

CENTRAL SYDNEY PLANNING COMMITTEE

THURSDAY 27 FEBRUARY 2003

Meeting No 279

MINUTES of the Meeting of the Central Sydney Planning Committee held in the Finance Committee Room and Council Chamber, Sydney Town Hall, on Thursday 27 February 2003 commencing at 5.16pm.

INDEX TO MINUTES

Subject	Page No
1. Confirmation of Minutes	585
2. Matters Arising from the Minutes	585
3(A) Former Regent Theatre Site: 485-503 George Street, 101-109 Bathurst Street and 486-494 Kent Street, Sydney - Status Report on Design Competition	585
3(B) Former Regent Theatre site: 485-503 George Street, 101-109 Bathurst Street and 486-494 Kent Street, Sydney - Settlement of Commercial and Public Benefit Issue	586
4. Status Report - Stage 1 Development Application: 710-722 George Street, Sydney (includes frontage to Cunningham Street).....	586
5. Stage 2 Development Application: 232-248 Pitt Street, 161-167 Castlereagh Street and 147-153 Castlereagh Street, Sydney	588
6. Development Application: 19-33 Reservoir Street, Surry Hills	634
7. Draft Amendments to Central Sydney Local Environmental Plan 1996	680
8. Presentations by Applicants and Preliminary Advice	681
9. New Development Application Lodgements and Delegated Items	681
10. Progress Report on Development Applications	682
11. General Business.....	682

PRESENT

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

Mr Neil Bird, Councillor Dixie Coulton (Alternate Member for Councillor Robert Ho), Ms Antoinette le Marchant, Ms Gabrielle Morrish (Alternate Member for Ms Sue Holliday, Director-General, Department of Planning), Mr Peter Mould (Alternate Member for Mr Chris Johnson) and Councillor Lucy Turnbull.

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

APOLOGIES

An apology was received from Councillor Robert Ho who was unable to attend the meeting as he was overseas.

An apology was received from Ms Sue Holliday who was unable to attend the meeting owing to a prior commitment.

An apology was received from Mr Chris Johnson who was unable to attend the meeting owing to other commitments.

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

That the apologies from Councillor Ho, Ms Holliday and Mr Johnson be received and leave of absence granted.

ORDER OF BUSINESS (S002287):

Resolved:

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

- 3(B) Former Regent Theatre site: 485-503 George Street, 101-109 Bathurst Street and 486-494 Kent Street, Sydney - Settlement of Commercial and Public Benefit Issue
- 3(A) Former Regent Theatre site: 485-503 George Street, 101-109 Bathurst Street and 486-494 Kent Street, Sydney - Status Report on Design Competition
- 4. Status Report - Stage 1 Development Application: 710-722 George Street, Sydney (includes frontage to Cunningham Street)
- 5. Stage 2 Development Application: 232-248 Pitt Street, 161-167 Castlereagh Street and 147-153 Castlereagh Street, Sydney
- 7. Draft Amendments to Central Sydney Local Environmental Plan 1996
- 6. Development Application: 19-33 Reservoir Street, Surry Hills
- 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. Progress Report on Development Applications
- 11. General Business

ITEM 1. CONFIRMATION OF MINUTES (S023330)

Resolved on the motion of Ms le Marchant, seconded by the Chairman (the Lord Mayor)-

That the Minutes of the meeting of the Central Sydney Planning Committee held on 6 February 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 6 February 2003.

ITEM 3(A) FORMER REGENT THEATRE SITE: 485-503 GEORGE STREET, 101-109 BATHURST STREET AND 486-494 KENT STREET, SYDNEY - STATUS REPORT ON DESIGN COMPETITION (D1998/00406)

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

That arising from consideration of a status report by the Area Planning Manager to the Central Sydney Planning Committee on 27 February 2003, in relation to the design competition for the proposed redevelopment of the former Regent Theatre site, that being 485-503 George Street, 101-109 Bathurst Street and 486-494 Kent Street, Sydney, it be resolved that the subject report be received and noted.

Closed Meeting

At 5.16pm the meeting of the Central Sydney Planning Committee opened in the Finance Committee Room.

At 5.17pm the Central Sydney Planning Committee resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Section 10A(2) (c) of the Local Government Act 1993 to discuss Item 3(B) on the Agenda as this matter comprised discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposed to conduct) business;

and it was further resolved that the meeting be closed for this item on the basis that discussion of this matter in open session would, on balance, be contrary to the public interest, specifically, there is a need to preserve confidentiality having regard to the subject matter and the circumstances of communications.

Item 3(B) was then dealt with by the Central Sydney Planning Committee while the meeting was closed to the public.

ITEM 3(B) FORMER REGENT THEATRE SITE: 485-503 GEORGE STREET, 101-109 BATHURST STREET AND 486-494 KENT STREET, SYDNEY - SETTLEMENT OF COMMERCIAL AND PUBLIC BENEFIT ISSUE (D1998/00406)

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

That arising from consideration of a report by the Area Planning Manager to the Central Sydney Planning Committee on 27 February 2003, in relation to settlement of the commercial and public benefit issue to the proposed redevelopment of the former Regent Theatre site, that being 485-503 George Street, 101-109 Bathurst Street and 486-494 Kent Street, Sydney, it be resolved that the negotiated agreement with Greencliff (CPL) Development Pty Ltd (as described in the report to the meeting of Council on 16 September 2002, as shown in Attachment A to the subject report) which included a reasonable offset contribution in the event the consent authority approves a development not requiring the tunnel - provided safeguards are included (such as planning for a break through panel and appropriate restrictions on title) to allow the tunnel to be provided at a future time, (the final terms of which are to be approved by the Lord Mayor), be endorsed.

Adjournment

At the conclusion of discussion on the confidential item, at 5.22pm the meeting of the Central Sydney Planning Committee was adjourned to enable the remainder of the meeting to be held in the Council Chamber.

Resumption

At the resumption of the meeting in open session in the Council Chamber, at 5.24pm, those present were -

The Lord Mayor, Mr Bird, Councillor Coulton, Ms le Marchant, Ms Morrish, Mr Mould and Councillor Turnbull.

ITEM 4. STATUS REPORT - STAGE 1 DEVELOPMENT APPLICATION: 710-722 GEORGE STREET, SYDNEY (INCLUDES FRONTAGE TO CUNNINGHAM STREET) (D2001/00541)

Mr Bill Tsakalos of Project Architecture addressed the meeting of the Central Sydney Planning Committee on this matter.

Resolved on the motion of Councillor Coulton, seconded by Councillor Turnbull -

That arising from consideration of a status report by the Specialist Planner to the Central Sydney Planning Committee on 27 February 2003, in relation to Development Application D2002/00800 made by Maroun Construction and Development Pty Ltd for the site at 710 - 722 George Street, Sydney, for a Stage 1 building envelope, it be resolved that:-

(A) consideration of this application be deferred and the applicant be requested to submit amended plans and supporting material within 21 days from the date of this resolution to address the following matters:

(1) Belmore Park Sun Access Plane and 60 metre height control

- (a) The applicant shall submit amended drawings which precisely detail the location of the Belmore Park Sun Access Plane and the 60 metre height limit as it impacts on the proposal to demonstrate compliance with the provisions of Part 4 of the Central Sydney Local Environmental Plan 1996;
- (b) The applicant shall submit amended shadow diagrams to demonstrate the full impact of the Belmore Park Sun Access Plane on Belmore Park and to demonstrate the proposal's compliance with the provisions of Clause 30 and 33 of the Central Sydney Local Environmental Plan 1996; and
- (c) The building envelope shall be amended to incorporate an architectural roof feature zone. The architectural roof feature zone is to comply with the provisions of Clause 32A of the Central Sydney Local Environmental Plan 1996.

(2) George Street - Street frontage height and tower composition

- (a) The street frontage height of the George Street building is to be reduced to respond more appropriately to the established heights of surrounding building. The reduction in height is to be no less than 3.0 metres (one floor) and the podium height is to relate to the HSBC building. The applicant is to submit revised streetscape diagrams which demonstrate the appropriate resolution of the podium; and
- (b) The composition of the George Street podium and tower is to be reconsidered in light of (a) above. The applicant is to submitted revised elevational details which demonstrate that the composition and the proportional massing of the podium and tower is appropriate for the development and within the context of surrounding development. In this regard, a corresponding reduction in the height of the George Street tower may be required.

(3) Vehicular access and servicing arrangements for the development

- (a) The Central Sydney Planning Committee notes that the vehicular access and servicing arrangements for the development are currently unacceptable and that this matter needs resolution prior to the determination of the Stage 1 DA;
- (b) The applicant is to liaise with adjoining property owners regarding the potential for acquiring an easement and/or land to improve the functional dimension of the Cunningham Street entrance to the site and

ensure that the development can be fully serviced on site including making provisions for waste collection services; and

- (c) The applicant is to liaise with Council officers regarding the potential for driveway access directly off George Street into the development.
- (B) the Committee note the submission from Rail Estate, as shown in Attachment F to the subject report, and request that those matters arising from the submission be further advanced before consent is granted or any consent issued be appropriately conditional; and
- (C) the Committee note that residential amenity needs to be resolved in the Stage 2 application, and a solar access report is required to address this matter.

ITEM 5. STAGE 2 DEVELOPMENT APPLICATION: 232-248 PITT STREET, 161-167 CASTLEREAGH STREET AND 147-153 CASTLEREAGH STREET, SYDNEY (D2002/00842)

Mr Ian Paver of Bovis Lend Lease addressed the meeting of the Central Sydney Planning Committee on this matter.

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 27 February 2003, in relation to development application 2002/00842 made by Pitt and Castlereagh Pty Ltd for the site at 232-248 Pitt Street, 161-167 Castlereagh Street and 147-153 Castlereagh Street, Sydney, for a stage 2 development application for the erection of a 43 storey commercial tower with ground and basement level retail and a mid block link from Castlereagh Street to Pitt Street, retention and restoration of Legion House, retention of the Grand United Building and ground level improvements, establishment of a pedestrian link into the Piccadilly Plaza and staged works to the Grand United Building's Castlereagh Street façade, demolition of all other buildings on site, site amalgamation onto one title (excluding the Grand United Building) and three basement levels for 116 car spaces, it be resolved that:-

- (A) The requirement for the Stage 2 development application 2002/00842 made by Pitt and Castlereagh Pty Ltd for the site at 232-248 Pitt Street, 161-167 Castlereagh Street and 147-153 Castlereagh Street, Sydney, be consistent with the Stage 1 development consent 2002/00748 (under Clause 28B(2)(b)) and be waived under the provisions of Clause 28B(4)(e) of the Central Sydney Local Environmental Plan 1996 on the grounds that the Stage 2 development application is considered generally acceptable in respect to the stage 1 consent and the City's planning controls; in particular, the variations to the approved stage 1 tower setbacks are considered acceptable on environmental planning grounds; and
- (B) Consent be granted subject to the following conditions:

APPROVED DEVELOPMENT

- (1) The stage 2 development application must be in accordance with Development Application No. 2002/00748 dated 25 October 2002 and the Statement of Environmental Effects prepared by JBA Urban Planning Consultants titled "Proposed CBD Office Development" dated November 2002, supplementary information prepared by Bovis Lend Lease dated 20 February 2003, and the following plans:

Tower/Podium

DA2 001
DA2 002
DA2 003
DA2 004
DA2 102
DA2 103
DA2 104
DA2 201
DA2 202
DA2 301
DA2 302
DA2 303
DA2 305
DA2 306
DA2 307
DA2 311
DA2 312
DA2 313
DA2 315
DA2 316
DA2 327
DA2 328
DA2 329
DA2 330
DA2 331
DA2 332
DA2 338
DA2 339
DA2 341
DA2 342
DA2 343
DA2 344
DA2 350
DA2 382
DA2 383
DA2 384
DA2 391
DA2 392
DA2 401
DA2 402

DA2 403
DA2 404
DA2 405
DA2 406
DA2 407
DA2 408
DA2 409
DA2 411
DA2 413
DA2 415
DA2 427
DA2 429
DA2 431
DA2 433
DA2 435
DA2 437
DA2 439
DA2 441
DA2 443
DA2 501
DA2 502
DA2 503
DA2 504
DA2 601
DA2 602
DA2 603
DA2 605
DA2 606
DA2 607
DA2 608
DA2 641
DA2 642
DA2 651
DA2 652
DA2 653
DA2 661
DA2 671
DA2 681
DA2 682
DA2 683
DA2 684
DA2 891
DA2 892
DA2 893

Prepared by Lend Lease in association with MGT Architects dated 19 February 2003.

