

CENTRAL SYDNEY PLANNING COMMITTEE

THURSDAY 31 OCTOBER 2002

Meeting No 275

MINUTES of the Meeting of the Central Sydney Planning Committee held in the Council Chamber, Sydney Town Hall, on Thursday 31 October 2002 commencing at 5.27pm.

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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), Ms Antoinette le Marchant, Mr Peter Mould (Alternate Member for Mr Chris Johnson) and Councillor Lucy Turnbull.

The Director City Development and Projects was also present.

APOLOGY

An apology was received from Mr Chris Johnson who was unable to attend the meeting owing to a prior commitment.

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

That the apology from Mr Johnson be received and leave of absence granted.

ORDER OF BUSINESS (S002287):**Resolved:**

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

3. Development Applications: World Square, 385-401 Pitt Street, Sydney - Retail Podium, George Street Tower and Goulburn Street Building
4. Status Report - Development Application: 55-73 Oxford Street, Sydney (Oxford Square)
5. Amendment to Central Sydney Section 61 Contributions Plan: Works Program Update and Procedural Amendments
6. Presentations by Applicants and Preliminary Advice
7. Progress Report on Development Applications
8. New Development Application Lodgements and Delegated Items
9. Planning NSW Referral: Sydney Opera House
1. Confirmation of Minutes
2. Matters Arising from the Minutes
10. General Business

ITEM 1. CONFIRMATION OF MINUTES (S010833)

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

That the Minutes of the meeting of the Central Sydney Planning Committee held on 10 October 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 10 October 2002.

ITEM 3. DEVELOPMENT APPLICATIONS: WORLD SQUARE, 385-401 PITT STREET, SYDNEY - RETAIL PODIUM, GEORGE STREET TOWER AND GOULBURN STREET BUILDING (D2002/00375, D2002/00376 AND D2002/00377)

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

Ms Sylvia Hrovatin - Meriton Apartments Pty Ltd
 Mr Simon Crone - Crone Nation Architects
 Mr Andrew Merriel - Multiplex Constructions (NSW) Pty Ltd

Note: The Central Sydney Planning Committee agreed to deal with each of the three development applications reported on in this agenda item separately.

(A) DEVELOPMENT APPLICATION NO. 2002/00375 - RETAIL PODIUM

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 31 October 2002, in relation to Development Application No. D2002/00375 made by Multiplex Constructions (NSW) Pty Ltd for the site generally bounded by George Street, Goulburn Street, Pitt Street and Liverpool Street, Sydney (known as World Square) to construct a retail/office podium and allocation of associated car parking and servicing (i.e. 6 above ground levels to the corner of George and Liverpool Streets), including the use and operation of a short-stay, public car park, it be resolved that the application be approved, subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. 2002/00375 dated 13 June 2002 and the Statement of Environmental Effects titled "World Square Retail/Commercial Development" prepared by JBA Urban Planning Consultants, dated June 2002, and drawings numbered:

RDV Z 0001 Revision B

RDV Z 1001 Revision D

RDV Z 1002 Revision C

RDV Z 1003 Revision C

RDV Z 1004 Revision C

RDV Z 1005 Revision C

RDV Z 1006 Revision C
RDV Z 1007 Revision C
RDV Z 1008 Revision B
RDV Z 1009 Revision B
RDV Z 1010 Revision B
RDV Z 1011 Revision B
RDV Z 1012 Revision B
RDV Z 1013 Revision B
RDV Z 1014 Revision B
RDV Z 1015 Revision B
RDV Z 1016 Revision B
RDV P 2001 Revision B
RDV P 2002 Revision B
RDV P 2003 Revision B
RDV P 2004 Revision B
RDV P 3001 Revision B
RDV P 3002 Revision B
RDV P 3003 Revision B
RDV P 3004 Revision B
RDV P 3005 Revision B
RDV P 3006 Revision B
RDV P 3007 Revision B
RDV P 3008 Revision B
ADV C 2003 Revision A
ADV Z 2208 Revision A

prepared by Crone Nation Architects dated April 2002 (received by the City of Sydney on 24 October 2002) and as amended by the following conditions:

ADDITIONAL SHOPFRONT DETAILS

- (2) Additional shopfront details are required for the George Street and Pitt Street frontages of the site, comparable to those provided above for the Goulburn Street frontage. These details shall be provided prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 for the development to the satisfaction of the Director of City Development and Projects.
- (3) The design details of the proposed building façade, including all external finishes and colours, including glazing, must be in accordance with the materials schedule and sample board, and specifications numbered 200057 - RDA - SB1 and 99033 - ADA - SB3 prepared by Crone Nation Architects dated June 2002.

Note:

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

WORLD SQUARE DEED OF AGREEMENT/PUBLIC BENEFIT

- (4) The remaining matters of public benefit required to be incorporated into the development of the site by Condition 1 of development consent D1995/00811 dated 25 March 1996, and the Deed of Agreement between Sydney City Council and World Square Pty Ltd (and successors in title) shall be provided as required. Where physical provision of a required public benefit is unachievable, an alternative offset public benefit shall be provided to an equivalent reasonable value, to be determined in a legally binding agreement, approved by the Lord Mayor after consultation with the applicant, prior to release of the relevant Construction Certificate.

In the case of the proposed pedestrian tunnel under George Street, in lieu of the provision of this tunnel, an amount of \$250,000 shall be payable towards public infrastructure projects, as contained in Council's "Central Sydney Contributions Plan 1997". This shall be incorporated into a separate legal deed prior to the release of the Construction Certificate, and may be staged to allow payment of \$125,000 prior to issuing an Occupation Certificate and \$125,000 within 5 years of the date of the development consent (Notice of Determination). The second amount of \$125,000 shall be indexed at a rate of 3% per year (or part thereof) from the date of issuing an Occupation Certificate until payment. These amounts may not be offset against other required S61 payments.

SECTION 61 CONTRIBUTION

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

(a) Cash Contribution Required

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

Payment shall be by bank cheque made payable to the City of Sydney.

(b) Amount of Contribution

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

This amount payable shall be proportionally offset against the value of works and contributions already paid, as specified in the World Square Deed of Agreement. That being (proportion of World Square floor space) $24,009/258,562 = 9.3\%$ of \$1,000,000 = \$93,000.

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

(d) 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.

The certification of the building costs must be prepared by a Registered Quantity Surveyor.

(e) Timing of Payment

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

APPROVED DESIGN

(6) The architect of the project as approved shall not be changed without prior notice to the Council.

CONSISTENCY OF DRAWINGS

(7) 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.

RELATIONSHIP TO DEVELOPMENT APPLICATION NO. 2002/00376 AND DEVELOPMENT APPLICATION NO. 2002/00377

(8) The following requirements apply:-

- (a) This application includes the adjoining facades (i.e. on the same level) for which consent is sought for floor space area despite shading shown on the approved plans, unless the subject facades are completed prior to completion of the subject development under the above concurrent applications.
- (b) In particular, an Occupation Certificate shall not be issued for the development prior to completion of the building's facades.
- (c) Completion of the podium (including all external works) shall be within 3 months after the date of the Occupation Certificate for the George Street tower (i.e. Development Application No. 2002/00376). In this regard a bond of \$100,000 shall be paid to Council in cash, bank cheque or bank guarantee prior to issue of the Construction Certificate and returnable on completion of the podium and its facades.

SURRENDER OF CONSENTS

- (9) The applicant shall surrender the existing consents given in:-
 - (a) Stage 1 (retail podium and short-stay car park) - Notice of Determination for Development Application D1996/00220 dated 27 May 1997, as amended; and
 - (b) Stages part 1, 3 and 4 (Residential/Commercial development) - Notice of Determination for Development Application D2000/00570 dated 22 June 2001,

in accordance with the Environmental Planning and Assessment Amendment Regulation, prior to issue of a Construction Certificate for any part or stage of the development.

BUILDING NAME

- (10) Any proposed naming of the development that intends to incorporate the name of a city street, park or place is subject to the separate approval of Council. Details of the building name signage are to be submitted for the approval of the Director of City Development and Projects.

ENERGY EFFICIENCY OF BUILDINGS

- (11) The design of the office component of the building and its services must achieve a rating of 3.5 stars under the Sustainable Energy Development Authority's (SEDA's) "Australian Building Greenhouse Rating Scheme". This can be demonstrated by either:-
 - (a) Entering into a Commitment Agreement⁽ⁱ⁾ with SEDA, to deliver this star rating⁽ⁱⁱ⁾ for the base building⁽ⁱⁱⁱ⁾, being services traditionally supplied as 'common' to tenants^(iv), such as air conditioning, lifts and common area lighting, or for the whole building^(v) where there is to be one tenant to occupy the whole building. The applicant must provide a

copy of the completed Commitment Agreement with their construction certificate application; or

- (b) Providing a copy of the independent energy assessment report submitted to and endorsed by SEDA and submitted as part of the construction certificate application, that follows the current guidelines in SEDA's "Australian Building Greenhouse Rating Scheme Design Energy Efficiency Review and the Energy Efficiency Design Review.xls." This report should be based on the same documents as submitted with the construction certificate.

