

CENTRAL SYDNEY PLANNING COMMITTEE

THURSDAY 3 JULY 2003

Meeting No 283

MINUTES of the Meeting of the Central Sydney Planning Committee held in the Reception Room, Sydney Town Hall, on Thursday 3 July 2003 commencing at 5.16pm.

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PRESENT

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

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

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

APOLOGY

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

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

That the apology from Ms Westacott be received and leave of absence granted.

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

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

5. Strategic Planning - Sex Industry Policy - Amendment
6. Draft Signage and Advertising Structures Development Control Plan
7. Future Planning Policy Directions Responding to the Boundary Changes
10. Carlton and United Breweries Site - Proposed Draft Local Environmental Plan
3. Development Application: 232-248 Pitt Street, 161-167 Castlereagh Street and 147-153 Castlereagh Street, Sydney
4. Development Application: Observatory Hotel, 89-113 Kent Street, Millers Point
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
11. General Business

ITEM 1. CONFIRMATION OF MINUTES (S023330)

Resolved on the motion of Councillor Marsden seconded by Mr Johnson -

That the Minutes of the meeting of the Central Sydney Planning Committee held on 22 May 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 22 May 2003.

ITEM 3. DEVELOPMENT APPLICATION: 232-248 PITT STREET, 161-167 CASTLEREAGH STREET AND 147-153 CASTLEREAGH STREET, SYDNEY (D2002/00842)

It was noted that no report on this matter was circulated and this matter was not discussed at this meeting.

ITEM 4. DEVELOPMENT APPLICATION: OBSERVATORY HOTEL, 89-113 KENT STREET, MILLERS POINT (D2003-00140)

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

That arising from consideration of a report by the Senior Statutory Planner to the Central Sydney Planning Committee on 3 July 2003, in relation to Development Application D2003/00140 made by Cox Richardson Architects and Planners for the site at 89-113 Kent Street, Millers Point (Observatory Hotel) for the erection of a part fifth floor to accommodate eight additional hotel suites and two swimming pools, with associated decking at roof level, it be resolved that:-

- (A) in accordance with Clause 28(B)(4) (d) and (e) of Central Sydney Local Environmental Plan 1996 (CSLEP 1996) the requirement for a Development Plan be waived in this particular instance for the following reasons:
- (1) The one storey extension is below existing building elements and is 1.5 metres higher than the existing roof ridge,
 - (2) The extension does not significantly add to the perceived bulk of the building incorporating appropriate design measures and setbacks,
 - (3) The floor space ratio of the building is not significantly increased,
 - (4) The proposal will, subject to conditions, have minimal impact on the amenity of the area, and complements the qualities of the conservation area of which it is part,
 - (5) The information and general requirements of a Development Plan (as outlined in Clause 28 (c) of CSLEP 1996) have been provided to enable a full and proper contextual analysis,
 - (6) The proposal is of a similar nature to additions cited in clause 28(B) (4) (a), and
 - (7) The proposal would result in public benefits, particularly by providing for presidential style tourist accommodation in Sydney;
- (B) The objection made under State Environmental Planning Policy No. 1 in relation to the development's non-compliance with the 9 metre height control prescribed by Clause 32 of Central Sydney Local Environmental Plan 1996 is considered well founded, as strict compliance with the development standard would be

unreasonable and unnecessary in the circumstances of the case for the following reasons:

- (1) The proposed building height increase of 1.5m is still below the maximum existing height of the building, and the proposed roof additions would not result in any unacceptable amenity impacts on the surrounding area,
 - (2) The proposed additions would comprise a part floor utilising much of the existing roof space and is well designed to complement the existing building and character of the surrounding area,
 - (3) That the proposal is consistent with the stated and underlying objectives of the height standard,
 - (4) The proposal complies with Clause 10 of Draft Central Sydney Local Environmental Plan 2002 (Draft CSLEP 2002) relating to variation of development standards,
 - (5) The proposal would result in public benefits, particularly by providing for presidential style tourist accommodation in Sydney;
- (C) The objection made under State Environmental Planning Policy No. 1 objection in relation to the development's non-compliance with the 2:1 floor space ratio (FSR) control prescribed by Clause 35 of Central Sydney Local Environmental Plan 1996 is considered well founded, as strict compliance with the development standard would be unreasonable and unnecessary in the circumstances of the case for the following reasons:
- (1) That the proposed building FSR of 4.3:1 is acceptable given the building has a current FSR of 4:1 and the proposed roof additions would not result in any unacceptable amenity impacts on the surrounding area,
 - (2) That the proposed additions would comprise a part floor utilising much of the existing roof space and the extent of additional floor area, being 605m², would not add significant bulk to the existing building,
 - (3) That the proposal is consistent with the stated and underlying objectives of the FSR prescription,
 - (4) The proposal complies with Clause 10 of Draft CSLEP 2002 relating to variation of development standards,
 - (5) The proposal would result in public benefits, particularly by providing for presidential style tourist accommodation in Sydney; and
- (D) That development consent be granted, subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

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

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

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D 2003-00140 dated 28 February, 2003 and Statement of Environmental Effects prepared by JBA Urban Planning Consultants, dated February 2003, and drawings numbered 001048-SD-001 to 007 (Revision 1) prepared by Cox Richardson, and as amended by the following conditions.

