

# CENTRAL SYDNEY PLANNING COMMITTEE

THURSDAY 28 MARCH 2002

Meeting No 266

**MINUTES** of the Meeting of the Central Sydney Planning Committee held in the Council Chamber, Sydney Town Hall, on Thursday 28 March 2002 commencing at 5.28pm.

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## **PRESENT**

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

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

The Director City Development was also present.

## **APOLOGY**

An apology was received from Councillor Lucy Turnbull who was unable to attend the meeting as she was overseas.

**Resolved** on the motion of Ms Holliday, seconded by Mr Johnson -

That the apology from Councillor Turnbull be received and leave of absence granted.

## **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. Stage 2 Development Application: 31 Ultimo Road and 180 Thomas Street, Haymarket
4. Development Application: 65 - 69 York Street, Sydney (known as James Hardie House)
6. Section 96(2) Application: Stage 1 Development Application - 124-142 Phillip Street, Sydney
7. Stage 2 Development Application: 124-142 Phillip Street, Sydney
10. Planning NSW Referral: Development Application - Shore Buildings, Jones Bay Wharf, 26-32 Pirrama Road, Pyrmont
11. Planning NSW Referral: 15-27 Refinery Drive, Pyrmont
1. Confirmation of Minutes
2. Matters Arising from the Minutes
5. Section 96(2) Application: World Square, 385-401 Pitt Street, Sydney
8. Oxford Square Design Competition Report
9. Planning NSW Referral: Stage 2 Development Application - Bullecourt Place, 390-422 Harris Street, Pyrmont
12. Policy on Gaming Areas
13. Oxford Square Design Competition
14. Progress Report on Development Applications
15. New Development Application Lodgements and Delegated Items
16. General Business

## **ITEM 1. CONFIRMATION OF MINUTES (S010833)**

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

That the Minutes of the meeting of the Central Sydney Planning Committee held on 14 February 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 14 February 2002.

**ITEM 3. STAGE 2 DEVELOPMENT APPLICATION: 31 ULTIMO ROAD AND 180 THOMAS STREET, HAYMARKET (FILE NO: D2001/00890)**

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 28 March 2001, in relation to Development Application D2001/00890 made by TransGrid for the site at 180 Thomas Street and 31 Ultimo Road, Haymarket for a Stage 2 development consent for the construction of a four storey predominantly below ground substation with an 8 storey office building above and basement car parking for 30 cars, it be resolved that:-

- (A) the Central Sydney Planning Committee support the SEPP 1 objection to the non compliance with the floor space ratio (FSR) up to the maximum FSR of 9.29:1 (floor space of 16,420 m<sup>2</sup> 1.79:1) on the basis that:
- (1) The extent of the non compliance (ie. 1.79:1) equates to the floor space of the substation provided below ground;
  - (2) The provision of a below ground substation is preferred in urban design terms in that it allows the provision of an above ground development that better interacts with the public domain and in particular the Ultimo Pedestrian network;
  - (3) The underground substation floor space does not increase the height, bulk or effective density of the development;
  - (4) The substation use is a negligible generator of traffic and therefore will have limited impact on surrounding traffic/pedestrian infrastructure;
  - (5) The substation represents a major and essential piece of public infrastructure for the City of Sydney and is therefore in the public interest; and
- (B) consent be granted subject to the following conditions:

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

- (1) Development must be in accordance with Development Application No. D2001/00890 dated 24 December 2001 and drawings prepared by Bligh Voller Nield numbered and dated as follows:-

<b>Plan</b>	<b>Dated</b>
A02	December 2001
A03	December 2001
A04	December 2001
A05	December 2001
A06	December 2001
A07	December 2001
A08	December 2001
A09	December 2001
A10	December 2001
A11A	March 2001
A12A	March 2001
A13A	March 2001

and as amended by the following conditions:

### **BUILDING ENVELOPE**

- (2) The approved building envelope is defined generally as follows:-
- (a) Maximum height of 46.6m above Thomas Street and the Ultimo Pedestrian Network (RL 56) is consistent with Stage 1;
  - (b) Maximum street wall height excluding architectural roof features to Thomas Street and the Ultimo Pedestrian Network of 50m (RL 54.4);
  - (c) Maximum street wall height excluding architectural roof features to Ultimo Road of 50m (RL 54.4); and
  - (d) Minimum set back of commercial tower from the east boundary 3.45m.

### **USES**

- (3) The approved arrangement of uses within the development are defined generally as follows:-
- (a) Substation and car park accessed off Ultimo Road to be provided predominantly below Thomas Street level;
  - (b) Retail uses and commercial office foyer to be provided at ground level fronting Thomas Street and the Ultimo Pedestrian Network; and
  - (c) Commercial offices above Thomas Street and the Ultimo Pedestrian Network ground levels.

### **FLOOR SPACE RATIO**

- (4) The following applies to Floor Space Ratio (FSR):-

- (a) The FSR of that part of the development contained within the boundary of the Central Sydney Local Environmental Plan 1996 shall not exceed 9.29:1 calculated in accordance with that plan. For the purpose of the calculation of FSR, the Floor Space Area of the development is 16,420 m<sup>2</sup>; and
- (b) A Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, on completion of the construction of the office tower and prior to its occupation.

### **BUILDING HEIGHT**

- (5)
  - (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed 50m (RL 54.9m Ultimo Road, RL 59.4m Thomas Street); and
  - (b) A Registered Surveyor shall provide certification of the height of the building on completion of the construction of the office tower and prior to its occupation.

### **SUBSTATION**

- (6) The design and construction of the substation building and the layout and design of the substation plant and equipment shall be such as to ensure that the risk from fire and explosion on the adjoining and surrounding properties will be minimised.

Compliance with this requirement shall be certified by an independent expert in the area of fire and explosion hazards prior to the commencement of the operation of the substation.

- (7) The design and construction of the substation building and the layout and design of the substation plant and equipment shall be such as to ensure that compliance with National Health and Medical Research Council guidelines for electric and magnetic fields will be achieved and that the impact of power frequency, electric and magnetic fields on the adjoining and surrounding properties, will be minimised.

Compliance with this requirement shall be certified by an independent expert in the area of electric and magnetic fields prior to the commencement of the operation of the substation.

### **VEHICLE ACCESS AND CAR PARKING**

- (8) The following modifications are required as follows:-

- (a) The vehicle access arrangements to the building, including alterations to the existing signalised intersection at the junction of Darling Drive and Ultimo Road, shall be approved by the Roads and Traffic Authority (RTA); and
- (b) Any alterations to the design of the building to meet the requirements of the RTA shall be approved by Council.

A letter confirming that (a) and (b) has been satisfactorily achieved shall be submitted to the satisfaction of the Director of City Development prior to construction.

- (9) The following applies to the car parking area and service vehicle areas:-
  - (a) 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; and
  - (b) The car parking area shall be redesigned to incorporate the following:
    - (i) Bicycle parking/change facilities in accordance with the requirements of the Central Sydney Development Control Plan 1996; and
    - (ii) Motorcycle parking in accordance with the Central Sydney Development Control Plan 1996.

