



22 DECEMBER 2003

Meeting No 1402

MINUTES of an Extraordinary Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 3.40pm on 22 December 2003 pursuant to Notice 27/1402 dated 18 December 2003.

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PRESENT

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

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

At the commencement of business at 3.40pm those present were:-

The Lord Mayor, Councillors Coulton, Greiner, Ho and Marsden.

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

Apology

Councillor Nick Farr-Jones extended his apologies for his inability to attend the Extraordinary Meeting of Council as he was on Christmas vacation.

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

That the apology from Councillor Farr-Jones be received and leave of absence from the meeting be granted.

Carried.

Order of Business

In accordance with Clause 12(2) of the Local Government (Meetings) Regulation 1999, Council resolved that the order of business be altered, such that the agenda items be dealt with in the following order:

9. Annual Financial Report 2002-2003
1. Confirmation of Minutes
- 1A. Wentworth Park
- 1B. Ultimo Aquatic Centre
- 1D. Condolences - Mr Doug Heron
- 1C. East Sydney Neighbourhood Association - Strategic Plan
2. Planning Development and Transport Committee - 8 December 2003
3. Special Meeting of the Planning Development and Transport Committee - 15 December 2003
4. Development Application: 12 Broughton Street, Woolloomooloo
5. Development Application: 56-76 Oxford Street, Darlinghurst (Chicane Restaurant)
6. Development Application: 98-106 Riley Street, Darlinghurst
7. Cross City Tunnel - Exhaust Stack Advocacy
8. Investments Held by Council as at 30 November 2003
17. City of Sydney Draft Access Development Control Plan 2003
10. Wentworth Park
11. Surry Hills Park - Appointment of Design Consultants Tender 0339
12. Appointment of Quantity Surveying Consultant for the Glebe Foreshore Project - Tender No 0342
13. Tender 0322 - Weed Eradication Service
14. City Homeless Street Outreach Service Contract
15. Eastern Café Customs House, Alfred Street, Circular Quay - Proposed Lease
16. Library System
18. Ultimo Aquatic Centre (UAC) - Receipt of Tenders

ITEM 9. ANNUAL FINANCIAL REPORT 2002-2003 (S030604)

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

That arising from consideration of a report by the Finance Manager to the Extraordinary Meeting of Council on 22 December 2003, on Annual Financial Report 20002-2003, it be resolved that Council -

- (A) receive the Financial Report for the 12 months ended 30 June 2003;
- (B) authorise the Lord Mayor, Deputy Lord Mayor, the General Manager and the Finance Manager to sign the General Purpose Financial Report;
- (C) authorise the Lord Mayor, Deputy Lord Mayor, the General Manager and the Finance Manager to sign the Special Purpose Financial Report;
- (D) receive the auditor's reports on the 2002/2003 Financial Report; and
- (E) authorise that notice be given, by newspaper advertisement, of public presentation of the Annual Financial Report at the first Council meeting of 2004.

Carried unanimously.

Note - Councillor Greiner referred to the difficulty experienced by Council staff, the auditors and the Auditor-General's office in obtaining information from Leichhardt Council and South Sydney City Council, in particular, and placed on record her view that South Sydney Council should be condemned most resolutely for its inability to provide information and to resolve outstanding issues. Councillor Greiner commended City of Sydney Council officers, the auditors and the Auditor-General's office, notwithstanding the highly unsatisfactory circumstances. Councillor Greiner added, for the members of the public in the gallery, that South Sydney City Council was in a very parlous state in terms of its due diligence and governance.

The Lord Mayor endorsed the remarks of Councillor Greiner, and highly commended Council staff and the auditors for their efforts, patience and hard work in the circumstances.

ITEM 1. CONFIRMATION OF MINUTES**Minutes of Extraordinary Meeting of Council of Monday 17 November 2003**

Moved by Councillor Greiner, seconded by Councillor Ho -

That the minutes of the extraordinary meeting of Council of Monday 17 November 2003, as circulated to Councillors, be confirmed.

Carried unanimously.

Minutes of Council Meeting of Monday 24 November 2003

Moved by Councillor Greiner, seconded by Councillor Ho -

That the minutes of the meeting of Council of Monday 24 November 2003, as circulated to Councillors, be confirmed.

Carried unanimously.

Minutes of Extraordinary Meeting of Council of Monday 8 December 2003

Moved by Councillor Greiner, seconded by Councillor Ho -

That the minutes of the extraordinary meeting of Council held on Monday 8 December 2003, as circulated to Councillors, be confirmed.

Carried unanimously.

ITEM 1A. WENTWORTH PARK

FILE NO:

DATE: 22/12/03

MINUTE BY THE LORD MAYOR

To Council:

The upgrading of Wentworth Park has been one of the City's objectives for many years. Relocation of greyhound racing from Wentworth Park would allow reunification of the now separate parts of Wentworth Park, and the establishment of new sporting fields and passive recreation areas.

The upgrading of Wentworth Park was included as a key 'medium to long term' project in the 'Strategic Directions 2001-2005: Unlocking Opportunities for the Future' report to Council on 21 June 2001.

Greyhound racing activities at Wentworth Park are carried out by two bodies, the Greyhound Breeders, Owners and Trainers association (GBOTA) and National Coursing Association (NCA). The land is in State Government ownership and the greyhound racing complex is under the management of the Wentworth Park Sporting Complex Trust.

The NCA has approached the City and indicated that it wishes to vacate the Wentworth Park greyhound complex. Subject to GBOTA agreeing to similarly do so, the opportunity now exists to reclaim Wentworth Park as a strategic regional public open space.

The General Manager is submitting a confidential memorandum to this evening's meeting of Council, which deals with the financial aspects of the NCA proposal. I seek Council's endorsement of the vision to reclaim Wentworth Park for public open space.

RECOMMENDATION:

That arising from consideration of a minute by the Lord Mayor on Wentworth Park to the extraordinary meeting of Council on 22 December 2003, it be resolved that Council endorse the vision for new passive and active recreation spaces at Wentworth Park and support relocation of the greyhound racing activities.

(SGD) COUNCILLOR LUCY TURNBULL

Lord Mayor

Moved by Councillor Greiner, seconded by Councillor Marsden -

That arising from consideration of a Minute by the Lord Mayor to the Extraordinary Meeting of Council on 22 December 2003, on Wentworth Park, it be resolved that Council endorse the vision for new passive and active recreation spaces at Wentworth Park and support relocation of the greyhound racing activities.

Carried unanimously.

**ITEM 1B. ADDITIONAL MATTER FOR COUNCIL
ULTIMO AQUATIC CENTRE**

FILE NO:

DATE: 22/12/03

MINUTE BY THE LORD MAYOR

To Council:

Attached for consideration at the Extraordinary Meeting of Council on 22 December 2003 is a Report on the receipt of tenders for the Ultimo Aquatic Centre by the Senior Project Manager.

In addition to consideration of the tenders for the construction of the main works, the report seeks Council's approval to increase the budget from \$24 to \$25 million. The Director of City Projects advises that the budget increase is needed to cover the cost of the proposed additional splash pool with water feature, items arising out of potential final development application conditions, an increased contingency and the flexibility to incorporate a higher quality of finishes and detailing.

The current revised design for the Ultimo Aquatic Centre was developed by the prominent architect, Harry Seidler, and incorporates significant design improvements. As with the original design, in addition to a 50 metre pool, it also provides for a program pool which will alternate between hydrotherapy and leisure uses.

Council was briefed on the revised scheme, and the decision to lodge the development application for the revised scheme was unanimously approved by Council on 8 September.

Following concerns raised by the community at public meetings held in Pymont and Ultimo and in written submissions, I asked council staff and Harry Seidler Architects to look at the possibility incorporating a splash pool for toddlers in the revised design. This has now been done and the cost implications of this need to be taken into account, and the revised project endorsed. A letter from Harry Seidler, dated 18 December 2003, is attached which clarifies the design amendments and confirms the architectural superiority of the current scheme.

I bring this item forward for the consideration of Council.

(SGD) COUNCILLOR LUCY TURNBULL
Lord Mayor

Note - The Lord Mayor spoke to her Minute and other Councillors commented on it. The matter of the Ultimo Aquatic Centre was subsequently dealt with by Council in closed session as Item 18 on the agenda.

ITEM 1D. CONDOLENCES - MR DOUG HERON

FILE NO:

DATE: 22/12/03

MINUTE BY THE LORD MAYOR

To Council:

It is with great regret that I inform Council of the death yesterday of Mr Doug Heron, president of the East Sydney Neighbourhood Association

Mr Heron's professional career was in the Royal Navy but his principal occupation upon retirement was with the betterment of the East Sydney precinct and its residents.

Doug and his wife Veronica commenced married life in East Sydney, living in Darlinghurst and moving only to North Rocks for a period whilst their children were educated.

The Herons couldn't stay away and moved back to East Sydney eight years ago. The family continues a professional connection with this precinct as Doug's daughter Shae is a policewoman stationed at Surry Hills. And like his father, his son Zane is pursuing a career in the armed services.

Doug was for many years a mainstay of ESNA and had been very active since its inception in 1978. He had served on its committee and been its Vice-President as well as president over these years.

He also served more recently on the Cross City Tunnel liaison group and this attention to the detail of local representation marked his input into community affairs. He was always present at any community meetings to do with East Sydney and also represented ESNA at community meetings in Surry Hills and Woolloomooloo as well.

Since Doug retired and was to be found at home more frequently, many locals used him as a resource for advice, support and good counsel. Known by all the cafes of Stanley Street, he was the first port of call for many people asking for help.

Doug Heron was a vigorous and eloquent advocate for his community. Although his passing is an occasion of much sadness, he would have been delighted with the next Minute I bring before Council, that will record the value Council places on the Strategic Plan prepared for this area by ESNA.

I ask Council to join me in recording our gratitude to Doug Heron for his unstinting work in this community and to extend in writing to his wife Veronica, and children Shae and Zane, our most sincere condolences on his passing.

I ask those present in the Chamber to join me in a moment of silence to mark the life of Doug Heron and his contribution to East Sydney.

(SGD) COUNCILLOR LUCY TURNBULL

Lord Mayor

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

That the Minute by the Lord Mayor be endorsed.

Carried.

Note - Councillors, staff and members of the public stood in silence as a mark of respect for the late Mr Doug Heron.

ITEM 1C. EAST SYDNEY NEIGHBOURHOOD ASSOCIATION - STRATEGIC PLAN

FILE NO:

DATE: 22/12/03

MINUTE BY THE LORD MAYOR

To Council:

The East Sydney Neighbourhood Association Inc. (ESNA) is an incorporated community interest and action group. It was formed in 1978 when a group of residents came together to protest land development out of keeping with the scale and form of the existing neighbourhood of mostly small, inner city residential terraces and local businesses.

ESNA has a special relationship with the expanded City of Sydney. It was an ESNA-sponsored petition to Parliament that gave rise to the Sproats' Inquiry and ultimately to the alteration of City boundaries in May 2003.

At my direction, on 9 December this year, senior officers across several City divisions held a half-day workshop with the Executive Committee of the East Sydney Neighbourhood Association to discuss the Association's "Strategic. Plan". I took formal delivery of the Plan at the workshop's conclusion.

There is much in ESNA's Strategic Plan that is supported by the City. The document:

- Seeks to reinforce and protect the residential environment amenity of East Sydney;
- Discourages the demolition of contributory buildings within heritage conservation areas;
- Seeks to conserve the existing residential zoning of East Sydney; and
- Favours the revision of existing height and FSR controls within the LEP to give them statutory weight and assist a harmonious and compatible relationship with the established environment.

ESNA commended Council for pavement repairs and stormwater pit improvements evidenced since May 2003, and noted favourably the \$4M being spent on pavements in our new areas this financial year.

There was robust debate during the workshop on some matters that will be the subject of further workshops, including:

- The role of non-residential development generally, and adaptive re-uses of non-residential buildings, especially non-residential uses at ground level;
- The future provision of more open space, especially having regard to Hyde Park, Cook & Phillip Park and the Royal Botanic Gardens;
- The desirability of pay-parking as part of the local parking scheme, as well as thoroughgoing enforcement of parking restrictions, and
- The desirability of street closures and one-way traffic flows.

I commend the general content of ESNA's Strategic Plan to Councillors. I recommend that the receipt of the Strategic Plan be noted. I further recommend that future discussions occur to refine areas of agreement with the Association and that wherever it is appropriate, this Strategic Plan be used as a basis for informing City decisions for this precinct.

(SGD) COUNCILLOR LUCY TURNBULL
Lord Mayor

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

That arising from consideration of a Minute by the Lord Mayor to the Extraordinary Meeting of Council on 22 December 2003, on East Sydney Neighbourhood Association - Strategic Plan, it be resolved that -

- (A) it be noted that copies of ESNA's Strategic Plan will be distributed to Councillors in the next few days;
- (B) future discussions occur to refine areas of agreement with the Association; and
- (C) wherever it is appropriate, ESNA's Strategic Plan be used as a basis for informing City decisions for this particular precinct.

Carried.

ITEM 2. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 8 DECEMBER 2003

FILE NO:

DATE: 22/12/03

PRESENT

Councillor Lucy Turnbull
(Chair)

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

At the commencement of business at 6.10pm those present were -

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

Councillor Greiner arrived at the meeting of the Planning Development and Transport Committee at 6.22pm during discussion on Item 7, which had been brought forward.

Order of Business

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

3. Development Application: The Burdekin Hotel 2-4 Oxford Street Sydney
7. Development Application: 119 Macleay Street Potts Point
8. Development Application: 207-211 Darlinghurst Road Darlinghurst
4. Development Application: 299-305 Sussex Street Sydney
1. Development Plan and Development Application for 54 Regent Street Chippendale
2. Development Application: Andrew Bros House, 40 King Street/306 Kent Street, Sydney
5. Development Application: 23 Lambert Street Camperdown
6. Development Application: 12 Broughton Street Woolloomooloo
9. Heritage Floor Space: Review of Selected Clauses from Central Sydney Local Environmental Plan 1996 and Central Sydney Development Control Plan 1996

The meeting of the Planning Development and Transport Committee concluded at 7.40pm.

Report of the Committee

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

That the Report of the Planning Development and Transport Committee of its meeting of Monday 8 December 2003 be received, and the recommendations set out below for Items 2.1, 2.2, 2.6 and 2.9 be adopted, with Items 2.3 to 2.5, inclusive, and Items 2.7 and 2.8 being noted.

Carried.

The Committee recommended the following:-

PART "A" - DETERMINED BY COUNCIL

DEVELOPMENT PLAN AND DEVELOPMENT APPLICATION FOR 54 REGENT STREET, CHIPPENDALE (D2003/00422)

2.1

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 8 December 2003, in relation to Development Application made by Gormick Constructions for the site at 54 Regent Street, Chippendale, for the retention of the existing Co-Masonic Temple building for commercial use and the construction of a 5 storey rear addition comprising 20 residential units, it be resolved that:-

- (A) the application be deferred to enable the applicant to submit the following additional information/amendments relating to the proposed development at 54 Regent Street, Chippendale, within 45 days:
- (i) the proposed unit mix must comply with the DCP requirements at least in so far as studio and one bedroom units do not exceed 45% of the total; however, where there are fewer than 20 units, some flexibility is permissible if good urban design and high quality residential amenity for the units is achieved;
 - (ii) the proposed unit area must comply with the DCP requirements (with the areas to exclude any balcony areas);
 - (iii) the layout and design of the residential apartment needs to be revised to improve amenity in terms of cross ventilation, daylight access and internal unit design in accordance with the DCP requirements;
 - (iv) the provision of a setback of the proposed rear addition from the existing Co-Masonic Temple building so that the form of the existing building is not altered; and

- (v) further information to demonstrate duration/extent of overshadowing in winter, between 9.00am and 12.00 noon, onto the terraces to the south of the subject site;
- (B) authority be delegated to the Lord Mayor to determine the application after 45 days having regard to the achievement (or otherwise) of the design changes required above.

Carried.

Note - Mr Angelo Candalepas addressed the meeting of the Planning Development and Transport Committee on Item 2.1.

DEVELOPMENT APPLICATION: ANDREW BROS HOUSE, 40 KING STREET/306 KENT STREET, SYDNEY (D 03/01000)

2.2

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 8 December 2003, in relation to Development Application D 03/01000 made by Griffin Corporation for the site at 40 King/306 Kent Street (Andrew Bros. Building), Sydney, for minor entry works, removal of brick cladding and award of Heritage Floor Space, it be resolved that:-

- (A) subject to clause (C), Council approve the Conservation Management Plan prepared by Clive Lucas, Stapleton & Partners Pty Ltd dated September 2003, for the purpose of guiding development and maintenance of the site and allowing an award of Heritage Floor Space;
- (B) consent be granted subject to the conditions as detailed in the subject report; and
- (C) Council staff investigate whether any existing unauthorised signage exists within the ground floor convenience store tenancy and the applicant be put on notice that any unauthorised works will need to be rectified as a matter of urgency and prior to any award of Heritage Floor Space.

Carried.

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

The Planning Development and Transport Committee recommended that Council note that Items 2.3 to 2.5, inclusive, and Items 2.7 and 2.8 were dealt with by the Planning Development and Transport Committee under delegated authority.

Carried.

DEVELOPMENT APPLICATION: THE BURDEKIN HOTEL 2-4 OXFORD STREET SYDNEY (D2002/00780)**2.3**

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

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee of Council on 8 December 2003, in relation to Development Application D2002/00780 made by Hotville Pty Ltd for the site at 2-4 Oxford Street Sydney, to extend the hours of operation to 24 hours a day and provide public entertainment throughout the premises, it be resolved that the application be approved subject to the following conditions:

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D/02/00780 dated 19 July 2002 and as amended by the following conditions:

FIRE SAFETY UPGRADE WORKS PRIOR TO COMMENCEMENT OF POPE

- (2) Prior to the issue of a POPE approval under Section 68 of the Local Government Act, the following essential fire safety upgrade works are to be carried out to the satisfaction of Council.
 - (a) The lift shaft within the foyer stair shall be fire separated with construction having a FRL of not less than 60/60/60.
 - (b) The foyer stair shall be fire-isolated in accordance with D1.3(b) of the BCA.

Basement Level

- (c) The rising and descending stair flight between the basement and ground floor level shall be separated in accordance with D2.4 of the BCA.
- (d) Alternatively, a fire engineered solution prepared by a suitably qualified fire engineer based on the assessment of points (a), (b) and (c) above under Performance Requirements CP1, CP2, CP3, CP4, DP1, DP2, DP4, DP5, and EP2.2 shall be submitted to Council for assessment. Please note that alternative solutions for egress will not be accepted by Council.
- (e) An additional exit with an unobstructed width of not less than 1m is required from the basement level. It is suggested that the existing single Liverpool Street exit at the top of the tiled stairs be increased in width and the exit door swing in the direction of egress. Please note that outward opening doors are not permitted to swing over the Council's footpath.

Ground floor

- (f) The door of the single required exit leading out to Liverpool Street shall be made to swing in the direction of egress and not encroach upon the public footway. This is considered to be a required exit.
- (g) The door leading into the fire isolated stair shall be made to swing in the direction of egress.

Upper Levels 1, 2 and 3

- (h) Additional sanitary facilities are to be provided to levels 1, 2 and 3 in accordance with Table F2.3 for '9b public halls, function rooms or the like'. The capacity of males and females, including staff used to determine the additional number of toilets shall meet the requirement of NSW D1.6(h) (i) where the aggregate width of an exit from each floor/storey must not be less than 2m plus 500mm for every 50 persons or part in excess of 200. In this regard the capacity level for each floor shall be less than 200 persons due to the existing required exit widths.

Ceilings of each floor level

- (i) Details shall be provided that the material of the ceiling for each floor has a resistance to the incipient spread of fire of at least 60 minutes. The requirements of a ceiling to have a resistance to the incipient spread of fire shall be in accordance with A2.5 of the BCA.

Smoke Hazard Management

- (j) Compliance with smoke hazard management requirements for night clubs, discotheques and other licensed premises providing entertainment (Auditoriums) as detailed by NSW Table E2.2b of Clause NSW E2.2b is required.

Roof Level

- (k) It is recommended that the amendments required above for the building are to meet the requirements of the BCA for a Place of Public Entertainment incorporate any future proposal for use of the roof level.
- (3) For licensed premises, in addition to the sign showing the Licensee's name, there shall be affixed alongside, details of the maximum number of persons permitted in the premises, in letters not less than 25mm, displayed at the main front entrance of the premises. The overall size of both signs shall not exceed 600mm in height or width in total.

HOURS OF OPERATION

- (4) Subject to the satisfaction of the requirements in conditions (2) and (3) above, the hours of operation are regulated as follows:

- (a) The hours of operation of the premises shall be restricted to between 8.00am and 11.00pm Mondays to Saturdays and 10.00am to 10.00pm Sunday.
- (b) Notwithstanding (a) above, the premises may operate from 8.00am to 2.00am the following day on Monday, Tuesday, Wednesday and Thursday and from 8.00am Friday continuous until 12.00 midnight Sunday for a trial period of 1 year from the date of this consent. The operator shall advise Council in writing of the date of commencement of the use as a place of public entertainment following completion of required fire safety works and Council's issue of a Section 68 approval.
- (c) A further development application or Section 96 Modification application may be lodged before the expiration of the one year period for Council's consideration for the continuation of the extended hours of operation.

PLACE OF PUBLIC ENTERTAINMENT

(5)

- (a) Prior to commencement of the use of the premises as a Place of Public Entertainment, approval under Section 68 of the Local Government Act 1993 must be obtained from Council.
- (b) The Place of Public Entertainment is limited to the basement, ground, first and second floor levels of the premises, for a one year trial commencing the date of the Section 68 approval. After the one-year trial, the operator may apply to have the POPE approval extended to the upper level, depending upon the nature of the operation during the trial period.

Note: Use of the upper level of the hotel as a place of public entertainment would require separate Development Approval and Section 68 POPE Approval from Council.
- (c) Where a licensed premises holds, or obtains a Place of Public Entertainment Approval, each specific area to which the approval refers shall display in a prominent position, a sign which states "This Area Is Approved for 'x' Persons" in letters a minimum of 25mm in height on a contrasting background.
- (d) The maximum capacity of the venue shall be in accordance with the population approved in the Section 68 POPE approval.

DISABLED ACCESS

- (6) Provide details of disabled access in accordance with Part D3 of the BCA.

EGRESS

- (7) Unobstructed access shall be provided and maintained to all exits at all times, and egress doorways shall be protected in accordance with Clause D1.10 of the Building Code of Australia.

FOOD PROVISION/ALCOHOL

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

CCTV

- (9) The Management/Licensee shall install CCTV surveillance cameras in and around the premises, placed in strategic places such as the external entrance and exit doors. The surveillance tapes shall be kept for a period of 14 days for viewing by the police upon request.

NOISE - USE

- (10) 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

- (11) 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) and (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.

NOISE MONITORING

- (12) The applicant shall appoint a suitably qualified acoustic engineer to measure and verify that noise emanating from the premises, at the nearest residential boundary, is not above the ambient background noise level (with such measurement being made between 8.00pm and midnight), while entertainment is being provided on the first 3 occasions and shall make recommendations to ensure the entertainment is inaudible at the nearest residential property. The results of such measurements shall be submitted to Council and no further public entertainment shall take place until such time as any necessary recommendations of the acoustic consultant or other matters considered appropriate by Council have been satisfactorily implemented.
- (13) Should complaints or breaches of noise regulations occur, the Council may employ a suitably qualified acoustic engineer to measure noise emanating from the property and to recommend appropriate action. The cost of such appointment and associated work shall be borne by the licensee, who shall also ensure the recommendations of the acoustic consultant are implemented.

All windows and doors in the building, except where required for direct ingress/egress, are to be kept closed to prevent noise spill into the surrounding street.

SECURITY/MANAGEMENT

- (14) Licensed security personnel must be deployed when the premises are open after midnight at a ratio of one security person to 100 patrons. The security personnel are to monitor patrons leaving the venue and where possible direct them towards Oxford Street and away from the residential streets to the north of the site.
- (15) The Licensee shall prepare and submit a Security Management Plan which specifies appropriate security patrol, training of staff, uniforms, numbers of security staff at different times, surveillance, weapons detection and other security and response methods in and around the site, for approval of Council prior to commencement of the use.
- (16) The Management/Licensee shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard the management shall be responsible for the control of noise, loitering and litter generated by patrons of the premises and shall ensure that people leave the premises and area in an orderly manner.
- (17) The Management/Licensee shall prevent patrons removing glasses, opened cans, bottles or alcohol from the premises (except from any approved Bottle Shop area).
- (18) The Licensee is encouraged to adopt the principles of the City of Sydney Accord with Licensed Premises (contact the City Service Development Unit 9265 9003 for information).
- (19) Signs shall be placed in clearly visible positions within the hotel requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.

SIGNS

- (20) 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.

WASTE/CLEANING

- (21) The removal of recycled bottles and glasses shall only occur between 7.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.
- (22) In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the building shall ensure that the footpath, gutter, building entry and surrounds are kept clean and clear of litter at all times.
- (22a) The whole premises must be cleaned thoroughly each day.
- (23) The owner of the building shall be responsible for the removal of any graffiti from the building within 48 hours of the graffiti appearing.

RECEPTACLES FOR CIGARETTE BUTTS

- (24) 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.

WASTE REMOVAL

- (25) A Waste Management and Street Environment/Litter Control Plan is to be submitted and approved by the Director City Development, prior to the commencement of the use. The plan is to provide all appropriate details including:
- (a) Evidence of a trade waste collection contract with Council or other licensed waste collection contractor.
 - (b) Details of generation rates and waste storage facilities within the building and verification that existing facilities can accommodate the storage, recycling and collection requirements of the proposed use.
 - (c) Procedures for the cleaning of the public way and daily removal of litter generated by patrons.
 - (d) 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.
- (26) In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the building shall ensure that the footpath, gutter, building entry and surrounds are kept clean and clear of litter at all times.

SANITARY FACILITIES

- (27) Sanitary and other facilities must be provided in accordance with the Building Code of Australia, Part F2.
- (28) 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.
- (29) 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.

Carried unanimously.

Note - Mr Charlie Canceri addressed the meeting of the Planning Development and Transport Committee on Item 2.3.

DEVELOPMENT APPLICATION: 299-305 SUSSEX STREET, SYDNEY (D2003/00837)**2.4**

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

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 8 December 2003 in relation to Development Application D2003/00837 made by Posei Pty Ltd for the site at 299-305 Sussex Street, Sydney for demolition of the existing warehouse building and the construction of a new 9 storey commercial building with an upper level of building plant and 4 ground floor retail tenancies and basement parking for 9 cars, it be resolved that:

- (A) Consent be granted subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

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

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

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D2003/00837 dated 21 August 2003 and the following:
 - (a) Statement of Environmental Effects titled "299-305 Sussex Street, Sydney" dated August 2003 and prepared by City Plan Services;
 - (b) and drawings numbered DA00, DA01 Issue A to DA 20 Issue A Project No. SS001 dated 31.07.03 and prepared by Posei P/L and as amended by the following conditions:

APPROVED DESIGN

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

LEVELS 8 (commercial floor) AND 9 (plant)- SETBACK FROM SUSSEX STREET

- (3) Levels 8 and 9 of the development shall be redesigned to be setback a minimum of 2.7 metres from the eastern boundary of the site (Sussex Street) at RL 46.82 to align with the street wall height of 289 Sussex Street (Millennium Towers). In redesigning levels 8 and 9, the existing façade detail may be retained to a maximum height to RL 54.17 with the floorplate setback 2.7 metres behind the façade alignment (ie. to create a screen). An alternative treatment for the façade at levels 8 and 9 may be considered. The setback area may also be designed as a roof terrace.

Final details for the design of Level 8 and 9 must be submitted to Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

APPROVED DESIGN ROOF-TOP PLANT

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

Final details for the design of the roof top plant incorporating a 2.7 metre setback at Level 9 from the eastern property boundary (Sussex Street) must be submitted to Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

ENERGY EFFICIENCY OF BUILDINGS

- (5) The design of the building and its services must achieve a rating of 4.5 stars under the Sustainable Energy Development Authority's (SEDA's) Australian Building Greenhouse Rating Scheme. This can be demonstrated by:
- (a) Entering into a Commitment Agreement⁽ⁱ⁾ with SEDA, to deliver this star rating⁽ⁱⁱ⁾ for the base building⁽ⁱⁱⁱ⁾, being services traditionally supplied as 'common' to tenants^(iv), such as air conditioning, lifts and common area lighting) or for the whole building^(v) where there is to be one tenant to occupy the whole building. The applicant must provide a copy of the completed Commitment Agreement with their construction certificate application; and
 - (b) Providing a copy of the independent energy assessment report submitted to SEDA and submitted as part of the construction certificate application, that follows the current guidelines in SEDA's Australian Building Greenhouse Rating Scheme Design Energy Efficiency Review and the Energy Efficiency Design Review.xls. This report should be based on the same documents as submitted with the construction certificate.

Note:

- (i) Definitions referred to in clause 1(a) above:-
 - a. 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.
 - b. 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.

- c. 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).
- d. Base building means central services and common areas of a building (Source: SEDA, September 2001).
- e. 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

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

- (a) The Floor Space Ratio of the proposal must not exceed 7.5:1 calculated in accordance with the Central Sydney Local Environmental Plan 1996. For the purpose of the calculation of FSR, the Floor Space Area of the development is 3,348sqm. Some loss in FSR may result from compliance with Condition 3.
- (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

BUILDING HEIGHT

(7)

- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed the following RLs (AHD):
 - (i) Sussex Street façade (east elevation) and James Lane (west elevation) and south elevation: RL 54.17.
 - (ii) Sussex Street column fins: RL 55.97
 - (iii) James Lane architectural raked wall: RL 59.89
- (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).

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (8) Archival recording for deposit in the City of Sydney Archives must be carried out prior to the removal of any significant building fabric or furnishings from the site, during the removal of fabric on site that exposes significant building fabric or furnishings, and after work has been completed on site, as considered appropriate by the conservation architect commissioned for the project.
- (a) The archival record of significant building fabric or furnishings from the site must be submitted to Council prior to the commencement of any demolition work and prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
 - (b) The archival record of significant building fabric or furnishings from the site that is exposed during demolition or construction and after work has been completed on site is required to be submitted to Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.
 - (c) The form of recording is to be as follows:-
 - (i) Photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:-
 - (ii) 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
 - (iii) 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and one copy of a contact sheet printed on fibre-based paper to archival standards;
 - (iv) selective black and white enlargements to be advised by Council, printed on fibre-based paper to archival standards to a minimum size of 20cm x 25cm, illustrating the location and context of the site/building, the relationship of adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;
 - (v) A summary report of the photographic documentation, detailing;
 - a. the project description, method of documentation, and any limitations of the photographic record; and
 - b. photographic catalogue sheets, which are referenced to a site plan and floor plans no larger than A3, and indicating the location and direction of all photos (black & white prints and slides) taken.

- (vi) Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.

KERBSTONES AND GUTTERING

- (9) The existing kerbstones and guttering (approximately 6.7metres) in the location of the newly proposed driveway entrance off James Lane is to be retained in this location but lowered or dropped to the match the finished level of the new driveway and James Lane. Such details are to be submitted to Council's satisfaction and approval as part of the Public Domain Plan.
- (10) New kerbstones to match the existing kerbing in James Lane are to be used to infill the gap in the kerbing created by the redundant driveway access off James Lane. Such details are to be submitted to Council's satisfaction and approval as part of the Public Domain Plan.

