

CENTRAL SYDNEY PLANNING COMMITTEE

THURSDAY 29 AUGUST 2002

Meeting No. 273

MINUTES of the Meeting of the Central Sydney Planning Committee held in the Council Chamber, Sydney Town Hall, on Thursday 29 August 2002 commencing at 5.21pm.

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PRESENT

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

Mr Neil Bird, Councillor Robert Ho, Ms Sue Holliday (Director-General, Department of Planning), Mr Chris Johnson, Dr Anna Lyth-Gollner (Alternate Member for Ms Antoinette le Marchant) and Councillor Lucy Turnbull.

The Director City Development was also present.

Note - Ms Holliday arrived at the meeting of the Central Sydney Planning Committee at 5.38pm during discussion on Item 4.

APOLOGY

An apology was received from Ms Antoinette le Marchant who was unable to attend the meeting as she was overseas.

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

That the apology from Ms le Marchant 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:

4. Development Application: 531-551 George Street, 518 Kent Street and 1-9 Albion Place, Sydney
 1. Confirmation of Minutes
 2. Matters Arising from the Minutes
 3. Development Application: 376-390 Jones Street, Ultimo
 - 5/6. Planning NSW Development Application Referrals: Distillery Hill East, Buildings B and E, and New Roads and Public Domain Works, Jacksons Landing, Pyrmont
 7. Draft Amendment to Central Sydney Local Environmental Plan 1996: Club Incentives and Definition of Site Area for Floor Space Ratio Purposes
 8. Presentations by Applicants and Preliminary Advice
 9. Progress Report on Development Applications
 10. New Development Application Lodgements and Delegated Items
 11. General Business

ITEM 1. CONFIRMATION OF MINUTES (S010833)

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

That the Minutes of the meeting of the Central Sydney Planning Committee held on 8 August 2002 be taken as read and confirmed.

ITEM 2. MATTERS ARISING FROM THE MINUTES (S010833)

There were no matters arising from the Minutes of the meeting of the Central Sydney Planning Committee held on 8 August 2002.

ITEM 3. DEVELOPMENT APPLICATION: 376-390 JONES STREET, ULTIMO (D/02/00014)

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 29 August 2002, in relation to Development Application D/02/00014 made by Ms Aye-Ling Koh for the site at 376-390 Jones Street, Ultimo. for the change of the current commercial use to a hostel, another commercial use, incorporating 17 studio-type units, it be resolved that:-

- (A) while supporting the subject development application, the Central Sydney Planning Committee requested that consideration of this matter be deferred in order to clarify the extent of the section 94 contribution; and
- (B) authority be delegated to the General Manager to determine the application once the section 94 contribution has been verified by the Sydney Harbour Foreshore Authority.

ITEM 4. DEVELOPMENT APPLICATION: 531-551 GEORGE STREET, 518 KENT STREET AND 1-9 ALBION PLACE, SYDNEY (2002/00346)

Note - A letter from Mr David Stead, Acting CEO of The Spanish Club Ltd dated 28 August 2002, was circulated to members prior to the meeting of the Central Sydney Planning Committee.

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

Mr Victor Franco - President of The Spanish Club Ltd
Ms Sylvia Hrovatin - Meriton Apartments Pty Ltd
Ms Sally Lewis - Meriton Apartments Pty Ltd

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

That arising from consideration of a report by the Area Planning Manager to the Central Sydney Planning Committee on 29 August 2002, in relation to Development Application D2002/00346 made by Meriton Apartments Pty Ltd for the site at 531-551 George Street, 1-9 Albion Place and 518-524 Kent Street, for demolition and refurbishment of existing buildings and construction of a mixed use development consisting of a 4 level commercial podium including the provision of a through site link and an open courtyard to the rear of the heritage buildings on Albion Place and a connection through to Albion Place, a 43 level residential tower containing 330 apartments (3 x studio, 123 x 1 bed, 133 x 2 bed and 71 x three bed apartments), and 10 basement levels accommodating servicing and car parking for 372 cars, and the refurbishment of the buildings on Albion Place, it be resolved that:-

- (A) The requirement for the Stage 2 development application be consistent with the Stage 1 development approval (under Clause 28B(2)(b)) be waived under the provisions of Clause 28B(4)(e) of the Central Sydney Local Environmental Plan 1996 on the grounds that:-
- (1) The Stage 1 consent was effectively issued in December 1998 prior to Amendment No 8 of LEP 1996. This arose from the applicant's willingness to "convert" a pre Amendment No 8 DA consent to a Stage 1 DA consent, to facilitate a design competition;
 - (2) The Stage 2 development is generally consistent with the provisions of Central Sydney Local Environmental Plan 1996 (CSLEP 1996), Central Sydney Heritage Local Environmental Plan 2000 (CSHLEP 2000), Central Sydney Development Control Plan 1996 (CSDCP 1996) and State Environmental Planning Policy 65 (SEPP 65);
 - (3) The Stage 2 development adequately addresses all the heads of consideration under Clause 28C of CSLEP 1996;
 - (4) The Stage 2 development is the result of a design competition and, subject to conditions, achieves design excellence;
 - (5) The Stage 2 development is of a high quality design which results in positive heritage outcomes and improvements to the public domain;
 - (6) The Stage 2 development has an appropriate built form with the provision of a lower podium, a through site link retail arcade and an open courtyard to the rear of the heritage buildings on Albion Place, the modified triangular form of the tower which facilitates maximum amenity to the apartments within and which provides an interesting and distinct contribution to the City skyline. These changes are considered to be significant improvements on the Stage 1 approval; and
 - (7) The impacts of the changes between Stage 1 DA and the Stage 2 DA on the nearest affected properties have been fully considered and are acceptable.
- (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. 2002/00346 dated 29 May 2002 and Statement of Environmental Effects prepared by Metroplan, dated May 2002 and the following plans prepared by Harry Seidler and Associates and Noel Bell Ridley Smith and Partners:-

NEW STRUCTURE		
Prepared by Harry Seidler and Associates		
Drawing Number	Drawing Title	Drawing Date
DA 0001 A	Location Plan	29.03.02
DA 0002 A	Site and Roof Plan	29.03.02
DA 0003 C	Plans Levels 9 - 12A1	25.07.02
DA 0005 B	Plans Level 1 - 8 (Car park)	29.03.02
DA 0006 B	Plans Levels 12A2 - 14	19.08.02
DA 0008 B	Plans Levels 15 - 43	10.07.02
DA 0009 A	Plans Levels 45 - 58	29.03.02
DA 0011 A	FSA Calculations	29.03.02
DA 0015 B	Section 1	14.08.02
DA 0016 A	Section 2	29.03.02
DA 0017 A	Section 3	29.03.02
DA 0018 C	Podium Section 1	08.08.02
DA 0019 A	Podium Section 2	29.03.02
DA 0020 A	Elevations - Albion and George	29.03.02
DA 0021 B	Elevations - Kent and Liverpool	25.07.02
DA 0022 B	Podium Elevation (Arcade, South)	08.08.02
DA 0023 A	North Elevation	07.06.02
DA 0025 B	Facade Study	02.06.02
DA 0026 B	Facade Details	08.08.02
DA 0027 B	Security Doors to Arcade	25.07.02

