

CENTRAL SYDNEY PLANNING COMMITTEE

THURSDAY 22 MAY 2003

Meeting No 282

MINUTES of the Meeting of the Central Sydney Planning Committee held in the Reception Room, Sydney Town Hall, on Thursday 22 May 2003 commencing at 6.03pm.

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PRESENT

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

Mr Neil Bird, Councillor Robert Ho, Mr Chris Johnson, Dr Anna Lyth-Gollner (Alternate Member for Ms Antoinette le Marchant), Councillor Fabian Marsden and Ms Gabrielle Morrish (Alternate Member for the Director-General, Department of Urban and Transport Planning).

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

APOLOGY

An apology was received from Mr Andrew Cappie-Wood, Director General, Department of Urban and Transport Planning, who was unable to attend the meeting owing to prior commitments.

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

Resolved on the motion of the Chair (the Lord Mayor), seconded by Councillor Marsden -

That the apologies from Mr Cappie-Wood and Ms le Marchant be received and leave of absence granted.

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

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

5. Section 82a Review Application: 96 Wigram Road, Glebe
3. Development Application: World Square 644-662 George Street Sydney (World Tower Quadrant)
4. Development Application: 17 Randle Street, Surry Hills (Also Known As 42-50 Chalmers Street)
6. Draft Advertising and Notification Development Control Plan
7. South Sydney Local Environmental Plan 1998 (Amendment No. 9): City of Sydney's Concurrence
1. Confirmation of Minutes
2. Matters Arising From the Minutes
8. Presentations By Applicants and Preliminary Advice
9. New Development Application Lodgements and Delegated Items
10. General Business

ITEM 1. CONFIRMATION OF MINUTES (S023330)

Resolved on the motion of Councillor Ho, seconded by the Chair (the Lord Mayor) -

That the Minutes of the meeting of the Central Sydney Planning Committee held on 10 April 2003 be taken as read and confirmed.

ITEM 2. MATTERS ARISING FROM THE MINUTES (S023330)

There were no matters arising from the Minutes of the meeting of the Central Sydney Planning Committee held on 10 April 2003.

**ITEM 3. DEVELOPMENT APPLICATION: WORLD SQUARE 644-662
GEORGE STREET SYDNEY (WORLD TOWER QUADRANT)**

Ms Sally Lewis of Meriton addressed the meeting of the Central Sydney Planning Committee on this matter.

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 22 May 2003 in relation to Development Application D2003/00023 made by Meriton Pty Ltd for the World Square site (north west quadrant) at 644-662 George Street to convert 115 residential apartments in the upper one-third of the building to serviced apartments, it be resolved that:

- (A) The objection made under State Environmental Planning Policy No. 1- Development Standards, in respect of the development's non-compliance with the maximum car parking provisions of the Central Sydney Local Environmental Plan 1996, is considered well founded for the following reasons:
- (1) The unusual circumstances of the development which proposes the change of use of residential apartments to serviced apartments at a late stage in the construction of the building.
 - (2) The provision of 720 car spaces being allocated to the building arises from previous consents which purposely allocated car spaces to this site to minimise the amount of public car parking provided on the whole site.
 - (3) Blocking off and not using existing car spaces is impractical and serves no useful purpose.
- (B) Deferred Commencement consent in accordance with section 80(3) of the Environmental Planning and Assessment Act 1979 be granted in respect to the development. The consent shall not operate until such time as Conditions 1 and 2 listed below are complied with to the satisfaction of the Director City Development. The conditions are to be complied with within 2 years of the date of this determination. The consent shall then operate upon the Director of City Development and Project's written approval of compliance with the following conditions:

Deferred Commencement Conditions

SURRENDER OF CONSENT

- (1) The development consent D/00/00563 for the construction and residential use of the subject building must be partially surrendered in accordance with section 80A (1)(b) of the EP&A Act 1979 and Clause 97 of the EP&A Regulations 2000. The part of the consent to be surrendered is that part relating to the use of the upper one third of the building (levels 63 to 80) as permanent residential apartments.

BACK OF HOUSE FACILITIES

- (2) A plan showing the location and type of all facilities required to service the serviced apartments is to be submitted.

Upon satisfactory compliance with the requirements of the deferred commencement conditions 1 and 2 above, the consent shall operate subject to the following conditions, and any conditions reasonably arising from compliance with the deferred commencement conditions above.

Conditions of Development Consent

1. Development must be in accordance with Development Application No. 2003/00023 dated 14 January 2003 and the Statement of Environmental Effects prepared by Meriton Apartments Pty Ltd, dated January 2003, as amended by the following conditions:
2. The development shall be carried out in conjunction with and or following the implementation of the development application D/2000/00563 (as partially surrendered) for the construction of a mixed use development and in accordance with the approved floor layout plans and conditions of that consent.

CAR SPACES/STRATA SUBDIVISION

3. The non-compliant 64 car spaces, resulting from the conversion of 115 residential apartments to serviced apartments, are to be allocated with the strata subdivision of the building as part lots of other residential or serviced apartment lots within the building (ie, not separate lots).

MANAGEMENT OF USE

4. Prior to the commencement of the use details of management and security measures to be implemented in association with the operation of the use, such as the provision of lift security, shall be submitted to and be approved by the Director City Development and Projects.

STRATA SUBDIVISION

5. A separate development application must be made to Council for land and or strata subdivision of the building.

COMMON PROPERTY

6. Any space within the building set aside for use by a management company, appointed by either the applicant or the owner's corporation, is to be allocated on a strata plan as common property.