PHYSICAL MODELS

- (11) 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
- (12) 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.

CONSISTENCY OF DRAWINGS

- (13) 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.

PROJECT ARCHITECT

- (14) The architect of the project, Posei P/L, as approved should not be changed without prior notice to Council.

DEMOLITION/SITE RECTIFICATION

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

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued under the Environmental Planning and Assessment Act 1979 for construction of the substantive building.
- (b) Prior to issue of the Construction Certificate, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the General Manager of the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:-
 - (i) a bank guarantee to be provided in the sum of \$112,000 dollars as security for the costs of such works provided that:-
 - a. the maximum liability under the Deed shall not exceed \$112,000 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works which meet the objectives of the condition.
 - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the structure has commenced to be erected;that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
 - e. make the building safe and attractive at ground level;

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

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

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

ROLLER SHUTTERS

- (16) Final design details for the roller shutter are to be submitted for the approval of Council prior to the release of the Construction Certificate under the Environmental Planning and Assessment Act 1979.

TREATMENT OF THE SOUTHERN BUILDING ELEVATION

- (17) An alternative treatment for the southern elevation of the building is to be submitted for the approval of Council prior to the release of the Construction Certificate. The introduction of an alternative treatment to the southern façade of the building to add interest to this exposed wall which rises 5 levels above the Samuel Hordern Building is required, including exploring the introduction of additional openings.

BOUNDARY COVENANT- Levels 7 and 8 roof terraces

- (18) The roof terraces and any other openings constructed on the southern boundary of the site must be sealed, bricked up or otherwise enclosed, prior to the construction of any building abutting, adjoining or adjacent to such windows. A covenant to the approval of Council is to be placed on the title of Levels 7 and 8 to this effect. Evidence of the creation of the covenant is to be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

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

COST SUMMARY REPORT – CONCURRENT WITH ISSUE OF CONSTRUCTION CERTIFICATE

- (19) 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 & 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.

REPORT TO BE COMPLIED WITH

- (20) The development shall be in accordance with the recommendations of the following reports as contained in the Statement of Environmental Effects prepared by City Plan Services titled "299-305 Sussex Street, Sydney" and dated August 2003:
 - (a) 'Impact on Heritage Townscapes' prepared by City Plan Heritage and undated .
 - (b) 'Traffic and Parking Report' prepared by Transport & Traffic Planning Associates and dated June 2003.
 - (c) 'Wind, Reflectivity & Energy Report' prepared by Vipac Engineers and Scientists Ltd dated 9th July 2003.
 - (d) 'DA Acoustic Impact Assessment' prepared by prepared by Vipac Engineers and Scientists Ltd dated July 2003.
 - (e) 'Building Code of Australia Assessment Report' prepared by City Plan Services and dated 6th August 2003.
 - (f) 'Archaeological Assessment- 299-305 Sussex Street, Sydney' prepared by City Plan Heritage and dated August 2003.

Design details responding to the recommendations of the 'Wind, Reflectivity & Energy Report' must be submitted for the approval of Council prior to the release of the Construction Certificate.

BUILD WORKS NOT TO DAMAGE THE ADJOINING BUILDING

- (21) The proposed works are to be carried out in a manner that minimises demolition, alterations, new penetrations/fixings to the significant fabric of the remaining Samuel Hordern Building to the south of the subject site and James Lane.

ARCHAEOLOGICAL INVESTIGATION

- (22) All demolition and construction excavation is to be supervised by a qualified archaeologist.
- (23)
 - (a) The applicant must apply to the Heritage Office for an excavation permit under Section 140 of the Heritage Act 1977.

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

Note:

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

INTERPRETATION STRATEGY

- (24) Prior to the issue of a Construction Certificate an Interpretation Strategy for the site must be submitted to and approved by the Director City Development.
- (25) The Interpretation Strategy should include, but is not limited to, the provision of details, of public art interpretation through design and/or the display of selected artefacts and/or other material, appropriate to the education of the public in the history and significance of the site. In the event that archaeological remains and relics are found on the site, the Interpretation Strategy is to be revised and resubmitted for Council's approval prior to the issue of an Occupation Certificate.
- (26) The approved Interpretation Strategy shall be implemented to the satisfaction of the Director City Development prior to the registration of an Occupation Certificate.

FAÇADE DETAILING

- (27) An accurate, archival measured drawing of the existing building is to be submitted for Council approval prior to the issue of an Occupation Certificate. The drawing is to include existing set out dimensions of the Sussex Street pilasters and their width, and the relative levels (to Australian Height Datum) of principle features including parapets.
- (28) Traditional building materials salvaged from the site including structural and decorative stonework, bricks, timber, and metalwork (in particular, cast iron and glass pavement lights) are to be recycled through established dealers in architectural salvage, if practicable, to the satisfaction of the Director City Development and Projects. A work method statement is to be submitted for Council approval prior to the issue of a Construction Certificate.
- (29) The face brick sections on the Sussex Street Elevation of the new building are to be clad in cleaned bricks salvaged from the demolished Sussex Street façade, unless otherwise agreed by the Director City Development and Projects. The face brick sections of the new building on the James Lane elevation are to be clad in cleaned bricks salvaged from the James Lane elevation of the demolished building, where practicable. Details to address this condition are to be submitted for the approval of Council prior to the issue of a Construction Certificate.
- (30) The brick pilasters of the new Sussex Street façade are to closely match width and street alignment and structural grid set out of the pilasters of the demolished façade. The horizontal brick joint set out is to exactly match of the existing brick work of the adjacent surviving building (note that this will result in bed joints less than the standard 10mm) and brick perpendents will be of a corresponding thickness. Details to address this condition are to be submitted for the approval of Council prior to the issue of a Construction Certificate.
- (31) The brick pilasters on the new Sussex Street elevation are to be capped by appropriate materials to match those of the existing corresponding stone parapet blocks on the adjacent building to the south. The blocks are to be finished smooth to complement the contemporary aesthetic of the new building. Details to address this condition are to be submitted for the approval of Council prior to the issue of a Construction Certificate.
- (32) Concrete or rendered elements scheduled for paint finish, and in particular, the concrete walls to James Lane, are to be finished in mineral-based paints to Council's approval. Polymer based finishes such as acrylic paints, are not be used. The intent of this condition is to ensure surface qualities consistent with the stone and unpainted brickwork of the surviving elements of the Hordern's Buildings. The final finishes and colours for the treatment of this wall are to be submitted for the approval of Council prior to the release of the Construction Certificate.

STRATA PLAN APPROVAL

- (33) A separate development application must be submitted at the appropriate time for the strata subdivision of the building.

PAVEMENT LIGHTS

- (34) 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.
- (35) The pavement light in Sussex Street are to be repaired and maintained to the satisfaction of Council. A report detailing the repair to the pavement lights and their ongoing maintenance is to be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. All works in relation to the repair of the pavement lights must be completed to the satisfaction of Council prior to the issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.

EXTERNAL LIGHTING

- (36) A separate development application is required to be lodged for any proposed external floodlighting or illumination of the building. Such application shall be submitted and approved by Council prior to the installation of any external lighting.

BUILDING NAME

- (37) 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 APPROVAL FOR USE OF RETAIL TENANCIES

- (38) A separate development application must be submitted at the appropriate time for the specific use of the retail tenancies within the development.

SIGNS

- (39) 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.

SIGNAGE STRATEGY

- (40) A Signage Strategy which identifies the number, type, size and location of signs (and their illumination as appropriate) to ensure adequate way finding, naming of building and tenancies within the development shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

ANNUAL FIRE SAFETY STATEMENT

- (41) 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.

Schedule 1B

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

- (42) 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

- (43) The following design details shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (a) The raked wall design details including panel installation and junction detailing.
 - (b) The shopfront details for Sussex Street at a scale of 1:50.
 - (c) A typical sectional detail at a scale of 1:50 detailing the Sussex Street facade and decorative screen resolution at Levels 8 and 9.
 - (d) The design resolution of the ground floor James Lane (western elevation) including relocation of the roller shutter door for the carpark to the building alignment.

EXHAUST FOR FOOD

- (44) Adequate provision shall be made in the retail tenancies for the installation of a mechanical exhaust ventilation for future food premises where cooking, heating or similar food preparation can be carried out.

INSTALLATION OF DUAL-FLUSH TOILETS

- (45) 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 SHOWER HEADS AND TAPS

- (46) All shower heads and 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

- (47) 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

- (48) 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.

PUBLIC ART

- (49) High quality art work shall be provided within the development in publicly accessible locations eg. near main entrances, lobbies and street frontages, in accordance with the Central Sydney DCP 1996 and the ‘Public Art Policy’.

Details of the art work must be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

PUBLIC DOMAIN PLAN

- (50) The public domain plan is to address the following requirements and those detailed in Conditions 9, 10 and 35 of this consent:-

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

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

Note:

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

ELECTRICITY SUBSTATION

- (51) The owner is to liaise with Energy Australia regarding the requirements for connection into the existing substation No.5009 in Bathurst Street prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 to ensure that the installation in factor into the final design of the building.

TOILETS AVAILABLE FOR USE BY PUBLIC

- (52) The toilet facilities at ground floor level of the building 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

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

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

(54)

- (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.

ACCESS FOR PERSONS WITH A DISABILITY

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

TELECOMMUNICATIONS PROVISIONS

- (56) The following requirements apply to telecommunication facilities in the building:-
 - (a) Appropriate access and space within the plant area of the building shall be provided for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery.
 - (b) Appropriate ducting and cabling shall be provided for a minimum of three telecommunication carriers or other providers for telecommunication access and broad-band cabling to each apartment of the building.
 - (c) The details of (a) and (b) above shall be submitted for the approval of the certifying authority, prior to issue of a construction certificate for the building under the Environmental Planning and Assessment Act 1979.

EXTERNAL RECEIVING DEVICE

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

GLAZING

- (58) All glazing at the ground floor level of the building is to be clear and untinted.
- (59) 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.

AWNINGS

- (60) The awning/canopy must comply with the City of Sydney Awnings Policy 2000. Details of the awning design must be submitted for the approval of Council prior to issue of the Construction Certificate under the Environmental Planning and Assessment Act 1979.

UNDER AWNING LIGHTING

- (61) The awning shall be provided with lighting to ensure pedestrian safety. Such lighting shall be at a minimum level of 10 lux in the horizontal and vertical plane.

Details of the lighting is to be submitted for the approval of Council prior to issue of the Construction Certificate under the Environmental Planning and Assessment Act 1979.

CAR PARK ENTRY FINISH

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

PAVING MATERIALS

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

CAR PARK AND SERVICE VEHICLE LAYOUT

- (64)
- (a) The layout plan of the carpark is to be in accordance with Australian Standard AS 2890.1 - 1993 "Parking Facilities Part 1: Off Street Car Parking". All parking spaces are to be linemarked.
 - (b) The layout of the service vehicle areas is to comply with Australian Standard AS 2890.2 - 1989 "Off Street Parking Part 2 - Commercial Vehicles Facilities".
 - (c) The details shall be submitted to and approved by the certifying authority prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

VEHICULAR SPACES

- (65) The following car parking requirements apply:-

- (a) The approved vehicle spaces shall be allocated on the development site as follows:
 - 9 business/commercial premises spaces;
 - 2 of service vehicle spaces located close to service entrance (to be common property);
 - 1 of motor cycle parking space.
 - (b) 1 space for cycle racks or equivalent cycle storage area. A room containing a shower and change area must be provided close to the cycle racks.
 - (c) 1 of the above car parking spaces are to be for people with mobility impairment, in accordance with AS 2890.1.
 - (d) 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.
- (66) The following conditions apply to car parking:
- (a) The on-site car parking spaces, exclusive of service carspaces, 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.
- (67) The stacked parking spaces 8 and 9 shall be assigned to the same owner and must be allocated and marked according to this requirement. If the development is to be strata subdivided, the carpark layout must respect this allocation. Similarly, the loading areas and bicycle area must be common property.
- (68) All vehicles shall enter and exit the site in a forward direction.
- (69) The vertical clearance within the carpark providing access to and including the loading bays is to have a minimum clear height of 3.2 metres.
- (70) A convex mirror and a "STOP" sign shall be installed at the vehicle exit point close to the building façade.
- (71) An "ALL TRAFFIC LEFT" sign shall be provided and maintained on-site at the egress to compel vehicles to stop before turning left onto the one-way James Lane.
- (72) All areas traversed by cars shall have a minimum clear height of 2.2 metres.
- (73) All cost of traffic management measures associated with the development shall be borne by the developer.

STORMWATER AND DRAINAGE

(74) 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

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

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

ALIGNMENT LEVELS

- (76) 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.
- (77) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the Application for a Construction Certificate.

STORAGE AND WASTE HANDLING

- (78) 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 an Certificate.

RECYCLING AREAS

(79) 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.

FIRE CONTROL CENTRE

(80) In accordance with Clause 188 of the Environmental Planning and Assessment Regulation, approval must be obtained from the NSW Fire Brigade to the effect that the Fire Control Centre is accessible to comply with Clause E1.8 of the Building Code of Australia prior to the issuing of the Construction Certificate under the Environmental Planning and Assessment Act 1979.

SANITARY FACILITIES

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

DETAILS OF HEALTH ASPECTS

(82) 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: STANDARD REQUIREMENT - Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2); and

- (b) car park ventilation systems: STANDARD REQUIREMENT - Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2).

GEOTECHNICAL REPORT AND CERTIFICATION

(83) 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

- (i) An appropriately qualified practising geotechnical engineer certifying by completing Attachment G1 must have:-
 - a. Appropriate tertiary qualifications in civil or geotechnical engineering; AND

- b. Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - c. Evidence of relevant experience in the form of a CV/Resume;
 - d. Appropriate current professional indemnity insurance.
- (ii) An appropriately qualified practising 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 INSPECTION & TESTING

- (84) 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.

METAL FIXINGS FOR FAÇADE PANELS OR CURTAIN WALL

- (85) 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.

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

- (86) 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

- (87) 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.

- (88) 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.

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

OTHER DEMOLITION DETAILS

(90) 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.

NOTIFICATION OF EXCAVATION OF EXCAVATION WORKS

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

WATER AND SEDIMENT CONTROL STATEMENT FOR DEMOLITION AND EXCAVATION

- (92) 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

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

WASTE MANAGEMENT DURING DEMOLITION AND EXCAVATION

- (94) 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.
- (95) 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.
- (96) The Waste Management Plan must address demolition and excavation, as applicable. The Plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:-
- (a) Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
 - (b) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition and excavation operations including:-
 - (i) Type and quantities of material expected from demolition and excavation;
 - (ii) Name and address of transport company;
 - (iii) Address of proposed site of disposal;

- (iv) Name/address of company/organisation accepting material;
 - (v) Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
 - (vi) Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
 - (vii) Material for disposal and justification of disposal;
 - (viii) If details of items (ii) to (vii) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contracts.
- (97) 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.

- (98) 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.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (99) 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

- (100) A separate Road Opening Permit under Section 138 of the Roads Act 1993 shall be obtained from City Care Unit of the City of Sydney prior to the commencement of any:-
- (a) Excavation in or disturbance of a public way, or
 - (b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).
 - (c) Documents required with the Road Opening Permit application include:-
 - (i) A plan and relevant sections showing scope of works, boundaries, utility services, levels of proposed excavation, and details of method of reinstating public way;
 - (ii) Evidence that public utility drawings have been inspected;
 - (iii) 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;
 - (iv) A Security Deposit for reinstatement of public way.
 - (d) The Road Opening Permit will be subject to further conditions that shall be complied with.

BARRICADE PERMIT

(101) Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

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

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

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

HOARDING

(103) The following protective measures shall be provided under any hoarding on the public footway during construction of the development to the satisfaction of the Council:-

- (a) Plastic sheeting to cover the stone paving;
- (b) Minimum 12mm thick plywood on top of the plastic sheeting; and
- (c) These measures shall be maintained in a safe and tidy condition for the duration of construction.

CONTROL OF VERMIN

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

USE OF MOBILE CRANES

(105) Permits required for use of mobile cranes:-

- (a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (b) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes shall not be delivered to the site prior to 7.30am without the prior approval of Council.

CERTIFICATION OF MECHANICAL VENTILATION

(106) 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.

(107) 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

(108) Prior to the commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council (if it was not the PCA):

- (a) Structural Drawings showing all new fully detailed structural elements, prepared by an appropriately qualified practising Structural Engineer, corresponding with and attached to a Structural Certificate (see (b));
- (b) Structural Certificate/s for Design, of all new fully detailed structural elements and for checking any structural elements supporting the new work, submitted in the form of Attachment S1A completed by the Project/Principal Engineer and S1B completed usually by the Architect, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979), after the structural drawings have been checked and comply with:
 - (i) The relevant clauses of the Building Code of Australia (BCA);
 - (ii) The relevant conditions of Development Consent;
 - (iii) The Architectural Plans incorporated with the Construction Certificate; and
 - (iv) The relevant Australian Standards listed in the BCA (Specifications A1.3);
 - (v) Any other relevant report/s or documents. Specify on Attachment S1A.
- (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.

Notes:

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

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

Schedule 1D

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

DEMOLITION WORKS

(109) 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.

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

HOURS OF WORK AND NOISE

- (111) 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

- (112) 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

(113) 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.

ENVIRONMENTAL MANAGEMENT PLAN

(114) Prior to the commencement of any demolition, excavation or 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 necessarily be limited to the following measures:

- (a) Measures to control noise emissions from the site.
- (b) Measures to suppress dust emissions from the site.
- (c) Soil and sediment control measures.
- (d) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos.
- (e) Community consultation.

COMPLAINTS HOTLINE

(115) A 24-hour Complaints Hotline shall be provided and displayed on site by the applicant (clearly visible from the site) with complaints directed to a designated person to receive and act upon all complaints in respect to noise from demolition, excavation and construction activities from the building site.

LOADING AND UNLOADING DURING CONSTRUCTION

(116) The following requirements apply:-

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

- (c) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a construction or work zone may be considered by Council. The applicant shall submit a proposal to the Sydney Traffic Committee stating justification for not complying.
- (d) In addition to any approved Work Zone, provision must be made for loading and unloading to be accommodated on the site once the development has reached ground level.
- (e) If a Work Zone is warranted, such an application must be made to Council prior to the commencement of work on the site. An approval for a Work 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 construction activities.

PROTECTION- STREET TREES

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

ENVIRONMENTAL PROTECTION

- (118) 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.

SOIL AND SEDIMENT PROSECUTION NOTE

(119) The applicant and/or employees, agents or subcontractors may be liable to prosecution under the Environmental Planning & 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.

NO OBSTRUCTION OF THE PUBLIC WAY

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

DRIVEWAY CONSTRUCTION

(121) 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.

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

Note:

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

Schedule 1E

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

NUMBERING

(123) 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.

CITY OF SYDNEY COMPLIANCE INSPECTIONS

- (124) The purpose of this condition is to ensure that the Council is given sufficient notice prior to the issuing of the Occupation Certificate to carry out inspections of soon to be completed buildings, where Council considers it necessary. In doing so, this ensures that the Council is able to provide an independent analysis of whether the building is constructed to a standard that complies with the BCA and in accordance with the development consent.
- (a) The applicant and building owner are to note that it is an offence under S.109N of the Environmental Planning and Assessment Act 1979, to occupy or use a building in whole or in part, unless an Occupation Certificate has been issued in relation to the building or the part.
 - (b) A maximum penalty of 25 penalty units applies under the provisions of the Environmental Planning and Assessment Act 1979, for the contravention of the above requirements.
 - (c) Council officers may undertake random inspections from time to time during construction and toward the end of building works to ensure that buildings or part of buildings are not occupied without a partial or final Occupation Certificate, and to check compliance with conditions of development consent and the BCA.
 - (d) In the event that a Principal Certifying Authority (PCA) other than Council is appointed, written notice shall be given to Council (whether by the developer, builder or other person relying on the development consent) on each of the following occasions:
 - (i) Within 7 days of installation of services, such as plumbing, mechanical ventilation and the like which penetrate fire rated walls and slabs (excluding basement areas); and
 - (ii) 7 days prior to the installation of false ceilings or cornices which abut fire rated walls and slabs; and
 - (iii) 14 days prior to the final inspection to be carried out by the PCA for the purpose of issuing an Occupation Certificate.
 - (e) The PCA shall be advised in writing (whether by the developer, builder or other person relying on the development consent) of Council's requirements pursuant to paragraph (d).
 - (f) This reserves time for Council or persons appointed by Council to conduct any random inspections Council may choose to do, prior to the issue of the Occupation Certificate, in order to ensure that buildings or part of buildings are not occupied without a partial or final occupation certificate, and to undertake random audits of certified works.

OCCUPATION CERTIFICATE

- (125) 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

- (126) 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.

BCA - MATERIALS

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

BCA - GLAZING

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

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (129) 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.

- (130) Prior to issue of an Occupation Certificate and/or prior to commencement of the use the building owner must ensure that there is a contract either with Council or a licensed contractor for the removal of trade waste. No garbage is to be placed on the public way eg. Footpaths, roadways, plazas, and reserves at any time.

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

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

CERTIFICATION FOR STRUCTURAL INSPECTIONS

(132) 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.

(133) 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

(134) 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.

COOLING SYSTEMS

(135) All warm water or water cooling systems installed on the premises must comply with the requirements of the Public Health Act 1991, Public Health (Microbial Control) Regulation 2000 and Australian Standard 3666 – Air-handling and water systems of buildings - Microbial Control.

(136) Prior to commencement of use the owner or occupier of the premises must apply to Council for the registration of water cooling systems and warm water systems installed on the premises in accordance with the Public Health (Microbial Control) Regulation 2000.

VENTILATION

(137) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2).

CAR PARK VENTILATION

(138) That the car park shall be ventilated in accordance with the Building Code of Australia (if using deemed to satisfy provisions AS1668, Parts 1 & 2).

WASTE REMOVAL

(139)

- (a) Prior to issue of an Occupation Certificate and/or prior to commencement of the use, the building owner must ensure that there is a contract either with Council or a licensed contractor for the removal of all waste. No garbage is to be placed on the public way, eg. footpaths, roadways, plazas, reserves, at any time.

Note: It should be noted that this development being serviced apartments is not subject to a domestic garbage levy and therefore a domestic service will not be provided by Council.

COMMEMORATIVE PLAQUE

(140) 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.

NUMBERING

(141) 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.

(142) 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

(143) 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).

Schedule 1F

Conditions to be complied with during the use of Premises

LOADING AND UNLOADING

(144) All loading and unloading operations must be carried out via the rear entrance off James Lane at all times.

REMOVAL OF GRAFFITI

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

SPIKERS

(146) 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.

NOISE - USE

(147) 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

(148) Noise associated with mechanical plant must not give rise to any one or more of the following:

- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
- (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level or greater than 5dB at the boundary of any affected property in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.
- (c) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.

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

NO OBSCURING OF SHOPFRONT GLAZING

(149) The glass shop front must not be tinted, screened by blinds, curtains or the like or obscured.

CARE OF BUILDING SURROUNDS

(150) 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.

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

WINDOW CLEANING

(152) 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.

INTRUDER ALARM

- (153) 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.

LOADING OPERATIONS

- (154) 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.

OZONE PROTECTION REGULATION 1997

- (155) 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.

MICROWAVE/LASER COMMUNICATION SYSTEM

- (156) Any microwave/laser communication system devices/apparatus must incorporate all necessary safety features to prevent any person being exposed to radiation in excess of that permitted by the Radiation Control Act 1990, and Regulations thereunder, Australia Standard 2772 - 1990 and any other relevant Code or Standard.

NOISE AND VIBRATION

- (157) That noise and vibration from the use 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 Operation Act, 1997.

Schedule 2

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

- (B) Consideration be given to examining the heritage status of the remaining buildings enclosing James Lane in the next review of the Central Sydney Heritage Local Environmental Plan 2000.

Carried unanimously.

Note - Ms Catherine Chung and Mr Stephen Davies addressed the meeting of the Planning Development and Transport Committee on Item 2.4.

DEVELOPMENT APPLICATION: 23 LAMBERT STREET CAMPERDOWN (D/03/00690)**2.5**

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

That arising from consideration of a report by the Assistant Specialist Planner to the Planning Development and Transport Committee on 8 December 2003, in relation to Development Application D/03/00690 made by Barua P/L for the site at 23 Lambert Street Camperdown, for the construction of a four (4) storey building including eight (8) residential units and basement car parking, it be resolved that:-

- (A) a “deferred commencement” consent be granted under the provisions of Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to the following, namely:
- (i) The Floor Space Ratio of the proposal shall be reduced and must not exceed 1.75:1 calculated in accordance with the South Sydney Local Environmental Plan 1998. For the purpose of the calculation of Floor Space Ratio, the Floor Space Area of the development is 728.7m². A registered surveyor shall provide certification of the total and component Floor Space Ratio (by use) in the development.
 - (ii) The fourth level must be contained within the 36 degree attic roof envelope as measured from the point of the ceiling of the topmost habitable floor and shall be a ‘part’ floor that is integrated with the third level in accordance with South Sydney Development Control Plan 1997.
 - (iii) The fourth level shall be setback a minimum of 500mm from the east boundary. This will require internal redesign of the fourth level.
 - (iv) The fenestrations (glass blocks) on the east and west elevations are to be deleted. The revised façade is to be modulated and articulated to reduce the apparent building bulk and improve the design quality of the east and west elevations.
 - (v) The applicant must provide a minimum of 8m² of accessible storage facilities for each one (1) bedroom dwelling and 10m² of accessible storage facilities for each two (2) bedroom dwelling in accordance with Section 6.1.22 of the Central Sydney Development Control Plan 1996 (as adopted on 23 June 2003 by Council and on 3 July 2003 by the Central Sydney Planning Committee).
 - (vi) The disabled driver parking space shall be relocated to space 5 and space 1 shall be reallocated for visitor parking.
 - (vii) The front courtyard wall of Unit 1 shall be reduced to a height of 1200mm.
 - (viii) Details on the possible re-use of grey water and/or rain water.

- (ix) Details of proposed works in accordance with the South Sydney Development Control Plan 1997 to justify the bonus floor space area. Particularly, works to the adjoining Booter Community Centre should be included rather than an increase in the width of the footpath on Lambert Street.

In satisfying the above conditions, the applicant must comply with the provisions of Section 6.1 of the Central Sydney Development Control Plan 1996 (as adopted on 23 June 2003 by Council and on 3 July 2003 by the Central Sydney Planning Committee).

The above information shall be submitted within six (6) months from the date of this “deferred commencement” consent and shall be approved in writing by the Director of City Development and Projects prior to consent operating.

- (B) subject to satisfactory completion of the above requirements, the development consent shall operate subject to the following conditions and any other conditions reasonably arising from clause (A) above:

Conditions of Consent

Schedule 1A

Approved Development, Contributions and Covenants

Note 1: 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.

- (1) Development must be in accordance with Development Application No. D/03/00690 dated 18 July 2003 and information and drawings numbered DA01/a – DA03/a & DA10/a dated May 2003 and drawings numbered DA03/b – DA09/b dated 15 October 2003 prepared by Baker Kavanagh Architects and as amended by the following conditions:

SECTION 94 CONTRIBUTIONS PLAN - 1997

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

Contribution Category	Amount
Open Space Land Acquisition	\$3,664.00
Open Space/Townscape/Public Domain	\$16,305.00
Accessibility and Transport	\$109.00
Multi-Function Administration Centre	\$5,474.00
Management	\$260.00
Total	\$25,795.00

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

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

where:

C is the original contribution amount as shown above;

CPI₂ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and

CPI₁ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent being the March Quarter 97/98 (Amend as applicable).

- (4) The above amount must be paid to the Council in cash or by unendorsed bank cheque. Payment shall be made (before the release of the Construction Certificate/before the release use is commenced or before the release of an Occupation Certificate, whichever occurs first.) (Delete as applicable)

Notes: Endorsed DA plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site. No works, including works listed in the adopted Section 94 Contributions Plan, will be off-set against monetary Section 94 Contributions without prior written approval by Council in the form of a letter referring to detailed specifications and costs. To support a case for carrying out works, Council requires the submission, for formal approval, of complete construction documentation and detailed cost estimates of the works based on established industry standards. Works carried out without written approval by Council will not be off-set against any Section 94 Contribution and, if carried out on public land, may expose the responsible party to prosecution in addition to the cost of reinstatement. Applicants are advised to contact the Council as soon as possible concerning the specific requirements for any proposal for works-in-kind. Applicants should note that Council may have specific requirements concerning future management and will require security in the form of a bank guarantee for all approved works.

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

APPROVED DESIGN ROOF-TOP PLANT

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

Schedule 1B

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

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

PUBLIC DOMAIN PLAN

(8) The following requirements apply:-

- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect and shall be approved by Council (to be lodged with the Public Domain Officer at City Projects) prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.
- (b) The Public Domain Plan shall be as follows:-
 - (i) Drawn at 1:100 scale; 1:200 will be acceptable for larger sites of over 200m street frontage.
 - (ii) Show the entire layout and pattern of flagstone paving where this paving is required.
 - (iii) Nominate the location, type and material of all existing and proposed public pavement elements including trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture, (including city maps, notice boards, benches, bollards, bins, J C Deceaux kiosks, APT's and phone booths), utility poles, parking meters, pedestrian and traffic signals, service pits, stormwater pits and signage (including street nameplates, historical, parking and traffic).
 - (iv) Include a longitudinal section of the pavement showing existing and proposed levels at 10 metre intervals at the building alignment, the kerb and the gutter on a common datum line. This longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale. For larger sites of over 200m street frontage 1:200 horizontal scale and 1:20 (exaggerated) vertical scale is acceptable. This section is to ensure that any significant longitudinal gradient change, such as flattening for vehicle entries, occurs within the building line and not at the public pavement.
 - (v) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
 - (vi) Include specifications of the proposed works.
- (c) The Public Domain Plan shall comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.

- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer and may include:-
- (i) Adjustment to paving grades to provide a maximum crossfall of 2.5% from building line to top of kerb.
 - (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.
 - (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.
 - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
 - (v) The repair and where required the resetting of all stone kerbing to a uniform grade of 150mm above the gutter grading and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed or resurfaced (as required) to the centre line of the carriageway or to sufficient distance from the kerb to achieve a uniform transition into the existing pavement profile.
 - (vi) The retention and repair of any existing pavement lights.
 - (vii) The retention and repair of any existing serviceable stone gutters to achieve a uniform kerb and gutter longitudinal grading free of vertical displacement of greater than 5mm between adjacent units.
 - (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.
 - (ix) Protection or replacement by the developer of all City assets to be retained as part of Public Domain works and recovery and return of any City assets where such removal has been approved.

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

Note:

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

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

(9)

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

Note:

- (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.

- (c) 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.

ACCESS FOR PEOPLE WITH DISABILITIES

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

GLAZING

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

INSTALLATION OF DUAL-FLUSH TOILETS

- (12) All toilets installed within the development 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 building under the Environmental Planning and Assessment Act 1979.

INSTALLATION OF WATER-EFFICIENT SHOWER HEADS AND TAPS

- (13) All shower heads and 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.