1 - 7 ALBION PLACE		
Prepared by Noel Bell Ridley Smith and Partners (contained in part in the Conservation Management Plan)		
Drawing Number	Drawing Title	Submission Date
CWAP 01	Locality Plan	16 July 2002
DA2/AP/A01	Ground Floor Plan	16 July 2002
CWAP 03	First Floor Plan	16 July 2002
CWAP 04	Second Floor Plan	16 July 2002
CWAP 05	Roof Plan	16 July 2002
CWAP 06	Northern Elevation	16 July 2002
DA2/AP/A02	South Elevation	16 July 2002
DA2/AP/A03	East Elevation	16 July 2002
DA2/AP/A04	West Elevation	16 July 2002

TAITO HOUSE, 531-535 GEORGE STREET		
Prepared by Noel Bell Ridley Smith and Partners (contained in part in the Conservation Management Plan)		
Drawing Number	Drawing Title	Drawing Date
CWTH-01	Locality Plan	January 2002
CWTH-02	Ground Floor Plan	January 2002
CWTH-03	First Floor Plan	January 2002
CWTH-04	Second Floor Plan	January 2002
CWTH-05	Third Floor Plan	January 2002
CWTH-06	Conservation Works Eastern Facade (George Street)	January 2002
CWTH-07	Conservation Works northern Facade (Albion Place)	January 2002
CWTH-08	Conservation Works Western Facade	January 2002

Drawing Number	Drawing Title	Drawing Date
CWTH-09	Conservation Works Ground Floor Eastern Facade (George Street)	January 2002
CWTH-10	Survey and analysis of existing fabric - Bays 1 and 2, Ground Floor, Albion Place Facade	16 July 2002
CWTH-11	Conservation works Ground Floor Northern Facade (Albion Place)	16 July 2002

and as amended by the following conditions.

- (2) The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the external appearance of the building without the approval of Council.
- (3) The architects of the project as approved should not be changed without prior notice to Council. In this regard, prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the applicant shall furnish a letter to Council detailing the architects role through the design documentation and construction phase of the development.

FLOOR SPACE RATIO

- (4) The following applies to Floor Space Ratio:-
 - (a) The Floor Space Ratio of the proposal must not exceed 12.632:1 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 44,198sqm. For the avoidance of doubt this includes the floor space of all buildings (including those adjacent to Albion Place) within the development site.
 - (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

BUILDING HEIGHT

- (5)
 - (a) The height of the building as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996 (and excluding the architectural roof feature) must not exceed RL 166 (AHD).

- (b) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the height of the building, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

CONSISTENCY OF DRAWINGS

- (6) 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.

WORKS TO BUILDINGS ADJOINING ALBION PLACE

- (7) The buildings adjoining Albion Place shall be upgraded and conserved in accordance with:-
 - (a) the details contained in the approved plans detailed in Condition 1 of this consent;
 - (b) the approved Conservation Management Plans for Taito House at 531-535 George Street and 1-7 Albion Place prepared by Noel Bell Ridley Smith and Partners and approved on 23 January 2002; and
 - (c) the plan of refurbishment for 518-520 Kent Street prepared by Noel Bell Ridley Smith and Partners and approved on 7 February 2002, and approved under Development Application No: D2001/00850.
- (8) The approved upgrade/conservation works to the buildings in Albion Place shall be carried out prior to, or concurrently with, the construction of the development on the remainder of the application site.

HERITAGE

- (9)
 - (a) The applicant is to commission an experienced conservation architect to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
 - (b) Prior to the commencement of work, the applicant is to submit to Council a copy of the contractual terms for the appointment of the conservation architect and appropriate information to demonstrate that the terms of this consent can be complied with, including the

requirement for all conservation work to be inspected by the appointed conservation architect.

- (c) Additionally, a Register is to be kept on the site that details all visits by the appointed conservation architect, the length of stay and the works inspected during each visit. This Register is to be made available to Council on request.

(10)

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

RESTRICTION ON RESIDENTIAL DEVELOPMENT

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

- (a) The residential accommodation portion of the building (levels 15 to 58) must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Central Sydney Local Environmental Plan 1996.
- (b) All approved residential units in the building must be either owner occupied or occupied by a tenant with a residential lease under the Residential Tenancy Act 1987. A certificate signed by the owner or the body corporate (if the development is strata subdivided) or a solicitor (holding a current certificate to practice), must be forwarded to Council within 12 months of the completion of the development, and every 12 months thereafter, certifying that all units approved in the residential building are either owner occupied or are subject to residential leases under the Residential Tenancy Act 1987.
- (c) A restrictive covenant is to be created pursuant to Section 88E of the Conveyancing Act, 1919, restricting any change of use of levels 15 to 58 from residential as defined in the Central Sydney Local Environmental Plan 1996. The covenant is to be executed prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 to the satisfaction of the certifying authority (Council or a private accredited certifier). All costs of the preparation and registration of all associated documentation is to be borne by the applicant.

ARCHAEOLOGICAL INVESTIGATION

(12)

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

Note:

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

REPORTS TO BE COMPLIED WITH

- (13) The development shall be in accordance with the recommendations of the following reports submitted with the development application:-
 - (a) Wind Environment Study report prepared by Windtech Consultants Pty Ltd and dated 21 May 2002;
 - (b) Solar Reflectivity Analysis report prepared by Windtech Consultants Pty Ltd and dated 21 May 2002;
 - (c) Acoustic Assessment report prepared by Renzo Tonin & Associates Pty Ltd and dated 24 May 2002; and

- (d) NatHERS Assessment report prepared by The House Energy Rating Company of Australia and dated 12 May 2002; and Traffic report prepared by Masson Wilson Twiney Traffic and Transport Consultants and dated May 2002.

STRATA SUBDIVISION APPROVAL

- (14) A separate Development Application is required to be submitted for the strata subdivision of the approved development.
- (15) The individual dual key apartments shall be retained on one title.