Note:

Definitions referred to above:-

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

FLOOR SPACE RATIO

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

- (a) The floor space of the development shall comply with the Master Plan consent for the site (see DA Z95-00811), in particular condition No. 3 requiring a maximum floor space ratio for the whole World Square site of 13.4:1 shall apply to the development.
- (b) The Floor Space Area of the proposal must not exceed 24,009 sqm calculated in accordance with condition Nos 2 and 3 of the Notice of Determination for Development Application No. 1995/00881 (The 1995 Master Plan).

- (c) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

CENTRAL PIAZZA SPACE (LEVEL 10)

- (13) A Management Plan for the use, operation and maintenance of this space shall be prepared for Council's approval prior to issue of the Construction Certificate for the development.

Note:

It is recommended this document is prepared and submitted at the same time as the Public Domain Plan for the site.

- (14) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, a documentary easement in favour of Council is to be created over the public through-site links within the development referred to as George Lanes North and South, Liverpool Lanes East and West, and the two lanes to the south of the piazza connecting to Goulburn Street, and the central piazza space area on Level 10, to the satisfaction of the Council. Such easement in gross is to be registered on Title of the development site, appurtenant to Council, and in terms granting unrestricted public pedestrian use of the affected space, for the life of the development, is to be created in stratum defined by the fabric and structure of the extremities of the public areas and is to be registered at the Office of Land and Property Information at no cost to Council.
- (15) The following applies to the central piazza space and its property ownership:-
- (a) In order to provide a clear demarcation of the "public" and "private/leasable" space within the Level 10 central piazza space, to ensure that the piazza is not "privatised" by future uses, and to assist in the determination of future Development Applications by tenants for the individual use and fitout of their tenancies, within the Level 10 central piazza space, only that part of the space within a 2-4m perimeter from the respective Level 10 shopfronts (allowing for adequate public circulation space) is permitted to be leased for outdoor seating only. A plan complying with the requirement of this condition shall be approved by the Director of City Development and Projects prior to release of the Construction Certificate for the development
- (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, so burdening all allotments on level 10 and/or an appropriate Restrictive Covenant pursuant to Section 88B of the Conveyancing Act 1919 burdening all lots on level 10.

(16) Retail displays are not permitted in the Piazza space.

INTERNAL PARTITIONS NOT TO ABUT WINDOW

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

SEPARATE APPLICATION REQUIRED FOR LIGHTING STRATEGY

- (18) A separate development application is required for a lighting strategy 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.

ADDITIONAL DEVELOPMENT APPLICATIONS REQUIRED

- (19) Separate development applications must be submitted at the appropriate time for the individual retail uses and fitout of the retail premises.

SIGNAGE STRATEGY

- (20) This consent does not provide for approval for any signage or signage panels shown in the subject application. A separate development application for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council prior to the erection or display of any such signs. To this end a comprehensive signage strategy is required to be submitted detailing the location of signage and its design character for all name, retail and direction signage; such strategy to be submitted for the approval of the Director City Development and Projects within six months from the date of consent.

AWNINGS

- (21) The awning/canopy must comply with the "City of Sydney Awnings Policy 2000".

UNDER AWNING LIGHTING

- (22) The awning shall be provided with lighting to ensure pedestrian safety. Such lighting shall be at a minimum level of 10 lux in the horizontal and vertical plane.

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

- (23) Any proposed awnings over the public footway are not to extend within 800mm of the kerb in the public road.

PROPERTY MATTERS

- (24) Any proposed balconies, bay windows, sun-awnings or architectural embellishments or elements are not to encroach upon the alignment of the public way in excess of 450mm.

STRATA SUBDIVISION

- (25) Any proposal to subdivide the site will require separate applications to Council to obtain development consent for the proposal and subsequent approval of the final Plan of Subdivision and endorsement of the Subdivision Certificate in accordance with Part 4A of the Environmental Planning and Assessment Act 1979.
- (26) Any proposal to Strata subdivide part of the site and buildings is to be undertaken in accordance with the Part Strata (Amendment) Act as amended and will require separate applications to obtain development consent for the proposal from Council and subsequent approval of the final Strata Plan and endorsement of the Strata Certificate in accordance with Section 37 of the Strata Schemes (Freehold development) Act 1973.

VEHICULAR SPACES

- (27) The car parking allocation and layout shall be in accordance with the World Square Traffic and Parking Management Plan prepared by Masson Wilson Twiney, Traffic and Transport Consultants, dated 2002 as amended 24 October 2002. In particular, the approved vehicle spaces shall be allocated on the World Square site as follows:-

(a) Car Parking Allocation

- (i) 720 tenant spaces to World Tower;
- (ii) 409 spaces OSW Hotel;
- (iii) 528 spaces public car parking;
- (iv) 407 tenant spaces (stages 3 and 4, Goulburn Street building and George Street tower); and
- (v) 66 tenant space (stage 1, retail and commercial podium).
- (vi) Total 2,130 spaces

(b) Excluding service parking, such as:-

- (i) 45 service spaces (stage 3 and 4 Goulburn Street building and George Street tower);

- (ii) 54 service spaces (stage 1, retail and commercial podium); and
- (iii) Service parking provided already in respect to previously approved and commenced developments for the site.

(c) Other Requirements

- (i) 10 spaces for cycle racks or equivalent cycle storage areas;
 - (ii) Rooms/facilities for cyclists containing a minimum of separate male and female facilities, each containing (between male and female facilities) 6 showers, appropriate toilet/wash basin facilities and change areas close to the cycle racks;
 - (iii) 2% of the above car parking spaces are to be for people with mobility impairment, in accordance with AS 2890.1; and
 - (iv) All spaces must be allocated and marked according to this requirement. If the development is to be strata subdivided, the car park layout must respect the above allocation.
- (d) Compliance with the above allocation and requirements is to be reflected in the Construction Certificate under the Environmental Planning and Assessment Act 1979.

(28) Despite the above, any alterations and additions to the car park shall:-

- (a) be in accordance with the parameters set in the 1995 Master Plan for the site (see Notice of Determination for 1995/00811 dated 25 March 1996), in particular a total car park allocation of 2,500 spaces; and
- (b) require the submission of a separate development or Section 96 application and revised Traffic and Parking Management Plan to the satisfaction of the Director of City Development and Projects.

(29) Tenant and service car parking spaces shall not be rented or leased, other than to an occupant or tenant of the subject building. In particular, the use of tenant or service parking as fee-for-parking spaces to visitors to the building is prohibited.

CAR PARKING COVENANTS

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

- (a) The on-site car parking spaces, exclusive of service car spaces and public car park, are not to be used by those other than an occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant or tenant of the building.

- (b) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, a documentary Restrictive Covenant is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a) above. The Covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
- (c) Any future strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the Strata Titles (Freehold Development) Act, 1973 as amended, so burdening all utility car parking allotments in the Strata Plan and/or an appropriate Restrictive Covenant pursuant to Section 88B of the Conveyancing Act 1919 burdening all car parking part - lots in the Strata Scheme.

Note:

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

Schedule 1B

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

CERTIFICATION REQUIREMENTS

- (31) 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 a construction certificate.
- (32) For alterations and additions to an existing building, a letter from a qualified practising structural engineer (NPER) or a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) shall be attached to the Construction Certificate Application. The letter must state that the existing structure is adequate to support the new loads and that the design will comply with the relevant Australian Standards adopted by the Building Code of Australia (Specification A1.3).

FACADE PANELS AND CURTAIN WALLS

- (33) 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.

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

PROVISION FOR FUTURE FOOD PREMISES

- (35) The proposed food shops, coffee lounges and restaurants within the premises must be provided with a system of mechanical ventilation 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.
- (36) The construction of food premises must comply with the requirements of the National Code for the Construction and Fitout of Food Premises and the Food Regulation 2001.

DISABLED ACCESS

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

ELECTRICITY SUBSTATION

- (38) The owner must dedicate to Energy Australia, free of cost, an area of land adjoining the street alignment 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.

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

(39)

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

Note:

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

UTILITY SERVICES

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

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

ALIGNMENT LEVELS

(41) 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 MANAGEMENT

(42) The following requirements apply to storage and waste handling:-

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

Note:

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

TELECOMMUNICATIONS PROVISIONS

- (43) The following requirements apply to telecommunication facilities in the building:-
- (a) Appropriate access and space within the plant area of the building shall be provided for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery;
 - (b) Appropriate ducting and cabling shall be provided for a minimum of three telecommunication carriers or other providers for telecommunication access and broad-band cabling to each apartment of the building; and
 - (c) The details of (a) and (b) above shall be submitted for the approval of the certifying authority, prior to issue of a construction certificate for the building under the Environmental Planning and Assessment Act 1979.
- (44) A separate DA must be submitted at the appropriate time for any external receiving devices proposed to be installed.

PUBLIC ART

- (45) 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 the Director City Development and Projects within six months from the date of consent.

