

# CENTRAL SYDNEY PLANNING COMMITTEE

THURSDAY 21 AUGUST 2003

Meeting No. 285

**MINUTES** of the Special Meeting of the Central Sydney Planning Committee held in the Reception Room, Sydney Town Hall, on Thursday 21 August 2003 commencing at 5.35pm.

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## **PRESENT**

The Right Hon the Lord Mayor Councillor Lucy Turnbull  
(Chair)

Mr David Brown (Alternate Member for Mr Neil Bird), Mr Andrew Cappie-Wood (Alternate Member for Ms Jennifer Westacott, Director-General of Department of Infrastructure, Planning and Natural Resources), Councillor Robert Ho, Ms Antoinette le Marchant, Councillor Fabian Marsden, Mr Peter Mould (Alternate Member for Mr Chris Johnson).

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

## **APOLOGIES**

An apology was received from Mr Neil Bird who was unable to attend the meeting as he was overseas.

An apology was received from Mr Chris Johnson who was unable to attend the meeting as he was overseas.

An apology was received from Ms Jennifer Westacott who was unable to attend the meeting owing to prior commitments.

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

That the apologies from Mr Bird, Mr Johnson and Ms Westacott 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:

2. Development Application: 330-346 George Street, Sydney
1. Development Application: 420-426 Pitt Street and 36-38 Campbell Street, Sydney

**ITEM 1. DEVELOPMENT APPLICATION: 420-426 PITT STREET AND 36-38 CAMPBELL STREET, SYDNEY (D/03/00421)**

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

Mr Ken Wales

Ms Iris Kwok

Mr Lie Ping

Ms Sylvia Hrovatin - Meriton Apartments Pty Ltd

Mr Peter Spira - Meriton Apartments Pty Ltd

Mr George Mavrakakis - solicitor for the Reserve Hotel, owners of the Chamberlain Hotel

**Resolved** on the motion of Mr Brown, seconded by Councillor Marsden -

That further to a Resolution of the Central Sydney Planning Committee on 14 August 2003, and arising from consideration of a report by the Area Planning Manager to the Central Sydney Planning Committee on 21 August 2003, in relation to Development Application D/03/00421 made by Meriton Property Management Pty Ltd and Meriton Karimbla Properties Pty Ltd for the site at 420-426 Pitt Street and 36-38 Campbell Street, Sydney, for a Stage 1 Development Application for a building envelope to a maximum height of 92 metres containing 2620m<sup>2</sup> of commercial floorspace, 112 residential apartments and 6 basement parking levels containing 121 cars, it be resolved that consent be refused for the following reasons:-

- (A) the development is prohibited under Part 4 of the Central Sydney Local Environmental Plan 1996 (CSLEP 1996) as it breaches the Belmore Park Sun Access Plane;
- (B) the proposal does not exhibit Design Excellence under Part 3A of CSLEP 1996;
- (C) the proposal does not exhibit design quality and fails to satisfy the principles of State Environmental Planning Policy No. 65 (SEPP 65) - Design Quality of Residential Buildings;
- (D) the heritage significance of Heritage Item No. 5039 is diminished by the proposal and the development fails to satisfy the provisions of the Central Sydney Heritage Local Environmental Plan 2000 (HLEP 2000);

- (E) the development breaches various provisions of the Central Sydney Development Control Plan 1996 (CSDCP 1996) and would result in a development with poor amenity and a poor relationship to surrounding development;
- (F) the proposed car lift system may result in unacceptable levels of queuing and resulting negative impacts on ingress/egress to the development and the public domain;
- (G) the centrally located apartments on the southern elevation have a southerly aspect and rely on a 3.6 metre setback from the southern boundary and borrow amenity from the adjoining Chamberlain Hotel with no easements in place to protect such amenity in the future;
- (H) the eastern elevation of the building has not been properly resolved, lacks architectural detail and will create a poor quality outlook for the nearby residents and for users of the public domain in Campbell Street;
- (I) the elevator core adjacent to the existing apartment building at 418 Pitt Street may cause an adverse impact on the amenity of the residents of that building; and
- (J) the development is not in the public interest as demonstrated by the level of public opposition to the proposal.

Carried unanimously.

**ITEM 2. DEVELOPMENT APPLICATION: 330-346 GEORGE STREET, SYDNEY (D1997/00697)**

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

Mr Bob Smale - Crone Associates  
Mr David Rohr - Mallesons Stephen Jaques

**Resolved** on the motion of Mr Brown, seconded by Mr Cappie-Wood -

That arising from consideration of a report by the Acting Area Planning Manager to the Central Sydney Planning Committee on 21 August 2003, in relation to Development Application D1997/00697 made by the National Australia Bank for the site at 330-346 George Street, Sydney, for demolition of the existing building and construction of a new 20 storey commercial office building with ground floor retailing including a new Palings Walk, it be resolved as follows:-

- (A) the requirements for a development plan be waived in accordance with Clause 28B(4)(e) of the Central Sydney Local Environmental Plan 1996 for the following reasons:
  - (1) the development application was lodged prior to the gazettal of Amendment No. 8 to the Central Sydney Local Environmental Plan 1996,

- (2) the development, as amended, has satisfied the development plan criteria established by Clause 28C(2) of the Central Sydney Local Environmental Plan 1996 and will result in a high quality development,
  - (3) the development has responded to the design requirements of the Central Sydney Planning Committee Sub-Committee, and has been the result of on-going design development and refinement (largely equivalent to that of a competitive process),
  - (4) the redevelopment of the site will result in considerable public benefit;
- (B) the objection made under State Environmental Planning Policy No.1 in relation to the development's non-compliance with the commercial car parking provision, as prescribed by Clause 48 of the Central Sydney Local Environmental Plan 1996, is not considered to be well founded and is not supported. Strict compliance with the development standard is considered reasonable and necessary in this instance given the likely impacts on traffic generation in the City, the proximity of the development to public transport, and the undesirable precedent such an approval would create. Further, the development is deficient in servicing spaces and 2 (two) of the additional car parking spaces could be converted to loading spaces;
- (C) a deferred commencement consent be granted under the provisions of Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to the following:
- (1) the consent is not to operate until the following conditions are satisfied within 24 (twenty-four) months of the date of this determination,
    - (a) Access to and through the basement of the Angel Place Development can be provided in accordance with D1996/00841. In this regard, the vehicular path of travel through the basement of the Angel Place development to the breakthrough panel (western elevation) shall achieve a vertical clearance and minimum width of 3.6 metres and 4.0 metres respectively, in order to facilitate shared vehicular access arrangements through the adjoining development site and to allow all servicing of the site to the satisfaction of Council. An internal vertical clearance of less than 3.6m will only be accepted if agreed in writing by the Director of City Development and Projects and provided that the reduced height will be sufficient to accommodate all service vehicle movements to and from the site. In this regard, if a lesser height is pursued, full operational management plans, which are enforceable at a later date, will need to be submitted demonstrating how the site will be serviced in terms of garbage, maintenance, loading and unloading of goods, removal and delivery of furniture and fittings and all other aspects of servicing the site by vehicles other than cars and small vans.
    - (b) In order to satisfy this condition, a structural solution (to be certified by a suitably qualified structural engineer) for the redesign of the carpark in the Angel Place building basement to meet the requirements of D1996/00841 must be prepared and an executed agreement between the NAB (or owner of the subject site) and the AMP (or owner of the