CAR PARKING AND SERVICING

- (16) The approved parking facilities shall be allocated on the development site as follows:-
- (a) 358 spaces for residential parking (142 for 3 bed apartments, 159 for 2 bed apartments; 57 for 1 bed apartments and 0 for the studio apartments on Levels 1-8);
 - (b) 15 spaces for business/commercial parking (on Levels 1-8); and
 - (c) 12 spaces for service vehicles (on Levels 9 and 10);
 - (d) 30 spaces for motorcycles (on Levels 2-6); and
 - (e) 4 car spaces (or equivalent), with appropriate cycle rack facilities (on Levels 2-7).
 - (f) One car wash bay with appropriate plumbing and drainage shall be provided on each of levels 2 to 8 for use by occupiers of the residential tower; and
 - (g) Seven of the above car parking spaces are to be for people with mobility impairment, in accordance with AS 2890.1.

All spaces must be allocated and marked according to the above requirements prior to the issue of an Occupation Certificate for the development. If the development is to be strata subdivided, the carpark layout must respect the above allocation.

PLANT

- (17) All plant servicing the building shall be accommodated within the approved building envelope.

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.

BUILDING NAME

- (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.

USE

- (20) Separate development applications are to be submitted at the appropriate time for the specific use of the basement and ground level retail tenancies, the use of the buildings adjacent to Albion Place and the Podium Level commercial office space.

ROOF FEATURE

- (21) The spire element on the roof of the building is approved on the basis of being an architectural roof feature as defined in 32A of the Central Sydney Local Environmental Plan 1996. In this regard the roof feature shall not be used to accommodate signage, communications devices or other plant and equipment.

Schedule 1B

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

- (22)
- (a) 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.
- (b) An easement for light and air (properly documented) must be created over the land to the north of 86 and 88 Liverpool Street, Sydney, between the southern envelope of the approved building above the podium and the northern boundary of 86 and 88 Liverpool Street, Sydney. The easement must be created to the satisfaction of the Director City Development pursuant to Section 88B of the Conveyancing Act 1919, and the easement must be created prior to the release of the construction certificate for the development.
- (23) For areas not complying with the deemed to satisfy provisions of the BCA an alternate solution will be required to demonstrate compliance with the performance requirements stipulated in the BCA. Any alternative solution

must be submitted and approved by the Certifying Authority prior to the issue of the construction certificate. The following information must be provided:-

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

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

- (24) Prior to commencement of work, the Principal Certifying Authority (P.C.A.) must assess the competency of all persons who propose to “certify” works or designs under the provisions of s.93 of the Local Government Act. Competency is to be assessed in writing by the P.C.A on the basis of documentary evidence of the person’s qualifications, skills and experience in performing the task to be certified. The P.C.A. must make a written determination on whether the person is appropriately qualified to “certify” the work of design, with all such documentation to be forwarded to Council (within 14 days of the determination) for its records and random audits.

DESIGN DETAILS

- (25)
 - (a) Final schedules and samples of the finishing materials to be used in the construction of the external facades and publicly accessible areas of the building (including the court yard to the rear of the Albion Place buildings and the atrium) including colours and samples of glazing, and including an A4 size colour photograph of the sample board, shall be submitted to and approved by the Director City Development prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
 - (b) In order to address concerns expressed by The Spanish Club at 86 and 88 Liverpool Street, Sydney, the Director City Development shall investigate the effect of the podium of the proposed development on the fourth floor windows of 88 Liverpool Street, Sydney. If considered appropriate, design amendments will be required to protect the access to light and air for those windows.
- (26) 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.
- (27) The walls and ceilings of the vehicular entry, visible from the street, shall be finished in high quality materials. Details shall be submitted to and approved by the Director City Development prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

- (28) Under awning lighting shall be provided along the George Street frontage. Details shall be submitted to and approved by the Director City Development prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (29) Details of any roller shutters or other security measures proposed for the retail or public areas shall be submitted to and approved by the Director City Development prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. In this regard roller shutters to retail tenancies shall be provided internal to the tenancies behind the shop frontage glass line.
- (30) A Signage strategy for the development shall be submitted to and approved by the Director City Development prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. Separate development applications for any proposed signs which are either externally fitted or applied are then to be submitted for the approval of Council prior to the erection or display of any such signs.
- (31) A room containing a shower and change area must be provided close to the cycle racks. Details shall be submitted to and approved by the Director City Development prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (32) All external glazing in the development must be clear and untinted unless otherwise approved by the Director City Development.
- (33) Car park roller doors shall be designed and constructed for quiet operation.
- (34) 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.
- (35) The following design modifications are to be made to the heritage buildings at 1-7 Albion Place:-
- (a) The new additional openings to the east and south elevations of No 7 Albion Place are to be deleted. Final details of the treatment of these areas of the building, including the provision of openings if any, shall be submitted to and be approved by the Director City Development following the demolition of the buildings adjacent to these areas.
 - (a) The toilets on the ground floor of No 1 Albion Place are to be deleted. The toilets shall be relocated within the proposed development or an adequate arrangement for the use of toilets already proposed elsewhere within the development is to be demonstrated. Details shall be submitted to and approved by the Director City Development prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

- (36) Precise details of the design of:-
- (a) the area between Taito House and 1-7 Albion Place consistent with the Conservation Management Plans for these places; and
 - (b) the elevational treatment of the space currently occupied by No 9 Albion Place so that it incorporates the Gothic gates and is integrated with and enhances the streetscape and heritage qualities of Albion Place
- shall be submitted to and approved by the Director City Development prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (37) Details of the fire egress arrangements serving Taito House, and their relationship with the new development shall be submitted to and approved by the Director City Development prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (38) Precise architectural design details of the proposed awning shall be submitted to and be approved by the Director City Development prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. In this regard, in order to more appropriately relate to the heritage items either side, the detailed design of the awning shall be amended so that the slope of the awning at its northern and southern ends is significantly reduced so as to appear horizontal in cross section.
- (39) Alternatives to the sample granite submitted with the development application proposed for the facade of the podium which better relate to the brick colours of the surrounding buildings shall be submitted for the consideration and approval of the Director City Development prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (40)
- (a) The bedroom windows to the apartments in the south east corner of the tower on Levels 17-20 that face the southern boundary of the site shall be fitted with obscure glazing, be high level or be otherwise amended so as to minimise overlooking of/from the adjoining site. Details shall be submitted to and be approved by the Director City development prior to the issue of a Construction certificate under the Environmental Planning and assessment Act 1979.
 - (b) In order to minimise the amenity impacts of the new development on The Spanish Club properties at 86 and 88 Liverpool Street, Sydney, the developer is to submit revised plans for those balconies above the podium of the new development that, in the opinion of the Director City Development, have or may have a potential effect on The Spanish Club properties. Such balconies are to be redesigned to the satisfaction of the Director City Development in consultation with The Spanish Club.