Note:

The provision of a clock to satisfy the public art requirement is not considered acceptable on its own and it is recommended that the public art requirement for this application be integrated into the Public Domain Plan for the site (see condition below).

PUBLIC DOMAIN PLAN

- (46) 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 art requirements for this application be integrated into the Public Domain Plan for the site.
- (c) The Public Domain Plan shall be as follows:
 - (i) Drawn at 1:100 scale.
 - (ii) Show the entire layout of flagstone paving where this paving is required.
 - (iii) Nominate the location, type and material of all existing and proposed public pavement elements including trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture, utility poles, parking meters, pedestrian and traffic signals, service pits and stormwater pits.
 - (iv) Include a longitudinal section of the pavement showing existing and proposed levels at 10 metre intervals at the building alignment, the kerb and the gutter on a common datum line. This longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale. This section is to ensure that any significant longitudinal gradient change, such as flattening for vehicle entries, occurs within the building line and not at the public pavement.
 - (v) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
 - (vi) Include specifications of the proposed works.
 - (vii) Include the central piazza space and public access to it on level 10.
- (d) 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.
- (e) The Public Domain Plan shall incorporate the standard specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer, and may include:
 - (i) Adjustment to paving grades to provide a maximum crossfall of 2.5% from building line to top of kerb.
 - (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.

- (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.
 - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
 - (v) The repair and where required the resetting of all stone kerbing to 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed to the centre line of the carriageway.
 - (vi) The retention and repair of any existing pavement lights.
 - (vii) The retention and repair of any existing serviceable stone gutters.
 - (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.
 - (ix) The provision of smart pole(s), (to be provided at the applicants cost) where required.
- (f) 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.

- (47) Minor aspects of details within the Public Domain Plan may be deferred for approval by the Director City Development and Projects within three months of the issue of a Construction Certificate, provided the intent and implications of the Public Domain works are documented in plans submitted in accordance with Condition 46. Any proposal for deferral under this Condition 47 is at the discretion of the Director and subject to the Director's prior written agreement.

SAFETY

- (48) The applicant shall bear the full cost of permanently relocating the City's CCTV camera (no. 237) currently located on the north east corner of George and Goulburn Streets, to the north west corner of George and Goulburn Streets, in order to ensure continuous unobstructed views during and after construction.
- (49) The applicant is to give full consideration to crime prevention through environmental design principles ensuring e.g. appropriate lighting, site lines, thoroughfares and CCTV, if appropriate.

PUBLIC TELEPHONES

- (50) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the certifying authority must approve:-
- (a) Details that a minimum of four public telephones will be provided in the development free of cost, (similar to the Telstra Blue Phone), in consultation with the applicant's preferred provider.
 - (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.
 - (d) The telephones must be available for public use during the normal opening hours of the building.

TOILETS AVAILABLE FOR USE BY THE PUBLIC

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

RECEPTACLES FOR CIGARETTE BUTTS

- (52) 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) be emptied and maintained under the responsibility of the building owner/manager and not by Council; and
- (f) be emptied on a daily basis.

PAVING MATERIALS

- (53) The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, piazzas, 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.
- (54) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".

Schedule 1C

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

CERTIFICATION OF MECHANICAL VENTILATION

- (55) 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.
- (56) 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

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

- (v) Any other relevant report/s or documents. Specify on Attachment S1A.
- (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.

Notes:

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.

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.

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.

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

PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN FOR DEMOLITION AND/OR EXCAVATION

- (58) 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.

COMPLIANCE WITH EARLY WORKS DEVELOPMENT APPLICATION

- (59) The development shall comply with all conditions and requirements of Development Application No. 2002/00452, Notice of Determination dated 30 August 2002.

Schedule 1D

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

CITY OF SYDNEY COMPLIANCE INSPECTIONS

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

- (iii) 14 days prior to the final inspection to be carried out by the PCA for the purpose of issuing an Occupation Certificate.
- (e) The PCA shall be advised in writing (whether by the developer, builder or other person relying on the development consent) of Council's requirements pursuant to paragraph (d).
- (f) This reserves time for Council or persons appointed by Council to conduct any random inspections Council may choose to do, prior to the issue of the Occupation Certificate, in order to ensure that buildings or part of buildings are not occupied without a partial or final occupation certificate, and to undertake random audits of certified works.

HOURS OF WORK AND NOISE

- (61) The hours of construction and work on the development shall be as follows:-
- (a) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.
 - (b) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.
 - (c) **Note:**
The "City of Sydney Code of Practice for Construction Hours/Noise 1992" allows extended working hours subject to the approval of an application in accordance with the Code and under Section 96(2) of the Environmental Planning and Assessment Act 1979.

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

- (62) 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.

LOADING AND UNLOADING DURING CONSTRUCTION

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

Note:

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

RUN-OFF DURING CONSTRUCTION

- (65) 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.

PROTECTION OF PUBLIC WAY

- (66) 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

OCCUPATION CERTIFICATE

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

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

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

CERTIFICATION FOR STRUCTURAL INSPECTIONS

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

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

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

Notes:

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.

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

CERTIFICATION OF GEOTECHNICAL INSPECTION

- (70) 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:

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.

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.

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (71) Certification of completion of waste handling works in accordance with the relevant Development Approval Conditions and Council's 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.

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

NUMBERING

- (73) Prior to issue of an Occupation Certificate, street numbers and the building name, shall be clearly displayed at either end of the ground level frontage in accordance with the "Policy on Numbering of Premises within the City of Sydney". If new street numbers or a change to street numbers are required, a separate application shall be made to Council.

STREET AND SHOP NUMBERING

- (74) 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

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

COMMEMORATIVE PLAQUE

- (76) The following is required:-

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

Schedule 1F

Conditions to be complied with during the use of Premises

CARE OF BUILDING SURROUNDS

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

REMOVAL OF GRAFFITI

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

NO SPRUIKERS OR AMPLIFIED NOISE

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

MANAGEMENT

- (80) The Management shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by patrons of the premises and shall ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by Council, the Management is to employ private security staff to ensure that this condition is complied with.

NOISE - USE

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

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

NOISE - MECHANICAL PLANT

- (82) Noise associated with mechanical plant must not give rise to any one or more of the following:-
- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
 - (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level or greater than 5dB at the boundary of any affected property in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.
 - (c) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.

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

LOADING

- (83) 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, piazzas, reserves or building colonnade areas) at any time.

WASTE

- (84) No food is to be sold on weekends without prior approval of refuse storage facilities on site, or without having a current contract with Council or other licensed refuse service for the daily removal of putrescible wastes.

WINDOW CLEANING

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

PUBLIC CAR PARK OPERATIONS

- (86) The public car park component of the development shall be operated as a short-stay, public car park in accordance with the provision of the Central Sydney Development Control Plan 1996.
- (87) The following is the pricing structure for short stay car parking stations and is to apply between 9.30 a.m. and 6.00 p.m. Mondays to Fridays, except on public holidays. Where N = the hourly rate determined by the car park operator:-

Duration	Charge per Hour
	\$
1st hour	N
2nd hour	N
3rd hour	N
4th hour	N
5th hour	> = 1.5N

6th hour > = 1.5N

7th hour > = 1.5N

each hour thereafter > = 1.5N

- (88) No person shall park in the building except those working in the building, or those parking in the building on a short term casual basis paying the tariff referred to the above condition.
- (89) Parking in areas other than designated car spaces is prohibited.
- (90) The short stay car parking station shall not operate between 5.30 a.m. and 9.30 a.m. on weekdays. Operation is unrestricted on weekends and public holidays.
- (91) The cost of all traffic management measures associated with the development shall be borne by the developer or future owner(s) of the site.

Schedule 2

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

(B) DEVELOPMENT APPLICATION NO. 2002/00376 - GEORGE STREET TOWER

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 31 October 2002, in relation to Development Application No. D2002/00376 made by Multiplex Constructions (NSW) Pty Ltd for the site generally bounded by the George Street, Goulburn Street, Pitt Street, and Liverpool Street, Sydney (known as World Square), to erect a 42 storey office tower addressing George Street and allocation of associated car parking and servicing, it be resolved that the application be approved, subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. 2002/00376 dated 13 June 2002 and the Statement of Environmental Effects titled "Commercial Office Development" prepared by JBA Urban Planning Consultants, dated June 2002, and drawings numbered:

ADV Z 0001 Revision B

ADV Z 0101 Revision B

ADV Z 1001 Revision B

ADV Z 1002 Revision B

ADV Z 1003 Revision B

ADV Z 1004 Revision B

ADV Z 1005 Revision B

ADV Z 1006 Revision B

ADV Z 1007 Revision B

ADV Z 1008 Revision B

ADV Z 1009 Revision B

ADV Z 1010 Revision B

ADV Z 1011 Revision B

ADV Z 1012 Revision B

ADV Z 1013 Revision B

ADV Z 1014 Revision B

ADV Z 1015 Revision B

ADV Z 1016 Revision B

ADV Z 1017 Revision B

ADV Z 1018 Revision B

ADV Z 1019 Revision B

ADV Z 1020 Revision B

ADV Z 1021 Revision B

ADV Z 1022 Revision B

ADV Z 1025Revision B

ADV Z 1027 Revision B

ADV Z 1033 Revision B

ADV Z 1035 Revision B

ADV Z 1037 Revision B

ADV Z 1044 Revision B

ADV Z 1047 Revision B

ADV Z 1052 Revision B

ADV Z 1054 Revision B

ADV Z 2001 Revision B

ADV Z 2002 Revision B

ADV Z 3033 Revision B

ADV Z 3002 Revision B

ADV Z 3003 Revision B

ADV Z 3004 Revision B

prepared by Crone Nation Architects dated June 2002 (received by the City of Sydney on 24 October 2002) and as amended by the following conditions:-

- (2) The design details of the proposed building facade including all external finishes and colours, including glazing, must be in accordance with the materials schedule and sample boards numbered 99033 ADA SB2 prepared by Crone Nation Architects dated June 2002.