HOT WATER SYSTEM

- (14) Centralised, gas boosted solar hot water services or centralised heat pump services shall be installed. The service must be adequately sized to meet the anticipated maximum hot water demand of each dwelling. Consideration should be given to position of the hot water system such that its efficiency is maximised by minimising heat loss in pipe-work.
- (15) In the case of centralised solar hot water services, the service installer must provide written confirmation that a minimum of 50% of the water heating per annum is provided from solar energy input. Where a pump is used to circulate water between tank and remote panels, any noise associated with the pump must not exceed 5dB at the property boundary.
- (16) Details to be submitted to Council or the accredited certifier prior the issue of a Construction Certificate.

PLANTATION OR RECYCLED TIMBERS

- (17) 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.
- (18) The Construction Certificate is to specify the timbers to be used. These are to be limited to plantation timbers grown on Australian farms, or State Forest Plantations, or recycled timbers.

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

REFLECTIVITY OF EXTERNAL GLASS

- (19) 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.

TRAFFIC AND ACCESS

- (20) All costs of traffic management measures associated with the development shall be borne by the developer.
- (21) Residents are not eligible to participate in the resident parking schemes. This prohibition on participation in the resident permit parking scheme will be recorded on the Section 149 Certificate for this property under the Environmental Planning and Assessment Act 1979.

CAR PARK ENTRY FINISH

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

ACCESS FOR PERSONS WITH A DISABILITY

- (23) Access to the building shall be in accordance with the requirements of “The City of Sydney Access Policy December 1992”.

TELECOMMUNICATIONS PROVISIONS

- (24) 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.
- (25) A separate DA must be submitted at the appropriate time for any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development.

RECEPTACLES FOR CIGARETTE BUTTS

- (26) 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.

ACOUSTIC PRIVACY BETWEEN UNITS

(27) 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).

STORMWATER AND DRAINAGE

(28)

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

GEOTECHNICAL REPORT AND CERTIFICATION

- (29) 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.
- (30) Geotechnical inspections and testing must be in accordance with the ITP. A Geotechnical Inspection Certificate will be required prior to issue of the Occupation Certificate. Refer to Schedule E.

NON COMPLIANCE WITH THE DEEMED TO SATISFY PROVISIONS OF THE BCA

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

Schedule 1C

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

DEMOLITION DETAILS

- (32) 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

- (33) 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.
- (34) 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.

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

SITE CONTAMINATION REPORTS

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

(37) Where a site is determined to be a "Contaminated Site" under the definition contained in ANZECC/NHMRC 1992 definitions, prior to commencement of site excavation works:-

(a) A Remediation Action Plan (RAP), which details the proposed method for the proper cleaning of contaminated materials from the site is to be provided to the satisfaction of the PCA, (and a copy to sent to Council if it is not the PCA).

(b) A suitability qualified and accredited "Independent Auditor", to the satisfaction of Council, (in terms of Section 7A of the Environmental Planning and Assessment Act 1979) is to be appointed in accordance with the requirements of the Contaminated Land Management Act 1997, and Regulations 1998.

- (c) The approved Remediation Action Plan, must be available on the site at all times during the progress of the work.
- (d) The Independent Auditor is to provide a letter to the satisfaction of the PCA, that the RAP is appropriate to remediate the land to the standard suitable for the proposed redevelopment of the land and that common or public areas meet the criteria for common property or designated public space.
- (e) On completion of the excavation works, a validation certificate must be submitted to the PCA (and a copy sent to Council if it is not the PCA). The certificate signed by the Independent Auditor, must testify that the requirements detailed in the Remediation Action Plan, have been satisfactorily completed, and have achieved results as required under the requirements of the Contaminated Land Management Act 1997, and Regulations 1998.

ARCHAEOLOGICAL MONITORING DURING EXCAVATION

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

BARRICADE PERMIT

- (39) Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

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

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

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

(41) 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.

USE OF MOBILE CRANES

(42) Permits required for use of mobile cranes:-

- (a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (b) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes shall not be delivered to the site prior to 7.30am without the prior approval of Council.

CERTIFICATION OF MECHANICAL VENTILATION

(43) 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.

(44) 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

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

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

Notes:

- (d) An appropriately qualified practising structural engineer certifying by completing Attachment S1A must have:-
 - (i) Appropriate tertiary qualifications in Civil or Structural Engineering; AND
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume;
 - (iv) Appropriate current professional indemnity insurance.
- (e) An appropriately qualified practising structural engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
 - (i) An appropriately qualified person certifying by completing Attachment S1B must have a good working knowledge of the Building Code of Australia and Structural and Architectural drawing co-ordination so that all structural elements supporting the new work are fully certified by the project structural engineer.
 - (ii) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.

Schedule 1D

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

CITY OF SYDNEY COMPLIANCE INSPECTIONS

- (46) The purpose of this condition is to ensure that the Council is given sufficient notice prior to the issuing of the Occupation Certificate to carry out inspections of soon to be completed buildings, where Council considers it necessary. In doing so, this ensures that the Council is able to provide an independent analysis of whether the building is constructed to a standard that complies with the BCA and in accordance with the development consent.

- (a) The applicant and building owner are to note that it is an offence under S.109N of the Environmental Planning and Assessment Act 1979, to occupy or use a building in whole or in part, unless an Occupation Certificate has been issued in relation to the building or the part.
- (b) A maximum penalty of 25 penalty units applies under the provisions of the Environmental Planning and Assessment Act 1979, for the contravention of the above requirements.
- (c) Council officers may undertake random inspections from time to time during construction and toward the end of building works to ensure that buildings or part of buildings are not occupied without a partial or final Occupation Certificate, and to check compliance with conditions of development consent and the BCA.
- (d) In the event that a Principal Certifying Authority (PCA) other than Council is appointed, written notice shall be given to Council (whether by the developer, builder or other person relying on the development consent) on each of the following occasions:
 - (i) Within 7 days of installation of services, such as plumbing, mechanical ventilation and the like which penetrate fire rated walls and slabs (excluding basement areas); and
 - (ii) 7 days prior to the installation of false ceilings or cornices which abut fire rated walls and slabs; and
 - (iii) 14 days prior to the final inspection to be carried out by the PCA for the purpose of issuing an Occupation Certificate.
- (e) The PCA shall be advised in writing (whether by the developer, builder or other person relying on the development consent) of Council's requirements pursuant to paragraph (d).
- (f) This reserves time for Council or persons appointed by Council to conduct any random inspections Council may choose to do, prior to the issue of the Occupation Certificate, in order to ensure that buildings or part of buildings are not occupied without a partial or final occupation certificate, and to undertake random audits of certified works.

DEMOLITION WORKS

- (47) 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.
- (48) Demolished combustible materials shall not be stockpiled. Material must be removed regularly.

HOURS OF WORK AND NOISE

- (49) The hours of construction and work on the development shall be:
- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30 a.m. and 5.30 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 3.30 p.m. on Saturdays, with safety inspections being permitted at 7.00 a.m. on work days and no work must be carried out on Sundays or public holidays.
 - (b) All work, including demolition, excavation and building work must comply with "The City of Sydney Building Sites Noise Code" and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

- (50) A site notice(s) is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:-
- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
 - (c) A copy of the first page of the development approval and construction certificate (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
 - (d) The approved hours of work, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint are to be displayed on the site notice;

- (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is to state that unauthorised entry to the site is not permitted. If demolition is being undertaken, the words, Danger - Demolition Site, with an international logo must be displayed.

LOADING AND UNLOADING DURING CONSTRUCTION

(51) The following requirements apply:-

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

CONTROL OF RUN-OFF DURING CONSTRUCTION

(52) 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.

PUBLIC WAY

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

CONSTRUCTION VEHICLES TO BE COVERED

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

Note:

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

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

- (55) 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

- (56) 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.

ALL MATERIALS TO COMPLY WITH THE BCA

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

EXIT SIGNS

- (58) Exit signs with directional arrows where necessary, shall be provided in accordance with E4.5, E4.6 and E4.8 of the Building Code of Australia.

FIRE ISOLATED STAIRWAYS

- (59) The enclosing walls of the fire isolated stairway/s shall not be penetrated by any services other than as permitted by C3.9 of the Building Code of Australia.

UNOBSTRUCTED ACCESS TO BE MAINTAINED

- (60) Unobstructed access shall be provided and maintained to all exits at all times from tenancies and from public areas.

GLAZING

- (61) 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

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

CONTINUED PERFORMANCE OF MECHANICAL VENTILATION

- (63) The efficient operation and performance of any mechanical ventilation, air pressurisation or other smoke control system must not be impaired by the partitioning layout. Adequate relief/transfer air openings must be provided to ensure the performance of systems during fire and non-fire conditions is not impaired.

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (64) 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.
- (65) 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

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

Notes

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

NUMBERING

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

Schedule 1F

Conditions to be complied with during the use of Premises

CARE OF BUILDING SURROUNDS

- (68) 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

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

Schedule 2

Prescribed Conditions

The prescribed conditions in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000 apply where there is building work:

1.
 - (a) The work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate is made).
 - (b) This condition does not apply to:
 - the extent to which an exemption is in force under Clause 187 or 188, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the Environmental Planning and Assessment Regulation 2000; or
 - the erection of a temporary building.
2. In the case of residential building work for which the Home Building Act 1989 requires that there be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force.

Carried unanimously.

**DEVELOPMENT APPLICATION: 12 BROUGHTON STREET,
WOOLLOOMOOLOO (D/03/00660)**

2.6

That consideration of this matter be deferred to the next meeting of Council.

Carried.

Note - This matter was dealt with by Council as Item 4 on the Business Paper.

Note - Ms Diane Varga, Mr John Doran and Mr Alasdair Robertson addressed the meeting of the Planning Development and Transport Committee on Item 2.6.

DEVELOPMENT APPLICATION: 119 MACLEAY STREET, POTTS POINT (D2003/00793)**2.7**

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

That arising from consideration of a report by the Planner to the Planning, Development and Transport Committee on 8 December 2003 in relation to Development Application D2003/00793 made by Baldasso Cortese Pty Ltd for the site at 119 Macleay Street Potts Point, for a "Pizza Hut" pizza delivery and takeaway store, it be resolved that a consent be granted subject to the following conditions:-

Schedule 1A**Approved Development, Contributions and Covenants**

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

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

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D2003/00793 dated 12 August 2003 and Statement of Environmental Effects prepared by Baldasso Cortese Pty Ltd, dated 8 August 2003 and drawings numbered DA01C dated 18/7/03 prepared by Baldasso Cortese Pty Ltd, SD01B, dated 19/6/03, CS10A, CS11A, CS12A, CS13A and M01C dated 25/06/03 prepared by MPM Constructions Pty Ltd and 22992A dated 7/8/03 prepared by Pizza Hut, and as amended by the following conditions:

AMENDMENT TO SIGNAGE

- (2) The proposed hamper sign shall be restricted to no more than 3.5m in length and 0.3m in height and located above the access doors to the tenancy. Details shall be submitted for the approval of the Director of City Development and Projects prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

SIGNS – LIMITED PERIOD OF CONSENT

- (3) The signs and any associated structure must be removed and the building/site reinstated, within a period of 3 years from the date of consent or on the termination of the subject lease of the premises whichever is the lesser. If the signs are to be retained after this period, a new development application must be lodged before the expiration of the consent, for Council's consideration.

ILLUMINATION OF SIGNS

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

NO FLASHING SIGNS

- (5) The signs shall not flash.

SIGNS

- (6) A separate development application for any proposed signs, other than the under awning sign and hamper sign which form part of this application, 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.

MOTORBIKES

- (7) At no time shall motorbike delivery vehicles use the footpath. Any such breach will be a breach of development consent and a fine will be issued to the premises owner.

RULES FOR DELIVERY DRIVERS

- (8) A list of rules for delivery drivers shall be prepared and approved by the Manager of Traffic and Access prior to the issue of a Construction Certificate. The rules shall be formally posted in the driver collection area prior to issue of the Occupation Certificate.
- (9) The applicant shall not be entitled to a dedicated loading zone and commencement of the use shall occur accepting this.

HOURS OF OPERATION

- (10) The hours of operation are regulated as follows:
- (a) The hours of operation of the pizza delivery and take away store shall be restricted to between 9.00 am and 10.00pm Mondays to Saturdays, inclusive, and between 11.00 am to 10.00pm on Sundays or public holidays.
 - (b) Notwithstanding (a) above, the use may operate between 10.00pm and 12.00 midnight seven days a week, for a trial period of one year from the date of commencement of these extended hours (or the date of issue of the occupation certificate, if this is unclear). The operator shall inform Council in writing of the date upon which these extended hours commenced.

- (c) A further application may be lodged to continue the trading outlined in (b) above before the end of the trial period for Council's consideration. Such consideration will be based on, inter alia, the performance of the operator in relation to compliance with development consent conditions, and any complaints received. Particular regard will be given to management of delivery vehicles.
- (d) No deliveries shall be made after 11.00pm.

FITOUT TO COMPLY WITH CODE

- (11) The construction, fitout and finishes of the Pizza Hut Delivery/Takeaway shall comply with the Food Act 1989 and Regulations thereunder and the National Code for the Construction and Fitout of Food Premises.

Schedule 1B

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

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

SANITARY FACILITIES

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

CERTIFICATION OF DESIGN OF FOOD PREMISES

- (14) Prior to issue of a construction certificate under the Environmental Planning and Assessment Act 1979, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA), (Council or a private accredited certifier). A copy to the Certificate must be submitted to Council if it is not the PCA.
 - (a) Plans and specifications of the design corresponding with and attached to a Design Certificate (see (b));
 - (b) A Certificate for Design of Food Premises, submitted in the form of Attachment F1, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979), to certify compliance with the:-

- (i) National Code for the Construction and Fitout of Food Premises;
- (ii) Food Act 1989;
- (iii) Food (General) Regulation 1997;
- (iv) The relevant clauses of the Building Code of Australia; and
- (v) Council's Ventilation Code; and
- (vi) Relevant conditions of Development Consent.

Notes

- (i) An appropriately qualified person completing Attachment F1 must;
 - a. be appropriately qualified and experienced in the design, codes and legislative provisions for food premises;
 - b. provide evidence of relevant experience in the form of a CV/Resume;
 - c. have appropriate current professional indemnity insurance.
- (ii) An appropriately qualified person issuing a Compliance Certificate must have accreditation in accordance with the Environmental Planning and Assessment Act 1979.
- (iii) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.
- (iv) Separate certification is required for all new or altered Mechanical Ventilation systems, compliance with Councils Code for Waste Handling in Buildings and for major food areas, hotels, food courts and similar establishments.

WASTE WATER

- (15) That wastewater arising from the Pizza Hut Delivery/Takeaway shall be directed to sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The applicant is advised that pre treatment of wastewater may be a requirement of the Corporation prior to the discharge to sewer. Details of the Corporations requirements should be obtained prior to the commencement of work.

RECEPTACLES FOR CIGARETTE BUTTS

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

NOISE - MECHANICAL PLANT

- (16a) 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.

Prior to issue of a Construction Certificate the applicant is to submit to Council details of how this condition will be complied with in relation to the existing ventilation system and any noise amelioration measures needed (with background noise, not including existing ventilation noise).

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

Schedule 1C

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

APPLICATION FOR BARRICADE PERMIT

- (17) Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

CERTIFICATION OF MECHANICAL VENTILATION

- (18) 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.
- (19) To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:-
- (a) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
 - (b) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted).

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

STRUCTURAL CERTIFICATION FOR DESIGN - MINOR WORKS

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

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

Notes

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

Schedule 1D

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

HOURS OF WORK AND NOISE

- (21) The hours of construction and work on the development shall be:
 - (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30 a.m. and 5.30 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 3.30 p.m. on Saturdays, with safety inspections being permitted at 7.00 a.m. on work days and no work must be carried out on Sundays or public holidays.
 - (b) The applicant must provide to Council a 24 hour per day telephone contact number and must ensure such number is continually attended by a person with authority over the building work during the construction period.

- (c) The approved hours of work and a 24 hour telephone number must be prominently displayed at all times on the building site and must be visible from a public street or a public place.
- (d) All work, including demolition, excavation and building work must comply with "The City of Sydney Building Sites Noise Code" and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

NO OBSTRUCTION OF PUBLIC WAY

- (22) 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

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

ALL MATERIALS TO COMPLY WITH BCA

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

GLAZING MATERIALS TO COMPLY WITH CODE

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

WASTE COLLECTION CONTRACTS

- (26) 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.

COOLROOMS

- (27) Coolroom(s), refrigerated chambers, strong-rooms and vaults are to be constructed in accordance with G 1.2 of the Building Code of Australia.
- (a) The floor of the coolroom shall be graded to the door and a floor trapped waste outlet shall be located outside the coolroom as near as possible to the door opening.
 - (b) All proposed shelving in the coolroom shall be free-standing, constructed of galvanised steel angle section or other approved material with the lowest shelf at least 150mm clear of the floor.
 - (c) The coolroom being capable of storing food at a temperature of 5°C or below. A thermometer shall be provided which indicates temperature, displayed externally.
 - (d) The floor of the coolroom shall be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.
 - (e) An approved audible alarm device shall be located outside the coolroom(s) but controllable only from within the coolroom(s) and be able to achieve a sound pressure level outside the chamber or coolroom(s) of 90 d B (A) when measured 3 metres from the sounding device.

CONSTRUCTION OF WALLS AND FLOORS FOR FOOD PREMISES

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

PROVISION OF HAND WASHING FACILITIES

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

REFRIGERATED OR HEATED APPLIANCES

- (32) The appliances shall be capable of keeping food hot, at a temperature of not less than 60°C, or keeping food cold, at a temperature of not more than 5°C and such appliances shall be provided with a thermometer, accurate to 1 °C and able to be easily read from outside the appliance.

BUTTING AND SEALING OF FITTINGS

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

CLEARANCES AND SUPPORTING OF EQUIPMENT AND APPLIANCES

- (34) The following requirements apply to clearances and supports of equipment:-
- (a) All stoves, refrigerators, cupboards and similar fittings shall be placed on approved metal legs 150mm in height or on solid plinths.
 - (b) All shelving shall be fixed 25mm clear of the walls on approved solid metal brackets. Any proposed perforated hollow channel wall brackets should be eliminated.

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

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

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (36) 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:

- (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.

VENTILATION TO COMPLY WITH PUBLIC HEALTH REQUIREMENTS

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

NSW HEALTH

- (38) Prior to the commencement of food handling operations, the proprietor of the Pizza Hut Delivery/Takeaway must notify the NSW Health Department of the following information:
 - (a) Contact details of the food premises including the name of the food business and the name and address of the proprietor;
 - (b) The nature of the food business;
 - (c) The location of all food premises of the food business within the jurisdiction of NSW Health.

Schedule 1F

Conditions to be complied with during the use of Premises

CARE OF BUILDING SURROUNDS

- (39) 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.

AUTOMATIC DOOR

- (40) The automatic public access door to Macleay Street shall be normally closed and not locked in an open position.

REMOVAL OF GRAFFITI

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

WINDOW CLEANING

- (42) 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.

NO SPRUIKERS OR AMPLIFIED NOISE

- (43) 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.

NOISE - USE

- (44) 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.

PATRON BEHAVIOUR

- (45) 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.

GLASS SHOP FRONT TO BE UNOBSCURED

- (46) The glass shop front must not be tinted, screened by blinds, curtains or the like or obscured.

NO SIGNS OR GOODS ON PUBLIC WAY

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

WASTE NOT TO BE PLACED ON PUBLIC WAY WITHOUT PERMISSION

- (48) 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.

EMISSIONS

- (49) That the use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.

INSTALLATION OF DUAL-FLUSH TOILETS

- (50) All toilets installed within the development 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 building under the Environmental Planning and Assessment Act 1979.

Schedule 2

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

COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

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

Carried unanimously.

Note - Mr Kevin Davidson and Mr Noel Bracks addressed the meeting of the Planning Development and Transport Committee on Item 2.7.

**DEVELOPMENT APPLICATION: 207-211 DARLINGHURST ROAD,
DARLINGHURST (D02/000345)**

2.8

Moved by Councillor Greiner, seconded by Councillor Ho -

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 8 December 2003, in relation to Development Application No. D02/00345 made by Scarfam Pty Ltd Architects for the site at 207-211 Darlinghurst Road Darlinghurst, for the refurbishment of existing villa and erection of a seven storey mixed development containing 25 apartments, 176 sqm commercial floor space, a 350 sqm gym, a restaurant and associated basement parking spaces, it be resolved that:

- (A) the development's non-compliance with the numerical 12m height limit as prescribed in South Sydney Development Control Plan 1997 is considered acceptable for this proposal, noting the proposal, by condition, will comply with the "36 degree height plane" definition in the DCP and can be considered as "special" under the circumstances for the following reasons:
- (i) the proposed building is appropriate in scale and is compatible with the urban context of the area;
 - (ii) the height of the proposal is generally consistent with the height of the adjoining buildings;
 - (iii) the height will not give rise to significant detrimental impacts on the amenity of the area;
 - (iv) the proposed development is located on a street corner and the height of the building is appropriate to reinforce the streetscape;
 - (v) the objectives and performance criteria of the South Sydney DCP 1997 are met.
- (B) deferred commencement consent be granted subject to the following conditions:

Part A

Conditions to be satisfied prior to consent operating

The consent is not to operate until the following conditions are met to the satisfaction of the Director of City Development and Projects within 6 months of the date of this determination:

RESIDENTIAL AMENITY

- (1) The proposed development shall be modified to comply with the provisions of Part 6 of the Residential Amenity Policy adopted on 3 July 2003, Part D section 3, Part E Section 1.4 and Part F Section 2.1 of the South Sydney DCP. In this regard the development shall provide the following:
 - (a) Unit Size:- A minimum 40sqm shall be provided for studio apartments, 55 sqm for 1 bed apartments, 80 sqm for 2 bed apartments and 100sqm for 3 bed apartments.
 - (b) Unit Mix:- A maximum of 58 % studio / 1 bedroom apartments, 30% 2 bed apartments, 13% here bedroom apartments and 9% 4 bedroom apartments.
 - (c) Storage Facilities:- 6 sqm shall be provided for studio apartments, 8 sqm for 1 bed apartments, 10 sqm for 2 bed apartments and 12 sqm for 3+bed apartments. At least 50% of this storage area is to be provided within the apartments.

PARKING AND ACCESS

- (2) The proposed parking and access shall be modified as follows:-
 - (a) The number of on site parking spaces shall comply with the South Sydney Development Control Plan No. 11 – Guidelines for Transport having regard to any changes in relation to unit mix required in relation to condition 1a above
 - (b) The driveway ramp alignment shall be at a right angle to Kirketon Road.
 - (c) The width of the eastern inter-floor ramp shall be designed to permit adequate access for two way traffic.

ATTIC HEIGHT PLANE

- (3) Details shall be submitted and demonstrated that the proposal fully complies (including all roof top elements) within the 36 degree height plane, as measured from the site's three street frontage elevations.

WASTE MANAGEMENT

- (4) The development's waste management, storage and collection facilities are to be redesigned to comply with Council's requirements and the relevant provisions of the Code for Waste Handling in Buildings 1994 and is to include the following:
 - (a) A garbage room exclusively accommodating the waste generated by the residential component of the building. Such room providing adequate space for the storage and movement of garbage receptacles and all recycling activities.

- (b) A separate garbage room for the waste generated by all other uses of the development. Such room providing adequate space for the storage and movement of garbage receptacles and all recycling activities.
 - (c) In order to facilitate an on-street domestic waste service from Council's garbage collection vehicles the residential garbage room is to be located adjacent to or in the vicinity of the façade of the building and such room is to provide direct access to the public footway with a floor slab level corresponding with the adjacent footpath.
- (C) subject to the completion of the above requirements to the satisfaction of the Director of City Development and Projects, the development consent shall operate subject to the following conditions of consent and any other conditions reasonably arising from clause (B) above

Part B

Conditions of Consent (once the consent is in operation)

Schedule 1A

Approved Development, Contributions and Covenants

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

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

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No.U02/000345 dated 8 April 2003 and Statement of Environmental Impact prepared by Glenn Gilsenan, dated December 2001 and drawings numbered DA01D, DA02 B, DA03B, DA04C, DA05D, DA06D, DA07C, DA08C, DA09C, DA11C prepared by Glenn Gilsenan dated September 2003 and as amended by the following conditions:

BUILDING HEIGHT

(2)

- (a) The height of the building (as defined in the South Sydney Development Control Plan 1997) must not exceed RL 61 (AHD), that being 20.2 metres above the average street level of the site's Kirketon Road frontage to the underside of the ceiling of the topmost floor.
- (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).

ROOF GARDEN

- (3) Details of the roof garden to be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (4) Access to the roof garden shall be restricted to between 7am and 9pm daily.

SECTION 94 CONTRIBUTIONS PLAN - 1997

(5)

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

Contribution Category	Amount
Open Space LGA Works	\$10,024
Open Space New Parks	\$43,685
Accessibility And Transport Management	\$300 \$780
Multi Function Administration Centre	\$12,873
Total	\$67,662

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

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

where:

C is the original contribution amount as shown above;

CPI₂ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and

CPI₁ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent being the October Quarter 2003.

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

Notes: Endorsed DA plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site. No works, including works listed in the adopted Section 94 Contributions Plan, will be off-set against monetary Section 94 Contributions without prior written approval by Council in the form of a letter referring to detailed specifications and costs. To support a case for carrying out works, Council requires the submission, for formal approval, of complete construction documentation and detailed cost estimates of the works based on established industry standards. Works carried out without written approval by Council will not be off-set against any Section 94 Contribution and, if carried out on public land, may expose the responsible party to prosecution in addition to the cost of reinstatement. Applicants are advised to contact the Council as soon as possible concerning the specific requirements for any proposal for works-in-kind. Applicants should note that Council may have specific requirements concerning future management and will require security in the form of a bank guarantee for all approved works.

SEPARATE APPLICATION FOR SPECIFIC USE

- (6) A separate development application must be submitted at the appropriate time for the specific use of the gym, restaurant, office/commercial tenancies located within the building. At that time, hours of operation and management of the use will be considered.

SIGNS

- (7) 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.

ENERGY EFFICIENCY IN BUILDINGS

- (8) The residential component of the building shall achieve a NatHers Rating (or equivalent) of at least 3.5 stars.

STRATA SUBDIVISION

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

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

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

- (h) Prior to the issue of the Strata Certificate by Council or an accredited certifier under Section 37 of the Strata Schemes (Freehold Development) Act 1973 -
 - (i) evidence is to be submitted to Council of the issue by Sydney Water of a Developer Compliance Certificate under Section 73 of the Sydney Water Act 1994 for the development; or
 - (ii) Evidence must be submitted to Council that the requirements of Sydney Water with regard to the Strata subdivision of the building have been satisfied.

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

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

NOISE OF PLANT AND EQUIPMENT

- (10) That noise and vibration from the use 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 Operation Act, 1997.

REMOVAL OF GRAFFITI

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

Schedule 1B

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

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

PUBLIC DOMAIN PLAN

- (13) The following requirements apply:-

- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect and shall be approved by Council (to be lodged with the Public Domain Officer at City Projects) prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.
- (b) The Public Domain Plan shall be as follows:-
- (i) Drawn at 1:100 scale; 1:200 will be acceptable for larger sites of over 200m street frontage.
 - (ii) Show the entire layout and pattern of flagstone paving where this paving is required.
 - (iii) Nominate the location, type and material of all existing and proposed public pavement elements including trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture, (including city maps, notice boards, benches, bollards, bins, J C Deceaux kiosks, APT's and phone booths), utility poles, parking meters, pedestrian and traffic signals, service pits, stormwater pits and signage (including street nameplates, historical, parking and traffic).

- (iv) Include a longitudinal section of the pavement showing existing and proposed levels at 10 metre intervals at the building alignment, the kerb and the gutter on a common datum line. This longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale. For larger sites of over 200m street frontage 1:200 horizontal scale and 1:20 (exaggerated) vertical scale is acceptable. This section is to ensure that any significant longitudinal gradient change, such as flattening for vehicle entries, occurs within the building line and not at the public pavement.
- (v) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
- (vi) Include specifications of the proposed works.
- (c) The Public Domain Plan shall comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer and may include:-
 - (i) Adjustment to paving grades to provide a maximum crossfall of 2.5% from building line to top of kerb.
 - (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.
 - (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.
 - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
 - (v) The repair and where required the resetting of all stone kerbing to a uniform grade of 150mm above the gutter grading and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed or resurfaced (as required) to the centre line of the carriageway or to sufficient distance from the kerb to achieve a uniform transition into the existing pavement profile.
 - (vi) The retention and repair of any existing pavement lights.

- (vii) The retention and repair of any existing serviceable stone gutters to achieve a uniform kerb and gutter longitudinal grading free of vertical displacement of greater than 5mm between adjacent units.
 - (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.
 - (ix) Protection or replacement by the developer of all City assets to be retained as part of Public Domain works and recovery and return of any City assets where such removal has been approved.
- (e) Random checks by Council officers may be made throughout the construction process to advise the contractor of non-complying elements. However, no parts of the work are to be considered approved until receipt of the City of Sydney Certificate of Completion. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter.
- (f) An “Application for Approval of Footpath Levels and Gradients” must be submitted at the City’s One Stop Shop with the appropriate fee at the time of lodgement of the public domain proposal. The fee will be determined in accordance with the City of Sydney Schedule of Fees and Charges.

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

FARREL AVENUE WIDENING DEDICATION

- (14) The owners of the site are to dedicate to the public for road purposes:
- (a) A widening of Farrel Avenue for its full frontage to the site, for a width of 450 mm. for a frontage of approximately 20 metres from the alignment of Kirketon Road, thence to the intersection of the alignments of Farrel Avenue and Darlinghurst Road.
 - (b) A curved splay at the corner of Farral Avenue and Kirketon Road to the façade of the building.

Such dedications are to be at no cost to Council, are to be defined in stratum, limited to the building structure above and below the dedications and are to be on the understanding that the affected parts of the site are to be available for the calculation of the Gross Floor Area of the development

INTERPRETATION STRATEGY

- (15) An Interpretation Strategy shall be prepared by a suitably qualified person outlining the manner in which historical elements and the fabric will be conserved and interpreted within and external to the building. The Interpretation Strategy shall include details of public art and shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

BUILDING UPGRADE WORKS

- (16) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000 the following works are required to be completed prior to the issue of an Occupation Certificate to ensure that there is adequate fire safety in the heritage building. Prior to the issue of a Construction Certificate the certifying authority must ensure that the building design incorporates the required upgrading works.
- (a) Openings onto the stair providing egress from the residential portion of the building must be protected in accordance with the performance requirements of the Building Code of Australia;
 - (b) Openings in the external wall of the heritage building (western elevation) and proposed mixed use building (eastern elevation) must be protected in accordance with Part C of the Building Code of Australia;
 - (c) The space below the internal stair must be fire separated to comply with D2.8 of the Building Code of Australia;
 - (d) The floor separating the ground floor retail portion from the first floor residential portion must be fire separated to comply with the performance requirements of the Building Code of Australia. The proposed upgrading works must not impact on the heritage fabric of the building;
 - (e) A fire detection and alarm system must be installed in accordance with Specification E2.2a of the Building Code of Australia;
 - (f) Emergency lighting and exit signs must be installed in accordance with Part E of the Building Code of Australia;
 - (g) Portable fire extinguishers must be installed in accordance with Part E of the Building Code of Australia;
 - (h) Light and ventilation of rooms within the residential portion of the building must comply with the performance requirements of the Building Code of Australia;

BUILDING CODE OF AUSTRALIA

- (17) The building design must ensure compliance with the Building Code of Australia:

- (a) openings within 3 metres of the southern boundary are protected in accordance with C3.4 of the Building Code of Australia;
- (b) alternate means of egress must be provided from basement level 4 in accordance with the performance requirements of the BCA;
- (c) openings in the in the external wall of the proposed mixed use building (eastern elevation) adjoining the heritage building (western elevation) must be protected in accordance with Part C of the Building Code of Australia;

RECEPTACLES FOR CIGARETTE BUTTS

- (18) 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.