CONSERVATION MANAGEMENT PLANS

(41)

- (a) The Conservation Management Plan for 1-7 Albion Place shall be amended to include items of significance identified in the top floor of No 1 prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (b) The Conservation Management Plan for 1-7 Albion Place and the Conservation Management Plan for Taito House shall be updated to include any further significant fabric revealed during works. The heritage consultants shall be retained to allow completion of this work to the satisfaction of the Director City Development prior to Occupation Certificate.

HERITAGE INTERPRETATION STRATEGY

(42)

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

- (43) An interpretation strategy for each heritage item must be prepared to assist the public's and users' understanding of the history and significance of the site. It should be submitted for Council approval prior to the commencement of work. This strategy must include recommendations regarding appropriate signage, lighting and exhibition of selected artefacts and/or other material to assist the public to understand the history and significance of the site. It must also address the following "interpretation through design" issues:-

- (a) Treatment of walls, floors and ceilings to aid an understanding of former significant configurations and functions;
- (b) The treatment of new work to distinguish it from early fabric; and
- (c) Interpretation in other areas where an illumination of the significance of the place can be achieved through design.

The strategy is to be implemented to the satisfaction of the Director, City Development, prior to issue of Occupation Certificate.

CAR PARKING/SERVICING

(44) The following conditions apply to car parking:-

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

Note:

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

- (45) Documentary easements for access, loading and use of garbage facilities must be created over the appropriate areas of the development site, in favour of Taito House at 531-535 George Street and 518 Kent Street, to provide for the required servicing of these properties within the development site. The easements must be created to the satisfaction of the Director City Development, pursuant to Section 88B of the Conveyancing Act 1919, prior to the issue of the Occupation Certificate.

SECTION 61 CONTRIBUTION

(46) 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”;
- (ii) Certification of the calculation of the contribution in accordance with the “Central Sydney Contribution Plan 1997” shall be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979;
- (iii) If the Construction Certificate is to be issued by a private accredited certifier, they must seek Council’s endorsement of the calculation prior to the issue of the Construction Certificate; and
- (iv) For developments over \$2 million in cost, the certification of the building costs must be prepared by a Registered Quantity Surveyor.

(c) **Timing of Payment**

- (i) The contribution must be paid prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. In this regard the contribution levied in respect of the following components of the development:-

- a. Taito House - 531 George Street;
- b. 518 Kent Street; and
- c. the balance of the site

may be paid separately prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 for those components of the development.

LOT CONSOLIDATION/COVENANTS

(47) 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 a Construction Certificate.

(a) Notwithstanding the above, the consolidation may exclude the buildings on the corner of George Street and Albion Place, and the corner of Kent Street and Albion Place, which are to be refurbished/conserved as part of this consent, being:-

(i) Taito House, 531-535 George Street; and

(ii) 518-520 Kent Street,

subject to restrictive covenants being placed on the title of these premises limiting any future development of the sites to the total floor area and height of the refurbished/conserved buildings to that approved under this consent, prior to the issue of a Construction Certificate.

(48) The owner shall, in respect of the following buildings:-

(a) Taito House at 531-535 George Street;

(b) 1-7 Albion Place; and

(c) 518-524 Kent Street,

create a positive covenant on the title of the premises prior to the issue of a Construction Certificate to:-

(i) ensure the continued conservation and maintenance of the buildings in accordance with the approved Conservation Management Plans prepared by Noell Bell Ridley Smith and Partners, and the plan of refurbishment prepared by Noell Bell Ridley Smith and Partners and approved under Development Application No D2001/00850.

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

(49) 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 heritage buildings on the site, during the removal of fabric on site that exposes significant building fabric or furnishings, and after work has been completed on site, as considered appropriate by the conservation architect commissioned for the project.

(a) The archival record of significant building fabric or furnishings from the site must be submitted to Council prior to the commencement of any demolition work and prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

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

DEMOLITION/SITE RECTIFICATION

(50) 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 dollars as security for the costs of such works provided that:-
 - a. the maximum liability under the Deed shall not exceed 875,000 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works that 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 above mentioned 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.
- (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.

PUBLIC ART

- (51) High quality art work shall be provided within the development in publicly accessible locations eg. near main entrances, lobbies and street frontages, in accordance with the Central Sydney DCP 1996 and the 'Public Art Policy'. Details of the art work must be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

LANDSCAPING OF THE SITE

- (52) The site must be landscaped and maintained to the approval of Council. A detailed landscape plan, to scale, drawn by a landscape architect or approved landscape consultant, must be lodged and approved by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The plan must include:-
- (a) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (b) Location, numbers and type of plant species;
 - (c) Details of planting procedure and maintenance;
 - (d) Details of drainage and watering systems; and
 - (e) In addition a maintenance schedule is to be submitted.

The approved landscaping is to be carried out prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.

ELECTRICITY SUBSTATION

- (53) The owner must dedicate to Energy Australia, free of cost, an area of land 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.

PUBLIC TELEPHONES

- (54) 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 that will be provided in the development free of cost, (similar to the Telstra Blue Phone), in consultation with the applicant's preferred provider;
 - (b) The telephones should be located at footpath level and two square metres should be allowed for each telephone;
 - (c) 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
 - (d) The telephones must be available for public use during the normal opening hours of the building.

TOILETS AVAILABLE FOR USE BY PUBLIC

- (55) Provision shall be made for the inclusion of toilet facilities at ground floor level of the development. Such facilities shall be located close to the entrances and shall remain available for public use during the normal opening hours of the building. The facilities shall be signposted. Details of the facilities are to be submitted and approved by the Director City Development prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

RECEPTACLES FOR CIGARETTE BUTTS

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

- (f) emptying of receptacle/s must be carried out on a daily basis.

NOISE REDUCTION

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

- (a) The report shall indicate measures to preserve the amenity for residents/apartment users such that the repeatable L_{Aeq} (1 hour) level will not exceed the following levels:-

- (i) In a naturally ventilated - windows closed condition:

- | | | |
|----|---|------|
| a. | Sleeping areas (night time only: 2200-0700) | 35dB |
| b. | Living areas (24 hours) | 45dB |

- (ii) In a naturally ventilated - windows open condition, (ie windows open up to 5% of the floor area, or attenuated natural ventilation open to 5% of the floor area):

- | | | |
|----|---|------|
| a. | Sleeping areas (night time only: 2200-0700) | 45dB |
| b. | Living areas (24 hours) | 55dB |

- (iii) Where a naturally ventilated - windows open conditions cannot be achieved, it is necessary to incorporate mechanical ventilation or air conditioning.

