



**27 OCTOBER 2003**

**Meeting No 1397**

**MINUTES** of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.47pm on 27 October 2003 pursuant to Notice 22/1397 dated 23 October 2003.

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### PRESENT

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

Councillors - Dixie Coulton, Nick Farr-Jones, Kathryn Greiner, Robert Ho and Fabian Marsden.

At the commencement of business at 5.47pm those present were:-

The Lord Mayor, Councillors Coulton, Farr-Jones, Greiner, Ho and Marsden.

The General Manager, General Counsel, Director Corporate Services, Director City Development and Projects and Director Asset Management and Compliance were also present.

#### Opening Prayer

The Lord Mayor opened the meeting with prayer.

**Vote of Thanks**

At a later stage of the meeting, Councillor Greiner acknowledged the work of Council staff, particularly Kerry Gallagher (Architect) and her staff, in refurbishing the Council Chamber to accommodate the needs of Council in the 21<sup>st</sup> century.

The Chair (the Lord Mayor) endorsed Councillor Greiner's remarks and added her thanks to Kerry Gallagher and her team for a job well done, as well as expressing her appreciation to Graham Hutton (Manager Secretariat) for his invaluable input into the way Council operates.

The Chair (the Lord Mayor) also acknowledged the input from Councillor Greiner, the former Lord Mayor, Frank Sartor, and Janina Jancu (previous Chief of Staff in the Office of the Lord Mayor) and all members of the Project Control Group.

**Welcome**

At a later stage of the meeting, the Chair (the Lord Mayor) introduced and welcomed Mr Sasha Grebe, her new Press Secretary.

**ITEM 1. CONFIRMATION OF MINUTES****Minutes of Council Meeting of Monday 8 September 2003**

Moved by Councillor Farr-Jones, seconded by Councillor Marsden -

That the minutes of the meeting of Council of Monday 8 September 2003, as circulated to Councillors, be confirmed.

Carried.

**Minutes of Extraordinary Meeting of Council of Monday 15 September 2003**

Moved by Councillor Farr-Jones, seconded by Councillor Marsden -

That the minutes of the extraordinary meeting of Council of 15 September 2003, as circulated to Councillors, be confirmed.

Carried.

**Minutes of Extraordinary Meeting of Council of Monday 13 October 2003**

Moved by Councillor Farr-Jones, seconded by Councillor Marsden -

That the minutes of the extraordinary meeting of Council of 13 October 2003, as circulated to Councillors, be confirmed.

Carried.

**Minutes of Extraordinary Meeting of Council of Monday 20 October 2003**

Moved by Councillor Farr-Jones, seconded by Councillor Marsden -

That the minutes of the extraordinary meeting of Council of 20 October 2003, as circulated to Councillors, be confirmed.

Carried.

**ITEM 2A. FLOWERS DISPLAYED IN RESIDENTIAL VILLAGE AREAS**

FILE NO: S027477

DATE: 27/10/03

**MINUTE BY THE LORD MAYOR**To Council:

The City has a policy of discouraging clutter on city streets to minimize obstruction on the public way, especially given the high volumes of CBD pedestrian traffic.

Clutter makes pedestrian movement difficult. As a consequence City Rangers enforce a policy that prohibits the display of merchandise that spills onto the pavement.

However, different circumstances apply in the new residential village areas such as Kings Cross and Glebe. I am of the view that displays of flowers on the public way (adjacent to like premises) can be unobtrusive and also add colour and vitality to local neighbourhoods. In addition I understand that there has been some historical precedent for this occurring in certain of our newer precincts.

Indeed I am advised that in Glebe it was possible to obtain a permit for the display of flowers on the footpath. The situation in the former South Sydney areas appears to have been different and/or may perhaps have been haphazardly enforced.

It may be appropriate to have different policies in the City centre and residential villages such as Glebe, Kings Cross, Potts Point and Elizabeth Bay, for example, such as the display of some items outside local shops. It is important that regulations and policies fit the particular needs of different precincts within the greater City of Sydney area.

RECOMMENDATION:

I therefore seek my colleagues' support to resolve that:

1. Decorative displays of flowers or books be permitted in residential village areas such as Glebe, Kings Cross, Potts Point and Elizabeth Bay provided there is not excessive impact on pedestrian amenity and safety, but that such change shall not amend the existing practice in the Central Business District area.
2. The General Manager bring back to Council a revised policy that incorporates these changes.
3. An appropriate permit for use of the footway for these purposes be determined, with the fee being in proportion to the area of the footpath area occupied (as stipulated in Council's current rates and charges).
4. Any present enforcement action regarding such footpath displays be stayed pending this policy revision and report-back to Council.

(SGD) COUNCILLOR LUCY TURNBULL  
Lord Mayor

Moved by the Chair (the Lord Mayor), seconded by Councillor Greiner -

That arising from consideration of a Minute by the Lord Mayor to Council on 27 October 2003, on Flowers Displayed in Residential Village Areas, it be resolved that -

- (A) decorative displays of flowers be permitted in residential village areas such as Glebe, Kings Cross, East Sydney, Potts Point and Elizabeth Bay provided there is not excessive impact on pedestrian amenity and safety, nor outdoor displays of other merchandise permitted, but that such change shall not amend the existing practice in the Central Business District area;
- (B) the General Manager bring back to Council a revised policy that incorporates these changes;
- (C) an appropriate permit for use of the footway for these purposes be determined, with the fee being in proportion to the area of the footpath area occupied (as stipulated in Council's current rates and charges); and
- (D) any present enforcement action regarding such footpath displays be stayed pending this policy revision and report-back to Council.

Carried.

## **2B: THE PYRMONT ULTIMO PENINSULA**

FILE NO: S027476

DATE: 27/10/03

### **MINUTE BY THE LORD MAYOR**

#### To Council:

The Ultimo Pyrmont peninsula has undergone an unprecedented decade of aggressive development and spiralling population growth, the scale of which has in general been excessive.

In 1992, it was estimated that there were some 3,000 residents and 14,000 employees living and working on the peninsula. The current residential population however is over 13,000, and when future residential development is taken into account, the likely residential population is expected to peak at somewhere between 16,000 and 17,000 residents.

The current workforce totals approximately 19,000, and with existing DAs yet to be commenced or completed, this figure is expected to rise to over 21,000. When future commercial development potential is taken into account, the total workforce is expected to peak at around 25,000.

Moreover, the built form of many of the developments have in themselves been controversial, with some excessively tall towers being built near Pyrmont Point.

It is time therefore to take stock. In order to ensure that the Ultimo Pymont peninsula is livable and has a strong sense of community, we need to consider and understand the impact of the last decade of development and population growth on local traffic, on the availability of parking and on the availability and quality of open space that is available to the local community.

A multi-dimensional traffic and infrastructure study should be undertaken for the Pymont Ultimo peninsula. It should be multi-faceted study of traffic, parking, pedestrian amenity and open space in the area.

There are only a few key sites on the peninsula that remain in public ownership and whose future is yet to be determined. These sites include the Water Police site (also known as Elizabeth Macarthur Bay), some of the land under the Anzac Bridge adjacent to Bank Street, and a small but important site in Point Street adjacent to the Light Rail cutting.

These sites present a once only opportunity to create much needed , high quality, safe, green, useable open space on and near our unique foreshore.

The future of these sites must be considered in a strategic and a coordinated way. Not site by site and development by development. It cannot be done in a piecemeal fashion.

This is made all the more crucial given the Premier's recent announcement about the relocation of port facilities in nearby White Bay and Millers Point to regional areas such as Illawarra and Newcastle.

Public foreshore land is sacrosanct, and the Government is its custodian. It is not a development bank, but a trans-generational asset that Government should hold for the benefit of future generations - our children, grandchildren and their grandchildren. Making sure that there is more green public foreshore land is fundamental to ensuring Sydney is a great city both now and in the future.

RECOMMENDATION:

That Council resolve:

- (A) to direct the General Manager, in consultation with the Lord Mayor, to commission a multi-dimensional traffic and infrastructure study, which considers community needs and supply in respect of traffic, parking and open space.
- (B) to request the Lord Mayor to call on the State Government and the Sydney Foreshore Authority to create much needed, high quality, green, useable open space on these sites, and to hold back on the redevelopment or sale of the Water Police site, the SHFA-owned site in Point Street adjacent to the light rail cutting and the State owned site under the Anzac Bridge, until the study is complete and has been assessed.

(SGD) COUNCILLOR LUCY TURNBULL  
Lord Mayor

Moved by the Chair (the Lord Mayor), seconded by Councillor Coulton -

That arising from consideration of a Minute by the Lord Mayor to Council on 27 October 2003, on The Pymont Ultimo Peninsula, it be resolved that Council -

- (A) direct the General Manager, in consultation with the Lord Mayor, to commission a multi-dimensional traffic and infrastructure study, which considers community needs and supply in respect of traffic, parking and open space;
- (B) request the Lord Mayor to call on the State Government and the Sydney Harbour Foreshore Authority (SHFA) to create much needed, high quality, green, useable open space on these sites, and to hold back on the redevelopment or sale of the Water Police site, the SHFA-owned site in Point Street adjacent to the light rail cutting and the State owned site under the Anzac Bridge, until the study is complete and has been assessed.

Carried unanimously.

### **ITEM 3. MEMORANDA BY THE GENERAL MANAGER**

There were no Memoranda by the General Manager for this meeting of Council.

### **ITEM 4. MATTERS FOR TABLING**

Moved by Councillor Farr-Jones, seconded by Councillor Coulton -

That the Disclosure of Pecuniary Interest returns be received and noted.

Carried.

**ITEM 5. REPORT OF THE SPECIAL MEETING OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 15 SEPTEMBER 2003**

PRESENT

Councillor Lucy Turnbull  
(Chair)

Councillors - Dixie Coulton, Nick Farr-Jones, Kathryn Greiner and Fabian Marsden.

At the commencement of business at 6.17 pm those present were -

The Lord Mayor, Councillors Coulton, Farr-Jones, Greiner and Marsden.

**Apology**

Councillor Robert Ho extended his apologies for his inability to attend the Special Meeting of the Planning Development and Transport Committee as he was overseas on business.

Moved by the Chair (the Lord Mayor), seconded by Councillor Greiner -

That the apology from Councillor Ho be accepted and leave of absence from the meeting be granted.

Carried.

The Special Meeting of the Planning Development and Transport Committee concluded at 8.55 pm.

Report of the Committee

Moved by the Chair (the Lord Mayor), seconded by Councillor Greiner -

That the Report of the Special Meeting of the Planning Development and Transport Committee of its meeting of Monday 15 September 2003 be received, and the recommendations set out below for Items 5.1 and 5.2 be adopted.

Carried.

The Committee recommended the following:-

**DEVELOPMENT APPLICATION: DARLINGHURST ROAD (AND PARTS OF MACLEAY STREET) STREETScape UPGRADE (D/03/00490)**

**5.1**

That consideration of this matter be deferred to a future meeting of Council.

Carried.

Note - Ms Clover Moore MP, Ms Chloe Mason, Mr Michael Gormly, Mr Adrian Boss, Mr John Archer, Mr Wayne McKenna, Ms Julia Featherstone, Mr Sean Mah, Mr Toad Sheehan, Mr Andrew Woodhouse, Ms Virginia Wilson, Mr Laurie Pearcey, Ms Amanda Millett, Councillor Amanda Lennon and Mr Malcolm Duncan addressed the Special Meeting of the Planning Development and Transport Committee on Item 5.1.

(Note - This matter was dealt with, and the DA determined, at the Extraordinary Meeting of Council held on 13 October 2003.)

**DEVELOPMENT APPLICATION: 2 DOWLING STREET, WOOLLOOMOOLOO (FORMER BP SERVICE STATION) (U02-01192)**

**5.2**

That consideration of this matter be deferred to a future meeting of Council.

Carried.

Note - Mr John Franks, Mr John McLennan, Mr Wayne Fairweather, Mr Chris Ladd, Ms Caitlin Richards, Mr Tony Moody and Ms Clover Moore MP addressed the Special Meeting of the Planning Development and Transport Committee on Item 5.2.

(Note - This matter was dealt with at the meeting of Council on 27 October 2003 as Item 7 on the Business Paper).

**ITEM 6. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 20 OCTOBER 2003**

PRESENT

Councillor Lucy Turnbull  
(Chair)

Councillors - Dixie Coulton, Nick Farr-Jones, Robert Ho and Fabian Marsden.

At the commencement of business at 6.05 pm those present were -

The Lord Mayor, Councillors Coulton, Farr-Jones, Ho and Marsden.

Councillor Nick Farr-Jones left the meeting of the Planning Development and Transport Committee at 8.06 pm during discussion on Item 8, which had been brought forward, and did not return.

**Apology**

Councillor Kathryn Greiner extended her apologies for her inability to attend the meeting of the Planning Development and Transport Committee due to the recent death of her mother.

Moved by the Chair (the Lord Mayor), seconded by Councillor Farr-Jones -

That the apology from Councillor Greiner be accepted and leave of absence from the meeting be granted.

Carried.

**Order of Business**

The Planning Development and Transport Committee resolved, in accordance with Clause 12(2) of the Local Government (Meetings) Regulation 1999, that the order of business be altered, such that the agenda items be dealt with in the following order:

1. Draft City of Sydney Convenience Store Development Control Plan 2003
2. Development Application: 23 Hughes Street Potts Point
3. Development Application: 167 Harris Street Pyrmont
4. Development Application: 32-44 Church Street Camperdown
5. Development Application: 76-88 Crown Street Woolloomooloo
8. Development Application: 2B-14 Kings Cross Road Potts Point (Former Millenium Hotel)
6. Development Application: 241-247 Crown Street
7. Development Application: 34-47 Goold Street Chippendale

The meeting of the Planning Development and Transport Committee concluded at 8.50 pm.

Report of the Committee

Moved by the Chair (the Lord Mayor), seconded by Councillor Greiner -

That the Report of the Planning Development and Transport Committee of its meeting of Monday 20 October 2003 be received, and the recommendations set out below for Items 6.1, 6.2 and 6.4 be adopted, with Items 6.3 and 6.6 being noted, and Items 6.5, 6.7 and 6.8 being dealt with as shown immediately following those items.

Carried.

The Committee recommended the following:-

**PART "A" - DETERMINED BY COUNCIL**

**DRAFT CITY OF SYDNEY CONVENIENCE STORE DEVELOPMENT CONTROL PLAN 2003 (S025028)**

**6.1**

That consideration of this matter be deferred to the meeting of Council on 27 October 2003.

Carried.

Note - Mr Andrew Woodhouse and Mr Peter Strudwick addressed the meeting of the Planning Development and Transport Committee on Item 6.1.

Note - This matter was dealt with by Council as Item 8 on the Business Paper.

**DEVELOPMENT APPLICATION: 23 HUGHES STREET, POTTS POINT (U/03/00001)**

**6.2**

That consideration of this matter be deferred to the meeting of Council on 27 October 2003.

Carried.

Note - Mr Stuart Clarke, Mr Andrew Woodhouse and Mr Maurie Barlin addressed the meeting of the Planning Development and Transport Committee on Item 6.2.

Note - This matter was dealt with by Council as Item 9 on the Business Paper.

**PART "B" - DETERMINED BY THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE UNDER DELEGATED AUTHORITY**

The Planning Development and Transport Committee recommended that Council note that Item 6.3 was determined by the Planning Development and Transport Committee under delegated authority.

Carried.

**DEVELOPMENT APPLICATION: 167 HARRIS STREET, PYRMONT (D/03/00277)**

**6.3**

Moved by the Chair (the Lord Mayor), seconded by Councillor Farr-Jones -

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 20 October 2003, in relation to Development Application D/03/00277 made by Hanson Architects Pty Ltd for the site at 167 Harris Street Pyrmont, for alterations and additions to the existing terrace house for use as a restaurant, it be resolved that 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/2003/00277 dated 23 April 2003 (amended 8 July 2003) and Statement of Environmental Effects prepared by Neustein Rosenberg Earnshaw, dated April 2003 (amended 19 August 2003) and drawing numbered 0301/A02 Rev.B prepared by Hanson Architects Pty Ltd dated 8 July 2003 and as amended by the following conditions:

- (2) The use must cease after a period of three continuous years from the commencement of the use hereby approved. The applicant or owner/operator of the restaurant shall inform Council in writing of the date upon which the use commenced and of any interruption to the continual operation of the use. A further development application may be lodged before the expiration of the three year trial period for Council's consideration of the continuation of the use. In considering such an application, regard will be given to the management of the premises, noise management, compliance with conditions and any complaints received.
- (3) The proposed restaurant hereby approved shall contain seating for a maximum of 55 patrons.
- (4) The use of the existing outdoor terrace on the ground floor is not approved as part of this development consent and the outdoor terrace shall not be used by patrons and/or staff of the approved restaurant, at any time.
- (5) The restaurant may be open for business only between 8.00am to 10.30pm Mondays to Thursdays, inclusive, 8.00am to 11.00pm Fridays and Saturdays, inclusive, and 10.00am to 10.00pm on Sundays. The operator/management must ensure that at the end of the permitted hours of operation no customers remain on the premises. The operator/management must ensure that sufficient time before the end of the permitted hours of operation, restaurant service cease, and warning is given to customers to prepare to leave the premises.
- (6) The recommendations of the acoustic reports prepared by Renzo Tonin & Associates Pty Ltd, dated 7 April, 26 August and 3 October 2003, shall be carried out as follows, in order to prevent unacceptable noise and vibration emissions: -
  - (a) The first floor doors to the rear (western) elevation shall be fixed shut at all times when the restaurant is in use, and the ground floor doors and any/all windows shall also be shut after 10.00pm on each day;
  - (b) All speakers providing background music shall not be affixed to common walls; and
  - (c) All noisy kitchen machines and tools shall not be affixed to common walls and kitchen benches are to be removed off common walls.
- (7) Prior to the issue of the construction certificate, detailed drawings showing the position, size, specification and appearance of any mechanical plant and acoustic treatment which may be required, shall be submitted for the approval of the Director, City Development. Confirmation in writing, by a suitably qualified acoustic consultant, shall also be submitted demonstrating how the plant complies with the acoustic report prepared by Renzo Tonin & Associates Pty Ltd dated 7 April 2003. In particular, all plant shall not either singularly or in total emit noise levels which exceed the noise limits specified in Section 4 of that report.