Legion House

DA2 701
DA2 702
DA2 703
DA2 704
DA2 705
DA2 706
DA2 707
DA2 708
DA2 709
DA2 710
DA2 731
DA2 732
DA2 733
DA2 734
DA2 737
DA2 738
DA2 739

Prepared by Lend Lease in association with MGT Architects and Tanner Architects dated 19 February 2003.

Grand United Building

DA2 749
DA2 750
DA2 751
DA2 752
DA2 753
DA2 754
DA2 755
DA2 756
DA2 757
DA2 758
DA2 760 (stage 1 works)
DA2 761 (stage 2 works)

Prepared by Lend Lease in association with MGT Architects dated 19 February 2003, and as amended by the following conditions:

- (2) The design details of the proposed building facade including all external finishes and colours, including glazing must be in accordance with the materials schedule and sample boards numbered DA2 950 (2 boards) prepared Lend Lease in association with MGT 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.

APPROVED DESIGN

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

GRAND UNITED BUILDING

- (4) The owners of the land must register with the Land Titles Office, prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, a documentary restrictive covenant approved by Council to the effect that the Grand United Building at 147-153 Castlereagh Street (DP 83235) future development potential is restricted to the existing floor space of the building as proposed, that being a total floor space of 9,402 as defined under Central Sydney Local Environmental Plan 1996 (see schedule 1 definition of floor space and clause 43A(4)). The restrictive covenant is to be registered on the title of the development site pursuant to Section 88E of the Conveyancing Act 1919. The covenant is to be created appurtenant to Council and at no cost to Council.

Note:

The covenant will be noted on the data base for Section 149 certificates issued under the Environmental Planning and Assessment Act 1979.

- (5) The applicant shall, prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, create a Deed of Agreement between Sydney City Council, John Boyd Properties (the developer/relevant owner) and the owner(s) of the Grand United Building at 147-153 Castlereagh Street (and successors in titles) providing for an agreed timetable for building/façade and Building Code of Australia upgrade work. The terms of the deed shall be acceptable to the City and shall provide for, but not necessarily be limited to:-
- (a) Full details of the works and timetable for completion of works, to the satisfaction of the Director of City Developments and Projects. The works may be provided in two stages, with the first to be completed prior to an Occupation Certificate being issued for the building. This first stage is to include facade repairs (tiles, windows etc), a new awning to Castlereagh Street, co-ordinated awning and top hamper signage, street/public domain works to Castlereagh Street, removal of air conditioning units on the façade, making good any damaged glazing, replacement air-conditioning units with sympathetic grilles or the like; all generally as depicted on plans DA2 760 and 761 dated 19 February 2003. The stage 1 works are also to include required BCA upgrading works (see Conditions 36 and 37).
- (b) Stage 2 works are to include the removal and making good of the recessed colonnade area at ground and basement levels to Castlereagh Street, details of which are to be provided and are to be to the satisfaction of the Director of City Developments and Projects. The works shall include new shopfronts to activate Castlereagh Street and

generally in alignment of that street, with alternative access to the basement tenancies. These works are to be completed within two years of the issue of an initial Occupancy Certificate for the development, or if evidence can be provided to Council's satisfaction that existing commercial leases within the building do not provide for earlier works (eg no demolition clauses or similar provisions), the stage 2 works shall be completed within five years of the issue of an initial Occupancy Certificate for the development;

- (c) The deed shall also contain provisions requiring the payment of a bond or bank guarantee for the works, based on a registered Quantity Surveyor's estimate of the cost of all works (including the Building Code of Australia works) and acceptable to the Council. A clause shall also be provided to the effect that should these works or any part of the works not be completed in accordance with the Deed the relevant amount, adjusted to the future value, using a discount rate of 8% per annum, at date payable, from execution of the deed, shall be payable on demand to the City as an offset public benefit contribution by the developer, though shall in no way include BCA upgrade works.
 - (d) The Deed is to be created appurtenant to Council and at no cost to Council.
- (6) The above works to the Grand United Building shall be documented and the construction managed by a Heritage Architect with suitable experience in the preservation of early 20th century buildings.

LEGION HOUSE

- (7) The following requirements apply to works to Legion House:-
- (a) Where walls are being removed a nib and bulkhead of at least 150mm shall be retained to allow the original planning configuration of the building to still be interpreted.
 - (b) The ground floor entrance including the two sets of original doors and the parquet flooring shall be retained and conserved.
 - (c) The existing arched opening being infilled at ground floor level shall be carried out in lightweight construction in order that it is reversible.
 - (d) The existing strong room and former board room on Level 1 shall be retained and conserved.
 - (e) The existing timber wall panelling on Levels 3 and 4 shall be retained and conserved.
 - (f) The early timber glazed doors on Levels 2, 3 and 4 shall be retained and re-used.
 - (g) The redundant drainage stackwork at the rear of the building is to be removed.

- (8) The applicant is to commission an experienced conservation architect to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (9) The proposed works are to be carried out in a manner that minimises demolition, alterations, new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (10) The applicant is to commission experienced tradespersons (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (11) The following requirements apply to an Interpretation Strategy for the site:-
- (a) Prior to the issue of a Construction Certificate an Interpretation Strategy for the site must be submitted to and approved by the Director City Development, including the following.
 - (b) The Interpretation Strategy should include, but is not limited to, the provision of details of public art interpretation through design and/or the display of selected artefacts and/or other material, appropriate to the education of the public in the history and significance of the site. In particular, the plan of the demolished west wing is to be accurately interpreted at full scale in its original location as part of the paving design of the proposed public square. Footings to be accurately surveyed during demolition to ensure accuracy of paving design. Details of interpretation to be submitted for approval prior to issue of a Construction Certificate.
 - (c) The approved Interpretation Strategy shall be implemented to the satisfaction of the Director City Development and Projects prior to the issue of an Occupation Certificate for the building.
- (12) The development shall be generally in accordance with the Conservation Plan for the Legion House 161-163 Castlereagh Street prepared by Godden MacKay Logan Heritage Consultants dated February 1999.

MID BLOCK LINK/OPEN SPACE

- (13) The existing mid block link to Citisite Building at 155 Castlereagh Street shall be retained. In this regard the level of accessibility to this link shall not be diminished.
- (14) A documentary Right of Public Access is to be created over the central mid block link from Pitt Street to Castlereagh Street. The easement is to be

registered on title of the subject site, is to burden the part of the building used as mid block links, defined in stratum for a nominal width of approximately 6 metres, and is to be created in terms granting unrestricted public pedestrian access between the minimum hours of 6.00 am to 10.00 pm daily and to Council's satisfaction.

- (15) The following applies to the mid block open space and its property ownership:-
- (a) In order to provide a clear demarcation of the "public" and "private/leasable" space within the mid block open space, to ensure that this space is not "privatised" by future uses, and to assist in the determination of future Development Applications by tenants for the individual use and fitout of adjacent tenancies only that part of the space within a 2-4m perimeter from the respective shopfronts (allowing for adequate public circulation space) is permitted to be leased for outdoor seating only. A plan complying with the requirement of this condition shall be approved by the Director of City Development and Projects prior to release of the Construction Certificate for the development
 - (b) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 a documentary Restrictive Covenant is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a) above. The Covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
 - (c) Any future strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the Strata Titles (Freehold Development) Act, 1973 as amended, so burdening all allotments on Castlereagh Street level adjacent to the mid block open space and/or an appropriate Restrictive Covenant pursuant to Section 88B of the Conveyancing Act 1919.
- (16) A Management Plan for the use, operation and maintenance of the mid block link and open space shall be prepared for Council's approval prior to issue of the Construction Certificate for the development.

Note:

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

CAR PARK

- (17) The following conditions apply to car parking:-
- (a) The on-site car parking spaces, exclusive of service and visitor car spaces, are not to be used by those other than an occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an

agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building.

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

Note:

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

VEHICULAR SPACES

(18) The following car parking requirements apply:-

- (a) The approved vehicle spaces shall be allocated on the development site as follows:

Tower/Podium and Legion House

90 business/commercial premises spaces; and

28 service vehicle spaces located close to service entrance;

Grand United Building

26 business/commercial premises spaces; and

3 service vehicle spaces located close to service entrance;

- (b) One space for cycle racks or equivalent cycle storage area. A room containing a shower and change area must be provided close to the cycle racks.
- (c) One space for motor parking.
- (d) Two of the above car parking spaces are to be for people with mobility impairment, in accordance with AS 2890.1.

- (e) All spaces must be allocated and marked according to this requirement. If the development is to be strata subdivided, the carpark layout must respect the above allocation.
 - (f) Compliance with the above allocation and requirements to be reflected in the Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (19) Tenant and service car parking spaces shall not be rented or leased, other than to an occupant or tenant of the subject building. In particular, the use of tenant or service parking as fee-for-parking spaces to visitors to the building is prohibited.

INTERNAL PARTITIONS NOT TO ABUT WINDOW

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

SEPARATE DEVELOPMENT APPLICATIONS FOR ALL RETAIL USES

- (21) A separate development application must be submitted at the appropriate time for the specific use of all retail/restaurant/café uses proposed within the podium, adjoining pedestrian links and Legion House.

Note:

A separate development application is not required for use of the commercial office space.

SIGNS

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

Note:

While the signage strategy proposed is generally supported, development applications showing the detail and content of all signage proposals are required.

SEPARATE APPLICATIONS FOR STRATA SUBDIVISION

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

BUILDING HEIGHT

- (24)

- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 190.7 (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).

APPROVED DESIGN ROOF-TOP PLANT

- (25) All roof-top plant and associated equipment shall be located within the approved building envelope, which includes roof-top plant rooms, parapets and screening devices. In satisfying Building Code of Australia provisions relating to such services, should the plant exceed the approved building envelope, then further approval is required from the consent authority.

FLOOR SPACE RATIO

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

- (a) The Floor Space Ratio of the proposal must not exceed 12.5:1 calculated in accordance with the Central Sydney Local Environmental Plan 1996. For the purpose of the calculation of FSR, the Floor Space Area of the development is 72,687.5 sqm.
- (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).
- (c) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, documentary evidence (ie. a Heritage Floor Space Allocation Certificate issued by Council) must be produced and acknowledged by Council that 5,392 sqm of heritage floor space was allocated (purchased and transferred) to the development, being that floor space in excess of 8:1 as specified in the Central Sydney Local Environmental Plan 1996.