- (iv) The following repeatable maximum L_{Aeq} (1 hour) levels shall not be exceeded when doors and windows are shut and mechanical ventilation or air conditioning is operating. These levels correspond to the combined measured level of external sources and the ventilation system operating normally:-

- | | | |
|----|---|------|
| a. | Sleeping areas (night time only: 2200-0700) | 38dB |
| b. | Living areas (24 hours) | 46dB |

- (b) In the preparation of the report:

- (i) The environmental noise monitoring at the site of the proposed development shall be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations;

- (ii) The repeatable maximum L_{Aeq} (1 hour) for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified, and
 - (iii) The L_{Aeq} (1 hour) noise levels within living rooms and bedrooms with windows and doors both open and closed shall be shown.
- (c) All residential buildings and serviced apartments are to be designed and constructed in accordance with the above criteria. The completed work must comply with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

ACOUSTIC PRIVACY BETWEEN UNITS

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

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

- (c) Council or the private Principal Certifying Authority must ensure that the completed work complies with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

(59)

- (a) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, written confirmation that you have obtained a Notice of Requirements under Part 6, Division 9 of the "Sydney Water Act 1994" must be submitted to the Certifying Authority (Council or a private accredited certifier).
- (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a (Developer) Compliance Certificate under section 73 of the "Sydney Water Act 1994" must be submitted to the Principal Certifying Authority (Council or a private accredited certifier).

Note:

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.

- (c) 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.
- (d) Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site www.sydneywater.com.au or telephone 132092.

TELECOMMUNICATIONS PROVISIONS

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

- (c) The details of (a) and (b) above shall be submitted for the approval of the certifying authority, prior to issue of a construction certificate for the building under the Environmental Planning and Assessment Act 1979.
- (61) 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.
- (a) In this regard it should be noted that the spire element on the roof top of the building which extends beyond the maximum height limit for the site has been approved as an architectural roof feature as defined in Clause 32A of the Central Sydney Local Environmental Plan 1996.

ACCESS

- (62) 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.
- (63) The unit(s) designated for persons with disabilities shall be designed so as to allow for future fit out in accordance with AS 1428.1 - 1993 "Design for Access and Mobility".
- (64) Parking space(s) designed for persons with a disability must be available for use in conjunction with the unit(s) designated for persons with a disability. Such unit(s) shall be linked in any future strata subdivision of the building.

FLOOR TO CEILING HEIGHT

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

CAR PARK AND SERVICE VEHICLE LAYOUT

- (66)
- (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 Part 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.

STORMWATER AND DRAINAGE

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

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

PUBLIC DOMAIN PLAN

(68) The following requirements apply:-

- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect and shall be approved by Council (to be lodged with the Public Domain Officer at City Projects) prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.
- (b) The Public Domain Plan shall be as follows:-
 - (i) Drawn at 1:100 scale;
 - (ii) Show the entire layout of flagstone paving where this paving is required;
 - (iii) Nominate the location, type and material of all existing and proposed public pavement elements including trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture, utility poles, parking meters, pedestrian and traffic signals, service pits and stormwater pits;

- (iv) Include a longitudinal section of the pavement showing existing and proposed levels at 10 metre intervals at the building alignment, the kerb and the gutter on a common datum line. This longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale. This section is to ensure that any significant longitudinal gradient change, such as flattening for vehicle entries, occurs within the building line and not at the public pavement;
 - (v) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings; and
 - (vi) Include specifications of the proposed works.
- (c) The Public Domain Plan shall comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer and may include:-
- (i) Adjustment to paving grades to provide a maximum crossfall of 2.5% from building line to top of kerb;
 - (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications. All granite paving (where applicable) is to be sealed in accordance with Council's specifications;
 - (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees;
 - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994;
 - (v) The repair and where required the resetting of all stone kerbing to 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed to the centre line of the carriageway;
 - (vi) The retention and repair of any existing pavement lights;
 - (vii) The retention and repair of any existing serviceable stone gutters;
 - (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in

flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt; and

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

Note:

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

ALIGNMENT LEVELS

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

WASTE

- (70) 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.
- (d) The location, design and construction of the garbage room, recycling rooms, bin washing areas and collection areas.
- (e) The natural or mechanical ventilation, in accordance with the Building Code of Australia and Australian Standard 1668.
- (f) The location and design of any garbage chutes or compaction units required by Council's Code.
- (g) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.

Note:

- (h) Certification will also be required on completion of the building, prior to issue of an Certificate, must not be used for cooking or heating of food unless a system of mechanical ventilation is installed to the cooking or heating appliances. Certified Plans and specifications showing details of any proposed mechanical ventilation system must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

GEOTECHNICAL REPORT AND CERTIFICATION

- (71) Prior to commencement of any foundation or bulk excavation, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy submitted to Council (if it is not the Principal Certifying Authority):-
 - (a) A Geotechnical Report which shall include the following information as appropriate:-
 - (i) Borehole/test pit logs or inspection records;
 - (ii) Field/laboratory test results;
 - (iii) General geotechnical description of site;
 - (iv) Recommended safe bearing values and likely settlements of foundation material;
 - (v) Recommendations for stability and protection of excavations;

- (vi) Opinion on the effect of the new works on adjoining buildings and recommendations for any underpinning or other measures required to maintain stability; and
 - (vii) Method of proving and assessing foundations underpinning and/or excavation stability in accordance with design.
- (b) A Structural Engineer's Report/Letter stating to the effect that, based on the Geotechnical Report, the proposed excavation and construction work will not adversely affect the adjoining building/s.
 - (c) An Inspection and Test Plan (ITP) that reflects the requirements of the geotechnical report, project drawings and specifications.
 - (d) A completed Geotechnical Certificate for the Report and ITP, submitted in the form of Attachment G1 completed by the Project/Principal Geotechnical Engineer OR, a compliance certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) after satisfying (a), (b) and (c) above.

Notes:

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

RAIL CORRIDORS

- (72) The applicant should be aware that the development site is in close proximity to State Rail Authority operational land. In this regard:-
 - (a) A vibration impact assessment report, prepared by a suitably qualified person, shall be submitted to and approved by the Director City

Development prior to the issue of a Construction certificate under the Environmental Planning and Assessment Act 1979.