APPROVED DESIGN

- (2) That at no time shall the intensity, period of intermittency and hours of illumination of the swimming pool area cause injury to the amenity of the neighbourhood and, in particular, to the operations of the nearby Observatory. In this regard, the pools shall be illuminated from an internal source and are not to be floodlit in such a way so as to cast light directly towards the sky. Details of the illumination are to be submitted for the approval of Council prior to the issuing of a construction certificate.
- (3) The design details of the new upper floor, including all external finishes and colours, including glazing must be in accordance with the materials schedule and sample board, and specifications prepared by Cox Richardson and dated March 2003.

Note:

Any variation to these approved materials and finishes will require the submission of an application under Section 96(2) of the Environmental Planning and Assessment Act, 1979 to modify the consent and approval thereto.

FLOOR SPACE RATIO

- (4) The following applies to Floor Space Ratio:-
 - (a) The Floor Space Ratio of the proposal must not exceed 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 Area of the development is 10,015m².

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

BUILDING HEIGHT

- (5) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 41.2 (AHD).
 - (a) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the height of the building, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

CONSISTENCY OF DRAWINGS

- (6) In the event that the approved plans incorporate inconsistencies of detail between the relevant plans and elevations, the details shown in the elevations shall take precedence.
- (7) The architect of the project as approved should not be changed without prior notice to Council.

DEMOLITION/SITE RECTIFICATION

- (8) 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.

COST SUMMARY REPORT - CONCURRENT WITH ISSUE OF CONSTRUCTION CERTIFICATE

- (9) Concurrent with the release of the Construction Certificate, the "City of Sydney - Cost Summary Report" shall be completed in full and submitted to Council by the CERTIFYING AUTHORITY indicating the itemised cost of the development. A copy of the required report format may be obtained from the City of Sydney One Stop Shop and the City of Sydney's website (www.cityofsydney.nsw.gov.au).
 - (a) Should the total cost of the development exceed \$200,000, a contribution comprising 1% of the total cost of the proposed development under Section 61 of the City of Sydney Act 1988 and the "City of Sydney Contributions Plan 1997" must be paid prior to the release of the construction certificate. Such payment must be verified by the CERTIFYING AUTHORITY. Payment if applicable shall be by

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

- (b) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation, electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, Building Code of Australia compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (c) below.
- (c) The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.

PHYSICAL MODELS

- (10) 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

Note:

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.

The models are to comply with all of the conditions of the Development Consent.

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.

RESTRICTION ON HOTEL DEVELOPMENT

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

- (a) The accommodation portion of the building must be used for the purpose of a hotel/tourist accommodation, in accordance with the Central Sydney Local Environmental Plan 1996.

EXTERNAL LIGHTING

- (12) 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.

SIGNS

- (13) 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.

Schedule 1B

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

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

- (14) 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.

EXTERNAL RECEIVER DEVICE

- (15) 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.

A separate Development Application 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.

STORMWATER AND DRAINAGE

- (16) Certification by a hydraulic engineer that stormwater will be disposed from the site in accordance with Council's standard requirements, shall be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

Any proposed connection to the City's underground drainage system will require the owner to enter into a Deed of Agreement with the City and obtain registration on Title of a Positive Covenant prior to commencement of any work within the public way, at no cost to the City.

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

- (17) 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.

DISABLED ACCESS

- (18) Access and facilities for persons with disabilities must be provided to comply with Parts D and F of the Building Code of Australia and the City of Sydney Access Policy to the sleeping accommodation, and the common and public areas.
- (19) Access in accordance with Australian Standard 1428, Parts 1 and 2 must be provided to washing machines, dryers, cooking equipment, telephones and the like.
- (20) That at least one of the additional suites shall be designed so as to allow for future fit out in accordance with AS 1428.1 - 1993 "Design for Access and Mobility".

GLAZING

- (21) The visible light reflectivity from building materials used on the facade of the upper level shall not exceed 20% and must be otherwise designed so as not to result in glare that causes discomfort to surrounding residents.