Details of compliance with the above shall be submitted for approval of Council prior to the commencement of the construction of the substation component of the development or as part of the Stage 2 Development Application, whichever occurs first.

- (10) End bay No.19 within the car park shall be allocated for use by a small car only.

## **SECTION 61 CONTRIBUTION**

- (11) A contribution under Section 61 of the City of Sydney Act 1988 for the commercial office building component of the development 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; and
    - (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 the commencement of excavation and construction of the development. 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; and

(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.

**RESTRICTION ON USE OF CAR PARKING**

(12) The following condition applies to car parking:-

(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; and

(b) Any 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.

**NOISE**

(13) The use of the premises must not give rise to any one or more of the following:-

(a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670; and

- (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 8.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 8.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies.

## **SIGNS**

- (14) Details of a signage strategy for any proposed signs which are either externally fitted or applied to the building shall require a separate development application to be submitted at the appropriate time for the approval of Council prior to the erection or display of any such signs.

## **PUBLIC ART**

- (15) High quality artwork shall be provided within the development in publicly accessible locations eg. near main entrances, lobbies and street frontages, in accordance with the Central Sydney DCP 1996 and the 'Public Art Policy'. Details of the artwork must be submitted for the approval of Council prior to occupation of the substation.

The applicant is encouraged to investigate relocating the Shead Mural on Building E in the TAFE campus. The relocation and installation in the foyer would be considered as compliance with this condition.

## **TRAFFIC**

- (16) Designs and modifications to the signalised intersection of Ultimo Road and Darling Drive to incorporate the proposed driveways shall be carried out to the satisfaction of the RTA and Council, at the full cost of the applicant, prior to the commencement of the use of the development.
- (17) The existing layout of Thomas Street south of Quay Street and including the footway set back shall be retained.
- (18) All costs of traffic management measures associated with the development shall be borne by the developer.

## **LOT CONSOLIDATION**

- (19) All land titles within the site must be consolidated into one lot. A plan of consolidation in a form capable of registration shall be lodged with the Land Titles Office prior to occupation of the premises.



## **Schedule 1B**

### **Conditions to be complied with prior to Construction**

#### **DESIGN MODIFICATIONS**

- (20) The design of the building shall be modified as follows:-
- (a) The proposed louvres located at the centre of the development at first floor level concealing plant be further detailed to provide greater interest to pedestrians using the Ultimo Pedestrian Network including the appropriate backlighting, use of courser materials and wider substantial louvres; and
  - (b) The proposed awning to the Ultimo Pedestrian Network shall incorporate glass panels to encourage natural light to reach pedestrians improving the amenity and conserving energy costs for lighting. These panels of glass shall be located adjoining the building and shall comprise less than 50% of the total area of the awning.

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

#### **ACCESS FOR PEOPLE WITH DISABILITIES**

- (21) Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and Council's Access Policy. Prior to Construction a copy of a Compliance Certificate must be submitted to Council.
- (22) Access to the building including the car park, shop and restaurant shall be in accordance with the requirements of "The City of Sydney Access Policy December 1992".

#### **TELECOMMUNICATIONS PROVISIONS**

- (23) 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; and
  - (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 floor of the building.

A copy of the details of (a) and (b) above shall be submitted prior to construction of the building under the Environmental Planning and Assessment Act 1979.

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

### **PUBLIC TELEPHONES**

- (24) 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; and
    - (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.

### **PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION**

- (25) A Pedestrian and Traffic Management Plan must be submitted to and approved by Council prior to commencement of excavation or 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; and
  - (d) Proposed route of construction vehicles to and from the site.

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

### **LOADING AND UNLOADING DURING CONSTRUCTION**

- (26) 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.

## **WASTE**

(27) 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 Council 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; and
- (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; and
  - (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 a Certificate.

**SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)**

(28)

- (a) Prior to occupation of the development a (Developer) Compliance Certificate under section 73 of the “Sydney Water Act 1994” must be obtained and written confirmation of such shall be submitted to Council.

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; and
- (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.

**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 and submitted (to be lodged with the Ultimo Pyrmont Public Domain Officer at City Projects) and approved by Council 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 cross fall 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; and
  - (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.
- (30) Notwithstanding the above, all public domain elements and materials adjacent to the Ultimo Pedestrian Network (particularly those above the car park area and to the west of the retail tenancies and lobby of the commercial tower component of the development) are to match in all respects those elements to be used in the construction of the Ultimo Pedestrian Network.

The final details of the design of these areas, including the details of the detention ponds, shall be addressed as part of the Public Domain Plan submission and shall be approved by Council and the Sydney Harbour Foreshore Authority prior to the issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.

### **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 construction. 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; and
  - (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.

## **COMMEMORATIVE PLAQUE**

(32) 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; and
- (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.

## **UTILITY SERVICES**

(33) To ensure that public 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 public utility authorities and excavation if necessary, to determine the position and level of services; and
- (b) Prior to commencement of work the applicant is to negotiate with the public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, 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.

## **RECEPTACLES FOR CIGARETTE BUTTS**

(34) 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.

### **ALIGNMENT LEVELS**

(35) 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; and
- (c) These levels, as approved by Council, are then to be incorporated into the Construction Certificate plans.

## **Schedule 1C**

### **Conditions to be complied with prior to commencement of construction or demolition or work**

#### **CERTIFICATION OF MECHANICAL VENTILATION**

- (36) 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.
- (37) 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



- (vii) 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;
- (viii) 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;
- (ix) 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 REQUIRED**

- (38) Prior to commencement of work for foundation, shoring or underpinning works, a copy of the following documentation must be submitted to Council:-
- (a) A geo-technical report which shall include the following information as appropriate:
    - (i) Borehole/test pit logs or inspection records
    - (ii) Field/laboratory test results
    - (iii) General geo-technical 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 existing buildings and recommendations for any underpinning or other measures required to maintain stability
    - (vii) Method of proving and assessing foundations underpinning and/or excavation stability in accordance with design;
  - (b) An Inspection and Test Plan (ITP) that reflects the requirements of the geo-technical report, project drawings and specifications;

- (c) The completed Geo-technical Certificate for the Report and ITP, submitted in the form of Attachment G1 completed by the Project/Principal Geo-technical Engineer OR, a compliance certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998) after satisfying (a) and (b);
- (d) A Dilapidation Report of adjoining building/s that may be affected by the proposed excavation/construction work;

Notes:

An appropriately qualified practising geo-technical engineer certifying by completing Attachment G1 must have:

- (i) Appropriate tertiary qualifications in Civil or Geo-technical 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;
- (v) An appropriately qualified practising geo-technical engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Geo-technical Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979;
- (vi) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions; and
- (vii) Council reserves the right to randomly audit any geo-technical documentation.

**WATER AND SEDIMENT CONTROL STATEMENT FOR DEMOLITION AND EXCAVATION**

- (39) Water and Sediment Control Statement previously submitted and approved by Council must be complied with.
- (40) Any seepage or rainwater collected on site during demolition and/or excavation must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council. The applicant must comply with the protection of the Environment Operations Act (NSW) 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.