- (8) All deliveries, loading and unloading operations must be carried out from the rear of the site in Little Mount Street, only between the hours of 9.00am to 3.30pm Monday to Saturday.
- (9) The proposed rear exit door to Little Mount Street shall not be used by patrons of the restaurant as a means of egress and/or ingress, except in the case of emergency.
- (10) The proposed rear exit door to Little Mount Street must be redesigned so as not to encroach upon the alignment of that street, in compliance with provisions of the Roads Act (General) Regulations 1994.
- (11) The proposed garage roller door to Little Mount Street shall be kept closed, except when the loading and garbage store area is in use.
- (12) Details of the proposed roller door to Little Mount Street, including type, material and colour, shall be submitted for the approval of the Director, City Development prior to the issue of a construction certificate.

#### **ENERGY CONSERVATION**

- (13) All sinks shall be provided with aerated taps and all toilets shall have dual flush cisterns.

#### **APPROVED DESIGN**

- (14) The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the internal layout or external appearance of the building, without the approval of Council.

#### **AFFORDABLE HOUSING CONTRIBUTION**

- (15) The Affordable Housing Contribution is as follows :
  - (a) In accordance with clause 58 of Sydney Regional Environmental Plan No. 26 - City West and the Affordable Housing Program, and before issue of a Construction Certificate under Environmental Planning and Assessment Act 1979, the applicant must provide evidence to Council that a monetary contribution towards the provision of affordable housing has been paid at Department of Planning by Bank Cheque (Cashiers, Level 4, Henry Deane Building, 20 Lee Street, Sydney), or a bank guarantee in favour of Department of Planning to the value of the required contribution has been lodged. The contribution shall be \$5,155.80.

- (b) Certification of the Affordable Housing Contribution calculations including verification of total floor area, prepared by a Quantity Surveyor, and indexation of the contribution in accordance with the Affordable Housing Program (adopted 31 May 2002), shall be submitted for the approval of Council, prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979.

If the construction certificate is to be issued by a private accredited certifier, they must seek Council's endorsement of the calculation prior to issue of the Construction Certificate.

- (c) Before the issue of a Occupation Certificate under the Environmental Planning and Assessment Act 1979, the applicant must provide evidence to Council that the bank guarantee referred to in (a) above has been redeemed as payment of this contribution. If the contribution is paid after 30 June of the year in which this consent is granted, the amount of the contribution must be indexed in accordance with paragraph 3.4 of the adopted Affordable Housing Program.

#### **SECTION 94 CONTRIBUTIONS**

- (16) A contribution under section 94 of the Act shall be paid in accordance with the following:

- (a) **Cash Contribution Required**

In accordance with the adopted "Ultimo Pymont Contributions Plan 1994" a cash contribution shall be paid to Council in accordance with this condition.

- (b) **Amount of Contribution**

The amount of the contribution shall be \$17,391.11.

Note: The contribution will be indexed annually, see paragraph (f) below.

- (c) **Purposes for which Contribution Required**

The contribution is required, and shall be held and applied in accordance with the Act and the "Ultimo Pymont Contributions Plan 1994", for the purposes, and in the proportions, set out as follows:-

- (i) Open Space - 64%
    - (ii) Community Facilities - 9.5%
    - (iii) Roads and Associated Infrastructure - 26.2%
    - (iv) Administration - 0.3%

**(d) Certification of Contribution**

Certification of the Section 94 Contribution calculation, including verification of gross floor area and resident/worker population as applicable, and indexation of the contribution in accordance with the “Ultimo -Pymont Contributions Plan 1994” (if applicable) shall be submitted for the approval of Council, prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

If the Construction Certificate is to be issued by a private accredited certifier, they must seek Council’s endorsement of the calculation prior to its issue.

**(e) Timing of Payment**

The contribution shall be paid prior to the issue of a Construction Certificate under Environmental Planning and Assessment Act 1979. Payment shall be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. (Personal or company cheques will not be accepted).

**(f) Indexing**

The contribution rate in “Ultimo Pymont Section 94 Contributions Plan 1994” will be adjusted in accordance with clause 19 of the Plan being not less than annually.

If the contribution rate is adjusted between the date on which this consent is granted and payment of the contribution, then the figure in paragraph (b) to this condition will be indexed and calculated according to the then current contribution rate.

**SIGNS**

- (17) 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.
- (18) Portable signs or goods for sale or display must not be placed on the footway or other public areas.

## **Schedule 1B**

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

- (19) 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.

#### **SANITARY FACILITIES**

- (20) Sanitary and other facilities must be provided in accordance with the Building Code of Australia, Part F2.
- (21) The construction and fitout of the premises must comply with the requirements of the National Code for the Construction and Fitout of Food Premises and the Food Regulation 2001.
- (22) 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).

#### **STORMWATER AND DRAINAGE**

- (23)
- (a) Certification by a hydraulic engineer that stormwater will be disposed from the site in accordance with Council's standard requirements, shall be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate under Local Environmental Planning and Assessment Act 1979.
- (b) Any proposed connection to the City's underground drainage system will require the owner to enter into a Deed of Agreement with the City and obtain registration on Title of a Positive Covenant prior to commencement of any work within the public way, at no cost to the City.

- (24) 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.

#### **VENTILATION/HEATING/COOLING SYSTEMS**

- (25) The proposed restaurant must not be used for cooking or heating of food unless a system of mechanical ventilation is installed to the cooking or heating appliances. Certified Plans and specifications showing details of any proposed mechanical ventilation system must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

## **Schedule 1C**

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

#### **CERTIFICATION OF MECHANICAL VENTILATION**

- (26) 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.
- (27) 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.
- (28) 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.

#### **STRUCTURAL CERTIFICATION FOR DESIGN - MINOR WORKS**

- (29) Prior to commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA), (Council or a private accredited certifier). A copy to the Certificate must be submitted to Council if it is not the PCA.
- (a) Structural Drawing/s prepared by an appropriately qualified practising Structural Engineer; corresponding with and attached to a Structural Certificate (see (b));
  - (b) A Structural Certificate for Design, submitted in the form of Attachment S1, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979), after the structural drawings have been checked and comply with:-
    - (i) The relevant clauses of the Building Code of Australia (BCA);
    - (ii) The relevant conditions of Development Consent;
    - (iii) The Architectural Plans incorporated with the Construction Certificate; and
    - (iv) The relevant Australian Standards listed in the BCA (Specification A1.3).

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

#### Notes

- (d) An appropriately qualified practising structural engineer certifying by completing Attachment S1 must have:-
  - (i) Appropriate tertiary qualifications in Civil or Structural Engineering; AND
  - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
  - (iii) Evidence of relevant experience in the form of a CV/Resume.
- (e) Appropriate current professional indemnity insurance.
  - (i) An appropriately qualified practising structural engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
  - (ii) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.

## Schedule 1D

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

- (30) 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.

#### DEMOLITION WORKS

- (31) 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.
- (32) Demolished combustible materials shall not be stockpiled. Material must be removed regularly.

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

- (33) The hours of construction and work on the development shall be:
- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30 a.m. and 5.30 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 3.30 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) The applicant must provide to Council a 24 hour per day telephone contact number and must ensure such number is continually attended by a person with authority over the building work during the construction period.
  - (c) The approved hours of work and a 24 hour telephone number must be prominently displayed at all times on the building site and must be visible from a public street or a public place.
  - (d) All work, including demolition, excavation and building work must comply with "The City of Sydney Building Sites Noise Code" and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".
- (34) 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.
- (35) Vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material.

Note:

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

## **Schedule 1E**

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

- (36) 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.
- (37) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, the following works are required to be completed prior to the issue of an Occupation Certificate to ensure that there is adequate fire safety in the building: -
- (a) All stairways are to comply with the minimum requirements of Part D1 of the Building Code of Australia (ie. A minimum 1000mm clear width), and the amended details are to be approved by the Principle Certifying Authority prior to the issue of a Construction Certificate;
  - (b) Alter the access doorways to the toilet facilities at lower ground floor so as to maintain a consistent clear path of travel through the corridor to the rear exit;
  - (c) Specific details with respect to the proposed method of providing mechanical ventilation, inclusive of restaurant kitchen exhaust, is to be submitted and approved by the Principle Certifying Authority prior to the issue of a Construction Certificate;

- (d) Portable fire extinguishers are to be provided to service the restaurant and kitchen, and are to comply with the requirements of AS2444 2001. Details to be submitted and approved by the Principle Certifying Authority prior to the issue of a Construction Certificate;
  - (e) A fire detection and alarm system is to be provided throughout the whole premises to comply with the requirements of Spec E2.2a of the Building Code of Australia. Details are to be submitted to, and approved by the Principle Certifying Authority prior to the issue of a Construction Certificate;
  - (f) Door openings to the kitchen storage area located on the rear path of egress at lower ground level is to be protected by a 1 hour fire rated door assembly;
  - (g) Exit signs with directional arrows where necessary, (including the rear path of egress) shall be provided in accordance with E4.5, E4.6 and E4.8 of the Building Code of Australia; and
  - (h) A system of emergency lighting shall be installed, (including the rear path of egress) to comply with Clauses E4.2 and E4.4 of the Building Code of Australia.
- (38) An annual Fire Safety Statement (form 15A under the Environmental Planning and Assessment Amendment Regulation 1998) must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which Council receives the initial Fire Safety Certificate.
- (39) The walls of the food preparation area shall be constructed of approved solid material finished with glazed ceramic tiles or other rigid, smooth-faced, impervious material, evenly laid to a height of at least 2000mm above floor level and coved at the intersections with the floor.
- (40) The floor of the food preparation area shall be finished with an approved material, graded and drained to a trapped floor waste and coved at the intersection with the walls.
- (41) The ceiling of the food preparation area shall be constructed of set plaster or other rigid smooth faced material painted with a washable paint of a light colour.
- (42) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (43) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".

## **CERTIFICATION FOR STRUCTURAL INSPECTIONS**

- (44) 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.
- (45) 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.

## **MECHANICAL VENTILATION PERFORMANCE CERTIFICATE**

- (46) 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.

- (47) 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.
- (48) 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.
- (49) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.
- (50) Prior to issue of an Occupation Certificate, Council's City Care Unit (Health Section) shall be notified of the premises being used for the preparation, manufacture or storage of food for sale. The premises will be registered on Council's Food Premises Database.
- (51) A freestanding hand wash basin shall be provided to the lower ground and ground floor kitchen/store with hot and cold water supplied under pressure through an approved mixing device which can be adjusted to enable the hands to be washed under hot running water.
- (52) A single bowl sink shall be provided to the ground floor kitchen.
- (53) The attic space shall not be used for the purpose of storing any items used in manufacturing or storing of food unless the attic is constructed in such a way to comply with the Food Standards.
- (54) The floor to the loading/garbage/store shall be finished with an approved material that is easily cleanable, graded and drained to a trapped floor waste.
- (55) The walls to the loading/garbage/store shall be constructed of approved solid material finished with materials enabling easy cleaning.
- (56) The following requirements for the concealment of pipes, condensates and vermin proofing apply:-
  - (a) All service pipes, electrical conduits and refrigeration condensate pipes shall be chased into walls, floor or plinths.
  - (b) All openings in walls, floors and ceilings through which service pipes pass shall be made proof against the access of vermin.
  - (c) The premises shall be made proof against the access of rats and vermin.
- (57) The appliances shall be capable of keeping food hot, at a temperature of not less than 60°C, or keeping food cold, at a temperature of not more than 5°C and such appliances shall be provided with a thermometer, accurate to 1 °C and able to be easily read from outside the appliance.

- (58) All joints formed by the butting together of fittings shall be sealed in such a manner as to eliminate any cavity or crevice or alternatively, a clear space of at least 75mm is to be provided between fittings.

### **COOLROOMS**

- (59) Coolroom(s), refrigerated chambers, strong-rooms and vaults are to be constructed in accordance with G 1.2 of the Building Code of Australia.
- (a) The floor of the coolroom shall be graded to the door and a floor trapped waste outlet shall be located outside the coolroom as near as possible to the door opening.
  - (b) All proposed shelving in the coolroom shall be free-standing, constructed of galvanised steel angle section or other approved material with the lowest shelf at least 150mm clear of the floor.
  - (c) The coolroom being capable of storing food at a temperature of 5°C or below. A thermometer shall be provided which indicates temperature, displayed externally.
  - (d) The floor of the coolroom shall be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.
  - (e) An approved audible alarm device shall be located outside the coolroom(s) but controllable only from within the coolroom(s) and be able to achieve a sound pressure level outside the chamber or coolroom(s) of 90 d B (A) when measured 3 metres from the sounding device.
- (60) The following requirements apply to clearances and supports of equipment:-
- (a) All stoves, refrigerators, cupboards and similar fittings shall be placed on approved metal legs 150mm in height or on solid plinths.
  - (b) All shelving shall be fixed 25mm clear of the walls on approved solid metal brackets. Any proposed perforated hollow channel wall brackets should be eliminated.
- (61) Prior to the commencement of food handling operations, the food business must notify the NSW Health Department of the following information, including:-
- (a) Contact details for the food business, including the name of the food business, and the name and address of the proprietor of the business;
  - (b) The nature of the food business; and

- (c) The location of all food premises of the food business within the jurisdiction of NSW Health.

You may notify the NSW Health Department via the Internet on [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au). Failure to notify the NSW Health Department may result in a penalty not exceeding \$2750.

## Schedule 1F

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

#### REMOVAL OF GRAFFITI

- (62) The owner/manager of the site shall be responsible for the removal of all graffiti from the building within 48 hours of its application.
- (63) 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.
- (64) 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.
- (65) Noise and vibration from the use of any plant, equipment and/or building service associated with the premises shall not cause a nuisance.

#### NOISE - USE

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

- (c) During the period 12 midnight to 7.00 a.m. the use shall be inaudible in any habitable room of any residential premises.
- (d) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.

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

#### **NOISE - MECHANICAL PLANT**

(67) 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.

## **Schedule 2**

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

1.

- (a) The work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

- (b) This condition does not apply to:
  - (i) the extent to which an exemption is in force under Clause 187 or 188, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the Environmental Planning and Assessment Regulation 2000; and
  - (ii) the erection of a temporary building.
- 2. In the case of residential building work for which the Home Building Act 1989 requires that there be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force.

The motion was carried on the following show of hands -

Ayes (4) - The Lord Mayor, Councillors Coulton, Farr-Jones and Marsden

Noes (1) - Councillor Ho

Motion carried.

Note - Mr Bernard Lasne, Mr Michael Burgess, Ms Gail Stevens and Ms Sinead Lynch addressed the meeting of the Planning Development and Transport Committee on Item 6.3.

**PART "A" (continued) - DETERMINED BY COUNCIL**

**DEVELOPMENT APPLICATION: 32-44 CHURCH STREET, CAMPERDOWN (U02/01096)**

**6.4**

That consideration of this matter be deferred to the meeting of Council on 27 October 2003.

Carried.

Note - Mr Gary Green addressed the meeting of the Planning Development and Transport Committee on Item 6.4.

Note - This matter was dealt with by Council as Item 10 on the Business Paper.

**DEVELOPMENT APPLICATION: 76-88 CROWN STREET,  
WOOLLOOMOOLOO (D/02/1190)**

**6.5**

That arising from consideration of a report by the Acting Area Planning Manager to the Planning Development and Transport Committee on 20 October 2003, in relation to Development Application D/02/01190 made by Stanisic Associate Architects for the site at 76-88 Crown Street for demolition of the existing buildings and construction of a new 4 level residential building with ground level retail/commercial, it be resolved that:-

- (A) The proposed non-compliance with the numerical height control of the South Sydney Development Control Plan (SSDCP) 1997 is accepted. The proposal, as amended by conditions, complies with the attic roof envelope part of the control as allowed in special circumstances. It is considered that the special circumstances in the case relate to:
- (i) The variety of development type and form in the immediate context of the site which is a transition zone between the high rise development on William Street and the more contributory characteristics of the Conservation Area to the north of the subject site.
  - (ii) The minimisation of amenity impacts, in particular privacy and overshadowing impacts.
  - (iii) The overall bulk of the building is comparable to the bulk of the existing buildings to be demolished.
  - (iv) The proposal's compliance with the FSR provisions.
  - (v) The general satisfaction of the applicable performance criteria relating to height and scale.
  - (vi) The above average NatHERS rating of the building and incorporated ESD principles.
- (B) Consent be granted subject to the following conditions:-

**APPROVED DEVELOPMENT**

- (1) Development must be in accordance with Development Application No. D/02/01190 dated 25 October 2002 and drawings numbered DA01 to DA10 and DA12 to DA26, DA28 and DA30 to DA40 and DA43 to DA 48 , all Issue M and all dated 10 October 2003, prepared by Stanisic Associates and the Statement of Environmental Effects, as amended, prepared by JBA Urban Planning and as amended by the following conditions:

**DESIGN MODIFICATIONS**

- (2) The design of the building shall be modified as follows:

- (a) The roof terraces, including the stair accesses, balustrades, and privacy and shade structures are to be deleted
- (b) The Crown Street setbacks of the upper level 4 are to be increased to ensure that this part-level is contained wholly within the 36 degree attic roof envelope prescribed in South Sydney DCP 1997.