- (b) The report shall identify the extent of the possible impact of rail related vibration on the amenity of the residents and other users of the development and shall make recommendations in respect of the design of the development to remediate such impacts.
- (c) Certification of compliance with the recommendations of the report shall be provided to the Principal Certifying Authority prior to the issue of an Occupation certificate.
- (d) Such recommendations shall be implemented in the construction of the development.

PHYSICAL MODELS

- (73) 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
- (74) Prior to the issue of the Occupation Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale mode of the development as constructed must also be submitted to Council for placement in the City Model at the City Exhibition Space.

Note:

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

Schedule 1C

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

UTILITY SERVICES

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

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

DEMOLITION

- (76) 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).
- (77) Prior to the commencement of demolition work a licensed demolisher who is registered with the WorkCover Authority must prepare a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy sent to Council (if it is not the PCA). A copy of the Statement must also be submitted to the WorkCover Authority.
 - (a) The Statement must be in compliance with “AS2601-1991 Demolition of Structures”, the requirements of WorkCover Authority and conditions of the Development Approval, and must include provisions for:
 - (b) Enclosing and making the site safe, any temporary protective structures must comply with the “Guidelines for Temporary Protective Structures” (April 2001);
 - (c) Induction training for on-site personnel;
 - (d) Inspection and removal of asbestos, and contamination and other hazardous materials;
 - (e) Dust Control:-
 - (i) Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site;
 - (f) Disconnection of Gas and Electrical Supply;
 - (g) Fire Fighting:-

- (i) Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;
- (h) Access and egress:-
 - (i) No demolition activity shall cause damage to or adversely affect the safe access and egress of this building;
 - (i) Waterproofing of any exposed surfaces of adjoining buildings;
 - (j) Control of water pollution and leachate and cleaning of vehicles tyres:-
 - (i) Proposals shall be in accordance with the “Protection of the Environmental Operations Act 1997”;
 - (k) Working hours, in accordance with this Development Consent;
 - (l) Confinement of demolished materials in transit;
 - (m) Proposed truck routes, in accordance with this Development Consent; and
 - (n) Location and method of waste disposal and recycling in accordance with the “Waste Minimisation and Management Act 1995”.
- (78) The demolition of buildings by induced collapse, the use of explosives or on-site burning is not permitted.
- (79) 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 Reports for the existing buildings to be retained on the site and all adjacent buildings adjoining the site. Such dilapidation reports shall be carried out by an independent person competent in the appropriate field (in the opinion of Council), in consultation with owners of the adjoining sites, and shall be approved by the Director City Development. The dilapidation reports shall be provided to the Principal Certifying Authority, the Council and the neighbouring owners.

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

EXCAVATION

- (80) 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; and

- (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.
- (81) The Principal Certifying Authority and Council's City Care Unit must be given a minimum of 48 hours notice that excavation, shoring or underpinning works are about to commence.
- (82) Removal of rock by cutting into blocks is not permitted, unless a separate development application is submitted to, and approved by Council for this use.

WATER AND SEDIMENT CONTROL STATEMENT FOR DEMOLITION AND EXCAVATION

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

pollute classified waters such as Sydney Harbour to which most of the City's street drainage is directly connected.

PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN FOR DEMOLITION AND/OR EXCAVATION

- (84) 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

- (85) A Waste Management Plan for the demolition and/or excavation of the proposed development must be submitted to the satisfaction of the Principal Certifying Authority (and a copy submitted to Council if it is not the PCA) before commencement of work on the site.
- (a) Certification that the plan is in accordance with the Development Approval Conditions, Council's Code for Waste Handling in Buildings and the "Waste Minimisation and Management Act 1995", must be submitted in the attached form W3 to the satisfaction of the Principal Certifying Authority. Such Certification must be submitted by an appropriately qualified person experienced in Waste Handling Design and Environmental Management.
 - (b) The Waste Management Plan must address demolition and excavation, as applicable. The Plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:-
 - (i) Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
 - (ii) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition and excavation operations including:-

- a. Type and quantities of material expected from demolition and excavation;
 - b. Name and address of transport company;
 - c. Address of proposed site of disposal;
 - d. Name/address of company/organisation accepting material;
 - e. Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
 - f. Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet; and
 - g. Material for disposal and justification of disposal;
- (iii) If details of items (a) to (g) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contracts.
- (c) All requirements of Waste Management Plans must be implemented during the demolition and/or excavation period of the development.

Note:

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

AWNING MAINTENANCE

- (87) A maintenance plan for the awning must be submitted for the approval of Council prior to the commencement of construction, including the proposed methods of cleaning and a detailed maintenance schedule to ensure the structural integrity of the awning. The maintenance plan and schedule are to include annual inspection of steelwork, connections and support, regular cleaning of drains and the footpath under the awning, regular cleaning of any lighting and replacement of defective lighting, and regular cleaning of the awning glazing at least every six months or more frequently if required.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (88) 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.
- (89) The temporary structure approval under Section 68 of the Local Government Act 1993 (Hoarding Approvals) may be subject to conditions including a requirement for the owner of the site to provide a bank guarantee as security for any damage rectification.

APPLICATION FOR A ROAD OPENING PERMIT

- (90) A separate Road Opening Permit under Section 138 of the Roads Act 1993 shall be obtained from City Care Unit of the City of Sydney prior to the commencement of any:-
- (a) Excavation in or disturbance of a public way, or
 - (b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).
 - (c) Documents required with the Road Opening Permit application include:
 - (d) A plan and relevant sections showing scope of works, boundaries, utility services, levels of proposed excavation, and details of method of reinstating public way;
 - (e) Evidence that public utility drawings have been inspected;
 - (f) Evidence of a \$10 million dollar Public Liability Insurance Policy specifically indemnifying the City of Sydney, valid for at least the duration of the project;
 - (g) A Security Deposit for reinstatement of public way; and
 - (h) The Road Opening Permit will be subject to further conditions that shall be complied with.
- (91) Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

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

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

- (93) The following environmental protection measures are required:-
- (a) Prior to the commencement of construction work, a Water and Sediment Control Statement must be submitted and approved by the Principal Certifying Authority.
 - (b) Such statement must include:-
 - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
 - (ii) The proposed method of discharge;
 - (iii) The procedures to be adopted for the prevention of run-off from the site onto the public way;
 - (iv) The procedures to be adopted for the prevention of loose material and litter from being blown onto the public way; and
 - (v) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's "Erosion and Sediment Control Manual".
 - (c) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's "Erosion and Sediment Control Manual" and the Department of Housing Manual "Managing Urban Stormwater - Soils and Construction (August 1998)".