BUILDING CODE OF AUSTRALIA

- (22) 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.
- (23) That all balustrades associated with the new work shall comply with Clause D2.16 of the Building Code of Australia.
- (24) 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).

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.

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

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

Schedule 1C

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

APPLICATION FOR HOARDINGS AND SCAFFOLDING IN A PUBLIC PLACE

- (26) 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.

BARRICADE PERMITS

- (27) Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government Act 1993 for a Barricade Permit is to be obtained from Council prior to the

commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

(28) A Pedestrian and Traffic Management Plan must be submitted to and approved by Council prior to commencement of construction on the site and must include details of:-

- (a) Proposed ingress and egress of vehicles to and from the construction site;
- (b) Proposed protection of pedestrians adjacent to the site;
- (c) Proposed pedestrian management whilst vehicles are entering and leaving the site;
- (d) Proposed route of construction vehicles to and from the site.

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

USE OF MOBILE CRANES

(29) 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 four 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.

STRUCTURAL CERTIFICATION

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

- (a) Structural Drawing/s prepared by an appropriately qualified practising Structural Engineer; corresponding with and attached to a Structural Certificate (see (b));
- (b) A Structural Certificate for Design, submitted in the form of Attachment S1, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979). This must specify that 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 on which the Construction Certificate was issued; and
 - (iv) The relevant Australian Standards listed in the BCA (Specification A1.3).
- (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.
- (d) Prior to issue of an Occupation Certificate and/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 and a copy of the certificate with a microfilm set of the final drawings submitted to Council, after:
 - (i) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and
 - (ii) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Notes:

- (e) An appropriately qualified practising structural engineer certifying by completing Attachment S1 must have:-
 - (i) Appropriate tertiary qualifications in Civil or Structural Engineering; AND
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume;
 - (iv) Appropriate current professional indemnity insurance.

- (f) 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.

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

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

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

Schedule 1D

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

CITY OF SYDNEY COMPLIANCE INSPECTIONS

- (32) 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 is 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.

LOADING AND UNLOADING DURING CONSTRUCTION

(33) 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

- (34) 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 (OPERATIONS) ACT 1997

- (35) 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.
- (36) 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.

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.

HOURS OF CONSTRUCTION WORK

- (37) 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 7.00am and 7.00pm Mondays to Fridays, inclusive

and 7.00am and 5.00pm on Saturdays, and no work to be carried out on Sundays or public holidays.

- (b) The applicant must provide to Council a 24 hours per day telephone contact number and must ensure such number is continually attended by a person with authority over the building during the construction period.
- (c) The approved hours of work and the 24 hours telephone number must be prominently displayed at all times on the building site and must be visible from a public street or a public place.
- (d) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'

Schedule 1E

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

OCCUPATION CERTIFICATE

- (38) 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.
- (39) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (40) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".
- (41) The swimming pools shall be registered on Council's database.

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

- (42) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979 and following the completion, installation, and testing of all the mechanical ventilation systems covered by the approval, a Mechanical Ventilation Certificate of Completion and Performance in the form of Attachment M2, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the Principal Certifying Authority (PCA) (Council or a

private accredited certifier). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council if it was not the PCA.

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (43) 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.
- (44) 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.
- (45) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.

HEALTH

- (46) The spa pool is to be maintained in accordance with the requirements of the Public Health Act 1991, Public Health (Swimming Pools and Spa Pools) Regulation and the NSW Health Department Guidelines for Disinfecting Public Swimming Pools and Spa Pools.

- (47) Prior to issue of an Occupation Certificate, Council's City Care Unit (Health Section) shall be notified of the premises being used for the purpose of a public swimming pool/spa pool. The premises will be registered on Council's Database.

Schedule 1F

Conditions to be complied with during the use of Premises

CARE OF BUILDING SURROUNDS

- (48) 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

- (49) 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

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

NOISE - USE

- (51) 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 107 for indoor sound level measurements.

NOISE - MECHANICAL PLANT

(52) 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.

ITEM 5. STRATEGIC PLANNING - SEX INDUSTRY POLICY - AMENDMENT (D2003-00140)

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

That arising from consideration of a report by the Manager - Planning Policy and Building Services to the Central Sydney Planning Committee on 3 July 2003, on Strategic Planning - Sex Industry Policy - Amendment, it be resolved that:-

- (A) the Central Sydney Planning Committee adopt the (amended) Sex Industry Policy (the Policy), as shown at Attachment B to the subject report;
- (B) authority be delegated to the Lord Mayor to make consequential drafting changes to the Policy, as generally required by the subject report; and
- (C) the Central Sydney Planning Committee note that the City of Sydney will comprehensively review the Policy during 2003.