adjoining site) for the implementation of that solution is to be provided to Council as proof of the satisfaction of part (a).

- (c) A Construction Management Plan, approved by Council, shall be provided for all construction phases of the development which addresses the construction methodology and construction vehicle access to the site. The plan shall include measures to ensure impacts on George Street and the pedestrian environment around the site are minimised.

This condition is fundamental to this determination.

- (D) That subject to the satisfactory completion of the requirements set out in clause (C) above, authority be delegated to the General Manager to issue the final determination of the application in accordance with the following conditions and any conditions reasonably arising from clause (C) above:

## Schedule 1A

### Approved Development, Contributions and Covenants

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

**Note 2:** Prior to the issue of the Building Approval, sufficient information must be forwarded to the Council illustrating compliance with the relevant requirements of the Building Code of Australia.

#### APPROVED DEVELOPMENT

- (1) Development must be in accordance with the following:-
  - (a) Development Application No. D1997/00697 dated 14 October 1997 (as amended June 2003);
  - (b) The Statement of Environmental Effects prepared by Julie Bindon & Associates dated October 1997 as amended by the Supplementary Statement of Environmental Effects dated May 2003; and
  - (c) Drawings Nos. 9607/ADA 0101 to 0102 Rev. A, ADA 1001 to 1014 Rev. A, ADA 2001 to 2006 Rev. A and ADA 3001 and 3002 Rev. A all dated 30.5.2003 and prepared by Crone Associates.

and as amended by the following conditions:

#### APPROVED DESIGN

- (2) The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect

the internal layout or external appearance of the building, without the approval of Council.

### **SETTLEMENT DEED**

- (3) Full compliance with the terms of the Deed of Settlement executed on 11 August 2003 between Council and the National Australia Bank including the following:-
- (a) The City gaining benefit of the stratum to be occupied by the new arcade called 'Palings Walk'.
  - (b) The City allowing the construction of the access way under Ash Street subject to a sub-stratum lease to enable the access way to be used for vehicular access from the AMP Recital Hall to the subject site.

The construction of the access way and the reconstruction and reinstatement of Ash Street shall be the responsibility of the applicant in accordance with the terms elaborated in the Deed of Settlement.

### **PALINGS WALK**

- (4) Without limiting Condition 3, the applicant must create the stratum known as 'Palings Walk' and transfer 'Palings Walk' to the City in accordance with the Deed of Settlement.

### **VEHICULAR ACCESS WAY UNDER ASH STREET**

- (5) The developer shall construct the vehicular access way under Ash Street having a minimum vertical clearance of 3.6 metres internally (or other height as determined by clause (C)(1)(a) of the deferred commencement consent) and shall be designed to maximise practicable width, at no cost to Council. The access way shall connect directly into the breakthrough panel provided in Angel Place Development pursuant to the terms and conditions of D1996/00841. Final details for the design of the access way shall be submitted for the approval of Council prior to the release of the Building Application for the construction of the development and shall be in accordance with the terms elaborated in the Deed of Settlement.

### **RE-USE OF MATERIALS**

- (6) The applicant is to investigate the potential for the re-use of materials from the existing building at 340-346 George Street (including the trachyte facing material and the large bronze window frames) in the design of the ground floor level of the development including for use as decorative features or elements within the Palings Walk and/or the commercial lobby.

Additionally, opportunities to store these materials for future use, restoration and conservation of other heritage buildings should be considered in accordance with the recommendations of the supplementary Heritage Impact Statement prepared by Brian McDonald & Associates Pty Ltd and dated 28 May 2003.

Details satisfying the terms of the condition shall be submitted for the approval of the Director of City Development and Projects with the Application for building approval under Section 68 of the Local Government Act 1993 for the construction of the development.

### **ENERGY EFFICIENCY OF BUILDINGS**

(7) 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:-

- (a) Entering into a Commitment Agreement<sup>(i)</sup> with SEDA, to deliver this star rating<sup>(ii)</sup> for the base building<sup>(iii)</sup>, being services traditionally supplied as 'common' to tenants<sup>(iv)</sup>, such as air conditioning, lifts and common area lighting) or for the whole building<sup>(v)</sup> 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 building approval application; and
- (b) Providing a copy of the independent energy assessment report submitted to SEDA and submitted as part of the building approval 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 building approval.

(8) **Note:**

- (a) Definitions referred to in clause 7(a) above:-
  - (i) "Commitment Agreement" means an agreement that is set out in accordance with SEDA's "Australian Building Greenhouse Rating Commitment Agreement", which is made/signed between SEDA and the applicant/building owner/building manager, to design, build and commission the premises to an agreed star rating.
  - (ii) "Star rating" refers to the benchmarking system applied by SEDA for measuring the energy efficiency of a building, and known as the "Australian Building Greenhouse Rating Scheme".
  - (iii) "Tenancies" means office space within a building covering tenant light and power. This may include tenancy air conditioning if this has been installed to service particular tenant loads, but does not include central services (Source: SEDA, September 2001).
  - (iv) "Base building" means central services and common areas of a building (Source: SEDA, September 2001).

- (v) “Whole building” means all of the building, being the fabric of the building itself and all services and fit-outs (Source: SEDA, September 2001).