ENERGY EFFICIENCY OF BUILDINGS

- (27) The design of the building and its services must achieve a rating of 4.5 stars under the Sustainable Energy Development Authority's (SEDA's) "Australian Building Greenhouse Rating Scheme". This can be demonstrated by:

- (a) Entering into a Commitment Agreement⁽ⁱ⁾ with SEDA, to deliver this star rating⁽ⁱⁱ⁾ for the base building⁽ⁱⁱⁱ⁾, being services traditionally supplied as 'common' to tenants^(iv), such as air conditioning, lifts and common area lighting) or for the whole building^(v) where there is to be one tenant to occupy the whole building. The applicant must provide a

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

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

Note:

Definitions referred to in clause 27(a) above:-

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

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (28) Archival recording for deposit in the City of Sydney Archives must be carried out prior to the removal of any significant building fabric or furnishings from the site, during the removal of fabric on site that exposes significant building fabric or furnishings, and after work has been completed on site, as considered appropriate (i.e. a comprehensive recording is required for the Angus and Sons Building and Legion House and less detail required for other buildings) by the conservation architect commissioned for the project.
 - (a) The archival record of significant building fabric or furnishings from the site must be submitted to Council prior to the commencement of any demolition work and prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

- (b) The archival record of significant building fabric or furnishings from the site that is exposed during demolition or construction and after work has been completed on site is required to be submitted to Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.

The form of recording is to be as follows:-

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

SECTION 61 CONTRIBUTION

- (29) Prior to the release of the Construction Certificate, a Cost Summary Report from a registered Quantity Surveyor shall be submitted to Council indicating the total cost of the development, total site area (m²) and the following costs ratios for the development:-
- (a) Professional fees as a % of construction cost and total cost;
 - (b) Demolition and site preparation per m² of site area and total cost;

- (c) Excavation per m² of site area and total cost;
 - (d) Construction per m² of commercial and residential gross floor area and total cost;
 - (e) Fitout per m² of commercial and residential gross floor area and total cost; and
 - (f) Car parking per space and total cost.
- (30) The Council will consider the documentation submitted under the above condition and determine the cost of the proposed development having regard to the matters submitted and to such other matters as it considers appropriate and will notify the person accordingly.
- (31) The amount determined and notified by the Council pursuant to the above condition is the amount payable under this condition.
- (32) In accordance with the adopted "Central Sydney Contributions Plan 1997" a cash contribution must be paid to Council in accordance with this condition.

Payment shall be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney.

PHYSICAL MODELS

- (33) 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
- (34) 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.

ARCHAEOLOGICAL INVESTIGATION

- (35) The applicant shall undertake an archaeological investigation for the site in accordance with the City of Sydney Archaeological Zoning Plan (1992) and the following requirements:-
- (a) The applicant must apply to the Heritage Office for an excavation permit under Section 140 of the Heritage Act 1977.
 - (b) Should any potential archaeological deposit likely to contain Aboriginal artefacts be identified during the planning or historical assessment stage, application be made by a suitably qualified archaeologist to the National Parks and Wildlife Service (NPWS) for an excavation permit for Aboriginal relics.
 - (c) The applicant shall comply with the conditions and requirements of any excavation permit required, and are to ensure that allowance for compliance with these conditions and requirements into the development program.
 - (d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
 - (e) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
 - (f) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance of the area is to stop immediately and the (NPWS) is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

Note:

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

BCA UPGRADE LEGION HOUSE AND GRAND UNITED BUILDING

- (36) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000 the following upgrading works are required to the Grand United Building as stage 2 works (see condition No. 5):-
- (a) Compliance with the recommendations of the Building Code of Australia Report dated 19 February 2003 prepared by McKenzie Group Consulting Group, subject to the following requirements;

- (b) The automatic sprinkler system must be extended throughout the Grand United Building to comply with Performance Requirement EP1.5 of the Building Code of Australia;
 - (c) The internal non fire-isolated stair must be enclosed in construction to restrict the spread of smoke throughout the building. Details must be submitted to Council for approval prior to the issue of a Construction Certificate;
 - (d) The existing structure must be upgraded to comply Performance Requirement CP1 of the Building Code of Australia;
 - (e) An early warning intercommunication system must be installed in the building to comply with Performance Requirement EP1.6 of the Building Code of Australia;
 - (f) The fire stairs must be pressurised to comply with AS/NZS 1668.1;
 - (g) The western fire stair must be adequately fire isolated at ground level to comply with Performance Requirement DP5 of the Building Code of Australia; and,
 - (h) One lift must be converted as an emergency lift to comply with Performance Requirement EP3.2 of the Building Code of Australia;
- (37) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000 the following upgrading works are required to Legion House:
- (a) Compliance with the recommendations of the Building Code of Australia Report dated 11 February 2003 prepared by McKenzie Group Consulting Group, subject to the following requirements -
 - (b) The automatic sprinkler system must be upgraded to comply with Specification E1.5 of the Building Code of Australia; and
 - (c) Openings in the external walls of the building must be protected to comply with Performance Requirement CP2 of the Building Code of Australia.

Schedule 1B

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

- (38) 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.

- (39) 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).
- (40) 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.

GEOTECHNICAL REPORT AND CERTIFICATION

- (41) Prior to commencement of any foundation or bulk excavation, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy submitted to Council (if it is not the Principal Certifying Authority):-
- (a) A Geotechnical Report which shall include the following information as appropriate:-
 - (i) Borehole/test pit logs or inspection records;
 - (ii) Field/laboratory test results;
 - (iii) General geotechnical description of site;
 - (iv) Recommended safe bearing values and likely settlements of foundation material;
 - (v) Recommendations for stability and protection of excavations;
 - (vi) Opinion on the effect of the new works on adjoining buildings and recommendations for any underpinning or other measures required to maintain stability; and
 - (vii) Method of proving and assessing foundations underpinning and/or excavation stability in accordance with design.

- (b) A Structural Engineer's Report/Letter stating to the effect that, based on the Geotechnical Report, the proposed excavation and construction work will not adversely affect the adjoining building/s.
- (c) An Inspection and Test Plan (ITP) that reflects the requirements of the geotechnical report, project drawings and specifications.
- (d) A completed Geotechnical Certificate for the Report and ITP, submitted in the form of Attachment G1 completed by the Project/Principal Geotechnical Engineer OR, a compliance certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) after satisfying (a), (b) and (c) above.

Notes:

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

- (i) Appropriate tertiary qualifications in civil or geotechnical engineering; AND
- (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
- (iii) Evidence of relevant experience in the form of a CV/Resume;
- (iv) Appropriate current professional indemnity insurance.

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

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

ADJOINING BOUNDARY WINDOWS

- (43) All buildings with boundary windows adjacent to the boundary of the subject site that are to be butted by the proposed building must be sealed, bricked up or otherwise enclosed, prior to construction of the subject building. Such windows shall only be sealed, bricked up or enclosed with the consent of the affected properties' owners. The cost of such works shall be borne by the applicant. A survey of the affected boundary windows is to be submitted prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

PUBLIC DOMAIN PLAN

- (44) The following requirements apply:-

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

- (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.
 - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
 - (v) The repair and where required the resetting of all stone kerbing to 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed to the centre line of the carriageway.
 - (vi) The retention and repair of any existing pavement lights.
 - (vii) The retention and repair of any existing serviceable stone gutters.
 - (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.
 - (ix) The provision of smart pole(s), (to be provided at the applicants cost).
- (e) Random checks by Council officers may be made throughout the construction process to advise the contractor of non-complying elements. However, no parts of the work are to be considered approved until receipt of the City of Sydney letter of approval. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter.

Note:

- (f) Three (3) copies of the Public Domain Plan are to be lodged with the Manager Design, City Projects.
- (45) A separate application is to be made to Council's Civil Engineering Services - Roads and Footways unit for the construction of the concrete vehicle kerb and footway crossing and the removal of any existing crossings that are no longer required as a consequence of the development and the reinstatement of the footpath formation, in accordance with the requirements and to the satisfaction of Council.

PUBLIC ART

- (46) High quality art work shall be provided within the development in publicly accessible locations eg. near main entrances, lobbies and street frontages, in

accordance with the Central Sydney DCP 1996 and the 'Public Art Policy'. Details of the art work must be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

DEMOLITION/SITE RECTIFICATION

(47) The following conditions apply to the development:-

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued under the Environmental Planning and Assessment Act 1979 for construction of the substantive building.
- (b) Prior to issue of the Construction Certificate, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the General Manager of the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:-
 - (i) a bank guarantee to be provided in the sum of \$1,100,000 dollars as security for the costs of such works provided that:
 - a. the maximum liability under the Deed shall not exceed \$1,100,000 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works which meet the objectives of the condition.
 - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events, namely:
 - a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the structure has commenced to be erected;

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

 - e. make the building safe and attractive at ground level;

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

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

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

ELECTRICITY SUBSTATION

- (48) The owner must dedicate to Energy Australia, free of cost, an area of land to enable an electricity substation to be established. The size and location of the substation is to be submitted for Council approval prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

- (49)
 - (a) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, written confirmation that you have obtained a Notice of Requirements under Part 6, Division 9 of the "Sydney Water Act 1994" must be submitted to the Certifying Authority (Council or a private accredited certifier).
 - (b) Prior to issue of a construction certificate, under the Environmental Planning and Assessment Act 1979, the approved development application plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whatever the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met and is to be submitted to the Principal Certifying Authority (Council or a private accredited certifier).

Note:

For Quick Check agent details please refer to “your business” section of Sydney Water’s website at www.sydneywater.com.au then see Building and Renovating under the heading Building and Developing, or telephone 132 092.

- (50) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a (Developer) Compliance Certificate under Section 73 of the “Sydney Water Act 1994” must be submitted to the Principal Certifying Authority (Council or a private accredited certifier).

Note:

- (i) Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the “Notice of Requirements”. 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.
- (ii) The approved plans will also need to be submitted to Sydney Water to determine whether the development will affect sewer and water mains, stormwater drains and/or easements. If the development complies with the requirements, the approved plans will be appropriately stamped by Sydney Water.
- (iii) Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site www.sydneywater.com.au or telephone 132 092.

STORMWATER AND DRAINAGE

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

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

site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

UTILITY SERVICES

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

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

ALIGNMENT LEVELS

(53) 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.

(54) 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 WASTE HANDLING

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

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

appropriately qualified person experienced in Waste Handling Design and Environmental Management.

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

Note:

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

- (56) The following provisions apply to recycling areas:-
 - (a) The building design must incorporate separate garbage rooms constructed in accordance with Council's Code, for the separation of commercial waste from residential waste, including recyclable materials.
 - (b) The building must incorporate design features which will allow waste to be minimised and managed within each individual unit or office, on each floor of the building, and within the garbage/recycling storage and collection area.
 - (c) The building design must allow easy access to the garbage and recycling areas by residents and tenants, but prevent their use by non-residents/tenants.

PUBLIC TELEPHONES

- (57) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the certifying authority must approve:-
 - (a) Details that two public telephones will be provided in the development free of cost, (similar to the Telstra Blue Phone), in consultation with the applicant's preferred provider.
 - (i) The telephones should be located at footpath level and two square metres should be allowed for each telephone; and

- (ii) At least one telephone should be accessible for use by persons with a disability, to be designed and installed in accordance with the requirements of AS 1428.2.
- (b) The telephones must be available for public use during the normal opening hours of the building.

TOILETS AVAILABLE FOR USE BY PUBLIC

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

RECEPTACLES FOR CIGARETTE BUTTS

- (59) 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.

DISABLED ACCESS

- (60) 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.
- (61) Access to the commercial tower and retail areas shall be in accordance with the requirements of "The City of Sydney Access Policy December 1992".

TELECOMMUNICATIONS PROVISIONS

- (62) 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.
- (63) 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

- (64) All external glazing in used in retail facades must be clear and untinted.

REFLECTIVITY

- (65) 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

- (66) 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.

AWNINGS

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

UNDER AWNING LIGHTING

- (68) 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.