Note:

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

APPROVED DESIGN

- (3) The architect of the project as approved shall not be changed without the prior written notice of Council.

WORLD SQUARE DEED OF AGREEMENT/PUBLIC BENEFIT

- (4) The remaining matters of public benefit required to be incorporated into the development of the site by Condition 1 of development consent D1995/00811 dated 25 March 1996 and the Deed of Agreement between Sydney City Council and World Square Pty Ltd (and successors in title) shall be provided as required. Where physical provision of a required public benefit is unachievable, an alternative offset public benefit shall be provided to an equivalent reasonable value, to be determined in a legally binding agreement, approved by the Lord Mayor after consultation with the applicant, prior to release of the relevant Construction Certificate.

In the case of the proposed pedestrian tunnel under George Street, in lieu of the provision of this tunnel, an amount of \$500,000 shall be payable towards public infrastructure projects, as contained in Council's "Central Sydney Contributions Plan 1997". This shall be incorporated into a separate legal deed prior to the release of the Construction Certificate, and may be staged to allow payment of \$250,000 prior to issuing a Construction Certificate and \$250,000 prior to the issue of an Occupation Certificate. These amounts may not be offset against other required s61 payments.

SECTION 61 CONTRIBUTION

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

(a) **Cash Contribution Required**

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

Payment shall be by bank cheque made payable to the City of Sydney.

(b) Amount of Contribution

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

This amount payable shall be proportionally offset against the value of works and contributions already paid, as specified in the World Square Deed of Agreement. That being (proportion of World Square floor space) $76,194/258,562 = 29\%$ of \$1,000,000 = \$290,000.

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

(d) 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.

The certification of the building costs must be prepared by a Registered Quantity Surveyor.

(e) Timing of Payment

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

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.

DESIGN MODIFICATION - APEX OF TOWER

(7) In the Central Sydney Planning Committee's view, the apex of the tower in the current proposal is not considered to be a legitimate architectural roof feature.

The apex of the tower does not comply with, and shall be redesigned to comply with, the Belmore Park Sun Access Plane pursuant to Schedule 4 of Central Sydney Local Environmental Plan 1996; and, if feasible, to minimise the impacts on World Square Tower.

The amendments shall be submitted to the Director of City Development and Projects prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

SURRENDER OF CONSENTS

- (8) The applicant shall surrender the existing consents given in:-
- (a) Stage 4 (George Street tower) - Notice of Determination for Development Application D1996/00741 dated 27 May 1997; and
 - (b) Stages part 1, 3 and 4 (Residential/Commercial development) - Notice of Determination for Development Application D2000/00570 dated 22 June 2001;

in accordance with the Environmental Planning and Assessment Amendment Regulation, prior to issue of a Construction Certificate for the development.

BUILDING NAME

- (9) Any proposed naming of the development that intends to incorporate the name of a city street, park or place is subject to the separate approval of Council. Details of the building name signage are to be submitted for the approval of the Director of City Development and Projects.

ENERGY EFFICIENCY OF BUILDINGS

- (10) The design of the building and its services must achieve a rating of 4.5 stars under the Sustainable Energy Development Authority's (SEDA's) "Australian Building Greenhouse Rating Scheme". This can be demonstrated by either:-
- (a) Entering into a Commitment Agreement⁽ⁱ⁾ with SEDA, to deliver this star rating⁽ⁱⁱ⁾ for the base building⁽ⁱⁱⁱ⁾, being services traditionally supplied as 'common' to tenants^(iv), such as air conditioning, lifts and common area lighting, or for the whole building^(v) where there is to be one tenant to occupy the whole building. The applicant must provide a copy of the completed Commitment Agreement with their construction certificate application; or
 - (b) Providing a copy of the independent energy assessment report submitted to and endorsed by SEDA and submitted as part of the construction certificate application, that follows the current guidelines in SEDA's "Australian Building Greenhouse Rating Scheme Design Energy Efficiency Review and the Energy Efficiency Design Review.xls." This report should be based on the same documents as submitted with the construction certificate.

Note:

Definitions referred to above:-

- (i) "Commitment Agreement" means an agreement that is set out in accordance with SEDA's "Australian Building Greenhouse Rating Commitment Agreement", which is made/signed between SEDA and the applicant/building owner/building manager, to design, build and commission the premises to an agreed star rating.

- (ii) “Star rating” refers to the benchmarking system applied by SEDA for measuring the energy efficiency of a building, and known as the “Australian Building Greenhouse Rating Scheme”.
- (iii) “Tenancies” means office space within a building covering tenant light and power. This may include tenancy air conditioning if this has been installed to service particular tenant loads, but does not include central services (Source: SEDA, September 2001).
- (iv) “Base building” means central services and common areas of a building (Source: SEDA, September 2001).
- (v) “Whole building” means all of the building, being the fabric of the building itself and all services and fit-outs (Source: SEDA, September 2001).

FLOOR SPACE RATIO

(11) The following applies to Floor Space:-

- (a) The floor space of the development shall comply with the Master Plan consent for the site (see DA Z95-00811), in particular condition No. 3 requiring a maximum floor space ratio for the whole World Square site of 13.4:1.
- (b) The Floor Space Area of the proposal must not exceed 76,194 sqm calculated in accordance with condition Nos 2 and 3 of the Notice of Determination for Development Application No. 1995/00881 (The 1995 Master Plan).
- (c) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

BUILDING HEIGHT

(12) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 200.5 (AHD). 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).

INTERNAL PARTITIONS NOT TO ABUT WINDOW

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

SEPARATE APPLICATION REQUIRED FOR LIGHTING STRATEGY

- (14) A separate development application is required for a lighting strategy 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.

SIGNAGE STRATEGY

- (15) This consent does not provide for approval for any signage or signage panels shown in the subject application. A separate development application for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council prior to the erection or display of any such signs. To this end a comprehensive signage strategy is required to be submitted detailing the location of signage and its design character for all name, retail and direction signage; such strategy to be submitted for the approval of the Director City Development and Projects within six months from the date of consent.

AWNINGS

- (16) The awning/canopy must comply with the "City of Sydney Awnings Policy 2000".

UNDER AWNING LIGHTING

- (17) The awning shall be provided with lighting to ensure pedestrian safety. Such lighting shall be at a minimum level of 10 lux in the horizontal and vertical plane.

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

- (18) Any proposed awnings over the public footway are not to extend within 800mm of the kerb in the public road.

PROPERTY MATTERS

- (19) Any proposed balconies, bay windows, sun-awnings or architectural embellishments or elements are not to encroach upon the alignment of the public way in excess of 450mm.

SUBDIVISION

- (20) Any proposal to subdivide the site will require separate applications to Council to obtain development consent for the proposal and subsequent approval of the final Plan of Subdivision and endorsement of the Subdivision Certificate in accordance with Part 4A of the Environmental Planning and Assessment Act 1979

- (21) Any proposal to Strata subdivide part of the site and buildings is to be undertaken in accordance with the Part Strata (Amendment) Act as amended and will require separate applications to obtain development consent for the proposal from Council and subsequent approval of the final Strata Plan and endorsement of the Strata Certificate in accordance with Section 37 of the Strata Schemes (Freehold development) Act 1973

VEHICULAR SPACES

- (22) The car parking allocation and layout shall be in accordance with the World Square Traffic and Parking Management Plan prepared by Masson Wilson Twiney, Traffic and Transport Consultants dated 2002 as amended 24 October 2002. In particular, the approved vehicle spaces shall be allocated on the World Square site as follows:-

(a) Car Parking Allocation

- (i) 720 tenant spaces to World Tower;
- (ii) 409 spaces OSW Hotel;
- (iii) 528 spaces public car parking;
- (iv) 407 tenant spaces (stages 3 and 4, Goulburn Street building and George Street tower); and
- (v) 66 tenant space (stage 1, retail and commercial podium).
- (vi) Total 2,130 spaces

(b) Excluding service parking, such as:-

- (i) 45 service spaces (stage 3 and 4 Goulburn Street building and George Street tower);
- (ii) 54 service spaces (stage 1, retail and commercial podium); and
- (iii) Service parking provided already in respect to previously approved and commenced developments for the site.

