

CENTRAL SYDNEY PLANNING COMMITTEE

THURSDAY 18 DECEMBER 2003

Meeting No 291

MINUTES of the Meeting of the Central Sydney Planning Committee held in the Council Chamber, Sydney Town Hall, on Thursday 18 December 2003, commencing at 5.43pm.

INDEX TO MINUTES

Subject	Page No
1. Confirmation of Minutes.....	914
2. Matters Arising from the Minutes	914
3. Progress Report on Development Applications - Six Months After Boundary Changes	914
4. Section 96(2) Application: 485-503 George Street, 101-109 Bathurst Street and 486-494 Kent Street, Sydney (former Regent Theatre Site)	914
5. Stage 2 Development Application: 487-503 George Street, Sydney (former Regent Theatre Site).....	919
6. Section 96(2) Modification Report: 644-662 George Street, Sydney - World Square Retail Podium, (Stage 1 of 1995 World Square Master Plan).....	975
7. Development Application: 63-79 Miller Street, Pyrmont (Wakefield House).....	1006
8. Draft City of Sydney Regulation of Sex Services Development Control Plan 2003.....	1013
9. City of Sydney Draft Access Development Control Plan 2003.....	1014
10. Sydney Harbour Foreshore Authority Referrals: Stage 2 Development Application, Section 96(2) Application, and Amendment of Stage 1 Land Uses Application for Site 1, King Street Wharf (Wharves 9 and 10 Darling Harbour).....	1014
11. General Business	1015

PRESENT

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

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

The Acting Director City Development and Acting Manager Development were also present.

Note - At 7.04pm, at the end of discussion on Item 5, which had been brought forward, Mr Johnson left the meeting of the Central Sydney Planning Committee and did not return.

APOLOGIES

An apology was received from Councillor Fabian Marsden who was unable to attend the meeting owing to a prior commitment.

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

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

That the apologies from Councillor Marsden and Ms Westacott be received and leave of absence granted.

ORDER OF BUSINESS (S002287):

Resolved:

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

7. Development Application: 63-79 Miller Street, Pyrmont (Wakefield House)
4. Section 96(2) Application: 485-503 George Street, 101-109 Bathurst Street and 486-494 Kent Street, Sydney (former Regent Theatre Site)
5. Stage 2 Development Application: 487-503 George Street, Sydney (former Regent Theatre Site)
6. Section 96(2) Modification Report: 644-662 George Street, Sydney - World Square Retail Podium, (Stage 1 of 1995 World Square Master Plan)
3. Progress Report on Development Applications - Six Months After Boundary Changes
8. Draft City of Sydney Regulation of Sex Services Development Control Plan 2003
9. City of Sydney Draft Access Development Control Plan 2003
10. Sydney Harbour Foreshore Authority Referrals: Stage 2 Development Application, Section 96(2) Application, and Amendment of Stage 1 Land Uses Application for Site 1, King Street Wharf (Wharves 9 and 10 Darling Harbour)
1. Confirmation of Minutes
2. Matters Arising from the Minutes
11. General Business

ITEM 1. CONFIRMATION OF MINUTES (S023330)

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

That the Minutes of the meeting of the Central Sydney Planning Committee held on 4 December 2003 be taken as read and confirmed.

ITEM 2. MATTERS ARISING FROM THE MINUTES (S023330)

There were no matters arising from the Minutes of the meeting of the Central Sydney Planning Committee held on 4 December 2003.

ITEM 3. PROGRESS REPORT ON DEVELOPMENT APPLICATIONS - SIX MONTHS AFTER BOUNDARY CHANGES (S024047)

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

That arising from consideration of a report by the Planning and Systems Co-ordinator and Acting Director City Development to the Central Sydney Planning Committee on 18 December 2003, regarding development applications six months since the boundary changes, it be resolved that the subject report be received and noted.

ITEM 4. SECTION 96(2) APPLICATION: 485-503 GEORGE STREET, 101-109 BATHURST STREET AND 486-494 KENT STREET, SYDNEY (FORMER REGENT THEATRE SITE) (D1998/00406)

Mr Peter Jensen of Byrnes and Associates addressed the meeting of the Central Sydney Planning Committee on this matter.

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

That arising from consideration of a report by the Area Planning Manager to the Central Sydney Planning Committee on 18 December 2003, in relation to the Section 96(2) application made by Greencliff (CPL) Developments Pty Ltd to modify the Stage 1 Development Consent D1998/00406 for the site at 485-503 Bathurst Street, 101-109 Bathurst Street and 486-494 Kent Street, Sydney, it be resolved that consent be granted subject to the following conditions:-

(A) the objection made under State Environmental Planning Policy No. 1 - Development Standard in respect of the development's non-compliance with Clause 32(1) concerning the maximum height limit of 55 metres under the provisions of the Central Sydney Local Environmental Plan 1996, is considered acceptable as strict compliance with the standard would be unreasonable and unnecessary in the circumstances of this case for the following reasons:

(1) The extent of the non-compliance being limited to a 3.95sqm footprint is considered minor and therefore, the impact of the modification is not significant,

- (2) The modification will ensure compliance with the objectives underlying the setback control; in particular, the proposal will ensure that pedestrian comfort and sunlight access is not compromised,
 - (3) The proposed building envelope is capable of achieving an excellent building outcome (as demonstrated in the Stage 2 development application) including achieving a well considered urban design response which respects the heritage significance of the streetscape and adjoining buildings and reinforces the rhythm and form of the existing streetscape,
 - (4) The change in the building footprint has occurred as a result of the incorporation of 'slots' into the building design of the building (Tower A) which significantly improve its articulation and internal amenity,
 - (5) The proposal is to facilitate the realisation of the revised building design which is vastly superior to the currently approved and commenced development;
- (B) the objection made under State Environmental Planning Policy No. 1 - Development Standards, in respect of the development's non-compliance with Clause 35 concerning the sites maximum floor space ratio under the provisions of the Central Sydney Local Environmental Plan 1996, is considered acceptable as strict compliance with the standard would be unreasonable and unnecessary in the circumstances of the case for the following reasons:-
- (1) The proposed building's floor space ratio (FSR) of 16.9 is comparable to the FSR approved in a previously approved and commenced development,
 - (2) The proposal is acceptable given the development generally complies with the objective of the FSR control and will result in a development of considerable design quality and merit,
 - (3) The non-compliance beyond that previously approved and commenced has arisen from the design of the loggias which are an integral part of the Stage 2 building design and which will afford the building occupants considerable amenity anticipated by SEPP 65 - Design Quality of Residential Flat Development and Council's Development Control Plan and the realisation of an important design philosophy through the competition process,
 - (4) The proposed Stage 2 building has evolved from a competition process and is considered to exhibit design excellence and it is therefore, appropriate to amended the Stage 1 FSR to enable the development to be realised,
 - (5) The proposal provides the opportunity to upgrade the current site (which is a hole in the ground) and surrounding public domain, and
 - (6) The proposal meets the provisions in the draft Central Sydney Local Environmental Plan 2003;
- (C) despite the non-compliance with Clause 35 (floor space ratio) and Clause 32 (building height) of the Central Sydney Local Environmental Plan 1996, the consent authority is satisfied that the Stage 1 development application is generally

consistent with the provisions of Clause 28C(2) of the Central Sydney Local Environmental Plan 1996;

(D) amend the description of the Development Consent to read:

“Stage 1 development for construction of a residential development containing residential apartments (Tower A), serviced apartments (Tower B), a podium containing retail, recreational areas and commercial premises ~~7 cinemas, with a pedestrian tunnel to Town Hall Railway Station under Bathurst Street~~ as described in Schedule 1...”; and

(E) to Amend the Schedule 1 description of the development as follows:-

SCHEDULE 1

Details of approved development

Building Height (CSLEP 1996 Definition)	150m
Building Height RL AHD	172m-172.2 m
Site Area	4227m ²
Component Floor Space Area:	
Retail	6829m²
Residential	45,091m²
Serviced apartment	12,509m²
Cinemas	4018m²
Floor Space Area (CSLEP 1996 definition)	68,447m² 71,449m²
Floor Space Ratio (CSLEP 1996 definition)	16.2:1 16.9:1
Excluded Floor Space Area:	
Grocery/convenience store	2847.6m ²
Total Excluded Floor Space Area	2847.6m ²
Unit Mix Residential Units:	
One bedroom	103
Two bedroom	210
Three + bedroom	94
Total Residential Units	407
Unit Mix Serviced Apartments:	
Bedsit/studio	115
One bedroom	92
Total Serviced Apartments	207

Number of Car Parking Spaces:	
Commercial/Retail	16
Residential	492
Serviced apartments	75
Serviced vehicle	25
Total Parking	608

(Deleted 6/01/03)

(F) to amend Condition 1 as follows:-

APPROVED DEVELOPMENT

1(A) Stage 1 development consent is granted for:-

- (a) the building envelope, including street wall heights and set backs;
- (b) a maximum height of Tower A of ~~RL 172m~~ **RL 172.2m (150m)**;
- (c) a maximum height of Tower B of ~~RL 123m~~ **RL 137.1m**;
- (d) the mix of land uses within the development being basement level parking (including servicing, resident and tenant parking), provision for a retail link to Town Hall Station, podium level retail, cinemas, plant and recreation uses, residential apartments in Tower A and serviced apartments in Tower B;

as detailed in the Section 96(2) application dated 4 October 2002 prepared by JBA Urban Planning Consultants *and Section 96(2) application dated 5th August 2003 prepared by JBA Urban Planning Consultants*, and drawings numbered:

DA-01 *Rev. B*

~~DA-02~~

~~DA-03~~

~~DA-04~~

DA-05 *Rev. C*

DA-06 *Rev. E*

DA-07 *Rev. B*

DA-08 *Rev. B*

DA-09 *Rev. B*

DA-10 *Rev. B*

DA-11 *Rev. B*

DA-12 Rev. B

DA-13 Rev. B

prepared by Peddle Thorp and Walker Architects dated ~~July 2003~~ *October 2002* and as amended by the following conditions:

(G) delete Condition 32, 38, 39 and 62 as follows:-

BREAKTHROUGH

~~32.~~

~~(a) The applicant shall make provision for the future connection of basement level 1 with development on the adjoining southern site (Hoyts Cinema Complex). The dimensions of the breakthrough panel shall be 5m wide x 3.6m high (clear dimensions) In this regard, the applicant shall create an easement (5m x 3.6m) which provides for vehicular access from the adjoining southern site at the basement level within the subject development and also provides for the joint use of the Kent Street entry/exit driveway.~~

~~(b) The applicant shall enter into a Deed of Agreement with Council to create the necessary opening at the basement level at such time as directed in writing by Council.~~

~~(c) The full cost of the preparation of the deed and the creation of the basement level opening shall be borne by the applicant. Evidence of the creation of the required easements shall be submitted to the Director City Development and Projects prior to the release of the Construction Certificate for works above the basement level 8 slab.~~

~~(d) Details of the breakthrough shall be submitted with the Stage 2 application.~~

~~(Modified 6/01/03)~~

UNDERPASS AND LINK TO TOWN HALL RAILWAY STATION

~~(38) The applicant shall enter into an appropriate lease agreement with the State Rail Authority (SRA) for the opening into Town Hall Railway Station Concourse required as a result of the construction of the pedestrian connection. Evidence from the State Rail Authority that such an agreement has been made shall be submitted prior to the release of a Construction Certificate for works above the basement level 8 slab.~~

~~(39) The applicant shall consult with the State Rail Authority in regard to the future provision of railway exhaust vents within the development. Evidence of such consultation shall be submitted prior to the release of the Construction Certificate for works above the basement level 8 slab.~~

LEASE

~~(62) The owners are to make a separate application to Council to enter into a Lease under Section 149 of the Roads Act 1993, before construction commences of the pedestrian tunnel, for a period of not more than 40 years in respect of the stratum through which the pedestrian tunnel will pass below Bathurst Street. Such lease is subject to the payment of rent to be determined by Council after consultation with its valuers plus the payment of rates, taxes and the valuation fee, and are to include all conditions considered necessary to protect Council's interests. Such conditions may include the granting to Council of easements for support and access over part of the adjoining property.~~

Carried unanimously.