RESTRICTIONS ON USE

7. A following restriction applies to levels 63 to 80, approved for use as serviced apartments, as part of this development application.

- (a) The serviced apartment portion of the building (levels 63 to 80) must be used as serviced apartment accommodation only and not for the purposes of permanent residential accommodation.
- (b) A restrictive covenant is to be created pursuant to section 88E of the Conveyancing Act 1919, restricting any change of use of the serviced apartment portion of the building from a serviced apartment use as detailed above in (a). The covenant is to be executed prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979. All costs for the preparation and registration of all associated documentation are to be borne by the applicant.

NOISE – USE

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

ACCESS

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

CHANGE OF USE (CHANGE OF BCA CLASSIFICATION)

10. A building in respect of which there is a change of building use (i.e. a change of BCA classification) must comply with the Category 1 fire safety provisions applicable to the proposed new use.

Note:

- (a) The obligation under the above condition to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in this consent.
- (b) This condition does not apply to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187(6) or 188(4) of the Environmental Planning and Assessment Regulation 2000. Category 1 fire safety provision has the same meaning as it has in Part 9 of the Environmental Planning and Assessment Regulation 2000.
11. The following Fire Safety Schedule is required for the proposed change of use under clauses 93 and 168 of the Environmental Planning and Assessment Regulation 2000.

Fire Safety Schedule

Item No.	Required New Measures	Typical Standard of Performance
1.	Access Panels, doors and hoppers to fire resisting shaft	BCA Clause C3.13
2.	Automatic fail safe devices	BCA Specification C3.4
3.	Automatic fire detection and alarm system	BCA Specification E2.2a
4.	Automatic fire suppression system (sprinkler)	BCA Clause E1.5
5.	Emergency lighting	BCA Clause E4.2 & E4.4
6.	Emergency lifts	BCA Clause E3.4
7.	Emergency warning and intercommunication system	BCA Clause E4.9
8.	Exit signs	BCA Clause E4.5, NSW E4.6, E4.7 & E4.8
9.	Fire control centres and rooms	BCA Clause E1.8
10.	Fire Dampers	AS 1668.1, AS 1682.1 and AS 1682.2
11.	Fire Doors	BCA Specification C3.4
12.	Fire Hydrants Systems	BCA Clause E1.3
13.	Fire seals protecting openings in fire resisting components of the building)	BCA Clause C3.15
14.	Hose reel system	BCA Clause E1.4
15.	Light weight construction	BCA Clause C1.8
16.	Mechanical air handling systems	BCA Clause E2.2, NSW F4.5(b), F4.9, F4.11, F4.12 and City of Sydney Ventilation Code

Item No.	Required New Measures	Typical Standard of Performance
17.	Path of travel for stairways, passageways and ramps	BCA Part D
18.	Portable fire extinguishers	BCA Clause E1.6
19.	Pressurising system	BCA Table E2.2a & AS 1668.1
20.	Smoke Control System	BCA Clause E2.2 & AS 1668.1
21.	Smoke dampers	AS 1682.1 & as 1682.2
22.	Smoke detectors and heat detectors	BCA Specification E2.2a
23.	Smoke doors	BCA Specification C3.4
24.	Solid-Core doors	BCA Clause C3.11 & NSW C3.11(d)(ii)
25.	Wall wetting sprinkler and drencher systems	BCA Specification G3.8
26.	Warning and operational signs	BCA Clause D2.23 & E3.3, LGA Section 654

ITEM 4. DEVELOPMENT APPLICATION: 17 RANDLE STREET, SURRY HILLS (ALSO KNOWN AS 42-50 CHALMERS STREET) (D2003/00076)

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 22 May 2003 in relation to Development Application D2003/00076 made by Robert Creed Architects for the site at 17 Randle Street/42-50 Chalmers Street, Surry Hills for the refurbishment of the existing building including a rooftop addition and the strata subdivision of the building into 11 commercial lots, it be resolved that:-

(A) The objection made under State Environmental Planning Policy No. 1- Development Standards, in respect of the development's non-compliance with Clause 35 concerning the sites maximum floor space ratio (FSR) of 3:1 under the provisions of the Central Sydney Local Environmental Plan 1996, is considered acceptable as strict compliance with the standard would be unreasonable and unnecessary in the circumstances of the case for the following reasons:

- (1) the proposed building FSR of 7.33:1 is acceptable given the existing has an FSR of 6.81:1 and the proposed rooftop addition will provide an acceptable termination to the building and urban design response in the context of the neighbouring building;
- (2) the addition is a one level roof top addition, with modest floorspace;
- (3) an FSR of 3:1 is likely to result in an inappropriate building form on the site having regard to the sites immediate context and would result in the demolition of a building which is worthy of retention;

- (4) the proposal provides the opportunity to upgrade the existing building and surrounding public domain and the proposal meets the provisions in draft Central Sydney Local Environmental Plan 2002; and
- (5) the proposal is consistent with the objectives underlying the floor space control.

(B) Development consent be granted subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

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

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

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D2003/00076 dated 6 February 2003 and the following:
 - (a) The Statement of Environmental Effects titled "Proposed Strata Subdivision and Alterations and Additions to 17 Randle Street Surry Hills for Lot 1 DP 80411 prepared by Robert Creed Architects and dated December 2002;
 - (b) Letter and attachments from Robert Creed Architects dated 11 March 2003 including the signage strategy, footpath lighting strategy; and
 - (c) drawings numbered DA01 Rev A to DA04 Rev A dated 03 February 2003; DA 05 Rev A1 dated 5 May 2003; and DA06 Rev A to DA010 Rev A dated 03 February 2003 and prepared by Robert Creed Architects

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.