CAR PARK AND SERVICE VEHICLE LAYOUT

(69)

- (a) The layout plan of the carpark is to be in accordance with Australian Standard AS 2890.1 - 1993 "Parking Facilities Part 1: Off Street Car Parking". All parking spaces are to be linemarked.
 - (b) The layout of the service vehicle areas is to comply with Australian Standard AS 2890.2 - 1989 "Off Street Parking Park 2 - Commercial Vehicles Facilities".
 - (c) The details shall be submitted to and approved by the certifying authority prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (70) Any boom gates/roller doors at the access point are to be set back so that it allows for storage of two vehicles, to ensure that vehicles queuing at the access will not impede pedestrians and vehicles along Pitt Street.
- (71) A "stop" sign shall be installed at the exit point of the driveway to require vehicles to stop at the building line.
- (72) All traffic works associated with the development shall be at no cost to Council or the Road and Traffic Authority.

Schedule 1C

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

DEMOLITION WORK METHOD STATEMENT

- (73) Prior to the commencement of demolition work a licensed demolisher who is registered with the WorkCover Authority must prepare a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy sent to Council (if it is not the PCA). A copy of the Statement must also be submitted to the WorkCover Authority.
- (74) The Statement must be in compliance with "AS2601-1991 Demolition of Structures", the requirements of WorkCover Authority and conditions of the Development Approval, and must include provisions for:-
- (a) Enclosing and making the site safe, any temporary protective structures must comply with the "Guidelines for Temporary Protective Structures (April 2001)";

- (b) Induction training for on-site personnel;
- (c) Inspection and removal of asbestos, and contamination and other hazardous materials;

- (d) Dust Control:-

Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site.

- (e) Disconnection of Gas and Electrical Supply;

- (f) Fire Fighting:-

Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed.

- (g) Access and egress:-

No demolition activity shall cause damage to or adversely affect the safe access and egress of this building.

- (h) Waterproofing of any exposed surfaces of adjoining buildings;

- (i) Control of water pollution and leachate and cleaning of vehicles tyres:-

Proposals shall be in accordance with the "Protection of the Environmental Operations Act 1997".

- (j) Working hours, in accordance with this Development Consent;

- (k) Confinement of demolished materials in transit;

- (l) Proposed truck routes, in accordance with this Development Consent;

- (m) Location and method of waste disposal and recycling in accordance with the "Waste Minimisation and Management Act 1995".

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

SITE CONTAMINATION REPORTS

- (76) Prior to commencement of site excavation works, a Site Contamination Survey Report, prepared by a qualified Environmental Consultant, in accordance with the provisions of the "Contaminated Land Management Act 1997" must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or an accredited certifier).

- (77) Where a site is determined to be a “Contaminated Site” under the definition contained in ANZECC/NHMRC 1992 definitions, prior to commencement of site excavation works:-
- (a) A Remediation Action Plan (RAP), which details the proposed method for the proper cleaning of contaminated materials from the site is to be provided to the satisfaction of the PCA, (and a copy to sent to Council if it is not the PCA).
 - (b) A suitability qualified and accredited “Independent Auditor”, to the satisfaction of Council, (in terms of Section 7A of the “Environmental Planning and Assessment Act 1979)” is to be appointed in accordance with the requirements of the “Contaminated Land Management Act 1997, and Regulations 1998”.
 - (c) The approved Remediation Action Plan, must be available on the site at all times during the progress of the work.
 - (d) The Independent Auditor is to provide a letter to the satisfaction of the PCA, that the RAP is appropriate to remediate the land to the standard suitable for the proposed redevelopment of the land and that common or public areas meet the criteria for common property or designated public space.
 - (e) On completion of the excavation works, a validation certificate must be submitted to the PCA (and a copy sent to Council if it is not the PCA). The certificate signed by the Independent Auditor, must testify that the requirements detailed in the Remediation Action Plan, have been satisfactorily completed, and have achieved results as required under the requirements of the “Contaminated Land Management Act 1997, and Regulations 1998”.

EXCAVATION WORK METHOD STATEMENT

- (78) Prior to commencement of site excavation works, an Excavation Work Method Statement prepared by an appropriately qualified person must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or an accredited certifier) and a copy submitted to Council (if it is not the PCA). The Statement must include:-
- (a) Name and address of the company/contractor undertaking excavation works;
 - (b) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials (if applicable);
 - (c) Name and address of the transport contractor, and location of the disposal site;
 - (d) Type and quantity of material to be removed from site;

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

Note:

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

WATER AND SEDIMENT CONTROL STATEMENT FOR DEMOLITION AND EXCAVATION

- (80) The following environmental protection measures are required:-
- (a) Prior to the commencement of demolition and/or excavation, a Demolition/Excavation Water and Sediment Control Statement must be submitted to and approved by the Principal Certifying Authority (Council or an accredited officer).
 - (b) Such statement must include:
 - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
 - (ii) The proposed method of discharge;
 - (iii) The procedures to be adopted for the prevention of run-off from the site onto the public way;

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

PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN FOR DEMOLITION AND/OR EXCAVATION

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

WASTE MANAGEMENT DURING DEMOLITION AND EXCAVATION

- (82) A Waste Management Plan for the demolition and/or excavation of the proposed development must be submitted to the satisfaction of the Principal Certifying Authority (and a copy submitted to Council if it is not the PCA) before commencement of work on the site.
- (83) Certification that the plan is in accordance with the Development Approval Conditions, Council's Code for Waste Handling in Buildings and the "Waste Minimisation and Management Act 1995", must be submitted in the attached form W3 to the satisfaction of the Principal Certifying Authority. Such

Certification must be submitted by an appropriately qualified person experienced in Waste Handling Design and Environmental Management.

- (84) The Waste Management Plan must address demolition and excavation, as applicable. The Plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:-
- (a) Compliance with the requirements set out in Annexure (“A”) of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
 - (b) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition and excavation operations including:
 - (i) Type and quantities of material expected from demolition and excavation;
 - (ii) Name and address of transport company;
 - (iii) Address of proposed site of disposal;
 - (iv) Name/address of company/organisation accepting material;
 - (v) Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
 - (vi) Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
 - (vii) Material for disposal and justification of disposal; and
 - (viii) If details of items (ii) to (vii) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contracts.
- (85) All requirements of Waste Management Plans must be implemented during the demolition and/or excavation period of the development.

Note:

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

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (86) A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect a hoarding or scaffolding in a public place and such application is to include:-
- (a) Architectural, construction and structural details of the design in accordance with the “Policy for the Design and Construction of

Hoarding (September 1997)” and the “Guidelines for Temporary Protective Structures (April 2001)”.

- (b) Structural certification prepared and signed by an appropriately qualified practising structural Engineer.
- (c) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.
- (d) Should the hoarding obstruct the operation of Council’s CCTV Cameras, the applicant shall relocate or replace the CCTV camera within the hoarding or to an alternative position as determined by Council’s Contracts and Asset Management Unit for the duration of the construction of the development. The cost of relocating or replacing the CCTV camera is to be borne by the applicant. Further information and a map of the CCTV cameras is available by contacting Council’s CCTV Unit on 9265 9232.
- (e) Assessment of the impacts of construction and final design upon the City of Sydney’s street furniture such as bus shelters, phone booths, bollards and litter bins. Street furniture must be accessible during construction for use and maintenance. Note: The cost of any removals, storage and relocation during construction, and reinstatement upon completion, must be borne by the applicant. The applicant must also seek permission from the telecommunications carrier (eg. Telstra) for the removal of any public payphones.

APPLICATION FOR A ROAD OPENING PERMIT

- (87) 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).
- (88) 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; and
 - (d) A Security Deposit for reinstatement of public way.

- (89) The Road Opening Permit will be subject to further conditions that shall be complied with.
- (90) 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.

FOOTPATH DAMAGE BANK GUARANTEE

- (91) Prior to release of a temporary structure approval under Section 68 of the Local Government Act 1993 (Hoarding Approvals), the owner of the site must provide a bank guarantee for an amount to be assessed by Council for the footway adjacent to the Pitt Street and Castlereagh Street frontage of the development site, as security for any damage rectification.
- (92) The following protective measures shall be provided under any hoarding on the public footway during construction of the development to the satisfaction of the Council:-
- (a) Plastic sheeting to cover the stone paving;
 - (b) Minimum 12mm thick plywood on top of the plastic sheeting; and
 - (c) These measures shall be maintained in a safe and tidy condition for the duration of construction.

USE OF MOBILE CRANES

- (93) 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

- (94) 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.
- (95) To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:-
- (a) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
 - (b) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted).
 - (i) Supply Air Ducts, Shafts and Fans - Blue
 - (ii) Return Air Ducts, Shafts and Fans - Pink
 - (iii) Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green
 - (iv) Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange
 - (v) Mixing Boxes and Conditions - Yellow
 - (vi) Fire Dampers and Electric Heaters - Red
 - (c) Drawings which show where applicable the existing and proposed air intakes, air discharges and cooling towers and their relative position to each other, the boundaries of the site, openable windows, and adjoining buildings;
 - (d) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of Attachment M1, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) together with the Curriculum Vitae of the Design Engineer or other appropriate Certifier must be submitted to Principal Certifying Authority (PCA). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council by the PCA;
 - (e) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.

STRUCTURAL CERTIFICATION FOR DESIGN - MAJOR WORKS

- (96) 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;
 - (iv) The relevant Australian Standards listed in the BCA (Specifications A1.3); and
 - (v) Any other relevant report/s or documents. Specify on Attachment S1A.
- (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.

Notes:

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

- (i) Appropriate tertiary qualifications in Civil or Structural Engineering;
AND
- (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
- (iii) Evidence of relevant experience in the form of a CV/Resume;
- (iv) Appropriate current professional indemnity insurance.

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

An appropriately qualified person certifying by completing Attachment S1B must have a good working knowledge of the Building Code of Australia and Structural and Architectural drawing co-ordination so that all structural

elements supporting the new work are fully certified by the project structural engineer.

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

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

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

(98) 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; and
 - (iv) The voids then backfilled with stabilised sand (14 parts sand to 1 part cement).
- (d) After satisfying (c) (i) to (iv), notification in writing by the contractor shall accordingly be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA).
- (e) All costs for any reinstatement of the public way made necessary because of an unstable, damaged or uneven surface to the public way shall be borne by the owner of the land for works approved under this consent.

Schedule 1D

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

CITY OF SYDNEY COMPLIANCE INSPECTIONS

- (99) The purpose of this condition is to ensure that the Council is given sufficient notice prior to the issuing of the Occupation Certificate to carry out inspections of soon to be completed buildings, where Council considers it necessary. In doing so, this ensures that the Council is able to provide an independent analysis of whether the building is constructed to a standard that complies with the BCA and in accordance with the development consent.
- (a) The applicant and building owner are to note that it is an offence under S.109N of the Environmental Planning and Assessment Act 1979, to occupy or use a building in whole or in part, unless an Occupation Certificate has been issued in relation to the building or the part.
 - (b) A maximum penalty of 25 penalty units applies under the provisions of the Environmental Planning and Assessment Act 1979, for the contravention of the above requirements.
 - (c) Council officers may undertake random inspections from time to time during construction and toward the end of building works to ensure that buildings or part of buildings are not occupied without a partial or final Occupation Certificate, and to check compliance with conditions of development consent and the BCA.

- (d) In the event that a Principal Certifying Authority (PCA) other than Council is appointed, written notice shall be given to Council (whether by the developer, builder or other person relying on the development consent) on each of the following occasions:
 - (i) Within 7 days of installation of services, such as plumbing, mechanical ventilation and the like which penetrate fire rated walls and slabs (excluding basement areas); and
 - (ii) 7 days prior to the installation of false ceilings or cornices which abut fire rated walls and slabs; and
 - (iii) 14 days prior to the final inspection to be carried out by the PCA for the purpose of issuing an Occupation Certificate.
- (e) The PCA shall be advised in writing (whether by the developer, builder or other person relying on the development consent) of Council's requirements pursuant to paragraph (d).
- (f) This reserves time for Council or persons appointed by Council to conduct any random inspections Council may choose to do, prior to the issue of the Occupation Certificate, in order to ensure that buildings or part of buildings are not occupied without a partial or final occupation certificate, and to undertake random audits of certified works.