ITEM 5. STAGE 2 DEVELOPMENT APPLICATION: 487-503 GEORGE STREET, SYDNEY (FORMER REGENT THEATRE SITE)

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

That arising from consideration of a report by the Area Planning Manager to the Central Sydney Planning Committee on 18 December 2003, in relation to Development Application D2003/00857 made by Greencliff (CPL) Development Pty Ltd for the site at 485-503 George Street, 101-109 Bathurst Street and 486-494 Kent Street, Sydney, for the Stage 2 development application comprising Tower A (a high rise 42 storey residential building) and Tower B (a high rise 30 storey serviced apartment building); a podium containing retail, recreational area and commercial land uses; a total of 447 residential units and 140 serviced apartments; 8 levels of basement car parking comprising 599 car parking spaces, servicing/loading area and one part level of convenience retailing; it be resolved that:-

- (A) the objection made under State Environmental Planning Policy No. 1 - Development Standards, in respect of the development's non-compliance with Clause 35 concerning the site's maximum floor space ratio (FSR) under the provisions of the Central Sydney Local Environmental Plan 1996, is considered acceptable as strict compliance with the standard would be unreasonable and unnecessary in the circumstances of the case for the following reasons:
- (1) The proposed building's FSR of 16.9 is comparable to the FSR approved in a previously approved and commenced development,
 - (2) The proposal is acceptable given the development generally complies with the objective of the FSR control and will result in a development of considerable design quality and merit,
 - (3) The non-compliance beyond that previously approved and commenced has arisen from the design of the loggias which are an integral part of the building design and which will afford the building occupants considerable amenity anticipated by SEPP 65 - Design Quality of Residential Flat Development and

Council's DCP and the realisation of an important design philosophy through the competition process,

- (4) The proposed building has evolved from a competition process and is considered to exhibit design excellence,
 - (5) The proposal provides the opportunity to upgrade the current site (which is a hole in the ground) and surrounding public domain,
 - (6) The proposal meets the provisions in the draft Central Sydney Local Environmental Plan 2003;
- (B) the objection made under State Environmental Planning Policy No. 1- Development Standard in respect of the development's non-compliance with Clause 32(1) concerning the maximum height limit of 55 metres under the provisions of the Central Sydney Local Environmental Plan 1996, is considered acceptable as strict compliance with the standard would be unreasonable and unnecessary in the circumstances of this case for the following reasons:
- (1) The extent of the non-compliance being limited to a 3.95sqm footprint is considered minor and therefore, the impact of the modification is not significant,
 - (2) The modification will ensure compliance with the objectives underlying the setback control. In particular, the proposal will ensure that pedestrian comfort and sunlight access is not compromised,
 - (3) The proposed building envelope is capable of achieving an excellent building outcome (as demonstrated in the Stage 2 development application) including achieving a well considered urban design response which respects the heritage significance of the streetscape and adjoining buildings and reinforces the rhythm and form of the existing streetscape,
 - (4) The change in the building footprint has occurred as a result of the incorporation of 'slots' into the building design of the building (Tower A) which significantly improve its articulation and internal amenity,
 - (5) The proposal is to facilitate the realisation of the revised building design which is vastly superior to the currently approved and commenced development;
- (C) Despite the non-compliance with the Clause 32 (building height) and Clause 35 (floor space ratio) of the Central Sydney Local Environmental Plan 1996, the consent authority is satisfied that the Stage 2 development application is consistent with Stage 1 development approval pursuant to the provisions of Clause 28B(2)(b) of the Central Sydney Local Environmental Plan 1996;
- (D) The consent authority give consideration to establishing design guidelines for loggias based on the model proposed by Foster and Partners. Appropriate amendments to the Central Sydney LEP 1996 definition of 'floor space ratio' should also be considered to exclude loggias from the calculation of floor space

where design excellence and superior residential amenity can be demonstrated. These criteria would include:

- (1) Taller buildings / high wind
- (2) All weather floors / different floors
- (3) Maximum area of 12sqm
- (4) Openable windows
- (5) Verandahs integrated with climate control; and

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

Schedule 1A

Approved Development, Contributions and Covenants

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

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

APPROVED DEVELOPMENT

- (1) Development must be in accordance with the following:
 - (a) Development Application No. D2003/00857 dated 25 August 2003;
 - (b) The Statement of Environmental Effects titled "Development Application: Statement of Environmental Effects- Former Regent Theatre Site, Sydney: Proposed Mixed Use Development)" prepared by JBA Urban Planning Consultants Pty Ltd and dated August 2003;
 - (c) drawings numbered as follows:
 - (i) DA 0101 Rev.00 dated 8/8/03, DA0105 Rev.00 dated 8/8/03, DA0110 Rev. 00 dated 8/11/03, DA0111 Rev.00 dated 8/11/03, DA1000 Rev.01 to DA1002 Rev.01 dated 8/8/03, DA1005 Rev.00 dated 8/8/03, DA1010 Rev.00 dated 8/8/03, DA2095 Rev.00 to DA2097 Rev.00 to DA2099 Rev.00 dated 8/8/03, DA2200 Rev.00 dated 8/8/03, DA2209 Rev.03 dated 8/8/03, DA2210 Rev.02 to DA2211 Rev.02 dated 8/8/03, DA2212 Rev.03 dated 8/8/03; DA2213 Rev.02 to DA2215 Rev.02 dated

8/8/03, DA2300 Rev.01 to DA2302 Rev.01 dated 8/8/03; DA2305 Rev.00 date 8/8/03; DA2401 Rev.02 to DA2403 Rev.02 dated 8/8/03, DA2500 Rev.00 dated 8/8/03, DA2600 Rev.00 dated 14/8/03, DA3000 Rev.01 dated 8/8/03, DA3101 Rev.02 dated 13/8/03, DA3102 Rev.02 dated 13/8/03, DA3201 Rev.02 and DA3202 Rev.02 dated 8/8/03, DA3203 and DA3204 Rev.02 dated 13/8/03, DA3219 Rev.02 and DA3220 Rev.02 dated 13/8/03, DA3229 Rev.01 dated 13/8/03, DA3230 Rev.02 and DA3231 Rev.02 dated 13/8/03, DA3238 Rev.01 to DA3240 Rev.01 dated 13/8/03, DA3241 Rev.00 dated 8/8/03, DA3300 Rev.01 to DA3303 Rev.01 dated 8/8/03, DA3400 Rev.00 dated 8/8/03, DA4000 Rev.01 dated 8/8/03, DA4101 Rev.01 dated 8/8/03, DA4201 Rev.01 to DA4203 Rev.01 dated 8/8/03, DA4226 Rev.01 to DA4228 Rev.01 dated 8/8/03, DA4229 Rev.00 dated 8/8/03, DA4300 Rev.01 to DA4303 Rev.01 dated 8/8/03, DA5001 Rev.00 dated 8/8/03 and DA5005 Rev.00 dated 8/8/03 all prepared by Foster and Partners (Lead Architects) and PTW Architects (Local Collaborating Architects)

- (ii) Objection to FSR Development Standard prepared by JBA Urban Planning Consultants Pty Ltd and dated December 2003;
- (iii) The 3 materials samples boards submitted with the application and as shown in Appendix R to the Statement of Environmental Effects,

and as amended by the following conditions:

FLOOR SPACE RATIO

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

- (a) The Floor Space Ratio of the proposal must not exceed 16.9:1 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 71,449sqm.
- (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).
- (c) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, documentary evidence (ie. a Heritage Floor Space Allocation Certificate issued by Council) must be produced and acknowledged by Council that 4018sqm of heritage floor space was allocated (purchased and transferred) to the development in accordance with Condition 22 of D1998/00406.

BUILDING HEIGHT

(3)

- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed the following:-
 - (i) George Street podium/streetwall: RL 37.65 (AHD).
 - (ii) Kent Street podium/streetwall: RL 34.20m (AHD)
 - (iii) Bathurst Street podium/streetwall: RL 37.65m (AHD)
 - (iv) Tower A (residential units): RL 172.2m (AHD)
 - (v) Tower B (serviced apartments): RL 130.50m (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

- (4) 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
- (5) 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.

SITE RECTIFICATION DEED

- (6) The site rectification deed to the value of \$1.1 million dollars executed between the developer and the City of Sydney in respect of Condition 3 of the Stage 1 Notice of Determination D1998/00406 is to apply to works executed in accordance with this Stage 2 development consent.

PUBLIC BENEFIT DEED

- (7) The applicant is to comply with the terms and conditions of the Public Benefit Contribution Deed and the "Deed of Assumption for the Site Rectification Deed" for '485-503 George Street, 101-109 Bathurst Street and 484-489 Kent Street, Sydney' between The Council of the City of Sydney and CPL (Town Hall Pty) Limited.

RESTRICTION OF GROCERY AND CONVENIENCE STORE

- (8)
- (a) Those parts of the building that has been approved as basement grocery or convenience retailing (as detailed on drawings DA2209 Rev.03 dated 8/8/03) and have been excluded from floor space for the purposes of calculating floor space ratio, must be maintained as grocery or convenience retailing as defined in Central Sydney LEP 1996.
- (b) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 a documentary restrictive covenant to the effect that floor space approved in the basement has been approved as basement grocery or convenience retailing and has been excluded from floor space for the purposes of calculating floor space ratio is to be registered on the title of the development site pursuant to Section 88E of the Conveyancing Act 1919. The covenant is to be created appurtenant to Council and at no cost to Council.

Note:

The covenant will be noted on the database for Section 149 Certificates issued under the Environmental Planning and Assessment Act 1979.

CONSISTENCY OF DRAWINGS

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

RESTRICTION ON RESIDENTIAL DEVELOPMENT

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

- (a) The accommodation portion of the Tower A (Town House Levels 1 and 2 and Levels 1 to Level 40) 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 (Tower A) 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 Tower A (Town House Levels 1 and 2 and Levels 1 to Level 40) 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.

COST SUMMARY REPORT - CONCURRENT WITH ISSUE OF CONSTRUCTION CERTIFICATE

(12) Concurrent with the release of the Construction Certificate, the “City of Sydney - Cost Summary Report” shall be completed in full and submitted to Council by the CERTIFYING AUTHORITY indicating the itemised cost of the development. A copy of the required report format may be obtained from the City of Sydney One Stop Shop and the City of Sydney’s website (www.cityofsydney.nsw.gov.au).

- (a) Should the total cost of the development exceed \$200,000, a contribution comprising 1% of the total cost of the proposed development under Section 61 of the City of Sydney Act 1988 and the “City of Sydney Contributions Plan 1997” must be paid prior to the release of the construction certificate. Such payment must be verified by the CERTIFYING AUTHORITY. Payment if applicable shall be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney.

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

WORKS TO HERITAGE ITEM

- (13) The proposed works are to be carried out in a manner that minimises demolition, alterations, new penetrations/fixings to the significant fabric of adjoining buildings which are Heritage Items.
- (14) The applicant is to lodge a development application and accompanying Conservation Management Plan within 6 months of the dated of this consent.

Work in accordance with the approved CMP are to be completed to the satisfaction of Council prior to the issue of the Occupation Certificate for Tower A.

APPROVED DESIGN OF ROOFTOP PLANT

- (15) All rooftop plant and associated equipment shall be located within the approved Stage 1 building envelope, which includes roof-top plant rooms, parapets and screening devices. In satisfying the Building Code of Australia provisions relating to such services, should the plant exceed the approved building envelope, then further approval is required from the consent authority.