- (d) The Water and Sediment Control Statement shall be implemented during the construction period.
- (e) Any seepage or rainwater collected on site during construction must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.
- (f) The applicant must also comply with the “NSW Protection of the Environment Operations Act 1997”, whereby it is an offence to pollute classified waters such as Sydney Harbour to which much of the City's street drainage is directly connected.

CONTROL OF VERMIN

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

USE OF MOBILE CRANES

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

CERTIFICATION OF MECHANICAL VENTILATION

- (96) 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.

It is noted that the Building Code of Australia requires a minimum setback of 6m from the boundary of the site for intake and discharge of vents.

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

- (97) Prior to the commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council (if it was not the PCA):
 - (a) Structural Drawings showing all new fully detailed structural elements, prepared by an appropriately qualified practising Structural Engineer, corresponding with and attached to a Structural Certificate (see (b));
 - (b) Structural Certificate/s for Design, of all new fully detailed structural elements and for checking any structural elements supporting the new work, submitted in the form of Attachment S1A completed by the Project/Principal Engineer and S1B completed usually by the Architect,

OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979), after the structural drawings have been checked and comply with:

- (i) The relevant clauses of the Building Code of Australia (BCA);
 - (ii) The relevant conditions of Development Consent;
 - (iii) The Architectural Plans incorporated with the Construction Certificate; and
 - (iv) The relevant Australian Standards listed in the BCA (Specifications A1.3);
 - (v) Any other relevant report/s or documents. Specify on Attachment S1A.
- (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.
- (d) **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;
 - (iv) Appropriate current professional indemnity insurance.
- (e) An appropriately qualified practising structural engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
- (i) An appropriately qualified person certifying by completing Attachment S1B must have a good working knowledge of the Building Code of Australia and Structural and Architectural drawing co-ordination so that all structural elements supporting the new work are fully certified by the project structural engineer.
 - (ii) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.

Schedule 1D

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

DEMOLITION WORKS

- (98) 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.
- (99) Demolished combustible materials shall not be stockpiled. Material must be removed regularly.

HOURS OF WORK AND NOISE

- (100) 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'.
 - (i) **Note:**
The "City of Sydney Code of Practice for Construction Hours/Noise 1992" allows extended working hours subject to the approval of an application in accordance with the Code and under Section 96(2) of the Environmental Planning and Assessment Act 1979.

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

(101) 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

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

LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS

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

LOADING AND UNLOADING DURING CONSTRUCTION

(104) 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.
- (105) 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.
- (106) 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.

STREET TREES

- (107) 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.
- (108) 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.

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

Schedule 1E

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

CITY OF SYDNEY COMPLIANCE INSPECTIONS

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

- (a) The applicant and building owner are to note that it is an offence under S.109N of the Environmental Planning and Assessment Act 1979, to occupy or use a building in whole or in part, unless an Occupation Certificate has been issued in relation to the building or the part.
- (b) A maximum penalty of 25 penalty units applies under the provisions of the Environmental Planning and Assessment Act 1979, for the contravention of the above requirements.
- (c) Council officers may undertake random inspections from time to time during construction and toward the end of building works to ensure that buildings or part of buildings are not occupied without a partial or final Occupation Certificate, and to check compliance with conditions of development consent and the BCA.
- (d) In the event that a Principal Certifying Authority (PCA) other than Council is appointed, written notice shall be given to Council (whether by the developer, builder or other person relying on the development consent) on each of the following occasions:
 - (i) Within 7 days of installation of services, such as plumbing, mechanical ventilation and the like which penetrate fire rated walls and slabs (excluding basement areas); and

- (ii) 7 days prior to the installation of false ceilings or cornices which abut fire rated walls and slabs; and
 - (iii) 14 days prior to the final inspection to be carried out by the PCA for the purpose of issuing an Occupation Certificate.
- (e) The PCA shall be advised in writing (whether by the developer, builder or other person relying on the development consent) of Council's requirements pursuant to paragraph (d).
- (f) This reserves time for Council or persons appointed by Council to conduct any random inspections Council may choose to do, prior to the issue of the Occupation Certificate, in order to ensure that buildings or part of buildings are not occupied without a partial or final occupation certificate, and to undertake random audits of certified works.
- (111) 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.
- (112) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

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

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

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

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

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

CONTINUED PERFORMANCE OF MECHANICAL VENTILATION

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

CERTIFICATION FOR STRUCTURAL INSPECTIONS

(117) 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.

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

Notes:

- (a) An appropriately qualified practising structural engineer certifying by completing Attachment S1C must have:-
 - (i) Appropriate tertiary qualifications in Civil or Structural Engineering, AND;
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume;

- (iv) Appropriate current professional indemnity insurance.
 - (b) An appropriately qualified practising structural engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
- (119) The efficient operation and performance of any mechanical ventilation, air pressurisation or other smoke control system must not be impaired by the partitioning layout. Adequate relief/transfer air openings must be provided to ensure the performance of systems during fire and non-fire conditions is not impaired.

CERTIFICATION OF GEOTECHNICAL INSPECTION

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

Notes:

- (a) An appropriately qualified practising geotechnical engineer certifying by completing Attachment G2 and must have:-
 - (i) Appropriate tertiary qualifications in civil or geotechnical engineering; AND
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume;
 - (iv) Appropriate current professional indemnity insurance.
 - (b) An appropriately qualified practising geotechnical engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Geotechnical Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
- (121) 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.
- (122) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.

- (123) Prior to commencement of the use, the owner or occupier of the premises must apply to Council for the registration of water-cooling systems (cooling towers and evaporative condensers), evaporative cooling systems and warm-water systems which heat and deliver water at less than 60°C at each outlet installed on the premises.

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

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

- (125) For temporary ground anchors, new permanent basement wall/s or other ground retaining elements:-

- (a) Prior to issue of a Construction Certificate, the following documents shall be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA):
- (i) Dilapidation Report of adjoining buildings/structures as required by Condition 79(c);
 - (ii) Evidence that public utility services have been investigated; and
 - (iii) If adjoining a Public Way:-
 - a. Evidence of a \$10 million dollar Public Liability Insurance Policy specifically indemnifying the City of Sydney, valid for at least the duration of the project. The original document shall be submitted to Council.
 - b. Bank Guarantee in accordance with the City's Fees and Charges. The original document shall be submitted to Council.
- (b) **Prior to commencement of work :-**
- (i) The location of utility services shall be fully surveyed and the relevant Public Utility Authority requirements complied with; and
 - (ii) The following documents shall be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA):-
 - a. Structural drawings and certification as prescribed elsewhere in this Schedule.
 - b. Geotechnical Report and certification as prescribed elsewhere in this Schedule.
- (c) Prior to issue of Occupation Certificate, the City's Development Engineer shall be notified on 9265 9105 when the Restoration of the Public Way is complete and in accordance with the following:-

- (i) All ground anchors shall be de-stressed and isolated from the building prior to completion of the project;
 - (ii) The temporary structure, including foundation blocks, anchors and piers shall be removed above and below the public way, prior to completion of project, down to a depth of 2m;
 - (iii) All timber shall be removed; and
 - (iv) The voids then backfilled with stabilised sand (14 parts sand to 1 part cement).
- (d) After satisfying (c) (i) to (iv), notification in writing by the contractor shall accordingly be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA).
- (e) All costs for any reinstatement of the public way made necessary because of an unstable, damaged or uneven surface to the public way shall be borne by the owner of the land for works approved under this consent.