- (3) 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 Robert Creed Architects.

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

- (4) The following applies to Floor Space Ratio:-
- (a) The Floor Space Ratio of the proposal must not exceed 7.33:1 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 2,286sqm.
- (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

BUILDING HEIGHT

- (5)
- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 51.0 (AHD).
- (b) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the height of the building, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

PHYSICAL MODELS

- (6) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale model of the approved development must be submitted to Council for the City Model in Town Hall House; and
- (7) Prior to the issue of the Occupation Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale mode of the development as constructed must also be submitted to Council for placement in the City Model at the City Exhibition Space.

Note:

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

CONSISTENCY OF DRAWINGS

- (8) 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.
- (9) The architect of the project as approved should not be changed without prior notice to Council.

SECTION 61 CONTRIBUTION

- (10) A contribution under Section 61 of the City of Sydney Act 1988 shall be paid in accordance with the following:
 - (a) Cash Contribution Required
 - (i) In accordance with the adopted "Central Sydney Contributions Plan 1997" a cash contribution must be paid to Council in accordance with this condition.
 - (ii) Payment shall be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney.
 - (b) Amount of Contribution
 - (i) The amount of the contribution will be equivalent to 1% of the development cost, at the Construction Certificate stage, as determined in accordance with the "Central Sydney Contributions Plan 1997" excluding ONLY the cost of land, marketing expenses (excluding display suites), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment and loose electrical appliances, minor maintenance of existing retained fixtures (eg. patching, repainting) and stamp duty.

- (c) Certification of the calculation of the contribution in accordance with the "Central Sydney Contribution Plan 1997" shall be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (i) If the Construction Certificate is to be issued by a private Principal Certifying Authority (P.C.A), the P.C.A must obtain Council's written endorsement of the calculation prior to the issue of the Construction Certificate. Copies of the letter of endorsement from Council are to be retained by the P.C.A with all other records of the approved Construction Certificate and a copy forwarded to Council accompanying the approved Construction Certificate.
- (ii) For developments over \$200,000 in cost, the certification of the building costs must be prepared by a Registered Quantity Surveyor and must stipulate all inclusions and exclusions made in carrying out the certification. The calculation must include all development costs excluding ONLY the cost of land, marketing expenses (excluding display suites), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment and loose electrical appliances, minor maintenance of existing retained fixtures (eg. patching, repainting) and stamp duty.
- (d) Timing of Payment

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

SUBDIVISION CERTIFICATE

- (11) A separate application is to be made to Council or an accredited certifier for approval of the final Strata Plan and endorsement of the Strata Certificate in accordance with Section 37 of the Strata Schemes (Freehold Development) Act 1973 as amended.
- (12) The proposed Level 6 terraces shown as Common Property on the draft Strata Plan Ref. 020935DSP, are to be incorporated into the Level 6 commercial premises for exclusive use thereof and accordingly, are to be shown as part of Lot 11 on the final Strata Plan.
- (13) The required garbage receptacle storage room on Ground Level is to be shown as Common Property and designated for garbage storage purposes on the final Strata Plan.

USE OF THE ROOFTOP TERRACES

- (14) The exclusive use of the Level 6 rooftop terraces by the occupiers of the Level 6 commercial offices is restricted to no later than 9.00pm daily.

BCA MATTERS

- (15) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulations, the building must be upgraded to comply with the Building Code of Australia Report dated 11 October 2002 prepared by Dix Gardner Pty Ltd subject to the following additional requirements:
- (a) A fire detection and alarm system must be installed in the building in accordance with Specification E2.2a of the Building Code of Australia;
 - (b) A sanitary facility for persons with disabilities must be installed in the building to comply with Performance Requirements FP2.1 of the Building Code of Australia;
 - (c) The existing mechanical ventilation system, including the exhaust ventilation to the food premises at Chalmers Street level must be assessed and upgraded if necessary to comply with AS 1668 parts 1 & 2;
 - (d) Access for persons with disabilities must be provided to the building in accordance with Part D3 of the Building Code of Australia.

EXTERNAL LIGHTING

- (16) 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.

SEPARATE APPROVALS RETAIL and COMMERCIAL TENANCIES

- (17) A separate development application must be submitted at the appropriate time for the specific use and fitout of the retail and commercial tenancies. Should the retail premises be proposed as food premises plans and specifications showing details of the layout and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to any proposed food preparation/service/storage area should be submitted to Council.

SIGNAGE

- (18) A separate development application must be submitted at the appropriate time for all signage. Such signage is to be generally consistent with the Signage Strategy referenced in Condition 1 of this consent.

Note: Reference should be made to Condition 71 of this consent which required the removal of all existing building signage prior to the final Occupation Certificate being issued for the building.

- (19) A separate application is to be made to Council's Civil Engineering Services Unit-Roads and Footways for the partial reconstruction of the public footway in Randle and Chalmers Streets.

AWNING DESIGN

- (20) In accordance with Council's standard requirements, the proposed new awnings must comply with the City of Sydney Awnings Policy 2000. Final design details for the awning and any associated graphics must be submitted for the approval of Council prior to the release of the Construction Certificate.

Schedule 1B

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

- (21) Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority (whether Council or a private accredited certifier) illustrating compliance with the relevant requirements of the Building Code of Australia (and a copy forwarded to Council where Council is not the certifying authority). If Council is to be the certifying authority, please contact the Building Unit to discuss the requirements prior to submission of the application for construction certificate under the Environmental Planning and Assessment Act 1979.