RIGHT OF PUBLIC ACCESS

- (16) Prior to the issue of an Occupation Certificate for the development or part thereof, appropriate documentary Public Rights of Way are to be created over the George Street and Kent Street levels through site public thoroughfares linking public access to and from George Street, Bathurst Street and Kent Streets. Such Rights of Way are to be registered on Title of the land, are to be

created for the benefit of Council, in terms granting unrestricted public pedestrian access, defined in stratum appropriately limited to the pavement surface and building structure, requiring all costs associated with their maintenance, upkeep, repairs and lighting to be borne by the owners of the site and to Council's satisfaction.

- (17) The proposed development is to comply with the terms and provisions of the encumbrances on the site, being the easements under Section 88B of the Conveyancing Act 1919 by registration of DP 1041307 as listed on the Title Folio Identifier for Lot 202 in that current plan.

ENCROACHMENTS ON THE PUBLIC WAY

- (18) Any architectural embellishments or elements of the new building (such as masonry stud elements or glass blade projections) which overhang the public footway are to comply with Council's requirements and not encroach upon the alignment of the street in excess of 450mm.

Note:

Any projections in excess of 450mm are to be submitted for the approval of Council in accordance with the Design Details/Modification condition-Schedule 1B.

- (19) The proposed awnings over the public footway of George Street, Bathurst Street and Kent Street are not to extend within 800mm of the respective kerb in those streets.
- (20) A separate application is to be made to Council for the construction of any new vehicle footpath and kerb crossings required for the development and the reinstatement of the footway formation where the existing crossings are no longer required.

SUBDIVISION

- (21) Any proposal to subdivide the site will require separate applications to Council to obtain development consent for the proposal and subsequent approval for the final Plan of Subdivision and endorsement of the Subdivision Certificate in accordance with Part 4A of the Environment Planning and Assessment Act 1979.
- (22) Any proposal to Strata subdivide the building and site will require separate applications to obtain Development Consent for the subdivision proposal from Council and subsequent approval of the final Strata Plan and endorsement of the Strata Certificate in accordance with Section 37 of the Strata Scheme (Freeholds Development) Act 1973.

CONSISTENCY OF DRAWINGS

- (23) 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.
- (24) The architect for the project, Foster and Partners Pty Ltd (Lead Architects) and PTW Architects (Local Collaborating Architects), as approved, should not be changed without prior notice to Council.

COMMUNITY LIAISON

- (25) Prior to the commencement of any demolition, excavation, construction or operations on any part of the site, a public liaison officer shall be appointed for the duration of all works on the site. The officer shall be available during normal business hours to provide information to the public about activities on site and to bring any complaints to the attention of the applicant. The name and contact number of the officer(s) including an after hours emergency number, shall be clearly displayed at the street frontages of the site.
- (26) The public liaison officer shall maintain regular liaison with Council during development to ensure that all reasonable endeavours are made to minimise any disruption caused by demolition, excavation and construction works to adjoining properties.
- (27) All pavement lights and vaults connected with the property are to be considered part of the property for the purposes of use and on-going maintenance. A notation to this effect must be included in the strata plan submitted for certification.

TRACHYTE KERBING

- (28) Any trachyte kerbing on the site to be removed or relocated is to be protected, stored and reinstated on the site in accordance with Council's requirements and to its satisfaction.

LIGHTING

- (29) 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.

REPORT TO BE COMPLIED WITH

- (30) The development shall be in accordance with the recommendations of the following Reports as contained as Appendices to the Statement of Environmental Effects:
 - (a) 'The Landscape Design Statement' prepared by Tract Consultants and undated;

- (b) 'Building Design Energy Report' prepared by Connell Mott MacDonald and dated 19 August 2003;
- (c) 'BCA Assessment Report' prepared by City Plan Services, undated;
- (d) 'Development Application Noise Assessment' prepared by Acoustic Logic Consultancy and dated 21 August 2003;
- (e) 'The Wind Environment Study' prepared by Windtech Consultants Pty Ltd and dated 20 August 2003; and
- (f) 'The Solar Reflectivity Analysis' prepared by Windtech Consultants Pty Ltd and dated 20 August 2003.

Where the recommendations of the above Reports will result in external amendments to the building, details of such amendments are to be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

In relation to (e) above, consideration should be given to a mix of planting and permanent screens to ensure satisfactory wind amelioration measures are provided on the building podium. Details of such amendments are to be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

NAMING OF DEVELOPMENT

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

SEPARATE DA FOR USE

- (32) A separate development application must be submitted at the appropriate time for the specific use and fitout of all retail, commercial and recreational tenancies within the podium of the building.

SIGNAGE

- (33) 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.

LIGHTING

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

PAVEMENT LIGHTS AND VAULTS

- (35) Any pavement lights and vaults connected with the property are to be considered part of the property for the purposes of use and on-going maintenance. A notation to this effect must be included in the strata plan submitted for certification.

VEHICULAR SPACES

- (36) The number of car parking and service vehicle spaces shall not exceed 599.
- (37) The following car parking requirements apply:-
- (a) The approved vehicle spaces shall be allocated on the development site as follows:
 - 437 residential spaces;
 - 109 serviced apartment spaces;
 - 19 business/commercial premises spaces;
 - 34 of service vehicle spaces located close to service entrance;
 - (b) Bicycle parking equivalent to 6 car parking spaces. A room containing a shower and change area must be provided close to the cycle racks.
 - (c) Motor Cycle parking equivalent to 6 car parking spaces.
 - (d) 4 car wash bays with appropriate plumbing and drainage.
 - (e) Car parking spaces are to be for people with mobility impairment in accordance with AS 2890.1.
 - (f) 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.
- (38) The following conditions apply to car parking:-
- (a) The on-site car parking spaces, exclusive of service and visitor car spaces, are not to be used by those other than an occupant, tenant or resident of the subject building.
 - (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.

LOADING BAY

- (39) All loading docks located within the basement must be maintained for use in connection with the proposed development.

TRAFFIC CONDITIONS

- (40) Car parking provision and service vehicle provision shall satisfy Council's LEP and DCP 1996.
- (41) The layout of the car parks and service vehicle parking area shall comply with Australian Standards AS 2890.1-1993 and AS 2890.2-1989.
- (42) All disabled car parking spaces are to be located in close proximity to any elevators or lifts.
- (43) All vehicles including trucks must enter and leave the site in a forward direction.

CONSTRUCTION ACTIVITIES

- (44) At all times construction activities are to be undertaken in a manner that respects the existing functions/operations of the carriageway surrounding the site, ie. pedestrian movement and traffic.

SYDNEY REGIONAL DEVELOPMENT ADVISORY COMMITTEE CONDITIONS

- (45) Vehicles entering the property must be wholly contained within the property before being required to stop. Parking station entry/exit control booths are to be located in accordance with AS2890.1 to accommodate queuing entering/exiting vehicles.
- (46) All work associated with the proposed development shall be at no cost to the RTA.

METRO WEST LINK REQUIREMENTS

- (47) As part of the engineering design for the building, the Applicant [Greencliff (CPL) Developments Pty Ltd] must take into account the future construction of the Metrowest Rail Link.
- (48) Prior to commencement of the engineering design of the building fronting Kent Street, the Developer must consult with the Rail Infrastructure Corporation (RIC) and obtain details of the location of the Metrowest Rail Link, to be constructed adjacent to the Kent Street boundary of the development site (as depicted on Drawing CT 010, Revision 01).
- (49) Any anchors required for retaining structures on the western wall of the excavation (Kent Street boundary) must be constructed of fibreglass if they are to pass into the 3-metre wide tunnel support zone. The support zone is the zone depicted by a 3 metre annulus surrounding the excavated tunnel as shown on Drawing CT011, Revision 01.
- (50) A sacrificial layer must be used to provide separation between the proposed development and the Metrowest Rail Link, as depicted on Drawing CT 011, Revision 01.
- (51) Pre-reinforcement of the rock pillar between the proposed development and the Metrowest Rail Link must be carried out using chemically anchored fibreglass bolts installed as shown on Drawing CT010, Revision 01, over the length of the excavation along the Kent Street boundary.
- (52) Details of the type of fibreglass bolts and chemical grout to be used must be submitted to RIC for approval prior to commencement of rockbolting.
- (53) The exact length and spacing of the bolts is to be determined by RIC on provision of structural drawings of the development by the developer (as specified below) prior to commencement of construction.
- (54) The fibreglass rock bolts must have a minimum tensile capacity of 300kN.
- (55) The fibreglass rock bolts are to extend into the tunnel excavation (denoted by the Tunnel Excavation Line) and installed as depicted on Drawing CT 010, Revision 01 if in Class II Hawkesbury Sandstone or higher quality rock.
- (56) If lower quality ground conditions are encountered in the area where the fibreglass rock bolts are to be installed:-
 - (a) The Developer is to notify RIC within three (3) working days;
 - (b) The notification is to include a report on the ground conditions encountered, as prepared by a qualified geotechnical engineer, in order to allow RIC to determine an alternative pattern of rock bolts;
 - (c) RIC has seven (7) working days during which it may request additional information in order to allow it to make a determination;

- (d) RIC has a further seven (7) working days after receipt of the notification and any additional information, to notify the Applicant of a revised pattern of rock bolting; and
 - (e) Any revised pattern of rock bolting as advised by RIC is to be adopted by the Developer.
- (57) The Developer must give RIC two (2) working days (i.e., not weekend days or public holidays) notice of the following events:-
- (a) Foundation and pre-reinforcement setting out;
 - (b) Pre-reinforcement installation(including drilling of bolt holes);
 - (c) Foundation excavation, and
 - (d) Foundation concreting.
- (58) The RIC may inspect the site and works, to confirm that the foundations and pre-reinforcement are built in accordance with RIC's requirements.
- (59) Within five (5) working days of completing all the bulk excavation, the Developer is to submit all of the geotechnical information related to the Kent Street boundary of the site to RIC.
- (60) Prior to obtaining a construction certificate for the works, the Developer must provide RIC with detailed drawings and engineering details confirming the extent of the excavation.
- (61) Prior to the commencement of construction, the Developer must provide RIC with detailed setting-out drawings. The Developer must also obtain from RIC written confirmation that RIC is satisfied that the pre-reinforcement of the rock pillar between the proposed development and the Metrowest Rail Link will be adequate to ensure the stability of the future Metrowest Rail Link both during and following construction.
- (62) In the event that the works are not being built in accordance with RIC's requirements, RIC may require work to stop, to allow any changes in the works necessary to satisfy RIC's requirements.
- (63) The principal Certifying Authority must issue a construction certificate confirming that the foundations and the pre-reinforcement of the Kent Street boundary have been constructed at the coordinates and levels shown in the setting-out drawings accepted by RIC.
- (64) The developer is to provide RIC with "Work as Executed" drawings for all underground structures (including survey data for the basement levels of the building and foundation details) and pre-reinforcement (rock bolting) along the Kent Street boundary within 15 working days of their completion.
- (65) All correspondence and notices must be addressed to the Project Manager, Planning and Project Development, Rail Infrastructure Corporation, Level 15,

55 Market Street, Sydney NSW 2000 (or such person as may be nominated in writing by RIC).

CITY UNDERGROUND AND TOWN HALL STATION

- (66) The Applicant/Developer is to enter into a Major Works Agreement with RIC or its successors prior to the issue of a construction certificate. This is necessary in order to ensure that any works in the vicinity of the existing rail infrastructure do not affect existing Rail facilities as defined by the Transport Administration Act.

RIC's contact for George Street issues is Mr Peter Attwood, Infrastructure Manager, City Underground, Rail Infrastructure Corporation, Level 27, 477 Pitt Street, Sydney NSW 2000

Schedule 1B

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

- (67) 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.

