS

10.1 Integrated Transport Strategy

Ms Holliday raised the matter of the proposal for a briefing of the Committee on the Integrated Transport Strategy and opportunities arising from the construction of the Cross City Tunnel.

The meeting concluded at 7.00pm.

CHAIRMAN

The next meeting of the Central Sydney Planning Committee is scheduled for 8 August 2002.