ITEM 6. DRAFT SIGNAGE AND ADVERTISING STRUCTURES DEVELOPMENT CONTROL PLAN (S0022)

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 3 July 2003, on the Draft City of Sydney Signage and Advertising Structures Development Control Plan 2003, it be resolved that:-

- (A) the Central Sydney Planning Committee endorse the public exhibition of the Draft City of Sydney Signage and Advertising Structures Development Control Plan 2003, as shown at Attachment A to the subject report, and as prepared in accordance with Section 72 of the Environmental Planning and Assessment Act 1979 for the purposes of public exhibition;
- (B) authority be delegated to the Lord Mayor to make any drafting changes arising from consideration of the Draft City of Sydney Signage and Advertising Structures Development Control Plan 2003 by the Council and the Central Sydney Planning Committee; and
- (C) the Central Sydney Planning Committee endorse the operation of the Draft City of Sydney Signage and Advertising Structures Development Control Plan 2003 as an Interim Policy, effective from the date that public exhibition of the Draft DCP commences.

Carried unanimously.

ITEM 7. FUTURE PLANNING POLICY DIRECTIONS RESPONDING TO THE BOUNDARY CHANGES (S016796)

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

That arising from consideration of a report by the Manager Strategic Planning to the Central Sydney Planning Committee on 3 July 2003, regarding the future planning policy directions arising from the Local Government Boundary Changes, it be resolved that the Central Sydney Planning Committee:-

- (A) apply Central Sydney Local Environmental Plan 1996, Central Sydney Heritage Local Environmental Plan 2000 and Draft City of Sydney Local Environmental Plan 2002 to the transfer areas received from South Sydney and Leichhardt Councils, and in particular, apply the aims, objectives and principles of these plans, and the design excellence provisions;
- (B) adopt as policy the provisions of Section 6.1 of Central Sydney Development Control Plan 1996 entitled "Amenity for Residential Buildings and Services Apartments" to the transfer areas received from South Sydney and Leichhardt Councils; and

- (C) note that the City of Sydney will review and consolidate the intended planning controls in the former South Sydney and Leichhardt Council areas, which now form part of the City of Sydney Local Government Area.

Carried unanimously.

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 (S023330)

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

ADDITIONAL MATTER FOR THE CENTRAL SYDNEY PLANNING COMMITTEE

MINUTE BY THE LORD MAYOR

To the Central Sydney Planning Committee:

Attached for consideration by the Central Sydney Planning Committee at its meeting on 3 July 2003 is a report on the Carlton and United Breweries Site - Proposed Draft Local Environmental Plan.

I bring this item forward for the consideration of the Central Sydney Planning Committee.

(SGD) COUNCILLOR LUCY TURNBULL
LORD MAYOR

ITEM 10. CARLTON AND UNITED BREWERIES SITE - PROPOSED DRAFT LOCAL ENVIRONMENTAL PLAN (S024626)

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

That arising from consideration of a report by the Manager - Building Services and Planning Policy to the Central Sydney Planning Committee on 3 July 2003, in relation to the Carlton and United Breweries Site - Proposed Draft Local Environmental Plan, it be resolved that:-

- (A) the Central Sydney Planning Committee approve the preparation of a Local Environmental Plan by the City of Sydney for the Carlton and United Breweries Site (as defined by the map as shown at Attachment A to the subject report) pursuant to Section 54 of the Environmental Planning and Assessment Act 1979 and Section 39 of the City of Sydney Act 1988;
- (B) a CSPC sub-committee for the Carlton and United Breweries site be established comprising the Lord Mayor, Mr Bird, Mr Cappie-Wood and Mr Johnson, for the purpose of preparing a Competition Brief for the site (refer Section 12.2 of Central Sydney Development Control Plan 1996) which is to inform a Local Environmental Study as required by Section 57 of the Environmental Planning and Assessment Act 1979 and to be used in any subsequent Design Competition for the site; and
- (C) authority be delegated to the Lord Mayor, in consultation with the CSPC sub-committee, to authorise the preparation, consultation and exhibition of the Draft Local Environmental Plan and supporting documentation pursuant to the requirements of Part 3 of the Environmental Planning and Assessment Act 1979.

ITEM 11. GENERAL BUSINESS

11.1 Transport Strategy

Ms le Marchant raised the matter of the proposal for a briefing of the Committee on public transport infrastructure planning, and opportunities arising from the construction of the Cross City Tunnel.

Mr Cappie-Wood indicated that he would assist in arranging a briefing.

The meeting concluded at 5.35pm.

CHAIRMAN

The next meeting of the Central Sydney Planning Committee is scheduled for 24 July 2003.