DESIGN DETAILS/MODIFICATIONS

- (68) The following design details/modifications of the building shall be submitted:-
- (a) Final details at a scale of 1:100 illustrating the design of all architectural fins, decorative elements, louvres and blade projections used to articulate the development. Such details are to be fully dimensioned.
 - (b) Final design details for the Architectural termination of Towers A and B.
 - (c) Final design details and material application for the carpark entrance on Kent Street including the design of the carpark roller doors.
 - (d) Final design details of the ground floor elevations of the building where they front the public domain including details at a scale of 1:50 showing the design resolution of the corridor openings, the Bathurst Street Tower A lobby entrance, the Kent Street Tower B lobby entrance and the retail frontages.
 - (e) Final design details for the internal corridors/pedestrian circulation paths off Kent Street and George Streets including:

- (i) The increase in the width of the corridor/pedestrian circulation spaces to at least a minimum width of 4.5 metres to improve the connectivity, visibility and the function of the circulation spaces;
 - (ii) The redesign of the adjacent retail tenancies to ensure visibility to the pedestrian paths from the public domain is not impeded by structure; and
 - (iii) Resolution of efficient and convenient access to lobbies from the public domain.
- (f) Drawings at a scale of 1:50 detailing the junction between the heritage listed buildings at 485 George Street and 484 Kent Street with the new building (Kent and Bathurst Street).
 - (g) Final specifications and a sample of all glazing types for Towers A and B responding to the recommendations of the 'Solar Reflectivity Analysis' prepared by Windtech Consultants Pty Ltd and dated 20 August 2003;
 - (h) Details for the installation, design and location of signage on the Towers.
 - (i) Details of security measures to be installed in the development including the installation of a security gate or other appropriate device for securing/enclosing the residential lobby off Bathurst Street.
 - (j) Design layout of the three bedroom Triplex units proposed on Levels 38-40 of Tower A.
 - (k) Design issues arising from the BCA alternate solutions as detailed in the BCA Report prepared by City Plan Services.
 - (l) Final awning design and detail including ensuring sufficient consideration is given the existing and future street trees to be provided in the surrounding public domain.
 - (m) A Signage Strategy which identifies the number, type, size, location and lighting of signs required to ensure appropriate way finding, naming of the building and tenancies within the development.
 - (n) In addition to the above, the Signage Strategy is to include traffic management and directional signage for vehicles on the site and should be prepared in consultation with the appointed Traffic Consultant to the project and Council's Traffic and Access Unit and Senior Urban Design Architect.
 - (o) A detailed Lighting Strategy which identifies the number, type size, design, luminosity and location of lighting in relation to the exterior of the building and public spaces including individual retail tenancy lighting.

The design of lighting should ensure the maintenance of a level of security in and around the public domain, in particular the lighting should convey a feeling of security to the through-site-link during the evening hours.

The amendments shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. Such approval shall not be granted without the prior consultation with the Director City Development (or his nominee), Mr Chris Johnson (or his nominee), and Ms Antoinette le Marchant.

PUBLIC ART

- (69) 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'. A Public Art Strategy must be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

LANDSCAPING OF THE SITE

- (70) The site must be landscaped and maintained to the approval of Council. A detailed landscape plan including the podium level of the building (Level 4), to scale, drawn by a landscape architect or approved landscape consultant, must be lodged and approved by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The plan must include:-
- (a) Location of existing and proposed structures on the site including existing trees (if applicable);
 - (b) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (c) Location, numbers and type of plant species;
 - (d) Details of planting procedure and maintenance; and
 - (e) Details of drainage and watering systems.

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

PUBLIC TELEPHONES

- (71) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the certifying authority must approve:-
- (a) Details that two public telephones will be provided in the development free of cost, (similar to the Telstra Blue Phone), in consultation with the applicant's preferred provider:

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

TOILETS AVAILABLE FOR USE BY THE PUBLIC

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

RECEPTACLES FOR CIGARETTE BUTTS

- (73) 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.

STORAGE

- (74) No more than 50% of the storage areas as specified by Clause 6.1.22/23 of the CS DCP 1996 are to be provided in the basement of the building. Details of the allocation of the storage area is to be link to the units on the strata plan.

NOISE REDUCTION

(75) 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).

SECURITY MANAGEMENT PLAN

- (76) The applicant shall prepare and submit a Security Management Plan which specifies security patrol, surveillance and other security and response methods and security management of the public and private domain within and surrounding the site. The Plan shall be approved by Council, prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

ACCESS FOR PEOPLE WITH DISABILITIES

- (77) 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 the 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.

PROVISION OF SMARTPOLES™

- (78) The applicant shall pay the cost of installation of smartpoles™ in the public way adjacent to the development, or in any area within the development which is intended to be dedicated as part of the public domain, to the requirements of Council. The details of the location of the smartpoles™ must be submitted for the approval of Council, prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. You should liaise with the Public Domain Officer in City Projects in this regard.

INSTALLATION OF DUAL-FLUSH TOILETS

- (79) All toilets installed within the dwelling shall be of water efficient dual-flush capacity with a minimum "AAA" rating. The details shall be submitted for the approval of the certifying authority, prior to issue of a construction certificate for the development under the Environmental Planning and Assessment Act 1979

INSTALLATION OF WATER-EFFICIENT TAPS

- (80) All taps installed shall be water efficient with a minimum "AAA" rating. The details shall be submitted for the approval of the certifying authority, prior to issue of a construction certificate for the development under the Environmental Planning and Assessment Act 1979.

PLANTATION OR RECYCLED TIMBERS

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

GREY WATER

- (82) The applicant is to investigate the installation of appropriate technologies within the development to enable to the collection and re-use of the rainwater. A Report addressing this matter is to be submitted and approved by Council prior to the release of the Construction Certificate for the development under the Environmental Planning and Assessment Act 1979.

TELECOMMUNICATIONS PROVISIONS

- (83) 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.

NEW DA FOR RECEIVING DEVICE

- (84) 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.

CAR PARK ENTRY FINISH

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

ACCESS FOR PERSONS WITH A DISABILITY

- (86) Access to all levels of the development shall be in accordance with the requirements of "The City of Sydney Access Policy December 1992".

- (87) 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".
- (88) 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.

UNDER AWNING LIGHTING

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

ACOUSTIC PRIVACY BETWEEN UNITS

- (90) 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

- (91) 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.

CAR PARKING AND TRAFFIC CONDITIONS

- (92) The final layout for all basement levels of the building are to be submitted for the approval of Council's Traffic and Access Unit. The final design shall make provision for the following, as far as practical:-
 - (a) The separation the residential spaces and the commercial/ business/ courier spaces.
 - (b) Car park layout at Basement Level 1 shall be redesigned to address the following concerns:
 - (i) Exiting vehicles from Basement Level 2 are required to make almost left turns to exit from Basement Level 1. These vehicles are required to encroach onto vehicle paths of incoming service and residential vehicles.
 - (ii) Drivers at loading bay 1 would have difficulty to sight exiting vehicles from basement Level 2 or would require more than a single manoeuvre to exit.
 - (iii) The need of trucks to encroach loading bay 5 to park in loading bay 7.
 - (c) The layout of the car park shall comply with Australian Standards AS 2890.1-1993, including ramp grades, ramp widths, side clearance ramps, aisle widths, dimensions of all parking bays, headroom, and design envelope around parked vehicles.
 - (d) Provision of signage and linemarking measures to give priority to residential traffic at Basement Level 1.

- (e) The car spaces near the one-way ramp at Basement Levels 2-8, as shown on attached sketches, should be deleted as it is difficult for the drivers to exit.
 - (f) Provision of convex mirrors in the vicinity of the one-way ramp areas to assist in warning the exiting drivers of the incoming vehicles.
- (93) Separate approval from the Sydney Traffic Committee shall be obtained for any taxi drop off areas proposed.

Note:

Approval is not given for the proposed location shown on Drawing DA2209 Rev.02 dated 08.08.03.

- (94) All vehicles shall enter and exit the site in a forward direction.
- (95) All areas traversed by cars shall have a minimum clearance height of 2.2 metres.
- (96) All areas traversed by service and loading vehicles shall have a minimum clearance height of 3.6 metres.
- (97) All loading, unloading and other construction activities shall be accommodated on-site except that:-
- (a) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a Works Zone may be considered by the City.
 - (b) In addition to any approved Works Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
 - (c) If a Works Zone is warranted, such an application must be made to the City prior to commencement of work on the site. An approval for a Works Zone may be given for a specified 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.
- (98) All costs of traffic management measures associated with the development shall be borne by the developer.

PUBLIC DOMAIN PLAN

- (99) 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.
 - (x) The provision of smart pole(s), (to be provided at the applicant's cost).
- (e) Random checks by Council officers may be made throughout the construction process to advise the contractor of non-complying elements. However, no parts of the work are to be considered approved until receipt of the City of Sydney Certificate of Completion. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter.
 - (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) Three (3) copies of the Public Domain Plan are to be lodged with the Manager Design, City Projects.

ELECTRICITY SUBSTATION

- (100) 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)

(101)

- (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 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).

Note:

- (i) Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the

“Notice of Requirements”. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to “your business” section of Sydney Water’s website at www.sydneywater.com.au then the “e-developer” icon or telephone 132 092.

- (ii) The approved plans will also need to be submitted to Sydney Water to determine whether the development will affect sewer and water mains, stormwater drains and/or easements. If the development complies with the requirements, the approved plans will be appropriately stamped by Sydney Water.
- (iii) Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site www.sydneywater.com.au or telephone 132 092.

STORMWATER AND DRAINAGE

(102) 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

(103) 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

(104) 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.

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

RECYCLING AREAS

(106) 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.

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

ANNUAL FIRE SAFETY STATEMENT

(108) 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.

PART MECHANICAL VENTILATION (CLASS 1)

(109) That the premises, in particular internal rooms not provided with natural ventilation complying with the requirements of Part 3.8.5 of the Building Code of Australia, shall be mechanically ventilated in accordance with the requirements of the Building Code of Australia.

EXHAUST FOR FOOD

(110) That adequate provision shall be made for the installation of a mechanical exhaust ventilation for future food premises where cooking, heating or similar food preparation is to be carried out.

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

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

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

- (a) Prior to issue of a Construction Certificate, the following documents shall be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA):
 - (i) Dilapidation Report of adjoining buildings/structures.
 - (ii) Evidence that public utility services have been investigated.
 - (iii) If adjoining a Public Way:
 - a. Evidence of a \$10 million dollar Public Liability Insurance Policy specifically indemnifying the City of Sydney, valid for at least the duration of the project. The original document shall be submitted to Council.
 - b. Bank Guarantee in accordance with the City's Fees and Charges. The original document shall be submitted to Council.
- (b) Prior to commencement of work:
 - (i) The location of utility services shall be fully surveyed and the relevant Public Utility Authority requirements complied with; and
 - (ii) The following documents shall be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA):-

- a. Structural drawings and certification as prescribed elsewhere in this Schedule.
 - b. Geotechnical Report and certification as prescribed elsewhere in this Schedule.
- (c) Prior to issue of an 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.

SANITARY FACILITIES

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

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 (temporary shopfronts - George Street)

- (114) 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

- (115) 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.
- (116) 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”.

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

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

(118) 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

(119) 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).

(120) 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.

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

BARRICADE PERMIT

(122) 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.

(123) 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.

MICROBIAL CONTROL

(124) That all water cooling and warm water systems shall be designed, constructed and installed in accordance with AS 3666.1:1995, the Public Health Act 1991

and Public Health (Microbial Control) Regulation 2000 before being commissioned.

- (125) That all cooling towers and warm water systems shall be operated and maintained in accordance with AS 3666.2:1995, (or AS 3666.3:2000 subject to prior notification to Council) the Public Health Act 1991, and Public Health (Microbial Control) Regulation 2000.
- (126) That a true copy of the annual certificate as stipulated in Clause 9(2) of the Public Health (Microbial) Regulation 2000 that certifies the effectiveness of the process of disinfection used for the water cooling system, be submitted to Council prior to the period ending 30 June each year.