CAR PARK AND SERVICE VEHICLE LAYOUT

- (19)
- (a) The layout plan of the carpark is to be in accordance with Australian Standard AS 2890.1 - 1993 "Parking Facilities Part 1: Off Street Car Parking". All parking spaces are to be linemarked.
 - (b) The layout of the service vehicle areas is to comply with Australian Standard AS 2890.2 - 1989 "Off Street Parking Part 2 - Commercial Vehicles Facilities".
 - (c) The details shall be submitted to and approved by the certifying authority prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

- (20) The following conditions apply to car parking:-
- (a) The on-site parking spaces, exclusive of services, commercial 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 the Construction Certificate under the Environmental Planning and Assessment Act 1979 a documentary Restrictive Covenant, is to be registered on the Title of the development 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 of 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.

ACOUSTIC PRIVACY BETWEEN UNITS

- (21) 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

- (22) 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.

ACCESS FOR PERSONS WITH A DISABILITY

- (23) Access to the mixed residential and commercial development shall be in accordance with the requirements of "The City of Sydney Access Policy December 1992".
- (24) A minimum of one residential unit must be designed to be capable of being fitted for a disabled person.

RESTRICTION ON RESIDENTIAL DEVELOPMENT

- (25) The following restriction applies to buildings approved for residential use:
- (a) The accommodation portion of the building (levels 1-5) must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Central Sydney Local Environmental Plan 1996.
 - (b) All approved residential units in the building must be either owner occupied or occupied by a tenant with a residential lease under the Residential Tenancy Act 1987. A certificate signed by the owner or the body corporate (if the development is strata subdivided) or a solicitor (holding a current certificate to practice), must be forwarded to Council within 12 months of the completion of the development, and every 12 months thereafter, certifying that all units approved in the residential building are either owner occupied or are subject to residential leases under the Residential Tenancy Act 1987.

- (c) A restrictive covenant is to be created pursuant to Section 88E of the Conveyancing Act, 1919, restricting any change of use of levels 1-5 from the 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.

ELECTRICITY SUBSTATION

- (26) 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)

(27)

- (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

(28) 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.

STORMWATER RUN OFF CONTROL

- (29) 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.

UTILITY SERVICES

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

ALIGNMENT LEVELS

- (31) 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.
- (32) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the Application for a Construction Certificate.

ALIGNMENT ENCROACHMENTS

- (33) Any proposed balconies, bay windows, sun blinds or shades or architectural embellishments overhanging the public footway are not to encroach upon the alignment thereof in excess of 450 mm.

VENTILATION

- (34) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2).

MECHANICAL VENTILATION

- (35) All proposed and required mechanical ventilation systems: STANDARD REQUIREMENT - Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
- (a) the location of exhaust and intake vents: STANDARD REQUIREMENT - Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
 - (b) the garbage room: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;
 - (c) the recycling storage area: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;

- (d) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor, and ceiling finishes to all food preparation and storage areas: STANDARD REQUIREMENT - National Code for the Construction and Fitout of Food Premises & the Food Act 1989 and Regulations thereunder.

Note: Your attention is drawn to the requirements of the Smoke-Free Environment Act, 2000, which prohibits smoking in all enclosed public spaces. An enclosed public space means a place having a ceiling or roof and, except for doors and passageways, completely or substantially enclosed, whether permanently or temporary. Under the Act there is an onus of responsibility on both individual and occupiers of premises to refrain and prevent smoking within defined smoke-free areas.

COOKING

- (36) That the premises shall not be used for the cooking of food unless an approved air handling system is installed to the cooking appliances designed in accordance with AS1668.

FITOUT OF FOOD PREMISES

- (37) The construction, fitout and finishes of the premises shall comply with the Food Act 1989 and Regulations thereunder and the National Code for the Construction and Fitout of Food Premises.

SANITARY FACILITIES

- (38) That the premises shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia.

INSTALLATION OF WATER EFFICIENT TOILETS, SHOWERHEADS AND TAPS

- (39) All toilets installed within the development shall be of water efficient, dual-flush capacity with a minimum "AAA" rating. All showerheads and taps installed in the development shall be water efficient with a minimum "AAA" rating. The "AAA" rating refers to the Standards Australia Water Conservation Labelling scheme. The details 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.

COMPLIANCE WITH NOMINATED STANDARDS

- (40) 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:

GEOTECHNICAL REPORT AND CERTIFICATION

- (41) Prior to commencement of any foundation or bulk excavation, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy submitted to Council (if it is not the Principal Certifying Authority):-
- (a) A Geotechnical Report which shall include the following information as appropriate:-
 - (i) Borehole/test pit logs or inspection records;
 - (ii) Field/laboratory test results;
 - (iii) General geotechnical description of site;
 - (iv) Recommended safe bearing values and likely settlements of foundation material;
 - (v) Recommendations for stability and protection of excavations;
 - (vi) Opinion on the effect of the new works on adjoining buildings and recommendations for any underpinning or other measures required to maintain stability; and
 - (vii) Method of proving and assessing foundations underpinning and/or excavation stability in accordance with design.
 - (b) A Structural Engineer's Report/Letter stating to the effect that, based on the Geotechnical Report, the proposed excavation and construction work will not adversely affect the adjoining building/s.
 - (c) An Inspection and Test Plan (ITP) that reflects the requirements of the geotechnical report, project drawings and specifications.

- (d) A completed Geotechnical Certificate for the Report and ITP, submitted in the form of Attachment G1 completed by the Project/Principal Geotechnical Engineer OR, a compliance certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) after satisfying (a), (b) and (c) above.

Notes

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

COST SUMMARY REPORT – CONCURRENT WITH ISSUE OF CONSTRUCTION CERTIFICATE

(43)

- (a) 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).
- (i) 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.

- (ii) 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.
- (iii) 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 & 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.

DEMOLITION/SITE RECTIFICATION

(44)

- (a) The following conditions apply to the development:-
 - (i) Demolition or excavation must not commence until a Construction Certificate has been issued under the Environmental Planning and Assessment Act 1979 for construction of the substantive building.
 - (ii) Prior to issue of the Construction Certificate, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the General Manager of the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.

(iii) Without limiting the generality of paragraph (b), the Deed must provide for:-

- a. a bank guarantee to be provided in the sum of [*amount*] dollars as security for the costs of such works provided that:-
 - i. the maximum liability under the Deed shall not exceed [*amount*] dollars; and
 - ii. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works which meet the objectives of the condition.
- b. Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - i. demolition of the existing building has commenced but not been completed;
 - ii. the existing building has been demolished; or
 - iii. the site has been excavated; or
 - iv. the structure has commenced to be erected;

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

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

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

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

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

- (45) 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

- (46) 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.
- (47) 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.

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

OTHER DEMOLITION DETAILS

(49) 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 Work Cover Authority.

EXCAVATION WORK METHOD STATEMENT

- (50) Prior to commencement of site excavation works, an Excavation Work Method Statement prepared by an appropriately qualified person must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or an accredited certifier) and a copy submitted to Council (if it is not the PCA). The Statement must include:-
 - (a) Name and address of the company/contractor undertaking excavation works;
 - (b) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials (if applicable);
 - (c) Name and address of the transport contractor, and location of the disposal site;
 - (d) Type and quantity of material to be removed from site;
 - (e) A Materials Handling Statement for the removal of refuse from the demolition site, in accordance with the provisions of the Waste Minimisation and Management Act 1995;
 - (f) A Dust Control Method Statement for excavated sandstone or other excavation materials;
 - (g) Procedures to be adopted for the prevention, of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment, and the proposed method of cleaning surrounding roadways from such deposits;
 - (h) Measures to enclose the excavation site, including safety barriers, particularly if the excavation is greater than 1.5 metres deep. Plastic jersey kerb barriers are not permitted;

- (i) Any WorkCover Authority requirements.

Note:

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

SITE CONTAMINATION REPORTS

- (51) Prior to commencement of site excavation works, a Site Contamination Survey Report, prepared by a qualified Environmental Consultant, in accordance with the provisions of the Contaminated Land Management Act 1997 must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or an accredited certifier).
- (52) Where a site is determined to be a “Contaminated Site” under the definition contained in ANZECC/NHMRC 1992 definitions, prior to commencement of site excavation works:-
 - (a) A Remediation Action Plan (RAP), which details the proposed method for the proper cleaning of contaminated materials from the site is to be provided to the satisfaction of the PCA, (and a copy to sent to Council if it is not the PCA).
 - (b) A suitability qualified and accredited “Independent Auditor”, to the satisfaction of Council, (in terms of Section 7A of the Environmental Planning and Assessment Act 1979) is to be appointed in accordance with the requirements of the Contaminated Land Management Act 1997, and Regulations 1998.
 - (c) The approved Remediation Action Plan, must be available on the site at all times during the progress of the work.
 - (d) The Independent Auditor is to provide a letter to the satisfaction of the PCA, that the RAP is appropriate to remediate the land to the standard suitable for the proposed redevelopment of the land and that common or public areas meet the criteria for common property or designated public space.

- (e) On completion of the excavation works, a validation certificate must be submitted to the PCA (and a copy sent to Council if it is not the PCA). The certificate signed by the Independent Auditor, must testify that the requirements detailed in the Remediation Action Plan, have been satisfactorily completed, and have achieved results as required under the requirements of the Contaminated Land Management Act 1997, and Regulations 1998.

ARCHAEOLOGICAL MONITORING DURING EXCAVATION

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

WATER AND SEDIMENT CONTROL STATEMENT FOR DEMOLITION AND EXCAVATION

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

- (a) Prior to the commencement of demolition and/or excavation, a Demolition/Excavation Water and Sediment Control Statement must be submitted to and approved by the Principal Certifying Authority (Council or an accredited officer).
- (b) Such statement must include:-
 - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
 - (ii) The proposed method of discharge;
 - (iii) The procedures to be adopted for the prevention of run-off from the site onto the public way;
 - (iv) The procedures to be adopted for the prevention of run-off from the site onto the public way.
- (c) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's Erosion and Sediment Control Manual and the Department of Housing Manual Managing Urban Stormwater - Soils and Construction (August 1998).
- (d) The Demolition/Excavation Water and Sediment Control Statement shall be implemented during the demolition and/or excavation period.
- (e) Any seepage or rainwater collected on site during work must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

- (f) The applicant must also comply with the NSW Protection of the Environmental Operations Act 1997, whereby it is an offence to pollute classified waters such as Sydney Harbour to which most of the City's street drainage is directly connected.

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.
 - (e) The Pedestrian and Traffic Management Plan shall be implemented during the demolition and/or excavation period.

WASTE MANAGEMENT DURING DEMOLITION AND EXCAVATION

- (56) 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.
- (57) 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.
- (58) The Waste Management Plan must address demolition and excavation, as applicable. The Plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:-
 - (a) Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.

- (b) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition and excavation operations including:-
 - (i) Type and quantities of material expected from demolition and excavation;
 - (ii) Name and address of transport company;
 - (iii) Address of proposed site of disposal;
 - (iv) Name/address of company/organisation accepting material;
 - (v) Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
 - (vi) Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
 - (vii) Material for disposal and justification of disposal;
 - (viii) If details of items (ii) to (vii) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contracts.
- (59) All requirements of Waste Management Plans must be implemented during the demolition and/or excavation period of the development.

Note:

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

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (60) 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

- (61) 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).

Documents required with the Road Opening Permit application include:-

- (i) A plan and relevant sections showing scope of works, boundaries, utility services, levels of proposed excavation, and details of method of reinstating public way;
- (ii) Evidence that public utility drawings have been inspected;
- (iii) 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;
- (iv) A Security Deposit for reinstatement of public way.
- (v) The Road Opening Permit will be subject to further conditions that shall be complied with.

BARRICADE PERMIT

- (62) 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.

APPLICATION FOR RETENTION OF FAÇADE ON A PUBLIC PLACE

- (63) A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to retain the façade on the public place, and such application is to include:-
- (a) Architectural, construction and structural details of the design to comply with the WorkCover Authority Code of Practice for Façade Retention, the relevant Australian Standards 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 works on site.

FOOTPATH DAMAGE BANK GUARANTEE

- (64) Prior to release of a temporary structure approval under Section 68 of the Local Government Act 1993 (Hoarding Approvals), the owner of the site must provide a bank guarantee as security for any damage rectification. The sum of money will be based on the square metres of footway adjacent to the street frontage of the development site which will be affected.

USE OF MOBILE CRANES

- (65) Permits required for use of mobile cranes:-
- (a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
 - (b) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.

- (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes shall not be delivered to the site prior to 7.30am without the prior approval of Council.

CERTIFICATION OF MECHANICAL VENTILATION

- (66) 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.
- (67) 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

- (68) 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.

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

Schedule 1D

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

DEMOLITION WORKS

- (69) 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.
- (70) Demolished combustible materials shall not be stockpiled. Material must be removed regularly.

HOURS OF WORK AND NOISE

(71) 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 5.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 3.00 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

(72) 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.

STREET TREES PROTECTION

- (73) 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.

LOADING AND UNLOADING DURING CONSTRUCTION

- (74) The following requirements apply:-
- (a) All loading and unloading associated with construction must be accommodated on site.
 - (b) The structural design of the building shall be such as to permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
 - (c) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
 - (d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
 - (e) If a construction zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

OBSTRUCTION OF THE PUBLIC FOOTWAY

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

CONSTRUCTION VEHICLES LOADS TO BE COVERED

- (76) 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.

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

(77) 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.

PROTECTION OF THE PUBLIC FOOTWAY

(78) 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.

VEHICLE FOOTWAY CROSSING

- (79) A separate application is to be made to Council's Civil Engineering Services – Roads and Footways unit for the construction of any new concrete vehicle footpath and kerb crossing, the removal of any existing crossings and the reinstatement of the footpath if any such crossings are no longer required.

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

- (80) For temporary shoring, a separate application must be lodged to Council under the provisions of Section 68 of the Local Government Act 1993.
- (81) For temporary ground anchors, new permanent basement wall/s or other ground retaining elements:-
- (a) Prior to issue of a Construction Certificate, the following documents shall be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA):-
 - (i) Dilapidation Report of adjoining buildings/structures.
 - (ii) Evidence that public utility services have been investigated.
 - (iii) If adjoining a Public Way:-
 - a. Evidence of a \$10 million dollar Public Liability Insurance Policy specifically indemnifying the City of Sydney, valid for at least the duration of the project. The original document shall be submitted to Council.
 - b. Bank Guarantee in accordance with the City's Fees and Charges. The original document shall be submitted to Council.
 - (b) Prior to commencement of work:-
 - (i) The location of utility services shall be fully surveyed and the relevant Public Utility Authority requirements complied with; and
 - (ii) The following documents shall be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA):-

- a. Structural drawings and certification as prescribed elsewhere in this Schedule.
 - b. Geotechnical Report and certification as prescribed elsewhere in this Schedule.
- (c) Prior to issue of Occupation Certificate, the City's Development Engineer shall be notified on 9265 9105 when the Restoration of the Public Way is complete and in accordance with the following:-
- (i) All ground anchors shall be de-stressed and isolated from the building prior to completion of the project.
 - (ii) The temporary structure, including foundation blocks, anchors and piers shall be removed above and below the public way, prior to completion of project, down to a depth of 2m.
 - (iii) All timber shall be removed.
 - (iv) The voids then backfilled with stabilised sand (14 parts sand to 1 part cement).
- (d) After satisfying (c) (i) to (iv), notification in writing by the contractor shall accordingly be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA).
- (e) All costs for any reinstatement of the public way made necessary because of an unstable, damaged or uneven surface to the public way shall be borne by the owner of the land for works approved under this consent.

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

- (82) 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

- (83) 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.

FIRE SAFETY STATEMENT

- (84) 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.

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

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

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (86) 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.
- (87) 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

- (88) 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.

STORAGE AND HANDLING OF WASTE/ BUILDING WASTE MANAGEMENT PLAN

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

A Building Waste Management plan is to be submitted to Council and approved by the Director City Development prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 for the development. Such Plan must address compliance with Council's Code for Waste Handling in Buildings 1994 and provide details of the following:

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

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

WASTE MANAGEMENT PLAN COMPLIANCE

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

PRE-OCCUPANTION CERTIFICATE REQUIREMENTS

- (91) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000 the following works are required to be completed prior to the issue of an Occupation Certificate to ensure that there is adequate fire safety in the heritage building. Prior to the issue of a Construction Certificate the certifying authority must ensure that the building design incorporates the required upgrading works.
- (a) Openings onto the stair providing egress from the residential portion of the building must be protected in accordance with the performance requirements of the Building Code of Australia;
 - (b) Openings in the external wall of the heritage building (western elevation) and proposed mixed use building (eastern elevation) must be protected in accordance with Part C of the Building Code of Australia;
 - (c) The space below the internal stair must be fire separated to comply with D2.8 of the Building Code of Australia;
 - (d) The floor separating the ground floor retail portion from the first floor residential portion must be fire separated to comply with the performance requirements of the Building Code of Australia. The proposed upgrading works must not impact on the heritage fabric of the building;
 - (e) A fire detection and alarm system must be installed in accordance with Specification E2.2a of the Building Code of Australia;
 - (f) Emergency lighting and exit signs must be installed in accordance with Part E of the Building Code of Australia;
 - (g) Portable fire extinguishers must be installed in accordance with Part E of the Building Code of Australia;
 - (h) Light and ventilation of rooms within the residential portion of the building must comply with the performance requirements of the Building Code of Australia;

CITY OF SYDNEY COMPLIANCE INSPECTIONS

- (92) 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.

GEOTECHNICAL INSPECTION AND TESTING

- (93) 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.

GARABAGE COLLECTION CONTRACTS

- (94) 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.
- (95) All land titles within the site must be consolidated into one lot. A plan of consolidation in a form capable of registration shall be lodged with the Land Titles Office prior to issue of a Occupation Certificate under the Environmental Planning and Assessment Act 1979.

NOTIFICATION TO NSW HEALTH DEPARTMENT

- (96) Prior to the commencement of food handling operations, the food business must notify the NSW Health Department of the following information including:
- (a) Contact details for the food business including the name of the food business and the name and address of the proprietor of the business;
 - (b) The nature of the food business; and
 - (c) The location of all food premises of the food business within the jurisdiction of NSW Health.

You may notify the NSW Health Department via the Internet on www.foodnotify.nsw.gov.au or hard copy using the attached notification form.

Failure to notify the NSW Health Department may result in a penalty not exceeding \$2750.

WASTE

- (97) That wastewater arising from the cafe shall be directed to the sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The applicant is advised that pre treatment of wastewater may be a requirement of the Corporation prior to the discharge to sewer. Details of the Corporations requirements should be obtained prior to the commencement of work.

WASTE HANDLING

- (98) That construction, containerisation and handling of waste arising from the development shall be in accordance with Council's Code for Waste Handling in Buildings.

PREMISES NUMBERING

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

SHOP NUMBERING

- (100) 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

(101) 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).

CARE OF BUILDING SURROUNDS

(102) 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.

Prescribed Conditions

The prescribed conditions in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000 apply where there is building work:

1.
 - (a) The work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate is made).
 - (b) This condition does not apply:
 - (i) to the extent to which an exemption is in force under Clause 187 or 188, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the Environmental Planning and Assessment Regulation 2000; or
 - (ii) to the erection of a temporary building.
2. In the case of residential building work for which the Home Building Act 1989 requires that there be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force.

Carried unanimously.

Note - Mr John Harvey and Mr Glenn Gilsonan addressed the meeting of the Planning Development and Transport Committee on Item 2.8.

PART "A" (CONTINUED) - DETERMINED BY COUNCIL

Closed Meeting

At 7.35pm the Planning Development and Transport Committee resolved -

That due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Section 10A (2)(c) of the Local Government Act 1993 to discuss Item 2.9 on the agenda as this matter comprised discussion of commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;

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

Item 2.9 was then dealt with by the Planning Development and Transport Committee while the meeting was closed to the public and was subsequently dealt with by Council in open session.

HERITAGE FLOOR SPACE: REVIEW OF SELECTED CLAUSES FROM CENTRAL SYDNEY LOCAL ENVIRONMENTAL PLAN 1996 AND CENTRAL SYDNEY DEVELOPMENT CONTROL PLAN 1996

2.9

That arising from consideration of a report by the Cadet Planner to the Planning Development and Transport Committee on 8 December 2003, in relation to the review of selected local environmental plan and development control plan clauses relating to the heritage floor space system, it be resolved that Council:-

- (A) endorse the preparation and public exhibition of "Central Sydney Development Control Plan 1996: Draft Amendment No. 18 (Heritage Floor Space)", 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";

- (B) in accordance with Section 54 of the “Environmental Planning and Assessment Act 1979”, and after further investigation and analysis of the impacts of this proposal on market demand and supply and price of heritage floor space, endorse the preparation of a draft local environmental plan, which may amend either “Central Sydney Local Environmental Plan 1996 or the Draft City of Sydney Local Environmental Plan 2002” (should it be gazetted in the near future) to amend those provisions that relate to the rates of heritage floor space discount for the purposes of allocation, and those provisions to address access to the heritage floor space system; and
- (C) authorise the Lord Mayor to make any drafting changes that may arise from consideration of the subject report by Council.

Carried.

ITEM 3. REPORT OF THE SPECIAL MEETING OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 15 DECEMBER 2003

FILE NO:

DATE: 22/12/03

PRESENT

Councillor Lucy Turnbull
(Chair)

Councillors - Dixie Coulton, Kathryn Greiner and Robert Ho.

At the commencement of business at 4.50pm those present were -

The Lord Mayor, Councillors Coulton, Greiner and Ho.

Apologies

Councillor Nick Farr-Jones extended his apologies for his inability to attend the Special Meeting of the Planning Development and Transport Committee owing to an urgent commitment.

Councillor Fabian Marsden extended his apologies for his inability attend the Special Meeting of the Planning Development and Transport Committee owing to another commitment.

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

That the apologies from Councillor Farr-Jones and Councillor Marsden be accepted and leave of absence from the meeting be granted.

Carried.

Order of Business

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

2. Central Sydney Bike Plan
8. Development Application: 98-106 Riley Street Darlinghurst
5. Development Application: 413-421 George Street, Sydney (Former Nock & Kirby's Building)
6. Development Application: 61 York Street, Sydney (Australasian Pioneers Club)
4. Development Application: 56-76 Oxford Street Darlinghurst (Chicane Restaurant)
7. Development Application: 15 Regent Street Chippendale
1. Progress Report on Development Applications - Six Months After Boundary Changes

The meeting of the Planning Development and Transport Committee concluded at 6.10pm.

Report of the Committee

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

That the Report of the Special Meeting of the Planning Development and Transport Committee of Monday 15 December 2003 be received, and the recommendations set out below for Items 3.1, 3.4, 3.7 and 3.8 be adopted, with Items 3.5 and 3.6 being noted, and Item 3.2 being dealt with as shown immediately following that item.

Carried.

The Committee recommended the following:-

PART "A" - DETERMINED BY COUNCIL

PROGRESS REPORT ON DEVELOPMENT APPLICATIONS (S024047)

3.1

That arising from consideration of a report by the Planning and Systems Co-Ordinator and Manager Development to the Special Meeting of the Planning Development and Transport Committee on 15 December 2003, regarding development applications six months since the boundary changes, it be resolved that the report be received and noted.

Carried.

CENTRAL SYDNEY BIKE PLAN (S015054/3)

3.2

That arising from consideration of a report by the Senior Transport Planner to the Special Meeting of the Planning Development and Transport Committee on 15 December 2003 in relation to the Central Sydney Bike Plan, it be resolved that:

- (A) Council adopt the amended Central Sydney Bike Plan shown at Attachment A to the subject report;
- (B) Council adopt the Bicycle Routes in Central Sydney shown at Attachment B to the subject report;
- (C) Council note its commitment to the allocation of \$300,000 in the 2003/2004 capital works budget to fund implementation of the first year of the plan;
- (D) Council thank individuals and organisations who responded to the public exhibition of the Bike Plan for their comments and provide them with a copy of the final Bike Plan; and
- (E) a representative of the Sydney cycling community be appointed by the Lord Mayor to act in an advisory capacity on the Traffic Committee on issues which affect cycling amenity in the City centre.

Amendment. At the request of the Chair (the Lord Mayor) and by consent, the motion was amended by the insertion of the following new Clause (B), and the subsequent renumbering of the following Clauses -

- (B) Council staff review the usage and design of the area on the western side of Chalmers Street in front of the Railway Institute building to improve pedestrian and cyclist access at this point.

Motion, as amended by consent, carried.

Note - Mr Neil Tomkin, Mr Andrew Dodds, Ms Janice Wormsworth and Ms Chloe Mason addressed the Special Meeting of the Planning Development and Transport Committee on Item 3.2.

Note - The Central Sydney Bike Plan, as adopted by Council, is as follows.

CENTRAL SYDNEY BIKE PLAN

Please note: The attachments referred to in the City of Sydney Bike Plan can be found on file no. S015054/3.

1. EXECUTIVE SUMMARY

Sydney's CBD is geographically small and intensely populated. It is constrained by narrow streets where competing needs for road and street space must be carefully balanced in relation to pedestrians, buses, taxis, cyclists, tourist coaches, delivery vehicles and private vehicles. The daily population swells to 600,000 people - twenty times the resident population of 30,000. The majority (72.3%) travel to and from the CBD by public transport.

To enable people to get to and move around in the city, an effective and integrated transport scheme must adequately balance the competing needs and demands for the limited space available.

While in comparative terms the level and popularity of cycling is very small, the City recognises the important role cycling plays as a mode of transport for getting to and around the City, and the environmental benefits it delivers. Further integrating the cycling mode into the City's transport system will improve access, reduce greenhouse emissions, air pollution and, ideally, ease traffic congestion.

The Central Sydney Bike Plan recognises the need to enhance existing facilities available to cyclists.

The objectives of the Bike Plan are:

- > To improve cycle access to the CBD.
- > To improve cycle access around the CBD, including provision of a recreational foreshore route.
- > To enhance the supply of bicycle parking facilities.
- > To encourage safe cycling and enhance public safety awareness of cyclists.

A section of the bike plan is devoted to each of the above objectives, and specific measures are identified for implementation. In section 6, each action is prioritised over a three year time frame and the resources needed are identified.

While this Plan has been designed to link Central Sydney with existing bicycle paths in the former South Sydney and Leichhardt Council areas, the City will review the existing cycling routes and facilities in those areas and broaden this Plan to cover the entire City of Sydney local government area.

2. BACKGROUND

THE CITY WE WANT

Sydney continues to develop not only as a place to work and do business, but as a place to live, a place for recreation, entertainment, and a place with a thriving community spirit. The key to this transformation has been the city centre. The City's heart, with its concentration of global finance, business services and communications industries, has also become the home for an increasing resident population.

CENTRAL SYDNEY BIKE PLAN

Central Sydney is now a rich and diverse community of residents, businesses, employees, visitors, shoppers and tourists. To continue to prosper it must be livable, civil, pleasant and sustainable – it must be a city that understands the link between place, people and the many facets that enrich our lives.

Given that some 600,000 people utilise the City daily, the transport task is critical to its functioning and sustainability. To be part of the ebb and flow, and to encourage the dynamic pulse of the City, people need to be able to get to the City and move around it with ease.

INTEGRATED TRANSPORT

The City has worked hard at making Central Sydney the most accessible destination in NSW and at enhancing its environmental quality. To achieve this, efforts have primarily been directed towards encouraging trips to the city by public transport, and improving conditions for pedestrians to create a more accessible, productive and enjoyable city. This has been essential given the sheer volumes of persons flowing in and around the CBD on a daily basis.

In recent years, for example, the City has undertaken a comprehensive upgrade of our streets and environment. Work has included improved pedestrian facilities, widening and upgrading footpaths, reducing street clutter, improving street lighting, upgrading street furniture, and generally improving public amenity in the City.

It is important that cycling also be facilitated and encouraged. A transport scheme that successfully integrates transport modes in and around the City is critical to the functioning of a vibrant city.

THE TRANSPORT TASK

The 2001 Journey-to-Work data shows that of the employees travelling to the City some 72.3% arrived by public transport. The next major category was private car use accounting for some 21.5% of all commuter trips. The mode split of all commuter trips to the City was as follows:

Public Transport

Rail -	49.4%
Bus -	19.4%
Ferry -	2.4%
Taxi -	0.8%

Car

Car Driver -	17.8%
Car Passenger -	3.6%

Other Modes

Walk -	4.5%
Other -	1.7% (Motorbike, Bicycle, other modes)

CENTRAL SYDNEY BIKE PLAN

The total figures show that 78.5% of all commuter trips were made by non-car modes. Bicycles account for 0.5% of all commuter trips. On an average weekday there were about 1200 commuter cyclist trips into the City. This represents a doubling of the 1996 Journey to Work figure of 600 (0.3%) commuter trips into the City

Recent data from the 2000 Home Interview Surveys confirm this proportion. The surveys indicate that of the 194,246 trips in the peak period between 7am and 9am into Central Sydney, 712 (0.4%) were cyclists. A comparison to 1991 (342) shows cyclist trips have more than doubled in that time. While the actual number of trips remains low, it represents an average 8.47% annual increase. This adds to the sound basis for the City to provide further facilities for cyclists as outlined in this Bike Plan. It is both complementary and reasonable as part of an integrated transport scheme.

TRIPS WITHIN CENTRAL SYDNEY

While current data on the modal split of trips within Central Sydney is unavailable, information is available for an average weekday within the City in the early 1990s. The split is largely towards walking with over 90% of trips on an average weekday. The mode split on an average weekday was as follows (1991/92 Sydney Region Travel Surveys):

Walk –	92.9%
Public Transport –	4.7%
Vehicle –	2.1%
Bike/Wheelchair/Other –	0.4%

These figures underlie the priority that any transport strategy within the City needs to give to pedestrians. Cycling is a viable transport option for people who live within a 10 kilometre radius of the CBD. However, while assessments vary, bicycle use nevertheless remains a small percentage in overall transport mode terms. This is not to diminish the importance of bicycle use, but to place it, when considering practical, achievable improvements, in context with the overall transport needs of the City.

3. GETTING THERE

DIRECT CYCLING CONNECTIONS TO THE CITY

Major entry points

Cycling is a viable transport option over short distances and is well suited for trips of up to 10 km. For cyclists who live on the immediate environs of the City, bicycle lanes have been provided that connect with major entry points into Central Sydney. The entry points are as follows:

CENTRAL SYDNEY BIKE PLAN

> **From the north**

The cycle path on the western side of the Sydney Harbour Bridge connects Central Sydney to bicycle networks in North Sydney and the Lower North Shore. The path provides access to the Observatory Hill Footbridge and a subsequent shared use footpath to Kent Street. Also, cyclists can enter Millers Point and the Rocks via Watson Road and Argyle Street.