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

### **FLOOR SPACE RATIO**

- (3) The following applies to Floor Space Ratio:-
  - (a) The Floor Space Ratio of the proposal must not exceed 2.19:1 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 2613sq.m.
  - (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).

### **FLOOR SPACE RATIO/PUBLIC DOMAIN WORKS**

- (4)
  - (a) That in order to qualify for a “floor space bonus” in accordance with the South Sydney Development Control Plan 1997 – Urban Design, the owner shall carry out appropriate public domain works (design or construction of paving upgrades, lighting, and improvement in pedestrian amenity, mature trees and landscaping, street furniture and upgrade in the quality of the public domain). The works are required to be carried out to the full length of Badham Lane from Crown Street to Palmer Street. The works shall be consistent with any approved Public Domain Plan (see below).
  - (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 Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
  - (c) The deed must provide for a bank guarantee to be provided in the sum of \$115 000 as security for the cost of rectification and completion works.

**PUBLIC DOMAIN PLAN**

(5) 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; 1:200 will be acceptable for larger sites of over 200m street frontage.
  - (ii) Show the entire layout and pattern 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, (including city maps, notice boards, benches, bollards, bins, J C Deceaux kiosks, APT's and phone booths), utility poles, parking meters, pedestrian and traffic signals, service pits, stormwater pits and signage (including street nameplates, historical, parking and traffic).
  - (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. For larger sites of over 200m street frontage 1:200 horizontal scale and 1:20 (exaggerated) vertical scale is acceptable. 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 a uniform grade of 150mm above the gutter grading and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed or resurfaced (as required) to the centre line of the carriageway or to sufficient distance from the kerb to achieve a uniform transition into the existing pavement profile.
  - (vi) The retention and repair of any existing pavement lights.
  - (vii) The retention and repair of any existing serviceable stone gutters to achieve a uniform kerb and gutter longitudinal grading free of vertical displacement of greater than 5mm between adjacent units.
  - (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) Protection or replacement by the developer of all City assets to be retained as part of Public Domain works and recovery and return of any City assets where such removal has been approved.

- (e) Random checks by Council officers may be made throughout the construction process to advise the contractor of non-complying elements. However, no parts of the work are to be considered approved until receipt of the City of Sydney Certificate of Completion. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter.
- (f) An “Application for Approval of Footpath Levels and Gradients” must be submitted at the City’s One Stop Shop with the appropriate fee at the time of lodgement of the public domain proposal. The fee will be determined in accordance with the City of Sydney Schedule of Fees and Charges.

Note: 3 Copies of the Public Domain Plan are to be lodged with the Manager Design, City Projects.

### **BUILDING HEIGHT**

- (6)
  - (a) The height of the building (as defined in the South Sydney DCP 1997) must not exceed RL 23.95(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).

### **REPORT TO BE COMPLIED WITH**

- (7) The development shall be in accordance with the recommendations of the following reports which accompany the application:
  - (a) Heritage Impact Statement, City Plan Services, October 2003.
  - (b) NatHERS Energy Assessment, Kim Murray, 9 October 2003.
  - (c) SEPP 65 report, Architectus, October 2003.
  - (d) Traffic report, Traffix, October 2003 (excluding provisions relating to 2 driveways).

**SECTION 94 - WORKS OUTSIDE GREEN SQUARE****Part A**

- (8) As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan 1998, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount
Open Space: LGA Works Programme	\$12 528
Open Space: New Parks	\$55 831
Accessibility and Transport	\$376
Management	\$890
Multi function Admin Centre	\$18 716
<b>Total</b>	<b>\$88 340</b>

The above payments, with the exception of the land acquisition component of New Parks and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for land will be adjusted in accordance with the latest annual valuations.

$$\text{Contributions at Time of Payment} = C \times \frac{\text{CPI}_2}{\text{CPI}_1}$$

where:

- C is the original contribution amount as shown above;  
 CPI<sub>2</sub> is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment; and  
 CPI<sub>1</sub> is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being - Quarter 1998/99.

The above amount must be paid to the Council in cash or by unendorsed bank cheque.

Payment shall be made before the release of the Construction Certificate.

**Note:** No works, including works listed in the adopted Section 94 Contributions Plan, will be off-set against monetary Section 94 Contributions without prior written approval by Council in the form of a letter referring to detailed specifications and costs. Endorsed DA and construction plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site.

**Part B**

Applications for the payment of contributions by carrying out works which are identified in the Section 94 Contributions Plan will be considered on their merits.

To support the case for carrying out works, Council requires the submission, for formal approval, of complete construction documentation and detailed cost estimates of the works based on established industry standards.

Applicants are advised to contact the Council as soon as possible concerning the specific requirements for any proposal for works-in-kind. Details submitted after the lodgement of the Construction Certificate may not be approved in time to allow the work to be carried out concurrent with the main project. Approved Works will only be off-set against the same category of works.

Unless otherwise agreed, security in the form of an unconditional bank guarantee for the full contribution amount must be lodged with Council and will be held until the approved works have been certified as complete to the satisfaction of Council. For substantial works, Council may, at its discretion, hold the bank guarantee, or part thereof, until the elapse of a minimum defects liability period of at least twelve months after the practical completion of the works. Works to be carried out on public land will also require proof of public liability insurance.

Council also reserves the right to require the future management of the completed work to be formally agreed prior to acceptance.

**Note:** Works carried out without written approval by Council, in the form of a letter referring to detailed specifications and costs, will not be off-set against Section 94 Contributions and, if carried out on public land, may expose the responsible party to prosecution in addition to the cost of reinstatement.

Copies of the Section 94 Contributions plan may be inspected at Council's offices.

**SEPARATE DEVELOPMENT APPLICATION**

- (9) The use of the ground level retail/commercial tenancies is subject to separate development approval.

## **VEHICULAR SPACES**

(10) The following car parking requirements apply:-

- (a) The approved vehicle spaces shall be allocated on the development site as follows:
  - 20 residential spaces;
  - 5 residential visitor spaces;
  - 3 retail/commercial premises spaces;
- (b) 1 of the above car parking spaces are to be for people with mobility impairment, in accordance with AS 2890.1.
- (c) All spaces must be allocated and marked according to this requirement. If the development is to be strata subdivided, the carpark layout must respect the above allocation.

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

(11)

- (a) The layout plan of the car park 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 line marked.
- (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.

## **NO PARTICIPATION IN RESIDENT PERMIT PARKING SCHEME**

(12) 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.

## **EXTERNAL LIGHTING**

(13) 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.

## PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (14) Archival recording for deposit in the City of Sydney Archives must be carried out prior to the removal of any significant building fabric or furnishings from the site, during the removal of fabric on site that exposes significant building fabric or furnishings, and after work has been completed on site, as considered appropriate by the conservation architect commissioned for the project.
- (a) The archival record of significant building fabric or furnishings from the site must be submitted 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:-

- (c) 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 & 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.

#### **CONSISTENCY OF DRAWINGS**

- (15) 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.
- (16) The architect of the project as approved should not be changed without prior notice to Council.
- (17) An annual Fire Safety Statement (form 15A under the Environmental Planning and Assessment Amendment Regulation 1998) must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which Council receives the initial Fire Safety Certificate.

#### **WASTE REMOVAL - RETAIL/COMMERCIAL**

- (18) 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.

#### **STRATA PLAN APPROVAL**

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

#### **DEMOLITION/SITE RECTIFICATION**

- (20) 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 \$300 000 dollars as security for the costs of such works provided that:-
    - a. the maximum liability under the Deed shall not exceed \$300 000 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 tenable 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.

### **RESTRICTION ON CARPARKING**

(21) 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:**

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

### **RESTRICTION ON RESIDENTIAL DEVELOPMENT**

(22) The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Central Sydney Local Environmental Plan 1996.

- (b) All approved residential units in the building must be either owner occupied or occupied by a tenant with a residential lease under the Residential Tenancy Act 1987. A certificate signed by the owner or the body corporate (if the development is strata subdivided) or a solicitor (holding a current certificate to practice), must be forwarded to Council within 12 months of the completion of the development, and every 12 months thereafter, certifying that all units approved in the residential building are either owner occupied or are subject to residential leases under the Residential Tenancy Act 1987.
- (c) A restrictive covenant is to be created pursuant to Section 88E of the Conveyancing Act, 1919, restricting any change of use of levels [*insert*] from residential as defined in the Central Sydney Local Environmental Plan 1996. The covenant is to be executed prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 to the satisfaction of the certifying authority (Council or a private accredited certifier). All costs of the preparation and registration of all associated documentation is to be borne by the applicant.

#### **ARCHAEOLOGICAL INVESTIGATION**

(23)

- (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.

## **Schedule 1B**

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

- (24) 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.

#### **PUBLIC ART**

- (25) 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.

#### **ELECTRICITY SUBSTATION**

- (26) The owner must dedicate to Energy Australia, free of cost, if required, 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.

#### **TELECOMMUNICATIONS PROVISIONS**

- (27) 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 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.

### **RECEPTACLES FOR CIGARETTE BUTTS**

- (28) 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.

### **NOISE REDUCTION**

- (29) 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 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 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 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 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).

**SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)**

(30)

- (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).
- (c) **Note:**
  - (i) For Quick Check agent details please refer to "your business" section of Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then see Building and Renovating under the heading Building & Developing, or telephone 132 092.
- (d) Prior to 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).
- (e) **Note:**
  - (i) Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the "Notice of Requirements". Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to "your business" section of Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 132 092.
  - (ii) The approved plans will also need to be submitted to Sydney Water to determine whether the development will affect sewer and water mains, stormwater drains and/or easements. If the development complies with the requirements, the approved plans will be appropriately stamped by Sydney Water.

- (iii) Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 132 092.

#### **CAR PARK ENTRY FINISH**

- (31) Car park roller doors shall be designed and constructed for quiet operation.

#### **ACCESSIBLE UNITS**

- (32) 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".

#### **ACOUSTIC PRIVACY BETWEEN UNITS**

- (33) 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).

#### **FLOOR TO CEILING HEIGHT**

- (34) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the certifying authority (Council or a private accredited certifying authority) must ensure that all living rooms and bedrooms in sole occupancy units shall have a minimum floor to ceiling height of not less than 2.7 metres.

#### **STORMWATER AND DRAINAGE**

- (35) 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 the City's underground drainage system will require the owner to enter into a Deed of Agreement with the City Council and obtain registration on Title of a Positive Covenant prior to the commencement of any work within the public way, at no cost to the City.
  - (c) The requirements of Sydney Water (currently the Urban Development Central East Group, Rockdale Regional Office) with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
  - (d) An "Application for Approval of Stormwater Drainage Connections" must be submitted at the City's One Stop Shop with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the City's drainage system. The fee will be determined in accordance with the City of Sydney Schedule of Fees and Charges.

**ACCESS**

- (36) 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.

**GLAZING**

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

**FOOTWAY LIGHTING**

- (38) Any lighting projecting into the footway shall be provided 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.

**STRUCTURAL CERTIFICATION FOR DESIGN - MINOR WORKS**

- (39) Prior to commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA), (Council or a private accredited certifier). A copy to the Certificate must be submitted to Council if it is not the PCA.
- (a) Structural Drawing/s prepared by an appropriately qualified practising Structural Engineer; corresponding with and attached to a Structural Certificate (see (b));
  - (b) A Structural Certificate for Design, submitted in the form of Attachment S1, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979), after the structural drawings have been checked and comply with:-
    - (i) The relevant clauses of the Building Code of Australia (BCA);
    - (ii) The relevant conditions of Development Consent;
    - (iii) The Architectural Plans incorporated with the Construction Certificate; and
    - (iv) The relevant Australian Standards listed in the BCA (Specification A1.3).

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

#### **Notes**

- (d) An appropriately qualified practising structural engineer certifying by completing Attachment S1 must have:-
  - (i) Appropriate tertiary qualifications in Civil or Structural Engineering; AND
  - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
  - (iii) Evidence of relevant experience in the form of a CV/Resume.
- (e) Appropriate current professional indemnity insurance.
  - (i) An appropriately qualified practising structural engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
  - (ii) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.

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

- (40) The hours of construction and work on the development shall be:
  - (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30 a.m. and 5.30 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 3.30 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**

- (41) 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.

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

- (42) 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 Building Sites Noise Code". A separate application for approval to use any of these appliances must be made to Council.

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

- (43) 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.

**PUBLIC WAY**

- (44) 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.

**CERTIFICATION OF MECHANICAL VENTILATION**

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

**STRUCTURAL CERTIFICATION FOR DESIGN - MAJOR WORKS**

- (47) 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.

### **GEOTECHNICAL REPORT AND CERTIFICATION**

- (48) 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**

- (e) 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.
- (f) 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.
- (g) 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.

## **Schedule 1C**

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

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

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

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

#### **BARRICADE PERMIT**

- (50) 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.

#### **DEMOLITION WORK METHOD STATEMENT**

- (51) 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.
- (52) 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.

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

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

(53) 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.

**SITE CONTAMINATION REPORTS**

- (54) 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).
- (55) 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.

#### **ARCHAEOLOGICAL MONITORING DURING EXCAVATION**

- (56) Excavation of the site requires the works to be monitored by an archaeologist and any remains are to be suitably recorded. To this affect, the applicant must make application to the Heritage Office for an archaeological monitoring permit under Section 140 of the Heritage Act 1977.

#### **ROCK CUTTING INTO BLOCKS**

- (57) Removal of rock by cutting into blocks is not permitted, unless a separate development application is submitted to, and approved by Council for this use.

#### **NOTIFICATION OF EXCAVATION OF EXCAVATION WORKS**

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

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

- (59) 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**

- (60) 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**

- (61) 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.

- (62) 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.
- (63) 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 contracts.
  - (c) 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**

- (64) 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**

- (65) 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).

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

### **ENVIRONMENTAL PROTECTION DURING CONSTRUCTION**

- (68) 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.

#### **FOOTPATH DAMAGE BANK GUARANTEE**

- (69) 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 of an amount agreed to by Council as security for any damage rectification.
- (70) 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.

### **Schedule 1D**

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

##### **CITY OF SYDNEY COMPLIANCE INSPECTIONS**

- (71) 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.
- (72) 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.

## **LOADING AND UNLOADING DURING CONSTRUCTION**

(73) 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.

## **CITY OF SYDNEY COMPLIANCE INSPECTIONS**

(74) 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.

- (d) 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.
- (e) 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.
- (f) 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.

- (g) 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.
- (h) 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).
- (i) 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**

#### **NUMBERING**

- (75) 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.
- (76) Prior to issue of an Occupation Certificate, shop numbers must be clearly displayed in accordance with the "Policy on Numbering of Premises within the City of Sydney".

## **MECHANICAL VENTILATION PERFORMANCE CERTIFICATE**

- (77) 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**

- (78) 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.
  - (c) 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:**

- (d) 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.

## **STRUCTURAL ENGINEER**

- (79) 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.

- (80) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (81) 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.

#### **LOT CONSOLIDATION**

- (82) All land titles within the site must be consolidated into one lot. A plan of consolidation in a form capable of registration shall be lodged with the Land Titles Office prior to issue of a Occupation Certificate under the Environmental Planning and Assessment Act 1979.

#### **REMOVAL OF GRAFFITI**

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

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

- (84) 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.

The motion was carried on the following show of hands -

Ayes (5) The Chair (the Lord Mayor), Councillors Coulton, Greiner, Ho and Marsden

Noes (1) Councillor Farr-Jones

Motion carried.

Note - Mr Robert Day, Mr Frank Stanisic and Mr Alasdair Robertson addressed the meeting of the Planning Development and Transport Committee on Item 6.5.

**PART "B" - DETERMINED BY THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE UNDER DELEGATED AUTHORITY**

The Planning Development and Transport Committee recommended that Council note that Item 6.6 was determined by the Planning Development and Transport Committee under delegated authority.

Carried.