## STRUCTURAL DOCUMENTATION

- (41) Prior to the commencement of work, a copy of the following documentation must be submitted to Council:-
- (a) Structural Drawings prepared by an appropriately qualified practising Structural Engineer, corresponding with and attached to a Structural Certificate (see (b));
  - (b) Structural Certificate/s for Design, submitted in the form of Attachment S1A completed by the Project/Principal Engineer and S1B completed usually by the Architect, OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998), after the structural drawings have been checked and comply with:
    - (i) The relevant clauses of the Building Code of Australia (BCA);
    - (ii) The relevant conditions of Development Consent;
    - (iii) The Architectural Plans incorporated with the Construction Certificate; and
    - (iv) The relevant Australian Standards listed in the BCA (Specifications A1.3);
    - (v) Any other relevant report/s or documents. Specify on form S1A;
  - (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.

### Notes:

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; and
- (iv) Appropriate current professional indemnity insurance.

An appropriately qualified practising structural engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.

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.

Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.

Council reserves the right to randomly audit any structural documentation.

## **WASTE MANAGEMENT**

- (42) The Waste Management Plan for the construction period of the proposed development approved by Council must be complied with.

## **APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE**

- (43) 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 “Interim Policy for Temporary Protective Structures”;
  - (b) Structural certification prepared and signed by an appropriately qualified practising structural Engineer; and
  - (c) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.

## **APPLICATION FOR A ROAD OPENING PERMIT**

- (44) 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.

Documents required with the 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 Public Liability Insurance Policy specifically indemnifying the City of Sydney; and
- (d) A Security Deposit for reinstatement of public way.

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

### **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.

### **ROAD AND DRAINAGE WORKS**

- (46) Detailed road and drainage works, engineering design and construction plans for any proposed reconstruction/realignment of Ultimo Road and Thomas Street and associated drainage works, are to be submitted to Council and approval gained prior to the commencement of any associated work within the public way. Such plans are to include:
  - (a) Location of all public utility services in the vicinity of the proposed works and details of any deviations or alterations required as a consequence of the proposal;
  - (b) Location, geometric design, construction materials and specifications for any proposed realignment of the kerbs in the public way and the location of the existing kerbs;
  - (c) Geometric design, materials and specifications for any reconstruction of the footpath and road carriageway in the public way;
  - (d) Hydraulic and geometric design of any proposed alterations or deviations of the stormwater drainage system and connections thereto, within the public way; and
  - (e) Details of any installation or relocation of street furniture, signage and landscaping within the public way.

All proposed 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:

- (a) The detailed engineering plans in duplicate and a Certification Form prepared and signed by an appropriately qualified practising Civil Engineer;

- (b) The certification repeated for each revision issued to Council; and
  - (c) 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.
- (47) As a consequence of its heritage significance, any trachyte kerbing to be removed or relocated is to be protected, stored and re-installed in accordance with Council's requirements and to its satisfaction.

## **Schedule 1D**

### **Conditions to be complied with during construction**

#### **HOURS OF WORK AND NOISE**

- (48) 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'; and
  - (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.

#### **OCCUPATION CERTIFICATE**

- (49) 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.

#### **MATERIALS COMPLY WITH BUILDING CODE OF AUSTRALIA (BCA)**

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

**GLAZING**

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

**MECHANICAL VENTILATION PERFORMANCE CERTIFICATE**

- (52) 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 Council. The copy of the Certificate requires a microfilm set of the certified drawings.

**REGISTRATION OF HEATING/COOLING SYSTEMS**

- (53) 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.

**CERTIFICATION FOR STRUCTURAL INSPECTIONS**

- (54) 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 Council 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; and
  - (c) 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:

- (d) 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; and
- (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.

## **ENVIRONMENTAL PROTECTION DURING CONSTRUCTION**

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

- (a) Prior to the commencement of 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 Water and Sediment Control Statement shall be implemented during the construction period; and
  - (d) 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. The applicant must comply with the protection of the Environment Operations Act (NSW) 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.
- (56) 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.
- (57) 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.
- (58) 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.

#### **SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**

- (59) 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**

- (60) 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.

### **STREET TREES**

- (61) 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 (except as part of the approved public Domain plan) shall be replaced, to the approval of Council.

### **ERADICATION OF VERMIN**

- (62) 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.

### **USE OF MOBILE CRANES**

- (63) 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; and
  - (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.

### **OBSTRUCTION OF PUBLIC WAY**

- (64) 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.

### **STREET NAME PLATE**

- (65) 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).

## **NUMBERING**

- (66) 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.

## **Schedule 1F**

### **Conditions to be complied with during the use of Premises**

#### **REMOVAL OF GRAFFITI**

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

#### **CARE OF BUILDING SURROUNDS**

- (68) 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**

- (69) 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.

#### **SPECIFIC USE**

- (70) A separate development application must be submitted at the appropriate time for the specific use of the retail/restaurant uses.

## **Schedule 2**

### **The prescribed conditions in accordance with Clause 78 of the Environmental Planning and Assessment Regulation 1998 apply to the development.**

- (71)
- (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).
  - (b) This condition does not apply:

- (i) to 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) to the erection of a temporary building.

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: 65 - 69 YORK STREET, SYDNEY (KNOWN AS JAMES HARDIE HOUSE) (D/2001/00845)**

**Resolved** on the motion of Ms Holliday, seconded by Mr Johnson -

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 28 March 2002, in relation to Development Application D/01/00845 made by AGP Management Ltd for the site at 65 - 69 York Street, Sydney, known as James Hardie House, to carry out alterations, additions and refurbishment of the existing building, including an award of heritage floor space, it be resolved that:-

- (A) upon request from the applicant, consideration of this matter be deferred for a period of no longer than 21 days in order for the applicant to submit an amended application; and
- (B) authority be delegated to the General Manager to determine the application in consultation with the Lord Mayor.

**ITEM 5. SECTION 96(2) APPLICATION: WORLD SQUARE, 385-401 PITT STREET, SYDNEY**

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 28 March 2002, in relation to the Section 96(2) application to modify Development Application Z1995/00811 made by Multiplex Constructions Pty Ltd for the site at 385-401 Pitt Street, Sydney (commonly known as World Square), it be resolved that, upon request from the applicant, consideration of this matter be deferred to the next meeting of the Central Sydney Planning Committee to enable further investigation on the following issues:-

- (A) the number of tenant car parking spaces; and
- (B) sun access plane compliance.