> **From the south**

The primary entry points into Central Sydney are Mary Ann Street, Ultimo Road, Railway Square and Chalmers Street. Bicycle facilities have been provided on Mary Ann Street and Ultimo Road.

Marked bus lanes along approach roads into Central Sydney such as Broadway and Oxford Street generally provide a more free flowing lane in which cyclists are permitted to travel. Some of these are peak hour bus lanes and others extend over greater periods of time. Their appropriateness for cyclists is predominantly for commuter use and easier access to various commercial destinations.

> **From the east**

William Street and Whitlam Square are the major entry points for cyclists. Whitlam Square is accessed by cyclists using the bus lanes on Oxford Street, which is a feeder route for cyclists from Surry Hills, Darlinghurst and Paddington.

> **From the west**

The most significant western entry point is at the intersection of King Street and Sussex Street. This entry point is located on a shared cycle/footpath from Pymont Bridge. The route affords direct access to the west with bicycle lanes in Pymont connecting with the cycle path across the ANZAC Bridge.

EXISTING BICYCLE ROUTES TO THE CITY

The existing bicycle routes within the City of Sydney, that provide access to Central Sydney include:

- > A bicycle route to Kent Street passing through Observatory Hill from the Sydney Harbour Bridge Cycleway.
- > A bicycle route through Pymont from the Anzac Bridge cycleway, along Saunders Street, Miller Street and Union Street to connect with Pymont Bridge and a link to King Street. In addition this route provides a northern connection to the marked bicycle lanes on Darling Drive. This route apart from marked bicycle lanes has been provided with advanced stop lines and bicycle detectors at signalised intersections along the route. At the Harris Street / Miller Street signalised intersection specific bicycle lanterns have been installed to facilitate bicycle movement into the shared roadway in Union Square.

CENTRAL SYDNEY BIKE PLAN

- > A shared pedestrian/bicycle facility on Pirrama Road, Pyrmont between Harris Street to the Pyrmont Bridge.
- > A bicycle route through Ultimo from Wattle Street, along Mary Ann Street, Harris Street/Omnibus Lane and Ultimo Road, which provide a southern connection to the marked bicycle lanes on Darling Drive. Facilities along this route include a shared pedestrian/bicycle footway on the southern side of Mary Ann Street, advanced stop lines and bicycle detectors at intersections. In addition, before the end of 2003 the Roads and Traffic Authority will begin construction to provide traffic signals at the intersection of Wattle Street and Kelly Street to facilitate pedestrian and cyclist movements across Wattle Street. A signalised intersection at this location provides a connection with bicycle facilities in Kelly Street, Glebe.
- > Improving bicycle access to Central Sydney by through the provision of bus lanes which cyclists are permitted to use.

INDIRECT CYCLING CONNECTIONS TO THE CITY

For the vast majority of residents in the expanse of greater Sydney, cycling to and around the CBD is not likely to be encouraged through the enhancement of existing cycling facilities in the CBD. Cycling can be encouraged among this segment of Sydney's population through the provision of appropriate cycle facilities at public transport nodes or suburban train stations, which then allows them to conveniently commute by public transport to the CBD.

Bicycles are permitted on trains and ferries in Sydney's extensive public transport system. Currently, there is no charge for carrying bicycles in trains during weekends and outside peak periods during weekdays. During peak periods the fare charged for bicycles is equivalent to a child fare. On ferries bicycles are carried free of charge, although during periods when ferries are crowded they may not be permitted. Certain ferries such as JetCats have limited facilities for carrying bicycles which restricts the number of bikes that may be carried.

The City supports the Transport NSW initiative of providing secure bicycle lockers at CityRail stations and State Transit Authority ferry wharves. The lockers are available for hire for a minimum of 3 months and make it easier to cycle and take the train or ferry to work, school, and shop or to visit Central Sydney.

Lockers protect the bikes from theft and vandalism and are large enough to store bicycle accessories such as helmets and clothing. Currently lockers are available at 53 railway stations in the Greater Sydney Area including Penrith, Windsor, Katoomba, Campbelltown, Wollongong, Hornsby, Gosford, and Newcastle. Lockers are also available at the Abbotsford, Meadowbank, Parramatta, and Rydalmere ferry wharves. In December 2002, of the 560 lockers available for rent 264 (47%) were occupied.

Such a program encourages the use of public transport to access the city, while further catering for and encouraging cycling among residents of greater Sydney.

CENTRAL SYDNEY BIKE PLAN

4. GETTING AROUND TOWN

Although the City has already implemented a number of bicycle links to the Central Sydney from the west, and bicycle links from the east are being proposed along William Street as part of the on-street amenity improvements associated with the Cross City Tunnel, within Central Sydney itself there is intense competition for the very limited road space available.

Consequently, the City's policies are aimed at giving priority to public transport services and pedestrians. For example, the upgrade and widening of CBD footpaths and the encouragement of public transport through bus lanes, which can also be used by cyclists.

The City must provide a range of transport options, and is keen to provide appropriate facilities for cyclists, but it is crucial that these facilities are not to the detriment of the public transport system or pedestrian facilities and amenity. The City generally favours integrating bicycles with other transport options and users, particularly as it is a low speed environment. For this reason, bicycle travel within the CBD is accommodated via the extensive network of bus lanes, with cyclists generally sharing the road with other traffic users.

The CBD provides particular challenges for bicycle routes. Many of the roads are narrow, there is a high parking demand on-street and there are many kerb extensions to negotiate. Traffic lanes generally cannot be reduced in width, as they are currently at the minimum standard. This presents little opportunity to provide a marked bicycle lane without removing a traffic lane or kerbside parking spaces. Retention of parking is essential for pedestrian amenity and to provide a buffer to moving traffic. Parked vehicles also have the effect of calming traffic generally and slowing traffic speeds.

Accordingly, the bicycle routes proposed are in the main shared on-road facilities. On-street bicycle routes will be designated with bicycle logos in traffic lanes and directional signage. Along these routes cyclists would travel in the road traffic lanes. However, where safe opportunities exist to provide marked bicycle lanes they have been included in the Bike Plan.

Keeping cyclists on the road rather than on the footpath is considered to be safer. However, where an on-road alternative is not available shared use with pedestrians has been considered and will be designed such that pedestrians are not adversely affected. Such facilities can only be provided in exceptional circumstances in order to safeguard the enormous numbers of pedestrians in the CBD.

There are shared cyclist/pedestrian paths within the LGA namely on Pymont Bridge, the dedicated pedestrian/bicycle path along the Western Distributor, and along the Cahill Expressway. A normal City street with short blocks and many entrances to buildings would not be appropriate for providing a shared facility. Where appropriate however, additional shared pedestrian/bicycle paths are proposed in the Bike Plan.

CENTRAL SYDNEY BIKE PLAN

EXISTING BICYCLE ROUTES AND FACILITIES IN THE CBD

Measures that have been implemented to encourage and integrate cycling into Central Sydney's transport system in recent years include:

- > The provision of over 12 km of Bus Lanes in Central Sydney. Bicycles are permitted to travel in these bus lanes. Using the bus lanes improves travel times and accessibility for cyclists as they are often less congested than the normal traffic lanes.
- > The lowering of the general speed limit in Central Sydney from 60 kph to 50 kph. Within the residential areas of the City such as Millers Point, Pyrmont and Ultimo there are already 40 kph speed zones. Also, roads controlled by the Royal Botanic Gardens are signposted at 30 kph.
- > The City's planning controls require bicycle parking facilities to be provided in all buildings that provide on-site parking. Facilities are to include parking for bicycles and at least one readily accessible shower room. Bicycle parking space should equal at least one car parking space for every 100 car parking spaces or part thereof.
- > The City has provided bicycle parking racks in the public domain, such as in Clarence Street and in Castlereagh Street near the intersection with Bathurst Street. In addition, racks have been provided at Union Square (Pyrmont) and Macarthur Street (Ultimo). Parking racks have also been provided at recreational facilities within the City such as the Cook and Phillip Park Aquatic Centre and recently refurbished Andrew Boy Charlton Pool.
- > Encouraging a safer environment for all road users through the City's Road Safety Programs.

A map of the proposed bicycle routes is shown on the attached plan. The plan also shows the connections with the bicycle routes from the surrounding councils as well as the existing bicycle routes within the City.

The routes are outlined in brief below. The proposed treatments along each route are discussed in more detail in the Section 7 Implementation.

PERIPHERAL ROUTE - WESTERN EDGE

Kent Street is the key north-south street along this route. It has been incorporated into the route because it is a less intensively used street, pedestrian volumes are not as great or concentrated as compared to streets closer to the retail core and the central business district. Topographically, it is well suited to cycling and provides a direct connection to the Harbour Bridge as well as potential connections to the Pyrmont Bridge. The Bike Plan relies on Kent Street becoming two-way as part of the surface street changes associated with the Cross City Tunnel. Cycling would be integrated with other road traffic through the provision of bicycle logos and directional signage.

CENTRAL SYDNEY BIKE PLAN

The route feeds into DrUITT Street where cyclists are to use the bus lanes proposed as part of the Cross City Tunnel project. South of DrUITT Street, it is proposed that cyclists share the footpath with pedestrians along Day (east side) and Harbour Streets (west side) to access Darling Harbour, north of Pier Street. They would cross DrUITT Street, Bathurst Street and Harbour Street using pedestrian phases at existing traffic signal sites. After crossing Darling Harbour cyclists would access the bicycle lane on Darling Drive using the service road and roundabout intersection.

In the southern part of this route, a shared footpath on the eastern side of Wattle Street and Abercrombie Street links the existing bicycle facilities on Mary Ann Street with the bicycle routes through Chippendale.

PERIPHERAL ROUTE - EASTERN EDGE

College and Macquarie Streets provide a through route on the eastern side of Central Sydney. Cyclists would be integrated with other road traffic through the provision of bicycle logos and directional signage. Where appropriate, additional bicycle signs would be provided to inform drivers of the presence of cyclists.

Both these streets are wider than other streets in the eastern half of the CBD and Macquarie Street is a relatively less intensively used north-south street. Also, an important advantage of developing this route is that it extends from Alfred Street in the north through to Oxford Street at Whitlam Square. South of Whitlam Square the route continues along Wentworth and Elizabeth Streets to link up with proposed bicycle facilities on Cleveland Street.

Through Circular Quay the existing Cahill expressway shared pedestrian/bicycle pathway is to be used. A surface route is also shown along Albert, Alfred, George and Argyle Streets to connect with Watson Road and the Harbour Bridge Cycleway. This route is substantially on-road although because Alfred Street is one-way (westbound) between Pitt and Loftus Streets a wide shared pedestrian/bicycle pathway is proposed in this section of Alfred Street.

RECREATIONAL FORESHORE ROUTE

As part of the development of the Bicycle Plan, the opportunity is recognised for a recreational foreshore route between Pymont and Woolloomooloo.

The proposed route takes in many of the tourist and recreational facilities of the city. Also, a recent survey of residents in the Central Sydney indicated of those who own bicycles, they mainly use them for recreational purposes such as riding through city parks or along the harbour.

Part of this route is already in place in Pymont with a shared bicycle/pedestrian path along Pirrama Road between the Pymont Bridge and Harris Street. The Plan proposes to extend this route by:

CENTRAL SYDNEY BIKE PLAN

- Utilising the waterfront promenade at Jacksons Landing to connect from Harris Street to the old Glebe Island Bridge. Provision of a recreational bicycle route along the promenade has been incorporated in the Master Plan for the Lend Lease/Jacksons Landing site.
- Linking the proposed Glebe Foreshore Walk to the Jacksons Landing recreational route. The City will provide a shared recreational shared pedestrian/cyclist path from Bicentennial Park in Glebe to the Sydney Fish Markets entrance at Pyrmont Bridge Road. The Sydney Harbour Foreshore Authority will continue the route through the Sydney Fish Markets and along Bank Street to link with the Jacksons Landing facility.
- Providing bicycle lanes in Hickson Road north of Napoleon Street. The Walsh Bay Master Plan has provision for a bicycle route along Hickson Road to Dawes Point.
- Providing a Bicycle route through the Rocks, Circular Quay, the Domain and into Woolloomooloo.

The foreshore route complements a route highlighted in the Roads and Traffic Authority Bicycle Master Plan Action for Bikes: Bikeplan 2010, which indicates a link between the Sydney Harbour Bridge and Woolloomooloo Bay to be provided by 2005.

EAST-WEST ROUTES THROUGH CENTRAL SYDNEY

As part of the Cross City Tunnel project, it is proposed to provide 1.5m wide kerbside bicycle lanes along William Street and Park Street. From the Park and George Street intersection cyclists would use the bus lanes that will be provided on Druiitt Street.

Prior to the opening of the tunnel, interim bicycle links along King Street (easterly direction) and Liverpool Street (westerly direction) are proposed.

ADDITIONAL ROUTES TO IMPROVE CONNECTIVITY OF THE BIKE PLAN

To improve the connectivity of the Bike Plan the following bicycle routes are also proposed in the Bike Plan. They are:

- Bus bicycle lanes on Oxford Street between Whitlam Square and Taylor Square. 1.0 m wide bicycle lanes will be delineated within the 4.0m wide bus bicycle lanes.
- Shared bicycle/car parking lanes on Campbell Street between Riley Street and Wentworth Avenue. This route provides a link between the existing bicycle lanes on Campbell Street (east of Riley Street) and the proposed bicycle route along Wentworth Avenue.
- Bicycle logos on Ultimo Road. This route provides a link between the bicycle lanes on Darling Drive and Ultimo Road (west of Darling Drive) to the bus lanes on George Street.

CENTRAL SYDNEY BIKE PLAN

- Bicycle logos on George Street to link the bus lanes from the intersection with Jamison Street to the proposed bicycle route along Alfred Street, Circular Quay and George Street (north) through the Rocks.
- For westbound cyclists bicycle logos will be provided in traffic lanes on Clarence Street and Market Street, from Druitt Street to the intersection of Market Street and Sussex Street.
- An on-road cyclist route through Chippendale along Sheppard Street, Myrtle Street and Buckland Street will be signposted. A shared pedestrian/cyclist route on the southern footpath of Broadway between Buckland Street and Abercrombie Street will be signposted.
- A shared pedestrian/cyclist footpath along the eastern footpath of Regent Street and Lee Street between Cleveland Street and Railway Square will be signposted. This route provides a link between the propose shared use path on Cleveland Street to the bus lanes on George Street.

PROPOSED BUS LANES

The following bus lanes to be provided as part of the Cross City Tunnel project have been included in the Bike Plan. These will be provided in 2005-2006 after the completion of the tunnel project. They are:

- Chalmers Street – from Redfern Street to Foveaux Street
- Elizabeth Street - between Foveaux Street to Redfern Street
- Liverpool Street (Eastbound) – between Elizabeth Street and Whitlam Square
- Bridge Street (Eastbound) - between George Street and Loftus Street

On Chalmers Street, Elizabeth Street and Liverpool Street bicycle logos will be provided in traffic lanes before the bus lanes are introduced.

PEDAL 'n' PARK

OFF-STREET BICYCLE PARKING FACILITIES

One of the key objectives of the City's planning controls is to maximise the use of public transport, walking and cycling for trips, to, from and within Central Sydney. To encourage commuter cycling, the planning controls require that on-site parking be provided for bicycles in new developments.

Parking is to be provided at a rate of at least one car parking space for every 100 car parking spaces or part thereof. The facilities to be provided should include at least one readily accessible shower change room.

CENTRAL SYDNEY BIKE PLAN

As part of the Bike Plan, it is proposed to review the bicycle parking rates in the City's planning controls. In particular, it is proposed to investigate the feasibility of linking bicycle parking rates to floor space for residential, commercial and retail land uses, rather than the number of car parking spaces. It is also proposed to consider the possibility of extending the requirements for bicycle parking to public car parking stations.

ON-STREET PARKING FACILITIES

The City has provided bicycle parking racks in the public domain. Within Central Sydney sets of bicycle parking racks have been provided at the following locations:

- > Watson Road, opposite the entrance to the Sydney Harbour Bridge Cycleway
- > Clarence Street, east side, between King and Barrack Street
- > Castlereagh Street, west side, south of the intersection with Bathurst Street
- > King George V Recreation Centre
- > Cook and Phillip Park Aquatic Centre
- > Andrew Boy Charlton Pool

The parking racks are of the inverted U-shaped design, which permit both wheels of the bicycle to be secured against the device if desired. Bikes are secured parallel to the rack.

PROPOSED PARKING FACILITIES

In 2001, surveys of on-street bicycle parking were undertaken. The surveys indicated the number of bicycles parked in the public domain is not large. During a weekday, the total number of bikes parked peaked between 2.00 pm and 3.00 pm at 142 bicycles. Desirable bike parking sites were shown to include:

- > Druitt Street and Park Street
- > George Street south of Bathurst Street opposite the Cinema precinct
- > Castlereagh Street near Bathurst Street
- > Quay Street and Ultimo Road near the University Of Technology
- > On York Street at Wynyard Park
- > Loftus, Bridge and Phillip Streets in the northern CBD.

On the weekend, the maximum number of bicycles was 147 bicycles. Desirable parking sites identified are:

- > In the Domain around the Art Gallery
- > George Street around Railway Square opposite the Sydney TAFE Building
- > Quay Street opposite the University of Technology
- > York and Market Streets around the QVB

The City will consider these survey results in assessing whether and how to expand the bicycle parking facilities in the public domain. The recreational foreshore route may be a desirable location to provide bicycle racks. A survey of residents in Central Sydney indicated a desire for secure parking at Circular Quay, in the CBD retail core areas and in the parks.

CENTRAL SYDNEY BIKE PLAN

6. SAFETY FOR CYCLISTS

Encouraging and promoting safety for cyclists is a core component of the Bicycle Plan, and is consistent with the objective of the City's Road Safety Strategy which is to improve the safety of those who use the City's roads and transport systems.

The Road Safety Strategy identifies alternative modes of transport and supports the introduction of measures aimed at improving public transport and reducing excessive use of motor vehicles in the City. The Cross City Tunnel, for example, will reduce traffic congestion on the City's streets, and thus provide opportunities to further enhance public transport services within the City and create a safer pedestrian and cycling environment.

As part of the Bicycle Plan, the following measures are proposed to enhance safety for cyclists:

- > The establishment of a Bicycle Courier Accord. Bicycle couriers cause concern among pedestrians and motorists. High speed and dangerous cycling by couriers is a danger not only for themselves, but also for other road users, particularly pedestrians.
- > An Educational campaign to discourage the aggressive behaviour of vehicle drivers towards cyclists, as part of the City's Road Safety Strategy. The campaign will address the drivers of all vehicles including buses, tourist vehicles, couriers and taxis.
- > Safe Cycling programs to encourage safe cycling practices. Some cyclists travel on one-way streets in the wrong direction, use banned turns, ignore red traffic signals, and ride on crowded footpaths. Apart from being illegal these traffic offences undermine support for raising the profile and status of cycling. Safe cycling practices will be promoted for all cyclists, in order to increase the awareness amongst cyclists of the problems caused by cycling on the footpaths and other offences, and making cyclists aware of the rights of pedestrians along shared routes.

7. IMPLEMENTATION

The Bike Plan contains a range of actions and time frames for provision of bicycle facilities which include bicycle logos, signage, linemarking, intersection treatments and civil works.

The program for implementing these facilities has identified \$195,000 to be spent over three financial years between 2003/04 and 2005/06. However, this figure does not represent the total amount required to provide the facilities as other expenditure is subject to the findings of further investigation of specific works in areas controlled by other government agencies.

Some of the proposed initiatives involve works in areas under the jurisdiction of other authorities, in particular the Roads & Traffic Authority, the Sydney Harbour Foreshore Authority and the Royal Botanic Gardens and Domain Trust. The City will work with these authorities to implement the proposed initiatives.

CENTRAL SYDNEY BIKE PLAN

Implementation of the initiatives is proposed to be staged to take account of the fact that the road network will be under enormous stress during construction of the Cross City Tunnel. As such, certain initiatives are foreshadowed for implementation after the completion of the Cross City Tunnel.

IMPLEMENTATION PROGRAM

Year 1- 2003/2004				
Action	Proposed Treatment	Responsibility	Time Frame	Resources
Undertake Road Safety Programs for Drivers and Cyclists	Establish Bicycle Courier Accord to encourage safe cycling practices	Planning and Policy Unit	2003	Planning Policy Unit Budget
	Conduct educational programs to discourage the aggressive behaviour of drivers towards cyclists	Traffic and Access Unit	2003/04	Traffic and Access Unit Budget
	Ensuring safe cycling practices by increasing awareness of cyclists of the problems caused by cycling on footways and other offences	Traffic and Access Unit	2003/04	Traffic and Access Unit Budget
Review Bicycle Parking Facilities required under the Central Sydney Development Control Plan	Review trip-end facilities for cyclists required in buildings that provide on-site parking Assess feasibility of linking bicycle parking rates to land use rather than number of car parking spaces provided in buildings. Assess feasibility of requiring public car parking stations to provide bicycle parking facilities.	City of Sydney	2003/04	Internal Staff Resources
Provide additional Bicycle Parking Facilities in the Public Domain	Identify feasible bicycle parking facilities at key locations in the CBD and recreational foreshore route	City of Sydney	2003/04	Internal Staff Resources
	Install bicycle parking facilities in CBD and along recreational foreshore route	City of Sydney	2003/04	Funds to be determined

CENTRAL SYDNEY BIKE PLAN

Year 1- 2003/2004 (Continued)				
Action	Proposed Treatment	Responsibility	Time Frame	Resources
Implement Proposed Bicycle Routes (Year 1 Capital Expenditure)	Hickson Road (Napoleon Street to Towns Place) Integrate cycling with other road traffic through the provision of marked bicycle lanes, bicycle regulatory and control signs, and directional signage.	Traffic and Access Unit	2003/04	Capital Works Program \$20,000
	Hickson Road (Towns Place to Dawes Point) Continue shared bicycle/parking lanes along each kerb of Hickson Road up to Dawes Point.	Walsh Bay Properties	2003/04	External Funds
	Hickson Road (Dawes Point to George Street/Argyle Street intersection) Integrate cycling with other road traffic through the provision of bicycle logos, directional signage and "Watch for Cyclists" signage. Replace drainage grates with bicycle safe drainage grates as required.	Traffic and Access Unit	2003/04	Capital Works Program \$10,000
	George Street (From Argyle Street to Jamison Street) Integrate cycling with other road traffic with the provision of bicycle logos and directional signage. Replace drainage grates with bicycle safe drainage grates as required.	Traffic and Access Unit	2003/04	Capital Works Program \$10,000
	Towns Place, Dalgety Street, Argyle Street and Watson Road Integrate cycling with other road traffic through the provision of bicycle logos, directional signage and "Watch for Cyclists" Signage. Replace drainage grates with bicycle safe drainage grates as required.	Traffic and Access Unit	2003/04	Capital Works Program \$10,000
	Cahill Expressway pedestrian/bicycle Walkway <u>Eastern End</u> – Permit cyclists to use the pedestrian bridge built over Macquarie Street. Provide shared footway and directional signage. <u>Western End</u> – Upgrade existing bicycle route along Cumberland Street. Provide kerb ramps, bicycle logos, and directional signage.	RTA/Royal Botanic Gardens/ City of Sydney	2003/04	Capital Works Program \$20,000

CENTRAL SYDNEY BIKE PLAN

Year 1- 2003/2004 (Continued)				
Action	Proposed Treatment	Responsibility	Time Frame	Resources
Implement Proposed Bicycle Routes (Year 1 Capital Expenditure)	<p><u>Circular Quay</u> Albert Street</p> <p>Integrate cycling with other road traffic with the provision of bicycle logos and directional signage.</p> <p>Alfred Street</p> <p><u>Albert Street to Young Street.</u> Integrate cycling with other road traffic with the provision of bicycle logos and directional signage.</p> <p><u>Young Street to Loftus Street.</u> Signpost road closure outside Customs House Plaza as a shared pedestrian/bicycle area.</p> <p><u>Loftus Street to Pitt Street.</u> Signpost the pedestrian area between the southern footpath of Alfred Street and the bus shelters as a shared pedestrian/bicycle area.</p> <p><u>Pitt Street and George Street.</u> Integrate cyclists with other traffic in the two-way section of Alfred Street. Provide bicycle logos and directional signage.</p> <p>Replace drainage grates with bicycle safe drainage grates as required.</p>	Traffic and Access Unit	2003/04	Capital Works Program \$15,000
	<p>Macquarie Street to Wentworth Avenue</p> <p>Integrate cyclists with other road traffic through the provision of bicycle logos and directional signage.</p> <p>Replace drainage grates with bicycle safe drainage grates as required.</p>	Traffic and Access Unit	2003/04	Capital Works Program \$40,000
	<p>Campbell Street (Riley Street to Wentworth Avenue)</p> <p>Integrate cyclists with other road traffic through the provision of shared bicycle/parking lanes along each kerb of Campbell Street</p> <p>Replace drainage grates with bicycle safe drainage grates as required.</p>	Traffic and Access Unit	2003/04	Funds to be determined

CENTRAL SYDNEY BIKE PLAN

Year 1- 2003/2004 (Continued)				
Action	Proposed Treatment	Responsibility	Time Frame	Resources
Implement Proposed Bicycle Routes (Year 1 Capital Expenditure)	King Street Link (Easterly Direction): Integrate cyclists with other road traffic by the provision of bicycle logos and directional signage along King Street, between Sussex and Phillip Streets, then onto Hunter Street and to Macquarie Street, as an interim east west link prior to the Cross City Tunnel works. Replace drainage grates with bicycle safe drainage grates as required.	Traffic and Access Unit	2003/04	Funds to be determined
	Liverpool Street Link (Westerly Direction): Integrate cyclists with other road traffic by the provision of bicycle logos and directional signage along Liverpool Street, between College and Day Streets as an interim east west link prior to the Cross City Tunnel works. Replace drainage grates with bicycle safe drainage grates as required.	Traffic and Access Unit	2003/04	Funds to be determined
	Chalmers Street and Elizabeth Street <u>Northbound cyclists.</u> Integrate cyclists with other road traffic on Chalmers Street and Elizabeth Street to Wentworth Avenue with the provision of bicycle logos and directional signage. Replace drainage grates with bicycle safe drainage grates as required. <u>Southbound cyclists.</u> Integrate cyclists with other road traffic by the provision of bicycle logos and directional signage from Wentworth Avenue along Elizabeth Street and Randle Street for connection to the Devonshire Street pedestrian crossing of Chalmers Street. Replace drainage grates with bicycle safe drainage grates as required. Cyclists cross the Devonshire Street pedestrian crossing to the western footpath of Chalmers Street. Signpost the footpath between the pedestrian crossing and the entrance to Prince Alfred Park as a shared pedestrian/bicycle path. Cyclists will be required to dismount to negotiate the squeeze point at the Bus Shelter located outside the Railway Institute.	Traffic and Access Unit	2003/04	Capital Works Program \$30,000

CENTRAL SYDNEY BIKE PLAN

Year 1- 2003/2004 (Continued)				
Action	Proposed Treatment	Responsibility	Time Frame	Resources
Implement Proposed Bicycle Routes (Year 1 Capital Expenditure)	Prince Alfred Park Provide shared pedestrian/bicycle path between the George Street (Redfern) entrance to the park and the Chalmers Street entrance	Contracts and Asset Management Unit	2003/04	Capital Works Program \$10,000
	Prince Alfred Park to Cleveland Street Provide shared pedestrian/bicycle path on the northern footpath of Cleveland Street between the entrance to Prince Alfred Park and Chippen Street. Cleveland Street to Abercrombie Street Provide directional signage along existing on-road bicycle route on Chippen Street, Meagher Street, Balfour Street and O'Connor Street. Abercrombie Street to Wattle Street Provide shared pedestrian/bicycle facility on the eastern footpath of Abercrombie Street and Wattle Street from O'Connor Street to Mary Ann Street.	Traffic and Access Unit	2003/04	Capital Works Program \$5000
	Regent Street and Lee Street Provide a shared pedestrian/bicycle path along the eastern footpath of Regent Street and Lee Street between Railway Square and Cleveland Street	Traffic and Access Unit	2003/04	Funds to be determined
	Sheppard Street to Abercrombie Street (Chippendale) Provide directional signage along the bicycle route on Sheppard Street, Myrtle Street and Buckland Street. Provide shared pedestrian/bicycle path on the southern footpath of Broadway between Buckland Street and Abercrombie Street.	Traffic and Access Unit	2003/04	Funds to be determined
	Ultimo Road (Darling Drive to George Street) Integrate cyclists with other road traffic by the provision of bicycle logos and directional signage along Ultimo Road. Replace drainage grates with bicycle safe drainage grates as required.	Traffic and Access Unit	2003/04	Funds to be determined
	Capital Expenditure identified for Year 1 (2003/04)			\$170,000

CENTRAL SYDNEY BIKE PLAN

Year 1- 2003/2004 (Continued)				
Action	Proposed Treatment	Responsibility	Time Frame	Resources
Bicycle Route Issues to investigate in Year 1	<u>Recreational Bicycle Route through the Domain</u> a) Macquarie Street (Shakespeare Place) to Bourke Street Investigate the provision of a shared pedestrian/bicycle path from the southern footpath of Shakespeare Place (opposite The Mitchell Library) to the intersection Cowper Wharf Road and Lincoln Crescent. Investigate continuing the bicycle route with on-road facilities to the intersection with Bourke Street. b) Prince Albert Road, Art Gallery Road and Mrs Macquaries Road Investigate integrating cyclists with other road traffic on Art Gallery Road and Mrs Macquaries Road with the provision of bicycle logos and directional signage. c) Mrs Macquaries Road to Lincoln Crescent Investigate providing a bicycle route through the pedestrian walkway on top of the Lincoln Terraces. The route would connect the bicycle route on Mrs Macquaries Road to the one proposed on Cowper Wharf Road to Bourke Street.	City of Sydney in consultation with the Royal Botanic Gardens Sydney	2003/04	Internal Staff Resources
	Review status of investigation and provide Recreational Bicycle Route through the Domain.	Traffic and Access Unit	2003/04	Funds to be determined
	<u>Circular Quay – Alterations to Traffic Signals</u> Investigate installation of bicycle lanterns on traffic signals at Young Street, Loftus Street and Pitt Street control turning traffic and pedestrians. It is proposed that cyclists be permitted to cross with the pedestrians to avoid conflicts with turning traffic.	RTA/City of Sydney	2003/04	Internal Staff Resources
	Review status of investigation and modify traffic signals on Alfred Streets.	Traffic and Access Unit	2003/04	Funds to be determined