DESIGN DETAILS/ MODIFICATIONS

- (22) The design of the building shall be modified and/or design details submitted as follows:
- (a) The Level 6 building cantilever on the corner of Randle Street and Randle Lane is to be deleted. The rooftop addition is to be redesigned to set back a minimum of 450mm on this corner from the existing building parapet. Final design details/resolution are to be submitted for approval to the satisfaction of the Director City Development and Projects.
 - (b) The details for the location of all building plant and services are to be submitted for the approval of Council. Such plant and services are to be contained within the approved building form. Any additional plant room on the rooftop of the building is unlikely to be supported.
 - (c) The Randle Street ground floor level is to be redesigned to the satisfaction of the Director City Development and Projects to provide a separate room for the storage of an appropriate number of garbage receptacles capable of accommodating the waste generated by the total commercial component of the development. The room is to be provided with access to the Randle Street public footway for garbage collection purposes.

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

PUBLIC ART

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

PUBLIC DOMAIN PLAN

- (24) The following requirements apply:-

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

- (c) The Public Domain Plan shall comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer and may include:-
 - (i) Adjustment to paving grades to provide a maximum crossfall of 2.5% from building line to top of kerb.
 - (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.
 - (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.
 - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
 - (v) The repair and where required the resetting of all stone kerbing to 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed to the centre line of the carriageway.
 - (vi) The retention and repair of any existing pavement lights.
 - (vii) The retention and repair of any existing serviceable stone gutters.
 - (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.
- (e) Random checks by Council officers may be made throughout the construction process to advise the contractor of non-complying elements. However, no parts of the work are to be considered approved until receipt of the City of Sydney Certificate of Completion. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter.

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

RECEPTACLES FOR CIGARETTE BUTTS

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

SYDNEY WATER CERTIFICATE (SUBDIVISION)

- (26)
- (a) Prior to the issue of a Subdivision Certificate under Part 4A of the Environmental Planning and Assessment Act 1979, written confirmation that you have obtained a (Subdivider) Compliance Certificate under Section 73 of the *Sydney Water Act 1994* must be submitted to Council.

Note:

- (i) Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the “Notice of Requirements” from Sydney Water. 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 then the “e-developer” icon or telephone 132 092.

STORMWATER AND DRAINAGE

(27)

- (a) Certification by a hydraulic engineer that stormwater will be disposed from the site in accordance with Council’s standard requirements, shall be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate under Local Environmental Planning and Assessment Act 1979.
- (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 and obtain registration on Title of a Positive Covenant prior to commencement of any work within the public way, at no cost to the City.

DISABLED ACCESS

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

TELECOMMUNICATIONS PROVISIONS

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

- (c) The details of (a) and (b) above shall be submitted for the approval of the certifying authority, prior to issue of a construction certificate for the building under the Environmental Planning and Assessment Act 1979.

EXTERNAL RECEIVING DEVICES

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

GLAZING

- (31) All external glazing in the development must be clear and untinted.
- (32) 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.

PAVING MATERIALS

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

UNDER AWNING LIGHTING

- (34) 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 is to be submitted for the approval of Council prior to issue of the Construction Certificate under the Environmental Planning and Assessment Act 1979.

UTILITY SERVICES

- (35) 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 (eg. 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

- (36) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act, 1979, 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.
- (37) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the Application for a Construction Certificate.

STORAGE AND HANDLING

- (38)
- (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with the Code for Waste Handling in Buildings adopted by Council 17 October 1994. The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of Code).

The project may require a garbage room, which must be large enough to store, and allow easy removal of the waste, which will be generated by the proposed use. Allowance must be made for the separation of putrescible waste from waste suitable for recycling.

- (b) The Waste Management Plan for the project must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The Waste Management Plan must be submitted by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.

Note:

Special requirements exist in Council's Code for premises such as medical and dental surgeries, food premises, skin penetration premises, laboratories and the like.

The Code recognises the constraints imposed by existing buildings and design issues. In circumstances where full compliance is not possible, an "Alternative Solution" must be submitted to the Certifying Authority.

SANITARY FACILITIES

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

ALTERATIONS AND ADDITIONS- STRUCTURAL CERTIFICATION

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

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

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

METAL FIXINGS

- (42) 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.

NON COMPLIANCE WITH BCA

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

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

Schedule 1C

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

STRUCTURAL CERTIFICATION FOR DESIGN - MAJOR WORKS

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

Notes:

- (i) An appropriately qualified practising structural engineer certifying by completing Attachment S1A must have:-

- a. Appropriate tertiary qualifications in Civil or Structural Engineering; AND
 - b. Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - c. Evidence of relevant experience in the form of a CV/Resume;
 - d. Appropriate current professional indemnity insurance.
- (ii) An appropriately qualified practising structural engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
- a. An appropriately qualified person certifying by completing Attachment S1B must have a good working knowledge of the Building Code of Australia and Structural and Architectural drawing co-ordination so that all structural elements supporting the new work are fully certified by the project structural engineer.
 - b. Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.

CERTIFICATION OF MECHANICAL VENTILATION

- (45) The details of any mechanical ventilation or air conditioning must be certified by a competent person to comply with Council's Ventilation Code, the Building Code of Australia and relevant Australian Standards, to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) prior to commencement of any mechanical services work.
- (46) To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:-
- (a) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
 - (b) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted).
 - (i) Supply Air Ducts, Shafts and Fans - Blue
 - (ii) Return Air Ducts, Shafts and Fans - Pink
 - (iii) Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green
 - (iv) Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange

- (v) Mixing Boxes and Conditions - Yellow
 - (vi) Fire Dampers and Electric Heaters - Red
- (c) Drawings which show where applicable the existing and proposed air intakes, air discharges and cooling towers and their relative position to each other, the boundaries of the site, openable windows, and adjoining buildings;
 - (d) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of Attachment M1, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) together with the Curriculum Vitae of the Design Engineer or other appropriate Certifier must be submitted to Principal Certifying Authority (PCA). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council by the PCA;
 - (e) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (47) 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.
- (48) 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.

