

# CENTRAL SYDNEY PLANNING COMMITTEE

THURSDAY 14 OCTOBER 2004

Meeting No 301

MINUTES of the Meeting of the Central Sydney Planning Committee held in the Council Chamber, Sydney Town Hall, on Thursday 14 October 2004, commencing at 5.50pm.

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## **PRESENT**

The Right Hon the Lord Mayor Clover Moore MP  
(Chair)

Mr Neil Bird, Councillor Chris Harris, Ms Jane Jose (Alternate Member for Ms Antoinette le Marchant), Councillor John McInerney, Mr Peter Mould (Alternate Member for Mr Chris Johnson), Ms Jennifer Westacott (Director-General, Department of Infrastructure, Planning and Natural Resources).

The Director City Planning Northern Zone and Director City Planning Southern Zone were also present.

**APOLOGIES (S030492)**

An apology was received from Mr Johnson who was unable to attend the meeting owing to a prior commitment.

An apology was received from Ms le Marchant who was unable to attend the meeting as she was overseas.

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

That the apologies from Mr Johnson and Ms le Marchant be received and leave of absence granted.

**ITEM 1. DISCLOSURES OF INTEREST (S030492)**

Councillor McInerney declared a non-pecuniary interest in Item 5 owing to his previous role as a Director of City Plan Services Pty Ltd which had an involvement in the development the subject of the report. Councillor McInerney pointed out that he no longer has a financial interest in City Plan Services Pty Ltd, and took no part in discussion or voting on this item.

Ms Westacott declared an interest in Item 7 as she will be providing advice to the Minister for Infrastructure, Planning and Natural Resources on this matter. Ms Westacott took no part in discussion or voting on this item.

Ms Jose declared an interest in Item 6 as she has acted as a consultant to City Plan Services but has no ongoing work with them. Ms Jose took no part in discussion or voting on this item.

Mr Mould declared an interest in Item 6 as a member of his office in the Department of Commerce has served as an honorary architect in this project and has made comments on this matter. Mr Mould took no part in discussion or voting on this item.

No other interests were declared.

**ITEM 2. CONFIRMATION OF MINUTES (S030492)**

**Resolved** on the motion of Councillor McInerney, seconded by Ms Westacott -

That the Minutes of the meeting of the Central Sydney Planning Committee of 9 September 2004 be taken as read and confirmed.

Carried.

**ITEM 3. MATTERS ARISING FROM THE MINUTES (S030492)**

There were no matters arising from the Minutes of the meeting of the Central Sydney Planning Committee of 9 September 2004.

**ITEM 4. DEVELOPMENT APPLICATION: 49 - 61 MILLER STREET, PYRMONT (D2004/00117)**

Note - Correspondence from Mr Anthony Otto of the Winten Property Group, owners of Miller Pyrmont Pty Ltd, the applicant, dated 13 October 2004, was circulated to members prior to the meeting of the Central Sydney Planning Committee.

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

Ms Debra Berryman - resident

Mr Anthony Otto - Winten Property Group (the applicant)

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 14 October 2004, in relation to Development Application D2004/00117 made by Miller Pyrmont Pty for the site at 49 - 61 Miller Street, Pyrmont, to construct a new 7 storey commercial building, with ground floor retail, links to the light rail platform and public domain works, it be resolved that:-

- (A) The State Environmental Planning Policy (SEPP) 1 objection to the maximum height development standards be accepted as well founded and supported for the following reasons:
- (1) The height of the proposal does not result in any unacceptable environmental impacts to the adjoining and surrounding developments;
  - (2) The extent of non-compliance is minor, representing a variation to the development standard of less than 10%; and
  - (3) The proposed height is the same as the height of the building envelope of the approved Stage 1 development application.
- (B) Deferred commencement be granted subject to the following conditions:-

## **Part A**

### **Conditions to be satisfied prior to consent operating**

This consent shall not operate until such time as conditions 1 to 6 listed below are complied with to the satisfaction of the Director City Planning. The information is to be submitted to Council within 12 months of the date of this determination. The consent shall then operate upon the written approval of the conditions by the Director City Planning.