CONTROL OF LEGIONNAIRES - NOTE 1

- (127) Attention is directed to the requirements of the Public Health Act 1991, Public Health (Microbial Control) Regulation 2000 and NSW Health Code of Practice for the control of Legionnaires Disease. The Act, Regulations and Code include microbial control requirements for the installation, operation and maintenance of air handling, heated water systems and water cooling systems.

CONTROL OF LEGIONNAIRES - NOTE 2

- (128) That the owner or occupier of the building shall be advised of the need to register and provide particulars of any water cooling, and warm-water systems as required under the provisions of the Public Health Act, 1991 and Regulation thereunder. Registration forms are available from Council.

SOIL AND SEDIMENT CONTROL

- (129) The applicant and/or builder shall prior to the commencement of work, install, maintain and implement adequate soil and sediment control measures and adopt suitable site practices to ensure that only clean and unpolluted waters are permitted to enter Councils stormwater drainage system during construction/demolition. Measures must include:-

- (a) Siltation fencing;
- (b) Protection of the public stormwater system; and
- (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

SOIL AND SEDIMENT PROSECUTION NOTE

- (130) The applicant and/or employees, agents or subcontractors may be liable to prosecution under the Environmental Planning and Assessment Act, 1979 for a breach of a condition, or Protection of the Environment Operations Act, 1997 for a pollution offence if sediment, including soil, excavated material,

building materials or other materials are allowed to fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways or be placed in a position where any of the aforementioned may occur which results in, or is likely to result in pollution. The applicant shall ensure that its employees, agents or subcontractors provide and maintain sediment control measures and suitable site practices to protect the stormwater system or waterways from the ingress of sediment. A warning notice shall be erected on the site in a clear and conspicuous position and is available from Council.

CONTROL OF VERMIN

(131) 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.

ALTERNATE SOLUTION

(132) 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.

CERTIFICATION OF MECHANICAL VENTILATION

(133) 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.

(134) 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 the 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; and
- (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

- (135) 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.
- (136) 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

- (137) 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.

GLAZING MATERIALS

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

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

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

CERTIFICATION FOR STRUCTURAL INSPECTIONS

(140) 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.

(141) 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.

CERTIFICATION OF GEOTECHNICAL INSPECTION

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

Notes:

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

GEOTECHNICAL REPORT AND CERTIFICATION

(143) 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.

- (144) 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.

OTHER DEMOLITION DETAILS (temporary shopfronts - George Street)

- (145) 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.

WATER AND SEDIMENT CONTROL STATEMENT FOR DEMOLITION AND EXCAVATION (temporary shopfronts - George Street)

- (146) 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 (temporary shopfronts - George Street)

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

WASTE MANAGEMENT DURING DEMOLITION AND EXCAVATION (temporary Shopfronts - George Street)

- (148) 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.

- (149) 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.
- (150) The Waste Management Plan must address demolition and excavation, as applicable. The Plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:-
- (a) Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
 - (b) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition and excavation operations including:
 - (i) Type and quantities of material expected from demolition and excavation;
 - (ii) Name and address of transport company;
 - (iii) Address of proposed site of disposal;
 - (iv) Name/address of company/organisation accepting material;
 - (v) Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
 - (vi) Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
 - (vii) Material for disposal and justification of disposal; and
 - (viii) If details of items (ii) to (vii) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contracts.
- (151) 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.

- (152) Prior to the commencement of excavation, the applicant should contact the "Dial Before You Dig" service on telephone (02) 1100, fax number 1300-652-077 or email mocsinfo@mocs.com.au to ascertain the presence and type of underground utility services in the vicinity of the development.

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

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

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

- (154) 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.

ENVIRONMENTAL MANAGEMENT PLAN

- (155) In addition to the submitted Construction Management Plan that prior to the commencement of construction activities an Environmental Management Plan (EMP) shall be developed and submitted to Council's Health unit 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) Soil and sediment control measures; and
 - (d) Community consultation.
- (156) That construction, containerisation and handling of waste arising from the residential/commercial development shall be in accordance with Council's Code for Waste Handling in Buildings.
- (157) That the basement car parking areas be ventilated in accordance with the Building Code of Australia and AS 1668 Parts 1 and 2.
- (158) That noise and vibration from the sue and operation of any plant and equipment and/or building services associated with the premises shall not give rise to “offensive noise” as defined under the Protection of the Environment Operations Act, 1997.
- (159) That noise from construction activities associated with the development shall have regard to the guidelines contained in the NSW EPA Environmental Noise Control Manual and The City of Sydney Code of Practice for Construction Hours/Noise 1992.
- (160) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by Council or a Certifying Authority prior to the commencement of work:

- (a) All proposed and required mechanical ventilation systems (Building Code of Australia and Australian Standard 1668 Parts 1 and 2).
- (b) The garbage and recycling storage rooms (Councils Code for Waste Handling in Building).
- (c) The car park ventilation systems.
- (d) The location of exhaust and intake vents.

USE OF MOBILE CRANES

(161) 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.

Schedule 1D

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

CITY OF SYDNEY COMPLIANCE INSPECTIONS

(162) 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

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

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

(c) Note:

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

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

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

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

USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE

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

LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS

(166) 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.

PROTECTION OF STREET TREES

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

PROTECTION OF THE ENVIRONMENT

(168) 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

(169) 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.

DRIVEWAYS

(170) 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.

SPOIL VEHICLES

(171) 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.

DEMOLITION WORKS (temporary shopfronts - George Street)

(172) 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.

(173) Demolished combustible materials shall not be stockpiled. Material must be removed regularly.

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**

(174) 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.

WASTE REMOVAL

(175) 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.

STREET NAME PLATE

(176) 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).

NUMBERING

- (177) 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.

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

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

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

CERTIFICATION OF GEOTECHNICAL INSPECTION

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

Notes:

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

COMPLIANCE CERTIFICATE FOR ACOUSTIC PRIVACY

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

COMPLIANCE CERTIFICATE FOR NOISE REDUCTION

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

LOT CONSOLIDATION

(182) All land titles on the site, with the exception of Lot 1 DP 812324, 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.

COMMEMORATIVE PLAQUE

(183) The following is required:-

- (a) A commemorative plaque must be incorporated in the new building, in a prominent position at ground floor level at or near the main entrance to the building, to commemorate the major participants in the development. The details contained on the plaque are to include the names of the developer, architect, and consent authority and the year in which the building was completed.
- (b) The proposed location of the plaque and details of its proposed size, colour and materials, and text must be submitted for the approval of Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.
- (c) The approved plaque must be installed prior to Occupation.

Schedule 1F

Conditions to be complied with during the use of Premises

CARE OF BUILDING SURROUNDS

(184) 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

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

NOISE - USE

(186) 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

(187) 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.

WINDOW CLEANING

- (188) 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.
- (189) The glass shop front must not be tinted, screened by blinds, curtains or the like or obscured.
- (190) Portable signs or goods for sale or display must not be placed on the footway or other public areas.
- (191) Noise and vibration from the use of any plant, equipment and/or building service associated with the premises shall not cause a nuisance.

INTRUDER ALARM

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

WASTE - HOURS

- (193) Waste collection activities which are not undertaken wholly inside the building where the waste is generated, must only occur during the hours specified in the "Waste Collection Operating Hours Policy 1994".

NO WASTE ON PUBLIC FOOTWAY

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

(195) No waste shall be placed for collection in a public place unless collection facilities cannot be provided within the building. If no collection facilities can be provided within the property, prior approval must be obtained from Council's Service Planning Unit as to the position, time and manner of placement of waste on the public way.

OZONE PROTECTION

(196) Air conditioning or refrigeration systems which contain R11 or R12 or any other controlled substance as defined in the Ozone Protection Regulation 1997, must not be installed in the building. Air conditioning and refrigeration systems must use environmentally friendly refrigerants.

Schedule 2

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

ITEM 6. SECTION 96(2) MODIFICATION REPORT: 644-662 GEORGE STREET, SYDNEY - WORLD SQUARE RETAIL PODIUM (STAGE 1 OF 1995 WORLD SQUARE MASTER PLAN) (D2002/00375)

Mr Paul Serra of Multiplex Constructions Pty Ltd addressed the meeting of the Central Sydney Planning Committee on this matter.

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 18 December 2003, in relation to Section 96(2) Modification Application No. D2002/00375 B made by Multiplex Constructions (NSW) Pty Ltd for the site generally bounded by George Street, Goulburn Street, Pitt Street and Liverpool Street (known as World Square) to modify a retail/office podium and allocation of associated car parking and servicing, including the use and operation of a short-stay, public car park, it be resolved that the application be approved, subject to Conditions Nos. 1, 3, 5, 12 and 13 being modified as follows:-

Schedule 1A

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No.2002/00375 dated 13 June 2002 and the Statement of Environmental Effects titled “ World Square Retail/Commercial Development’ prepared by JBA Urban Planning Consultants, dated June 2002, and drawings numbered:

RDV Z 0001 Revision B

RDV Z 1001 Revision D

RDV Z 1002 Revision C

RDV Z 1003 Revision C

RDV Z 1004 Revision C

RDV Z 1005 Revision C

RDV Z 1006 Revision C

RDV Z 1007 Revision C

RDV Z 1008 Revision B

RDV Z 1009 Revision B

RDV Z 1010 Revision B

RDV Z 1011 Revision B

RDV Z 1012 Revision B

RDV Z 1013 Revision B

RDV Z 1014 Revision B

RDV Z 1015 Revision B

RDV Z 1016 Revision B

RDV P 2001 Revision B

RDV P 2002 Revision B

RDV P 2003 Revision B

RDV P 2004 Revision B

RDV P 3001 Revision B

RDV P 3002 Revision B

RDV P 3003 Revision B

RDV P 3004 Revision B

RDV P 3005 Revision B

RDV P 3006 Revision B

RDV P 3007 Revision B

RDV P 3008 Revision B

ADV C 2003 Revision A

ADV Z 2208 Revision A

(Note: Consent also includes all external materials and finishes to adjoining facades - see condition No. 6.)

prepared by Crone Nation Architects dated April 2002 (received by the City of Sydney 24 October 2002) *except where modified by the s.96 application DA 2002/00375 B, lodged 29 August 2003 and plans numbered*

ADV Z 1010 Revision E (and as modified by sketch, level 10, received by the City of Sydney on 8 December 2003)

ADV Z 1011 Revision E (and as modified by sketch, level 11, received by the City of Sydney on 8 December 2003, subject to the deletion of the blade structure at the south eastern end of the central square)

ADV Z 1012 Revision E

ADV Z 1013 Revision E

ADV Z 1014 Revision E

ADV Z 1015 Revision E

ADV Z 1016 Revision E

ADV P 2001 Revision D (subject to the deletion of the blade structure located on the north-western corner of the site addressing Liverpool Street)

ADV P 2002 Revision D (subject to the deletion of the blade structure located on the north-western corner of the site)

ADV P 2003 Revision D (subject to the column treatment on level 10 extending to the floor level of level 12)

ADV P 2004 Revision D

prepared by Crone Nation Architects and dated 4.12.03

and as amended by the following conditions:

ADDITIONAL SHOPFRONT DETAILS

- (2) Additional shopfront details are required for the George Street and Pitt Street frontages of the site, comparable to those provided above for the Goulburn Street frontage. These details shall be provided prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 for the development to the satisfaction of the Director of City Development and Projects.
- (3) The design details of the proposed building facade including all external finishes and colours, including glazing must be in accordance with the materials schedule and sample board, and specifications numbered 200057 - RDA - SB1 and 99033 - ADA - SB3 prepared by Cone Nation Architects dated June 2002, *except where modified by s.96 (DA 2002/00375 B)*.

Note:

Any variation to these approved materials and finishes will require the submission of an application under the S96(2) Environmental Planning and Assessment Act 1979 to modify consent and approval thereto.