USE OF MOBILE CRANES

- (49) 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.

DEMOLITION DETAILS

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

PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN

- (51) A Pedestrian and Traffic Management Plan must be submitted to and approved by Council prior to commencement of work. 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.

APPLICATION FOR A ROAD OPENING PERMIT

- (52) 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).
- (53) 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.
- (54) The Road Opening Permit will be subject to further conditions that shall be complied with.
- (55) 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.

CONTROL OF VERMIN

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

USE OF MOBILE CRANES

- (57) 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

- (58) The details of any mechanical ventilation or air conditioning must be certified by a competent person to comply with Council's Ventilation Code, the Building Code of Australia and relevant Australian Standards, to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) prior to commencement of any mechanical services work.
- (59) To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:-
- (a) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
 - (b) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted).
 - (i) Supply Air Ducts, Shafts and Fans - Blue
 - (ii) Return Air Ducts, Shafts and Fans - Pink
 - (iii) Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green

- (iv) Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange
 - (v) Mixing Boxes and Conditions - Yellow
 - (vi) Fire Dampers and Electric Heaters - Red
- (c) Drawings which show where applicable the existing and proposed air intakes, air discharges and cooling towers and their relative position to each other, the boundaries of the site, openable windows, and adjoining buildings;
 - (d) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of Attachment M1, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) together with the Curriculum Vitae of the Design Engineer or other appropriate Certifier must be submitted to Principal Certifying Authority (PCA). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council by the PCA;
 - (e) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.

Schedule 1D

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

DEMOLITION WORKS

- (60) 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.
- (61) Demolished combustible materials shall not be stockpiled. Material must be removed regularly.

HOURS OF WORK AND NOISE

- (62) 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) The applicant must provide to Council a 24 hour per day telephone contact number and must ensure such number is continually attended by a person with authority over the building work during the construction period.
 - (c) The approved hours of work and the 24 hour telephone number must be prominently displayed at all times on the building site and must be visible from a public street or a public place.
 - (d) 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'.

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

USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE

- (63) 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.

LOADING AND UNLOADING DURING CONSTRUCTION

- (64) The following requirements apply:-
- (a) All loading and unloading associated with construction must be accommodated on site.
 - (b) The structural design of the building shall be such as to permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.

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

STREET TREES

- (65) 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.

OBSTRUCTION OF PUBLIC WAY

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

PROTECTION OF THE ENVIRONMENT (OPERATIONS) ACT 1997

- (67) 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.

CONSTRUCTION VEHICLES

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

Note:

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

Schedule 1E

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

- (69) An Occupation Certificate (in accordance with Clause 155 of the Environmental Planning and Assessment Regulation 2000) must be obtained from the Principal Certifying Authority (PCA) (Council or a private accredited certifier) and a copy furnished to Council in accordance with Section 79L of the Environmental Planning and Assessment Amendment Regulation 1998 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building. A copy of the certificate shall be submitted to Council if it was not the PCA.
- (70) Prior to issue of an Occupation Certificate and/or commencement of the use of the premises, all required contracts or arrangements for the collection and removal of wastes and recyclable material must be finalised.

REMOVAL OF EXISTING SIGNAGE

- (71) The existing building signage is to be removed from the exterior of the building prior to the issue of the final Occupation Certificate under Environmental Planning and Assessment Act 1979.

Note: New signage may be erected subject to compliance with Conditions 18 of this consent.

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

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

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (73) Prior to issue of an Occupation Certificate or use of the premises, a Structural Inspection Certificate in the form of Attachment S1C OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier) after:
- (a) The site has been periodically inspected and the structural certifier is satisfied that the Structural Works are deemed to comply with the final Design Drawings; and
 - (b) The drawing revisions listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.
- (74) A copy of the Certificate with a microfilm set of the final drawings shall be submitted to Council if it was not the PCA.
- (75) Notes:
- (a) An appropriately qualified practising structural engineer certifying by completing Attachment S1C must have:-
 - (i) Appropriate tertiary qualifications in Civil or Structural Engineering, AND;
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume;
 - (iv) Appropriate current professional indemnity insurance.
 - (b) An appropriately qualified practising structural engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.

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

- (76) For temporary shoring, a separate application must be lodged to Council under the provisions of Section 68 of the Local Government Act 1993.
- (77) For temporary ground anchors, new permanent basement wall/s or other ground retaining elements:-
- (a) Prior to issue of a Construction Certificate, the following documents shall be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA):-

- (i) Dilapidation Report of adjoining buildings/structures.
 - (ii) Evidence that public utility services have been investigated.
 - (iii) If adjoining a Public Way:-
 - a. Evidence of a \$10 million dollar Public Liability Insurance Policy specifically indemnifying the City of Sydney, valid for at least the duration of the project. The original document shall be submitted to Council.
 - b. Bank Guarantee in accordance with the City's Fees and Charges. The original document shall be submitted to Council.
- (b) Prior to commencement of work:-
- (i) The location of utility services shall be fully surveyed and the relevant Public Utility Authority requirements complied with; and
 - (ii) The following documents shall be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA):-
 - a. Structural drawings and certification as prescribed elsewhere in this Schedule.
 - b. Geotechnical Report and certification as prescribed elsewhere in this Schedule.
- (c) Prior to issue of Occupation Certificate, the City's Development Engineer shall be notified on 9265 9105 when the Restoration of the Public Way is complete and in accordance with the following:-
- (i) All ground anchors shall be de-stressed and isolated from the building prior to completion of the project.
 - (ii) The temporary structure, including foundation blocks, anchors and piers shall be removed above and below the public way, prior to completion of project, down to a depth of 2m.
 - (iii) All timber shall be removed.
 - (iv) The voids then backfilled with stabilised sand (14 parts sand to 1 part cement).
- (d) After satisfying (c) (i) to (iv), notification in writing by the contractor shall accordingly be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA).