HOURS OF WORK AND NOISE

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

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

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

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

(101) A site notice(s) is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate

project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:-

- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
- (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
- (d) The approved hours of work, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint are to be displayed on the site notice;
- (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is to state that unauthorised entry to the site is not permitted.

LOADING AND UNLOADING DURING CONSTRUCTION

(102) 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.

(103) 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.

STREET TREES

(104) 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.

ENVIRONMENTAL PROTECTION

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

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

PUBLIC WAY

(106) 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.

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

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

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

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

- (109) 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

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

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

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

Notes:

An appropriately qualified practising structural engineer certifying by completing Attachment S1C must have:-

- (i) Appropriate tertiary qualifications in Civil or Structural Engineering, AND;
- (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND

- (iii) Evidence of relevant experience in the form of a CV/Resume;
- (iv) Appropriate current professional indemnity insurance.

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

CERTIFICATION OF GEOTECHNICAL INSPECTION

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

Notes:

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

NUMBERING

(112) 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.

LOT CONSOLIDATION

(113) All land titles within the site must be consolidated into one lot (excluding the Grand United Building). A plan of consolidation in a form capable of registration shall be lodged with the Land Titles Office prior to issue of an

Occupation Certificate under the Environmental Planning and Assessment Act 1979.

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (114) Certification of completion of waste handling works in accordance with the relevant Development Approval Conditions and Councils Code for Waste Handling in Buildings 1994, must be submitted in the form of Attachment W2 to the satisfaction of the Principal Certifying Authority (PCA), (Council or a private accredited certifier) prior to the issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979 or prior to use of the premises. A copy of the Certificate shall be submitted to Council if it was not the PCA. Such Certification must be given by the Architect or other appropriated qualified person experienced in Waste Handling Design and Environmental Management.
- (115) 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.

COOLING SYSTEMS

- (116) All evaporative cooling warm water or water cooling systems installed on the premises must comply with the Public Health Act 1991 and Public Health Regulation 1991 and be registered by Council.
- (117) Prior to commencement of the use, the owner or occupier of the premises must apply to Council for the registration of water-cooling systems (cooling towers and evaporative condensers), evaporative cooling systems and warm-water systems which heat and deliver water at less than 60°C at each outlet installed on the premises.

Schedule 1F

Conditions to be complied with during the use of Premises

CARE OF BUILDING SURROUNDS

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

REMOVAL OF GRAFFITI

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

WINDOW CLEANING

(120) 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.

MANAGEMENT

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

NO SPRUIKERS OR AMPLIFIED NOISE

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

NOISE - USE

(123) 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; and
- (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

(124) 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; and
- (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.

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

ITEM 6. DEVELOPMENT APPLICATION: 19-33 RESERVOIR STREET, SURRY HILLS (D2002/00776)

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 27 February 2003, in relation to Development Application D/02/00776 made by Hooker Cockram Projects Limited for the site at 19-33 Reservoir Street, Surry Hills, for demolition of the existing buildings and construction of a new nine storey mixed use building, it be resolved that:-

- (A) the requirement to prepare a Development Plan be waived under the provisions of Clause 28 B of the Central Sydney Local Environmental Plan 1996 for the following reasons:

- (1) the development satisfies the provisions relating to development plans as outlined in clause 28C of LEP 1996 as demonstrated in information supporting the application and following previous applications assessed for the site,
 - (2) the development sites reliance on Silkknit House driveway entrance provides significant planning benefits. The 1997 refurbishment of Silkknit House envisaged that the use of the adjoining site would use its driveway and Silkknit House was refurbished to allow for this connection,
 - (3) the development proposal does not use the Silkknit House site for any purposes other than vehicular access and access to existing bar and recreation facilities access (eg no harvesting of floor space or car parking potential is proposed). In real terms it is appropriate to consider the site area for the proposal as that of the subject site plus the space of the proposed window openings (i.e. 1483sqm.),
 - (4) the development site has been through a number of manifestations involving different architects which have been scrutinised by the CSPC. The current proposal incorporates the recommendations of the previously established CSPC design sub-committee;
- (B) the objection made under State Environmental Planning Policy No 1 - Development Standards, in respect of the development's non-compliance with clause 32 concerning the site's maximum height limit of 30 metres under the provisions of Central Sydney Local Environmental Plan 1996, is supported 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 is acceptable in the immediate streetscape in respect to its external architecture, scale, height and massing,
 - (2) the exceedance of the control over the majority of the site results in a direct benefit to the amenity of apartments by providing higher than required floor to ceiling heights,
 - (3) the higher portion of the building on the western end of the site acts as an effective transitional element to the larger building further to the west; and
- (C) consent be granted subject to the following conditions:-

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D/2002/00776 dated 1 November 2002 and the Statement of Environmental Effects titled "Mixed Use Residential Development" dated October 2002, prepared by JBA Urban Planning Consultants and the drawings numbered:-

DA00	dated 21.01.03
DA01	dated 21.01.03
DA02	dated 21.01.03

DA03	dated 21.01.03
DA04	dated 21.01.03
DA05	dated 21.01.03
DA06	dated 21.01.03
DA07	dated 21.01.03
DA08	dated 08.11.02
DA09	dated 21.01.03
DA10	dated 08.11.02
DA11	dated 08.11.02
DA12	dated 08.11.02
DA13	dated 21.01.03
DA14	dated 21.01.03
DA15	dated 21.01.03
DA16	dated 21.01.03
DA17	dated 08.11.02
DA18	dated 21.01.03
DA19	dated 21.01.03
DA20	dated 08.11.02
DA21	dated 30.09.02

prepared by Turner and Associates and as amended by the following conditions:

WORKS TO HERITAGE ITEM

- (2) Full details of all proposed works to Silknit House including the conversion of windows to doorway openings and openings to the proposed roof-top deck and basement car park works are to be submitted for the approval of the Director City Development and Projects prior to the release of a Construction Certificate.

DESIGN MODIFICATIONS

- (3) The design of the building shall be modified to the satisfaction of Council as follows:-
- (a) Sanitary facilities servicing the auditorium are to be provided in accordance with the requirements of the Building Code of Australia.
 - (b) The number of apartments and/or apartment layout is to be modified to achieve full compliance with the unit mix controls of the Central Sydney DCP 1996. In this regard, the number of 1 bedroom apartments is to be reduced by the consolidation of 2 x 1 bedroom apartments into 1 x two bedroom or 1 x three bedroom apartment (depending on floor area).
 - (c) The windows of Silknit House to be enclosed within the proposed auditorium shall be fire rated to enable the preservation of the existing window detail and recess.

- (d) The south western corner of the building, from level 2 to level 8, is to be redesigned to the satisfaction of the Director City Development and Projects to eliminate its encroachment upon the alignment of Wright Lane.

The amendments shall be submitted for the approval of the Director City Development and Projects prior to the issue of the Construction Certificate.

ACTIVATION OF WRIGHT LANE

(4)

- (a) The applicant shall provide details to demonstrate the attainment of greater activation of Wright Lane by the introduction of another access to the commercial use from the lane and an enhanced visual emphasis and physical connection of the proposed access to the auditorium.

The amendments shall be submitted for the approval of the Director City Development and Projects prior to the issue of the Construction Certificate.

APPROVED DESIGN

- (5) The approved design, (including an element or detail of that design) 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.
- (6) The architects of the project as approved should not be changed without prior notice to Council. In this regard, prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the applicant shall furnish a letter to Council detailing the architect's role through the design documentation and construction phase of the development.

RESERVOIR STREET FOOTWAY WIDENING

- (7) The proposed Reservoir Street footpath widening is subject to the further approval of the Sydney Traffic Committee. The applicant shall submit to the Sydney Traffic Committee a detailed traffic report justifying the proposal and assessing the impacts on the street network. If the footway widening is approved, the applicant is responsible for all costs associated with the works.

FLOOR SPACE RATIO

- (8) The following applies to Floor Space Ratio:-
 - (a) The Floor Space Ratio of the proposal must not exceed 4.3:1 calculated in accordance with the Central Sydney Local Environmental Plan 1996. For the purpose of the calculation of FSR the Floor Space Ratio of the development is 6312sqm.

- (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

- (9)
 - (a) The height of the building as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996 must not exceed RL46.00 (AHD) or a lesser amount arising from reduction of the roof plant.
 - (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).

STORAGE

- (10) The amount of storage provided to each apartment must comply with the minimum requirements of Part 6 of the Central Sydney DCP 1996.
- (11) The storage provided within the basement is to be allocated to individual apartments via the strata plan of subdivision. In allocating amounts of storage to individual apartments, preference is to be given to the size of apartments and the amounts of internal storage. Details of the allocated amounts are to be submitted for the approval of the Director City Development and Projects prior to release of the construction certificate.

RIGHT OF CARRIAGEWAY

- (12) A documentary Right of Carriageway is to be created over the part of the adjacent site, 35-43 Reservoir Street (Silknit House), being the vehicle driveway and ramp from Reservoir Street to be used for access to the basement level 1 car park of the subject building. Such Right of Carriageway is to be defined in stratum, affecting the part of the adjacent building traversed by vehicles gaining access to the subject basement car park level, is to be registered on Title of the adjacent site, in terms granting unrestricted vehicle access and is to be created to Council's satisfaction.

STRATUM SUBDIVISION

- (13) A separate application is to be lodged with Council and approval obtained for Development Consent to the stratum subdivision of the site and the adjacent Silknit House site, 35-43 Reservoir Street, to excise the proposed Auditorium from the subject site and incorporate its stratum into the adjacent site in Title. Upon completion of construction of the development, application is to be made to Council to obtain approval of the final Plan of Subdivision and

endorsement of the Subdivision Certificate in accordance with Part 4A of the Environmental Planning and Assessment Act 1979.

STRATA SUBDIVISION

- (14) Any proposal to Strata subdivide part of the site, subsequent to excision of the Auditorium stratum, will require separate applications to obtain Development Consent from Council and subsequent approval of the final Strata Plan and endorsement of the Strata Certificate by Council or an accredited certifier in accordance with Section 37 of the Strata Schemes (Freehold Development) Act 1973.

RECEPTACLES FOR CIGARETTE BUTTS

- (15) 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.

SECTION 61 CONTRIBUTION AND ITEMISED QUANTITY SURVEYORS REPORT

- (16)
- (a) Prior to the release of the construction certificate evidence must be provided that a levy has been paid to the Council pursuant to section 61 of the City of Sydney Act and in accordance with this condition.
 - (b) The levy must be 1% of the cost of the proposed development calculated in accordance with the methods and procedures set out below.
 - (c) The proposed development the cost of which is subject to the levy shall ONLY exclude cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose

equipment and loose electrical appliances, minor maintenance of existing retained fixtures (eg. patching, repainting) and stamp duty.

- (d) The person seeking to make payment pursuant to this condition must submit to the Council:
- (i) a certificate from a registered quantity surveyor which:
 - a. states that the quantity surveyor has inspected:
 - i. the plans the subject of the application for construction certificate;
 - ii. all bills of quantities;
 - iii. lists all the matters listed in subclause (c) above and itemises all estimates in relation to these matters;
 - b. certifies in an itemised report, the estimated costs of the development of all matters as set out in subclause (c) above;
 - (ii) copies of all the things referred to in the certificate, including the things the quantity surveyor has inspected.
- (e) The Council will consider the documentation submitted under subclauses (c) and (d) and determine the cost of the proposed development having regard to the matters submitted and to such other matters as it considers appropriate and will notify the person accordingly.
- (f) The amount notified by the Council pursuant to subclause (e) is the amount payable under this condition prior to the release of the Construction Certificate.