**ITEM 6. SECTION 96(2) APPLICATION: STAGE 1 DEVELOPMENT APPLICATION, 124-142 PHILLIP STREET, SYDNEY**

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

That arising from consideration of a report by the Area Planning Manager to the Central Sydney Planning Committee on 28 March 2002, in relation to a Section 96(2) application to modify the Development Application D2000/00562 made by BT Funds Management c/o JBA Associates for the site at 124-142 Phillip Street and 69 Hunter Street, Sydney, it be resolved that consent be granted and the conditions of consent be modified as follows:-

- (A) Amend Condition 1 to add the revised plan numbers as follows:

**APPROVED DEVELOPMENT**

The Stage 2 development application must be in accordance with the Stage 1 Development Application No. D2000/00562 dated 30 June 2000 and Staged Development Application Statement of Environmental Effects to City of Sydney Council - 126 Phillip Street, Sydney prepared by JBA Urban Planning Consultants dated June 2000 and additional information prepared by JBA Urban Planning Consultants dated 16 August 2000 and additional information prepared by JBA Urban Planning Consultants dated 16 August 2000 and drawings numbered, DP-1A, DP-2, DP-3, DP-4, DP-5, DP-6, DP-7, DP-8, DP-9, DP-10A, ~~DP-11A~~, **DP-11B**, ~~DP-12A~~, **DP-12B**, DP-50, DP-51, DP-52, DP-53, DP-54, DP-55 and generally consistent with the indicative concept diagrams numbered, DP-31, DP-32, DP-33, DP-34, DP-35, DP-36, DP-37, DP-38, DP-39, DP-40, DP-41, DP-42, DP-43, DP-44, DP-45, DP-46, DP-47, DP-48, DP-49 prepared by Foster and Partners, Hassell dated June 2000 and as amended by the following conditions:

- (B) Delete condition 3 as follows:

**Condition 3**

~~The building envelope is only approved on the basis that the ultimate building design will be considerably smaller than the envelope and provide an appropriate relationship with the neighbouring buildings, particularly those buildings fronting Macquarie Street and the Westpac building fronting Martin place and Phillip Street. In this regard the Stage 2 development application should demonstrate consistency with the objectives of the Central Sydney LEP and DCP 1996 and the Central Sydney Heritage LEP 2000.~~

- (C) Replace condition 5 with the following condition:

~~An architectural roof feature is not necessarily required by the consent authority, but if it is provided it is to be limited in extent as shown in the Stage 1 development application, comply with all the requirements of the LEP and in particular be an integral part of the overall building design. In this regard the applicant is to note the issues raised in the report and that in approving such an envelope the consent authority has had particular regard to the concept plans and design philosophy incorporated in the application.~~

### Condition 5

**The amended zone for the architectural roof feature, indicated on plan Nos. DP-11 revision B and DP-12 revision B, is only approved on the basis that any development above the sun access planes results in an architectural roof feature that satisfies the consent authority as to its compliance with Clause 32A - Architectural Roof Features of the Central Sydney Local Environmental Plan 1996.**

### **ITEM 7. STAGE 2 DEVELOPMENT APPLICATION: 124-142 PHILLIP STREET, SYDNEY**

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

Mr Ken Maher - architect for the applicant

Mr Robert W Cooper - representing St Stephens Uniting Church

Ms Jill Bonney - representing professional tenants in 193 Macquarie Street, Sydney

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

That arising from consideration of a report by the Area Planning Manager to the Central Sydney Planning Committee on 28 March 2002, in relation to Development Application D2001/009880 made by BT Funds Management for the site at 124-142 Phillip Street and 69 Hunter Street, Sydney for demolition of the existing buildings and construction of a new 31 level commercial building with two levels of parking for 78 cars and 15 service/delivery spaces and an adjoining 3 level ancillary commercial building, it be resolved that consent be granted subject to the following conditions:-

## **Schedule 1A**

### **Approved Development, Contributions and Covenants**

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

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

## APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D2201/00880 dated 21 December 2001 and Stage 2 Development Application and s96 Application for amendment of Stage 1 Development Consent Statement of Environmental Effects (SEE) to the Council of the City of Sydney 126 Phillip Street, Sydney Volume 1 and 2 (as amended by the letters dated 15 and 22 March 2002 prepared by JBA Urban Planning Consultants, dated December 2001 and the following drawings prepared by Fosters and Partners/Hassell:

DA-A001 revision 04	DA-A019 revision 02
DA-A002 revision 04	DA-A020 revision 02
DA-A003 revision 02	DA-A021 revision 02
DA-A004 revision 04	DA-A022 revision 02
DA-A005 revision 02	DA-A023 revision 02
DA-A006 revision 02	DA-A024 revision 02
DA-A007 revision 02	DA-A025 revision 04
DA-A008 revision 02	DA-A026 revision 02
DA-A009 revision 02	DA-A028 revision 03
DA-A010 revision 02	DA-A034 revision 02
DA-A011 revision 02	DA-A038 revision 02
DA-A012 revision 02	DA-A039 revision 02
DA-A013 revision 02	DA-A040 revision 04
DA-A015 revision 02	DA-A041 revision 04
DA-A016 revision 02	DA-A042 revision 06, as annotated
DA-A017 revision 02	DA-A043 revision 04
DA-A018 revision 02	DA-A047 revision 03
	DA-A050 revision 01

DA – L0101 rev A  
 DA – L0102 rev A  
 DA – L0103 rev A  
 DA – L0104 rev A  
 DA – L0105 rev A  
 DA – L0106 rev A

and as amended by the following conditions.

## SURRENDER OF CONSENT

- (2) The applicant shall surrender the existing consent given in Notice of Determination No. D1998/00399 dated 1 February 1999, in accordance with the prescribed Form 3 of the Environmental Planning and Assessment Amendment Regulation 1998, prior to issue of a Construction Certificate for any part or stage of the development.

### **LOT CONSOLIDATION**

- (3) All land titles within the site must be consolidated into one lot. A plan of consolidation in a form capable of registration shall be lodged with the Land Titles Office prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.

### **FLOOR SPACE RATIO**

- (4) The following applies to Floor Space Ratio:-
- (a) The Floor Space Ratio of the proposal must not exceed 12.39:1 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 48,709.8sqm;
  - (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier); and
  - (c) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, documentary evidence (ie. a Heritage Floor Space Allocation Certificate issued by Council) must be produced and acknowledged by Council that 8618sqm of heritage floor space was allocated (purchased and transferred) to the development, being that floor space in excess of 8:1 as specified in the Central Sydney Local Environmental Plan 1996.

### **BUILDING HEIGHT**

- (5)
- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 188.00 (AHD) to the top of the building and RL 270.40 (AHD) to the topmost part of the architectural roof feature; and
  - (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).

### **PHOTOGRAPHIC ARCHIVAL DOCUMENTATION**

- (6) 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; and
- (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:
- (d) 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
- (e) 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; and
- (f) 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:
  - (i) A summary report of the photographic documentation, detailing;
    - a. the project description, method of documentation, and any limitations of the photographic record; and
    - b. photographic catalogue sheets, which are referenced to a site plan and floor plans no larger than A3, and indicating the location and direction of all photos (black & white prints and slides) taken.
  - (ii) Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.

## **INTERPRETATION STRATEGY**

- (7) An interpretation strategy for the site must be prepared and implemented to assist public understanding of the history and significance of the site. It should be submitted for approval of the Director City Development prior to the issue of any Construction Certificate. This strategy should include recommendations regarding appropriate signage and exhibition of selected artefacts and/or other material to assist the public to understand the history and significance of the site.

## **PHYSICAL MODELS**

- (8) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale model of the approved development must be submitted to Council for the City Model in Town Hall House; and
- (9) 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; and
- (c) The models must be amended to reflect any further approvals under S96(2) of the Environmental Planning and Assessment Act 1979, that affect the external appearance of the building.