**DEVELOPMENT APPLICATION: 241-247 CROWN STREET (D200/00863)**

**6.6**

Moved by the Chair (the Lord Mayor), seconded by Councillor Marsden -

That arising from consideration of a report by the Fast Track Planner to the Planning Development and Transport Committee on 20 October 2003 in relation to Development Application D2003/00683 made by Goumeaka Pty Ltd for the site at 241-247 Crown Street for the fitout and use of a ground floor commercial tenancy as a licensed bar and restaurant, it be resolved that consent be granted subject to the following conditions:-

## **CONDITIONS**

### **Schedule 1A**

#### **Approved Development, Contributions and Covenants**

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

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

#### **APPROVED DEVELOPMENT**

- (1) Development must be in accordance with Development Application No. D2003/00683 dated 18 July 2003 and Statement of Environmental Effects prepared by gHAP dESICON, undated and drawings numbered DA-01/C prepared by gHAP dESICON dated September 2003 and as amended by the following conditions:

#### **TRIAL PERIOD**

- (2) The use of the premises shall be subject to a trial period of 12 months. The trial period shall only commence in accordance with the terms of the consent and the applicant shall:

- (a) Prior to the commencement of the trial period, give written notification to the Director of City Development of the intention to commence the trial;
- (b) Prior to the completion of the 12 month trial period the applicant is to submit an application (section 96 or development application) to Council to continue the use. In determining such an application, regard will be given to the nature of the trial period, any objections received and compliance with conditions of consent.

**FOOD PROVISION/ALCOHOL**

- (3) During all operating hours, hot, non pre-packaged food shall be available to patrons.

**SEATING PLAN**

- (4) The front area of the premises shall only be used by customers eating, and drinks only being permitted with food. This is to ensure the premises is viewed as a dining venue with ancillary drinking, rather than visa-versa. An internal sign shall advise patrons of this restriction.

**NO GAMING MACHINES/NO HOTELIERS LICENCE.**

- (5) The premises shall not be used as a “hotel”, shall not operate under an Hoteliers Licence and shall contain no gaming machines.

**ENTERTAINMENT**

- (6) No entertainment is permitted, as the proposal has been assessed and submitted excluding this as a use.

**ILLUMINATION OF SIGNS**

- (7) At no time is the intensity, period of intermittency and hours of illumination of the sign to cause injury to the amenity of the neighbourhood. If in the opinion of Council injury is likely to be caused, the intensity, period of intermittency and hours of illumination must be varied to the approval of Council.

**NO FLASHING SIGN**

- (8) The sign shall not flash.

**SECURITY MANAGEMENT PLAN**

- (9) The Licensee shall prepare and submit a Security Management Plan which specifies appropriate security patrol, training of staff, uniforms, numbers of security staff at different times, surveillance, weapons detection and other security and response methods in and around the site, for approval of Council prior to the issue of a construction certificate.

**PATRON BEHAVIOUR**

- (10) The Management/Licensee 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, loitering and litter generated by patrons of the premises and shall ensure that people leave the premises and area in an orderly manner. If so directed by the Council, the Management is to employ private security staff to ensure that this condition is complied with to the satisfaction of Council.
- (11) The Management/Licensee shall prevent patrons removing glasses, opened cans, bottles or alcohol from the premises.
- (12) The removal of recycled bottles and glasses shall only occur between 7.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.
- (13) Signs shall be placed in clearly visible positions requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.
- (14) In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the building shall ensure that the footpath, gutter, building entry and surrounds are kept clean and clear of litter at all times.

**REMOVAL OF GRAFFITI**

- (15) The owner of the building shall be responsible for the removal of any graffiti from the building within 48 hours of the graffiti appearing.

**NO SPRUIKERS**

- (16) No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking or amplified noise generated within privately owned land must not be audible on Council's footpath adjoining the subject premise and within 3 metres of the premises.

**NOISE - USE**

- (17) The use of the premises 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 8.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 8.00 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) A sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055. "Acoustics - Description and Measurement of Environmental Noise".
- (d) The "emission of an offensive noise" under the Protection of the Environment (Operations) Act 1997.
- (e) The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.

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**

- (18) 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.

#### **NO PUBLIC ENTERTAINMENT**

- (19) No Public Entertainment, as defined under Local Government Act, 1993 is to be provided within the premises unless approved by a development application under the Environmental Planning and Assessment Act, 1979 and an application under Section 68 of the Local Government Act, 1993.
- (20) Gaming machines, amusement devices or the like are not permitted to be installed in the premises.
- (21) Should complaints or breaches of noise regulations occur, the Council may employ a suitably qualified acoustic engineer to measure noise emanating from the property and to recommend appropriate action. The cost of such appointment and associated work shall be borne by the licensee, who shall also ensure the recommendations of the acoustic consultant are implemented.
- (22) The doors to Arnold Lane shall be kept shut at all times, except where required for direct ingress/egress (to limit noise) and mechanical ventilation, if required, shall be provided to meet BCA requirements.
- (23) For licensed premises, in addition to the sign showing the Licensee's name, there shall be affixed alongside, details of the maximum number of persons permitted in the premises, being 135 persons, in letters not less than 25mm, displayed at the main front entrance of the premises. The overall size of both signs shall not exceed 600mm in height or width in total.

## **Schedule 1B**

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

- (24) 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.

### **WASTE MANAGEMENT PLAN**

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

### **SANITARY FACILITIES**

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

### **FITOUT TO COMPLY WITH CODE**

- (27) The construction and fitout of the premises must comply with the requirements of the National Code for the Construction and Fitout of Food Premises and the Food Regulation 2001.

### **ACCESS FOR PEOPLE WITH DISABILITIES**

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

## **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 BARRICADE PERMIT**

- (29) 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.

**CERTIFICATION OF MECHANICAL VENTILATION**

- (30) 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.
- (31) 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 - MINOR WORKS**

- (32) Prior to the erection of the sign, the following documentation must be submitted to Council:

- (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 S1s, 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 approved Architectural Plans released for construction, and
  - (iv) The relevant Australian Standards listed in the BCA (Specification A1.3).
- (c) Repeat (a) and (b) for any revision, of structural drawings.

#### Notes

- (d) An appropriately qualified practising structural engineer certifying by completing Attachment S1s 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.

## Schedule 1D

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

#### CITY OF SYDNEY COMPLIANCE INSPECTIONS

- (33) 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.

### **DEMOLITION WORKS**

- (34) 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.
- (35) Demolished combustible materials shall not be stockpiled. Material must be removed regularly.

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

- (36) The hours of construction and work on the development shall be:
  - (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30 a.m. and 5.30 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 3.30 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) The applicant must provide to Council a 24 hour per day telephone contact number and must ensure such number is continually attended by a person with authority over the building work during the construction period.
  - (c) The approved hours of work and a 24 hour telephone number must be prominently displayed at all times on the building site and must be visible from a public street or a public place.

- (d) All work, including demolition, excavation and building work must comply with "The City of Sydney Building Sites Noise Code" and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

#### **NO OBSTRUCTION OF PUBLIC WAY**

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

## **Schedule 1E**

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

#### **OCCUPATION CERTIFICATE TO BE SUBMITTED**

- (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.

#### **GLAZING MATERIALS TO COMPLY WITH CODE**

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

#### **WASTE COLLECTION CONTRACT**

- (40) 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.

### **COMPLIANCE CERTIFICATE FOR FOOD PREMISES**

- (41) Prior to the use of any part of the premises for or in connection with the delivery, storage, preparation or service of food or beverages, or prior to issue of an Occupation Certificate, a Certificate of Completion must be submitted to the satisfaction of the Principal Certifying Authority;

EITHER

- (a) a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979)

OR

- (b) a Food Premises Certificate of Completion in the form of Attachment F2 signed by an Architect or other person appropriately qualified and experienced in construction, fitout, codes and legislative provisions for food premises, when the Principal Certifying Authority is the Council.

### **REGISTRATION OF FOOD PREMISES**

- (42) Prior to issue of an Occupation Certificate, Council's City Care Unit (Health Section) shall be notified of the premises being used for the preparation, manufacture or storage of food for sale. The premises will be registered on Council's Food Premises Database.

### **COOLROOMS**

- (43) Coolroom(s), refrigerated chambers, strong-rooms and vaults are to be constructed in accordance with G 1.2 of the Building Code of Australia.
- (a) The floor of the coolroom shall be graded to the door and a floor trapped waste outlet shall be located outside the coolroom as near as possible to the door opening.
- (b) All proposed shelving in the coolroom shall be free-standing, constructed of galvanised steel angle section or other approved material with the lowest shelf at least 150mm clear of the floor.
- (c) The coolroom being capable of storing food at a temperature of 5°C or below. A thermometer shall be provided which indicates temperature, displayed externally.
- (d) The floor of the coolroom shall be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.

- (e) An approved audible alarm device shall be located outside the coolroom(s) but controllable only from within the coolroom(s) and be able to achieve a sound pressure level outside the chamber or coolroom(s) of 90 d B (A) when measured 3 metres from the sounding device.

#### **CONSTRUCTION OF WALLS AND FLOORS FOR FOOD PREMISES**

- (44) The walls of the food preparation area shall be constructed of approved solid material finished with glazed ceramic tiles or other rigid, smooth-faced, impervious material, evenly laid to a height of at least 2000mm above floor level and coved at the intersections with the floor.
- (45) The floor of the food preparation area shall be finished with an approved material, graded and drained to a trapped floor waste and coved at the intersection with the walls.

#### **PROVISION OF HAND WASHING FACILITIES**

- (46) The wash hand basin, shall be provided in a convenient position.
- (47) The wash hand basin shall be provided with hot and cold water supplied under pressure through an approved mixing device which can be adjusted to enable the hands to be washed under hot running water at a temperature of at least 40°C.

#### **MECHANICAL VENTILATION PERFORMANCE CERTIFICATE**

- (48) 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.

#### **VENTILATION SYSTEM TO COMPLY WITH PUBLIC HEALTH REQUIREMENTS**

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

## **Schedule 1F**

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

#### **HOURS OF OPERATION**

- (50) The restaurant and bar may be open for business only between 7:30am and 10:00pm Monday, 7:30am and 11:00pm Tuesday to Wednesday; 7:30am and 11:30pm Thursday and Friday; 9:30am and 11:30pm on Saturday; and 10:00am and 10:00pm on Sunday. The operator/management must ensure that at the end of the permitted hours of operation no customers remain on the premises. The operator/management must ensure that sufficient time before the end of the permitted hours of operation, restaurant and bar service and any approved entertainment cease, and warning is given to customers to prepare to leave the premises.

#### **WINDOW CLEANING**

- (51) 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.

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

- (52) 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.

#### **RECEPTACLES FOR CIGARETTE BUTTS**

- (53) Provision must be made on the site, adjacent to the entrance 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 receptacles must be approved by Council. The receptacles 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.

## **Schedule 2**

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

### **COMPLIANCE WITH BUILDING CODE OF AUSTRALIA**

- (1) All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the provisions of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
- (2) This clause does not apply to the extent to which an exemption is in force under clause 80H or 80I, subject to the terms of any condition or requirement referred to in clause 80H (6) or 80I (4) of the Environmental Planning and Assessment Amendment Regulation 1998.

### **CHANGE OF BUILDING USE**

- (3)
  - (a) A building in respect of which there is a change of use must comply with the Category 1 fire safety provisions applicable to the proposed new use.  
  
Note: The obligation under condition to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in this development consent.
  - (b) This condition does not apply to the extent to which an exemption is in force under clause 80H or 80I, subject to the terms of any condition or requirement referred to in clause 80H (6) or 80I (4) of the Environmental Planning and Assessment Amendment Regulation 1998.
  - (c) In this condition, Category 1 fire safety provision has the same meaning as it has in Part 7B of the Environmental Planning and Assessment Amendment Regulation 1998.

Carried unanimously.

Note - Mr George Goumas addressed the meeting of the Planning Development and Transport Committee on Item 6.6.

**PART "A" (continued) - DETERMINED BY COUNCIL****DEVELOPMENT APPLICATION: 33 - 47 GOOLD STREET, CHIPPENDALE (D2003/00323)****6.7**

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 20 October 2003, in relation to Development Application made by Baker Kavanagh Architects for the site at 33-47 Goold Street Chippendale, for the reuse of an existing warehouse building with a new three storey addition for a mixed commercial/residential use comprising 4 commercial studios and 23 residential units, it be resolved that:-

- (A) a "deferred commencement" consent be granted under the provision of Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to the following:
  - (i) The consent is not to operate until the applicant provides the following information to Council, within six (6) months of the date of the determination, that: the applicant has submitted the revised mix of residential units, resulting in a total of nine (9) 2-bedroom units and thirteen (13) studio/1-bedroom units, to the satisfaction of the Director City Development and Projects.
- (B) subject to satisfactory completion of the above requirements, the development consent shall operate subject to the following conditions and any conditions reasonably arising from Clause (A) above:

## **Schedule 1A**

### **Approved Development, Contributions and Covenants**

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

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

## APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D2003/00323 dated 18 May 2003 and the additional information dated 28 August 2003, 8 and 15 September 2003 and the following drawings prepared by Baker Kavanagh Architects

<b>Drawing Number:</b>	<b>Date:</b>
DA102 Issue g	09.10.03
DA103 Issue g	09.10.03
DA105 Issue c	09.10.03
DA107 Issue g	09.10.03
DA108 Issue d	09.10.03
DA109 Issue c	09.10.03
DA200 Issue f	09.10.03
DA201 Issue b	09.10.03
DA300 Issue d	09.10.03
DA301 Issue b	09.10.03
DA302 Issue a	09.10.03
DA303 Issue a	09.10.03
DA401 Issue a	15 Jul 2003
Material Samples Board	Undated

and as amended by the following conditions:

## DESIGN MODIFICATIONS

- (2) In compliance with Council's requirements prohibiting the extension of awning within 800mm of the kerb, the proposed awning structure over the Goold Street footway are to be deleted.
- (3) Fire rated glass blocks shall be provided for windows along the western boundary of the subject building.

## FLOOR SPACE RATIO

- (4) The following applies to Floor Space Ratio:-
- (a) The Floor Space Ratio of the proposal must not exceed 4.73:1 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 481sqm.
- (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

### **BUILDING HEIGHT**

- (5)
- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 38.35 (AHD).
  - (b) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the height of the building, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

### **PHYSICAL MODELS**

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

Note:

- (a) The models shall be constructed in accordance with the Model Specifications, available from the One Stop Shop. Council's model maker should be consulted prior to construction of the model for Town Hall House. The Manager Architecture and Urban Design 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.

### **REPORT TO BE COMPLIED WITH**

- (8) The development shall be in accordance with the recommendations of the following reports:
  - (a) Preliminary Contamination Assessment, prepared by Douglas Partner dated May 2003;
  - (b) BCA Report, prepared by City Plan Services dated 09 May 2003;

- (c) Energy Conservation Study, prepared by Windtech Consultant Pty Ltd dated 30 April 2003;
- (d) Solar Reflectivity Analysis, prepared by Windtech Consultant Pty Ltd dated 30 April 2003;
- (e) Solar Access Analysis, prepared by Windtech Consultant Pty Ltd dated 30 April 2003;
- (f) Wind Environment Statement, prepared by Windtech Consultant Pty Ltd dated 30 April 2003;
- (g) Traffic Noise Assessment, prepared by Acoustic Logic Consultancy dated 1 May 2003; and
- (h) Internal Acoustic Requirement Report, prepared by Acoustic Logic Consultancy dated 1 May 2003;

**SECTION 61 CONTRIBUTIONS PAYABLE - REGISTERED QUANTITY SURVEYOR'S DETAILED COST REPORT - SUBMITTED AND VERIFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

- (9) A cash contribution comprising 1% of the total cost of the development, is payable to the City of Sydney pursuant to section 61 of the City of Sydney Act and the "City of Sydney Section 61 Contributions Plan 1997" in accordance with the following:-
  - (a) Prior to the release of the construction certificate, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and then that the levy has been paid to the 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.
  - (b) The contribution shall not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" indicating the itemised cost of the development shall be completed and submitted to Council by the CERTIFYING AUTHORITY, together with copies of the plans the subject of the application for the construction certificate. A copy of the required format for the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" may be obtained from the City of Sydney One Stop Shop and the City of Sydney's website ([www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au)).
  - (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the CERTIFYING AUTHORITY accordingly.

- (d) 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 (e) below.
- (e) 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.

#### **RESTRICTION ON RESIDENTIAL DEVELOPMENT**

- (10) The following restriction applies to buildings approved for residential use:
  - (a) The accommodation portion of the building (levels 1 to 4) must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Central Sydney Local Environmental Plan 1996.
  - (b) All approved residential units in the building must be either owner occupied or occupied by a tenant with a residential lease under the Residential Tenancy Act 1987. A certificate signed by the owner or the body corporate (if the development is strata subdivided) or a solicitor (holding a current certificate to practice), must be forwarded to Council within 12 months of the completion of the development, and every 12 months thereafter, certifying that all units approved in the residential building are either owner occupied or are subject to residential leases under the Residential Tenancy Act 1987.
  - (c) A restrictive covenant is to be created pursuant to Section 88E of the Conveyancing Act, 1919, restricting any change of use of levels 1 to 4 from residential as defined in the Central Sydney Local Environmental Plan 1996. The covenant is to be executed prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 to the satisfaction of the certifying authority (Council or a private accredited certifier). All costs of the preparation and registration of all associated documentation is to be borne by the applicant.