### **EXTERNAL COLOURS AND FINISHES**

- (9) The design details of the proposed building facade including all external finishes and colours, including glazing, must be in accordance with the materials schedule and sample board, and specifications prepared by Crone Associates and dated March 2003.

**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.

### **FLOOR SPACE RATIO**

- (10) The following applies to Floor Space Ratio:-
- (a) The Floor Space Ratio of the proposal must not exceed 12.5:1 calculated in accordance with the Central Sydney Local Environmental Plan 1996. For the purpose of the calculation of FSR, the Floor Space Area of the development is 17,837sqm.
  - (b) Prior to the issue of a Certificate of Classification pursuant to Clause 46 of the Local Government (Approvals) Regulation, 1993 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).
  - (c) Prior to the issue of a Certificate of Classification pursuant to Clause 46 of the Local Government (Approvals) Regulation, 1993 documentary evidence (ie. a Heritage Floor Space Allocation Certificate issued by Council) must be produced and acknowledged by Council that 2,385sqm of heritage floor space was allocated (purchased and transferred) to the development.

### **BUILDING HEIGHT**

- (11)
- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 112.70 (AHD) or 98.10 metres above ground level.
  - (b) Prior to the issue of a Certificate of Classification pursuant to Clause 46 of the Local Government (Approvals) Regulation, 1993 a Registered Surveyor shall provide certification of the height of the building to the satisfaction of Council.

## **CONSTRUCTION ACTIVITIES**

- (12) At all times construction activities are to be undertaken in a manner that respects the existing function/operation of the carriageways surrounding the site, ie. pedestrian and traffic.

## **SECURITY MANAGEMENT PLAN**

- (13) The applicant shall prepare and submit a Security Management Plan which specifies security surveillance and other security and response methods for the public and private domain within and surrounding the development site. The Plan shall be submitted for the approval of Council with the Application for building approval under Section 68 of the Local Government Act 1993 for the construction of the development.

## **PUBLIC LIAISON OFFICER**

- (14) Prior to the commencement of any demolition, excavation or construction on any part of the site, a public liaison officer shall be appointed for the duration of all works on the site. The officer shall be available during normal business hours to provide information to the public about the activities on the site and to bring any complaints to the attention of the applicant. The name and contact number of the officer(s) including an after hours emergency number, shall be clearly displayed at the street frontages of the site.
- (15) The public liaison officer shall ensure that all reasonable endeavours are made to minimise any disruption caused by demolition, excavation and construction works to adjoining properties.
- (16) Prior to the commencement of any demolition, excavation or construction on any part of the site, a public liaison officer shall contact the Angel Place Recital Hall to obtain a schedule of performance and rehearsal times to ensure that construction measures can be employed to mitigate against construction impacts.

## **PHOTOGRAPHIC ARCHIVAL DOCUMENTATION**

- (17) Archival recording for deposit in the City of Sydney Archives must be carried out prior to the removal of any significant building fabric or furnishings from the site, during the removal of fabric on site that exposes significant building fabric or furnishings, and after work has been completed on site, as considered appropriate by the conservation architect commissioned for the project.
- (a) The archival record of significant building fabric or furnishings from the site must be submitted for the approval of Council with the Application for building approval under Section 68 of the Local Government Act 1993 for the construction of the development.
- (b) The archival record of significant building fabric or furnishings from the site that is exposed during demolition or construction and after work has been completed on site is required to be submitted to Council prior

to the issue of a Certificate of Classification pursuant to Clause 46 of the Local Government (Approvals) Regulation, 1993.

(18) The form of recording is to be as follows:-

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

## **PHYSICAL MODELS**

- (19) Prior to the release of the building approval under Section 68 of the Local Government Act 1993 for the construction of the development, an accurate 1:500 scale model of the approved development must be submitted to Council for the City Model in Town Hall House; and
- (20) Prior to the issue of a Certificate of Classification pursuant to Clause 46 of the Local Government (Approvals) Regulation, 1993, an accurate 1:500 scale mode of the development as constructed must also be submitted to Council for placement in Customs House.

**Note:**

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

**CONSISTENCY OF DRAWINGS**

- (21) 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.
- (22) The architect of the project as approved should not be changed without prior notice to Council.

**DEMOLITION/SITE RECTIFICATION**

- (23) The following conditions apply to the development:-
  - (a) Demolition or excavation must not commence until:
    - (i) A bona-fide application which is complete in all respects and in accordance with the Local Government Act 1993 and relevant Regulations for the construction of the development has been lodged with Council; and
    - (ii) Building Approval has been granted under Section 68 of the Local Government Act 1993 for the substantive building.
  - (b) Prior to the issue of a Building Approval under Section 68 of the Local Government Act 1993 for the construction of the development, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the General Manager of the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
  - (c) Without limiting the generality of paragraph (b), the Deed must provide for:
    - (i) a bank guarantee to be provided in the sum of \$360,000 dollars as security for the costs of such works provided that:

- a. the maximum liability under the Deed shall not exceed \$360,000 dollars; and
  - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works which meet the objectives of the condition.
- (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
- a. demolition of the existing building has commenced but not been completed;
  - b. the existing building has been demolished; or
  - c. the site has been excavated; or
  - d. the structure has commenced to be erected;

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

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

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

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

## **BOUNDARY WINDOWS COVENANT**

- (24) All windows adjacent to the northern boundary of the site (up to and including Level 10) and all windows abutting the southern boundary must be sealed, bricked up or otherwise enclosed, prior to the construction of any building abutting, adjoining or adjacent to such windows. A covenant to the approval of Council is to be placed on the title of all units facing the affected boundary to this effect. Evidence of the creation of the covenant is to be submitted to Council prior to the issue of a Certificate of Classification pursuant to Clause 46 of the Local Government (Approvals) Regulation, 1993.

**Note:**

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

## **COST SUMMARY REPORT - CONCURRENT WITH ISSUE OF BUILDING APPROVAL**

- (25) Concurrent with the release of the Building Approval under Section 68 of the Local Government Act 1993, the "City of Sydney - Cost Summary Report" shall be completed in full and submitted to Council by the CERTIFYING AUTHORITY indicating the itemised cost of the development. A copy of the required report format may be obtained from the City of Sydney One Stop Shop and the City of Sydney's website ([www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au)).
- (a) Should the total cost of the development exceed \$200,000, a contribution comprising 1% of the total cost of the proposed development under Section 61 of the City of Sydney Act 1988 and the "City of Sydney Contributions Plan 1997" must be paid prior to the release of the building approval. Such payment must be verified by the CERTIFYING AUTHORITY. Payment if applicable shall be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney.
- (b) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation, electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, Building Code of Australia compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (c) below.