PLACE OF PUBLIC ENTERTAINMENT

- (17) The use of the premises for the provision of entertainment shall not commence until such time as application, pursuant to Section 68 of the Local Government Act 1993, has been submitted to and approved by Council. The premises must comply with the requirements of the BCA, in particular those relating to Places of Public Entertainment.

DEMOLITION/SITE RECTIFICATION

- (18) The following conditions apply to the development:-
- (a) Demolition or excavation must not commence until a Construction Certificate has been issued under the Environmental Planning and Assessment Act 1979 for construction of the substantive building.
 - (b) Prior to issue of the Construction Certificate, documentary evidence must be provided to Council that the owner of the site has entered into a

Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the General Manager of the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.

- (c) Without limiting the generality of paragraph (b), the Deed must provide for:-
- (i) a bank guarantee to be provided to the sum of \$370, 000 as security for the costs of such works provided that:-
- a. the maximum liability under the Deed shall not exceed \$370, 000; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works that meet the objectives of the condition.
- (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
- a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the structure has commenced to be erected;
 - e. that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the above mentioned events, to:
 - f. make the building safe and attractive at ground level;
 - g. allow the ground level to be landscaped and made attractive from any public vantage point; or
 - h. for the hole to be covered to allow it to be landscaped and made attractive from any public vantage point; or
 - i. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenable stage;
 - j. AND to call on such bank guarantee to cover the cost thereof.

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

ELECTRICITY SUBSTATION

(19)

- (a) The owner negotiate with Energy Australia to determine in any further Electrical Substation is required on site. Confirmation of written communication between the applicant and Energy Australia is to be submitted to the Director City Development and Projects prior to the release of the construction certificate.
- (b) If a substation is required, the owner must dedicate, free of cost, an area of land adjoining the street alignment to enable an electricity substation to be established. The size and location of the substation is to be submitted for Council approval prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

PUBLIC ART

- (20) 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.

RESERVOIR STREET ROADWORKS

- (21) Detailed road and drainage works, engineering design and construction plans for the proposed reconstruction of part of Reservoir Street are to be submitted to Council and approval gained prior to the commencement of any associated work within the public way. Such plans are to include:-
 - (a) Location of all public utility services in the vicinity of the proposed works and details of any alterations or deviations required.
 - (b) Geometric design, construction materials and specifications of the proposed Lane carriageway formation including pram ramps and vehicle crossings.

- (c) Details of existing road formation and materials to be removed or relocated.
- (d) Hydraulic and geometric design of any proposed alterations or deviations of the storm water drainage system and property connections required
- (e) Details of any street furniture, bollards and proposed lighting of the road.

All proposed civil works are to be designed and constructed in accordance with Council's standards and requirements and AUSPEC #1 specifications. The submission to Council is to include:

- (i) The detailed engineering plans in duplicate and a Certification Form prepared and signed by an appropriately qualified practising Civil Engineer.
- (ii) Certification repeated for each revision issued to Council.
- (iii) The nomination of an appropriately qualified practising engineer who is to supervise construction and certify that upon completion, all works and procedures comply with the certified plans and specifications.

KERBING

- (22) As a consequence of its heritage significance, any trachyte kerbing to be removed or relocated is to be protected, stored and re-installed in accordance with the requirements and to the satisfaction of Council.

DRIVEWAY CROSSINGS

- (23) A separate application is to be made to Council's Civil Engineering Services - Roads and Footways unit for removal of any existing crossings that are no longer required as a consequence of the development and the reinstatement of the footpath formation in accordance with the requirements and to the satisfaction of Council.

CONSISTENCY OF DRAWINGS

- (24) 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.

HOURS OF OPERATION OF AUDITORIUM

- (25) The hours of operation of the auditorium must be restricted to between 8.00 am and 12.00 pm Mondays to Sundays, inclusive.

MANAGEMENT PLAN

- (26) A management plan shall be prepared for the proposed auditorium which contains:-
- (a) measures to ensure that the behaviour of patrons entering and leaving the proposed auditorium do not detrimentally affect the amenity of the neighbourhood;
 - (b) noise attenuation measures and management of emission of noise from live entertainment and amplified music;

The plan shall be submitted for the approval of The Director City Development and Projects prior to the issue of a construction certificate and the approved plan implemented.

NOISE - USE

- (27) 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.

COMMEMORATIVE PLAQUE

- (28) The following is required:-
- (a) A commemorative plaque must be incorporated in the new building, in a prominent position at ground floor level at or near the main entrance

to the building, to commemorate the major participants in the development. The details contained on the plaque are to include the names of the developer, architect, and consent authority and the year in which the building was completed.

- (b) The proposed location of the plaque and details of its proposed size, colour and materials, and text must be submitted for the approval of Council prior to the release of the building application.

STREET NAME PLATE

- (29) 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.

BUILDING NAME

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

CAR PARKING/BICYCLES/SERVICING

- (31) The following conditions apply to car parking:-
 - (a) One car space or an area equivalent to one car space per 100 car parking spaces or part thereof, must be provided with cycle racks, or a cycle storage area with cycle racks is to be provided for residents and tenants of the building. The facilities for cyclists shall be indicated on the plans submitted for the approval of The Director City Development and Projects prior to the issue of the construction certificate.
 - (b) Facilities for the parking and securing of bicycles in conjunction with the ground level commercial space and auditorium are to be provided. The location is to be convenient to the commercial and auditorium space without causing disturbance to the flow of pedestrians. This requirement may be integrated with the public art requirement specified elsewhere in this consent. Details of the location, design and capacity of the facilities are to be submitted for the approval of the Director City Development and Projects prior to release of the construction certificate.
 - (c) Car wash bays with appropriate plumbing and drainage are to be provided in accordance with the Central Sydney DCP 1996.
 - (d) The appropriate number of the approved car parking spaces are to be for people with mobility impairment, in accordance with AS 2890.1.
 - (e) Driveway widths, ramps, grades, aisle widths, turning circles and the layout of the car parks and service vehicle parking areas shall comply with Australian Standards AS 2890.1 - 1993 and AS 2890.2 - 1989.

- (f) Each pair of stacked parking spaces shall be assigned to the same tenant.
- (g) All vehicles must enter and exit the site in a forward direction.

All costs of traffic management measures associated with the development shall be borne by the developer.

PLANT

- (32) All mechanical plant servicing the building is to be located in the designated area on the approved plans. No plant is to be positioned outside the approved building envelope.

REPORTS TO BE COMPLIED WITH

- (33) The development shall be in accordance with the recommendations of the following reports submitted with the development application:-
 - (a) Wind, reflectivity and Energy Efficiency Statement prepared by Vipac Engineers and Scientists Ltd, dated 18 October 2002.
 - (b) Contamination Assessment report prepared by Douglass Partners Pty Ltd dated February 2000.
 - (c) Noise Impact Assessment prepared by Vipac Engineers and Scientists Ltd, dated 10 October 2002.
 - (d) Heritage Impact Statement prepared by Heritage Solutions, dated October 2002.
 - (e) Waste Management Plan prepared by Turner and Associates, dated 31 October 2002.
 - (f) Traffic Study prepared by Masson, Wilson, Twiney Traffic and Transport, dated October 2002.

ARCHAEOLOGICAL INVESTIGATION

- (34) An Archaeological assessment is to be carried-out to further investigate the archaeological potential of the site. The results of the assessment are to be submitted for the approval of the Director City Development and Projects. If required:-
 - (a) The applicant must apply to the Heritage Office for an excavation permit under Section 140 of the Heritage Act 1977.
 - (b) Should any potential archaeological deposit likely to contain Aboriginal artefacts be identified during the planning or historical assessment stage, application be made by a suitably qualified archaeologist to the National Parks and Wildlife Service (NPWS) for an excavation permit for Aboriginal relics.

- (c) The applicant shall comply with the conditions and requirements of any excavation permit required, and are to ensure that allowance for compliance with these conditions and requirements into the development program.
- (d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
- (e) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (f) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance of the area is to stop immediately and the (NPWS) is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

Note:

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

EXTERNAL LIGHTING

- (35) 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.

REFLECTIVITY

- (36) 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.

NO PARTICIPATION IN RESIDENT PERMIT PARKING SCHEME

- (37) Residents are not eligible to participate in the resident permit parking schemes.

Note:

This prohibition on participation in the resident permit parking scheme will be recorded on the Section 149 Certificate for this property under the Environmental Planning and Assessment Act 1979.

RESTRICTION ON CAR PARKING SPACES

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

Note:

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

BUILDING CODE OF AUSTRALIA

- (39) The openings on the boundary adjacent to the proposed auditorium shall be protected as required by BCA Part C.
- (40) Openings between different floors of the proposed building shall be provided with spandrels or similar means of separation in accordance with the BCA Part C.
- (41) Bounding construction shall be provided to fully surround public corridors in accordance with BCA Part D.
- (42) The building having and effective height of more than 25 metres shall be provided with such fire safety measures as are required by the performance requirements of the BCA.
- (43) The number of exits serving each storey of the building having an effective height of more than 25 metres shall satisfy the requirements of BCA Part D.
- (44) Stairways which serve as required exits shall be fire isolated to the degree necessary to achieve compliance with BCA Part D.

- (45) Balustrades serving floors or similar surfaces more than 4 metres above the surface below shall be detailed to meet the requirements of BCA Part D.
- (46) Egress arrangements from the proposed auditorium shall be redesigned to meet the requirements of the NSW BCA provisions relating to Places of Public Entertainment.
- (47) The development shall be generally constructed in accordance with the requirements of the BCA Assessment Report reference 2002/213R1 dated October 2002 prepared by Stephen Grubits & Associates Pty Ltd.

Schedule 1B

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

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

- (48) Prior to commencement of work, the Principal Certifying Authority (P.C.A) must assess the competency of all persons who propose to “certify” works or designs under the provisions of s93 of the Local Government Act. Competency is to be assessed in writing by the P.C.A on the basis of documentary evidence of the person’s qualifications, skills and experience in performing the task to be certified. The P.C.A must make a written determination on whether the person is appropriately qualified to “certify” the work of design, with all such documentation to be forwarded to Council (within 14 days of the determination) for its records and random audits.

DESIGN DETAILS

- (49) Final schedules and samples of the finishing materials to be used in the construction of the external facades and publicly accessible areas of the building including colours and samples of glazing, and including an A4 size colour photograph of the sample board, shall be submitted to and approved by the Director City Development and Projects prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

CAR PARK AND SERVICE VEHICLE LAYOUT

- (50)
 - (a) The layout plan of the carpark is to be in accordance with Australian Standard AS 2890.1 - 1993 “Parking Facilities Part 1: Off Street Car Parking”. All parking spaces are to be linemarked.
 - (b) The layout of the service vehicle areas is to comply with Australian Standard AS 2890.2 - 1989 “Off Street Parking Part 2 - Commercial Vehicles Facilities”.

- (c) The details shall be submitted to and approved by the certifying authority prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

BUILDING WASTE MANAGEMENT PLAN

(51) A Building Waste Management plan is to be submitted to Council and approved by the Director City Development prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 for the development. Such Plan must address compliance with Council's Code for Waste Handling in Buildings and provide details of the following:-

- (a) The location, design and construction of garbage rooms, recycling rooms and service areas and bin washing and collection areas including calculations of garbage generation volumes to verify the size of garbage rooms.
- (b) The natural and mechanical ventilation of garbage rooms and service areas, in accordance with the Building Code of Australia and Australian Standard 1668.
- (c) The location and design of garbage chutes required by the Code.
- (d) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.
- (e) The design features incorporated in the building and procedures to be adopted to ensure waste separation and minimisation within individual units and offices, on each floor of the building and within garbage storage and collection areas.