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

- (10) Prior to the issue of a Certificate of Occupation under the Environmental Planning and Assessment Act 1979, an accurate 1:1 electronic model of the approved development must be submitted to Council for the electronic City Model.
- (a) The data required to be submitted within the surveyed location shall include and identify:
- (i) buildings 'as built' above and below ground,
  - (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts,

- (iii) the property boundaries and the kerb lines adjacent to the site;
- (b) The data is to be submitted as a DXF file on physical media (floppy disc or CD). Preferably, all plans are to be referenced to the Integrated Survey Grid of NSW (ISG), Australian Map Grid (AMG) or Map Grid of Australia (MGA);
- (c) Within the DXF file each identified structure, feature, utility or service shall be distinguished by a combination of layering and/or symbology schema. The submitted plans shall be accompanied by a comma delimited text file, detailing the layering and/or symbology schema;
- (d) The electronic model shall be constructed in accordance with the City's electronic data protocol. The protocol provides specific details of the information required to be shown and is available at the One Stop Shop. Council's Manager, Spatial Information should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent; and

Note:

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

### **CONSISTENCY OF DRAWINGS**

- (11) 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.

### **DEMOLITION/SITE RECTIFICATION**

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

- (i) a bank guarantee to be provided in the sum of 983,750 dollars as security for the costs of such works provided that:
  - a. the maximum liability under the Deed shall not exceed 983,750 dollars; and
  - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works which meet the objectives of the condition.
- (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
  - a. demolition of the existing building has commenced but not been completed;
  - b. the existing building has been demolished; or
  - c. the site has been excavated; or
  - d. the structure has commenced to be erected;
  - 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 tenatable stage;
    - j. AND to call on such bank guarantee to cover the cost thereof; and
- (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**

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

(a) **Cash Contribution Required**

- (i) In accordance with the adopted "Central Sydney Contributions Plan 1997" a cash contribution must be paid to Council in accordance with this condition; and.
- (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; and
- (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.

## **ARCHAEOLOGICAL INVESTIGATION**

(14)

- (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; and

Note:

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

#### **REPORT TO BE COMPLIED WITH**

- (15) The development shall be in accordance with the recommendations of professional reports contained within "Volume 2 of the Stage 2 Development Application and Section 96 Application for amendment of Stage 1 Development Consent Statement of Environmental Effects to the Council of the City of Sydney - 126 Phillip Street, Sydney" compiled by JBA Urban Planning Consultants on behalf of BT Funds Management.

#### **VEHICULAR SPACES**

- (16) The following car parking requirements apply:-
  - (a) The approved vehicle spaces shall be allocated on the development site as shown on the approved plans as follows:
    - (i) 78 business/commercial premises spaces;
    - (ii) 15 service vehicle spaces;

- (iii) 17 motor cycle parking spaces;
  - (b) Two of the above car parking spaces are to be for people with mobility impairment, in accordance with AS 2890.1; and
  - (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.
- (17) The following conditions apply to car parking:-
- (a) The on-site car parking spaces, exclusive of service carspaces, are not to be used by those other than an occupant or tenant 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 or tenant of 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; and
  - (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, so burdening all utility car parking allotments in the Strata Plan and/or an appropriate Restrictive Covenant pursuant to Section 88B of the Conveyancing Act 1919 burdening all car parking part - lots in the Strata Scheme.

Note:

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

#### **EXTERNAL LIGHTING**

- (18) A separate development application is required to be lodged for any proposed external floodlighting or illumination of the building. Such application shall be submitted and approved by Council prior to the installation of any external lighting.

#### **NAMING OF THE DEVELOPMENT**

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

**SEPARATE APPLICATION FOR USES**

- (20) A separate development application must be submitted at the appropriate time for the specific use of the tenancies on ground, and upper ground levels.

**SIGNS**

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

**FIRE SAFETY STATEMENT**

- (22) An annual Fire Safety Statement (form 15A under the Environmental Planning and Assessment Amendment Regulation 1998) must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which Council receives the initial Fire Safety Certificate.

**SUBDIVISION**

- (23) Any proposal to subdivide the site will require separate application to Council to obtain Development Consent to the proposal and subsequent approval of the final Plan of Subdivision and execution of the Subdivision Certificate by Council in accordance with the provisions of Part 4A of the Environmental Planning and Assessment Act 1979.

**STRATA SUBDIVISION**

- (24) Any proposal to Strata subdivide the building and site will require separate applications to Council to obtain Development Consent to the proposal and subsequent approval of the final Strata Plan and execution of the Strata certificate by Council or an accredited certifier in accordance with Section 37 of the Strata Schemes (Freehold Development) Act 1973.

**KERB CONSTRUCTION**

- (25) A separate application is to be made to Council's Living City Services - Roads and Footways unit for the construction of a new concrete vehicle kerb and footpath crossing in Phillip Street and the reinstatement of the footway where existing crossings are no longer required.

**RIGHT OF FOOTWAY**

- (26) A documentary Right of Footway is to be created over the part of the site providing pedestrian access from Phillip Street to the St. Stephens Uniting Church site (No 197 Macquarie Street). Such Right of Footway is to be registered on the Title of the development site, appurtenant to the Church site, in terms granting rights of pedestrian access thereto and defined in stratum to the building structure if so desired. The documentary Right of Footway is to be created prior to the issue of the Certificate of Occupation.



## **AWNINGS**

- (27) Any proposed awnings over the public footway are to comply with Council's requirements and not extend within 800mm of the kerbs in Phillip and Hunter Streets.

## **LIFTS**

- (28) The lifts shall be programmed to come to a halt above the level of Phillip Street to ensure that visibility of the interiors of the building is maintained at night time.

## **ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

- (29) The building is to be designed to achieve a rating under the SEDA building greenhouse rating scheme for the base building of at least 4 stars, and preferably 4.5 stars and a minimum Environmental Life Cycle Assessment (ECLA) score of 7.1/10. The achievement of 4.5 stars will be subject to a correlating increase in the base building ECLA score. The ECLA assessment of the building is to be reviewed by a panel of local and international experts drawn from the bodies such as SEDA, the City of Sydney Council, Planning NSW, the Property Council of Australia, Environment Australia and the International Initiative for Sustainable Built Environment (iiSBE). The final makeup of the members of the panel is to be determined by the applicant and agreed by the Council. The purpose of this review is to ensure the process of environmental assessment remains at the forefront of Ecological Sustainable Design.

Note:

Environmental Life Cycle Assessment means: The Compilation and evaluation of a range of inputs and outputs sequestered in a 'product system' (sic whole building) over a specified life cycle including an assessment of the potential environmental impacts all within a specified set of measurement conventions consistent with International Standards organisation 1400 series.

## **Schedule 1B**

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

- (30) 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.

### **FURTHER DETAILS REQUIRED**

- (31) Further details are required to be lodged for the approval of Council and approved PRIOR to the issue of a construction certificate in respect of the following aspects of the development:
- (a) The use of cladding materials for the core elements of the tower component;
  - (b) Sections through the site indicating the levels in relation to the properties fronting Macquarie Street (183 - 197 Macquarie Street);
  - (c) Elevations, materials and 1:50 details of the security gates fronting Phillip Street and Hunter Street and enclosing the link through to St Stephens Church;
  - (d) A lighting strategy for the exterior of the building and public domain; and
  - (e) Details of the installation and location of the corporate identification and signage.