- (c) The items to be excluded in the calculation of the cost of development are the 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, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.

#### **INTERPRETATION STRATEGY**

- (26) Prior to the issue of the Building Approval under Section 68 of the Local Government Act 1993, an Interpretation Strategy for the site must be submitted to and approved by the Director City Development.
- (27) The Interpretation Strategy should include, but is not limited to, the provision of details of public art interpretation through design and/or the display of selected artefacts and/or other material, appropriate to the education of the public in the history and significance of the site. This Strategy is to include a history of Palings Lane, the immediate site context and all earlier buildings on the site.
- (28) The approved Interpretation Strategy shall be implemented to the satisfaction of the Director City Development prior to the issue of a Certificate of Classification pursuant to Clause 46 of the Local Government (Approvals) Regulation, 1993

#### **ARCHAEOLOGICAL INVESTIGATION**

- (29)
  - (a) The applicant must apply to the Heritage Office for an excavation permit under Section 140 of the Heritage Act 1977.
  - (b) Should any potential archaeological deposit likely to contain Aboriginal artefacts be identified during the planning or historical assessment stage, application be made by a suitably qualified archaeologist to the National Parks and Wildlife Service (NPWS) for an excavation permit for Aboriginal relics.
  - (c) The applicant shall comply with the conditions and requirements of any excavation permit required, and are to ensure that allowance for compliance with these conditions and requirements into the development program.
  - (d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
  - (e) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.

- (f) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance of the area is to stop immediately and the (NPWS) is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

**Note:**

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

**REPORT TO BE COMPLIED WITH**

- (30) The development shall be in accordance with the recommendations of the following reports:-
- (a) Supplementary Heritage Impact Statement prepared by Brian McDonald + Associates Pty Ltd dated 28 May 2003.
  - (b) The Amended Wind/Reflectivity Report provided by Vipac Engineers & Scientists dated 28 May 2003.
  - (c) The Archaeological Report prepared by Austral Archaeology Pty Ltd and dated September 1997.

Where such recommendations require design modifications to the development or further studies to be undertaken, such details are to be finalised and submitted to Council with the application for Building Approval under Section 68 of the Local Government Act 1993.

**STRATA PLAN APPROVAL**

- (31) A separate Application for Subdivision must be made to Council or an accredited certifier to approve the Strata Plan in accordance with Section 37 of the Strata Schemes (Freehold Development) Act 1973.

**SUBDIVISION CERTIFICATE**

- (32) A separate Application for Subdivision Certificate must be made to Council to approve the Plan of Subdivision in accordance with Part 4A of the Environmental Planning and Assessment Act 1979.
- (33) All pavement lights and vaults connected with the property are to be considered part of the property for the purposes of use and on-going maintenance. A notation to this effect must be included in the strata plan submitted for certification.

**TRAFFIC REQUIREMENTS**

- (34) The car parking and service vehicle provision shall satisfy the requirements of the Central Sydney Local Environmental Plan 1996 and Development Control Plan 1996.

- (35) The layout of the car parks and service vehicle parking area shall comply with the Australian Standards AS 2890.1-1993 and AS 2890.1-2002.
- (36) Traffic signals shall be installed to regulate traffic using the ramp between Basement Levels 1 and 2.
- (37) The car park exhaust structures in the loading dock on Basement Level 1 shall be so installed as not to cause obstruction to vehicles turning in and out of the vehicular link under Ash Street. Final details of the installation are to be submitted for the approval of Council with the application for building approval under Section 68 of the Local Government Act 1993 for the construction of the development.
- (38) All loading, unloading and other construction activities shall be accommodated on-site except that:-
- (a) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a Work Zone may be considered by Council. The applicant shall submit a proposal to the Sydney Traffic Committee stating the justification for not complying;
  - (b) In addition to any approved Work Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level; and
  - (c) If a Work Zone is absolutely necessary for construction at this site, the City opposes the implementation of any Works Zone on George Street between Hunter and King Streets due to road constraints, adverse impacts and pedestrian safety.
- (39) All costs of traffic management measures associated with the development shall be borne by the developer.

#### **VEHICULAR SPACES**

- (40) The following car parking requirements apply:-
- (a) The approved vehicle spaces shall be allocated on the development site as follows:
    - Maximum of 29 business/commercial premises spaces,
    - Maximum of 8 service vehicle spaces located close to service entrance;
  - (b) Car parking spaces are to be for people with mobility impairment, in accordance with AS 2890.1; and
  - (c) All spaces must be allocated and marked according to this requirement. If the development is to be strata subdivided, the carpark layout must respect the above allocation.

- (41) The following condition applies to car parking:-
- (a) The on-site car parking spaces are not to be used by those other than an occupant or tenant of the subject building and any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of such car parking spaces to those other than an occupant or tenant in the building;
  - (b) The strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the Strata Schemes (Freehold Development) Act, 1973 as amended, so burdening all utility car parking allotments in the strata plan and/or an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, burdening all car parking part - lots in the strata plan.

**Note:**

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

**EXTERNAL LIGHTING**

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

**DEVELOPMENT NAME**

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

**SEPARATE APPLICATIONS**

- (44) A separate development application must be submitted at the appropriate time for the specific use and fit-out of all retail tenancies. This approval does not authorise the use of the retail tenancies or approval in relation to matters such as operating hours.
- (45) 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.

**BUILDING CODE OF AUSTRALIA**

- (46) Openings in external walls that are required to have FRL must be protected in accordance with Clause 3.2 of the Building Code of Australia.
- (47) The building shall comply with the requirements of the Building Code of Australia.