**BOUNDARY WINDOWS**

- (11) All windows adjacent to the western boundary of the site, not provide with an easement, must be sealed, bricked up or otherwise enclosed, prior to the construction of any building abutting, adjoining or adjacent to such windows. A covenant to the approval of Council is to be placed on the title of any units facing the affected boundary to this effect. Evidence of the creation of the covenant is to be submitted prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

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

**STRATA SUBDIVISION**

- (12) Any proposal to Strata subdivide the building and site will require separate applications to obtain development consent for the proposal from Council and 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 Scheme (Freehold Development) Act 1973.

**VEHICULAR SPACES**

- (13) The following car parking requirements apply:-
- (a) The approved vehicle spaces shall be allocated on the development site as follows:
    - Sixteen (16) residential spaces;
    - One (1) service vehicle space located close to service entrance;
  - (b) 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.
- (14) The applicant/developer shall investigate the appropriate arrangement for the provision of one (1) parking space for people with disabilities. The findings of the investigation shall be submitted for approval by the Director City Development and Projects prior to the issue of a Construction Certificate.
- (15) Any parking space designed for persons with a disability must be available for use in conjunction with the unit designated for persons with a disability. Such unit shall be linked in any future strata subdivision of the building.

(16) 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:

- (i) The covenant/restriction will be noted on the Section 149 Certificates for all the units/building so burdened by this condition.
- (17) The layout of the access arrangements to the car stackers shall comply with Australian Standards AS2890.1-1993.
- (18) Details of the nominated car stacker system shall be submitted for the approval of the Director City development and Project prior to the issue of a Construction Certificate.
- (19) A convex mirror shall be installed at the corner of the access ramp to provide visibility between opposite traffic.
- (20) The loading space shall be located without obstructing access to the car stackers.
- (21) All vehicles shall enter and leave the site in a forward direction.
- (22) All cost of traffic management measures associated with the development shall be borne by the applicant/developer.
- (23) Residents are not eligible to participate in the resident permit parking scheme. The prohibition on participate 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.

**REINSTATEMENT OF COUNCIL'S FOOTPATH**

- (24) A separate application shall be made to Council's Contract and Asset Management Division for the construction of the proposed concrete kerb and footpath vehicle crossing and the reinstatement of the footpath formation where any existing crossing no longer required.

**BUILDINGS**

- (25) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000 the following works are required to be completed prior to the issue of an Occupation Certificate to ensure that there is adequate fire safety in the building. Prior to the issue of a Construction Certificate the certifying authority must ensure that the building design incorporates the required upgrading works:
- (a) Openings in the external walls must be protected in accordance with C3.2 of the Building Code of Australia; and
  - (b) Smoke hazard management must be provided in the building in accordance with Performance Requirement EP2.2 of the Building Code of Australia.

**REMEDICATION**

- (26) Prior to the issue of a Construction Certificate for above ground works or works not directly ancillary to a remediation process, a Site Audit Statement prepared by an EPA accredited site auditor pursuant to the Contaminated Land Management Act 1997, is to be submitted to Council clearly demonstrating that the site is suitable for the intended use under this consent. Conditions imposed on the Site Audit Statement shall form part of this consent. However, in circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of inconsistency and an s96 application pursuant to the Environmental Planning & Assessment Act 1979 will be required.
- (27) Prior to the execution of remedial works, attention is directed to obligations imposed on the applicant to the consent (or successor/s) pursuant to the provisions of the Environmental Planning & Assessment Act 1979 and planning instruments applicable to the works including State Environmental Planning Policy No. 55 and Councils adopted Development Control Plan - Contaminated Land.

### **WASTE CLASSIFICATION**

- (28) That prior to the exportation of waste (including fill or soil) from the site the material should be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and NSW, EPA 'Environmental Guidelines: Assessment, Classification and Management of Non-Liquid Wastes'. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act, 1997 provides for the commission of an offence for both the waste owner and transporter if waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

### **VENTILATION**

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

### **NOISE AND VIBRATION**

- (30) Noise and vibration from the use of any plant, equipment and/or building service associated with the premises shall not cause a nuisance.

### **SIGNS**

- (31) 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**

- (32) 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.

**LETTER TO VERIFY SUPPORT FOR NEW LOADS**

- (33) For alterations and additions (including any excavation of the subject site) 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).

**PUBLIC DOMAIN PLAN**

- (34) 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.
- (e) Random checks by Council officers may be made throughout the construction process to advise the contractor of non-complying elements. However, no parts of the work are to be considered approved until receipt of the City of Sydney Certificate of Completion. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter.

- (f) An “Application for Approval of Footpath Levels and Gradients” must be submitted at the City’s One Stop Shop with the appropriate fee at the time of lodgement of the public domain proposal. The fee will be determined in accordance with the City of Sydney Schedule of Fees and Charges.

**(35) Note:**

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

**ELECTRICITY SUBSTATION**

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

**SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)**

**(37)**

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

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

## **STORMWATER AND DRAINAGE**

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

- (d) An “Application for Approval of Stormwater Drainage Connections” must be submitted at the City’s One Stop Shop with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the City’s drainage system. The fee will be determined in accordance with the City of Sydney Schedule of Fees and Charges.

#### **UTILITY SERVICES**

- (39) 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**

- (40) 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.
- (41) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the Application for a Construction Certificate.

#### **NOISE REDUCTION**

- (42) 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 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 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 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 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).

#### **TELECOMMUNICATIONS PROVISIONS**

- (43) The following requirements apply to telecommunication facilities in the building:-

- (a) Appropriate access and space within the plant area of the building shall be provided for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery.
  - (b) Appropriate ducting and cabling shall be provided for a minimum of three telecommunication carriers or other providers for telecommunication access and broad-band cabling to each apartment of the building.
  - (c) The details of (a) and (b) above shall be submitted for the approval of the certifying authority, prior to issue of a construction certificate for the building under the Environmental Planning and Assessment Act 1979.
- (44) A separate DA must be submitted at the appropriate time for any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development.

#### **ACCESS FOR PEOPLE WITH DISABILITIES**

- (45) 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.

#### **ACOUSTIC PRIVACY BETWEEN UNITS**

- (46) 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).

#### **FLOOR TO CEILING HEIGHT**

- (47) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the certifying authority (Council or a private accredited certifying authority) must ensure that all living rooms and bedrooms in sole occupancy units shall have a minimum floor to ceiling height of not less than 2.7 metres.

#### **BUILDING WASTE MANAGEMENT PLAN**

- (48) Prior to the issue of a Construction Certificate for the development a Building Waste Management Plan shall be submitted to Council and approved by the Director City Development and Projects. Such plan must address compliance with Council's Code for Waste Handling in Building 1994 and include details of the following:
  - (a) the location, design and construction specifications for garbage rooms, recycling rooms, bin washing and collection areas and collection vehicle standing areas;
  - (b) calculation of the volumes of waste generated by the uses of the development and verification of garbage room sizes;
  - (c) the natural and mechanical ventilation of garbage rooms and service areas in accordance with the Waste Code and Australian Standards 1668;
  - (d) the location and design of any garbage chutes and compaction systems required by the Waste Code;

- (e) the proximity of waste handling facilities to any commercial food areas of loading docks, with a view to avoiding cross contamination; and
- (f) the design features incorporated in the building and procedures to be adopted by building management to ensure waste separation and minimization within individual units and offices, on each floor of the building and within the garbage storage and recycling areas.

All requirements of the Building Waste Management Plan must be implemented during the construction of the development and subsequent occupation and use of the building.

#### **WASTE SEPARATION**

(49) 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.

#### **GEOTECHNICAL REPORT AND CERTIFICATION**

(50) 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.
- (51) Notes
- (a) 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.
  - (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.
- (52) 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.

**NON COMPLIANCE WITH THE DEEMED TO SATISFY PROVISION OF THE BCA**

- (53) 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.

**RECEPTACLES FOR CIGARETTE BUTTS**

- (54) 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.

## 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 DETAILS

- (55) 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

- (56) 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.

- (57) 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.
- (58) The demolition by induced collapse, the use of explosives or on-site burning is not permitted.

#### **OTHER DEMOLITION DETAILS**

- (59) 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 Report/s of adjoining buildings are to be submitted by an appropriately qualified Structural Engineer prior to commencement of demolition/excavation works, and at completion of demolition/excavation works.
  - (d) A certified copy of the Public Liability Insurance indemnifying Council for \$10,000,000 against public prosecution for the duration of the demolition works.
  - (e) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the WorkCover Authority.

**EXCAVATION WORK METHOD STATEMENT**

- (60) 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.

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

(61) 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**

(62) 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**

- (63) 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.
- (64) 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.
- (65) 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 contracts.

- (66) 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**

- (67) 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**

- (68) 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).
- (69) Documents required with the Road Opening Permit application include:-
- (a) A plan and relevant sections showing scope of works, boundaries, utility services, levels of proposed excavation, and details of method of reinstating public way;
  - (b) Evidence that public utility drawings have been inspected;
  - (c) Evidence of a \$10 million dollar Public Liability Insurance Policy specifically indemnifying the City of Sydney, valid for at least the duration of the project;
  - (d) A Security Deposit for reinstatement of public way.
- (70) The Road Opening Permit will be subject to further conditions that shall be complied with.

### **BARRICADE PERMIT**

- (71) 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**

- (72) 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 the sum of \$15,500 equivalent to 31 square metres of footway adjacent to the Goold Street frontage of the development site, as security for any damage rectification.
- (73) 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**

(74) 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**

(75) 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.

(76) 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**

- (77) 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.

(78) Notes:

- (a) 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.
- (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.
  - (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.

## HOURS OF WORK AND NOISE

- (79) The hours of construction and work on the development shall be:
- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30 a.m. and 5.30 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 3.30 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".

## Schedule 1D

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

#### SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

- (80) 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.

## **LOADING AND UNLOADING DURING CONSTRUCTION**

(81) 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.

## **STORMWATER RUNOFF**

(82) 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.

#### **NO OBSTRUCTION OF PUBLIC WAY**

- (83) 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.

#### **ACCESS DRIVEWAY TO BE CONSTRUCTED**

- (84) 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.

#### **CONSTRUCTION VEHICLES TO BE COVERED**

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

Note:

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

## **Schedule 1E**

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

#### **CITY OF SYDNEY COMPLIANCE INSPECTIONS**

- (86) 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.

#### **OCCUPATION CERTIFICATE**

- (87) 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.

#### **FIRE SAFETY CERTIFICATE**

- (88) A Fire Safety Certificate (in accordance with Clause 174 of the Environmental Planning and Assessment Regulation 2000) must be furnished to the Principal Certifying Authority (PCA) (Council or a private accredited certifier) for all of the items listed in the Fire Safety Schedule forming part of this approval prior to any consent for occupancy/partial occupancy being granted. A copy of the Certificate must be submitted to Council if it was not the PCA.

**MECHANICAL VENTILATION PERFORMANCE CERTIFICATE**

- (89) 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**

- (90) 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.
- (91) A copy of the Certificate with a microfilm set of the final drawings shall be submitted to Council if it was not the PCA.
- (92) 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.

### **CERTIFICATION OF GEOTECHNICAL INSPECTION**

- (93) 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).
- (94) 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.

### **WASTE MANAGEMENT COMPLETION VERIFICATION**

- (95) Upon completion of construction of the development and prior to the issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979 (Form 12) or part thereof, compliance of all the building's waste management facilities with the requirements set out in the approved Building Waste Management Plan and in accordance with Council's Code for Waste Handling in Buildings 1994 is to be verified and approved by Council's Manager Contracts and Asset Management.

### **WASTE COLLECTION CONTRACTS**

- (96) 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**

- (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.
    - (iv) The voids then backfilled with stabilised sand (14 parts sand to 1 part cement).

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

## NUMBERING

- (99) 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.

## Schedule 1F

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

#### NOISE - USE

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

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

### **NOISE - MECHANICAL PLANT (IF ANY)**

(101) 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.

### **REMOVAL OF GRAFFITI**

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

### **CARE OF BUILDING SURROUNDS**

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

### **WINDOW CLEANING**

(104) 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.

Carried.

Note - Mr John Baker addressed the meeting of the Planning Development and Transport Committee on Item 6.7.

**DEVELOPMENT APPLICATION: 2B – 14 KINGS CROSS ROAD, POTTS POINT (FORMER MILLENNIUM HOTEL) (U02-01420)**

**6.8**

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 20 October 2003, in relation to Development Application U02-01420 made by Kingsgate Investment Pty Ltd, for the site at 2B-14 Kings Cross Road Potts Point, for the demolition of the existing building and the construction of a 15 storey mixed use building comprising ground floor retail tenancy, 85 residential units and 62 car spaces, it be resolved that:-

- (A) the development's non-compliance with the 24m height limit and Floor Space Ratio at 3:1 as prescribed in South Sydney Development Control Plan 1997 are considered acceptable for the subject site only for the following reasons:
- (i) the proposed replacement building is similar to the existing in terms of its scale and height;
  - (ii) the proposal allows for the removal of an above ground car park and a poor building, in terms of its contribution to the area, and provides a vastly superior replacement building on the subject site;
  - (iii) the proposed building will provide an appropriate transition between the lower rise and taller buildings in the area;
  - (iv) the increased separation between the proposed building, Francis Hall and the public domain works will improve the amenity of Francis Hall residents and surrounding streets/lanes;
  - (v) the impacts of the development on surrounding buildings and the area do not warrant a refusal;
- (B) "deferred commencement" consent be granted under the provisions of Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to the following:
- (i) the consent is not to operate until the applicant provides the following information to Council, within six (6) months of the date of the determination: a revised design of the south-eastern corner of the proposed building to reduce the loss of outlook and privacy of the adjacent residential building (Francis Hall), to a reasonable degree and to the satisfaction of the Director City Development and Projects, in consultation with the Lord Mayor, followed by a briefing of Councillors. Particular regard will be given to the revision of the floor plans to improve outlook and privacy from the bay windows above level 3 of Francis Hall by altering/reducing the shape, size and extent of the balconies. In addition, an increased building setback should be provided, particularly the south-eastern corner, from Kings Cross Road to minimise impacts on outlook and privacy for Francis Hall residents. The above changes shall not increase the floor space area, height or add to the footprint of the proposed building.

- (C) subject to satisfactory completion of the requirements in clause (B) above, the development consent shall operate subject to the following conditions and any conditions reasonably arising from consideration of clause (B).

## 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. U02-01420 dated 23 December 2002 and the Amended Statement of Environmental Effects prepared by Planning Ingenuity, dated 23 March 2003 and additional information received on 19, 22 August, 4 September, 1 and 13 October 2003 and the following drawings prepared by GPN Architects:

<b>Drawing Number</b>	<b>Date</b>
DA02 Issue D	10.06.2002
DA03 Issue B	10.06.2002
DA04 Issue D	01.06.2002
DA05 Issue D	01.06.2002
DA06 Issue D	01.06.2002
DA07 Issue D	01.06.2002
DA09 Issue D	01.11.2002
DA10 Issue D	01.11.2002
DA11 Issue D	01.11.2002
DA12 Issue D	01.11.2002
DA13 Issue D	01.06.2002
DA14 Issue D	01.06.2002
Public Domain 03 Rev 3	March 2003
Materials Sample Board	Udated

and as amended by the following conditions:

**FLOOR TO CEILING HEIGHT**

- (2) Prior to the issue of a Construction Certificate under the Environmental Planning Assessment Act 1979, the certifying authority (Council or a private accredited certifying authority) must ensure that all living rooms and bedrooms in sole occupancy shall have a minimum floor to ceiling height of not less than 2.7metres.

**BUILDING HEIGHT**

- (3)
  - (a) The height of the building, as defined in the South Sydney Development Control Plan, must not exceed RL 89.25 (AHD). The height of the top of the plantroom must not exceed RL 91.73 (AHD). These figures may vary slightly as a result of compliance with Condition 2 above.
  - (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).

**FLOOR SPACE RATIO**

- (4) The following applies to Floor Space Ratio:-
  - (a) The Floor Space Ratio of the proposal must not exceed 7.86:1 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 9,612sqm.
  - (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).
- (5) As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category		Amount
Open Space Land Acquisition	=	\$32,267.83
Open Space/Townscape/Public Domain	=	\$143,660.64
Accessibility and Transport	=	\$964.93
Management	=	\$2,302.00
Administration	=	\$47,720.00
<b>TOTAL:</b>	=	\$226,914.86
Credit available	=	\$76,592.84
NETT payable ((a) – (b))	=	\$150,322

- (6) The above payment, with the exception of Open Space Land Acquisition and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for open space land will be reviewed at time of payment in accordance with the latest valuations.

$$\text{Contributions at Time of Payment} = C \times \frac{\text{CPI}_2}{\text{CPI}_1}$$

where:

C is the original contribution amount as shown above;

CPI<sub>2</sub> is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and

CPI<sub>1</sub> is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent being the June Quarter 2003.

- (7) The above amount must be paid to the Council in cash or by unendorsed bank cheque. Payment shall be made prior to the release of the Construction Certificate.

## SEPARATION APPLICATIONS

- (8) A separate development application must be submitted at the appropriate time for the fitout and use of the ground floor retail tenancy(ies). No approval for specific use (or hours of operation) have been granted for any ground floor retail tenancy(ies).

- (9) 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.
- (10) A separate application is to be made to Council's Contract and Asset Management Unit for the construction of any new concrete vehicle footpath and kerb crossings and the removal of any existing crossings and reinstatement of the footpath if any such crossings are no longer required.