CENTRAL SYDNEY BIKE PLAN

Year 2 – 2004/2005				
Action	Proposed Treatment	Responsibility	Time Frame	Resources
Implement Proposed Bicycle Routes (Year 2 Capital Expenditure)	Glebe Foreshore Walk Provide a shared pedestrian/bicycle path along the foreshore from Bicentennial Park in Glebe to Pyrmont Bridge Road. Continue shared path along northern footpath of Pyrmont Bridge Road to entrance of Sydney Fish Markets opposite Wattle Street.	City of Sydney	2004/05	Funds to be determined
	Old Glebe Island Bridge to Harris Street Provide shared pedestrian /bicycle facility along pedestrian promenade through Jacksons Landing.	Lend Lease	2004/05	External Funds
	Oxford Street Gateway Project Provide bus bicycle lanes in each direction on Oxford Street between Whitlam Square and Taylor Square	City of Sydney	2004/05	Funds to be determined
Bicycle Route Issues to investigate in Year 2	<u>Bicycle route through Darling Harbour Precinct</u> (To be implemented after completion of the Cross City Tunnel) Harbour Street to Pier Street Bridge Investigate providing a shared pedestrian /bicycle route along the western footpath of Harbour Street from the Day Street pedestrian crossing to Pier Street. Pier Street Bridge to Darling Drive Investigate signposting a bicycle route through the pedestrian plaza in the Darling Harbour precinct north of the Pier Street Bridge. The route connects with the Exhibition Centre loop road and the marked bicycle lanes on Darling Drive.	City of Sydney in consultation with SHFA	2004/05	Internal Staff Resources

CENTRAL SYDNEY BIKE PLAN

Year 3 – 2005/2006				
Action	Proposed Treatment	Responsibility	Time Frame	Resources
Implement Proposed Bicycle Routes after completion of the Cross City Tunnel (Year 3 Capital Expenditure)	<p>William Street, Park Street and Druiitt Street</p> <p>The proposed treatment of this east-west route forms part of the works associated with the Cross City Tunnel. Intersection connections with the peripheral bicycle route at Kent Street and College Street will require further investigation.</p> <p>Kerbside bicycle lanes at a width of 1.5m are proposed along William Street and Park Street. From the Park and George Street intersection cyclists would use the bus lanes to be provided on Druiitt Street.</p>	RTA/City of Sydney	2005/06	External Funds
	<p>Kent Street (Druiitt Street to King Street)</p> <p>As part of the Cross City Tunnel project it is proposed to convert Kent Street to two-way traffic operation with car parking on both sides of the road and a traffic lane in each direction.</p> <p>Integrate cyclists with other traffic by the provision of bicycle logos and directional signage. Modify intersections as required. Work is part of the Cross City Tunnel project (Condition 67).</p>	RTA/Traffic and Access Unit	2005/06	External Funds
	<p>Kent Street to Pymont Bridge</p> <p><u>Westbound Cyclists.</u> Shared pedestrian/bike path on the southern footpath of Market Street from Kent Street to the Market Street Ramp over Sussex Street and the Western Distributor. Provide shared footway signage. Provide bicycle ramp at intersection with Kent Street to accommodate cyclists.</p> <p>At the Market Street Ramp cyclists will be required to dismount and walk their bikes to the Pymont Bridge.</p> <p><u>Eastbound Cyclists.</u> Bicycle link along King street provided in Year 1.</p>	RTA/City of Sydney	2005/06	External Funds
	<p>Kent Street (King Street to Sydney Harbour Bridge entry roads)</p> <p>Integrate cyclists with other road traffic by the provision of bicycle logos, directional signage and “Watch for Cyclists” signage.</p> <p>Modify existing kerb ramp at the harbour bridge entry roads to accommodate cyclists. Route connects with existing Observatory Hill shared footway.</p>	Traffic and Access Unit	2005/06	Capital Works program \$20,000

CENTRAL SYDNEY BIKE PLAN

Year 3 – 2005/2006 (Continued)				
Action	Proposed Treatment	Responsibility	Time Frame	Resources
Implement Proposed Bicycle Routes (Year 3 Capital Expenditure)	Druiitt Street to Day Street Integrate cyclists with other traffic permitted to use the bus lanes provided as part of the Cross City Tunnel project. In addition, for westbound cyclists provide bicycle logos in traffic lanes and directional signage on: <ul style="list-style-type: none"> • Clarence Street between Druiitt Street and Market Street to the intersection • Market Street (westbound) between Clarence Street and Kent Street. 	RTA/City of Sydney	2005/06	External Funds
	Day Street to Harbour Street Provide shared pedestrian/bicycle footpath along the eastern side of Day Street. South of Day Street, cyclists cross the Bathurst Street and Harbour Street intersections at the signalised pedestrian crossings. Kerb Ramps and traffic islands installed as part of the Cross City Tunnel works between Druiitt Street and Bathurst Street will need to be designed to accommodate cyclists (Condition 77).	RTA/City of Sydney	2005/06	Capital Works Program \$5000 External Funding
	<u>Recreational Route along Pymont Foreshore</u> Provide shared pedestrian/bicycle path through Sydney Fish Markets and along southern footpath of Bank Street. Continue shared path across entrance to old Glebe Island Bridge to link with Jacksons Landing recreational foreshore route	Sydney Harbour Foreshore Authority City of Sydney	2005/06 2005/06	External Funding Funds to be determined
	Review status of investigation from Year 2 on shared pedestrian/bicycle path through Darling Harbour precinct. Provide appropriate shared pedestrian/bicycle path.	Traffic Access Unit Sydney	2005/06	Funds to be determined.
	Capital Expenditure identified for Year 3 (2005/06)			\$25,000

CENTRAL SYDNEY BIKE PLAN

Year 3 – 2005/2006 (Continued)				
Action	Proposed Treatment	Responsibility	Time Frame	Resources
Bicycle Route Issues to investigate in year 3	<u>Intersection Improvements for Cyclists</u> Chalmers Street to Macquarie Street Investigate modifying intersections for cyclists at the more heavily trafficked intersections (eg provision of advanced bicycle storage areas). Modifications to match the improvements at intersections provided by the RTA on William and Parks Streets as part of the Cross City Tunnel Project. Modifications required to the College St/Park St/William St intersection are part of the Cross City Tunnel project.	City of Sydney/RTA	2005/06	Internal Staff Resources
	Review status of investigation and modify traffic signals from Chalmers Street to Macquarie Street as required.	City of Sydney	2005/06	Funds to be determined
PROPOSED BICYCLE ROUTES – TOTAL IDENTIFIED CAPITAL EXPENDITURE				\$195,000

EVALUATION OF THE POTENTIAL FOR DUAL USE APARTMENTS**3.3**

Note - no report was circulated and this matter was not discussed at the Special Meeting of the Planning Development and Transport Committee.

DEVELOPMENT APPLICATION: 56-76 OXFORD STREET DARLINGHURST (CHICANE RESTAURANT) (D2003/01158)**3.4**

That consideration of this matter be deferred to the Extraordinary Meeting of Council on 22 December 2003.

Carried.

Note - This matter was dealt with by Council as Item 5 on the Business Paper.

Note - Mr Galeb Kilzi addressed the Special Meeting of the Planning Development and Transport Committee on Item 3.4.

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

The Planning Development and Transport Committee recommended that Council note that Items 3.5 and 3.6 were determined by the Planning Development and Transport under delegated authority.

Carried.

DEVELOPMENT APPLICATION: 413-421 GEORGE STREET, SYDNEY (FORMER NOCK & KIRBY'S BUILDING) (D2003/00989)**3.5**

Moved by Councillor Greiner, seconded by Councillor Coulton -

That arising from consideration of a report by the Area Planning Manager to the Special Meeting of the Planning Development and Transport on 15 December 2003, in relation to Development Application D2003/00989 made by Telado Pty Limited for the site at 413-421 George Street, Sydney, for a Stage 1 building envelope including alterations to the existing building to accommodate retail and commercial uses and an additional 6 commercial floors, it be resolved that:-

- (A) the applicant should note that the approval of the Stage 1 development application does not imply that a Stage 2 development application lodged in accordance with the Stage 1 development application will necessarily be acceptable as a full and thorough assessment under the provisions of Section 79A of the Environmental Planning and Assessment Act 1979 will be required at the time.
- (B) the consent authority supports in principle the proposal, including the architectural direction of the design, the level of demolition required to provide structural integrity to the building, the conservation of the George Street façade and continuation of the historic retailing use of the building. Notwithstanding this, the consent authority expects an excellent standard of design detail and finish to be realised in the Stage 2 application.
- (C) the consent authority acknowledges the heritage significance of the building and the important relationship of this building to other landmark building in the City's retail precinct and anticipates that the further design resolution of the building will ensure that its significance is not compromised and the Stage 2 application will provide for exciting retail opportunities.
- (D) the consent authority may consider the demolition of the York Street façade and the Level 5 roof lanterns in any Stage 2 development application but only subject to an excellent interpretative and architectural response in which positive benefits to the buildings conservation and adaptive re-use can be demonstrated.
- (E) the consent authority acknowledges that, in order to provide structural integrity to the building, substantial intervention and removal of building fabric is required. Additionally, it is acknowledged that Clause 7.1.1(iii) of Central Sydney Development Control Plan (CSDCP) 1996 requires that, in order to be eligible for an award of HFS, work proposed should only result in a minor increase in the external envelope or FSA of a heritage building. Accordingly, the applicant be advised that the site will not be eligible for a future award of the Heritage Floor Space pursuant to the provisions of the Central Sydney Local Environmental Plan 1996 and the CSDCP 1996.

(F) 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. 2003/00898 dated 25 September 2003;
 - (b) The Statement of Environmental Effects prepared by Kass-Hermes, dated September 2003 and the Addendum to the Statement of Environmental Effects prepared by Kass-Hermes, dated October 2003;
 - (c) drawings numbered DA 2001, DA 2002, DA 2101, DA 2102, DA 2103, DA 2004, DA 2105, DA 2106, DA 2107, DA 2108, DA 2109, DA 2110, DA 2111, DA 2112, DA 2113, DA 2114 all Issue 1 and dated 15/09/2003; DA 3101, DA 3102, DA 3201 and DA 3301 all Issue 1 and dated 15/09/2003; and DA 3303, DA 3304, DA 3305, DA 3306 and DA 3307 all Issue 1 and dated 15/09/2003 all prepared by Allan Jack + Cottier;
 - (d) The Conservation Management Plan titled "Former Nock and Kirby Building: 413-421 George Street, Sydney- Final Report/Volume 1: incorporating Conservation Analysis and Conservation Policy" prepared by Design 5 Architects Pty Ltd and dated September 2003; and as amended by the following conditions:

APPROVED DESIGN

- (2) The approved Stage 1 Building Envelope must not be changed without the approval of Council.

FAÇADE UPGRADE- D2001/00081

- (3) The building works approved in D2001/00081, as far as practicable and in order to repair the building facades, are to be commenced within 6 months of the date of this determination to the satisfaction of Council. The applicant is to submit a schedule of works to Council identifying those works necessary to ensure the good repair and upgrade of the building facades.

THE PROVISION OF AN ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- (4) Details are to be provided with the Stage 2 development application to confirm that the building has been designed to minimise the embodied energy on a whole of building approach and to incorporate opportunities for improved energy efficiency being designed to achieve at least a 4½ star rating under the SEDA greenhouse rating scheme for the base building.

FLOOR SPACE RATIO

- (5) The following applies to Floor Space Ratio:-
- (a) The Floor Space Ratio of the proposal must not exceed 9.96:1 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 17,705.6 sqm.
 - (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

BUILDING HEIGHT

- (6)
- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed the following RL (AHD):
 - (i) Roof top plant: RL76.3
 - (ii) Rooftop addition: RL74.3
 - (iii) York Street street wall: RL58.65
 - (iv) George Street street wall: RL47.02

- (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).

MATERIALS AND SAMPLE BOARD

- (7) A complete materials board including all external finishes, colours and specifications including all glazing must be submitted with the Stage 2 development application for the approval of the Council. Quality materials, finishes and detailing are required to ensure that design excellence is realised in the completed building.

The selection of materials must be sympathetic to the character of the building fabric in the area to enhance the integration of the building to the surrounding streetscape.

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.

BUILDING ENVELOPE CONTROLS

- (8) The Stage 2 development is to fit wholly within the building envelope indicated on the drawings referenced in Condition 1 (c) of this consent. The building envelope is only approved on the basis that the ultimate building design (Stage 2) will be smaller than the building envelope and generally consistent with the indicative building detailed on the approved Stage 1 drawings. In this regard, the Stage 2 development application should demonstrate a consistency with the objectives and provisions of the Central Sydney Local Environmental Plan 1996 and Development Control Plan 1996 and the Central Sydney Heritage Local Environmental Plan 2000.

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

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

- (b) The archival record of significant building fabric or furnishings from the site that is exposed during demolition or construction and after work has been completed on site is required to be submitted to Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.
- (c) The form of recording is to be as follows:-
 - (i) Photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:-
 - (ii) 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
 - (iii) 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and one copy of a contact sheet printed on fibre-based paper to archival standards;
 - (iv) selective black and white enlargements to be advised by Council, printed on fibre-based paper to archival standards to a minimum size of 20cm x 25cm, illustrating the location and context of the site/building, the relationship of adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;
 - (v) A summary report of the photographic documentation, detailing;
 - a. the project description, method of documentation, and any limitations of the photographic record; and
 - b. photographic catalogue sheets, which are referenced to a site plan and floor plans no larger than A3, and indicating the location and direction of all photos (black & white prints and slides) taken.

Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.

CONSISTENCY OF DRAWINGS

- (10) 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.
- (11) The heritage architect of the project, Design 5-Architects Pty Ltd, should not be changed without prior notice to Council.

COMPLIANCE WITH THE CMP

- (12) The following details are to be submitted with the Stage 2 development application. The applicant is to demonstrate compliance with the Policies contained in the Conservation Management Plan. A detailed Heritage Impact Statement is to be submitted with the Stage 2 application to demonstrate compliance with the CMP.
- (a) The design of the proposed addition is to ensure that the landmark qualities of the building (its scale, form and visual dominance) at George Street is respected and enhanced in accordance with Policy 1.3.1.
 - (b) Full details for the restoration of the George Street façade above the awning line. This elevation is to be conserved and the missing original detail above the awning is to be reconstructed and retained as a unified whole and not fragmented in any way in accordance with Policies 1.3.3, 1.3.7, 1.3.8, 1.3.9 and 1.3.10.
 - (c) The George Street awning and its continuous awning line is to be retained and conserved to unite the George Street façade in accordance with Policy 1.3.4.
 - (d) A Signage Strategy is to be developed for the building which strengthens the identity and integrity of the building in accordance with Policy 1.3.4.
 - (e) New and modern shopfront designs should be executed in a unified design which strengthens the identity of the building in accordance with Policy 1.3.6.
 - (f) Where the George Street window configuration has been altered to accommodate air conditioning units or other elements, these alterations should be removed and the original detail reinstated in accordance with Policies 1.3.11 and 1.3.12.
 - (g) The 1927 paint scheme for the George Street façade should be reconstructed to enhance the architectural and landmark qualities of the façade in accordance with Policy 1.3.13.
 - (h) The reinstatement of the pavement lights in the George Street frontage, as far as practical in accordance with Policy 1.3.14.
 - (i) The York Street elevation, if retained, is to respect and retain the tripartite division of the base storey, main body and attic storey, even if the façade is extended. The openings and spandrels could be reconfigured as long as the pilasters and cornices are retained. Work proposed to the York Street façade should be in accordance with Policies 1.4.1 to 1.4.6.

- (j) The existing awning on the York Street façade may be retained, altered and replaced, as long as a continuous awning line is retained to unite the York Street Façade in accordance with Policies 1.4.7 and 1.4.8.
- (k) The York Street shopfronts shall be altered and execution shall ensure that the unification of the design across the shopfronts and to respect the materials, configuration and detail of the original shopfront in accordance with Policies 1.4.9 and 1.4.10.
- (l) Works to the basement levels are to be undertaken in accordance with Policies 1.5.1 and 1.5.2 including the retaining evidence of the pre-1927 configuration and the vehicle lift (which should be retained as being operable).
- (m) Works to the ground floor level and Levels 1 to 4 must be undertaken in accordance with Policies 1.5.6 to 1.5.9. In particular, an interpretation strategy must be provided and opportunities for the re-use of the Levels 3 and 4 stair must be investigated.
- (n) The retention and conservation of the roof lanterns of Level 5 must be conserved and used in a manner which does not obscure or fragment its spatial qualities in accordance with Policies 1.5.10 and 1.5.11. Lighting of the lanterns and the retention of the glassing should be investigated.
- (o) The proposed extension and design detailing must be in accordance with Policies 1.7.1 to 1.7.9 and should seek to maintain the integrity of the historic building.

YORK STREET SHOPFRONTS

- (13) Opportunities for level access to the York Street retail tenancies is to be investigated including the removal of the existing stair access directly off the street. The Stage 2 development application shall ensure improved access and functionality for the York Street tenancies.

In the event that the existing tenant “Home Yardage” is retained, improved shop presentation, signage and shopfront layout including level access off York Street and equal access provisions within the tenancy are expected in the Stage 2 development application.

STAGE 2 – DESIGN DETAILS

- (14) The following details shall be submitted with the Stage 2 application:
 - (a) Fully detailed drawings confirming the architectural treatment and materials application for all building elevations including relevant selected part sections/details at a scale of 1:50 are to be providing for the following elements:
 - (i) The 6 level roof top addition;
 - (ii) The shopfronts (both York and George Street); and

- (iii) The introduction of the new structure/curtain wall behind the George Street façade.
- (b) Photomontages of the development detailing the eastern and western façades of the building when viewed from surrounding streets in particular to demonstrate the recessive nature of the rooftop addition.
- (c) Final details of all awnings are to be submitted including lighting details to ensure pedestrian safety (such lighting shall be at a minimum level of 10 lux in the horizontal and vertical plane).

Note: All awnings are to comply with the City of Sydney Awning Policy 2000 and not project within 800mm of the kerb.

- (d) Details at a scale of 1:50 illustrating the design integration between the existing building fabric and the three storey addition of the York Street façade.
- (e) Full details of the mechanical services and plant required to service to the entire building. Details of the efficiency and adequacy of the plant/services to service the building is to be provided by a suitably qualified engineer.
- (f) The Stage 2 building is to have the capacity to accommodate all the mechanical design requirements for all retail tenancies within the Stage 1 building envelope. Details of all exhaust systems and external ducts are to be provided with the Stage 2 application and their efficiency and adequacy verified by a suitably qualified engineer.
- (g) Details at a scale of 1:50 illustrating the lantern integration (Level 5) with the new building structure.
- (h) Detailed sections and a design statement for the construction methodology for the integration of the new building structure (walls, floors and ceilings) within the Heritage building. This should include integration of the floors and walls adjacent to the George Street and York Street heritage façades.

The above details shall be submitted for the approval of Council with the Stage 2 development application.

DEMOLITION PLANS

- (15) Detailed plans showing the full extent of building demolition are to be submitted with the Stage 2 application.

PUBLIC ART

- (16) High quality art work shall be provided within the development in publicly accessible locations eg. near main entrances, lobbies and street frontages, in accordance with the Central Sydney DCP 1996 and the 'Public Art Policy'. Details of the art work must be submitted for the approval of Council with the Stage 2 development application.

EXISTING BUILDING- recording and materials salvaged.

- (17) An accurate, archival measured drawing of the existing building is to be submitted for Council approval prior to the issue of an Occupation Certificate.
- (18) Traditional building materials salvaged from the site including bricks and hardwood timber are to be integrated into the redevelopment of the site and/or recycled through established dealers in architectural salvage. A work method statement is to be submitted for Council approval with the Stage 2 application identifying the fabric to be salvaged and its detailed integration (as appropriate) within the development.

GLAZING

- (19) 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.
- (20) The glass shop front must not be tinted, screened by blinds, curtains or the like or obscured.

ACCESS FOR PERSONS WITH A DISABILITY

- (21) Access to the development shall be in accordance with the requirements of "The City of Sydney Access Policy December 1992".
- (22) 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. Details for mobility impaired access shall be submitted for the approval of Council with the Stage 2 development application.

RAIL ESTATE

- (23) The Applicant shall liaise with Rail Estate and RIC, as appropriate, to ensure that the following requirements can be addressed in the Stage 2 building design.
- (a) The applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of the RIC's representative.

- (b) The applicant shall request a services searches from Rail, to establish the existence and location of any Rail services and structures. Where Rail Services are identified, the applicant must discuss and agree with State Rail how these services are to be accommodated in the development.
- (c) Prior to the commencement of works, during the works, prior to the issue of the Occupation Certificate, and following occupation, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from RIC and the applicant. These dilapidation surveys will establish the extent of any existing damage and surveys is to be agreed with Rail. The submission of detailed dilapidation reports may be required as a result.
- (d) The applicant shall liaise with Rail requiring the building design requirements of building design for effective sound insulation against noise and vibration.

A report prepared by a qualified Acoustic Consultant detailing compliance with Rail requirements shall be submitted, as practicable, with the Stage 2 application.

- (e) The applicant shall provide a Geotechnical Engineering Report to RIC for review by the RIC's Geotechnical section prior to the commencement of works. The report shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by the RIC. The Report shall include the potential impact of demolition and excavation, and demolition-and-excavation induced vibration in rail facilities and loadings imposed on Rail Party Facilities by the development.
- (f) A Geotechnical Report is needed to evaluate the impact of the development on the rail tunnel below the subject site. The applicant shall submit a Geotechnical Report for review by RIC to ensure that the proposed development is structurally sound and will not jeopardise the structural integrity of the existing rail tunnel.
- (g) A Risk Management/Management Plan and detailed Work Method Statement (WMS) for the proposed works are to be submitted to RIC for review and comment prior to the works commencing on site. It should be noted that RIC's representative may impose conditions on the methods to be used and require the provision of on-site Safe Work supervision for certain aspects of the works.
- (h) Should, according to RIC's Representative any unforeseen risks to rail infrastructure become apparent (eg falling material) the applicant/contractor will be required to submit information relating to the attenuation of that risk for approval by RIC's representative.

- (i) No excavation or boring is permitted within 2.0 metres (measured horizontally) of high voltage underground cable and 1.0 metre (measured horizontally) for low voltage cables.
- (j) No infrastructure or equipment is to be placed or installed on the rail corridor without proper assessment by authorised persons to ensure no impact will occur to rail infrastructure eg. signal sighting, safety signage, emergency access.
- (k) During excavation the applicant is to observe extreme care to prevent water from collecting on or near RIC infrastructure. It is possible that if water were to pond adjacent to the infrastructure, services could be interrupted. If this were the case, the applicant/contractor would be liable for the RIC expenditure involved with restoring or maintaining alternative services.
- (l) Given the site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless approval has been obtained from State Rail.

A letter is to be furnished with the Stage 2 development application from Rail Estate/RIC advising that their requirements are satisfied or can be satisfied by condition in the design development of the Stage 2 application.

SIGNAGE STRATEGY

- (24) A Signage Strategy which identifies the number, type, size and location of signs (and their illumination as appropriate) to ensure adequate way finding, naming of buildings and tenancies within the development shall be submitted for the approval with the Stage 2 development application.

LIGHTING STRATEGY

- (25) 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 tenancy lighting is to be submitted for approval with the Stage 2 development application.

DEVELOPMENT COST- STAGE 2

- (26) A detailed Quantity Surveyors' Report costing and itemising all included and excluded elements in the Stage 2 development shall be submitted with the lodgement of the Stage 2 development application. This Report shall be consistent with administrative guidelines for defining development cost.

SECTION 61 CONTRIBUTION

- (27) A contribution under Section 61 of the City of Sydney Act 1988 shall be paid prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The amount of the contribution will be equivalent to 1% of the development cost at the Construction Certificate Stage (Stage 2) as determined in accordance with the "Central Sydney Contributions Plan 1997."

DEMOLITION/SITE RECTIFICATION

- (28) No excavation, demolition or construction shall commence in relation to this Stage 1 development until a Stage 2 development application is approved and a Construction Certificate.

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

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued under the Environmental Planning and Assessment Act 1979 for construction of the substantive building.
- (b) Prior to issue of the Construction Certificate, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the General Manager of the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:-
 - (i) a bank guarantee to be provided in the sum of \$445,000 dollars as security for the costs of such works provided that:-
 - a. the maximum liability under the Deed shall not exceed \$450,000 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works which meet the objectives of the condition.
 - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or

- c. the site has been excavated; or
- d. the structure has commenced to be erected;

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

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

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

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

HERITAGE CONDITIONS

- (30) The proposed works are to be carried out in a manner that minimises demolition, alterations, new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.

ARCHAEOLOGICAL INVESTIGATION

- (31) The applicant is to commission an experienced conservation architect, preferably Design 5, to work with the consultant team throughout the design development of the Stage 2 development application, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (32) The applicant is to commission experienced tradepersons (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed scope of works.

INTERPRETATION STRATEGY

- (33) An interpretation strategy for the site must be prepared and submitted with the Stage 2 application to assist public understanding of the history and significance of the site. This strategy should include recommendations regarding appropriate signage and exhibition of selected artefacts and/or other material to assist the public to understand the history and significance of the site. In this particular case, the Strategy should make provision for relevant site evidence, pertinent to in-situ interpretation which emerges during the course of demolition/construction. The Strategy should also investigate the use of electronic media where appropriate, particularly to deal with Nock and Kirby's legendary 'joe the gadget man'.

REPORT TO BE COMPLIED WITH

- (34) The Stage 2 development application shall be in accordance with the recommendations of the following reports:
- (a) Assessment of Heritage Impact of Proposed Development prepared by Design 5 Pty Ltd dated September 2003;
 - (b) Solar Reflectivity Analysis prepared by Windtech Consultant Pty Ltd dated 10th September 2003;
 - (c) Environmental Wind Assessment prepared by Mel Consultants Pty Ltd dated 25th August 2003;
 - (d) Assessment of Traffic and Servicing Implications prepared by Transport and Traffic Planning Associates dated September 2003;

Where the above report makes recommendations regarding modifications to the development, details regarding compliance with the recommendations of the reports are to be submitted and fully documented with the Stage 2 development application.

LOADING SPACES/PARKING

- (35) No car parking spaces are to be provided in the Stage 2 development application.
- (36) A maximum of 4 loading dock spaces are to be provided for in the Stage 2 development application. Access to and the design of the loading dock spaces is to be generally in accordance with configuration shown on the drawing DA 2102, DA 2101 and DA 2002 Issue 1 dated 15/09/03.
- (37) The loading dock must be maintained for use in connection with the proposed development.

TRAFFIC CONDITIONS

- (38) The Stage 2 development application shall comply with the following requirements:
 - (a) Service vehicle provision shall satisfy Council's LEP and DCP 1996.
 - (b) The layout of the service vehicle parking area shall comply with Australian Standards AS 2890.2-2002.
 - (c) All vehicles from the loading dock shall enter and leave the site in a forward direction.
 - (d) A "Stop" sign shall be installed at the exit point to require exiting vehicles to stop at the building line.
- (39) All loading, unloading and other construction activities shall be accommodated on-site except that:-
 - (a) 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.
 - (b) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a construction or work zone may be considered by Council. The applicant shall submit a proposal to the Sydney Traffic Committee stating justification for not complying.
 - (c) In addition to any approved Work Zone, provision must be made for loading and unloading to be accommodated on the site once the development has reached ground level.
 - (d) If a Work Zone is warranted, such an application must be made to Council prior to the commencement of work on the site. An approval for a Work 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 construction activities.

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

NAMING RIGHTS FOR NEW BUILDING, PARK OR PLACE

- (41) 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 APPROVALS FOR FITOUT

- (42) A separate development application must be submitted at the appropriate time for the specific use and fitout of the commercial and retail tenancies within the podium of the building once the Stage 2 consent has been issued. No approval for the specific use or hours have been included in this approval. Such applications must be accompanied by a Heritage Impact Statement.

PAVING MATERIALS

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

PUBLIC DOMAIN PLAN

- (44) The following requirements apply:-
- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect and must be submitted for the approval of Council with the Stage 2 development application.
 - (b) The Public Domain Plan shall be as follows:-
 - (i) Drawn at 1:100 scale.
 - (ii) Show the entire layout of flagstone paving where this paving is required.
 - (iii) Nominate the location, type and material of all existing and proposed public pavement elements including trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture, utility poles, parking meters, pedestrian and traffic signals, service pits and stormwater pits.

- (iv) Include a longitudinal section of the pavement showing existing and proposed levels at 10 metre intervals at the building alignment, the kerb and the gutter on a common datum line. This longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale. This section is to ensure that any significant longitudinal gradient change, such as flattening for vehicle entries, occurs within the building line and not at the public pavement.
- (v) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
- (vi) Include specifications of the proposed works.
- (c) The Public Domain Plan shall comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer and may include:-
 - (i) Adjustment to paving grades to provide a maximum crossfall of 2.5% from building line to top of kerb.
 - (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.
 - (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.
 - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
 - (v) The repair and where required the resetting of all stone kerbing to 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed to the centre line of the carriageway.
 - (vi) The retention and repair of any existing pavement lights.
 - (vii) The retention and repair of any existing serviceable stone gutters.

- (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.

ELECTRICITY SUBSTATION

- (45) The applicant must liaise with Energy Australia regarding their requirements for connection to the nearest electrical substations to the site. Details shall be included in the Stage 2 development application to the satisfaction of Energy Australia.

PUBLIC TELEPHONES

- (46) The Stage 2 development application must provide:
 - (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 PUBLIC

- (47) 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 provided with the Stage 2 development application.

RECEPTACLES FOR CIGARETTE BUTTS

- (48) 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. The following details shall be provided with the Stage 2 development application. The receptacle/s must:-
 - (a) be located entirely on private property and must not be located on or over Council's footpath;
 - (b) not obstruct any required means of egress or path of travel from the building required by the Building Code of Australia;

- (c) not obstruct any required access/egress path for people with disabilities;
- (d) be appropriately secured to the building;
- (e) the emptying and maintenance of the receptacle/s is the responsibility of the building owner/manager and will not be undertaken by Council; and
- (f) emptying of receptacle/s must be carried out on a daily basis.

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

(49)

- (a) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, written confirmation that you have obtained a Notice of Requirements under Part 6, Division 9 of the Sydney Water Act 1994 must be submitted to the Certifying Authority (Council or a private accredited certifier).
- (b) Prior to issue of 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).
- (c) 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.

TELECOMMUNICATIONS PROVISIONS

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

- (a) Appropriate access and space within the plant area of the building shall be provided for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery.

- (b) Appropriate ducting 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.

The details of (a) and (b) above shall be submitted for the approval of Council with the Stage 2 application.

STORMWATER AND DRAINAGE

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

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

UTILITY SERVICES

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

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

ALIGNMENT LEVELS

(53) The following shall be submitted to Council with the Stage 2 development application:-

- (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.

BCA CONDITION

- (54) A detailed BCA Report is to be submitted with the Stage 2 development application. This report is to be prepared by an appropriately qualified building surveyor and is to address relevant BCA legislation and is to verify the following:
- (a) The fire control room is to comply with the requirements of Specification E1.8 of the BCA;
 - (b) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
 - (c) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.
 - (d) Sanitary and other facilities must be provided in accordance with the Building Code of Australia, Part F2.
 - (e) 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:-
 - (i) Details of the performance requirements that the proposed alternative solution is intended to meet; and
 - (ii) Details of the assessment methods used to establish compliance with those performance requirements.

DEMOLITION WORK METHODS STATEMENT

- (55) A Demolition Work Method Statement 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 with the Stage 2 application. This Statement shall include the methodology for the protection and support for the George Street Façade, York Street façade and the Level 5 roof lanterns. The statement shall be supported by a Report from both a Structural Engineer and the appointed Heritage Architect to the project verifying the methodology proposed as being appropriate to the development and the protection of the heritage significance of the building.