(48) The Basement Level 2 lift lobby shall have a fail safe. In this regard, any proposed electronic locks shall comply with the following:-

- (a) The electronic locking device shall be power energised to the locking mode and shall be deactivated to release upon direct or response power termination to the device to enable the door to be opened by single handed action in the direction of egress;
- (b) The smoke detectors shall be provided on both sides of the security door, 1500mm from the centre of the door in the position described in Clause 5.7.5 of AS 1905.1 (1990);
- (c) The locking device shall consist of an approved electronic door interlock system such that in the event of fire being detected by the building's sprinkler system and smoke/thermal alarm system (including smoke detectors required in the mechanical ventilation system by AS 1668 (1991)), the locking system will be deactivated to release by the termination of power to enable the door to be opened by single-handed action in the direction of egress;
- (d) An emergency switch/button, not contained in a protective enclosure, shall be provided in a conspicuous position in the lift lobby area adjacent to the subject door.

The switch/button shall be available to deactivate the locking system by power termination in an emergency. A sign shall be provided to the satisfaction of the Council adjacent to the switch/button indicating its purpose; and

- (e) Suitable directional exit signs shall be provided to the satisfaction of the Council.

(49) The substation is to be fire separated to achieve FRL 240/240/240.

**Note:**

It is recommended that the fire rating level of the basement level 1 and mezzanine level be increase to match FRL 240/240/240.

(50) The plant room is to be fire separated from the rest of the floor/building.

(51) The travel distances within Basement Level 1 shall be revised to ensure compliance with the requirements of the BCA.

## **Schedule 1B**

### **Conditions to be complied with prior to issue of Building Approval**

(52) Prior to the issue of the Building Approval under Section 68 of the Local Government Act 1993, sufficient information must be forwarded to the

Council illustrating compliance with the relevant requirements of the Building Code of Australia.

## **DESIGN MODIFICATIONS**

- (53) The design resolution of the following elements of the building are required to be submitted for the approval of Council with the application for building approval under Section 68 of the Local Government Act 1993 for the construction of the development:-
- (a) The design detail of the southern elevation of the building where it abuts the articulated architectural features of the Société Generale Building. The details shall accommodate these features and enable them to be appreciated and protected;
  - (b) The detailed design for all awnings (George Street and Ash Street);
  - (c) The final design details for wind amelioration devices to be incorporated into the building in order to meet the recommendation of the Wind Report prepared by Vipac Engineering & Scientists dated 2<sup>nd</sup> June 2003;
  - (d) Final design details of Palings Walk including the following:
    - (i) An internal elevation and details of the northern and southern walls of the through-site-link including detailing materials and finishes application. Consideration should be given to ways to activate and enliven the Walk through the incorporation of artwork, interpretative displays, lighting and the like,
    - (ii) Details of the surface treatment of Palings Walk,
    - (iii) Final design details of the roof form including the illumination methodology and maintenance details;
  - (e) 1:50 scale drawings of the retail shop fronts (George Street and Ash Street);
  - (f) Selected 1:50 scale drawings of the building façade detailing typical architectural resolution and materials application; and
  - (g) An alternative location for the diesel generator (Level 2). This location should be away from the southern boundary of the site in order to overt any potential for noise/vibration nuisance being caused by its operation.

## **PUBLIC ART**

- (54) High quality art work shall be provided within the development in publicly accessible locations, eg. near main entrances, lobbies and street frontages including Palings Walk, in accordance with the Central Sydney DCP 1996 and the 'Public Art Policy'. Details of the art work must be submitted with

the application for Building Approval under Section 68 of the Local Government Act 1993 for the construction of the development.

### **LIGHTING STRATEGY**

- (55) A detailed lighting strategy is to be developed for the building and submitted for the approval of Council prior to the release of the Building Approval under Section 68 of the Local Government Act 1993. The design of the lighting shall ensure a high level of security is maintained in and around the development, in particular the lighting should convey a feeling of security to Palings Walk and Ash Street during evening hours. The lighting shall also be designed to assist in promoting/activating Palings Walk and the associated pedestrian connections around the site.

### **SIGNAGE STRATEGY**

- (56) A Signage Strategy which identifies the number, size, location and lighting of signs required to ensure appropriate wayfinding, naming of the building and tenancies within the development shall be submitted for the approval of Council prior to the building approval under Section 68 of the Local Government Act 1993 for the construction of the development.

### **PUBLIC DOMAIN PLAN**

- (57) 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 the submission of an application for building approval under Section 68 of the Local Government Act 1993 for the construction of the development. 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);
- (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 Certificate of Completion. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter; and
- (f) An “Application for Approval of Footpath Levels and Gradients” must be submitted at the City’s One Stop Shop with the appropriate fee at the time of lodgement of the public domain proposal. The fee will be determined in accordance with the City of Sydney Schedule of Fees and Charges.

**Note:**

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

**ELECTRICITY SUBSTATION**

- (58) 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 building approval under Section 68 of the Local Government Act 1993 for the construction of the development.

**PUBLIC TELEPHONES**

- (59) Prior to Building Approval under Section 68 of the Local Government Act 1993 for the construction of the development, the following details must be provided:-
  - (a) Details that two public telephones will be provided in the development free of cost, (similar to the Telstra Blue Phone), in consultation with the applicant’s preferred provider.
    - (i) The telephones should be located at footpath level and two square metres should be allowed for each telephone; and
    - (ii) At least one telephone should be accessible for use by persons with a disability, to be designed and installed in accordance with the requirements of AS 1428.2.
  - (b) The telephones must be available for public use during the normal opening hours of the building.

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

- (60) 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 Council prior to building approval under Section 68 of the Local Government Act 1993 for the construction of the development.

### **RECEPTACLES FOR CIGARETTE BUTTS**

- (61) 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 building approval under Section 68 of the Local Government Act 1993 for the construction of the development, the location and design of the receptacle/s must be approved by Council. The receptacle/s must:-
- (a) be located entirely on private property and must not be located on or over Council's footpath;
  - (b) not obstruct any required means of egress or path of travel from the building required by the Building Code of Australia;
  - (c) not obstruct any required access/egress path for people with disabilities;
  - (d) be appropriately secured to the building;
  - (e) the emptying and maintenance of the receptacle/s is the responsibility of the building owner/manager and will not be undertaken by Council; and
  - (f) emptying of receptacle/s must be carried out on a daily basis.

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

- (62)
- (a) Prior to Building Approval under Section 68 of the Local Government Act 1993 for the construction of the development, 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); and
  - (b) Prior to Building Approval under Section 68 of the Local Government Act 1993 for the construction of the development, the approved development application plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whatever the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met.