Such approval shall not be granted without prior consultation with the Director City Development, Mr Chris Johnson (or his nominee), and the Director-General, Department of Planning (or her nominee).

### **DESIGN MODIFICATIONS**

- (32) The design of the building shall be modified as follows:-
- (a) The width of the vehicular entry/exit shall be reduced to 6.5m;
  - (b) The vehicle exit ramp leading onto Phillip Street shall be designed to have a minimum of 6 metre length of near flat grade commencing from just behind the footpath to ensure satisfactory sight distance from exiting drivers to passing pedestrians; and
  - (c) Car parking space No. 2 shall be 5.9m long minimum.

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.

### **LANDSCAPING OF THE SITE**

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

- (a) Location of existing and proposed structures on the site including existing trees (if applicable);
- (b) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
- (c) Location, numbers and type of plant species;
- (d) Details of planting procedure and maintenance;
- (e) Details of drainage and watering systems; and
- (f) Special attention must be paid to the treatment of landscaping above a slab.

### **PUBLIC DOMAIN PLAN**

(34) The following requirements apply:-

- (a) Three amended copies of the Public Domain Plans 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. The amended plans shall address the following:
  - (i) All proposed street trees shall be a minimum of 300 litres.
  - (ii) Provide typical street tree planting detail No 13 using 150x150x75 granite sets as per the City of Sydney Interim Pavement design and Construction Guidelines for type 2 paved areas.
  - (iii) All proposed tree planting to internal landscaped areas shall have a minimum soil depth of 1000mm and shrubs 300mm.
  - (iv) The soft and hard landscaping specification to be supplied outlining type, number and size of planting along with ongoing maintenance program. The specification shall describe materials and finishes proposed to all landscaped areas.
  - (v) Drawings details shall also specify the number of plants to be used, their sizes, planting layout and typical sections including proposed material and finishes.
  - (vi) Indicate the location of Smartpoles™ required to all street frontages in accordance with the City of Sydney's Exterior Lighting Strategy. A qualified Lighting Engineer should ensure lighting levels are consistent with Australian Standard AS/NZS 1158 3.1:1999.
  - (vii) Paving shall be Austral Black as per the Central Sydney Paving Design Policy, 1996 and the Interim Pavement Design and Construction Guidelines, 1998.

- (viii) All public domain elements such as pit lids, pram ramps and tree pits shall comply with the City of Sydney's Central Sydney Paving design Policy and Interim Paving Policy guidelines.
  - (ix) Provide additional pram ramp at the corner of Phillip and Hunter Street on Phillip Street footpath using the 'Site Paving' line as the pram ramp setout.
  - (x) Notation on typical kerb detail shall indicate a maximum cross fall of 2.5%.
  - (xi) The proposed vehicle crossover to the carpark and delivery entry shall comply with Council's current Paving Policies. Refer to Central Sydney Paving and design Policy. Type 2 Vehicular crossover providing documented paving thickness of 60mmm to prevent pavement cracking.
  - (xii) Provide long sections of the Hunter Street and Phillip Street frontage and cross sections at 10m intervals along Hunter Street and 30m intervals along Phillip Street. Sections should be drawn to exaggerated scales of 1:10 Vertical and 1:100 Horizontal;
- (b) 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; and

Note:

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

### **ELECTRICITY SUBSTATION**

- (35) The owner must dedicate to Energy Australia, free of cost, an area of land adjoining the street alignment, if necessary, to enable an electricity substation to be established. The size and location of the substation is to be submitted for Council approval prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (36) Details of the public art to be provided in accordance with the approved Public Art strategy shall be submitted and approved by Council prior to commencement of works associated with the artwork.

### **PUBLIC TELEPHONES**

- (37) The telephones indicated on Plan DA -A0001 revision 04 shall be provided to the following specification:-

- (a) The telephones should be located at footpath level and two square metres should be allowed for each telephone;
- (b) 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; and
- (c) The telephones must be available for public use during the normal opening hours of the building.

#### **TOILETS AVAILABLE FOR USE BY PUBLIC**

- (38) The toilet facilities approved on Plan No. DA 0001 rev 04 shall remain available for public use during the normal opening hours of the building. The facilities shall be signposted.

#### **RECEPTACLES FOR CIGARETTE BUTTS**

- (39) The Cigarette Butt receptacle proposed on plan No DA A0001 revision 04 must:-
  - (a) not obstruct any required means of egress or path of travel from the building required by the Building Code of Australia;
  - (b) not obstruct any required access/egress path for people with disabilities;
  - (c) be appropriately secured to the building; and
  - (d) be emptied and maintained in a clean state by the building owner/manager and be carried out on a daily basis.

#### **SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)**

- (40)
  - (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); and

- (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](http://www.sydneywater.com.au) or telephone 132092.

#### **ACCESS FOR PEOPLE WITH DISABILITIES**

- (41) 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.

#### **PROVISION OF SMARTPOLES™**

- (42) 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.

#### **TELECOMMUNICATIONS PROVISIONS**

- (43) 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; and

- (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.

#### **EXTERNAL RECEIVING DEVICE**

- (44) 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.

#### **GLAZING**

- (45) 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 ENTRY FINISH**

- (46) Car park roller doors shall be designed and constructed for quiet operation.

#### **PAVING MATERIALS**

- (47) 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.

#### **UNDER AWNING LIGHTING**

- (48) The awning shall be provided with lighting to ensure pedestrian safety. Such lighting shall be at a minimum level of 10 lux in the horizontal and vertical plane.
- (a) Details of the lighting is to be submitted for the approval of Council prior to issue of the Construction Certificate under the Environmental Planning and Assessment Act 1979.

#### **CAR PARK AND SERVICE VEHICLE LAYOUT AND DESIGN**

- (49)
- (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;
  - (d) A convex mirror shall be installed at the corner of the circular ramp between Lower Ground Level and Basement Level 01;
  - (e) "STOP" sign shall be installed at the exit points to require exiting vehicles to stop at the building line; and
  - (f) All costs of traffic management measures associated with the development shall be borne by the developer.
- (50) Any truck associated with the development should not stand on the surrounding street system.
- (51) To improve sight distance and safety between vehicles coming down the ramp to Basement level 02 and parking spaces No 60, 61 and 62, a safety mirror should be installed opposite space 60.
- (52) Courier/service spaces/loading bays are to be clearly designated and signposted.

#### **STORMWATER AND DRAINAGE**

- (53) 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; and
  - (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**

- (54) To ensure that utility authorities are advised of the development:-



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

### **ALIGNMENT LEVELS**

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

### **FAÇADE FIXINGS**

(56) 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”.
- (57) For areas not complying with the deemed to satisfy provisions of the BCA an alternate solution will be required to demonstrate compliance with the performance requirements stipulated in the BCA. Any alternative solution must be submitted and approved by the Certifying Authority prior to the issue of the construction certificate. The following information must be provided:-
- (a) Details of the performance requirements that the proposed alternative solution is intended to meet; and
  - (b) Details of the assessment methods used to establish compliance with those performance requirements.