WORLD SQUARE DEED OF AGREEMENT/PUBLIC BENEFIT

- (4) The remaining matters of public benefit required to be incorporated into the development of the site by Condition 1 of development consent D1995/00811 dated 25 March 1996, and the Deed of Agreement between Sydney City Council and World Square Pty Ltd (and successors in title) shall be provided as required. Where physical provision of a required public benefit is unachievable, an alternative offset public benefit shall be provided to an equivalent reasonable value, to be determined in a legally binding agreement, approved by the Lord Mayor after consultation with the applicant, prior to release of the relevant Construction Certificate.

In the case of the proposed pedestrian tunnel under George Street, in lieu of the provision of this tunnel, an amount of \$250,000 shall be payable towards public infrastructure projects, as contained in Council's "Central Sydney Contributions Plan 1997". This shall be incorporated into a separate legal deed prior to the release of the Construction Certificate, and may be staged to allow payment of \$125,000 prior to issuing an Occupation Certificate and \$125,000 within 5 years of the date of the development consent (Notice of Determination). The second amount of \$125,000 shall be indexed at a rate of 3% per year (or part thereof) from the date of issuing Occupation Certificate

until payment. These amounts may not be offset against other required s61 payments.

SECTION 61 CONTRIBUTION

- (5) A contribution under Section 61 of the City of Sydney Act 1988 shall be paid in accordance with the following.

- (a) Cash Contribution Required

In accordance with the adopted "Central Sydney Contributions Plan 1997", a cash contribution must be paid to Council in accordance with this condition.

Payment shall be by bank cheque made payable to the City of Sydney.

- (b) Amount of Contribution

The amount of the contribution will be equivalent to 1% of the development cost, at the Construction Certificate stage, as determined in accordance with the "Central Sydney Contributions Plan 1997".

This amount payable shall be proportionally offset against the value of works and contributions already paid, as specified in the World Square Deed of Agreement. **That being (proportion of World Square floor space) ~~24,000~~ 25,009/258,562 = 9.3% 9.7% of \$1,000,000 = ~~\$93,000~~ \$97,000.**

- (c) Certification of the calculation of the contribution in accordance with the "Central Sydney Contribution Plan 1997" shall be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

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

The certification of the building costs must be prepared by a Registered Quantity Surveyor.

- (e) Timing of Payment

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

APPROVED DESIGN

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

CONSISTENCY OF DRAWINGS

- (7) 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.

RELATIONSHIP TO DEVELOPMENT APPLICATION NO. 2002/00376 AND DEVELOPMENT APPLICATION NO. 2002/00377

- (8) The following requirements apply:-
- (a) This application includes the adjoining facades (i.e. on the same level) for which consent is sought for floor space area despite shading shown on the approved plans, unless the subject facades are completed prior to completion of the subject development under the above concurrent applications.
 - (b) In particular, an Occupation Certificate shall not be issued for the development prior to completion of the building's facades.
 - (c) Completion of the podium (including all external works) shall be 3 months after the date of the Occupation Certificate for the George Street tower (i.e. Development Application No. 2002/00376). In this regard a bond of \$100,000 shall be paid to Council in cash, bank cheque or bank guarantee prior to issue the Construction Certificate and returnable on completion of the podium and its facades.

SURRENDER OF CONSENTS

- (9) The applicant shall surrender the existing consents given in:-
- (a) Stage 1 (retail podium and short-stay car park) - Notice of Determination for Development Application D1996/00220 dated 27 May 1997, as amended; and
 - (b) Stages part 1, 3 and 4 (Residential/Commercial development) - Notice of Determination for Development Application D2000/00570 dated 22 June 2001;

in accordance with the Environmental Planning and Assessment Amendment Regulation, prior to issue of a Construction Certificate for any part or stage of the development.

BUILDING NAME

- (10) Any proposed naming of the development that intends to incorporate the name of a city street, park or place is subject to the separate approval of Council. Details of the building name signage are to be submitted for the approval of the Director of City Development.

ENERGY EFFICIENCY OF BUILDINGS

- (11) The design of the office component of the building and its services must achieve a rating of 3.5 stars under the Sustainable Energy Development Authority's (SEDA's) "Australian Building Greenhouse Rating Scheme". This can be demonstrated by either:-
- (a) Entering into a Commitment Agreement⁽ⁱ⁾ with SEDA, to deliver this star rating⁽ⁱⁱ⁾ for the base building⁽ⁱⁱⁱ⁾, being services traditionally supplied as 'common' to tenants^(iv), such as air conditioning, lifts and common area lighting) or for the whole building^(v) where there is to be one tenant to occupy the whole building. The applicant must provide a copy of the completed Commitment Agreement with their construction certificate application; or
 - (b) Providing a copy of the independent energy assessment report submitted to and endorsed by SEDA and submitted as part of the construction certificate application, that follows the current guidelines in SEDA's "Australian Building Greenhouse Rating Scheme Design Energy Efficiency Review" and the "Energy Efficiency Design Review.xls." This report should be based on the same documents as submitted with the construction certificate.

Note:

Definitions referred to above:-

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

FLOOR SPACE RATIO

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

- (a) The floor space of the development shall comply with the Master Plan consent for the site (see DA Z95-00811), in particular condition No. 3 requiring a maximum floor space ratio for the whole World Square site of 13.4:1 shall apply to the development.
- (b) The Floor Space Area of the proposal must not exceed ~~24,009 sqm~~ **25,009 sqm** calculated in accordance with condition Nos 2 and 3 of the Notice of Determination for Development Application No. 1995/00881 (The 1995 Master Plan).
- (c) 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).
- (d) *The applicant is to enter into a deed with Council that 1000sq m is to be transferred from Stage 3 to Stage 1 of the 1995 World Square Master Plan, limiting Stage 3 to 24,888sq m. All legal documentation shall be prepared by Council's solicitor. The cost of preparation and any registration of all documentation shall be borne by the owner of the sites.*

CENTRAL PIAZZA SPACE (LEVEL 10)

(13)

- (a) A Management Plan for the use, operation and maintenance of this space shall be prepared for Council's approval prior to issue of the Construction Certificate for the development.

Note:

It is recommended this document is prepared and submitted at the same time as the Public Domain Plan for the site *and must include provision to minimise use by skateboarders.*

- (b) *The final details of the public domain space (within the site) and the Management Plan referred to above are to be referred to a sub-committee of the Central Sydney Planning Committee comprising*

- *the Lord Mayor*
- *Mr Neil Bird*
- *Ms Antoinette le Marchant*

with a view to promoting mixed and safe uses of the public domain space on the site, with particular attention to the central entrance on George Street. The details are to be to the satisfaction of the sub-committee prior to the release of the Construction Certificate.

- (14) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, a documentary easement in favour of Council is to be created over the public through-site links within the development referred to as George Lanes North and South, Liverpool Lanes East and West, and the two lanes to the south of the piazza connecting to Goulburn Street, and the central piazza Space area on Level 10, to the satisfaction of the Council. Such easement in gross is to be registered on Title of the development site, appurtenant to Council and in terms granting unrestricted public pedestrian use of the affected space, for the life of the development, is to be created in stratum defined by the fabric and structure of the extremities of the public areas and is to be registered at the Office of Land and Property Information at no cost to Council.
- (15) The following applies to the central piazza space and its property ownership:-
- (a) In order to provide a clear demarcation of the "public" and "private/leasable" space within the Level 10 central piazza space, to ensure that the piazza is not "privatised" by future uses, and to assist in the determination of future Development Applications by tenants for the individual use and fitout of their tenancies, within the Level 10 central piazza space, only that part of the space within a 2-4m perimeter from the respective Level 10 shopfronts (allowing for adequate public circulation space) is permitted to be leased for outdoor seating only. A plan complying with the requirement of this condition shall be approved by the Director of City Development and Projects prior to release of the Construction Certificate for the development
 - (b) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, a documentary Restrictive Covenant is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a) above. The Covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
 - (c) Any future strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the Strata Titles (Freehold Development) Act 1973, as amended, so burdening all allotments on level 10 and/or an appropriate Restrictive Covenant pursuant to Section 88B of the Conveyancing Act 1919 burdening all lots on level 10.
- (16) Retail displays are not permitted in the Piazza space.

INTERNAL PARTITIONS NOT TO ABUT WINDOW

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

SEPARATE APPLICATION REQUIRED FOR LIGHTING STRATEGY

- (18) A separate development application is required for a lighting strategy 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.

ADDITIONAL DEVELOPMENT APPLICATIONS REQUIRED

- (19) Separate development applications must be submitted at the appropriate time for the individual retail uses and fitout of the retail premises.

SIGNAGE STRATEGY

- (20) This consent does not provide for approval for any signage or signage panels shown in the subject application. 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. To this end a comprehensive signage strategy is required to be submitted detailing the location of signage and its design character for all name, retail and direction signage prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

AWNINGS

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

UNDER AWNING LIGHTING

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

- (23) Any proposed awnings over the public footway are not to extend within 800mm of the kerb in the public road.

PROPERTY MATTERS

- (24) Any proposed balconies, bay windows, sun-awnings or architectural embellishments or elements are not to encroach upon the alignment of the public way in excess of 450mm.

STRATA SUBDIVISION

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

- (26) Any proposal to Strata subdivide part of the site and buildings is to be undertaken in accordance with the Part Strata (Amendment) Act as amended and will require separate applications to obtain development consent for the proposal from Council and subsequent 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.

VEHICULAR SPACES

- (27) The car parking allocation and layout shall be in accordance with the World Square Traffic and Parking Management Plan prepared by Masson Wilson Twiney, Traffic and Transport Consultants dated 2002 as amended 24 October 2002. In particular, the approved vehicle spaces shall be allocated on the World Square site as follows:-

(a) Car Parking Allocation

- (i) 720 tenant spaces to World Tower.
- (ii) 409 spaces OSW Hotel.
- (iii) 528 spaces public car parking.
- (iv) 407 tenant spaces (stages 3 and 4, Goulburn Street building and George Street tower).
- (v) 66 tenant space (stage 1, retail and commercial podium).
- (vi) Total 2,130 spaces

(b) Excluding service parking, such as

- (i) 45 service spaces (stage 3 and 4 Goulburn Street building and George Street tower).
- (ii) 54 service spaces (stage 1, retail and commercial podium).
- (iii) Service parking provided already in respect to previously approved and commenced developments for the site.

(c) Other Requirements

- (i) 10 spaces for cycle racks or equivalent cycle storage areas.
- (ii) Rooms/facilities for cyclists containing a minimum of separate male and female facilities, each containing (between male and female facilities) 6 showers, appropriate toilet/wash basin facilities and change areas close to the cycle racks.
- (iii) 2% of the above car parking spaces are to be for people with mobility impairment, in accordance with AS 2890.1.

- (iv) All spaces must be allocated and marked according to this requirement. If the development is to be strata subdivided, the car park layout must respect the above allocation.
 - (d) Compliance with the above allocation and requirements to be reflected in the Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (28) Despite the above, any alterations and additions to the car park shall:-
- (a) be in accordance with the parameters set in the 1995 Master Plan for the site (see Notice of Determination for 1995/00811 dated 25 March 1996), in particular a total car park allocation of 2,500 spaces; and
 - (b) require the submission of a separate development or Section 96 application and revised Traffic and Parking Management Plan to the satisfaction of the Director of City Development and Projects.
- (29) Tenant and service car parking spaces shall not be rented or leased, other than to an occupant or tenant of the subject building. In particular, the use of tenant or service parking as fee-for-parking spaces to visitors to the building is prohibited.

CAR PARKING COVENANTS

- (30) The following conditions apply to car parking:-
- (a) The on-site car parking spaces, exclusive of service car spaces and public car park, are not to be used by those other than an occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant or tenant of the building.
 - (b) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, a documentary Restrictive Covenant is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a) above. The Covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
 - (c) Any future strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the Strata Titles (Freehold Development) Act, 1973 as amended, so 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 restriction/covenant will be noted on the Section 149 Certificates for all the units/building so burdened by this condition.

Schedule 1B

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

CERTIFICATION REQUIREMENTS

- (31) 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.
- (32) 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).