All requirements of the approved Building Waste management Plan must be implemented during the course of construction of the development.

WASTE MANAGEMENT COMPLIANCE

(52) Upon completion of construction of the development and prior to the issue of an Occupation Certificate for the building under the Environmental Planning and assessment Act 1979 (Form 12), or part thereof, compliance of all the building's waste facilities with the requirements set out in the approved Building Waste management Plan and in accordance with Council's Waste Code is to be verified by Council's Manager Contracts and Asset Maintenance.

(53) The following provisions apply to recycling areas:-

- (a) The building design must incorporate separate garbage rooms constructed in accordance with Council's Code, for the separation of commercial waste from residential waste, including recyclable materials.

- (b) The building must incorporate design features which will allow waste to be minimised and managed within each individual unit or office, on each floor of the building, and within the garbage/recycling storage and collection area.
- (c) The building design must allow easy access to the garbage and recycling areas by residents and tenants, but prevent their use by non-residents/tenants.

GARBAGE CHUTE

- (54) A complying garbage chute is required in all residential developments (Class 2) greater than 3 storeys in height. A chute and compactor is required if the building is greater than 25 metres in effective height.

NOISE REDUCTION

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

- (a) The report shall indicate measures to preserve the amenity for residents/apartment users such that the repeatable $L_{Aeq (1 \text{ hour})}$ level will not exceed the following levels:-
 - (i) In a naturally ventilated - windows closed condition:
 - a. Sleeping areas (night time only: 2200-0700) 35dB
 - b. Living areas (24 hours) 45dB
 - (ii) In a naturally ventilated - windows open condition, (ie windows open up to 5% of the floor area, or attenuated natural ventilation open to 5% of the floor area):
 - a. Sleeping areas (night time only: 2200-0700) 45dB
 - b. Living areas (24 hours) 55dB
 - (iii) Where a naturally ventilated - windows open conditions cannot be achieved, it is necessary to incorporate mechanical ventilation or air conditioning.
 - (iv) The following repeatable maximum $L_{Aeq (1 \text{ hour})}$ levels shall not be exceeded when doors and windows are shut and mechanical ventilation or air conditioning is operating. These levels correspond to the combined measured level of external sources and the ventilation system operating normally:-

- a. Sleeping areas (night time only: 2200-0700) 38dB
 - b. Living areas (24 hours) 46dB
- (b) In the preparation of the report:
- (i) The environmental noise monitoring at the site of the proposed development shall be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations;
 - (ii) The repeatable maximum $L_{Aeq(1 \text{ hour})}$ for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified, and
 - (iii) The $L_{Aeq(1 \text{ hour})}$ noise levels within living rooms and bedrooms with windows and doors both open and closed shall be shown.
- (c) All residential buildings and serviced apartments are to be designed and constructed in accordance with the above criteria. The completed work must comply with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

ACOUSTIC PRIVACY BETWEEN UNITS

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

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

occupancy unit from a plant room, stairway, public corridor, hallway or the like.

- (ii) A floor separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an IIC of not less than 55.
- (iii) Walls between sole-occupancy units shall comply with impact sound resistance standards specified in the BCA.
- (c) Council or the private Principal Certifying Authority must ensure that the completed work complies with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

(57)

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

Note:

Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the Notice of Requirements. Early advice from Sydney Water will avoid problems in providing water and sewer services to your development and adverse impacts on building design and site layout.

- (f) The approved plans will also need to be submitted to Sydney Water to determine whether the development will affect sewer and water mains, stormwater drains and/or easements. If the development complies with the requirements, the approved plans will be appropriately stamped by Sydney Water.
- (g) Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site www.sydneywater.com.au or telephone 132092.

TELECOMMUNICATIONS PROVISIONS

- (58) 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 DEVICE

- (59) A separate DA must be submitted at the appropriate time for any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development.
- (a) In this regard it should be noted that the spire element on the roof top of the building which extends beyond the maximum height limit for the site has been approved as an architectural roof feature as defined in Clause 32A of the Central Sydney Local Environmental Plan 1996.

ACCESS

- (60) 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.
- (61) The unit(s) designated for persons with disabilities shall be designed so as to allow for future fit out in accordance with AS 1428.1 - 1993 "Design for Access and Mobility".

STORMWATER AND DRAINAGE

- (62) The following stormwater details shall be submitted:-
- (a) Details of the proposed stormwater disposal and drainage of the development are to be submitted for approval by Council prior to issue of a Construction Certificate under the Environmental Planning and

Assessment Act 1979. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

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

PUBLIC DOMAIN PLAN

(63) The following requirements apply:-

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

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

Sydney will require all non complying parts to be rectified prior to issue of this letter.

Note:

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

ALIGNMENT LEVELS

(64) The following shall be submitted to Council:-

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

PHYSICAL MODELS

(65) Prior to the issue of the Occupation Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale model 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.

METAL FIXINGS

(66) Any metal fixings for façade 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 façade 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”.
- (67) 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).
- (68) 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

SITE CONTAMINATION REPORTS

- (69) Prior to commencement of site excavation works, a Site Contamination Survey Report, prepared by a qualified Environmental Consultant, in

accordance with the provisions of the “Contaminated Land Management Act 1997” must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or an accredited certifier).

- (70) Where a site is determined to be a “Contaminated Site” under the definition contained in ANZECC/NHMRC 1992 definitions, prior to commencement of site excavation works:-
- (a) A Remediation Action Plan (RAP), which details the proposed method for the proper cleaning of contaminated materials from the site is to be provided to the satisfaction of the PCA, (and a copy to sent to Council if it is not the PCA).
 - (b) A suitability qualified and accredited “Independent Auditor”, to the satisfaction of Council, (in terms of Section 7A of the “Environmental Planning and Assessment Act 1979”) is to be appointed in accordance with the requirements of the “Contaminated Land Management Act 1997, and Regulations 1998”.
 - (c) The approved Remediation Action Plan, must be available on the site at all times during the progress of the work.
 - (d) The Independent Auditor is to provide a letter to the satisfaction of the PCA, that the RAP is appropriate to remediate the land to the standard suitable for the proposed redevelopment of the land and that common or public areas meet the criteria for common property or designated public space.
 - (e) On completion of the excavation works, a validation certificate must be submitted to the PCA (and a copy sent to Council if it is not the PCA). The certificate signed by the Independent Auditor, must testify that the requirements detailed in the Remediation Action Plan, have been satisfactorily completed, and have achieved results as required under the requirements of the “Contaminated Land Management Act 1997, and Regulations 1998”.

DEMOLITION

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

DEMOLITION WORK METHOD STATEMENT

- (72) Prior to the commencement of demolition work a licensed demolisher who is registered with the WorkCover Authority must prepare a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or

an accredited certifier) and a copy sent to Council (if it is not the PCA). A copy of the Statement must also be submitted to the WorkCover Authority.

The Statement must be in compliance with “AS2601-1991 Demolition of Structures”, the requirements of WorkCover Authority and conditions of the Development Approval, and must include provisions for:-

- (a) Enclosing and making the site safe, any temporary protective structures must comply with the “Guidelines for Temporary Protective Structures (April 2001)”;
- (b) Induction training for on-site personnel;
- (c) Inspection and removal of asbestos, and contamination and other hazardous materials;
- (d) Dust Control:
 - (i) Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site.
- (e) Disconnection of Gas and Electrical Supply;
- (f) Fire Fighting:
 - (i) Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed.
- (g) Access and egress:
 - (i) No demolition activity shall cause damage to or adversely affect the safe access and egress of this building.
- (h) Waterproofing of any exposed surfaces of adjoining buildings;
- (i) Control of water pollution and leachate and cleaning of vehicles tyres:-
 - (i) Proposals shall be in accordance with the “Protection of the Environmental Operations Act 1997”.
- (j) Working hours, in accordance with this Development Consent;
- (k) Confinement of demolished materials in transit;
- (l) Proposed truck routes, in accordance with this Development Consent;

- (m) Location and method of waste disposal and recycling in accordance with the “Waste Minimisation and Management Act 1995”.
- (73) The demolition of buildings by induced collapse, the use of explosives or on-site burning is not permitted.
- (74) Prior to the commencement of demolition work, the following additional details are required to be submitted to the Principal Certifying Authority (PCA) (Council or a accredited certifier), and a copy submitted to Council if its not the PCA:-
 - (a) A Statement/Letter from an appropriately qualified Structural Engineer certifying concurrence with the structural provisions of the Demolition Work Method Statement and proposed work. If applicable, a Structural Report of the proposed building to be demolished must be attached.
 - (b) A Letter nominating the person appropriately qualified as an Occupational Hygiene Consultant for inspecting the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to WorkCover Authority.
 - (c) Dilapidation Reports for the existing buildings to be retained on the site and all adjacent buildings adjoining the site.
 - (d) A certified copy of the Public Liability Insurance indemnifying Council for \$10,000,000 against public prosecution for the duration of the demolition works.
 - (e) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the WorkCover Authority.

WATER AND SEDIMENT CONTROL STATEMENT FOR DEMOLITION AND EXCAVATION

- (75) The following environmental protection measures are required:-
 - (a) Prior to the commencement of demolition and/or excavation, a Demolition/Excavation Water and Sediment Control Statement must be submitted to and approved by the Principal Certifying Authority (Council or an accredited officer).
 - (b) Such statement must include:-
 - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
 - (ii) The proposed method of discharge;
 - (iii) The procedures to be adopted for the prevention of run-off from the site onto the public way;

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

PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN FOR DEMOLITION AND/OR EXCAVATION

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

WASTE MANAGEMENT DURING DEMOLITION AND EXCAVATION

- (77) A Waste Management Plan for the demolition and/or excavation of the proposed development must be submitted to the satisfaction of the Principal Certifying Authority (and a copy submitted to Council if it is not the PCA) before commencement of work on the site.
- (78) Certification that the plan is in accordance with the Development Approval Conditions, Council's Code for Waste Handling in Buildings and the "Waste Minimisation and Management Act 1995", must be submitted in the attached form W3 to the satisfaction of the Principal Certifying Authority. Such

Certification must be submitted by an appropriately qualified person experienced in Waste Handling Design and Environmental Management.

- (79) The Waste Management Plan must address demolition and excavation, as applicable. The Plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:-
- (a) Compliance with the requirements set out in Annexure (“A”) of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
 - (b) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition and excavation operations including:-
 - (i) Type and quantities of material expected from demolition and excavation;
 - (ii) Name and address of transport company;
 - (iii) Address of proposed site of disposal;
 - (iv) Name/address of company/organisation accepting material;
 - (v) Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
 - (vi) Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
 - (vii) Material for disposal and justification of disposal;
 - (viii) If details of items (ii) to (vii) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contacts.
- (80) All requirements of Waste Management Plans must be implemented during the demolition and/or excavation period of the development.

Note:

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

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

- (81) A Pedestrian and Traffic Management Plan must be submitted to and approved by Council prior to commencement of construction on the site and must include details of:-
- (a) Proposed ingress and egress of vehicles to and from the construction site;

- (b) Proposed protection of pedestrians adjacent to the site;
- (c) Proposed pedestrian management whilst vehicles are entering and leaving the site;
- (d) Proposed route of construction vehicles to and from the site.
- (e) The Pedestrian and Traffic Management Plan shall be implemented during the construction period.