### **STORAGE AND WASTE HANDLING**

- (58) 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; and

Note:

- (d) Certification will also be required on completion of the building, prior to issue of a Certificate.
- (59) 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; and
  - (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.

## **Schedule 1C**

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

#### **CERTIFICATION OF MECHANICAL VENTILATION**

- (60) 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.
- (61) 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**

- (62) Prior to the commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council (if it was not the PCA):-
- (a) Structural Drawings prepared by an appropriately qualified practising Structural Engineer, corresponding with and attached to a Structural Certificate (see (b));
  - (b) Structural Certificate/s for Design, submitted in the form of Attachment S1A completed by the Project/Principal Engineer and S1B completed usually by the Architect, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979), after the structural drawings have been checked and comply with:
    - (i) The relevant clauses of the Building Code of Australia (BCA);
    - (ii) The relevant conditions of Development Consent;
    - (iii) The Architectural Plans incorporated with the Construction Certificate; and
    - (iv) The relevant Australian Standards listed in the BCA (Specifications A1.3);
    - (v) Any other relevant report/s or documents. Specify on form S1A;
  - (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings;

Notes:

- (d) An appropriately qualified practising structural engineer certifying by completing Attachment S1A must have:
  - (i) Appropriate tertiary qualifications in Civil or Structural Engineering; AND
  - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
  - (iii) Evidence of relevant experience in the form of a CV/Resume; and
  - (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; and
  - (ii) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.

## **DEMOLITION DETAILS**

- (63) 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**

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

## **OTHER DEMOLITION DETAILS**

- (66) 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; and
  - (e) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the WorkCover Authority.

## **EXCAVATION WORK METHOD STATEMENT**

- (67) Prior to commencement of site excavation works, an Excavation Work Method Statement prepared by an appropriately qualified person must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or an accredited certifier) and a copy submitted to Council (if it is not the PCA). The Statement must include:-
- (a) Name and address of the company/contractor undertaking excavation works;
  - (b) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials (if applicable);
  - (c) Name and address of the transport contractor, and location of the disposal site;
  - (d) Type and quantity of material to be removed from site;
  - (e) A Materials Handling Statement for the removal of refuse from the demolition site, in accordance with the provisions of the “Waste Minimisation and Management Act 1995”;
  - (f) A Dust Control Method Statement for excavated sandstone or other excavation materials;

- (g) Procedures to be adopted for the prevention, of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment, and the proposed method of cleaning surrounding roadways from such deposits;
- (h) Measures to enclose the excavation site, including safety barriers, particularly if the excavation is greater than 1.5 metres deep. Plastic jersey kerb barriers are not permitted; and
- (i) Any WorkCover Authority requirements.

Note:

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

#### **SITE CONTAMINATION REPORTS**

- (68) 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).
- (69) 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; and
- (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”.

### **GEOTECHNICAL REPORT AND CERTIFICATION**

- (70) 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.
    - (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; and
  - (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.
- (71) Geotechnical inspections and testing must be in accordance with the ITP. A Geotechnical Inspection Certificate will be required prior to issue of the Occupation Certificate. Refer to Schedule E.

#### **WATER AND SEDIMENT CONTROL STATEMENT FOR DEMOLITION AND EXCAVATION**

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

#### **PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN FOR DEMOLITION AND/OR EXCAVATION**

- (73) 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**

- (74) 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.
- (75) 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.

- (76) 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.

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

Note:

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

### **BARRICADE PERMIT**

- (77) 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.

### **PROTECTION UNDER HOARDING**

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

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

### **USE OF MOBILE CRANES**

(79) 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 four 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; and
- (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**

#### **LOADING AND UNLOADING DURING CONSTRUCTION**

(80) 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; and
- (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**

- (81) 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.

### **PROTECTION OF THE ENVIRONMENT**

- (82) 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.

### **NO OBSTRUCTION OF THE PUBLIC WAY**

- (83) 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.

## **CONCRETE DRIVEWAYS**

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

## **ENVIRONMENT PROTECTION**

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

Note:

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

## **DEMOLITION WORKS**

- (86) 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.

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

## **HOURS OF WORK AND NOISE**

- (88) 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; and
- (d) Having regard to the proximity of professional tenants including 193 Macquarie Street, Sydney, the developer is required to consider the needs of the tenants in terms of hours of work and the issue of noise and dust. A Construction Liaison Committee is to be established by the developer, prior to the commencement of any excavation or work, and is to include representatives of the tenants, a nominee of the Director City Development and a nominee of St Stephens Uniting Church. A detailed Construction Management Plan is to be prepared for the approval of the Director City Development on measures to be taken to minimise the impacts of construction on the neighbouring tenants and users of the neighbouring businesses.

#### **SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**

- (89) 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**

- (90) 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.

## **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**

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

#### **MECHANICAL VENTILATION PERFORMANCE CERTIFICATE**

- (92) 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**

- (93) 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; and
- (d) An appropriately qualified practising structural engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.

#### **CERTIFICATION OF GEOTECHNICAL INSPECTION**

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

**NOISE**

- (95) The use of the premises must not give rise to any one or more of the following:-
- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670;
  - (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level or greater than 5dB at the boundary of any affected property in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 8.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 8.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies;
  - (c) A sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055. "Acoustics - Description and Measurement of Environmental Noise";
  - (d) The "emission of an offensive noise" under the Protection of the Environment (Operations) Act 1997;
  - (e) The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health; and
  - (f) 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.

**HEALTH CONDITIONS**

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

### **APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE**

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

### **APPLICATION FOR A ROAD OPENING PERMIT AND SHORING**

- (100) 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.

Documents required with the 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 Public Liability Insurance Policy specifically indemnifying the City of Sydney; and
  - (d) A Security Deposit for reinstatement of public way.
- (101) The Road Opening Permit will be subject to conditions that must be complied with.
- (102) Application design and installation of Temporary and Permanent Shoring shall be in accordance with the “Guidelines for Temporary Protective Structures” (April 2001).

### **WASTE MANAGEMENT CERTIFICATION OF COMPLETION**

- (103) 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.

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

### **TRADE WASTE**

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

### **TEMPORARY STRUCTURES WITHIN THE PUBLIC WAY**

- (105) 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**

- (106) 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.
- (107) Prior to issue of an Occupation Certificate, shop numbers must be clearly displayed in accordance with the "Policy on Numbering of Premises within the City of Sydney".

### **STREET NAME PLATE**

- (108) 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).

### **COMMEMORATIVE PLAQUE**

- (109) The following is required:-

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

## **Schedule 1F**

### **Conditions to be complied with during the use of Premises**

#### **REMOVAL OF GRAFFITI**

- (110) The owner/manager of the site shall be responsible for the removal of all graffiti from the building within 48 hours of its application.
- (111) No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking or amplified noise generated within privately owned land must not be audible on Council's footpath adjoining the subject premise.

#### **WINDOW CLEANING**

- (112) The owner/manager of the building shall ensure that all windows and glass curtain walls on all façades of the buildings are cleaned regularly and, in any event, not less than annually.

#### **NO WASTE TO BE PLACED ON THE PUBLIC WAY**

- (113) 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.