FACADE PANELS AND CURTAIN WALLS

- (33) The visible light reflectivity from building materials used on the facade of the building should not exceed 20% and must be otherwise designed so as not to result in glare that causes discomfort or threatens safety of pedestrians or drivers.
- (34) Any metal fixings for facade panels or curtain walls to a building must be stainless steel (Grade 303) unless the element/component is designed principally as a flexural member as follows:-
- (a) The fixing shall be designed so that in the event of imminent corrosion failure, the deformation in the fixing/s should cause the panel to displace downward (and preferably outward at the bottom of the panel);
 - (b) The flexural member/component may then be Hot Dipped Galvanised Steel and designed so that the design life of the fixing is minimum 100 years, using:
 - (i) Average Corrosion Rate of “Hot Dipped Galvanised Coating” to be 2 microns per year; and

- (ii) The Average Corrosion Rate of “mild steel” in the facade environment taken to be 20 microns per year; and
- (iii) The Pitting Rate of “mild steel” taken to be 10 times the Average Corrosion Rate; and
- (iv) After the section has corroded full thickness at Pitting Corrosion Rate, the Average Corrosion Rate “doubles”.

PROVISION FOR FUTURE FOOD PREMISES

- (35) The proposed food shops, coffee lounges and restaurants within the premises must be provided with a system of mechanical ventilation 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.
- (36) The construction of food premises must comply with the requirements of the National Code for the Construction and Fitout of Food Premises and the Food Regulation 2001.

DISABLED ACCESS

- (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.

ELECTRICITY SUBSTATION

- (38) 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)

- (39)
 - (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 an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a (Developer) Compliance

Certificate under section 73 of the “Sydney Water Act 1994” must be submitted to the Principal Certifying Authority (Council or a private accredited certifier).

Note:

- (i) Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the Notice of Requirements. Early advice from Sydney Water will avoid problems in providing water and sewer services to your development and adverse impacts on building design and site layout.
- (ii) The approved plans will also need to be submitted to Sydney Water to determine whether the development will affect sewer and water mains, stormwater drains and/or easements. If the development complies with the requirements, the approved plans will be appropriately stamped by Sydney Water.
- (iii) Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site www.sydneywater.com.au or telephone 132092.

UTILITY SERVICES

(40) 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

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

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

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

WASTE MANAGEMENT

- (42) The following requirements apply to storage and waste handling:-
- (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with Council's Code for Waste Handling in Buildings (adopted 17 October 1994). The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of the Code).
 - (b) Certification of compliance with the design and constructional requirements of the Code, including the associated Waste Management Plans and with the Conditions of Development Application consent relating to waste, must be submitted to and approved by the Certifying Authority in the attached form W1 prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. Such Certification must be given by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
 - (c) The Certified Plans and Specifications must address compliance with the Waste Code including details of the following, where applicable:
 - (i) The location, design and construction of the garbage room, recycling rooms, bin washing areas and collection areas.
 - (ii) The natural or mechanical ventilation, in accordance with the Building Code of Australia and Australian Standard 1668.
 - (iii) The location and design of any garbage chutes or compaction units required by Council's Code.
 - (iv) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.

Note:

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

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 Development Application must be submitted at the appropriate time for any external receiving devices proposed to be installed.

PUBLIC ART

- (45) 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.

Note:

The provision of a clock to satisfy the public art requirement is not considered acceptable on its own and it is recommended that the public art requirement for this application be integrated into the Public Domain Plan for the site (see condition below).

PUBLIC DOMAIN PLAN

- (46) 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 art requirements for this application be integrated into the Public Domain Plan for the site.
 - (c) 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.
 - (vii) Include the central piazza space and public access to it on level 10.
- (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 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing. Where adjustments require

substantial kerb and gutter demolition, the carriageway shall be reconstructed to the centre line of the carriageway.

- (vi) The retention and repair of any existing pavement lights.
 - (vii) The retention and repair of any existing serviceable stone gutters.
 - (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.
 - (ix) The provision of smart pole(s), (to be provided at the applicants cost) where required.
- (f) Random checks by Council officers may be made throughout the construction process to advise the contractor of non-complying elements. However, no parts of the work are to be considered approved until receipt of the City of Sydney letter of approval. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter.

Note:

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

PUBLIC TELEPHONES

- (47) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the certifying authority must approve:-
- (a) Details that a minimum of four public telephones will be provided in the development free of cost, (similar to the Telstra Blue Phone), in consultation with the applicant's preferred provider.
 - (b) The telephones should be located at footpath level and two square metres should be allowed for each telephone.
 - (c) At least one telephone should be accessible for use by persons with a disability, to be designed and installed in accordance with the requirements of AS 1428.2.
 - (d) The telephones must be available for public use during the normal opening hours of the building.

TOILETS AVAILABLE FOR USE BY PUBLIC

- (48) Provision shall be made for the inclusion of toilet facilities at ground floor level of the building. Such facilities shall be located adjacent to the entrance

foyer or lift lobby and shall remain available for public use during the normal opening hours of the building. The facilities shall be signposted. Details of the location shall be approved by the Director of City Development and Projects prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

RECEPTACLES FOR CIGARETTE BUTTS

- (49) 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) must be emptied and maintained by the building owner/manager and not by the Council; and
 - (f) emptying of receptacle/s must be carried out on a daily basis.

PAVING MATERIALS

- (50) The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, Piazzas, arcades and the like which are used by the public must comply with AS/NZS 3661.1:1993 "Slip Resistance of Pedestrian Surfaces Part 1: Requirements", Appendices A and B.
- (51) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".

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

- (52) 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.

- (53) 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

- (54) 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:

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

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

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

An appropriately qualified person certifying by completing Attachment S1B must have a good working knowledge of the Building Code of Australia and Structural and Architectural drawing co-ordination so that all structural elements supporting the new work are fully certified by the project structural engineer.

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

PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN FOR DEMOLITION AND/OR EXCAVATION

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

COMPLIANCE WITH EARLY WORKS DEVELOPMENT APPLICATION

- (56) The development shall comply with all conditions and requirements of Development Application No. 2002/00452, Notice of Determinations dated 30 August 2002.

Schedule 1D

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

CITY OF SYDNEY COMPLIANCE INSPECTIONS

- (57) 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) Seven (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

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

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

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

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

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

LOADING AND UNLOADING DURING CONSTRUCTION

- (60) 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 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.
- (61) 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.

RUN-OFF DURING CONSTRUCTION

- (62) 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.

PROTECTION OF PUBLIC WAY

- (63) 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

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

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

- (65) Prior to the 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

- (66) Prior to issue of an Occupation Certificate or use of the premises, a Structural Inspection Certificate in the form of Attachment S1C OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier) after:-
- (a) The site has been periodically inspected and the structural certifier is satisfied that the Structural Works are deemed to comply with the final Design Drawings; and
 - (b) The drawing revisions listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

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

Notes:

- (c) 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.
- (d) 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

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

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

Notes:

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

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

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

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

- (69) 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.

NUMBERING

- (70) 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 AND SHOP NUMBERING

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

STREET NAME PLATE

- (72) 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).

COMMEMORATIVE PLAQUE

- (73) The following is required:-
- (a) A commemorative plaque must be incorporated in the new building, in a prominent position at ground floor level at or near the main entrance to the building, to commemorate the major participants in the development. The details contained on the plaque are to include the names of the developer, architect, and consent authority and the year in which the building was completed.
 - (b) The proposed location of the plaque and details of its proposed size, colour and materials, and text must be submitted for the approval of Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.
 - (c) The approved plaque must be installed prior to Occupation.

Schedule 1F

Conditions to be complied with during the use of Premises

CARE OF BUILDING SURROUNDS

- (74) 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

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

NO SPRUIKERS OR AMPLIFIED NOISE

- (76) 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.

MANAGEMENT

- (77) 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.

NOISE - USE

- (78) 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

- (79) 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.

LOADING

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

WASTE

- (81) No food is to be sold on weekends without prior approval of refuse storage facilities on site, or without having a current contract with Council or other licensed refuse service for the daily removal of putrescible wastes.

WINDOW CLEANING

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

PUBLIC CAR PARK OPERATIONS

- (83) The public car park component of the development shall be operated as a short-stay, public car park in accordance with the provision of the Central Sydney Development Control Plan 1996.
- (84) The following is the pricing structure for short stay car parking stations and is to apply between 9.30 a.m. and 6.00 p.m. Mondays to Fridays, except on public holidays. Where N = the hourly rate determined by the car park operator:-

Duration Charge per Hour

\$

1st hour		N
2nd hour		N
3rd hour		N
4th hour		N
5th hour	> =	1.5N
6th hour	> =	1.5N
7th hour	> =	1.5N
each hour thereafter	> =	1.5N

- (85) No person shall park in the building except those working in the building, or those parking in the building on a short term casual basis paying the tariff referred to the above condition.
- (86) Parking in areas other than designated car spaces is prohibited.
- (87) The short stay car parking station shall not operate between 5.30 a.m. and 9.30 a.m. on weekdays. Operation is unrestricted on weekends and public holidays.
- (88) The cost of all traffic management measures associated with the development shall be borne by the developer or future owner(s) of the site.

Schedule 2

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

ITEM 7. DEVELOPMENT APPLICATION: 63-79 MILLER STREET, PYRMONT (WAKEFIELD HOUSE) (D/03/00924)

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

Ms Fiona MacFarlane - resident
 Mr Bill D'Anthes - resident
 Mrs Debra Berryman - resident
 Ms Kerry Lane - resident
 Ms Margaret Jones - resident
 Mr Bruce Sugden - resident
 Mr Trevor Waters - resident

Mr John Wynne - Urbis JHD Pty Ltd
 Mr Malcolm Rose - Walker Corporation
 Ms Tina Spiegel - Spiegel and Associates (representing the applicant)

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 18 December 2003, in relation to Development Application D/03/00924 made by Glish Holdings Pty Ltd for the site at 63-79 Miller Street, Pyrmont, for a Stage 1 development approval to include a new approved building envelope (allowing for four addition residential levels), changes in use from commercial to retail at ground level with residential above, excavation of three basement levels and parking for 203 vehicles, a new vehicle entry to the site and a total mixed use floor space ratio of 2.93:1, it be resolved that:-

- (A) the State Environmental Planning Policy No. 1 objection submitted to address a variance to the 15m height development standard is not considered to be well founded, as compliance with the standard would result in better proportional massing between the existing building and the proposed roof addition; and
- (B) consent be granted subject to the following conditions:-

Schedule 1

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D/03/00924 dated 8 September 2003 and Stage 1 Development Application Report prepared by Kann Finch Group, dated August 2003, and the following plans prepared by Kann Finch group:

Plan	Date
DA-200	25 August 2003
DA-201	25 August 2003
DA-202	25 August 2003
DA-203	25 August 2003
DA-204	25 August 2003
DA-205	25 August 2003
DA-206	25 August 2003
DA-207	25 August 2003
DA-208	25 August 2003
DA-209	25 August 2003
DA-210	25 August 2003

DA-211	25 August 2003
DA-212	25 August 2003
DA-213	25 August 2003
DA-214	25 August 2003

except as amended by the following conditions:

NO WORK SHALL OCCUR UNTIL A STAGE 2 DEVELOPMENT CONSENT AND CONSTRUCTION CERTIFICATE ARE ISSUED

- (2) No excavation, demolition or construction shall commence in relation to this Stage 1 Development Approval until a Stage 2 Development Application is approved and a Construction Certificate issued for the relevant works.

STAGE 1 CONSENT

- (3) As this is a Stage 1 development consent, and given the design amendments imposed as conditions below, the mixed-use gross floor area, building envelope, parking numbers and indicative number of units sought within the Stage 1 development application do not form part of this consent, except in so far as they are amended by conditions below.