#### **DETAILS TO BE SUBMITTED**

- (11) The applicant shall submit details of the external façade treatment of the proposed building, including design, materials, finishes and colours for approval by the Director City Development and Projects prior to the issue of a Construction Certificate.

#### **REPORTS TO BE COMPLIED WITH**

- (12) The development shall be in accordance with the recommendations of the following reports:
  - (a) Wind Environment Statement, prepared by Windtech Consultants Pty Ltd, dated 3 December, 2003; and
  - (b) Construction Environmental Management Plan, prepared by Johnstone Environmental Technology Pty Ltd dated March 2003.

#### **STRUCTURAL INTEGRITY OF ADJOINING BUILDINGS**

- (13) The applicant shall ensure the structural integrity of the adjoining buildings shall not be adversely impacted by the construction activities of the subject development.

#### **PUBLIC DOMAIN PLAN**

- (14) The following requirements apply:-
  - (a) Public Domain improvement works shall cover the entire length of Pennys Lane, a section of Kings Cross Road footway along the boundary of the subject site and the section of Goderich Lane up to the eastern end of the boundary of the subject site.
  - (b) 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.

- (c) The Public Domain Plan shall be as follows:-
- (i) Drawn at 1:100 scale; 1:200 will be acceptable for larger sites of over 200m street frontage.
  - (ii) Show the entire layout and pattern 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, (including city maps, notice boards, benches, bollards, bins, J C Deceaux kiosks, APT's and phone booths), utility poles, parking meters, pedestrian and traffic signals, service pits, stormwater pits and signage (including street nameplates, historical, parking and traffic).
  - (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. For larger sites of over 200m street frontage 1:200 horizontal scale and 1:20 (exaggerated) vertical scale is acceptable. 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.
- (d) The Public Domain Plan shall comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.
- (e) The Public Domain Plan shall incorporate the standard specifications and 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 a uniform grade of 150mm above the gutter grading and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed or resurfaced (as required) to the centre line of the carriageway or to sufficient distance from the kerb to achieve a uniform transition into the existing pavement profile.
  - (vi) The retention and repair of any existing pavement lights.
  - (vii) The retention and repair of any existing serviceable stone gutters to achieve a uniform kerb and gutter longitudinal grading free of vertical displacement of greater than 5mm between adjacent units.
  - (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) Protection or replacement by the developer of all City assets to be retained as part of Public Domain works and recovery and return of any City assets where such removal has been approved.
  - (x) The provision of smart pole(s), (to be provided at the applicants cost).
- (f) The Public Domain Plan shall also address any interface issues relating to the Darlinghurst Road upgrade works and public domain works carried out by other agencies (e.g. RTA).
- (g) Random checks by Council officers may be made throughout the construction process to advise the contractor of non-complying elements. However, no parts of the work are to be considered approved until receipt of the City of Sydney Certificate of Completion. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter.

- (h) An “Application for Approval of Footpath Levels and Gradients” must be submitted at the City’s One Stop Shop with the appropriate fee at the time of lodgement of the public domain proposal. The fee will be determined in accordance with the City of Sydney Schedule of Fees and Charges.

Note:

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

### **BOND FOR PUBLIC DOMAIN WORKS**

- (15) A performance bond or a Bank Guarantee of \$1,000,000 shall be lodged to the satisfaction of Council prior to the issue of a Construction Certificate. This is to cover the cost of possible damage of works to the public domain and will be returnable upon the completion of public domain works to Council satisfaction.

### **PUBLIC ART**

- (16) 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.

### **SUBDIVISION**

- (17) Any proposal to Strata subdivide the site and building shall require:
  - (a) A separate application to Council or an accredited certifier to obtain approval of the final Strata Plan and endorsement of the Strata Certificate in accordance with Section 37 of the Strata Schemes (Freehold Development) Act 1973.
  - (b) The execution of the statutory Restriction on Use, pursuant to Section 39 of the Strata Schemes (Freehold Development) Act 1973, burdening all car parking and storage utility lots in the Strata Plan and/or the creation of a documentary Restriction on Use of Land pursuant to Section 88B of the Conveyancing Act 1919, burdening all car parking and storage part-lots, in terms consistent with the statutory terms under Section 39 of the Strata Schemes Act.

- (c) The creation of a documentary Restriction on Use of Land, pursuant to Section 88B of the Conveyancing Act 1919, burdening the Common Property in the scheme, in terms prohibiting the use of any part thereof for the parking or standing of vehicles or boats and prohibiting the grant of any lease, licence or exclusive use rights over any part of the Common property for that purpose.
- (d) All car parking and storage spaces are to be linemarked and numbered in correlation with the Strata Plan or appropriately identified on site to Council's satisfaction.
- (e) Any visitor and bicycle parking is to be appropriately linemarked and signposted on site and designated on the Strata Plan as such as a part of the Common Property in the Strata Plan.
- (f) In accordance with the provisions of Section 38 of the Strata Schemes (Freehold Development) Act 1973, the final Strata Plan is to include the nature, location and magnitude of all encroachments of part(s) of the building upon the alignments of Kings Cross Road, Pennys Lane and Goderich Lane.
- (g) The residential component of the building must be used for permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, boarding house, tourist accommodation or other short term rental accommodation.

A documentary Restriction on Use is to be created over all residential lots in the Strata Plan, pursuant to Section 88B of the Conveyancing Act 1919, appurtenant to Council, in terms to this effect and prohibiting any change of use from Residential as defined in the Central Sydney Local Environmental Plan 1996.

- (h) Prior to the issue of the Strata Certificate by Council or an accredited certifier under Section 37 of the Strata Schemes (Freehold Development) Act 1973, evidence is to be submitted to Council of the issue by Sydney Water of a Developer Compliance Certificate under Section 73 of the Sydney Water Act 1994 for the development, or

Evidence must be submitted to Council that the requirements of Sydney Water with regard to the Strata subdivision of the building have been satisfied.

Note: Sydney Water may require the construction of works and/or payment of developer contributions.

- (i) An Occupation Certificate (in accordance with Clause 155 of the Environmental Planning and Assessment Regulation 2000) must be obtained from the Principal Certifying Authority (Council or an accredited certifier) and a copy furnished to Council in accordance with Section 79L of the Environmental Planning and Assessment Regulation 1998 prior to the issue of the Strata Certificate.

#### **CAR PARKING COVENANT**

- (18) 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.

#### **TRAFFIC AND PARKING**

- (19) The layout of the car park and service vehicle parking area shall comply with Australian Standards AS 2890.1-1993 and AS2890.2-2002. The basement car park shall provide 56 spaces for residents parking, 5 spaces for visitors' parking on ground floor and 1 loading/unloading dock to Goderich Lane.
- (20) The width of the driveway in Pennys Lane shall be 6m maximum.
- (21) The alignment of the first 6m of the driveway ramp behind the building façade shall be at right angle to the street alignment.

- (22) The change in grades of ramps shall be limited to 12.8% by providing further transitions.
- (23) Each pair of stacked parking spaces shall be assigned to the same tenant.
- (24) All vehicles from the car park shall enter and leave the site in a forward direction.
- (25) "Stop" sign shall be installed at the exit point to require exiting vehicles to stop at building line.
- (26) All cost of traffic management measures associated with the development shall be borne by the developer.
- (27) Two parking spaces in the basement shall be designed for persons with a disability must be available for use in conjunction with the unit(s) designated for persons with a disability. Such unit(s) shall be linked in any future strata subdivision of the building.

#### **NO PARTICIPATION IN RESIDENTS PARKING PERMIT SCHEME**

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

## **Schedule 1B**

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

- (29) 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.

#### **ACCESS FOR PEOPLE WITH DISABILITIES**

- (30) 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.

- (31) The applicant shall provide two residential units (ie. 1 x 1 Bedroom unit and 1 x 2 Bedroom unit) with accessible facilities.

#### **RECEPTACLES FOR CIGARETTE BUTTS**

- (32) 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.

#### **ELECTRICITY SUBSTATION**

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

#### **SYDNEY WATER CERTIFICATE**

- (34)
- (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).
- (c) Note:
  - (i) For Quick Check agent details please refer to "your business" section of Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then see Building and Renovating under the heading Building & Developing, or telephone 132 092.
- (d) Prior to 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).
- (e) Note:
  - (i) Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the "Notice of Requirements". Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to "your business" section of Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 132 092.
  - (ii) The approved plans will also need to be submitted to Sydney Water to determine whether the development will affect sewer and water mains, stormwater drains and/or easements. If the development complies with the requirements, the approved plans will be appropriately stamped by Sydney Water.
  - (iii) Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 132 092.

## **STORMWATER AND DRAINAGE**

(35) 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 the City's underground drainage system will require the owner to enter into a Deed of Agreement with the City Council and obtain registration on Title of a Positive Covenant prior to the commencement of any work within the public way, at no cost to the City.
- (c) The requirements of Sydney Water (currently the Urban Development Central East Group, Rockdale Regional Office) with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (d) An "Application for Approval of Stormwater Drainage Connections" must be submitted at the City's One Stop Shop with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the City's drainage system. The fee will be determined in accordance with the City of Sydney Schedule of Fees and Charges.

## **UTILITY SERVICES**

(36) 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**

- (37) 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.
- (38) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the Application for a Construction Certificate.

## **BUILDING WASTE MANAGEMENT PLAN**

- (39) A Building Waste Management Plan is to be submitted to Council 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 for construction of the development. Such Plan must address compliance with the Code for Waste Handling in Buildings 1994 and include details of the following:
  - (a) The location, design and construction of the garbage rooms, recycling rooms, bin washing and collection areas and vehicle standing areas.
  - (b) Calculations of the volumes of waste generated by the uses of the development and verification of garbage room sizes.
  - (c) The natural and mechanical ventilation of garbage rooms and service areas, in accordance with the Waste Code and Australian Standard 1668.
  - (d) The proximity of waste handling facilities to any 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 by building management to ensure waste separation and minimisation within individual units and offices, on each floor of the building and within the garbage storage and recycling areas.

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

**WASTE MANAGEMENT COMPLETION**

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

**WASTE SEPARATION**

- (41) 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.

**SANITARY FACILITIES**

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

**NON-COMPLIANCE WITH DEEMED TO SATISFY PROVISION OF THE BCA**

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

## TELECOMMUNICATIONS PROVISIONS

- (44) 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.
- (45) 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.

## NOISE REDUCTION

- (46) 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 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 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 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 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

(47) 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).

## **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 DETAILS**

- (48) 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**

- (49) 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.
- (50) 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.

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

#### **OTHER DEMOLITION DETAILS**

(52) 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 Report/s of adjoining buildings are to be submitted by an appropriately qualified Structural Engineer prior to commencement of demolition/excavation works, and at completion of demolition/excavation works.
- (d) A certified copy of the Public Liability Insurance indemnifying Council for \$10,000,000 against public prosecution for the duration of the demolition works.
- (e) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the WorkCover Authority.

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

- (53) 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.

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

(54) 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.

#### **ENVIRONMENTAL MANAGEMENT PLAN**

(55) Prior to the commencement of demolition/construction activities an Environmental Management Plan (EMP) shall be developed and submitted to Councils Department of Health and Community Services for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted by the proposal. The EMP shall include but not be necessarily limited to the following measures:

- (a) Measures to control noise emissions from the site;
- (b) Measures to suppress odours and dust emissions;
- (c) Selection of traffic routes to minimise residential noise intrusions;
- (d) Soil and sediment control measures; and
- (e) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos.

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

(56) 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/ EXCAVATION**

- (57) 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.
- (58) 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.
- (59) 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 contracts.
- (60) 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**

- (61) 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**

- (62) 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).
- (63) Documents required with the Road Opening Permit application include:-
- (a) A plan and relevant sections showing scope of works, boundaries, utility services, levels of proposed excavation, and details of method of reinstating public way;
  - (b) Evidence that public utility drawings have been inspected;
  - (c) Evidence of a \$10 million dollar Public Liability Insurance Policy specifically indemnifying the City of Sydney, valid for at least the duration of the project;
  - (d) A Security Deposit for reinstatement of public way.
- (64) The Road Opening Permit will be subject to further conditions that shall be complied with.

#### **BARRICADE PERMIT**

- (65) 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**

- (66) 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 the sum of \$51,500 equivalent to 103 square metres of footway adjacent to the Kings Cross Road, Pennys Lane and Goderich Lane frontages of the development site, as security for any damage rectification.
- (67) 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**

(68) 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.

## **ENVIRONMENTAL PROTECTION DURING CONSTRUCTION**

(69) 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.

#### **CONTROL OF VERMIN**

- (70) 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.

#### **VENTILATION**

- (71) The premises shall be ventilated in accordance with the Building Code of Australia.
- (72) The basement car park shall be mechanically ventilated in accordance with Australian Standard 1668 Part 2, Section 4 Part 1.
- (73) 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.
- (74) 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**

- (75) 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.

(76) Notes:

- (a) 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.
- (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.
- (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.

## GEOTECHNICAL REPORT AND CERTIFICATION

(77) 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.

(78) Notes

- (a) 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.
- (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.
- (79) 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.

## **Schedule 1D**

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

#### **CITY OF SYDNEY COMPLIANCE INSPECTIONS**

- (80) 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**

- (81) The hours of construction and work on the development shall be:
  - (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) 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 1.00 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**

- (82) 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.

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

(83) 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. The applicant shall submit a proposal to the Sydney Traffic Committee stating the justification for not complying.
- (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.

### **PROTECTION OF STREET TREES**

- (84) 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.

### **STORM WATER RUN-OFF CONTROL**

- (85) 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.

### **NO OBSTRUCTION OF PUBLIC WAY**

- (86) 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.

### **CONSTRUCTION ACCESS DRIVEWAYS**

- (87) 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.

### **CONSTRUCTION VEHICLE LOADS TO BE COVERED**

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

Note:

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

## **Schedule 1E**

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

- (89) 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.

#### **ALL MATERIALS TO COMPLY WITH BCA**

- (90) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (91) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".

#### **TRADE WASTE COLLECTION CONTRACT**

- (92) 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.

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

- (93) For temporary shoring, a separate application must be lodged to Council under the provisions of Section 68 of the Local Government Act 1993.
- (94) For temporary ground anchors, new permanent basement wall/s or other ground retaining elements:-
- (a) Prior to issue of a Construction Certificate, the following documents shall be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA):-
- (i) Dilapidation Report of adjoining buildings/structures.
  - (ii) Evidence that public utility services have been investigated.
  - (iii) If adjoining a Public Way:-

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

## **NUMBERING**

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

## **STREET NAME PLATE**

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

## **CERTIFICATION FOR STRUCTURAL INSPECTIONS**

- (97) 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.
- (98) A copy of the Certificate with a microfilm set of the final drawings shall be submitted to Council if it was not the PCA.
- (99) 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.

#### **MECHANICAL VENTILATION PERFORMANCE CERTIFICATE**

- (100) 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 OF GEOTECHNICAL INSPECTION**

- (101) 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).

#### **(102) 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.

## **Schedule 1F**

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

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

- (103) 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**

- (104) 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**

- (105) 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**

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

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

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

#### **NOISE - MECHANICAL PLANT**

- (107) 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.

- (108) Noise and vibration from the use of any plant, equipment and/or building service associated with the premises shall not cause a nuisance.

The motion was carried on the following show of hands -

Ayes (4) The Chair (the Lord Mayor), Councillors Greiner, Ho and Marsden

Noes (2) Councillors Coulton and Farr-Jones

(Note - Councillor Farr-Jones indicated a wish to abstain from voting on this matter. Pursuant to the provisions of clause 24(1) of the Local Government (Meetings) Regulation 1999, Councillor Farr-Jones is taken to have voted against the motion.)

Motion carried.

Note - Ms Beth Rektor, Mr Andrew Woodhouse and Mr Glenn Neal addressed the meeting of the Planning Development and Transport Committee on Item 6.8.

**ITEM 7. DEVELOPMENT APPLICATION: 2 DOWLING STREET, WOOLLOOMOOLOO (FORMER BP SERVICE STATION) (U02-01192)**

Moved by the Chair (the Lord Mayor), seconded by Councillor Greiner -

That arising from consideration of reports by the Specialist Planner to the Special Meeting of the Planning Development and Transport Committee on 15 September 2003, and to Council on 27 October 2003, in relation to Development Application U02-01192 made by Futurespace Pty Ltd for the site at 2 Dowling Street, Woolloomooloo, for the construction of a five storey building comprising 12 residential units, ground floor retail uses and 2 levels basement carpark, it be resolved that:

- (A) the development's non-compliance with the numerical 12m height limit as prescribed in South Sydney Development Control Plan 1997 is considered acceptable for this proposal, noting the proposal, by condition, will comply with the "attic height plane" definition in the DCP and circumstances can be considered "special" for the following reasons:
  - (i) the proposed building is appropriate in scale, compatible and complementary with the urban context of the area;
  - (ii) the height of the proposal is consistent with the height of the adjoining buildings;
  - (iii) the height will not give rise to significant detrimental impacts on the amenity of the area;
  - (iv) the objectives and performance criteria of the South Sydney DCP 1997 are met.
  