**(c) Note:**

- (i) For Quick Check agent details please refer to “your business” section of Sydney Water’s website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then see Building and Renovating under the heading Building & Developing, or telephone 132 092.

- (d) Prior to the issue of a Certificate of Classification pursuant to Clause 46 of the Local Government (Approvals) Regulation, 1993, 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).

**(e) 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”. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to “your business” section of Sydney Water’s website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” icon or telephone 132 092.
- (ii) The approved plans will also need to be submitted to Sydney Water to determine whether the development will affect sewer and water mains, stormwater drains and/or easements. If the development complies with the requirements, the approved plans will be appropriately stamped by Sydney Water.
- (iii) Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 132 092.

**EQUAL ACCESS**

- (63) Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and Council’s Access Policy. Details demonstrating compliance shall be submitted with the Application for Building Approval under Section 68 of the Local Government Act 1993 for the construction of the development.

**FAÇADE MATERIALS-REFLECTIVITY**

- (64) 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.

## **AWNINGS**

- (65) The awning/canopy must comply with the “City of Sydney Awnings Policy 2000”.

## **UNDER AWNING LIGHTING**

- (66) 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 shall be submitted with the Application for building approval under Section 68 of the Local Government Act 1993 for the construction of the development.

## **PAVING MATERIALS**

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

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

- (68)
- (a) The layout plan of the carpark is to be in accordance with Australian Standard AS 2890.1 - 1993 “Parking Facilities Part 1: Off Street Car Parking”. All parking spaces are to be linemarked.
  - (b) The layout of the service vehicle areas is to comply with Australian Standard AS 2890.2 - 1989 “Off Street Parking Part 2 - Commercial Vehicles Facilities”.
  - (c) The details shall be submitted with the Application for Building Approval under Section 68 of the Local Government Act 1993 for the construction of the development.

## **STORMWATER AND DRAINAGE**

- (69) The following stormwater details shall be submitted:-
- (a) Details of the proposed stormwater disposal and drainage of the development are to be submitted for approval by Council prior to Building Approval under Section 68 of the Local Government Act 1993 for the construction of the development. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
  - (b) Any proposed connection to the City’s underground drainage system will require the owner to enter into a Deed of Agreement with the City Council and obtain registration on Title of a Positive Covenant prior to

the commencement of any work within the public way, at no cost to the City.

- (c) The requirements of Sydney Water (currently the Urban Development Central East Group, Rockdale Regional Office) with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to issue of a Building approval under the Environmental Planning and Assessment Act 1979.
- (d) An “Application for Approval of Stormwater Drainage Connections” must be submitted at the City’s One Stop Shop with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the City’s drainage system. The fee will be determined in accordance with the City of Sydney Schedule of Fees and Charges.

### **UTILITY SERVICES**

(70) 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**

(71) Prior to the submission of the application for Building Approval under Section 68 of the Local Government Act 1993 for the construction of the development, footpath alignment levels for the building must be submitted to Council for approval. This submission shall 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.

These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the Application for a Building Approval.

(72) 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) Details addressing compliance with the Waste Code are to be submitted with the Building Application 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.

### **SANITARY FACILITIES**

- (73) Sanitary and other facilities must be provided in accordance with the Building Code of Australia, Part F2.
- (74) Any metal fixings for facade panels or curtain walls to a building must be stainless steel (Grade 303) unless the element/component is designed principally as a flexural member as follows:-
  - (a) The fixing shall be designed so that in the event of imminent corrosion failure, the deformation in the fixing/s should cause the panel to displace downward (and preferably outward at the bottom of the panel).
  - (b) The flexural member/component may then be Hot Dipped Galvanised Steel and designed so that the design life of the fixing is minimum 100 years, using:-
    - (i) Average Corrosion Rate of “Hot Dipped Galvanised Coating” to be 2 microns per year; and
    - (ii) The Average Corrosion Rate of “mild steel” in the facade environment taken to be 20 microns per year; and
    - (iii) The Pitting Rate of “mild steel” taken to be 10 times the Average Corrosion Rate; and
    - (iv) After the section has corroded full thickness at Pitting Corrosion Rate, the Average Corrosion Rate “doubles”.

### **ALTERNATE SOLUTION**

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

### **TELECOMMUNICATIONS PROVISIONS**

- (76) The following requirements apply to telecommunication facilities in the building:-
- (a) Appropriate access and space within the plant area of the building shall be provided for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery.
  - (b) Appropriate ducting and cabling shall be provided for a minimum of three telecommunication carriers or other providers for telecommunication access and broad-band cabling to each apartment of the building.
  - (c) The details of (a) and (b) above shall be submitted for the approval of Council with the Application for building approval under Section 68 of the Local Government Act 1993 for the construction of the development.
- (77) A separate DA must be submitted at the appropriate time for any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development.

## **Schedule 1C**

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

#### **DEMOLITION DETAILS**

- (78) Prior to the commencement of demolition work, the details including plans and elevations showing distances of the subject building from the site boundaries, locations of common/party walls, and (where applicable) proposed method/s of facade retention must be submitted to the satisfaction of the Council.

## DEMOLITION WORK METHOD STATEMENT

- (79) Prior to the commencement of demolition work a licensed demolisher who is registered with the WorkCover Authority must prepare a Work Method Statement to the satisfaction of the Council.
- (80) The Statement must be in compliance with “AS2601-1991 Demolition of Structures”, the requirements of WorkCover Authority and conditions of the Development Approval, and must include provisions for:-
- (a) Enclosing and making the site safe, any temporary protective structures must comply with the “Guidelines for Temporary Protective Structures” (April 2001);
  - (b) Induction training for on-site personnel;
  - (c) Inspection and removal of asbestos, and contamination and other hazardous materials;
  - (d) Dust Control:
 

Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site.
  - (e) Disconnection of Gas and Electrical Supply;
  - (f) Fire Fighting:
 

Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed.
  - (g) Access and egress:
 

No demolition activity shall cause damage to or adversely affect the safe access and egress of this building.
  - (h) Waterproofing of any exposed surfaces of adjoining buildings;
  - (i) Control of water pollution and leachate and cleaning of vehicles tyres:
 

Proposals shall be in accordance with the “Protection of the Environmental Operations Act 1997”.
  - (j) Working hours, in accordance with this Development Consent;
  - (k) Confinement of demolished materials in transit;
  - (l) Proposed truck routes, in accordance with this Development Consent;

- (m) Location and method of waste disposal and recycling in accordance with the “Waste Minimisation and Management Act 1995”.
- (81) The demolition by induced collapse, the use of explosives or on-site burning is not permitted.