## **Schedule 2**

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

## **ITEM 8. OXFORD SQUARE DESIGN COMPETITION REPORT**

Mr Richard Foley of Multiplex Constructions (NSW) Pty Ltd 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 Area Planning Manager to the Central Sydney Planning Committee on 28 March 2002, in relation to the Design Competition held in respect of the proposed mixed use development at Oxford Square, 55-73 Oxford Street, Sydney, it be resolved that:-

- (A) the Central Sydney Planning Committee endorse the competition process;
- (B) the applicant be informed that:
  - (1) The competition process and the appointment of architects, Wood Marsh, to proceed with the design of the development are endorsed;
  - (2) The approach of minimising the impacts of the redistribution of floor space by reducing the height and bulk of the north wing of the existing tower, concentrating the majority of the redistributed floor area within the southern portion of the site and on top of the east/west wing, and restricting the height of the proposed development to no greater than the height of the existing building, is generally supported;
  - (3) Areas of non-compliance with Central Sydney Local Environmental Plan 1996 (CSLEP 1996) and Central Sydney Development Control Plan 1996 (CSDCP 1996) are to be thoroughly addressed as part of the subsequent two development application submissions; and
  - (4) A detailed assessment of the design against the requirements of the CSLEP 1996, CSDCP 1996, and the Building Code of Australia and associated Australian Standards, has not been conducted. In this regard:
    - (a) the advice is non-binding and does not fetter the discretion of the consent authority;
    - (b) the consent authority must conduct a thorough and objective assessment of the subsequent development application as required by the Environmental Planning and Assessment Act 1979, including an assessment of any public submissions received as a result of the advertising and notification of the application; and
    - (c) the consent authority incurs no liability for any expense borne by the owner/applicant as a result of reliance upon this pre-development application advice.

**ITEM 9. PLANNING NSW REFERRAL: STAGE 2 DEVELOPMENT APPLICATION - BULLECOURT PLACE, 390-422 HARRIS STREET, PYRMONT (O/02/00003)**

**Declaration of Interest**

The Chairman (the Lord Mayor) declared an interest in this item as he is a member of the Board of the Sydney Harbour Foreshore Authority. The Chairman (the Lord Mayor) took no part in discussion or voting on this item.

**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.

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

That arising from consideration of a report by the Assistant Specialist Planner to the Central Sydney Planning Committee on 28 March 2002, in relation to Planning NSW Development Application No. 382-12-2001 made by Australand for the site at 390-422 Harris Street, Pyrmont, also known as Bullecourt Place for the erection of two mixed use buildings comprising 231 dwellings, including 13 home offices and 1,720 sq.m of commercial space, with on-site parking for 341 vehicles, and the adaptive re-use of the former Bristol Arms Hotel for commercial/office purposes, it be resolved that:-

- (A) the subject report be received and noted; and
- (B) a copy of the submission shown at Attachment A to the subject report be forwarded to Planning NSW for its consideration in the determination of the Development Application.

**ITEM 10. PLANNING NSW REFERRAL: DEVELOPMENT APPLICATION - SHORE BUILDINGS, JONES BAY WHARF, 26-32 PIRRAMA ROAD, PYRMONT**

**Declaration of Interest**

The Chairman (the Lord Mayor) declared an interest in this item as he is a member of the Board of the Sydney Harbour Foreshore Authority. The Chairman (the Lord Mayor) took no part in discussion or voting on this item.

**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.

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



Ms Janet Matthews - representing the Pyrmont Community Group  
Mr Ray Jones - resident  
Mr Leon Norman - resident

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

That arising from consideration of a report by the Director City Development to the Central Sydney Planning Committee on 28 March 2002, in relation to Development Application referral No. 534-11-2001-i from Planning NSW for alterations and additions to Wharves 19, 20 and 21 Jones Bay Wharf, Pirrama Road, Pyrmont, it be resolved that:-

- (A) the subject report be received and noted; and
- (B) a copy of the submission shown at Attachment A to the subject report, as amended at the meeting of the Central Sydney Planning Committee, be forwarded to Planning NSW for its consideration in the determination of the Development Application.

#### **ITEM 11. PLANNING NSW REFERRAL: 15-27 REFINERY DRIVE, PYRMONT**

##### **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.

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

Mr Greg Deas - representing Lend Lease Development  
Mr Tony Caro - architect for the applicant

**Resolved** on the motion of the Chairman (the Lord Mayor), seconded by Councillor Coulton -

That arising from consideration of a report by the Director City Development to the Central Sydney Planning Committee on 28 March 2002, in relation to the development application for the demolition of the Laboratory B building and the construction of a six storey residential building with basement parking, it be resolved that:-

- (A) the subject report be received and noted;
- (B) Planning NSW be advised that:
  - (1) The demolition of the Laboratory B building is not supported as the proposed development does not satisfy the provisions of clause 32 of SREP 26 in that:
    - (a) the proposed development is not of a higher architectural or urban design quality than that of the existing building; and

- (b) it does not provide a positive contribution to the streetscape;
- (2) The proposed development should be refined to relate more to its context in Refinery Square and should take into account the following issues:
  - (a) the introduction of vertical lines and proportions into the building (particularly necessary on the southern elevation);
  - (b) the utilisation of colours and/or finishes that are compatible with surrounding face brick heritage buildings;
  - (c) the removal of any parts of the building that extend beyond the existing alignment of the cliff face;
  - (d) the deletion of proposed louvred panels to the car park on the northern elevation; and
  - (e) the maintenance of the masonry elements of the cliff face to Refinery Drive;
- (3) The cumulative shadow impacts of any proposed building in association with adjoining buildings on Refinery Square needs to be assessed to ensure adequate solar access to the public open space is maintained; and
- (4) The final design of Refinery Drive should be amended to accommodate an area for loading/unloading adjacent to the proposed entrance to the development.

## **ITEM 12. POLICY ON GAMING AREAS (S015674)**

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 28 March 2002, in relation to a policy response to the management of gaming areas within licensed premises, it be resolved that:-

- (A) consideration of this matter be deferred to enable further examination of issues as discussed at the meeting of the Central Sydney Planning Committee in the context of the new Gaming Machines Act which will come into effect on 2 April 2002; and
- (B) authority be delegated to the Lord Mayor to approve the Policy for the purpose of public exhibition once all such issues have been resolved.

## **ITEM 13. OXFORD SQUARE DESIGN COMPETITION**

Note - As the applicant was unable to attend the meeting of the Central Sydney Planning Committee, no presentation was given on this matter.

**ITEM 14. PROGRESS REPORT ON DEVELOPMENT APPLICATIONS (S010833)**

There was no progress report on development applications for this meeting of the Central Sydney Planning Committee.

**ITEM 15. 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 16. GENERAL BUSINESS**

**16.1 Spurbest: 849-855 George Street, Sydney and 732 Harris Street, Broadway**

It was noted that this matter had been before the Land and Environment Court and had been successfully defended by Council officers. Congratulations were extended to Ms Katy Williams, Solicitor, Legal Services Unit and Mr Bill Mackay, Area Planning Manager, Development Unit.

The meeting concluded at 7.12pm.

CHAIRMAN

The next meeting of the Central Sydney Planning Committee is scheduled for 18 April 2002.