- (B) the development's non-compliance with the Floor Space Ratio at 1.75:1 as prescribed in South Sydney Development Control Plan 1997 is considered acceptable for the subject site/proposal only for the following reasons:
  - (i) the built form of the proposed development is sympathetic with the adjacent developments;
  - (ii) the intensity of the proposed development are similar to the nearby buildings;
  - (iii) the non-compliance will not give rise to significant detrimental impacts on the amenity of the area;
  - (iv) there is urban design merit in matching a very consistent scale of buildings in the vicinity of the site; and
  - (iv) the objectives and performance criteria of the South Sydney DCP 1997 are met.

(C) 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. U02-01192 dated 15 November 2002 and additional information received on 17 July 2003 and 22 August 2003, and the drawings numbered A01 Issue E, A02 Issue E, A03 Issue E, A04 Issue E, A05 Issue E, A06 Issue E, A07 Issue E, A08 Issue E, A09 Issue E, A010 Issue D and A011 Issue E, prepared by Futurespace Pty Ltd dated 20.08.2003 and as amended by the following conditions:

#### DESIGN MODIFICATIONS

- (2) The applicant shall modify the design of the penthouse unit to comply with the "attic height plane" definition in South Sydney DCP 1997. The proposed penthouse unit shall be contained totally within the 36 degrees attic roof envelope and the penthouse unit shall be linked to the unit(s) below. Details of the amended penthouse unit including design, materials and finishes, shall be submitted for approval by the Director City Development and Projects for approval prior to the issue of a Construction Certificate. The amendments may allow for internal redesign of both the penthouse unit and units on Level 3 below, but shall not increase the height, footprint and FSR of the proposed development.
- (3) The proposed water feature located at the proposed splay on the corner of Cowper Wharf Road and McElhone Street shall be deleted to improve the sightline to Cowper Wharf Road from McElhone Street. The design shall be submitted for approval by the Director City Development and Projects prior to the issue of a Construction Certificate.
- (4) Obscured glass panels for the lift lobby on Levels 3 and 4 facing the lightwell adjacent to the Department of Housing development shall be installed to further protect the privacy of neighbouring residents. The design shall be submitted for approval by the Director City Development and Projects prior to the issue of a Construction Certificate.

**BUILDING HEIGHT**

- (5)
- (a) The height of the building, as defined in South Sydney Development Control Plan, must not exceed RL 17.11 (AHD). The height of the top of the roof including any structures erected or placed thereon (exclusive of flagpoles) must not exceed RL 18.31 (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).

**FLOOR SPACE RATIO**

- (6) The following applies to Floor Space Ratio:-
- (a) The Floor Space Ratio of the proposal must not exceed 3.2:1 calculated in accordance with the South Sydney Development Control Plan 1997. For the purpose of the calculation of FSR, the Floor Space Area of the development is 495sqm.
  - (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).

**SECTION 94 CONTRIBUTION**

- (7) As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount
Open Space Land Acquisition	\$5,132
Open Space/Townscape/Public Domain	\$22,731
Accessibility and Transport	\$154
Management	\$375
Administration	\$7,358
Total	\$35,740

- (8) The above payment, with the exception of Open Space Land Acquisition and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for open space land will be reviewed at time of payment in accordance with the latest valuations.

$$\text{Contributions at Time of Payment} = C \times \frac{\text{CPI}_2}{\text{CPI}_1}$$

where:

C is the original contribution amount as shown above;

CPI<sub>2</sub> is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and

CPI<sub>1</sub> is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent being the June Quarter 2003.

- (9) The above amount must be paid to the Council in cash or by unendorsed bank cheque. Payment shall be made prior to the release of the Construction Certificate.

#### **SEPARATE APPLICATIONS**

- (10) A separate development application must be submitted at the appropriate time for the fitout and use of the ground floor retail tenancy(ies). No approval for specific use (or hours of operation) have been granted for any ground floor retail tenancy(ies).
- (11) 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.
- (12) A separate application is to be made to Council's Contract and Asset Management Unit for the construction of any new concrete vehicle footpath and kerb crossings and the removal of any existing crossings and reinstatement of the footpath if any such crossings are no longer required.

#### **DETAILS TO BE SUBMITTED**

- (13) The applicant shall submit details of the external façade treatment of the proposed building, including design, materials, finishes and colours for approval by the Director City Development and Projects prior to the issue of a Construction Certificate.

- (14) The applicant shall submit details of residential to achieve floor to ceiling height for residential units at 2.7metres for approval by the Director of City Development and Projects prior to the issue of a Construction Certificate.

#### **PUBLIC DOMAIN PLAN**

- (15) The applicant shall consider improvements to the public domain to improve the amenity of the area. Consideration shall be given on the improvements to existing Council footway including the provision of appropriate lighting, weather protection, retention of the existing bus shelter on Cowper Wharf Road and possible public art to enhance the amenity of the area. These proposals shall be incorporated in a public domain plan for approval by Council prior to the issue of a Construction certificate.

- (16) 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, bus shelter, 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, bus shelter and street trees.
  - iv. The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
  - v. The repair and where required the resetting of all stone kerbing to 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed to the centre line of the carriageway.
  - vi. The retention and repair of any existing pavement lights.
  - vii. The retention and repair of any existing serviceable stone gutters.
  - viii. The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.
- (e) Random checks by Council officers may be made throughout the construction process to advise the contractor of non-complying elements. However, no parts of the work are to be considered approved until receipt of the City of Sydney Certificate of Completion. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter.

- (f) An “Application for Approval of Footpath Levels and Gradients” must be submitted at the City’s One Stop Shop with the appropriate fee at the time of lodgement of the public domain proposal. The fee will be determined in accordance with the City of Sydney Schedule of Fees and Charges.

**Note:**

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

## **AWNING**

- (17) The proposed awning over the public footway in Dowling Street and McElhone Street shall be designed in accordance with Council’s standard requirements to eliminate any extension within 800mm of the kerb in those street. The design of the awning shall be submitted for approval by the Director of City Development and Projects prior to the issue of a Construction Certificate.
- (18) 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.

## **REMEDIATION**

- (19) The applicant/land owner shall submit plans to remediate areas affected by off-site contamination caused by the former use on the subject site. A remediation action plan shall be prepared detailing the proposed remediation strategy and validation works to be undertaken in order to remediate affected areas (on-site and off-site) such that it is rendered suitable for residential usage, does not adversely affect use of surrounding private and public land, and does not cause any leaking into the waterways and water table. Such report shall be submitted for Council approval prior to the issue of a Construction Certificate.
- (20) Prior to the issue of a Construction Certificate for above ground works or works not directly ancillary to a remediation process, a Site Audit Statement prepared by an EPA accredited site auditor pursuant to the Contaminated Land Management Act 1997, is to be submitted to Council clearly demonstrating that the site is suitable for the intended use under this consent. Conditions imposed on the Site Audit Statement shall form part of this consent. However, in circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of inconsistency and an s96 application pursuant to the Environmental Planning & Assessment Act 1979 will be required.

- (21) NOTE: Prior to the execution of remedial works, attention is directed to obligations imposed on the applicant to the consent (or successor/s) pursuant to the provisions of the Environmental Planning & Assessment Act 1979 and planning instruments applicable to the works including State Environmental Planning Policy No. 55 and Councils adopted Development Control Plan - Contaminated Land.

#### **SOIL AND SEDIMENT: DRAINS, GUTTERS ETC**

- (22) Drains, gutters, roadways and access ways shall be maintained free of sediment and to the satisfaction of Council. Where required gutters and roadways shall be swept regularly to maintain them free from sediment. Matter is not to be washed down into the drainage system.

#### **UNDERGROUND STORAGE TANKS**

- (23) All existing underground storage tanks shall be decommissioned and removed in accordance with Workcover Authority requirements.

#### **SUBDIVISION**

- (24) Any proposal to Strata subdivide the site and building shall require:
- (a) A separate application to Council or an accredited certifier to obtain approval of the final Strata Plan and endorsement of the Strata Certificate in accordance with Section 37 of the Strata Schemes (Freehold Development) Act 1973.
  - (b) The execution of the statutory Restriction on Use, pursuant to Section 39 of the Strata Schemes (Freehold Development) Act 1973, burdening all car parking and storage utility lots in the Strata Plan and/or the creation of a documentary Restriction on Use of Land pursuant to Section 88B of the Conveyancing Act 1919, burdening all car parking and storage part-lots, in terms consistent with the statutory terms under Section 39 of the Strata Schemes Act.
  - (c) The creation of a documentary Restriction on Use of Land, pursuant to Section 88B of the Conveyancing Act 1919, burdening the Common Property in the scheme, in terms prohibiting the use of any part thereof for the parking or standing of vehicles or boats and prohibiting the grant of any lease, licence or exclusive use rights over any part of the Common property for that purpose.
  - (d) All car parking and storage spaces are to be linemarked and numbered in correlation with the Strata Plan or appropriately identified on site to Council's satisfaction.
  - (e) Any visitor and bicycle parking is to be appropriately linemarked and signposted on site and designated on the Strata Plan as such as a part of the Common Property in the Strata Plan.

- (f) In accordance with the provisions of Section 38 of the Strata Schemes (Freehold Development) Act 1973, the final Strata Plan is to include the nature, location and magnitude of all encroachments of part(s) of the building upon the alignments of Dowling Street, McElhone Street and Cowper Wharf Roadway.
- (g) The residential component of the building must be used for permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, boarding house, tourist accommodation or other short term rental accommodation.

A documentary Restriction on Use is to be created over all residential lots in the Strata Plan, pursuant to Section 88B of the Conveyancing Act 1919, appurtenant to Council, in terms to this effect and prohibiting any change of use from Residential as defined in the Central Sydney Local Environmental Plan 1996.

- (h) Prior to the issue of the Strata Certificate by Council or an accredited certifier under Section 37 of the Strata Schemes (Freehold Development) Act 1973, evidence is to be submitted to Council of the issue by Sydney Water of a Developer Compliance Certificate under Section 73 of the Sydney Water Act 1994 for the development, or

Evidence must be submitted to Council that the requirements of Sydney Water with regard to the Strata subdivision of the building have been satisfied.

**Note:** Sydney Water may require the construction of works and/or payment of developer contributions.

- (i) An Occupation Certificate (in accordance with Clause 155 of the Environmental Planning and Assessment Regulation 2000) must be obtained from the Principal Certifying Authority (Council or an accredited certifier) and a copy furnished to Council in accordance with Section 79L of the Environmental Planning and Assessment Regulation 1998 prior to the issue of the Strata Certificate.

## **CAR PARKING COVENANT**

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

- (i) 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.

- (ii) 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.
- (iii) 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.

**PARKING AND TRAFFIC**

- (26) The layout of the car park shall comply with Australian Standards AS 2890.1-1993. The basement car park shall provide 10 spaces for residents parking, 2 spaces for visitors' parking and 4 spaces for commercial parking.
- (27) Two (2) car spaces shall be deleted and converted to storage areas for residents. Details shall be submitted for approval by the Director City Development and Projects prior to the issue of a Construction Certificate.
- (28) For sections of at least 6m prior to the approaches to the roller shutter, the gradient of the ramp shall be 1 in 20. Alternatively, remote control system shall be used to operate the roller shutter.
- (29) Traffic signals and concave mirrors shall be installed to control two way traffic in all ramps. Priority shall be given to the incoming traffic.
- (30) Queuing space on each basement level shall be clearly marked out for exiting cars to wait in front of the traffic signals waiting for their turns to approach the ramp. These waiting spaces shall be kept clear of the path of the incoming cars.
- (31) Car spaces 9 and 18 shall be widened to 2.7m.
- (32) All cost of traffic management measures associated with the development shall be borne by the developer.
- (33) Car park roller doors shall be designed and constructed for quiet operation.
- (34) Parking space(s) designed for persons with a disability must be available for use in conjunction with the unit(s) designated for persons with a disability. Such unit(s) shall be linked in any future strata subdivision of the building.

**NO PARTICIPATION IN RESIDENTS PARKING PERMIT SCHEME**

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

**Schedule 1B****Conditions to be complied with prior to issue of Construction Certificate to the satisfaction of the Certifying Authority**

- (36) 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.

**ACCESS FOR PEOPLE WITH DISABILITIES**

- (37) Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and Council's Access Policy. Prior to issue of a Construction Certificate under 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.

**RECEPTACLES FOR CIGARETTE BUTTS**

- (38) 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.

#### **ELECTRICITY SUBSTATION**

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

#### **SYDNEY WATER CERTIFICATE**

(40)

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

(e) **Note:**

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

#### **STORMWATER AND DRAINAGE**

(41) 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 the City’s underground drainage system will require the owner to enter into a Deed of Agreement with the City Council and obtain registration on Title of a Positive Covenant prior to the commencement of any work within the public way, at no cost to the City.
- (c) The requirements of Sydney Water (currently the Urban Development Central East Group, Rockdale Regional Office) with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (d) An “Application for Approval of Stormwater Drainage Connections” must be submitted at the City’s One Stop Shop with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the City’s drainage system. The fee will be determined in accordance with the City of Sydney Schedule of Fees and Charges.

## **UTILITY SERVICES**

(42) 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**

- (43) 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.
- (44) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the Application for a Construction Certificate.

## **BUILDING WASTE MANAGEMENT PLAN**

- (45) A Building Waste Management Plan is to be submitted to Council 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 for construction of the development. Such Plan must address compliance with the Code for Waste Handling in Buildings 1994 and include details of the following:
  - (a) The location, design and construction of the garbage rooms, recycling rooms, bin washing and collection areas and vehicle standing areas.
  - (b) Calculations of the volumes of waste generated by the uses of the development and verification of garbage room sizes.
  - (c) The natural and mechanical ventilation of garbage rooms and service areas, in accordance with the Waste Code and Australian Standard 1668.
  - (d) The proximity of waste handling facilities to any 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 by building management to ensure waste separation and minimisation within individual units and offices, on each floor of the building and within the garbage storage and recycling areas.

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

#### **WASTE MANAGEMENT COMPLETION**

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

#### **WASTE SEPARATION**

- (47) 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.

#### **SANITARY FACILITIES**

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

#### **NON-COMPLIANCE WITH DEEMED TO SATISFY PROVISION OF THE BCA**

- (49) 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.

### **TELECOMMUNICATIONS PROVISIONS**

(50) 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.

(51) 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.

### **NOISE REDUCTION**

(52) 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 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 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 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 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**

- (53) 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).

#### **FLOOR TO CEILING HEIGHT**

- (54) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the certifying authority (Council or a private accredited certifying authority) must ensure that all living rooms and bedrooms in sole occupancy units shall have a minimum floor to ceiling height of not less than 2.7 metres.

## **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 DETAILS**

- (55) 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

- (56) 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.
- (57) 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.
- (58) The demolition by induced collapse, the use of explosives or on-site burning is not permitted.

#### **OTHER DEMOLITION DETAILS**

- (59) 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 Report/s of adjoining buildings are to be submitted by an appropriately qualified Structural Engineer prior to commencement of demolition/excavation works, and at completion of demolition/excavation works.
  - (d) A certified copy of the Public Liability Insurance indemnifying Council for \$10,000,000 against public prosecution for the duration of the demolition works.
  - (e) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the WorkCover Authority.

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

- (60) 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.

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

(61) 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.

#### **ENVIRONMENTAL MANAGEMENT PLAN**

- (62) Prior to the commencement of demolition/construction activities an Environmental Management Plan (EMP) shall be developed and submitted to Councils Department of Health and Community Services for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted by the proposal. The EMP shall include but not be necessarily limited to the following measures:
  - (a) Measures to control noise emissions from the site;
  - (b) Measures to suppress odours and dust emissions;
  - (c) Selection of traffic routes to minimise residential noise intrusions;

- (d) Soil and sediment control measures; and
- (e) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos.

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

- (63) 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**

- (64) 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.
- (65) 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.
- (66) 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 contracts.

(67) 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**

(68) 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**

- (69) 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).
- (70) Documents required with the Road Opening Permit application include:-
  - (a) A plan and relevant sections showing scope of works, boundaries, utility services, levels of proposed excavation, and details of method of reinstating public way;
  - (b) Evidence that public utility drawings have been inspected;
  - (c) Evidence of a \$10 million dollar Public Liability Insurance Policy specifically indemnifying the City of Sydney, valid for at least the duration of the project;
  - (d) A Security Deposit for reinstatement of public way.
- (71) The Road Opening Permit will be subject to further conditions that shall be complied with.

**BARRICADE PERMIT**

- (72) 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**

- (73) 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 the sum of \$33,500 equivalent to 67 square metres of footway adjacent to the Cowper Wharf Road, Dowling Street and McElhone Street frontages of the development site, as security for any damage rectification.
- (74) 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**

- (75) 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.

## **ENVIRONMENTAL PROTECTION DURING CONSTRUCTION**

(76) 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.

## **CONTROL OF VERMIN**

(77) 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.

**VENTILATION**

- (78) The premises shall be ventilated in accordance with the Building Code of Australia.
- (79) The basement car park shall be mechanically ventilated in accordance with Australian Standard 1668 Part 2, Section 4 Part 1.
- (80) 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.
- (81) 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**

(82) 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.

(83) **Notes:**

- (a) 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.

- (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.
  - 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.

### **GEOTECHNICAL REPORT AND CERTIFICATION**

- (84) 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.

**(85) Notes**

- (a) 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.
- (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.

- (86) 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.