#### **OTHER DEMOLITION DETAILS**

- (82) Prior to the commencement of demolition work, the following additional details are required to be submitted to the Council:-
  - (a) A Statement/Letter from an appropriately qualified Structural Engineer certifying concurrence with the structural provisions of the Demolition Work Method Statement and proposed work. If applicable, a Structural Report of the proposed building to be demolished must be attached.
  - (b) A Letter nominating the person appropriately qualified as an Occupational Hygiene Consultant for inspecting the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to WorkCover Authority.
  - (c) Dilapidation Report/s of adjoining buildings are to be submitted by an appropriately qualified Structural Engineer prior to commencement of demolition/excavation works, and at completion of demolition/excavation works.
  - (d) A certified copy of the Public Liability Insurance indemnifying Council for \$10,000,000 against public prosecution for the duration of the demolition works.
  - (e) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the WorkCover Authority.

#### **EXCAVATION WORK METHOD STATEMENT**

- (83) Prior to commencement of site excavation works, an Excavation Work Method Statement prepared by an appropriately qualified person must be submitted to the satisfaction of Council. The Statement must include:-
  - (a) Name and address of the company/contractor undertaking excavation works;
  - (b) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials (if applicable);
  - (c) Name and address of the transport contractor, and location of the disposal site;
  - (d) Type and quantity of material to be removed from site;

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

**Note:**

- (i) A copy of all Reports/Statements referenced in the Work Method Statement must be appended to the Statement.
- (ii) Council is to be notified of any proposed alteration of the above information during the course of demolition.
- (iii) On completion of removal of contaminated materials, a certificate shall be submitted to the Council testifying to the safe and proper disposal, and amount of all such material.

**NOTIFICATION OF EXCAVATION OF EXCAVATION WORKS**

- (84) The Principal Certifying Authority and Council’s City Care Unit must be given a minimum of 48 hours notice that excavation, shoring or underpinning works are about to commence.

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

- (85) The following environmental protection measures are required:-
- (a) Prior to the commencement of demolition and/or excavation, a Demolition/Excavation Water and Sediment Control Statement must be submitted to and approved by the Council
  - (b) Such statement must include:-
    - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;

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

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

- (86) 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.

The Traffic Management Plan is to be prepared in consultation with the RTA, STA and the City. Such Plans will be required to be submitted to the Sydney Traffic Committee for consideration and approval prior to the commencement of work.

## **WASTE MANAGEMENT DURING DEMOLITION AND EXCAVATION**

- (87) A Waste Management Plan for the demolition and/or excavation of the proposed development must be submitted to the satisfaction of Council before commencement of work on the site.
- (88) The Waste Management Plan must address demolition and excavation, as applicable. The Plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:-
- (a) Compliance with the requirements set out in Annexure (“A”) of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
  - (b) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition and excavation operations including:-
    - (i) Type and quantities of material expected from demolition and excavation;
    - (ii) Name and address of transport company;
    - (iii) Address of proposed site of disposal;
    - (iv) Name/address of company/organisation accepting material;
    - (v) Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
    - (vi) Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
    - (vii) Material for disposal and justification of disposal;
    - (viii) If details of items (ii) to (vii) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contacts.
- (89) All requirements of Waste Management Plans must be implemented during the demolition and/or excavation period of the development.
- (90) Prior to the commencement of excavation, the applicant should contact the “Dial Before You Dig” service on telephone (02) 1100, fax number 1300-652-077 or email [mocsinfo@mocs.com.au](mailto:mocsinfo@mocs.com.au) to ascertain the presence and type of underground utility services in the vicinity of the development.

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

- (91) A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect a hoarding or scaffolding in a public place and such application is to include:-

- (a) Architectural, construction and structural details of the design in accordance with the “Policy for the Design and Construction of Hoarding (September 1997)” and the “Guidelines for Temporary Protective Structures (April 2001)”.
- (b) Structural certification prepared and signed by an appropriately qualified practising structural Engineer.
- (c) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.
- (d) Should the hoarding obstruct the operation of Council’s CCTV Cameras, the applicant shall relocate or replace the CCTV camera within the hoarding or to an alternative position as determined by Council’s Contracts and Asset Management Unit for the duration of the construction of the development. The cost of relocating or replacing the CCTV camera is to be borne by the applicant. Further information and a map of the CCTV cameras is available by contacting Council’s CCTV Unit on 9265 9232.
- (e) Assessment of the impacts of construction and final design upon the City of Sydney’s street furniture such as bus shelters, phone booths, bollards and litter bins. Street furniture must be accessible during construction for use and maintenance.

**Note:**

The cost of any removals, storage and relocation during construction, and reinstatement upon completion, must be borne by the applicant. The applicant must also seek permission from the telecommunications carrier (eg. Telstra) for the removal of any public payphones.

**APPLICATION FOR A ROAD OPENING PERMIT**

- (92) A separate Road Opening Permit under Section 138 of the Roads Act 1993 shall be obtained from City Care Unit of the City of Sydney prior to the commencement of any:-
  - (a) Excavation in or disturbance of a public way, or
  - (b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).
- (93) Documents required with the Road Opening Permit application include:-
  - (a) A plan and relevant sections showing scope of works, boundaries, utility services, levels of proposed excavation, and details of method of reinstating public way;
  - (b) Evidence that public utility drawings have been inspected;

- (c) Evidence of a \$10 million dollar Public Liability Insurance Policy specifically indemnifying the City of Sydney, valid for at least the duration of the project;
  - (d) A Security Deposit for reinstatement of public way.
- (94) The Road Opening Permit will be subject to further conditions that shall be complied with.
- (95) Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

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

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

The Traffic Management Plan is to be prepared in consultation with the RTA, STA and the City. Such Plans will be required to be submitted to the Sydney Traffic Committee for consideration and approval prior to the commencement of work.