- (e) All costs for any reinstatement of the public way made necessary because of an unstable, damaged or uneven surface to the public way shall be borne by the owner of the land for works approved under this consent.

NUMBERING

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

STREET NAME PLATE

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

BCA MATTERS

- (81) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (82) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".
- (83) Prior to issue of an Occupation Certificate and/or commencement of the use of the premises, all required contracts or arrangements for the collection and removal of wastes and recyclable material must be finalised.

Schedule 1F

Conditions to be complied with during the use of Premises

REMOVAL OF GRAFFITI

- (84) The owner/manager of the site shall be responsible for the removal of all graffiti from the building within 48 hours of its application.
- (85) The glass shop front must not be tinted, screened by blinds, curtains or the like or obscured.

CARE OF BUILDING SURROUNDS

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

WINDOW CLEANING

- (87) 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.
- (88) 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.
- (89) Waste collection activities which are not undertaken wholly inside the building where the waste is generated, must only occur during the hours specified in the "Waste Collection Operating Hours Policy 1994".
- (90) No waste shall be placed for collection in a public place unless collection facilities cannot be provided within the building. If no collection facilities can be provided within the property, prior approval must be obtained from Council's Service Planning Unit as to the position, time and manner of placement of waste on the public way.

NOISE - USE

- (91) 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

- (92) 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.

- (93) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.

Schedule 2

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

ITEM 5. SECTION 82A REVIEW APPLICATION: 96 WIGRAM ROAD, GLEBE (L2001/585)

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

Ms Anne Finnegan - Objector
 Mr Zane Danesi - Objector
 Mr Craig Vaughan - Applicant
 Mrs Patricia Vaughan - Applicant

Resolved on the motion of Councillor Marsden, seconded by Councillor Ho -

That arising from consideration of a report by the Area Planning Manager to the Central Sydney Planning Committee on 22 May 2003 in relation to a Section 82A Review of Determination application made by C and P Vaughan regarding Development Application L2001/585 for the site at 96 Wigram Road, Glebe for alterations and additions to a dwelling, it be resolved that:

- (A) The maximum residential floor space ratio requirement of Clause 19 (2) and the minimum landscaped area requirement of Clause 19 (3) of Leichhardt Local Environmental Plan 2000 be varied as the two objections pursuant to State Environmental Planning Policy No. 1 relating to the respective development standards are well founded and strict compliance with the development standards are unreasonable and unnecessary in the circumstances of the case.
- (B) Pursuant to the provisions of Section 82A of the Environmental Planning and Assessment Act 1979, the Central Sydney Planning Committee change the determination of the above Development Application by the granting of consent subject to the following conditions:-

Schedule 1

Note: Some conditions in Schedule 1 are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

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

CONDITION ARISING FROM SECTION 82A REVIEW

- (1) To the extent that the provisions of this Notice of Determination are inconsistent with the previous Leichhardt Council Notice of Determination dated 10 September 2002, the provisions of this Notice replace the earlier Determination and shall prevail.

APPROVED DEVELOPMENT

- (2) Development must be in accordance with Development Application No. L2001/585 dated 21 August 2001 and information and drawings numbered A01 Amendment B dated 15 March 2002 prepared by Oikos Architects and as amended by the following conditions:

NO CONSENT GRANTED TO UNAUTHORISED WORKS

- (3) No consent is granted to those works that have been carried out without prior development consent.

CONSISTENCY OF DRAWINGS

- (4) 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.

EXTERNAL FINISHES

- (5) The western side wall of the first floor addition shall be painted in a light heritage colour to assist in the deflection of light.
- (6) The roofing of the additions shall be colourbond metal in a recessive colour, and the external walls of the dwelling painted in a recessive heritage colour scheme.

SPACE HEATING

- (7) The method of space heating for the dwelling shall conform with the requirements of Leichhardt Council DCP 2000 and shall exclude solid fuel heaters/fireplaces.

HOT WATER SYSTEM

- (8) A solar hot water service or a heat pump hot water service shall be installed. The service must be adequately sized to meet the anticipated maximum hot water demand of the dwelling. Consideration should be given to positioning of the system such that its efficiency is maximised by minimising heat loss in pipe-work. Where a pump is used to circulate water between tank and remote panels, any noise associated with the pump must not exceed 5dB at the property boundary.

Details to be submitted to the Council or the accredited certifier prior the issue of a Construction Certificate.

INSULATION

- (9) To reduce both summer heat gain and winter heat loss, the proposed residential building(s) is to be insulated to achieve energy efficiency and thermal comfort. Insulation to the following R value standards is to be provided;
- (a) R1.5 for roofs and ceilings (combined value)
 - (b) R1.0 for walls

Details are to be included in the specification submitted with the Construction Certificate.