COMPLIANCE CERTIFICATE FOR ACOUSTIC PRIVACY

- (126) Prior to issue of an Occupation Certificate, a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier). This must certify compliance with the Acoustic Privacy conditions in Schedule B of this consent, being the requirements in Clauses 6.1.13 - 6.1.16 of the Central Sydney DCP 1996 Amendment No. 5 - Internal Residential Amenity. A copy of the Certificate shall be submitted to Council if it was not the PCA.

COMPLIANCE CERTIFICATE FOR NOISE REDUCTION

- (127) Prior to issue of an Occupation Certificate, a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifying authority). This must certify compliance with the Noise Reduction conditions in Schedule B of this consent, being the requirements in the Central Sydney DCP 1996 Amendment No. 5 - Internal Residential Amenity. A copy of the Certificate shall be submitted to Council if it was not the PCA.

HISTORIC MARKER

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

COMMEMORATIVE PLAQUE

(129) The following is required:-

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

NUMBERING

- (130) 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.
- (131) 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

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

Schedule 1F

Conditions to be complied with during the use of Premises

REMOVAL OF GRAFFITI

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

NOISE - USE

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

NOISE - MECHANICAL PLANT

- (135) Noise associated with mechanical plant must not give rise to any one or more of the following:-
- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
 - (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level or greater than 5dB at the boundary of any affected property in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.
 - (c) A sound level at any point on the boundary of the site greater than 50dBA.

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

CARE OF BUILDING SURROUNDS

- (136) 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

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

ALARM

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

WASTE

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

ACCESS

- (141) A clear vision of sight is to be maintained at all times for the driveway entry and exit points.
- (142) The driveway entry/exit is to remain free from obstruction at all times.
- (143) All vehicles must enter and leave the site in a forward direction.

Schedule 2

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

ITEM 5/6. PLANNING NSW DEVELOPMENT APPLICATION REFERRALS: DISTILLERY HILL EAST, BUILDINGS B AND E, AND NEW ROADS AND PUBLIC DOMAIN WORKS, JACKSONS LANDING, PYRMONT (O/02/00039 AND O/02/00040)

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 Councillor Turnbull, seconded by Councillor Ho -

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 29 August 2002, in relation to Planning NSW Development Application Referral Nos. 221-7-2002 and 230-7-2002 made by Lend Lease Development for the site at Distillery Hill East comprising Site/Stage 1B consisting of the erection of an 18 storey residential building, 3 x 2 storey town houses and public domain and new road works, Jacksons Landing, Pyrmont, it be resolved that:-

- (A) the subject report be received and noted; and
- (B) the submission, as shown at Attachment A to the subject report, as amended at the meeting of the Central Sydney Planning Committee as shown below, be forwarded to Planning NSW for their consideration prior to determination.

Under the heading "PUBLIC DOMAIN AND NEW ROADS" a new sub-heading is to be inserted as follows:

"Dedication of Land

It is the strong view of the Central Sydney Planning Committee that land related to the proposed public domain and new road works be dedicated to a public authority at the completion of the project".

Note - The Central Sydney Planning Committee noted that Mr Johnson disagreed with the Design Approach, Urban Form, Materials and Finishes segment contained in Attachment A to the subject report.

ITEM 7. DRAFT AMENDMENT TO CENTRAL SYDNEY LOCAL ENVIRONMENTAL PLAN 1996: CLUB INCENTIVES AND DEFINITION OF SITE AREA FOR FSR PURPOSES

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

That arising from consideration of a report by the Strategic Manager to the Central Sydney Planning Committee on 29 August 2002, in relation to the Draft Amendment to Central Sydney Local Environmental Plan 1996 - Club Incentives and Definition of Site Area for FSR Purposes, it be resolved that the Central Sydney Planning Committee:-

- (A) endorse the draft amendments to the Central Sydney Local Environmental Plan 1996, as shown in the subject report, for public exhibition on the clear understanding that the issue relating to the site area amendments is to be the subject of further consideration by a CSPC sub-committee and that it will be the subject of a separate report prior to finalising adoption of the LEP;
- (B) delegate authority to the Lord Mayor to make changes to the draft amendments prior to submission to Planning NSW for certification under Section 65 of the Environmental Planning and Assessment Act 1979; and
- (C) request Council, pursuant to Section 72 of the Environmental Planning and Assessment Act 1979, to review and prepare amendments to the provisions in Section 2.8 of the Central Sydney Development Control Plan 1996, in relation to view corridors.

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

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

ITEM 9. PROGRESS REPORT ON DEVELOPMENT APPLICATIONS (A03-00138/1)

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

That arising from consideration of a report by the Manager Development to the Central Sydney Planning Committee on 29 August 2002, in regard to the progress report for the month of July 2002, it be resolved that the report be received and noted.

ITEM 10. NEW DEVELOPMENT APPLICATION LODGEMENTS AND DELEGATED ITEMS (S00-2287)

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

That arising from consideration of a report by the Manager Development to the Central Sydney Planning Committee on 29 August 2002, in regard to the report on new development application lodgements and delegated items, it be resolved that the report be received and noted.

ITEM 11. GENERAL BUSINESS

11.1 The Centrepont Tower site - 184-190 Pitt Street, Sydney

The Central Sydney Planning Committee is to convene a sub-committee comprising:

- The Lord Mayor
- Councillor Lucy Turnbull
- Ms Sue Holliday or her representative
- Mr Chris Johnson

to review and negotiate any development proposals for the Centrepont Tower site.

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

That a meeting of the Centrepont Tower site sub-committee be convened.

The meeting concluded at 6.18pm.

CHAIRMAN

The next meeting of the Central Sydney Planning Committee is scheduled for 19 September 2002.