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

#### **ENVIRONMENTAL PROTECTION DURING CONSTRUCTION**

- (97) The following environmental protection measures are required:-
- (a) Prior to the commencement of construction work, a Water and Sediment Control Statement must be submitted and approved by the Council.
  - (b) Such statement must include:-

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

#### **CONTROL OF VERMIN**

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

#### **USE OF MOBILE CRANES**

- (99) Permits required for use of mobile cranes:-
  - (a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road

closures which, in the opinion of Council, will create significant traffic disruptions.

- (b) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes shall not be delivered to the site prior to 7.30am without the prior approval of Council.

### **CERTIFICATION OF MECHANICAL VENTILATION**

(100) Mechanical ventilation or air conditioning must comply with Council's Ventilation Code, the Building Code of Australia and relevant Australian Standards, to the satisfaction of the Council prior to commencement of any mechanical services work.

The mechanical ventilation documentation prescribed below shall be submitted to Council:-

- (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) 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**

(101) Prior to the commencement of work, the following documentation must be submitted to the satisfaction of Council:-

- (a) Structural Drawings showing all new fully detailed structural elements, prepared by an appropriately qualified practising Structural Engineer;

- (b) The structural drawings must 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 Building Application; and
  - (iv) The relevant Australian Standards listed in the BCA (Specifications A1.3);
  - (v) Any other relevant report/s or documents.
- (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.

## **Schedule 1D**

### **Conditions to be complied with during work on site to the satisfaction of the Council**

#### **DEMOLITION WORKS**

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

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

- (104) 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**

(105) 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.

### **USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE**

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

### **LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS**

(107) The applicant shall ensure that lighting of the site, whilst any work is undertaken outside of Council's standard hours of construction, is such that at

no time will the intensity, hours of illumination or location of the lighting cause injury to the amenity of the neighbourhood. If, in the opinion of Council, injury is likely to be caused, the intensity, hours of illumination and location of the lighting must be varied so that it does not cause injury to nearby residents.

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

(108) The following requirements apply:-

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

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

(110) 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.

- (111) 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.
- (112) 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 a Certificate of Classification pursuant to Clause 46 of the Local Government (Approvals) Regulation, 1993**

#### **NUMBERING**

- (113) Prior to the issue of a Certificate of Classification pursuant to Clause 46 of the Local Government (Approvals) Regulation, 1993, 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.
- (114) A Certificate of Classification pursuant to Clause 46 of the Local Government (Approvals) Regulation, 1993, must be obtained 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.
- (115) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (116) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".
- (117) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.

#### **WASTE MANAGEMENT**

- (118) Prior to the issue of a Certificate of Classification pursuant to Clause 46 of the Local Government (Approvals) Regulation, 1993, all relevant Development

Approval Conditions and Councils Code for Waste Handling in Buildings 1994 must be complied with.

- (119) Prior to the issue of a Certificate of Classification pursuant to Clause 46 of the Local Government (Approvals) Regulation, 1993 or prior to commencement of the use the building owner must ensure that there is a contract either with Council or a licensed contractor for the removal of trade waste. No garbage is to be placed on the public way eg. Footpaths, roadways, plazas, and reserves at any time.

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

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

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

- (a) Prior to the issue of a Certificate of Classification pursuant to Clause 46 of the Local Government (Approvals) Regulation, 1993, the following documents shall be submitted Council:-

- (i) Dilapidation Report of adjoining buildings/structures.
- (ii) Evidence that public utility services have been investigated.
- (iii) If adjoining a Public Way:-
  - a. Evidence of a \$10 million dollar Public Liability Insurance Policy specifically indemnifying the City of Sydney, valid for at least the duration of the project. The original document shall be submitted to Council.
  - b. Bank Guarantee in accordance with the City's Fees and Charges. The original document shall be submitted to Council.

- (b) **Prior to commencement of work**

- (i) The location of utility services shall be fully surveyed and the relevant Public Utility Authority requirements complied with; and
- (ii) The following documents shall be submitted satisfactory to the Council:-
  - a. Structural drawings and certification as prescribed elsewhere in this Schedule.
  - b. Geotechnical Report and certification as prescribed elsewhere in this Schedule.

- (c) Prior to the issue of a Certificate of Classification pursuant to Clause 46 of the Local Government (Approvals) Regulation, 1993, the City's Development Engineer shall be notified on 9265 9105 when the Restoration of the Public Way is complete and in accordance with the following:-
- (i) All ground anchors shall be de-stressed and isolated from the building prior to completion of the project.
  - (ii) The temporary structure, including foundation blocks, anchors and piers shall be removed above and below the public way, prior to completion of project, down to a depth of 2m.
  - (iii) All timber shall be removed.
  - (iv) The voids then backfilled with stabilised sand (14 parts sand to 1 part cement).
- (d) After satisfying (c) (i) to (iv), notification in writing by the contractor shall accordingly be submitted satisfactory Council.
- (e) All costs for any reinstatement of the public way made necessary because of an unstable, damaged or uneven surface to the public way shall be borne by the owner of the land for works approved under this consent.

### **LOT CONSOLIDATION**

(122) All land titles within the site must be consolidated into one lot. A plan of consolidation in a form capable of registration shall be lodged with the Land Titles Office prior to the issue of a Certificate of Classification pursuant to Clause 46 of the Local Government (Approvals) Regulation, 1993.

### **COMMEMORATIVE PLAQUE**

(123) 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 the issue of a Certificate of Classification pursuant to Clause 46 of the Local Government (Approvals) Regulation, 1993.
- (c) The approved plaque must be installed prior to Occupation.

- (124) Prior to the issue of a Certificate of Classification pursuant to Clause 46 of the Local Government (Approvals) Regulation, 1993, shop numbers must be clearly displayed in accordance with the "Policy on Numbering of Premises within the City of Sydney".

## **Schedule 1F**

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

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

- (125) 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**

- (126) 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**

- (127) 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.

#### **NOISE - USE**

- (128) 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**

(129) 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.

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

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

(132) The loading operation, including the movement of garbage receptacles, must take place within the building alignment on a level surface away from gradients and vehicle ramps. No waste is to be placed on the public way (eg. footpaths, roadways, plazas, reserves or building colonnade areas) at any time.

Carried unanimously.

The meeting concluded at 6.36pm.

CHAIRMAN

The next meeting of the Central Sydney Planning Committee is scheduled for 4 September 2003.