## **Schedule 1D**

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

#### **CITY OF SYDNEY COMPLIANCE INSPECTIONS**

- (87) 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**

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

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30 a.m. and 5.30 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 3.30 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**

- (89) 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.

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

- (90) 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. The applicant shall submit a proposal to the Sydney Traffic Committee stating the justification for not complying.
  - (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.

### **PROTECTION OF STREET TREES**

- (91) 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.

### **STORM WATER RUN-OFF CONTROL**

- (92) 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.

### **NO OBSTRUCTION OF PUBLIC WAY**

- (93) 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.

### **CONSTRUCTION ACCESS DRIVEWAYS**

- (94) 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.

### **CONSTRUCTION VEHICLE LOADS TO BE COVERED**

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

**Note:**

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

**Schedule 1E****Conditions to be complied with prior to issue of Occupation Certificate and prior to commencement of use, to the satisfaction of the Principal Certifying Authority**

- (96) 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.

**ALL MATERIALS TO COMPLY WITH BCA**

- (97) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (98) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".

**TRADE WASTE COLLECTION CONTRACT**

- (99) 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.

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

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

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

## **NUMBERING**

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

## **STREET NAME PLATE**

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

## **CERTIFICATION FOR STRUCTURAL INSPECTIONS**

(104) 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.

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

(106) 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.

#### **MECHANICAL VENTILATION PERFORMANCE CERTIFICATE**

- (107) 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 OF GEOTECHNICAL INSPECTION**

- (108) 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).

#### **(109) 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.

## **Schedule 1F**

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

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

(110) 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**

(111) 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**

(112) 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**

(113) The use of the premises including music and other activities must not give rise to any one or more of the following:

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

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

## **NOISE - MECHANICAL PLANT**

(114) 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.

(115) Noise and vibration from the use of any plant, equipment and/or building service associated with the premises shall not cause a nuisance.

The motion was carried on the following show of hands -

Ayes (5) The Chair (the Lord Mayor), Councillors Farr-Jones, Greiner, Ho and Marsden

Noes (1) Councillor Coulton

Motion carried.

**ITEM 8. DRAFT CITY OF SYDNEY CONVENIENCE STORE DEVELOPMENT CONTROL PLAN 2003 (S025028)**

Note - Following discussion, Council agreed to deal with this matter by way of two motions. The first motion dealt with the draft DCP excluding proposed Clause 4.2 "Concentration of Convenience Stores". The second motion dealt only with the inclusion of that Clause in the DCP.

**First Motion**

Moved by the Chair (the Lord Mayor), seconded by Councillor Ho -

That arising from consideration of a report by the Manager, Building Services & Planning Policy, to the Planning Development and Transport Committee on 20 October 2003, and to Council on 27 October 2003, in relation to the City of Sydney Convenience Store Development Control Plan 2003, it be resolved that Council:-

- (A) note the submissions received in respect to the public exhibition of the City of Sydney Draft Convenience Store Development Control Plan 2003;
- (B) approve, pursuant to Section 21 of the Environmental Planning and Assessment Regulations 2000, the City of Sydney Convenience Store Development Control Plan 2003, shown as Attachment "C" to the subject report, incorporating amendments shown in Attachment "D" to the subject report, but excluding proposed Clause 4.2 "Concentration of Convenience Stores";
- (C) approve operation of the City of Sydney Convenience Store Development Control Plan 2003 commencing from the date of publication of a notice of its approval, and lapsing two years from the date of commencement of the Plan, unless renewed by a decision of Council prior to that date;
- (D) authorise the Lord Mayor to make any minor drafting changes arising from consideration of the "City of Sydney Convenience Store Development Control Plan 2003" by the Council and the Central Sydney Planning Committee.

First motion carried unanimously.

**Second Motion**

Moved by the Chair (the Lord Mayor), seconded by Councillor Ho -

That arising from consideration of a report by the Manager, Building Services & Planning Policy, to the Planning Development and Transport Committee on 20 October 2003, and to Council on 27 October 2003, in relation to the City of Sydney Convenience Store Development Control Plan 2003, it be resolved that Council, notwithstanding Clause (B) of the resolution above, approve the inclusion of Clause 4.2 "Concentration of Convenience Stores" in the City of Sydney Convenience Store Development Control Plan 2003.

The second motion was carried on the following show of hands -

Ayes (4) The Chair (the Lord Mayor), Councillors Greiner, Ho and Marsden

Noes (2) Councillors Coulton and Farr-Jones

Second motion carried.

### **Final Resolution**

Note. The decision ultimately made by Council on this matter is as follows:

That arising from consideration of a report by the Manager, Building Services & Planning Policy, to the Planning Development and Transport Committee on 20 October 2003, and to Council on 27 October 2003, in relation to the City of Sydney Convenience Store Development Control Plan 2003, it be resolved that Council:-

- (A) note the submissions received in respect to the public exhibition of the City of Sydney Draft Convenience Store Development Control Plan 2003;
- (B) approve, pursuant to Section 21 of the Environmental Planning and Assessment Regulations 2000, the City of Sydney Convenience Store Development Control Plan 2003, shown as Attachment "C" to the subject report, incorporating amendments shown in Attachment "D" to the subject report;
- (C) approve operation of the City of Sydney Convenience Store Development Control Plan 2003 commencing from the date of publication of a notice of its approval, and lapsing two years from the date of commencement of the Plan, unless renewed by a decision of Council prior to that date;
- (D) authorise the Lord Mayor to make any minor drafting changes arising from consideration of the "City of Sydney Convenience Store Development Control Plan 2003" by the Council and the Central Sydney Planning Committee.

Motion carried.

**ITEM 9. DEVELOPMENT APPLICATION: 23 HUGHES STREET, POTTS POINT (U/03/00001)**

Moved by the Chair (the Lord Mayor), seconded by Councillor Greiner -

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 20 October 2003, and to Council on 27 October 2003, in relation to Development Application D/03/0001 made by Oceania Clarke for the site at 23 Hughes Street Potts Point, for a five (5) storey residential flat building, it be resolved that consent be refused for the following reasons:-

- (1) The proposed development represents an overdevelopment of the site resulting in adverse streetscape impacts. In this regard the proposed development fails to satisfy the provisions of the South Sydney Local Environmental Plan 1998, the South Sydney Development Control Plan 1997 and State Environmental Planning Policy 65.
- (2) The proposed development fails to satisfy the considerations contained in Clause 28: Built environment and design principles contained in the South Sydney Local Environmental Plan 1998.
- (3) The proposed development fails to satisfy the height and scale performance criteria contained in the South Sydney Development Control Plan 1997.
- (4) The proposed development fails to satisfy the floor space ratio and scale performance criteria and controls contained in the South Sydney Development Control Plan 1997. In this regard the application has a proposed floor space ratio of approximately 3.53:1 which is significantly in excess of the maximum permissible floor space ratio of 1.5:1.
- (5) The proposed development by virtue of the height, scale, bulk, mass and location presents an inappropriate built form within the adjoining Hughes Street and Hughes Place streetscape.
- (6) The proposed development does not comply with Council's Residential Amenity Policy (Part 6 of Central Sydney Development Control Plan 1996), specifically in relation to cross ventilation and natural light provision.
- (7) The proposed development does not comply with the relevant standards for car park design, particularly in relation to the gradient of the car park ingress/egress.
- (8) The proposed development will have adverse impacts upon the surrounding land in terms of privacy and overshadowing impacts.
- (9) The proposed development, which results in adverse amenity and streetscape impacts and is contrary to provisions within both local and state planning instruments, is contrary to the objects of the Environmental Planning and Assessment Act 1979 and would not be in the public interest.

Carried unanimously.

**ITEM 10. DEVELOPMENT APPLICATION: 32-44 CHURCH STREET,  
CAMPERDOWN (U02/01096)**

Moved by the Chair (the Lord Mayor), seconded by Councillor Farr-Jones -

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 20 October 2003, and to Council on 27 October 2003, in relation to Development Application U02-01096 made by NB Design for the site at 32-44 Church Street Camperdown, it be resolved that consent be refused for the following reasons:-

- (1) The proposed development fails to satisfy the provisions of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings.
- (2) The proposed development fails to satisfy Clause 28(1) of South Sydney Local Environmental Plan 1998 - Urban Design Principles.
- (3) The proposed development does not comply with the relevant built form controls under Sections E and F of South Sydney Development Control Plan 1997, particularly height and floor space ratio.
- (4) The proposed development is considered to be an overdevelopment of the site.
- (5) The proposed development is unsympathetic to the character of the area and will have an adverse impact on the heritage significance of items in the vicinity of the site and their setting.
- (6) The proposed development does not comply with South Sydney Development Control Plan No. 11 – Transport Guidelines for Development.
- (7) The proposed development fails to satisfy the provisions and controls provided at Section 6 of Central Sydney Development Control Plan 1996.
- (8) The proposal is not in the public interest.

Carried unanimously.

**ITEM 11. PROPOSED SCHEDULE OF MEETINGS AND BRIEFINGS FOR 2004  
(A04-01171)**

Moved by the Chair (the Lord Mayor), seconded by Councillor Marsden -

That arising from consideration of a report by the Committee Secretary to Council on 27 October 2003, on Proposed Schedule of Meetings and Briefings for 2004, it be resolved that Council adopt the schedule of meetings and briefings for 2004, as shown at Attachment A to the subject report.

Carried.

Note - the Schedule of Meetings and Briefings for 2004, as adopted by Council is as follows:

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**2004 PROGRAM OF MEETINGS**


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DATE	MEETING
MONDAY 26 JANUARY	Australia Day Public Holiday
MONDAY 2 FEBRUARY	BRIEFINGS
MONDAY 9 FEBRUARY	COMMITTEES
MONDAY 16 FEBRUARY	COUNCIL
MONDAY 23 FEBRUARY	BRIEFINGS
MONDAY 1 MARCH	COMMITTEES
MONDAY 8 MARCH	COUNCIL
MONDAY 15 MARCH	EXTRAORDINARY COUNCIL MEETING (If required)
MONDAY 22 MARCH	RECESS
SATURDAY 27 MARCH 2004 - LOCAL GOVERNMENT ELECTIONS	
MONDAY 29 MARCH	RECESS
MONDAY 5 APRIL	EXTRAORDINARY COUNCIL MEETING (If required)
MONDAY 12 APRIL	RECESS - Easter Monday Public Holiday
MONDAY 19 APRIL	EXTRAORDINARY COUNCIL MEETING (If required)
MONDAY 26 APRIL	RECESS - Anzac Day Public Holiday
MONDAY 3 MAY	COMMITTEES
MONDAY 10 MAY	COUNCIL
MONDAY 17 MAY	BRIEFINGS
MONDAY 24 MAY	COMMITTEES
MONDAY 31 MAY	COUNCIL
MONDAY 7 JUNE	BRIEFINGS
MONDAY 14 JUNE	RECESS - Queen's Birthday Public Holiday
MONDAY 21 JUNE	COMMITTEES
MONDAY 28 JUNE	COUNCIL
MONDAY 5 JULY	RECESS
MONDAY 12 JULY	RECESS

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**2004 PROGRAM OF MEETINGS**


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MONDAY 19 JULY	COMMITTEES
MONDAY 26 JULY	COUNCIL
MONDAY 2 AUGUST	BRIEFINGS
MONDAY 9 AUGUST	COMMITTEES
MONDAY 16 AUGUST	COUNCIL
MONDAY 23 AUGUST	BRIEFINGS
MONDAY 30 AUGUST	COMMITTEES
MONDAY 6 SEPTEMBER	COUNCIL
MONDAY 13 SEPTEMBER	BRIEFINGS
MONDAY 20 SEPTEMBER	EXTRAORDINARY COUNCIL MEETING (If required)
MONDAY 27 SEPTEMBER	RECESS
MONDAY 4 OCTOBER	RECESS - Labour Day Public Holiday
MONDAY 11 OCTOBER	COMMITTEES
MONDAY 18 OCTOBER	COUNCIL
MONDAY 25 OCTOBER	RECESS - Local Government Association Annual Conference 23-27 October 2003
MONDAY 1 NOVEMBER	COMMITTEES
MONDAY 8 NOVEMBER	COUNCIL
MONDAY 15 NOVEMBER	BRIEFINGS
MONDAY 22 NOVEMBER	COMMITTEES
MONDAY 29 NOVEMBER	COUNCIL
MONDAY 6 DECEMBER	BRIEFINGS
MONDAY 13 DECEMBER	COMMITTEES
MONDAY 20 DECEMBER	COUNCIL
MONDAY 27 DECEMBER	RECESS - Boxing Day Public Holiday

*The recess continues until the first Committee meetings of 2005.*

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## **ITEM 12. QUESTIONS ON NOTICE**

There were no Questions on Notice for this meeting of Council.

## **QUESTIONS WITHOUT NOTICE**

### **COUNCIL ELECTIONS (S018724)**

1. By Councillor Greiner -

#### **Question**

Lord Mayor, I read in the paper over the weekend that allegedly the Minister for Local Government has suggested that he is going to move the election date for the next Council elections "back a few weeks". I wonder whether you could confirm whether or not this issue has been discussed with you or members of senior executive and, if so, what those discussions might have entailed.

#### **Answer by the Lord Mayor**

We are as unaware of his intentions as I suspect everybody else in this room is.

### **COUNCIL CHAMBER (S018726)**

2. By Councillor Marsden -

#### **Question**

Lord Mayor, let me preface my question by complimenting the Project Control Group. I think the Council Chamber is working very well. Well done.

My question is: does the Project Control Group know something we don't? There seem to be some empty chairs.

#### **Answer by the Lord Mayor**

Councillor Marsden, design commenced last year before the boundary changes were really certain, because of the legal proceedings which were still on foot. The Local Government Act provides that we can have not less than five and not more than fifteen councillors. We thought that, to avoid the need for any Council in the foreseeable future to do any more renovations, we should build for maximum capacity. Also, the other terrific thing about this Council Chamber upgrade is that it creates a much better level of flexibility for other uses such as for forums and workshops, so we thought we might as well get it right and err on the side of capacity rather than under-capacity.

**ITEM 13. NOTICES OF MOTION**

FILE NO:

DATE: 16/10/03

There were no Notices of Motion for this meeting of Council.

### **Closed Meeting**

At 6.50pm Council 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)(d)(i) of the Local Government Act 1993 to discuss Items 14, 15 and 17 on the agenda as these matters comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it; and

Section 10A(2)(c) of the Local Government Act 1993 to discuss Item 16 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 these items on the basis that discussion of these matters 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.

Items 14 to 17 inclusive were then dealt with by Council while the meeting was closed to the public.

### **ITEM 14. SUPPLY AND PROCESSING OF SERIALS (MAGAZINES) TENDER 0312 (S023266)**

Moved by Councillor Farr-Jones, seconded by Councillor Greiner -

That arising from consideration of a report by the Library Manager to Council on 27 October 2003, on Supply and Processing of Serials (Magazines) Tender 0312, it be resolved that:

- (A) Swets Blackwell Pty. Ltd. be appointed as the supplier and processor of magazines for three years with an option to extend for a further two years on satisfactory performance, at the discretion of Council;
- (B) authority be delegated to the General Manager to enter into a contract for the services;
- (C) Council's Attorney be authorised to execute all necessary documentation.

Carried unanimously.

**ITEM 15. SYDNEY TOWN HALL FOOD AND BEVERAGE OPERATIONS  
TENDER 0327 (S021561)**

Moved by the Chair (the Lord Mayor), seconded by Councillor Coulton -

That arising from consideration of a report by the Venue Manager, Town Hall Management to Council on 27 October 2003 on Sydney Town Hall Food and Beverage Operations Tender 0327, it be resolved that:

- (A) Compass Group be appointed as provider of food and beverage services to Sydney Town hall for a four year period with an option, at Council's discretion, to extend a further 3 periods of two years (10 years total) based on satisfactory performance, such decision to be determined by Council;
- (B) a separate tender and specification be developed for the provision of food and beverage services to the function spaces operated by Council at Customs House;
- (C) authority be delegated to the General Manager to enter into a contract for the services; and
- (D) Council's Attorney be authorised to execute all necessary documentation.

Carried.

**ITEM 16. SUITE 3, LEVEL 17, TOWN HALL HOUSE, 456 KENT STREET,  
SYDNEY – LEASE RENEWAL (CONFIDENTIAL) (S01 12678)**

Moved by Councillor Farr-Jones, seconded by Councillor Greiner -

That arising from consideration of a report by the Senior Property Manager to Council on 27 October 2003, on Suite 3, Level 17, Town Hall House, 456 Kent Street Sydney - Lease Renewal, it be resolved that:

- (A) approval be given to the granting of a lease to World Trade Travel Pty Limited on the terms and conditions as detailed in the subject report;
- (B) Council's attorney be authorised to execute all necessary documentation.

Carried.

**ITEM 17. APPOINTMENT OF BUILDING CONTRACTOR – LIBRARY LINK + CAFÉ LEVEL 1, TOWN HALL HOUSE, TENDER 0333 (S023266)**

Note - In view of the confidential nature of the subject matter, the Council determined that the Resolution on this matter remain confidential until completion of the works referred to in the subject report.

At 7.00pm the meeting concluded.

Chair of a meeting of the Council of the City  
of Sydney held on 24 November 2003 at which  
meeting the signature herein was subscribed.