(c) Other Requirements

- (i) 10 spaces for cycle racks or equivalent cycle storage areas;
- (ii) Rooms/facilities for cyclists containing a minimum of separate male and female facilities, each containing (between male and female facilities) 6 showers, appropriate toilet/wash basin facilities and change areas close to the cycle racks;
- (iii) 2% of the above car parking spaces are to be for people with mobility impairment, in accordance with AS 2890.1; and

- (iv) All spaces must be allocated and marked according to this requirement. If the development is to be strata subdivided, the car park layout must respect the above allocation.
 - (d) Compliance with the above allocation and requirements to be reflected in the Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (23) Despite the above, any alterations and additions to the car park shall be:-
- (a) in accordance with the parameters set in the 1995 Master Plan for the site (see Notice of Determination for 1995/00811 dated 25 March 1996), in particular a total car park allocation of 2,500 spaces; and
 - (b) require the submission of a separate development or Section 96 application and revised Traffic and Parking Management Plan to the satisfaction of the Director of City Development and Projects.
- (24) Tenant and service car parking spaces shall not be rented or leased, other than to an occupant or tenant of the subject building. In particular, the use of tenant or service parking as fee-for-parking spaces to visitors to the building is prohibited.

CAR PARKING COVENANTS

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

Note:

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

Schedule 1B

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

CERTIFICATION REQUIREMENTS

- (26) 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.
- (27) For alterations and additions to an existing building, a letter from a qualified practising structural engineer (NPER) or a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) shall be attached to the Construction Certificate Application. The letter must state that the existing structure is adequate to support the new loads and that the design will comply with the relevant Australian Standards adopted by the Building Code of Australia (Specification A1.3).

FAÇADE PANELS AND CURTAIN WALLS

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

DISABLED ACCESS

- (29) 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.

ELECTRICITY SUBSTATION

- (30) The owner must dedicate to Energy Australia, free of cost, an area of land adjoining the street alignment 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.

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

(31)

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

Note:

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

UTILITY SERVICES

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

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

ALIGNMENT LEVELS

(33) 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 MANAGEMENT

(34) The following requirements apply to storage and waste handling:-

- (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with Council's Code for Waste Handling in Buildings (adopted 17 October 1994). The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of the Code).
- (b) Certification of compliance with the design and constructional requirements of the Code including the associated Waste Management Plans and with the Conditions of Development Application consent relating to waste must be submitted to and approved by the Certifying Authority in the attached form W1 prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. Such Certification must be given by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.

- (c) The Certified Plans and Specifications must address compliance with the Waste Code including details of the following, where applicable:-
- (i) The location, design and construction of the garbage room, recycling rooms, bin washing areas and collection areas.
 - (ii) The natural or mechanical ventilation, in accordance with the Building Code of Australia and Australian Standard 1668.
 - (iii) The location and design of any garbage chutes or compaction units required by Council's Code.
 - (iv) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.

Note:

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

TELECOMMUNICATIONS PROVISIONS

- (35) 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 tenancy 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.
- (36) 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.
- (37) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".

PUBLIC DOMAIN PLAN

- (38) The following requirements apply:-

- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect and shall be approved by Council (to be lodged with the Public Domain Officer at City Projects) prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.
- (b) The Public Domain Plan shall be as follows:-
 - (i) Drawn at 1:100 scale.
 - (ii) Show the entire layout of flagstone paving where this paving is required.
 - (iii) Nominate the location, type and material of all existing and proposed public pavement elements including trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture, utility poles, parking meters, pedestrian and traffic signals, service pits and stormwater pits.
 - (iv) Include a longitudinal section of the pavement showing existing and proposed levels at 10 metre intervals at the building alignment, the kerb and the gutter on a common datum line. This longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale. This section is to ensure that any significant longitudinal gradient change, such as flattening for vehicle entries, occurs within the building line and not at the public pavement.
 - (v) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
 - (vi) Include specifications of the proposed works.
- (c) The Public Domain Plan shall comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer and may include:-
 - (i) Adjustment to paving grades to provide a maximum crossfall of 2.5% from building line to top of kerb.
 - (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.

- (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.
 - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
 - (v) The repair and where required the resetting of all stone kerbing to 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed to the centre line of the carriageway.
 - (vi) The retention and repair of any existing pavement lights.
 - (vii) The retention and repair of any existing serviceable stone gutters.
 - (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.
 - (ix) The provision of smart pole(s), (to be provided at the applicants cost) where applicable.
- (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.

- (39) Minor aspects of details within the Public Domain Plan may be deferred for approval by the Director City Development and Projects within three months of the issue of a Construction Certificate, provided the intent and implications of the Public Domain works are documented in plans submitted in accordance with Condition 38. Any proposal for deferral under this Condition 39 is at the discretion of the Director and subject to the Director's prior written agreement.

SAFETY

- (40) The applicant shall bear the full cost of permanently relocating the City's CCTV camera (no. 237) currently located on the north east corner of George and Goulburn Streets, to the north west corner of George and Goulburn Streets, in order to ensure continuous unobstructed view during and after construction.
- (41) The applicant is to give full consideration to crime prevention through environmental design principles ensuring e.g. appropriate lighting, site lines, thoroughfares and CCTV, if appropriate.

PUBLIC TELEPHONES

- (42) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the certifying authority must approve:-
- (a) Details that two public telephones will be provided in the development free of cost, (similar to the Telstra Blue Phone), in consultation with the applicant's preferred provider.
 - (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.
 - (d) The telephones must be available for public use during the normal opening hours of the building.

TOILETS AVAILABLE FOR USE BY THE PUBLIC

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

RECEPTACLES FOR CIGARETTE BUTTS

- (44) 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) be emptied and maintained under the responsibility of the building owner/manager and not by Council; and
 - (f) be emptied on a daily basis.
- (45) The visible light reflectivity from building materials used on the facade of the building should not exceed 20% and must be otherwise designed so as not to result in glare that causes discomfort or threatens safety of pedestrians or drivers.

PUBLIC ART

- (46) 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 the Director City Development and Projects within six months from the date of consent.

PAVING MATERIALS

- (47) The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, piazzas, 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.

AWNINGS

- (48) The awning/canopy must comply with the "City of Sydney Awnings Policy 2000".

UNDER AWNING/COLONNADE LIGHTING

- (49) The awning/colonnade areas shall be provided with lighting to ensure pedestrian safety. Such lighting shall be at a minimum level of 10 lux in the horizontal and vertical plane.

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

Schedule 1C

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

CERTIFICATION OF MECHANICAL VENTILATION

- (50) 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.
- (51) To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:-
- (a) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
 - (b) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted).
 - (i) Supply Air Ducts, Shafts and Fans - Blue
 - (ii) Return Air Ducts, Shafts and Fans - Pink
 - (iii) Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green
 - (iv) Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange
 - (v) Mixing Boxes and Conditions - Yellow
 - (vi) Fire Dampers and Electric Heaters - Red
 - (c) Drawings which show where applicable the existing and proposed air intakes, air discharges and cooling towers and their relative position to each other, the boundaries of the site, openable windows, and adjoining buildings;
 - (d) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of Attachment M1, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) together with the Curriculum Vitae of the Design Engineer or other appropriate Certifier must be submitted to Principal Certifying Authority (PCA). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council by the PCA;
 - (e) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.

STRUCTURAL CERTIFICATION FOR DESIGN - MAJOR WORKS

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

Notes:

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.

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.

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.

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

PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN FOR DEMOLITION AND/OR EXCAVATION

- (53) 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.
 - (e) The Pedestrian and Traffic Management Plan shall be implemented during the demolition and/or excavation period.

COMPLIANCE WITH EARLY WORKS DEVELOPMENT APPLICATION

- (54) The development shall comply with all conditions and requirements of Development Application No. 2002/00452, Notice of Determination dated 30 August 2002.

Schedule 1D

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

CITY OF SYDNEY COMPLIANCE INSPECTIONS

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

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

HOURS OF WORK AND NOISE

- (56) The hours of construction and work on the development shall be as follows:-
- (a) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.
 - (b) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction

Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

(c) **Note:**

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

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

(57) 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;
- (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.

LOADING AND UNLOADING DURING CONSTRUCTION

(58) 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 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.

RUN-OFF DURING CONSTRUCTION

- (59) To comply with the Protection of the Environment (Operations) Act 1997 whereby it is an offence to pollute classified waters such as Sydney Harbour to which most of the City's street drainage is directly connected:-
- (a) concrete trucks, concrete pumps and their attachments, and trucks used for the disposal of spoil shall not be washed out on the public way;
 - (b) any water collected from on-site washing down of concrete trucks, concrete pumps or their attachments and trucks used for the disposal of spoil shall not be pumped, directed or allowed to flow to the street stormwater system;
 - (c) any seepage or rain water collected on site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council and evidence of approval is to be submitted to the Principal Certifying Authority prior to discharge into such system.