CONSTRUCTION MANAGEMENT REPORT

- (56) A detailed Construction Management Plan is to be submitted with the Stage 2 application. The Plan must addressing the following matters:
- (a) The construction phasing of the development to minimise the impact of the surrounding pedestrian and traffic flows;
 - (b) To define the route for construction vehicular to and from the site, including the likely number of movements during the construction period;
 - (c) To indicate how construction vehicles will be managed to ensure that the impact on traffic flows along George Street and surrounding streets during the peak traffic times are minimized; and
 - (d) To provide details for pedestrian management in George Street and York Street during the construction period including measures to ensure access to the adjoining buildings is not adversely affected.
 - (e) To assess the combined impacts of construction activities in the area and present recommendations to ameliorate the combined impacts.

The applicant should liaise with Mr L K Ho (ph.9265 9150) of Council's Transport and Access Unit in the preparation of this Report.

ARCHAEOLOGICAL MONITORING DURING EXCAVATION

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

APPLICATION FOR RETENTION OF FAÇADE ON A PUBLIC PLACE

- (58) A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to retain the façade on the public place, and such application is to include:-
- (a) Architectural, construction and structural details of the design to comply with the WorkCover Authority Code of Practice for Façade Retention, the relevant Australian Standards 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 works on site.

SHADOW DIAGRAMS

- (59) Detailed shadow diagrams are to be submitted with the Stage 2 development application to confirm compliance with the provisions of Part 4 of the Central Sydney LEP 1996.

ENVIRONMENTAL MANAGEMENT PLAN

- (60) An Environmental Management Plan (EMP) shall be developed and submitted with the Stage 2 application. 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 necessarily be limited to the following measures:
- (a) Measures to control noise emissions from the site.
 - (b) Measures to suppress dust emissions from the site.
 - (c) Soil and sediment control measures.
 - (d) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos.
 - (e) Community consultation.

DESIGN OF ROOFTOP AREAS

- (61) A high standard of finish and design should be achieved for all rooftop areas and the use of rooftop gardens and terraces is encouraged. Visual and acoustic privacy, security, safety and wind effects are to be considered in the design resolution of roof top areas.

The above details shall be submitted for the approval of Council with the Stage 2 development application.

- (62) The Stage 2 building is to have the capacity to accommodate all the mechanical design requirements for all retail tenancies at the podium level of the building. Details of all exhaust systems and external ducts are to be provided with the Stage 2 application and their efficiency and adequacy verified by a suitably qualified engineer.

The above details shall be submitted for the approval of Council with the Stage 2 development application.

EXCAVATION WORK METHOD STATEMENT

- (63) An Excavation Work Method Statement prepared by an appropriately qualified person must be submitted with the Stage 2 development application. The Statement must include:-

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

- (i) Any WorkCover Authority requirements.

Note:

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

REFLECTIVITY ANALYSIS

- (64) A detailed Reflectivity Analysis shall be provided the Stage 2 development application. 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.

WIND ASSESSMENT

- (65) The Stage 2 development application is to provide a full wind assessment report based on wind tunnel tests. The design of the building is to fully address all wind amelioration issues arising out to the wind report having regard to issues of urban design and heritage.

INSTALLATION OF DUAL-FLUSH TOILETS

- (66) All toilets installed within the dwelling shall be of water efficient dual-flush capacity with a minimum “AAA” rating. Details to satisfy this condition are to be submitted with the Stage 2 application.

INSTALLATION OF WATER-EFFICIENT TAPS

- (67) All taps installed shall be water efficient with a minimum “AAA” rating. Details to satisfy this condition are to be submitted with the Stage 2 application.

PLANTATION OR RECYCLED TIMBERS

- (68) 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. Details to satisfy this condition are to be submitted with the Stage 2 application.

GREY WATER

- (69) 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 with the Stage 2 application.

PHYSICAL MODELS

- (70) An accurate 1:500 scale model of the proposed development must be submitted to Council for the City Model in Town Hall House with the Stage 2 DA.

STORAGE AND HANDLING OF WASTE

- (71) The Stage 2 development must be designed to meet the following requirements for 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). A Preliminary Waste Management Plan shall be submitted with the Stage 2 application and 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.

The following provisions apply to recycling areas:

- (b) 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.

- (c) 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.
- (d) 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.

Schedule 2

The prescribed conditions in accordance with Clause 78 of the Environmental Planning and Assessment Regulations 1998 apply to this development; and

- (G) All other matters including architectural Design and detailing are to be determined as part of the Stage 2 development application.

Carried unanimously.

**DEVELOPMENT APPLICATION: 61 YORK STREET SYDNEY
(AUSTRALASIAN PIONEERS CLUB) (D2003/01073)**

3.6

Moved by Councillor Greiner, seconded by Councillor Coulton -

That arising from consideration of a report by the Area Planning Manager to the Special Meeting of the Planning Development and Transport Committee on 15 December 2003, in relation to Development Application D2003/01073 made by Caldas Pty Ltd for the site at 61 York Street, Sydney, for demolition of the existing building and construction of a new 17 storey commercial office building containing a basement and ground level retail tenancy and a loading dock accessed off York Lane, it be resolved that consent be granted subject to the following conditions:-

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D2003/00837 dated 21 August 2003 and the following:
 - (a) Statement of Environmental Effects titled "New Building 61 York Street, Central Sydney" dated October 2003 and prepared by Kass-Hermes;
 - (b) and drawings numbered DA-1101 Issue B dated 5 December 2003, DA-1102 to DA-1103 Issue A dated 6 October 2003, DA-1201 Issue A dated 6 October 2003, DA-1301 to DA-1304 Issue A dated 6 October 2003, DA-1503 Issue B dated 5 September 2003, DA-1401 Issue A dated 6 October 2003, DA-1501 to 1503 Issue A dated 6 October 2003 and as amended by the following conditions:

APPROVED DESIGN

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

APPROVED DESIGN ROOF-TOP PLANT

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

ENERGY EFFICIENCY OF BUILDINGS

- (4) The design of the building and its services must achieve a rating of 4.5 stars under the Sustainable Energy Development Authority's (SEDA's) Australian Building Greenhouse Rating Scheme. This can be demonstrated by:
- (a) Entering into a Commitment Agreement⁽ⁱ⁾ with SEDA, to deliver this star rating⁽ⁱⁱ⁾ for the base building⁽ⁱⁱⁱ⁾, being services traditionally supplied as 'common' to tenants^(iv), such as air conditioning, lifts and common area lighting) or for the whole building^(v) where there is to be one tenant to occupy the whole building. The applicant must provide a copy of the completed Commitment Agreement with their construction certificate application; and
 - (b) Providing a copy of the independent energy assessment report submitted to SEDA and submitted as part of the construction certificate application, that follows the current guidelines in SEDA's Australian Building Greenhouse Rating Scheme Design Energy Efficiency Review and the Energy Efficiency Design Review.xls. This report should be based on the same documents as submitted with the construction certificate.

Note:

- (i) Definitions referred to in clause 1(a) above:-
 - a. 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.
 - b. 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.

- c. 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).
- d. Base building means central services and common areas of a building (Source: SEDA, September 2001).
- e. 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

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

- (a) The Floor Space Ratio of the proposal must not exceed 9.95:1 calculated in accordance with the Central Sydney Local Environmental Plan 1996. For the purpose of the calculation of FSR, the Floor Space Area of the development is 2,852.1sqm. Some loss in FSR may result from compliance with Condition 3.
- (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

BUILDING HEIGHT

(6)

- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL75.9 (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).

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (7) The existing building shall be photographically recorded in black and white including interiors and exteriors of the building. Negatives shall be developed to archival standards and include proof sheets. A summary report should be attached including a brief history and description of the building, an index catalogue referenced to site and floor plans indicating the direction the photographs were taken. The original shall include the negatives and proof sheets bound in A4 format suitable for archiving. A secondary (photocopy) of the report should also be provided suitable for the attachment to the DA file.

PHYSICAL MODELS

- (8) 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
- (9) 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.

CONSISTENCY OF DRAWINGS

- (10) 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.

PROJECT ARCHITECT

- (11) The architect of the project, Candalepas Associates approved should not be changed without prior notice to Council.

DEMOLITION/SITE RECTIFICATION

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

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued under the Environmental Planning and Assessment Act 1979 for construction of the substantive building.
- (b) Prior to issue of the Construction Certificate, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the General Manager of the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:-
 - (i) a bank guarantee to be provided in the sum of \$72,000 dollars as security for the costs of such works provided that:-
 - a. the maximum liability under the Deed shall not exceed \$72,000 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works which meet the objectives of the condition.
 - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the structure has commenced to be erected;that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
 - e. make the building safe and attractive at ground level;
 - f. allow the ground level to be landscaped and made attractive from any public vantage point; or

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

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

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

ROLLER SHUTTERS

- (13) Any roller shutter proposed for the loading dock must be of an anodised or powder coated finish with polycarbonate infills allowing penetration of at least 50% of available light.

BOUNDARY COVENANT-Southern and Northern elevation

- (14) Any openings constructed on the southern and northern boundary of the site must be sealed, bricked up or otherwise enclosed, prior to the construction of any building abutting, adjoining or adjacent to such windows. A covenant to the approval of Council is to be placed on the title to this effect. Evidence of the creation of the covenant is to be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

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

COST SUMMARY REPORT – CONCURRENT WITH ISSUE OF CONSTRUCTION CERTIFICATE

- (15) 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 & 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.

REPORT TO BE COMPLIED WITH

- (16) The development shall be in accordance with the recommendations of the following reports as contained in the Statement of Environmental Effects prepared by Kass-Hermes titled "New Building- 61 York Street, Central Sydney" dated October 2003:
 - (a) 'Heritage Impact Statement' prepared by Brian McDonald + Associates . Pty Ltd and dated 25 September 2003.
 - (b) 'Traffic Report' prepared by Project Planning Associates and dated 1 October 2003..
 - (c) 'Wind Tunnel Study Environmental Winds' prepared by Richard Heggie Associates and dated 19 September 2003.
 - (d) 'Reflectivity Glare Assessment' prepared by Richard Heggie Associates and dated 25 September 2003.

- (e) 'BCA Capability Report prepared by DLM Consulting and dated 19 September 2003.
- (f) 'DA Acoustic Assessment' prepared by Richard Heggie Associates and dated 25 September 2003.
- (g) 'Building Services Planning Requirements' prepared by Helis and Associates and dated 23 September 2003.
- (h) 'Energy Performance Report' prepared by Candalepas Associates Pty Ltd dated 3 October 2003.

BUILD WORKS NOT TO DAMAGE THE ADJOINING BUILDING

- (17) The proposed works are to be carried out in a manner that minimises demolition, alterations, new penetrations/fixings to the significant fabric of the Schedule 1 listed heritage building at 63 York Street to the south of the subject site.

EXISTING BUILDING - recording and materials salvaged.

- (18) An accurate, archival measured drawing of the existing building is to be submitted for Council approval prior to the issue of an Occupation Certificate.
- (19) Traditional building materials salvaged from the site including structural and decorative stonework, bricks, timber, and metalwork (in particular, cast iron and glass pavement lights) are to be recycled through established dealers in architectural salvage. A work method statement is to be submitted for Council approval prior to the issue of a Construction Certificate.

STRATA PLAN APPROVAL

- (20) A separate development application must be submitted at the appropriate time for the strata subdivision of the building.

LOADING OPERATIONS VIA THE REAR LOADING DOCK

- (21) All loading and unloading operations must be carried out via the rear loading dock at all times.

PAVEMENT LIGHTS

- (22) 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.

- (23) The pavement lights are to be repaired and maintained to the satisfaction of Council. A report detailing the repair to the pavement lights and their ongoing maintenance is to be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. All works in relation to the repair of the pavement lights must be completed to the satisfaction of Council prior to the issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.

EXTERNAL LIGHTING

- (24) A separate development application is required to be lodged for any proposed external floodlighting or illumination of the building. Such application shall be submitted and approved by Council prior to the installation of any external lighting.

BUILDING NAME

- (25) 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 APPROVAL FOR USE OF RETAIL TENANCIES

- (26) A separate development application must be submitted at the appropriate time for the specific use of the retail tenancies within the development. No approval for specific use or hours have been included in this approval.

SIGNS

- (27) 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.

SIGNAGE STRATEGY

- (28) A Signage Strategy which identifies the number, type, size and location of signs (and their illumination as appropriate) to ensure adequate way finding, naming of building and tenancies within the development shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

ANNUAL FIRE SAFETY STATEMENT

- (29) 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.

STATE RAIL AND RAIL INFRASTRUCTURE CORPORATION (RIC)

- (30) The applicant shall provide a Geotechnical Report to RIC for review by RIC's Geotechnical section prior to the commencement of works. The report shall demonstrate that the development has no negative impacts on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by RIC. The report shall include the potential impact of demolition and excavation, and demolition-and-excavation induced vibration in rail facilities, and loadings imposed on Rail Party Facilities by the development.
- (31) A Risk Assessment/Management Plan and detailed Work Method Statements (WMS) for the proposed works are to be submitted to RIC for review and comment prior to the works commencing on site. It should be noted that RIC's representative may impose conditions on the methods to be used and require the provision of on-site Safe Working supervision for certain aspects of the works.
- (32) Should, according to RIC's Representative any unforeseen risks to rail infrastructure become apparent, the applicant/contractor will be required to submit information relating to the attenuation of that risk for approval by RIC's Representative.
- (33) The Metro West Rail Link will affect the proposed development of this site. The applicant is to contact Renee Zaia, of RIC, Strategy and Planning on 9224 2812 for further information regarding this project.

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

- (34) 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

- (35) The following design details shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

- (a) The shopfront details for York Street at a scale of 1:50.
- (b) Revised design resolution for the southern and northern elevations to add articulation and interest to these exposed wall. The use of alternative materials and finishes, textures and colours shall ensure that the outcome is appropriate for these building facades which will be read 'in the round'. The increase in the number of splay windows in the southern façade should be investigated.
- (c) A revised materials and samples board. The board is to incorporate revised materials and finishes for the northern, southern and eastern façade (podium) of the building. In addition, a design statement is to be submitted justifying the materials and finishes selection having regard to the site context and the palette of finishes established in York Street. Preference is given to the use of genuine sandstone in the York Street building podium.

EXHAUST FOR FOOD

- (36) Adequate provision shall be made in the retail tenancies for the installation of a mechanical exhaust ventilation for future food premises where cooking, heating or similar food preparation can be carried out.

INSTALLATION OF DUAL-FLUSH TOILETS

- (37) 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

- (38) 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

- (39) 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

- (40) 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.

PUBLIC ART

- (41) High quality art work shall be provided within the development in publicly accessible locations eg. near main entrances, lobbies and street frontages, in accordance with the Central Sydney DCP 1996 and the 'Public Art Policy'.

Details of the art work must be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

PUBLIC DOMAIN PLAN

- (42) The public domain plan is to address the following requirements:-

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

Note:

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

ELECTRICITY SUBSTATION

- (43) The applicant is to liaise with Energy Australia regarding the energy and connection requirements for the building.

TOILETS AVAILABLE FOR USE BY PUBLIC

- (44) The toilet facilities at ground floor level of the building 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.

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

RECEPTACLES FOR CIGARETTE BUTTS

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

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

- (47)
- (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.

ACCESS FOR PERSONS WITH A DISABILITY

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

TELECOMMUNICATIONS PROVISIONS

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

- (a) Appropriate access and space within the plant area of the building shall be provided for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery.
- (b) Appropriate ducting and cabling shall be provided for a minimum of three telecommunication carriers or other providers for telecommunication access and broad-band cabling to each apartment of the building.
- (c) The details of (a) and (b) above shall be submitted for the approval of the certifying authority, prior to issue of a construction certificate for the building under the Environmental Planning and Assessment Act 1979.

EXTERNAL RECEIVING DEVICE

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

GLAZING

- (51) All external glazing in the development must be clear and untinted.
- (52) 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.

AWNINGS

- (53) The awning/canopy must comply with the City of Sydney Awnings Policy 2000. Details of the awning design must be submitted for the approval of Council prior to issue of the Construction Certificate under the Environmental Planning and Assessment Act 1979.

UNDER AWNING LIGHTING

- (54) The awning shall be provided with lighting to ensure pedestrian safety. Such lighting shall be at a minimum level of 10 lux in the horizontal and vertical plane.

Details of the lighting is to be submitted for the approval of Council prior to issue of the Construction Certificate under the Environmental Planning and Assessment Act 1979.

CAR PARK ENTRY FINISH

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

PAVING MATERIALS

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

LOADING DOCK

- (57) Provision for one loading dock only is to be made within the development.
- (58) Approval is not given for any carparking.
- (59) The vertical clearance within the carpark providing access to and including the loading bays is to have a minimum clear height of 3.6 metres.
- (60) All cost of traffic management measures associated with the development shall be borne by the developer.
- (61) The service vehicle provision shall satisfy the Council's LEP and DCP requirements.

STORMWATER AND DRAINAGE

- (62) The following stormwater details shall be submitted:-
- (a) Details of the proposed stormwater disposal and drainage of the development are to be submitted for approval by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
 - (b) Any proposed connection to 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

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

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

ALIGNMENT LEVELS

- (64) 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.
- (65) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the Application for a Construction Certificate.

STORAGE AND WASTE HANDLING

(66) 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 an Certificate.

RECYCLING AREAS

(67) 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.

FIRE CONTROL CENTRE

(68) In accordance with Clause 188 of the Environmental Planning and Assessment Regulation, approval must be obtained from the NSW Fire Brigade to the effect that the Fire Control Centre is accessible to comply with Clause E1.8 of the Building Code of Australia prior to the issuing of the Construction Certificate under the Environmental Planning and Assessment Act 1979.

SANITARY FACILITIES

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

DETAILS OF HEALTH ASPECTS

- (70) 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: STANDARD REQUIREMENT - Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2).

GEOTECHNICAL REPORT AND CERTIFICATION

- (71) 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

- (i) An appropriately qualified practising geotechnical engineer certifying by completing Attachment G1 must have:-
- a. Appropriate tertiary qualifications in civil or geotechnical engineering; AND
 - b. Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - c. Evidence of relevant experience in the form of a CV/Resume;
 - d. Appropriate current professional indemnity insurance.
- (ii) An appropriately qualified practising 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 INSPECTION & TESTING

- (72) 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.

METAL FIXINGS FOR FAÇADE PANELS OR CURTAIN WALL

- (73) 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.

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

- (74) 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

- (75) 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.
- (76) 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.

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

OTHER DEMOLITION DETAILS

(78) 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.

NOTIFICATION OF EXCAVATION OF EXCAVATION WORKS

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

WATER AND SEDIMENT CONTROL STATEMENT FOR DEMOLITION AND EXCAVATION

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

- (a) Prior to the commencement of demolition and/or excavation, a Demolition/Excavation Water and Sediment Control Statement must be submitted to and approved by the Principal Certifying Authority (Council or an accredited officer).
- (b) Such statement must include:-
 - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
 - (ii) The proposed method of discharge;
 - (iii) The procedures to be adopted for the prevention of run-off from the site onto the public way;
 - (iv) The procedures to be adopted for the prevention of run-off from the site onto the public way.
- (c) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's Erosion and Sediment Control Manual and the Department of Housing Manual Managing Urban Stormwater - Soils and Construction (August 1998).

- (d) The Demolition/Excavation Water and Sediment Control Statement shall be implemented during the demolition and/or excavation period.
- (e) Any seepage or rainwater collected on site during work must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.
- (f) The applicant must also comply with the NSW Protection of the Environmental Operations Act 1997, whereby it is an offence to pollute classified waters such as Sydney Harbour to which most of the City's street drainage is directly connected.

PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN FOR DEMOLITION AND/OR EXCAVATION

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

WASTE MANAGEMENT DURING DEMOLITION AND EXCAVATION

- (82) A Waste Management Plan for the demolition and/or excavation of the proposed development must be submitted to the satisfaction of the Principal Certifying Authority (and a copy submitted to Council if it is not the PCA) before commencement of work on the site.
- (83) Certification that the plan is in accordance with the Development Approval Conditions, Council's Code for Waste Handling in Buildings and the Waste Minimisation and Management Act 1995, must be submitted in the attached form W3 to the satisfaction of the Principal Certifying Authority. Such Certification must be submitted by an appropriately qualified person experienced in Waste Handling Design and Environmental Management.
- (84) The Waste Management Plan must address demolition and excavation, as applicable. The Plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:-

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

Note:

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

- (86) 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.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (87) 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

- (88) A separate Road Opening Permit under Section 138 of the Roads Act 1993 shall be obtained from City Care Unit of the City of Sydney prior to the commencement of any:-
- (a) Excavation in or disturbance of a public way, or
 - (b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).
 - (c) Documents required with the Road Opening Permit application include:-
 - (i) A plan and relevant sections showing scope of works, boundaries, utility services, levels of proposed excavation, and details of method of reinstating public way;
 - (ii) Evidence that public utility drawings have been inspected;
 - (iii) 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;
 - (iv) A Security Deposit for reinstatement of public way.

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

BARRICADE PERMIT

- (89) Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

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

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

HOARDING

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

CONTROL OF VERMIN

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

USE OF MOBILE CRANES

(93) Permits required for use of mobile cranes:-

- (a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (b) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes shall not be delivered to the site prior to 7.30am without the prior approval of Council.

CERTIFICATION OF MECHANICAL VENTILATION

(94) The details of any mechanical ventilation or air conditioning must be certified by a competent person to comply with Council's Ventilation Code, the Building Code of Australia and relevant Australian Standards, to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) prior to commencement of any mechanical services work.

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

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

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

STRUCTURAL CERTIFICATION FOR DESIGN - MAJOR WORKS

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

Notes:

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

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

Schedule 1D

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

DEMOLITION WORKS

- (97) 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.

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

HOURS OF WORK AND NOISE

- (99) 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

- (100) 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

(101) 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.

ENVIRONMENTAL MANAGEMENT PLAN

(102) Prior to the commencement of any demolition, excavation or 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 necessarily be limited to the following measures:

- (a) Measures to control noise emissions from the site.
- (b) Measures to suppress dust emissions from the site.
- (c) Soil and sediment control measures.
- (d) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos.
- (e) Community consultation.

COMPLAINTS HOTLINE

(103) A 24-hour Complaints Hotline shall be provided and displayed on site by the applicant (clearly visible from the site) with complaints directed to a designated person to receive and act upon all complaints in respect to noise from demolition, excavation and construction activities from the building site.

LOADING AND UNLOADING DURING CONSTRUCTION

(104) The following requirements apply:-

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

- (c) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a construction or work zone may be considered by Council. The applicant shall submit a proposal to the Sydney Traffic Committee stating justification for not complying.
- (d) In addition to any approved Work Zone, provision must be made for loading and unloading to be accommodated on the site once the development has reached ground level.
- (e) If a Work Zone is warranted, such an application must be made to Council prior to the commencement of work on the site. An approval for a Work 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 construction activities.

PROTECTION- STREET TREES

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

ENVIRONMENTAL PROTECTION

- (106) 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.

SOIL AND SEDIMENT PROSECUTION NOTE

(107) The applicant and/or employees, agents or subcontractors may be liable to prosecution under the Environmental Planning & 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.

NO OBSTRUCTION OF THE PUBLIC WAY

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

DRIVEWAY CONSTRUCTION

(109) 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.

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

Note:

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

Schedule 1E

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

NUMBERING

(111) 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.

CITY OF SYDNEY COMPLIANCE INSPECTIONS

- (112) The purpose of this condition is to ensure that the Council is given sufficient notice prior to the issuing of the Occupation Certificate to carry out inspections of soon to be completed buildings, where Council considers it necessary. In doing so, this ensures that the Council is able to provide an independent analysis of whether the building is constructed to a standard that complies with the BCA and in accordance with the development consent.
- (a) The applicant and building owner are to note that it is an offence under S.109N of the Environmental Planning and Assessment Act 1979, to occupy or use a building in whole or in part, unless an Occupation Certificate has been issued in relation to the building or the part.
 - (b) A maximum penalty of 25 penalty units applies under the provisions of the Environmental Planning and Assessment Act 1979, for the contravention of the above requirements.
 - (c) Council officers may undertake random inspections from time to time during construction and toward the end of building works to ensure that buildings or part of buildings are not occupied without a partial or final Occupation Certificate, and to check compliance with conditions of development consent and the BCA.
 - (d) In the event that a Principal Certifying Authority (PCA) other than Council is appointed, written notice shall be given to Council (whether by the developer, builder or other person relying on the development consent) on each of the following occasions:
 - (i) Within 7 days of installation of services, such as plumbing, mechanical ventilation and the like which penetrate fire rated walls and slabs (excluding basement areas); and
 - (ii) 7 days prior to the installation of false ceilings or cornices which abut fire rated walls and slabs; and
 - (iii) 14 days prior to the final inspection to be carried out by the PCA for the purpose of issuing an Occupation Certificate.
 - (e) The PCA shall be advised in writing (whether by the developer, builder or other person relying on the development consent) of Council's requirements pursuant to paragraph (d).
 - (f) This reserves time for Council or persons appointed by Council to conduct any random inspections Council may choose to do, prior to the issue of the Occupation Certificate, in order to ensure that buildings or part of buildings are not occupied without a partial or final occupation certificate, and to undertake random audits of certified works.

OCCUPATION CERTIFICATE

- (113) 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

- (114) 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.

BCA- MATERIALS

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

BCA- GLAZING

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

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (117) 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.

- (118) Prior to issue of an Occupation Certificate and/or prior to commencement of the use the building owner must ensure that there is a contract either with Council or a licensed contractor for the removal of trade waste. No garbage is to be placed on the public way eg. Footpaths, roadways, plazas, and reserves at any time.

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

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

CERTIFICATION FOR STRUCTURAL INSPECTIONS

(120) 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.

(121) 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

(122) 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.

COOLING SYSTEMS

(123) All warm water or water cooling systems installed on the premises must comply with the requirements of the Public Health Act 1991, Public Health (Microbial Control) Regulation 2000 and Australian Standard 3666 – Air-handling and water systems of buildings - Microbial Control.

(124) Prior to commencement of use the owner or occupier of the premises must apply to Council for the registration of water cooling systems and warm water systems installed on the premises in accordance with the Public Health (Microbial Control) Regulation 2000.

VENTILATION

(125) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2).

CAR PARK VENTILATION

(126) That the car park shall be ventilated in accordance with the Building Code of Australia (if using deemed to satisfy provisions AS1668, Parts 1 & 2).

WASTE REMOVAL

(127)

- (a) Prior to issue of an Occupation Certificate and/or prior to commencement of the use, the building owner must ensure that there is a contract either with Council or a licensed contractor for the removal of all waste. No garbage is to be placed on the public way, eg. footpaths, roadways, plazas, reserves, at any time.

Note: It should be noted that this development being serviced apartments is not subject to a domestic garbage levy and therefore a domestic service will not be provided by Council.

COMMEMORATIVE PLAQUE

(128) 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.

NUMBERING

(129) 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.

(130) 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

(131) 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).

Schedule 1F

Conditions to be complied with during the use of Premises

LOADING AND UNLOADING

(132) All loading and unloading operations must be carried out via the rear entrance off James Lane at all times.

REMOVAL OF GRAFFITI

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

SPIKERS

(134) 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.

NOISE - USE

(135) 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

(136) Noise associated with mechanical plant must not give rise to any one or more of the following:

- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
- (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level or greater than 5dB at the boundary of any affected property in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.
- (c) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.

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

NO OBSCURING OF SHOPFRONT GLAZING

(137) The glass shop front must not be tinted, screened by blinds, curtains or the like or obscured.

CARE OF BUILDING SURROUNDS

(138) 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.

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

WINDOW CLEANING

(140) 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.

INTRUDER ALARM

- (141) 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.

LOADING OPERATIONS

- (142) 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.

OZONE PROTECTION REGULATION 1997

- (143) 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.

MICROWAVE/LASER COMMUNICATION SYSTEM

- (144) Any microwave/laser communication system devices/apparatus must incorporate all necessary safety features to prevent any person being exposed to radiation in excess of that permitted by the Radiation Control Act 1990, and Regulations thereunder, Australia Standard 2772 - 1990 and any other relevant Code or Standard.

NOISE AND VIBRATION

- (145) That noise and vibration from the use 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 Operation Act, 1997.

Schedule 2

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

Carried unanimously.

PART "A" (continued) - DETERMINED BY COUNCIL**DEVELOPMENT APPLICATION: 15 REGENT STREET, CHIPPENDALE
(D/2003/00761)****3.7**

That arising from consideration of a report by the Assistant Specialist Planner to the Special Meeting of the Planning Development and Transport Committee on 15 December 2003, in relation to Development Application D2003/00761 made by Prescott Architects for the site at 15 Regent Street Chippendale for construction of a new 7 storey building, it be resolved: -

- (A) that consideration of the application be deferred to enable the applicant to submit the following further information and amendments to the design and layout of the proposed building at 15 Regent Street, within 45 days:

The design changes recommended -

- (i) that the ground floor residential unit is deleted;
- (ii) that all residential units to have more than one aspect allowing for natural cross ventilation or be double height units;
- (iii) that all residential units are of a size that satisfies the minimum size criteria listed in the Central Sydney Development Control Plan 1996;

Note: External storage areas and balconies are not to be included in the unit size calculation.

- (iv) that the number of units in the development shall be reduced to provide a more balanced unit mix;
- (v) that the floor to ceiling heights of the car park and mezzanine storage area shall not be less than 2.8m and 2.4m respectively;
- (vi) that the width of the ground floor access lobby through to the lifts shall not be less than 2m;
- (vii) that detailed drawings of the ceiling to floor levels be provided to clearly demonstrate a floor to ceiling height of 2.7m can be achieved in all habitable rooms, including 1:50 plans and a structural engineers report on the required slab thickness;
- (viii) that the ground floor waste enclosure be redesigned in accordance with the Sydney City Council Code for Waste Handling in Buildings;
- (ix) that a section drawing through the ground floor commercial unit shall be provided to clearly show that no mezzanine is proposed;

- (x) that the provision of residential unit storage is amended to comply with the minimum provision listed in the Central Sydney Development Control Plan 1996;
- (xi) revised plans for the ground floor parking area to show the area to be solely for loading;

The further information required -

- (xii) a Stage II Detailed Site Contamination Investigation, completed in accordance with the relevant NSW EPA guidelines. The detailed Site Contamination Investigation is to include a statement that describes whether the site is suitable for the proposed use or, if remediation is necessary, to make the site suitable for the proposed use. Should remediation be required the report is also to include feasible options for the site.
 - (xiii) an Archaeological Assessment in accordance with the NSW Heritage Office, Heritage Manual Guidelines to determine the need for a permit for excavation under s140 of the Heritage Act 1977.
- (B) authority be delegated to the Lord Mayor to determine the application after 45 days having regard to the achievement (or otherwise) of the design changes required above.

Carried.

DEVELOPMENT APPLICATION: 98-106 RILEY STREET DARLINGHURST (D2003/00966)

3.8

That consideration of this matter be deferred to the Extraordinary Meeting of Council on 22 December 2003.

Carried.