Design Amendments

- (a) The Stage 1 building envelope shall be amended to comply with Clause 23 of Sydney Regional Environmental Plan No. 26 City West, in particular the exceedence to the 15m development standard along the eastern portion of the additional roof levels shall be deleted.
- (b) The western building alignment shall comply with Clause 3.1.1 of the Urban Development Plan for Ultimo/Pymont (1999 Update), in particular the setting back of the additional roof levels shall fully comply with the prescribed building envelope and street wall heights.
- (c) The addition to the southern portion of the building shall be setback a minimum of 3.0m from the eastern site boundary so that the characteristic curved architectural form of the existing building may be better interpreted.
- (d) In order to protect and provide a means of support to the northern and eastern external walls, no excavation is to take place within 2.0m of the inner skin of the external brick wall.

Hours of Operation

- (e) The hours of operation of the supermarket must be restricted to between 8.00am and 10.00pm Mondays to Saturdays, inclusive, and 9.00am to 5.00pm on Sundays, inclusive.

Deliveries or operations associated with deliveries may not occur outside the approved trading hours. Delivery vehicles are not permitted to park or stand in the vicinity of the site prior to 8.00am and should only enter and exit the site via Miller Street and Miller Lane, rather than Bulwara Road.

Parking

- (f) The number of parking spaces dedicated for the use of visitors to the supermarket retail space and employees of the office component of the supermarket located at Level 1 shall be 87 and 2 respectively.

Two further car spaces shall be provided for the use of motor cyclists.

Note:

The determination of the number of car spaces for the residential use will be addressed at Stage 2 when the proposed number and size of units will be decided.

The design and layout of all on-site parking shall be in accordance with AS2890.1-1993 and AS2890.2-2002.

Heritage

- (g) The demolition and reconstruction of the northern and eastern external building facades do not form part of this approval. The treatment of these elements shall be in accordance with those heritage - related conditions recommended with regard to the submission of any Stage 2 development application as detailed below.

STAGE 2 DEVELOPMENT APPLICATION

- (4) The detailed design of the building, in particular the exterior finishes and the internal design and layout of the additional residential levels, shall be the subject of a Stage 2 development application.
- (a) Any Stage 2 development application must be consistent with the approved Stage 1 development consent, (D/03/00924), in particular those conditions above related to the design of the roof-top addition, parking and heritage issues.
- (b) The design and architectural treatment of the building, which is the subject of any Stage 2 development application, shall be subject to a competitive process which facilitates the design excellence provisions of the Draft Central Sydney Local Environmental Plan 2002.
- (c) Any Stage 2 Development Approval will be the subject of Section 94 and Affordable Housing Contributions levied under the provisions of the City of Sydney Section 94 Contribution Plan 1994 and Sydney Regional Environmental Plan No. 26 - City West respectively.

Lane Closure

- (d)
- (i) Any Stage 2 development application shall include the proposed closure of Miller Lane. The road reserve shall be closed to through traffic at the corner of Miller Lane close to the south-west corner of the site and at the junction of Bulwara Road and Miller Lane
 - (ii) The portion of Miller Lane closed to through traffic provides an opportunity for public domain improvements. Any Stage 2 application shall include, as part of a public domain plan for the whole site and surrounds, improvements to this area in the form of appropriate landscaping.
 - (iii) The developer shall bear all costs related to the works, including the administration and implementation of the proposed road closure and any traffic management measures associated with any road closure.

The Stage 2 development application shall be accompanied by a Traffic Management Plan for the development and shall include details of the above requirements, including details of appropriate signage, procedures for emergency access/egress and the treatment of the road reserve.

Matters for further consideration

- (e) Issues arising from the Stage 1 development application and assessment that need to be addressed in detail and/or included in any Stage 2 application include, but are not necessarily restricted to:

Residential Amenity and Unit Mix

- (i) With respect to any residential units, any Stage 2 development application should satisfy the relevant provisions of Section 5, (Sustainable Residential Development), of the Urban Development Plan for Ultimo/Pymont (1999 update) and should have regard to Section 6 of Central Sydney DCP 1996 and the Residential Flat Design Code prepared by the former PNSW. Particular attention should be given to natural through ventilation, solar access, floor to ceiling heights, privacy between units, dwelling sizes, dwelling mix and communal and private open space.

Heritage

- (ii) The original facades to the north east are to be retained and conserved. The brickwork is to be repaired rather than replaced. Materials are to be re-used for any necessary repairs or replaced only where necessary. The replacement of any fabric must be

justified to the satisfaction of Council. The fenestration pattern is to be retained. Full details of the retention including engineers' details, temporary bracing and/or support, brick tie replacements, underpinning and a construction methodology, plus detailed elevation drawings of the retained facades are to be submitted with any Stage 2 development application.

- (iii) The main entrance on Bulwara Road (including the glass block wall, garden beds, awning, front doors, flagpoles, central stair and former boardroom) are to be retained and conserved. Details of the retention of these elements, including full engineering details and a construction methodology, are to be submitted with any Stage 2 application.
- (iv) A Heritage Interpretation Strategy should be submitted along with any Stage 2 development application, so that such initiatives may be considered as part of the overall development rather than being an additional consideration through the imposition of conditions after any consent is granted.

Noise Attenuation

- (v) With respect to any residential units, an acoustic design report shall accompany any Stage 2 development application and shall indicate the noise attenuation measures required to satisfy the following criteria:
 - a. the L10 (20 minute) noise level in the unit with windows and external façade doors closed shall be less than 40dB(A); and
 - b. the L10 (20 minute) noise level in the unit with windows and external façade doors open, taking an aggregate opening or opening size not less than 5% of the floor area of the room (as required as the minimum standard for natural ventilation under Clause F4.6 of the BCA) shall be less than 50dB(A).

Advertising, signage and external lighting

- (vi) The Stage 1 development application provided no details with respect to signs or lighting. Any Stage 2 development application must be accompanied by a "Signage Strategy" which will include details of the size, type and location of any proposed signs, whether they are building name signs, business identification signs or others. Any proposals to externally light the building should be included in this Strategy.

Any submitted "Signage Strategy" should consider motorists visiting the site and the amenity of surrounding residents by including directional signage to the car park, via Miller Street and

Miller Lane rather than Bulwara Road and Miller Lane, as part of the strategy.

A “Stop” sign should be installed at the exit point of the building to require vehicles to stop at the building line.

Site Remediation

- (vii) Any Stage 2 development application must be accompanied by a Site Remediation Strategy. Such a strategy should provide details as to when in the demolition process of any Stage 2 development application may a full Stage 2 Contamination Assessment be made and what form such an investigation should take, in terms of location and number of bore holes.

In this respect it is likely that appropriate conditions will be imposed on any Stage 2 consent to address any further potential remediation issues.

Plan of Management

- (viii) Any Stage 2 development application must be accompanied by a Plan of Management which addresses the day-to-day operations of the supermarket, including the hours of operation, the number and timing of deliveries, the management of the car park, the management of trolleys and security.

Note:

The consent authority will not permit the removal of trolleys from the site.

The Principles of Environmentally Sustainable Development

- (ix) Any Stage 2 development application must be accompanied by a report which shall detail how the building may satisfy the principles and controls under Part 8 of the Urban Development Plan for Ultimo/Pymont (1999 Update). It is accepted that the full satisfaction of these provisions may be difficult to achieve given the retention of some existing fabric and that the approved building footprint covers the whole site. However, particular attention should be given to the design, choice of materials, orientation and the inclusion of energy efficient and water efficient devices with particular respect to the residential portions of the building. The submission of a NatHers Report alone will not suffice. Full details of measures to achieve energy and water efficiency, such as the use of grey water, shall be submitted.

Waste Management

- (x) Any Stage 2 development application must have full regard to Council’s Code for the Handling of Waste in Buildings.

Utility Services

- (xi) Prior to the lodgement of any Stage 2 development application the applicant is to enter discussions with the utility authorities (eg. Energy Australia, Sydney Water and telecommunications carriers) in connection with the potential relocation and/or adjustment of the services affected by the construction of the development. Any costs involved in the relocation, adjustment or support of services are to be the responsibility of the developer.

Land dedication and Public Domain Plan

- (xii) Any Stage 2 development application must be accompanied by a detailed plan showing the area of land to be dedicated to Council and any improvements proposed within the public domain. Such items should include improvements to footpaths, kerbs, street planting, crossings and any street furniture.

Traffic Management Plan

- (xiii) Any Stage 2 Development Application shall include a detailed traffic management plan, specifically incorporating measures to ensure vehicles entering and leaving the site do not use Bulwara Road. Physical measures shall be proposed, also with the aim of increasing the size of the adjoining park by closure of the southern side of Miller Lane, and measures to enable vehicles to enter and leave Miller Lane (west) in a forward direction.

Schedule 2

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

The motion was carried on the following show of hands -

Ayes (5) - The Chair (the Lord Mayor), Mr Bird, Mr Cappie-Wood, Mr Johnson and Ms le Marchant.

Noes (1) - Councillor Ho.

Motion carried.

ITEM 8. DRAFT CITY OF SYDNEY REGULATION OF SEX SERVICES DEVELOPMENT CONTROL PLAN 2003 (S025120)

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

That arising from consideration of a report by the Manager Building Services and Planning Policy to the Central Sydney Planning Committee on 18 December 2003, in relation to the preparation and exhibition of "Draft City of Sydney Regulation of Sex Services Development Control Plan 2003", it be resolved that the Central Sydney Planning Committee:-

- (A) endorse the preparation and public exhibition of the "City of Sydney Draft Regulation of Sex Services Development Control Plan 2003", as shown at Attachment A to the subject report, and as prepared in accordance with Section 72 of the "Environmental Planning and Assessment Act 1979"; and
- (B) endorse the City of Sydney Draft Regulation of Sex Services Development Control Plan 2003", as shown at Attachment A to the subject report, operating as an Interim Policy commencing on 8 December 2003.

ITEM 9. CITY OF SYDNEY DRAFT ACCESS DEVELOPMENT CONTROL PLAN 2003

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 18 December 2003, in relation to the "City of Sydney Draft Access Development Control Plan 2003", it be resolved that:-

- (A) the Central Sydney Planning Committee endorse the public exhibition of the "City of Sydney Draft Access Development Control Plan 2003", as shown at Attachment A to the subject report, for a period of 28 days in accordance with the requirements of clause 18(2) of the "Environmental Planning and Assessment Regulation 2000",
- (B) the Central Sydney Planning Committee endorse the operation of the "City of Sydney Draft Access Development Control Plan 2003" as an "Interim Policy", effective from the date that public exhibition of the Draft Development Control Plan commences; and
- (C) authority be delegated to the Lord Mayor to make any minor drafting changes to the "City of Sydney Draft Access Development Control Plan 2003" required as a result of its consideration by Council.

ITEM 10. SYDNEY HARBOUR FORESHORE AUTHORITY REFERRALS: STAGE 2 DEVELOPMENT APPLICATION, SECTION 96(2) APPLICATION, AND AMENDMENT OF STAGE 1 LAND USES APPLICATION FOR SITE 1, KING STREET WHARF (WHARVES 9 AND 10 DARLING HARBOUR) (O/2003/00057)

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

Mr Ross Wilson - Wharves 9 & 10 Pty Ltd (the applicant)
Mr Andrew Duggan - JBA Urban Planning Consultants

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 18 December 2003, in relation to three Sydney Harbour Foreshore Authority referrals for the development of Site 1, Wharves 9 and 10, Darling Harbour, it be resolved that the submission, as shown at Attachment A to the subject report, and as amended at the meeting of the Central Sydney Planning Committee, be endorsed and forwarded to the Sydney Harbour Foreshore Authority for consideration in the determination of the Development Applications and Section 96 Application.

Carried unanimously.

ITEM 11. GENERAL BUSINESS

There were no items of general business raised at the meeting of the Central Sydney Planning Committee on 18 December 2003.

The meeting concluded at 7.25pm.

CHAIR

The next meeting of the Central Sydney Planning Committee is scheduled for 5 February 2004.