PROTECTION OF PUBLIC WAY

- (60) 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.
- (61) Vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material.

Note:

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

Schedule 1E

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

OCCUPATION CERTIFICATE

- (62) An Occupation Certificate (in accordance with Clause 155 of the Environmental Planning and Assessment Regulation 2000) must be obtained from the Principal Certifying Authority (PCA) (Council or a private accredited certifier) and a copy furnished to Council in accordance with Section 79L of the Environmental Planning and Assessment Amendment

Regulation 1998 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building. A copy of the certificate shall be submitted to Council if it was not the PCA.

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

- (63) 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.

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (64) Prior to issue of an Occupation Certificate or use of the premises, a Structural Inspection Certificate in the form of Attachment S1C OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier) after:-
- (a) The site has been periodically inspected and the structural certifier is satisfied that the Structural Works are deemed to comply with the final Design Drawings; and
 - (b) The drawing revisions listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

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

Notes:

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.

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

CERTIFICATION OF GEOTECHNICAL INSPECTION

- (65) 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:

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.

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.

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (66) 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.

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

NUMBERING

- (68) Prior to issue of an Occupation Certificate street, numbers and the building name, shall be clearly displayed at either end of the ground level frontage in accordance with the “Policy on Numbering of Premises within the City of Sydney”. If new street numbers or a change to street numbers are required, a separate application shall be made to Council.

STREET AND SHOP NUMBERING

- (69) 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

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

Schedule 1F**Conditions to be complied with during the use of Premises****CARE OF BUILDING SURROUNDS**

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

REMOVAL OF GRAFFITI

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

WINDOW CLEANING

- (73) 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.

NO SPRUIKERS OR AMPLIFIED NOISE

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

MANAGEMENT

- (75) The Management shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by patrons of the premises and shall ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by Council, the Management is to employ private security staff to ensure that this condition is complied with.

NOISE - USE

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

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

NOISE - MECHANICAL PLANT

- (77) Noise associated with mechanical plant must not give rise to any one or more of the following:-
- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
 - (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level or greater than 5dB at the boundary of any affected property in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive

between the hours of 7.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.

- (c) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.

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

LOADING

- (78) 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, piazzas, reserves or building colonnade areas) at any time.

WASTE

- (79) No food is to be sold on weekends without prior approval of refuse storage facilities on site, or without having a current contract with Council or other licensed refuse service for the daily removal of putrescible wastes.

WINDOW CLEANING

- (80) 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.

COMMEMORATIVE PLAQUE

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

Schedule 2

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

(C) DEVELOPMENT APPLICATION NO. 2002/00377 - GOULBURN STREET BUILDING

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 31 October 2002, in relation to Development Application No. D2002/00377 made by Multiplex Constructions (NSW) Pty Ltd for the site generally bounded by the George Street, Goulburn Street, Pitt Street, and Liverpool Street, Sydney (known as World Square), to erect an 11 storey office building addressing the corner of Goulburn and Pitt Streets and allocation of associated car parking and servicing, it be resolved that the application be approved, subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. 2002/00377 dated 13 June 2002 and the Statement of Environmental Effects titled “ World Square Retail/Commercial Development” prepared by JBA Urban Planning Consultants, dated June 2002, and drawings numbered:

ADV Z 1001 Revision A

ADV Z 0101 Revision A

ADV Z 1001 Revision A

ADV Z 1002 Revision A

ADV Z 1003 Revision A

ADV Z 1004 Revision A

ADV Z 1005 Revision A

ADV Z 1006 Revision A

ADV Z 1007 Revision A

ADV Z 1008 Revision A

ADV Z 1009 Revision A

ADV Z 1010 Revision A

ADV Z 1011 Revision A

ADV Z 1012 Revision B

ADV Z 1013 Revision A

ADV Z 1017 Revision A

ADV Z 1018 Revision A

ADV Z 1019 Revision A

ADV Z 1020 Revision A

ADV Z 1021 Revision A

ADV Z 1022 Revision A

ADV Z 1023 Revision A

ADV Z 2001 Revision A

ADV Z 2002 Revision A

ADV Z 2003 Revision A

ADV Z 2004 Revision A

ADV Z 3002 Revision A

ADV Z 3003 Revision A

prepared by Crone Nation Architects dated June 2002 and as amended by the following conditions:

- (2) The design details of the proposed building facade including all external finishes and colours, including glazing must be in accordance with the materials schedule and sample board, and specifications numbered 99033 - ADA SB4 prepared by Crone Nation Architects dated June 2002.

Note:

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

APPROVED DESIGN

- (3) The architect of the project as approved shall not be changed without the approval of Council.

WORLD SQUARE DEED OF AGREEMENT/PUBLIC BENEFIT

- (4) The remaining matters of public benefit required to be incorporated into the development of the site by Condition 1 of development consent D1995/00811 dated 25 March 1996 and the Deed of Agreement between Sydney City Council and World Square Pty Ltd (and successors in title) shall be provided

as required. Where physical provision of a required public benefit is unachievable, an alternative offset public benefit shall be provided to an equivalent reasonable value, to be determined in a legally binding agreement, approved by the Lord Mayor after consultation with the applicant, prior to release of the relevant Construction Certificate.

In the case of the proposed pedestrian tunnel under George Street, in lieu of the provision of this tunnel, an amount of \$250,000 shall be payable towards public infrastructure projects, as contained in Council's "Central Sydney Contributions Plan 1997". This shall be incorporated into a separate legal deed prior to the release of the Construction Certificate, and must be paid prior to the release of the Construction Certificate. This amount may not be offset against other required s61 payments

SECTION 61 CONTRIBUTION

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

(a) **Cash Contribution Required**

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

Payment shall be by bank cheque made payable to the City of Sydney.

(b) **Amount of Contribution**

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

This amount payable shall be proportionally offset against the value of works and contributions already paid, as specified in the World Square Deed of Agreement. That being (proportion of World Square floor space) $25,888/258,562 = 10\%$ of \$1,000,000 = \$100,000.

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

The certification of the building costs must be prepared by a Registered Quantity Surveyor.

(e) Timing of Payment

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

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.

SURRENDER OF CONSENTS

- (7) The applicant shall surrender the existing consents given in:-
- (a) Stage 3 (Goulburn Street building) - Notice of Determination for Development Application D1996/00729 dated 27 May 1997, as amended; and
 - (b) Stages part 1, 3 and 4 (Residential/Commercial development) - Notice of Determination for Development Application D2000/00570 dated 22 June 2001;

in accordance with the Environmental Planning and Assessment Amendment Regulation, prior to issue of a Construction Certificate for any part or stage of the development.

BUILDING NAME

- (8) Any proposed naming of the development that intends to incorporate the name of a city street, park or place is subject to the separate approval of Council. Details of the building name signage are to be submitted for the approval of the Director of City Development and Projects.

ENERGY EFFICIENCY OF BUILDINGS

- (9) The design of the office component of the building and its services must achieve a rating of 4.5 stars under the Sustainable Energy Development Authority's (SEDA's) "Australian Building Greenhouse Rating Scheme". This can be demonstrated by either:-
- (a) Entering into a Commitment Agreement⁽ⁱ⁾ with SEDA, to deliver this star rating⁽ⁱⁱ⁾ for the base building⁽ⁱⁱⁱ⁾, being services traditionally supplied as 'common' to tenants^(iv), such as air conditioning, lifts and common area lighting) or for the whole building^(v) where there is to be one tenant to occupy the whole building. The applicant must provide a copy of the completed Commitment Agreement with their construction certificate application; or
 - (b) Providing a copy of the independent energy assessment report submitted to and endorsed by SEDA and submitted as part of the

construction certificate application, that follows the current guidelines in SEDA's "Australian Building Greenhouse Rating Scheme Design Energy Efficiency Review and the Energy Efficiency Design Review.xls". " This report should be based on the same documents as submitted with the construction certificate.

Note:

Definitions referred to above:-

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

FLOOR SPACE RATIO

(10) The following applies to Floor Space:-

- (a) The floor space of the development shall comply with the Master Plan consent for the site (see DA Z95-00811), in particular condition No. 3 requiring a maximum floor space ratio for the whole World Square site of 13.4:1.
- (b) The Floor Space Area of the proposal must not exceed 25,888 sqm calculated in accordance with condition Nos 2 and 3 of the Notice of Determination for Development Application No. 1995/00881 (The 1995 Master Plan).
- (c) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

BUILDING HEIGHT

- (11) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 68.9 (AHD). 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).

INTERNAL PARTITIONS NOT TO ABUT WINDOW

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

SEPARATE APPLICATION REQUIRED FOR LIGHTING STRATEGY

- (13) A separate development application is required for a lighting strategy 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.

SIGNAGE STRATEGY

- (14) This consent does not provide for approval for any signage or signage panels shown in the subject application. A separate development application for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council prior to the erection or display of any such signs. To this end a comprehensive signage strategy is required to be submitted detailing the location of signage and its design character for all name, retail and direction signage prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

AWNINGS

- (15) The awning/canopy must comply with the "City of Sydney Awnings Policy 2000".