PLANTATION OR RECYCLED TIMBERS

- (10) To minimise the damage to the environment, no rainforest timbers or timbers cut from old growth forests are to be used in the construction of buildings.
- (11) The Construction Certificate is to specify the timbers to be used. These are to be limited to plantation timbers grown on Australian farms, or State Forest Plantations, or recycled timbers.

Note: Refer to attached Energy Efficiency Information Sheet No 2, on Environmentally Sustainable Building Materials. (Appendix A of Leichhardt DCP No 17)

COMPLIANCE CERTIFICATE FOR WORKS

- (12) A Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) pursuant to Part 4A of the Environmental Planning and Assessment Act 1979 must be submitted and approved by the Principal Certifying Authority (PCA) (Council or a private accredited certifier) on completion of the project to certify that the completed works comply with the conditions of the Development Consent and with the plans and specifications approved under the Construction Certificate. A copy of the certificate must be submitted to Council, if it was not the PCA.

INFORMATION ILLUSTRATING COMPLIANCE WITH THE BUILDING CODE OF AUSTRALIA

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

SUN SHADING

- (14) An internal sun shading device shall be provided to all external openings of the first floor Bedroom 1.

DESIGN MODIFICATIONS

- (15) In order to preserve the privacy of adjoining properties, the following amendments are necessary:
- (a) The first floor bathroom window shall be permanently fixed and of obscure glass.
 - (b) The first floor east facing Bedroom 1 window shall have a minimum sill height of 1.6m above finished floor level.
 - (c) The first floor Juliet balcony to Bedroom 1 shall be deleted and replaced with an alternate design involving alterations to the French doors such that they open/swing into the room, and provision of appropriately designed balustrades that do not project beyond the line of the rear façade.

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

LANDSCAPING OF THE SITE

- (16) The site must be landscaped to the approval of Council. A detailed landscape plan, to scale, drawn by a landscape architect or approved landscape consultant, must be lodged and approved by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The plan must include:
- (a) Location of existing and proposed structures on the site including existing trees (if applicable);
 - (b) Details of substantial planting, planter boxes and the like;
 - (c) Location, numbers and type of plant species;
 - (d) Details of drainage and watering systems;

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

STORMWATER AND DRAINAGE

(17)

- (a) Certification by a hydraulic engineer that stormwater will be disposed from the site in accordance with Council's standard requirements, shall be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate under Local Environmental Planning and Assessment Act 1979.
- (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 and obtain registration on Title of a Positive Covenant prior to commencement of any work within the public way, at no cost to the City.

STRUCTURAL CERTIFICATION FOR DESIGN

(18) Prior to commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA), (Council or a private accredited certifier). A copy to the Certificate must be submitted to Council if it is not the PCA.

- (a) Structural Drawing/s prepared by an appropriately qualified practising Structural Engineer; corresponding with and attached to a Structural Certificate (see (b));
- (b) A Structural Certificate for Design, submitted in the form of Attachment S1, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979), after the structural drawings have been checked and comply with:-
 - (i) The relevant clauses of the Building Code of Australia (BCA);
 - (ii) The relevant conditions of Development Consent;
 - (iii) The Architectural Plans incorporated with the Construction Certificate; and
 - (iv) The relevant Australian Standards listed in the BCA (Specification A1.3).
- (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.

Notes

- (d) An appropriately qualified practising structural engineer certifying by completing Attachment S1 must have:-

- (i) Appropriate tertiary qualifications in Civil or Structural Engineering; AND
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume.
- (e) Appropriate current professional indemnity insurance.
- (i) An appropriately qualified practising structural engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
 - (ii) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (19) Prior to issue of an Occupation Certificate or use of the premises, a Structural Inspection Certificate in the form of Attachment S1C OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier) after:
- (a) The site has been periodically inspected and the structural certifier is satisfied that the Structural Works are deemed to comply with the final Design Drawings; and
 - (b) The drawing revisions listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.
- (20) A copy of the Certificate with a microfilm set of the final drawings shall be submitted to Council if it was not the PCA.

Notes:

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

- (iv) Appropriate current professional indemnity insurance.
- (b) An appropriately qualified practising structural engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.

LOADING AND UNLOADING DURING CONSTRUCTION

(21) The following requirements apply:-

- (a) All loading and unloading associated with construction must be accommodated on site.
- (b) If it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
- (c) If a construction zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

NO PORTION OF PROPOSAL TO ENCROACH ONTO ADJOINING PROPERTIES

- (22) No portion of the proposed structure shall encroach onto the adjoining properties.
- (23) All footings and walls adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a Survey and Report must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment.

SYDNEY WATER

- (24) Prior to the commencement of work, the approved plans must be submitted to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the approved plans will be appropriately stamped.

Council or the accredited certifier must ensure that Sydney Water has stamped the approved plans before work commences on site.

SITE CONTROLS/HOURS OF WORK

- (25) Demolition, excavation, or building work associated with the proposed development shall be restricted to the hours of 7.00 a.m. to 5.30 p.m. Monday to Friday inclusive, 7.00 a.m. to 1.00 p.m. Saturday. Work is not to be carried out on Sunday or Public Holidays.
- (26) Debris and rubbish must be hosed down and kept damp to prevent dust nuisance, and waste materials must not be burnt on the site.
- (27) Demolition must be carried out to AS2601-1991 Demolition Code.

CONSTRUCTION MATERIALS AND THE LIKE TO BE KEPT WITHIN THE PROPERTY

- (28) All construction materials, sheds, skip bins, temporary water closets, spoil, etc, shall be kept within the property. No vehicles, skips or machines shall be permitted to stand on Council's footpath.