Note - This matter was dealt with by Council as Item 6 on the Business Paper.

Note - Ms Evelyn Klopfer, Mr Max Amoedo, Mr Greg Gibbon and Mr Rod Drayton addressed the Special Meeting of the Planning Development and Transport Committee on Item 3.8.

ITEM 4. DEVELOPMENT APPLICATION: 12 BROUGHTON STREET, WOOLLOOMOOLOO

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

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 8 December 2003, and to the Extraordinary Meeting of Council on 22 December 2003, in relation to Development Application D/03/00660 made by Mrs A Doran for the site at 12 Broughton Street, Woolloomooloo, for the demolition of the existing dwelling and erection of a new 4-storey dwelling with garaging for one car, it be resolved that -

- (A) the determination of the subject development application be deferred until the findings of an investigation by a suitably qualified heritage consultant, commissioned by the City of Sydney, are submitted; and
- (B) the findings of the investigation referred to in Clause (A) be presented to Council, together with an assessment of revised plans submitted by the applicant.

Carried.

ITEM 5. DEVELOPMENT APPLICATION: 56-76 OXFORD STREET, DARLINGHURST (CHICANE RESTAURANT)

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

That arising from consideration of a report by the Planner to the Special Meeting of the Planning Development and Transport Committee on 15 December 2003, and to the Extraordinary Meeting of Council on 22 December 2003, in relation to Development Application D2003/01158 made by G Kilzi for the site at 56-76 Oxford Street, Darlinghurst, for the continuation of extended trading hours at the Chicane Restaurant, it be resolved that -

- (A) it be noted that the subject development application has been withdrawn, by letter from the applicant's solicitor dated 22 December 2003;
- (B) the applicant be advised that the City would only consider a future application for extension to the trading hours if:
 - (i) the use of the premises immediately ceases trading beyond midnight;
 - (ii) the use of the outdoor seating area on Council land immediately ceases and all planters, tables, chairs and other furniture be removed until such time as the current outstanding rent arrears are paid in full and a new footway licence is issued;

- (iii) the applicant commissions and submits an Acoustic report by a suitably qualified acoustic consultant (acceptable to Council in writing), detailing the requirements necessary to bring the restaurant in line with Council's Noise Control Standards and to be submitted to the satisfaction of the Director City Development. Specifically, the operations of the premises shall be inaudible in the nearest habitable room or the nearest residential premises. These measurements shall be taken on a Friday and Saturday night when the premises are fully operational, and music is playing at its maximum level. The report shall list all physical works required to ensure compliance with the noise emission requirements, and such work completed prior to any extension of hours;
- (iv) a sign is installed on the Oxford Street entrance of the restaurant to clearly identify this door as an alternative, late night entrance/exit to the main entrance onto Oxford Square/Burton Street. Details of the size, colour and finishes of the sign shall be to the satisfaction of the Director City Development.

Carried.

ITEM 6. DEVELOPMENT APPLICATION: 98-106 RILEY STREET, DARLINGHURST

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

That arising from consideration of a report by the Specialist Planner to the Special Meeting of the Planning Development and Transport Committee on 15 December 2003, and to the Extraordinary Meeting of Council on 22 December 2003, in relation to Development Application D2003/00966 made by Riley Nominees Ltd for the site at 98-106 Riley Street, Darlinghurst, for the development of a four storey mixed use building with two levels of basement car parking, it be resolved that:

- (A) the development's non-compliance with the numerical 9m height limit and 1:1 FSR limit as prescribed in South Sydney Development Control Plan 1997 is considered acceptable for this proposal, noting the proposal, will generally conform to the existing building envelope and urban form and can be considered as "special" for the following reasons:
 - (i) the proposed building is generally consistent with the existing building envelope and - subject to conditions requiring minor modifications – is appropriate in scale, compatible and complementary with the urban context of the area.
 - (ii) the proposed building has a lower FSR than the existing building.
 - (iii) the existing building is considered to be non-contributory within the conservation area and the proposed building provides an improved streetscape presence.

- (iv) the height of the building will not give rise to significant detrimental impacts on the amenity of the area;
- (v) the objectives and performance criteria of the South Sydney DCP 1997 are met.

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

Conditions of Consent

Schedule 1A

Approved Development, Contributions and Covenants

Note 1: 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.

- (1) Development must be in accordance with Development Application No. D/03/00966 dated 17 September 2003 and information and drawings numbered DA01, DA02, DA03, DA04, DA05, DA06, DA07, DA08, DA09, DA10, DA11, DA12, DA13 and DA14 dated 13 November 2003 prepared by Noel Bell Smith and Partners and as amended by the following conditions:
- (2) The plans shall be amended so as to delete the proposed colonnade to Chapel Street and reconfigure the commercial suites on the ground floor to promote an active street frontage with Chapel Street and increase visual surveillance. The details shall be submitted to and approved by Council prior to the release of the Construction Certificate.

FLOOR SPACE RATIO

- (3) The following applies to Floor Space Ratio:-
 - (a) The Floor Space Ratio of the proposal must not exceed 2.85:1 calculated in accordance with the South Sydney Local Environmental Plan 1998 (subject to any minor variations resulting from deletion of the colonnade). For the purpose of the calculation of FSR, the Floor Space Area of the development is 1947sqm.

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

BUILDING CODE

- (4) The plans shall be amended in order to comply with the requirements of the Building Code of Australia as follows:
 - (a) Doors to the commercial entry lobby shall open in the direction of egress (towards Chapel Street).
 - (b) Two (2) exits shall be provided from the basement car parking levels in accordance with D1.2(c) of the Building Code of Australia.
 - (c) The Atrium shall be re-designed so as to comply with the deemed-to-satisfy provisions of Part G.3 of the BCA. Alternatively, a fire engineered alternative solution may be submitted prepared by a suitably qualified fire engineer for the atrium based on the assessment of performance requirements CP1, CP2, CP3, DP4, EP1.4, EP2.1, EP2.2, and EP4.3 to meet the deemed-to-satisfy provisions of Part G3 of the BCA.

All details shall be submitted to and approved by Council prior to the release of the Construction Certificate.

INSTALLATION OF WATER EFFICIENT TOILETS, SHOWERHEADS AND TAPS

- (5) All toilets installed within the development shall be of water efficient, dual-flush capacity with a minimum “AAA” rating. All showerheads and taps installed in the development shall be water efficient with a minimum “AAA” rating. The “AAA” rating refers to the Standards Australia Water Conservation Labelling scheme. The details 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.

ENERGY EFFICIENCY OF BUILDING

- (6) The building must achieve compliance of a minimum of 3.5 stars for units 8, 11, 12, 15, 16, 17, 18 and 19 and 4 stars for units 9, 10, 13 and 14 with the relevant NatHERS energy rating scheme. The details 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.

SHOP FRONTS

- (7) Details of window frames for shopfronts on the ground floor are to be submitted to Council and approval is to be given prior to the release of a construction certificate. Shopfronts are not to be fitted with aluminium window frames and should preferably be constructed from wooden materials.

EXTERNAL COLOUR SCHEME

- (8) The external colour scheme of the building is to comprise predominantly earth tones in keeping with the overall character of the conservation area. A schedule of colours is to be submitted to Council's satisfaction prior to the release of the construction certificate.

ARCHIVAL RECORD

- (9) An archival record of the existing building is to be prepared and submitted to Council prior to the commencement of works. The record is to include scaled floor plans of the existing building, a chronological history of the development of the site and a photographic record. The photographic record is to be prepared in accordance with the NSW Heritage Office guidelines and is to include black and white archival quality 35mm photographs, coloured photographs, proof sheets, negatives and photographic location reference sheets.

STRUCTURAL ENGINEERS REPORT

- (10) To ensure that the external walls do not collapse during construction works, prior to the commencement of any works on the site, a Structural Engineer's Report is to be submitted to Council, prepared by a suitably qualified engineer experienced in dealing with similar type buildings. The report is to indicate how the external walls are to be retained, supported and not undermined by the proposed development and give details of any intervention such works will have on the building fabric. Details of all temporary supports and hoarding are also to be provided. The Structural Engineer's report is to consider the geotechnical report of Condition No (20) and shall ensure measures for support of existing building elements do not protrude on the public way. If this is necessary the design of the basement shall be amended to ensure existing walls and surrounding buildings are not structurally compromised.

SECTION 94 CONTRIBUTIONS PLAN - 1997

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

Contribution Category	Amount
Open Space: LGA	\$5,500
Open Space: New Parks	\$24,638
Accessibility and Transport Management	\$163
	\$378
Multi-Function Administration Centre	\$8,587
Total	\$39,266

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

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

where:

C is the original contribution amount as shown above;

CPI₂ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and

CPI₁ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent being the October Quarter 2003.

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

Notes: Endorsed DA plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site. No works, including works listed in the adopted Section 94 Contributions Plan, will be off-set against monetary Section 94 Contributions without prior written approval by Council in the form of a letter referring to detailed specifications and costs. To support a case for carrying out works, Council requires the submission, for formal approval, of complete construction documentation and detailed cost estimates of the works based on established industry standards. Works carried out without written approval by Council will not be off-set against any Section 94 Contribution and, if carried out on public land, may expose the responsible party to prosecution in addition to the cost of reinstatement. Applicants are advised to contact the Council as soon as possible concerning the specific requirements for any proposal for works-in-kind. Applicants should note that Council may have specific requirements concerning future management and will require security in the form of a bank guarantee for all approved works.

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

SIGNS

- (14) 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.

SEPARATE APPLICATION FOR SPECIFIC USE

- (15) A separate development application must be submitted at the appropriate time for the specific use of the ground floor commercial tenancies. No approval for specific uses or hours of operation is included in this consent. Particular regard to the uses and hours will be needed to consider amenity impacts on residents.

MAIL BOXES

- (16) Mail boxes area to be provided within the main entry point/lobby area. Amended plans illustrating the location of such mail boxes must be submitted and approved by Council prior to the release of the Construction Certificate.

NO PARTICIPATION IN RESIDENT PERMIT PARKING SCHEME

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

Note:

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

Schedule 1B

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

CONSTRUCTION CERTIFICATE

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

PUBLIC DOMAIN PLAN

- (19) Prior to the issue of a Construction Certificate, there is a requirement to submit three copies of a Public Domain Plan detailing the proposed Public Domain works including the replacement of the existing public footway to the Riley Street frontages of the subject site and other appropriate works. The Plan shall include the location, type and material of all existing and proposed public pavement elements including paving, kerbs and gutters, vehicle crossings and utility poles. The Plan shall be submitted and approved by Council's Public Domain Officer at City Projects prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act, 1979.

GEOTECHNICAL REPORT AND CERTIFICATION

- (20) 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;
 - (vii) Method of proving and assessing foundations underpinning and/or excavation stability in accordance with design;
 - (viii) Confirmation of the depth of bedrock, the depth and location of the groundwater table and any subterranean water course, and the composition and quality of the bedrock;
 - (ix) A written assurance from the owner of the site be provided to Council prior to release of the construction certificate that the new works will not negatively affect neighbouring premises through excavation or damage arising from excavation relating to seepage, collection of stormwater, groundwater, sewage or natural water, noting the possible existence of a subterranean water course; and

- (x) That the preliminary geotechnical analysis completed by Connell Wagner on 22 December 2003 be taken into account when undertaking a full and detailed geotechnical examination of the site and that a senior geotechnical engineer of that company oversee all demolition and excavation works with authority to direct all contractors and workers to ensure no short or long term damage is caused to surrounding properties.
- (b) A Structural Engineer's Report/Letter stating to the effect that, based on the Geotechnical Report, the proposed excavation and construction work will not adversely affect the adjoining building/s.
- (c) An Inspection and Test Plan (ITP) that reflects the requirements of the geotechnical report, project drawings and specifications.
- (d) A completed Geotechnical Certificate for the Report and ITP, submitted in the form of Attachment G1 completed by the Project/Principal Geotechnical Engineer OR, a compliance certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) after satisfying (a), (b) and (c) above.

Notes

- (e) An appropriately qualified practising geotechnical engineer certifying by completing Attachment G1 must have:-
 - (i) Appropriate tertiary qualifications in civil or geotechnical engineering; AND
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume;
 - (iv) Appropriate current professional indemnity insurance.
- (f) An appropriately qualified practising geotechnical engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Geotechnical Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
- (g) Geotechnical inspections and testing must be in accordance with the ITP. A Geotechnical Inspection Certificate will be required prior to issue of the Occupation Certificate. Refer to Schedule E.

NOISE REDUCTION

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

(a) The report shall indicate measures to preserve the amenity for residents/apartment users such that the repeatable L_{Aeq} (1 hour) level will not exceed the following levels:-

(i) In a naturally ventilated - windows closed condition:

- | | | |
|----|---|------|
| a. | Sleeping areas (night time only: 2200-0700) | 35dB |
| b. | Living areas (24 hours) | 45dB |

(ii) In a naturally ventilated - windows open condition, (ie windows open up to 5% of the floor area, or attenuated natural ventilation open to 5% of the floor area):

- | | | |
|----|---|------|
| a. | Sleeping areas (night time only: 2200-0700) | 45dB |
| b. | Living areas (24 hours) | 55dB |

(iii) Where a naturally ventilated - windows open conditions cannot be achieved, it is necessary to incorporate mechanical ventilation or air conditioning.

(iv) The following repeatable maximum L_{Aeq} (1 hour) levels shall not be exceeded when doors and windows are shut and mechanical ventilation or air conditioning is operating. These levels correspond to the combined measured level of external sources and the ventilation system operating normally:-

- | | | |
|----|---|------|
| a. | Sleeping areas (night time only: 2200-0700) | 38dB |
| b. | Living areas (24 hours) | 46dB |

(b) In the preparation of the report:

(i) The environmental noise monitoring at the site of the proposed development shall be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations;

(ii) The repeatable maximum L_{Aeq} (1 hour) for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified, and

- (iii) The L_{Aeq} (1 hour) noise levels within living rooms and bedrooms with windows and doors both open and closed shall be shown.
- (c) All residential buildings and serviced apartments are to be designed and constructed in accordance with the above criteria. The completed work must comply with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

ACOUSTIC PRIVACY BETWEEN UNITS

- (22) 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

- (23) 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.

RECEPTACLES FOR CIGARETTE BUTTS

- (24) 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.

TELECOMMUNICATIONS PROVISIONS

- (25) 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.

- (26) 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 AND SERVICE VEHICLE LAYOUT

- (27) The layout plan of the carpark is to be in accordance with Australian Standard AS 2890.1 - 1993 and Australian Standard AS 2890.2 – 2002.
- (28) The maximum gradient of the ramp shall be 1:8 without transition and 1:5 with transition at both ends.
- (29) The headroom for all areas traversed by cars shall be 2.2m.
- (30) All vehicles shall enter and leave the site in a forward direction.
- (31) A “STOP” sign shall be installed at the exit point to require existing vehicles to stop at the building line.
- (32) The carparking area is to specifically define the allocation of parking spaces as follows:
- (a) 7 commercial spaces; and
 - (b) 10 residential spaces; and
 - (c) 2 spaces for visitors

STORMWATER AND DRAINAGE

- (33)
- (a) Certification by a hydraulic engineer that stormwater will be disposed from the site in accordance with Council’s standard requirements, shall be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate under Local Environmental Planning and Assessment Act 1979.
 - (b) Any proposed connection to the City’s underground drainage system will require the owner to enter into a Deed of Agreement with the City and obtain registration on Title of a Positive Covenant prior to commencement of any work within the public way, at no cost to the City.

VENTILATION

- (34) The premises shall be ventilated in accordance with the requirements of the Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2).

- (35) A system of mechanical exhaust ventilation shall be provide to the residential bathroom exhausting at least 25 l/s from each sanitary fixture.
- (36) A system of mechanical exhaust ventilation shall be provided to the residential laundries exhausting at least 20 l/s per laundry.

CAR PARK VENTILATION

- (37) The car park shall be ventilated in accordance with the Building Code of Australia (if using deemed to satisfy provisions AS1668, Parts 1 & 2).

COMPLIANCE WITH RELEVANT STANDARDS

- (38) 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 room (Council's Code for Waste Handling in Buildings).

Note:

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 many 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.

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

- (39) 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

- (40) 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.
- (41) 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.
- (42) The demolition by induced collapse, the use of explosives or on-site burning is not permitted.

OTHER DEMOLITION DETAILS

- (43) Prior to the commencement of demolition work, the following additional details are required to be submitted to the Principal Certifying Authority (PCA) (Council or a accredited certifier), and a copy submitted to Council if its not the PCA:-
- (a) A Statement/Letter from an appropriately qualified Structural Engineer certifying concurrence with the structural provisions of the Demolition Work Method Statement and proposed work. If applicable, a Structural Report of the proposed building to be demolished must be attached.
 - (b) A Letter nominating the person appropriately qualified as an Occupational Hygiene Consultant for inspecting the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to WorkCover Authority.
 - (c) Dilapidation Report/s of adjoining buildings are to be submitted by an appropriately qualified Structural Engineer prior to commencement of demolition/excavation works, and at completion of demolition/excavation works.
 - (d) A certified copy of the Public Liability Insurance indemnifying Council for \$10,000,000 against public prosecution for the duration of the demolition works.
 - (e) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the WorkCover Authority.

EXCAVATION WORK METHOD STATEMENT

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

Note:

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

APPLICATION FOR A BARRICADE PERMIT

- (45) Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

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

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

USE OF MOBILE CRANES

- (47) 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.

STRUCTURAL CERTIFICATION FOR DESIGN - MINOR WORKS

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

Notes

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

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

ENVIRONMENTAL MANAGEMENT PLAN

- (49) 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.

Schedule 1D

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

LOADING AND UNLOADING DURING CONSTRUCTION

- (50) 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 Work Zone may be considered by Council. The applicant shall submit a proposal to the Sydney Traffic Committee stating the justification for not complying.
 - (b) In addition to any approved Work Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
 - (c) If a Work Zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a Work Zone may be given for a specific period and certain hours of the day 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.
- (51) All costs of traffic management measures associated with the development shall be borne by the developer.

DEMOLITION WORKS

- (52) 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.
- (53) Demolished combustible materials shall not be stockpiled. Material must be removed regularly.

HOURS OF WORK AND NOISE

- (54) The hours of construction and work on the development shall be:
- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30 a.m. and 5.30 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 3.30 p.m. on Saturdays, with safety inspections being permitted at 7.00 a.m. on work days and no work must be carried out on Sundays or public holidays.
 - (b) The applicant must provide to Council a 24 hour per day telephone contact number and must ensure such number is continually attended by a person with authority over the building work during the construction period.
 - (c) The approved hours of work and a 24 hour telephone number must be prominently displayed at all times on the building site and must be visible from a public street or a public place.
 - (d) All work, including demolition, excavation and building work must comply with "The City of Sydney Building Sites Noise Code" and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

CONTROL OF RUN-OFF SURING CONSTRUCTION

- (55) 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 THE PUBLIC WAY

- (56) 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.

NOISE

- (57) No "offensive noise" as defined under the Protection of the Environment Operations Act, 1997 shall be created during the demolition, excavation and construction activities associated with the site.
- (58) All associated mechanical plant, equipment and the like used on site during the demolition, excavation and construction phases of the proposed development shall use all practical and reasonable noise attenuating devices and measures to minimise noise being transmitted from the 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

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

ALL MATERIALS TO COMPLY WITH BCA

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

CITY OF SYDNEY COMPLIANCE INSPECTIONS

- (61) 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.

CERTIFICATION OF GEOTECHNICAL INSPECTION

- (62) 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 NOISE REDUCTION

- (63) 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.

COMPLIANCE CERTIFICATE FOR ACOUSTIC PRIVACY

- (64) 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.

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (65) 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.
- (66) 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.

WASTE MANAGEMENT

- (67) 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.
- (68) That a separate waste/recycling storage facility for commercial use shall be located within the site in a position that can be accessed by a commercial contractor.

NOISE - USE

- (69) 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

- (70) 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.

NUMBERING

- (71) Prior to issue of an Occupation Certificate street, numbers and the building name, shall be clearly displayed on all three ground level frontages 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.

REMOVAL OF GRAFFITI

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

CARE OF BUILDING SURROUNDS

- (73) 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.

Schedule 2

Prescribed Conditions

The prescribed conditions in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000 apply where there is building work:

1.
 - (a) The work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate is made).
 - (b) This condition does not apply to:
 - (i) the extent to which an exemption is in force under Clause 187 or 188, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the Environmental Planning and Assessment Regulation 2000; or
 - (ii) the erection of a temporary building.
2. In the case of residential building work for which the Home Building Act 1989 requires that there be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force.

Carried unanimously.

ITEM 7. CROSS CITY TUNNEL – EXHAUST STACK ADVOCACY (S016999)

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

That arising from consideration of a report by the Landscape Architect, Architecture and Urban Design, City Projects to the Extraordinary Meeting of Council on 22 December 2003, on Cross City Tunnel - Exhaust Stack Advocacy, it be resolved that:

- (A) Council endorse the proposal outlined in paragraph 10 of the subject report to achieve a better external design for the Cross City Tunnel Exhaust Stack, without creating any additional negative local impacts;
- (B) the City oppose any proposal that involves the use of the exhaust stack as either a structure for commercial signage or to justify a new commercial building, of a similar height, the latter due to the likely impacts of bulk and relationship to surrounding buildings and public spaces;
- (C) the City encourage wide public consultation by the consent authority at appropriate stages, given the level of public interest regarding the location, height and health aspects of any future exhaust stack;
- (D) representations on behalf of Council be made by the Lord Mayor advocating this proposal to the relevant State Government agencies, including the Roads and Transport Authority, Sydney Harbour Foreshore Authority Department of Infrastructure, Planning and Natural Resources and the Cross City Tunnel consortium; and
- (E) the City of Sydney offer to provide advice on the formulation of an appropriate selection process to the consortium, and to participate in that selection process and review of resulting schemes.

Carried.

ITEM 8. INVESTMENTS HELD BY COUNCIL AS AT 30 NOVEMBER 2003 (S02-0960)

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

That arising from consideration of a report by the Senior Accounting Officer (Creditors) to the Extraordinary Meeting of Council on 22 December 2003, on Investments Held by Council as at 30 November 2003, it be resolved that the report be received and noted.

Carried.

ITEM 17. CITY OF SYDNEY DRAFT ACCESS DEVELOPMENT CONTROL PLAN 2003

Moved by Councillor Greiner, seconded by Councillor Ho -

That arising from consideration of a report by the Specialist Planner to the Extraordinary Meeting of Council on 22 December 2003, in relation to the City of Sydney Draft Access Development Control Plan 2003, it be resolved that:-

- (A) Council 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 45 days in accordance with the requirements of clause 18(2) of the Environmental Planning and Assessment Regulation, 2000; and
- (B) Council 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.

Carried.

Closed Meeting

At 4.05pm the Extraordinary Meeting of Council resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of -

Section 10A(2)(c) of the Local Government Act 1993 to discuss Items 10 and 15 on the agenda as these matters comprised discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; and

Section 10A(2)(d)(i) of the Local Government Act 1993 to discuss Items 11, 12, 13, 14, 16 and 18 on the agenda as these matters comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it;

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

Items 10 to 16 inclusive and Item 18 were then dealt with by the Extraordinary Meeting of Council while the meeting was closed to the public.

ITEM 10. WENTWORTH PARK

Moved by Councillor Greiner, seconded by Councillor Coulton -

That arising from consideration of a Memorandum by the General Manager to the Extraordinary Meeting of Council on 22 December 2003, on Wentworth Park, it be resolved that:

- (A) the City agree in principle to enter into agreements with the National Coursing Association (NCA) and Greyhound Breeders Trainers and Owners Association (GBOTA) pursuant to which greyhound racing would be removed from Wentworth Park, which shall be in accordance with the terms of the Memorandum by the General Manager and this resolution;
- (B) the City agree to the transfer of Wentworth Park in fee simple for nominal consideration;
- (C) the terms of the agreements with NCA and GBOTA shall not provide for payments which in aggregate exceed \$12 million, as provided in the 2003/04 budget;
- (D) no payments are to be made to GBOTA or NCA under such agreements until all of the following conditions are satisfied:
 - (i) the State Government has agreed to transfer Wentworth Park to the City for nominal consideration, and
 - (ii) agreements are reached with all relevant parties to obtain the vacant possession of Wentworth Park; and those agreements are unconditional or all conditions have been satisfied;
- (E) authority be delegated to the General Manager directly (with the concurrence of the Lord Mayor) to enter into all agreements which are necessary or desirable to give effect to this resolution; and
- (F) Council's attorney execute all relevant documentation.

Carried.

Note - the confidential Memorandum by the General Manager on Wentworth Park was circulated to all Councillors.

ITEM 11. SURRY HILLS PARK – APPOINTMENT OF DESIGN CONSULTANTS TENDER 0339 (S007807)

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

That arising from consideration of a report by the Landscape Architect, Architecture+Urban Design, City Development and Projects to the Extraordinary Meeting of Council on 22 December 2003, on Surry Hills Park - Appointment of Design Consultants Tender 0339, it be resolved that:

- (A) Council accept the tender submitted by the tenderer named in paragraph 15 of the subject report;
- (B) authority be delegated to the General Manager to enter into a contract for the works to the value as discussed in paragraph 14 of the subject report; and
- (C) Council's attorney be authorised to execute all necessary documentation.

Carried.

ITEM 12. APPOINTMENT OF QUANTITY SURVEYING CONSULTANT FOR THE GLEBE FORESHORE PROJECT - TENDER NO. 0342 (SO27111)

Moved by Councillor Greiner, seconded by Councillor Ho -

That arising from consideration of a report by the Senior Architect, City Development and Projects to the Extraordinary Meeting of Council on 22 December 2003, on the Appointment of Quantity Surveying Consultant for the Glebe Foreshore Project - Tender No 0342, it be resolved that:

- (A) Council accept the tender from Davis Langdon Pty Ltd for the provision of Quantity Surveying services for the project as outlined in paragraph 11 of the subject report;
- (B) authority be delegated to the General Manager to enter into a contract for the services; and
- (C) Council's attorney be authorised to execute all necessary documentation.

Carried.

ITEM 13. TENDER NO. 0322 – WEED ERADICATION SERVICE (S025207)

Moved by Councillor Marsden, seconded by Councillor Greiner -

That arising from consideration of a report by the Project Manager, Contracts & Asset Management to the Extraordinary Meeting of Council on 22 December 2003, on Tender No 0322 – Weed Eradication Service, it be resolved that -

- (A) Council accept the tender from the tenderer referred to in Paragraph 17(a) of the subject report, to provide the City with a Herbicide Weed Eradication Service which shall be carried out in accordance with Environment Protection Authority guidelines;
- (B) Council approve the transfer from Living City Service's of the unspent portion (as verified by Finance) of the 2002- 2003 budget amount for Weed Control Services to Contracts and Asset Management Unit; and
- (D) Council's Attorney be authorised to execute all necessary documentation.

Carried.

ITEM 14. CITY HOMELESS STREET OUTREACH SERVICE CONTRACT (S008854)

Moved by Councillor Greiner, seconded by Councillor Marsden -

That arising from consideration of a report by the Senior Project Co-ordinator - Homelessness Strategy to the Extraordinary Meeting of Council on 22 December 2003, on the City Homeless Street Outreach Service Contract, it be resolved that:

- (A) the City extend the current contract with Independent Community Living Association for six (6) months until 30 June 2004;
- (B) authority be delegated to the General Manager, in consultation with the Lord Mayor, to finalise negotiations with the Department of Housing in relation to the future of services to the homeless within the City's Local Government Area; and
- (C) Council's Attorney be authorised to execute all necessary documentation.

Carried.

ITEM 15. EASTERN CAFE CUSTOMS HOUSE, ALFRED STREET, CIRCULAR QUAY - PROPOSED LEASE

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

That arising from consideration of a report by the Manager Property to the Extraordinary Meeting of Council on 22 December 2003, on Eastern Café Custom House, Alfred Street Circular Quay - Proposed Lease, it be resolved that :

- (A) following the completion of a Ground Floor Management Plan being prepared by the Customs House Stakeholders Committee and approved by the Lord Mayor in consultation with the General Manager, authority be delegated to the General Manager, in consultation with the of the Lord Mayor, to the granting of a Lease, an Operating Agreement and a Reserve Licence in respect of the Eastern Café tenancy of Customs House as described in the subject report;
- (B) Council's attorney be authorised to execute all necessary documentation; and
- (C) following approval of the Lease, Councillors be advised of the outcome in the Councillors' Information Service.

Carried.

ITEM 16. LIBRARY SYSTEM (S0300595)

Moved by Councillor Greiner, seconded by Councillor Marsden -

That arising from consideration of a report by the Library Services Manager to the Extraordinary meeting of Council on 22 December 2003, on Library System, it be resolved that:

- (A) approval be given to enter into a contract without competitively tendering due to the following extenuating circumstances:
 - (i) the tender process would result in significant delays in the procurement of the system and most likely lead to its implementation at additional cost, after Customs House has opened;
 - (ii) there are only two Radio Frequency Identification System (RFID) suppliers in the Australian market able to supply and install the required equipment and software;
 - (iii) detailed information about the library's collections and technical requirements were given to both suppliers who responded with detailed cost breakdowns which met the stated requirements;

and hence a satisfactory result would not be achieved by inviting tenders.

- (B) approval be given to purchase the RFID Checkpoint Metro system as outlined in paragraphs 14 and 15 of the subject report;

- (C) approval be given to purchase the Library IT Infrastructure system as outlined in paragraph 16 of the subject report;
- (D) authority be delegated to the General Manager to enter into contracts for Stage 1 of the RFID implementation and the Library IT Infrastructure system; and
- (E) Council's attorney be authorised to execute all necessary documentation.

Carried.

ITEM 18: ULTIMO AQUATIC CENTRE (UAC) - RECEIPT OF TENDERS (S020942)

Moved by Councillor Greiner, seconded by Councillor Marsden -

That arising from consideration of a report by the Senior Project Manager to the Extraordinary Meeting of Council on 22 December 2003, on the Ultimo Aquatic Centre (UAC) - Receipt of Tenders, it be resolved that:

- (A) Council reject all tenders;
- (B) Council decline to invite fresh tenders in light of the number of tenders received, as it is doubtful that a new tender with the same specification would attract additional tenders or achieve greater cost savings for Council, and accordingly a satisfactory result would not be achieved by inviting fresh tenders;
- (C) the General Manager be authorised to negotiate with the tenderers named in paragraph 7 of the subject report;
- (D) authority be delegated to the General Manager, in consultation with the Lord Mayor, to enter a suitable contract, that is subject to the development application being approved;
- (E) Council note that, in response to community feedback, a splashpool for toddlers has been incorporated into the design scheme;
- (F) Council agree to increase the UAC budget from \$24m to \$25m in order to incorporate the additional splash pool with water feature, items arising out of the final DA/CC conditions, increase in contingency and the flexibility to incorporate a higher quality of finishes and detailing;
- (G) the tenderers named in paragraph 7 of the subject report remain confidential until a contract is executed with one of them; and
- (H) Council's attorney be authorised to execute all necessary documentation.

The motion was carried on the following show of hands -

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

Noes (1) Councillor Coulton

Motion carried.

At 4.25pm the meeting concluded.

Chair of a meeting of the Council of the City
of Sydney held on 16 February 2004 at which
meeting the signature herein was subscribed.