UNDER AWNING AND COLONNADE LIGHTING

- (16) The awnings/colonnade areas shall be provided with lighting to ensure pedestrian safety. Such lighting shall be at a minimum level of 10 lux in the horizontal and vertical plane.

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

- (17) Any proposed awnings over the public footway are not to extend within 800mm of the kerb in the public road.

PROPERTY MATTERS

- (18) Any proposed balconies, bay windows, sun-awnings or architectural embellishments or elements are not to encroach upon the alignment of the public way in excess of 450mm.
- (19) Any proposal to subdivide the site will require separate applications to Council to obtain development consent for the proposal and subsequent approval of the final Plan of Subdivision and endorsement of the Subdivision Certificate in accordance with Part 4A of the Environmental Planning and Assessment Act 1979
- (20) Any proposal to Strata subdivide part of the site and buildings is to be undertaken in accordance with the Part Strata (Amendment) Act as amended and will require separate applications to obtain development consent for the proposal from Council and subsequent approval of the final Strata Plan and endorsement of the Strata Certificate in accordance with Section 37 of the Strata Schemes (Freehold development) Act 1973

VEHICULAR SPACES

- (21) The car parking allocation and layout shall be in accordance with the World Square Traffic and Parking Management Plan prepared by Masson Wilson Twiney, Traffic and Transport Consultants, dated 2002 as amended 24 October 2002. In particular, the approved vehicle spaces shall be allocated on the World Square site as follows:-

(a) Car Parking Allocation

- (i) 720 tenant spaces to World Tower;
- (ii) 409 spaces OSW Hotel;
- (iii) 528 spaces public car parking;
- (iv) 407 tenant spaces (stages 3 and 4, Goulburn Street building and George Street tower); and
- (v) 66 tenant space (stage 1, retail and commercial podium).
- (vi) Total 2,130 spaces

(b) Excluding service parking, such as:-

- (i) 45 service spaces (stage 3 and 4 Goulburn Street building and George Street tower);
- (ii) 54 service spaces (stage 1, retail and commercial podium); and
- (iii) Service parking provided already in respect to previously approved and commenced developments for the site.

(c) Other Requirements

- (i) 10 spaces for cycle racks or equivalent cycle storage areas;
 - (ii) Rooms/facilities for cyclists containing a minimum of separate male and female facilities, each containing (between male and female facilities) 6 showers, appropriate toilet/wash basin facilities and change areas close to the cycle racks;
 - (iii) 2% of the above car parking spaces are to be for people with mobility impairment, in accordance with AS 2890.1; and
 - (iv) All spaces must be allocated and marked according to this requirement. If the development is to be strata subdivided, the car park layout must respect the above allocation.
- (d) Compliance with the above allocation and requirements to be reflected in the Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (22) Despite the above, any alterations and additions to the car park shall be:-
- (a) in accordance with the parameters set in the 1995 Master Plan for the site (see Notice of Determination for 1995/00811 dated 25 March 1996), in particular a total car park allocation of 2,500 spaces; and,
 - (b) require the submission of a separate development or Section 96 application and revised Traffic and Parking Management Plan to the satisfaction of the Director of City Development and Projects.
- (23) Tenant and service car parking spaces shall not be rented or leased, other than to an occupant or tenant of the subject building. In particular, the use of tenant or service parking as fee-for-parking spaces to visitors to the building is prohibited.

CAR PARKING COVENANTS

- (24) The following conditions apply to car parking:-
- (a) The on-site car parking spaces, exclusive of service car spaces, are not to be used by those other than an occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant or tenant of the building.
 - (b) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 a documentary Restrictive Covenant, is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a) above. The Covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.

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

Note:

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

Schedule 1B

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

CERTIFICATION REQUIREMENTS

- (25) 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.
- (26) For alterations and additions to an existing building, a letter from a qualified practising structural engineer (NPER) or a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) shall be attached to the Construction Certificate Application. The letter must state that the existing structure is adequate to support the new loads and that the design will comply with the relevant Australian Standards adopted by the Building Code of Australia (Specification A1.3).

FAÇADE PANELS AND CURTAIN WALLS

- (27) The visible light reflectivity from building materials used on the facade of the building should not exceed 20% and must be otherwise designed so as not to result in glare that causes discomfort or threatens safety of pedestrians or drivers.
- (28) Any metal fixings for facade panels or curtain walls to a building must be stainless steel (Grade 303) unless the element/component is designed principally as a flexural member as follows:-
- (a) The fixing shall be designed so that in the event of imminent corrosion failure, the deformation in the fixing/s should cause the panel to displace downward (and preferably outward at the bottom of the panel).

- (b) The flexural member/component may then be Hot Dipped Galvanised Steel and designed so that the design life of the fixing is minimum 100 years, using:-
- (i) Average Corrosion Rate of “Hot Dipped Galvanised Coating” to be 2 microns per year; and
 - (ii) The Average Corrosion Rate of “mild steel” in the facade environment taken to be 20 microns per year; and
 - (iii) The Pitting Rate of “mild steel” taken to be 10 times the Average Corrosion Rate; and
 - (iv) After the section has corroded full thickness at Pitting Corrosion Rate, the Average Corrosion Rate “doubles”.

DISABLED ACCESS

- (29) 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.

ELECTRICITY SUBSTATION

- (30) The owner must dedicate to Energy Australia, free of cost, an area of land adjoining the street alignment 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.

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

- (31)
- (a) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, written confirmation that you have obtained a Notice of Requirements under Part 6, Division 9 of the “Sydney Water Act 1994” must be submitted to the Certifying Authority (Council or a private accredited certifier).
 - (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a (Developer) Compliance Certificate under section 73 of the “Sydney Water Act 1994” must be submitted to the Principal Certifying Authority (Council or a private accredited certifier).

Note:

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

UTILITY SERVICES

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

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

ALIGNMENT LEVELS

(33) 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 MANAGEMENT

(34) The following requirements apply to storage and waste handling:-

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

Note:

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

TELECOMMUNICATIONS PROVISIONS

(35) 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.

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.

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

PUBLIC DOMAIN PLAN

- (37) The following requirements apply:-

- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect and shall be approved by Council (to be lodged with the Public Domain Officer at City Projects) prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.
- (b) The Public Domain Plan shall be as follows:-
- (i) Drawn at 1:100 scale.
 - (ii) Show the entire layout of flagstone paving where this paving is required.
 - (iii) Nominate the location, type and material of all existing and proposed public pavement elements including trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture, utility poles, parking meters, pedestrian and traffic signals, service pits and stormwater pits.
 - (iv) Include a longitudinal section of the pavement showing existing and proposed levels at 10 metre intervals at the building alignment, the kerb and the gutter on a common datum line. This longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale. This section is to ensure that any significant longitudinal gradient change, such as flattening for vehicle entries, occurs within the building line and not at the public pavement.
 - (v) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
 - (vi) Include specifications of the proposed works.

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

PUBLIC TELEPHONES

- (38) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the certifying authority must approve:-
- (a) Details that two public telephones will be provided in the development free of cost, (similar to the Telstra Blue Phone), in consultation with the applicant's preferred provider.
 - (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.
 - (d) The telephones must be available for public use during the normal opening hours of the building.

RECEPTACLES FOR CIGARETTE BUTTS

- (39) 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.

PUBLIC ART

- (40) 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.

PAVING MATERIALS

- (41) The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, piazzas, 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.
- (42) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".

Schedule 1C

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

CERTIFICATION OF MECHANICAL VENTILATION

- (43) 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.
- (a) To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:-
- (b) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
- (c) 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
- (d) 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;
- (e) 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;
- (f) 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

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

- (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.

Notes:

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.

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.

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.

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

PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN FOR DEMOLITION AND/OR EXCAVATION

- (45) 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.
 - (e) The Pedestrian and Traffic Management Plan shall be implemented during the demolition and/or excavation period.

COMPLIANCE WITH EARLY WORKS DEVELOPMENT APPLICATION

- (46) The development shall comply with all conditions and requirements of Development Application No. 2002/00452, Notice of Determinations dated 30 August 2002.

Schedule 1D

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

CITY OF SYDNEY COMPLIANCE INSPECTIONS

- (47) The purpose of this condition is to ensure that the Council is given sufficient notice prior to the issuing of the Occupation Certificate to carry out inspections of soon to be completed buildings, where Council considers it necessary. In doing so, this ensures that the Council is able to provide an independent analysis of whether the building is constructed to a standard that complies with the BCA and in accordance with the development consent.
- (a) The applicant and building owner are to note that it is an offence under S.109N of the Environmental Planning and Assessment Act 1979, to occupy or use a building in whole or in part, unless an Occupation Certificate has been issued in relation to the building or the part.
 - (b) A maximum penalty of 25 penalty units applies under the provisions of the Environmental Planning and Assessment Act 1979, for the contravention of the above requirements.
 - (c) Council officers may undertake random inspections from time to time during construction and toward the end of building works to ensure that buildings or part of buildings are not occupied without a partial or final Occupation Certificate, and to check compliance with conditions of development consent and the BCA.
 - (d) In the event that a Principal Certifying Authority (PCA) other than Council is appointed, written notice shall be given to Council (whether by the developer, builder or other person relying on the development consent) on each of the following occasions:
 - (i) Within 7 days of installation of services, such as plumbing, mechanical ventilation and the like which penetrate fire rated walls and slabs (excluding basement areas); and
 - (ii) 7 days prior to the installation of false ceilings or cornices which abut fire rated walls and slabs; and
 - (iii) 14 days prior to the final inspection to be carried out by the PCA for the purpose of issuing an Occupation Certificate.