CITY OF SYDNEY COMPLIANCE INSPECTIONS

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

- (ii) 7 days prior to the installation of false ceilings or cornices which abut fire rated walls and slabs; and
 - (iii) 14 days prior to the final inspection to be carried out by the PCA for the purpose of issuing an Occupation Certificate.
- (e) The PCA shall be advised in writing (whether by the developer, builder or other person relying on the development consent) of Council's requirements pursuant to paragraph (d).
 - (f) This reserves time for Council or persons appointed by Council to conduct any random inspections Council may choose to do, prior to the issue of the Occupation Certificate, in order to ensure that buildings or part of buildings are not occupied without a partial or final occupation certificate, and to undertake random audits of certified works.
- (C) It be noted that the carport, shown on the diagram at Attachment F to the subject report, does not form a part of the subject application.

Schedule 2

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

ITEM 6. DRAFT ADVERTISING AND NOTIFICATION DEVELOPMENT CONTROL PLAN (S023739)

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 22 May 2003 in relation to the Draft City of Sydney Development Control Plan 2003 – Advertising and Notification it be resolved that the Central Sydney Planning Committee:-

- (A) endorse the public exhibition of Draft City of Sydney Development Control Plan 2003 – Advertising and Notification at Attachment A to the subject report and as prepared in accordance with Section 72 of the Environmental Planning and Assessment Act 1979 for the purposes of public exhibition;
- (B) authorise the Lord Mayor to make any minor drafting changes arising from consideration of Draft City of Sydney Development Control Plan 2003 – Advertising and Notification by the Council and CSPC;
- (C) endorse the operation of the Draft City of Sydney Development Control Plan 2003 – Advertising and Notification as an Interim Policy for Advertising and Notification, from the commencement date of the public exhibition;

(D) endorse the repeal of the following:-

- (1) Development Control Plan No. 36 (prepared by Leichhardt Council) – Notifications (January 2001).
- (2) Development Control Plan No. 12 (prepared by South Sydney City Council) – Notification of Development Applications (March 2001).
- (3) Part 11 of Development Control Plan 1996 (prepared by the City of Sydney) – Advertising and Notification of Development Applications (2001).
- (4) Council Policy No. 148 (prepared by the City of Sydney) - Development Applications Advertising and Notification (Ultimo/Pymont) (1995)

to the extent to which they apply to the City of Sydney Local Government Area, with the repeal of each of these Development Control Plans/policy to occur on the commencement date of the public exhibition for Draft City of Sydney Development Control Plan 2003 – Advertising and Notification, and

(E) approve the advertising of the exhibition of Draft City of Sydney Development Control Plan 2003 – Advertising and Notification.

**ITEM 7. SOUTH SYDNEY LOCAL ENVIRONMENTAL PLAN 1998
(AMENDMENT NO. 9): CITY OF SYDNEY'S CONCURRENCE
(S23575)**

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 22 May 2003 in relation to the Central Sydney Planning Committee's consent under Section 154(2) of the Environmental Planning and Assessment Act 1979 (EPA Act) to the making of Amendment No. 9 of South Sydney Local Environmental Plan 1998 it be resolved that:-

(A) Authority be delegated to the Lord Mayor to provide written consent as required under Section 154(2) of the Environmental Planning and Assessment Act 1979 (EPA Act) to the making of Amendment No. 9 of South Sydney Local Environmental Plan 1998, subject to the following:-

- (1) Deletion of the 5.5 sqm per occupant development standard as proposed in clause 43(2). The Central Sydney Planning Committee advises that this requirement is considered reasonable but appropriate within a Development Control Plan or policy, not as a development standard within a Local Environmental Plan. Should South Sydney Council wish to continue with the inclusion of this development standard, the provision should be amended to state that this provision shall not apply in respect to land within the City of Sydney.

(2) Amendment of the proposed heritage provision as follows:-

(a) The following descriptions of Heritage Items be amended (as shown in bold).

Item No.	Street	Suburb	Str. No.	Name and Description	Inventory No.
1C	Abercrombie Street	Chippendale	72-80	Macintosh Tyres & Co, two storey Art Deco functionalist style warehouse, c.1948	8.54
1D	Abercrombie Street	Chippendale	79-83	Goodwyn & Co, two and three storey Victorian style warehouse c.1876	8.55

(b) The following Heritage Item description to be amended (as shown in bold):-

Item No.	Street	Suburb	Str. No.	Name and Description	Inventory No.
230 B	City Road	Chippendale	20	Former Cooper's Cottages, single storey Colonial Georgian terrace group remnants, c. 1843	8.45

(c) The following Heritage Item should be deleted given the unsympathetic approved re-development now under construction:-

Item No.	Street	Suburb	Str. No.	Name and Description	Inventory No.
1G	Abercrombie Street	Darlington	135-137	Chippendale Post Office (former), single storey Federation free classical, 1917	8.58

(B) Authority be delegated to the Lord Mayor to make any minor drafting changes to the final written consent provided to South Sydney Council arising from consideration of this report by the Planning Development and Transport Committee, and Council.

ITEM 8. PRESENTATIONS BY APPLICANTS AND PRELIMINARY ADVICE

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

ITEM 9. NEW DEVELOPMENT APPLICATION LODGEMENTS AND DELEGATED ITEMS

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

GENERAL BUSINESS

There were no items of general business raised at the meeting of the Central Sydney Planning Committee on 22 May 2003.

The meeting concluded at 6.40pm.

CHAIRMAN

The next meeting of the Central Sydney Planning Committee is scheduled for 12 June 2003.