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

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

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

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

EXCAVATION WORK METHOD STATEMENT

(83) Prior to commencement of site excavation works, an Excavation Work Method Statement prepared by an appropriately qualified person must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or an accredited certifier) and a copy submitted to Council (if it is not the PCA). The Statement must include:-

- (a) Name and address of the company/contractor undertaking excavation works;
- (b) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials (if applicable);
- (c) Name and address of the transport contractor, and location of the disposal site;
- (d) Type and quantity of material to be removed from site;
- (e) A Materials Handling Statement for the removal of refuse from the demolition site, in accordance with the provisions of the "Waste Minimisation and Management Act 1995";
- (f) A Dust Control Method Statement for excavated sandstone or other excavation materials;
- (g) Procedures to be adopted for the prevention, of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment, and the proposed method of cleaning surrounding roadways from such deposits;
- (h) Measures to enclose the excavation site, including safety barriers, particularly if the excavation is greater than 1.5 metres deep. Plastic jersey kerb barriers are not permitted;
- (i) Any WorkCover Authority requirements.

Note:

- (i) A copy of all Reports/Statements referenced in the Work Method Statement must be appended to the Statement.
- (ii) The Principal Certifying Authority is to be notified of any proposed alteration of the above information during the course of demolition.
- (iii) On completion of removal of contaminated materials, a certificate shall be submitted to the PCA, and a copy provided to the Council

(if it is not the PCA) testifying to the safe and proper disposal, and amount of all such material.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (84) A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect a hoarding or scaffolding in a public place and such application is to include:-
- (a) Architectural, construction and structural details of the design in accordance with the “Policy for the Design and Construction of Hoarding (September 1997)” and the “Guidelines for Temporary Protective Structures (April 2001)”.
 - (b) Structural certification prepared and signed by an appropriately qualified practising structural Engineer.
 - (c) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.
 - (d) Should the hoarding obstruct the operation of Council’s CCTV Cameras, the applicant shall relocate or replace the CCTV camera within the hoarding or to an alternative position as determined by Council’s Contracts and Asset Management Unit for the duration of the construction of the development. The cost of relocating or replacing the CCTV camera is to be borne by the applicant. Further information and a map of the CCTV cameras is available by contacting Council’s CCTV Unit on 9265 9232.
 - (e) Assessment of the impacts of construction and final design upon the City of Sydney’s street furniture such as bus shelters, phone booths, bollards and litter bins. Street furniture must be accessible during construction for use and maintenance. Note: The cost of any removals, storage and relocation during construction, and reinstatement upon completion, must be borne by the applicant. The applicant must also seek permission from the telecommunications carrier (eg. Telstra) for the removal of any public payphones.

APPLICATION FOR A ROAD OPENING PERMIT

- (85) A separate Road Opening Permit under Section 138 of the Roads Act 1993 shall be obtained from City Care Unit of the City of Sydney prior to the commencement of any:-
- (a) Excavation in or disturbance of a public way, or
 - (b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).
 - (c) Documents required with the Road Opening Permit application include:

- (d) A plan and relevant sections showing scope of works, boundaries, utility services, levels of proposed excavation, and details of method of reinstating public way;
- (e) Evidence that public utility drawings have been inspected;
- (f) Evidence of a \$10 million dollar Public Liability Insurance Policy specifically indemnifying the City of Sydney, valid for at least the duration of the project;
- (g) A Security Deposit for reinstatement of public way.
- (h) The Road Opening Permit will be subject to further conditions that shall be complied with.

BARRICADE PERMIT

- (86) 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.

FOOTPATH DAMAGE BANK GUARANTEE

- (87) Prior to release of a temporary structure approval under Section 68 of the Local Government Act 1993 (Hoarding Approvals), the owner of the site must provide a bank guarantee for an amount to be calculated by Council for the area of footway adjacent to the Reservoir Street frontage of the development site, as security for any damage rectification.

USE OF MOBILE CRANES

- (88) 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.

FOOTPATH PROTECTION

- (89) The following protective measures shall be provided under any hoarding on the public footway during construction of the development to the satisfaction of the Council:-
- (a) Plastic sheeting to cover the stone paving;
 - (b) Minimum 12mm thick plywood on top of the plastic sheeting; and
 - (c) These measures shall be maintained in a safe and tidy condition for the duration of construction.

CONTROL OF VERMIN

- (90) 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.

CERTIFICATION OF MECHANICAL VENTILATION

- (91) 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.

To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:-

- (a) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
- (b) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted).
 - (i) Supply Air Ducts, Shafts and Fans - Blue
 - (ii) Return Air Ducts, Shafts and Fans - Pink
 - (iii) Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green
 - (iv) Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange
 - (v) Mixing Boxes and Conditions - Yellow
 - (vi) Fire Dampers and Electric Heaters - Red
- (c) Drawings which show where applicable the existing and proposed air intakes, air discharges and cooling towers and their relative position to each other, the boundaries of the site, openable windows, and adjoining buildings;

- (d) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of Attachment M1, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) together with the Curriculum Vitae of the Design Engineer or other appropriate Certifier must be submitted to Principal Certifying Authority (PCA). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council by the PCA;
- (e) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.

STRUCTURAL CERTIFICATION FOR DESIGN - MAJOR WORKS

- (92) 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:

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

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

Schedule 1D

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

DEMOLITION WORKS

- (93) 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.
- (94) Demolished combustible materials shall not be stockpiled. Material must be removed regularly.

HOURS OF WORK AND NOISE

(95) The hours of construction and work on the development shall be:-

- (a) All work, including building/demolition and excavation work in connection with the proposed development must only be carried out between the hours of 7.30 a.m. and 5.00 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 3.00 p.m. on Saturdays, with safety inspections being permitted at 7.00 a.m. on work days and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with "The City of Sydney Building Sites Noise Code" and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

(96) A site notice(s) is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:-

- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
- (c) A copy of the first page of the development approval and construction certificate (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
- (d) The approved hours of work, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint are to be displayed on the site notice;
- (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is to state that unauthorised entry to the site is not permitted. If demolition is being undertaken, the words, Danger - Demolition Site, with an international logo must be displayed.

LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS

(97) The applicant shall ensure that lighting of the site, whilst any work is undertaken outside of Council's standard hours of construction, is such that, at no time will the intensity, hours of illumination or location of the lighting cause injury to the amenity of the neighbourhood. If in the opinion of Council, injury is likely to be caused, the intensity, hours of illumination and

location of the lighting must be varied so that it does not cause injury to nearby residents.

LOADING AND UNLOADING DURING CONSTRUCTION

(98) 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

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

PROTECTION OF THE ENVIRONMENT

(100) 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.

OBSTRUCTION OF THE PUBLIC WAY

- (101) 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.

DRIVEWAY ENTRYS DURING CONSTRUCTION

- (102) Approved concrete driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.
- (103) 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.

USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE

- (104) 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.

CITY OF SYDNEY COMPLIANCE INSPECTIONS

- (105) 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).

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.

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

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

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

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

- (107) Prior to issue of an Occupation Certificate and/or prior to commencement of the use the building owner must ensure that there is a contract either with Council or a licensed contractor for the removal of trade waste. No garbage is to be placed on the public way eg. Footpaths, roadways, plazas, and reserves at any time.
- (108) The efficient operation and performance of any mechanical ventilation, air pressurisation or other smoke control system must not be impaired by the partitioning layout. Adequate relief/transfer air openings must be provided to ensure the performance of systems during fire and non-fire conditions is not impaired.
- (109) 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.
- (110) 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.

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

- (111) For temporary shoring, a separate application must be lodged to Council under the provisions of Section 68 of the Local Government Act 1993.
- (112) 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.

CERTIFICATION OF GEOTECHNICAL INSPECTION

(113) Prior to issue of an Occupation Certificate or use of the premises, a Geotechnical Inspection Certificate in the form of Attachment G2, or a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the

satisfaction of the Principal Certifying Authority (PCA) and a copy submitted to Council, (if it was not the PCA).

Notes:

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

COMPLIANCE CERTIFICATE FOR ACOUSTIC PRIVACY

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

COMPLIANCE CERTIFICATE FOR NOISE REDUCTION

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

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

- (116) 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.

COOLING SYSTEMS

- (117) All evaporative cooling warm water or water cooling systems installed on the premises must comply with the Public Health Act 1991 and Public Health Regulation 1991 and be registered by Council.
- (118) Prior to commencement of the use, the owner or occupier of the premises must apply to Council for the registration of water-cooling systems (cooling towers and evaporative condensers), evaporative cooling systems and warm-water systems which heat and deliver water at less than 60°C at each outlet installed on the premises.

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (119) 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.
- (120) 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.

Schedule 1F

Conditions to be complied with during the use of Premises

REMOVAL OF GRAFFITI

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

NOISE - MECHANICAL PLANT

- (122) 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.

CARE OF BUILDING SURROUNDS

- (123) 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.

AWNINGS

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

WINDOW CLEANING

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

ALARM

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

WASTE

(127) 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”.

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

ITEM 7. DRAFT AMENDMENTS TO CENTRAL SYDNEY LOCAL ENVIRONMENTAL PLAN 1996 (SO16796)

Declaration of Interest

Ms Morrish declared an interest in this item as she will be providing advice to the Minister for Planning who is the consent authority. Ms Morrish took no part in discussion or voting on this item.

Ms Janet Thompson of the Stockland Trust Group addressed the meeting of the Central Sydney Planning Committee on this matter.

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

That arising from consideration of a report by the Manager Strategic Planning to the Central Sydney Planning Committee on 27 February 2003, on Draft Amendments to the Central Sydney Local Environmental Plan 1996, it be resolved that the Central Sydney Planning Committee:-

(A) adopt the amendments proposed to the Draft Central Sydney Local Environmental Plan 2002 as shown in the subject report;

- (B) forward the Draft City of Sydney Local Environmental Plan 2002 (as amended) to Planning NSW under the provisions of Section 68 (Consideration of submissions) of the Environmental Planning and Assessment Act, 1979;
- (C) request the Director General of Planning NSW to furnish a report to the Minister for Planning under the provisions of Section 69 of the Environmental Planning and Assessment Act 1979 to enable the Draft City of Sydney Local Environmental Plan 2002 to be made;
- (D) authorise the Lord Mayor to make drafting changes to the Draft City of Sydney Local Environmental Plan in order to address the issues raised in paragraphs -
- 22 - (Review of the Plan)
 - 25 - (Savings and Transitional Provisions),
 - 28 and 29 - (Master Plans - maximum height and variation to development standards)
 - 36, 37, 38 - (Exclusion of SEPP 1 and Consequential Amendments)
 - 48 - (Site Area)
 - 52 - (Subdivision)
 - 61 and 62 - (Referral of Heritage Items)
 - 64 - (Millers Point Objectives)
 - 69 - (Development of Potential Archaeological Sites)
 - 72 - (Heritage Work)
 - 75 - (Central Parcels Shed)
 - 80 - (Master Plan Maps)
 - 82 - (Consent authority for Ultimo Pymont)

and any other operational drafting changes and non-substantive drafting changes that may arise from discussions with Planning NSW and Parliamentary Counsel.

ITEM 8. PRESENTATIONS BY APPLICANTS AND PRELIMINARY ADVICE (S023330)

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

ITEM 9. NEW DEVELOPMENT APPLICATION LODGEMENTS AND DELEGATED ITEMS (S00-2287)

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

That arising from consideration of a report by the A/Manager Development to the Central Sydney Planning Committee on 27 February 2003, in regard to the report on new development application lodgements and delegated items, it be resolved that the report be received and noted.

ITEM 10. PROGRESS REPORT ON DEVELOPMENT APPLICATIONS (A03-00138/1)

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

That arising from consideration of a report by the A/Manager Development, to the Central Sydney Planning Committee on 27 February 2003, in regard to the progress report for the month of January 2003, it be resolved that the report be received and noted.

ITEM 11. GENERAL BUSINESS

There were no items of general business raised at the meeting of the Central Sydney Planning Committee on 27 February 2003.

The meeting concluded at 5.55pm.

CHAIRMAN

The next meeting of the Central Sydney Planning Committee is scheduled for 20 March 2003.