- (e) The PCA shall be advised in writing (whether by the developer, builder or other person relying on the development consent) of Council's requirements pursuant to paragraph (d).
- (f) This reserves time for Council or persons appointed by Council to conduct any random inspections Council may choose to do, prior to the issue of the Occupation Certificate, in order to ensure that buildings or part of buildings are not occupied without a partial or final occupation certificate, and to undertake random audits of certified works.

HOURS OF WORK AND NOISE

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

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

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

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

(49) 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;

- (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.

LOADING AND UNLOADING DURING CONSTRUCTION

(50) 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 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.

RUN-OFF DURING CONSTRUCTION

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

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

PROTECTION OF PUBLIC WAY

(52) 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.

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

Note:

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

Schedule 1E

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

OCCUPATION CERTIFICATE

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

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

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

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (56) Prior to issue of an Occupation Certificate or use of the premises, a Structural Inspection Certificate in the form of Attachment S1C OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier) after:-
- (a) The site has been periodically inspected and the structural certifier is satisfied that the Structural Works are deemed to comply with the final Design Drawings; and

- (b) The drawing revisions listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

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

Notes:

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.

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

CERTIFICATION OF GEOTECHNICAL INSPECTION

- (57) 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:

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.

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.

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (58) 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.

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

NUMBERING

- (60) Prior to issue of an Occupation Certificate, street numbers and the building name, shall be clearly displayed at either end of the ground level frontage in accordance with the "Policy on Numbering of Premises within the City of Sydney". If new street numbers or a change to street numbers are required, a separate application shall be made to Council.

STREET NAME PLATE

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

Schedule 1F

Conditions to be complied with during the use of Premises

CARE OF BUILDING SURROUNDS

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

REMOVAL OF GRAFFITI

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

WINDOW CLEANING

- (64) 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.

NO SPRUIKERS OR AMPLIFIED NOISE

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

MANAGEMENT

- (66) The Management shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by patrons of the premises and shall ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by Council, the Management is to employ private security staff to ensure that this condition is complied with.

NOISE - USE

- (67) The use of the premises including music and other activities must not give rise to any one or more of the following:-
- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
 - (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level or greater than 5dB at the boundary of any affected property in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00 a.m. to midnight daily and 0dB above the L90 background between 12 midnight and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies.
 - (c) During the period 12 midnight to 7.00 a.m. the use shall be inaudible in any habitable room of any residential premises.

- (d) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.

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

NOISE - MECHANICAL PLANT

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

- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
- (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level or greater than 5dB at the boundary of any affected property in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.
- (c) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.

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

LOADING

- (69) 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, piazzas, reserves or building colonnade areas) at any time.

WINDOW CLEANING

- (70) 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.

COMMEMORATIVE PLAQUE

- (71) The following is required:-

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

Schedule 2

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

ITEM 4. STATUS REPORT - DEVELOPMENT APPLICATION: 55-73 OXFORD STREET, SYDNEY (OXFORD SQUARE)

Mr Brett Brown of Ingham Planning addressed the meeting of the Central Sydney Planning Committee on this matter.

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 31 October 2002, in relation to Development Application D/02/00499 made by Multiplex Developments NSW Pty Ltd for the site at 55-73 Oxford Street, Sydney, for the site bounded by Pelican, Oxford, Riley and Waine Streets for alterations and additions to the existing building and conversion to 197 residential apartments, it be resolved that determination of the application be deferred to require the submission of the following information:-

- (A) A detailed contextual urban design analysis which evaluates the design response in terms of the context of the site. The report should have specific regard to the bulk, height massing and modulation of the proposal in its surrounding context. The report will form the basis of further justification for the State Environmental Planning Policy 1 variations to development standards, and the request to waive the requirement to prepare a development plan. This analysis shall also compare this proposal with the intent of the winning entry of the design competition.
- (B) The proposal is to be amended to demonstrate an alternate solution to the problem of inadequate service vehicle height clearance in the lower ground floor level. A minimum unobstructed clearance of 3.6 metres is to be provided to enable Council's domestic waste collection facilities to access the internal garbage room. An alternative may be to relocate the garbage room or provide an access way to the street so that vehicles are not required to enter the site;
- (C) Elevation drawings which demonstrate the extent of additional overshadowing resulting from the proposal as it affects existing buildings immediately to the south of the subject site;
- (D) A detailed schedule of unit sizes and the mix of apartments within the building is to be submitted to accompany the latest amended plans;
- (E) Details of how the recommendations of the Wind Environment Study prepared by Windtech Consultants Pty Ltd and the Energy Efficiency report prepared by Sinclair Knight Mertz are incorporated into the proposal;
- (F) An itemised estimate of development costs is to be prepared by a quantity surveyor. The estimation is to include all costs associated with the development and shall only exclude cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment and loose electrical appliances, minor maintenance of existing retained fixtures (eg. patching, repainting) and stamp duty;

- (G) Address further the question of the loading dock adjacent to the corner of Waine Street and Riley Street including all aspects of the design, the impact on the neighbourhood and operating hours;
- (H) Ensure compliance with the Building Code of Australia with regard to the fire stair egress point; and
- (I) Ensure greater compliance with the Development Control Plan in regard to the maximum number of units accessible from the common lobby.

ITEM 5. AMENDMENT TO CENTRAL SYDNEY SECTION 61 CONTRIBUTIONS PLAN - WORKS PROGRAM UPDATE AND PROCEDURAL AMENDMENTS

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

That arising from consideration of a report by the Manager Building Services and Planning Policy to the Central Sydney Planning Committee on 31 October 2002, concerning the proposed amendment to the City of Sydney Section 61 Contributions Plan, it be resolved that the Central Sydney Planning Committee:-

- (A) endorse the proposed amendments, as set out in Attachment A to the subject report, for the purpose of public exhibition; and
- (B) reconsider the matter after the close of public exhibition.

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

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

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

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

That arising from consideration of a report by the Manager Development to the Central Sydney Planning Committee on 31 October 2002, in regard to the progress report for the month of September 2002, it be resolved that the report be received and noted.

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

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

That arising from consideration of a report by the Manager Development to the Central Sydney Planning Committee on 31 October 2002, in regard to the report on new development application lodgements and delegated items, it be resolved that the report be received and noted.

Business of which due notice had not been given

Pursuant to Clause 14(3) of the Local Government (Meetings) Regulation 1999, the Central Sydney Planning Committee resolved that the following business of which due notice had not been given be transacted at this meeting, namely Planning NSW Referral - Sydney Opera House.

ITEM 9. PLANNING NSW REFERRAL - SYDNEY OPERA HOUSE (O2002/00056)

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.

Note - The following correspondence received on 31 October 2002 was circulated to members prior to the meeting of the Central Sydney Planning Committee:

- Letter from Ms Kate Doherty and Mr Sanjay Gupta, residents of No.1 Macquarie Street, Sydney
- Letter from Mr W John O'Brien M.B.E., resident of No.1 Macquarie Street, Sydney
- Letter from Ms Mary-Rose McDonald, resident of No.3 Macquarie Street, Sydney
- Letter from Dr Kim Tan, Chairman, Bennelong Building No.1 Owners Corporation, No.1 Macquarie Street, Sydney

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

That arising from consideration of a report by the Manager Development to the Central Sydney Planning Committee on 31 October 2002, in relation to the referral from Planning NSW regarding a Development Application from Sydney Opera House Trust for the southern forecourt and Monumental Steps of the Sydney Opera House, it be resolved that:-

- (A) the submission, as shown at Attachment D to the subject report, be reviewed taking into account concerns expressed by members of the Central Sydney Planning Committee; and
- (B) authority be delegated to the Deputy Lord Mayor to approve the final submission to be forwarded to Planning NSW.

ITEM 10. GENERAL BUSINESS

10.1 Policy on Short Term Public Events

Ms Holliday proposed that Council and the Central Sydney Planning Committee develop a policy on short term public events.

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

That the Central Sydney Planning Committee request the Director City Development and Projects to prepare a comprehensive policy in relation to short term public events, with special emphasis on key areas such as wharves and foreshore locations, for consideration by Council and the Central Sydney Planning Committee.

The meeting concluded at 6.48pm.

CHAIRMAN

The next meeting of the Central Sydney Planning Committee is scheduled for 21 November 2002.