#### **SUBSTATION**

- (1) The substation proposed for Miller Lane is to be relocated within the basement of the building. If the applicant demonstrates that the service vehicle or other access requirements of Energy Australia do not reasonably allow this, the

substation may be located within the building at ground level and screened from public view.

### **MILLER LANE**

- (2) The applicant shall investigate modifications to provide a more active frontage along Miller Lane between the vehicle entry and the south eastern corner of the building. The design modifications are to include:
- (a) Redirection of the fire stair to allow for a greater area of active frontage.
  - (b) Centralisation of the basement ramp to provide a greater area of active frontage.

Where sufficient justification is provided that the above modifications cannot be achieved, details of an alternative artwork or façade articulation may be considered.

### **EQUITABLE ACCESS**

- (3)
- (a) Equitable access is to be provided to the light rail platform by the provision of a lift in compliance with Australian Standard 1735.12. To minimise impact of the lift on the sandstone rock wall, the lift is to be lightweight design. Details of the lift design and materials are to be submitted and shall ensure minimal impact on the sandstone cliff (e.g. glazed design).
  - (b) With regard to the cost of providing the lift, the applicant may enter into negotiations with the Sydney Harbour Foreshore Authority to seek a partial reduction of the section 94 contribution, in lieu of the provision of a lift in accordance with part (a) above. If no discount is provided to the section 94 contribution, the lift is not required. The cost reduction shall be for the capital cost of the lift and reasonable installation costs. The nature of the reduction shall be by deed between the applicant/owner and the Sydney Harbour Foreshore Authority, a copy of which is to be provided to the City of Sydney.

### **PUBLIC DOMAIN PLAN**

- (4) The following requirements apply:-
- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect for the approval of Council (to be lodged with the Public Domain Officer at City Projects). 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 Decaux kiosks, APTs and phone booths), utility poles, parking meters, pedestrian and traffic signals, service pits and stormwater 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 Ultimo Pymont Public Domain Technical Manual and the Street Tree Policy - Ultimo Pymont 1996.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Ultimo Pymont Public Domain Technical Manual 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 Ultimo Pymont Public Domain Technical Manual. 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 Street Tree Policy - Ultimo Pymont 1996.
  - (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 kerbs and 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) Three copies of the Public Domain Plan are to be lodged with the Manager Design, City Projects.
- (h) The raised planter beds in the plaza are not supported.

## LANDSCAPING OF THE SITE

- (5) The site must be landscaped and maintained to the approval of Council. A detailed landscape plan, to scale, drawn by a landscape architect or approved landscape consultant, must be lodged and approved by Council. The plan must include:-
- (a) An acoustic report prepared by a suitably qualified person that makes recommendations to ameliorate traffic noise on the plaza. This report is to be provided to the landscape architect and incorporated into the landscape plan where these measures will not be to the detriment of the plaza as public recreation area, nor to the surrounding public domain/streets.
  - (b) Further investigation of the possibility to provide a cantilevered stair to the light rail platform to avoid the need to excavate the sandstone walls of the railway cutting. Alternatively, the extent to which the sandstone cliff is excavated should be minimised.
  - (c) Location of existing and proposed structures on the site including existing trees (if applicable).
  - (d) Details of earthworks including mounding and retaining walls and planter boxes (if applicable).
  - (e) Location, numbers and type of plant species.
  - (f) Details of planting procedure and maintenance.
  - (g) Details of drainage, watering systems and stormwater re-use.
  - (h) Details of the load capabilities of the plaza and landscaped areas where they are located above the basement.

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

## REMEDIATION ACTION PLAN

- (6)
- (a) Prior to commencement of consent, a remediation action plan (RAP) is to be prepared by a qualified Environmental Consultant, in accordance with the provisions of the Contaminated Land Management Act 1997 and must be submitted to the satisfaction of Council. The RAP is to include details of the proposed method for the proper cleaning of contaminated materials from the site.
  - (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 Independent Auditor is to provide a letter to the satisfaction of the Council 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.

## Part B

### Conditions of Consent (once the consent is in operation)

Upon satisfactory completion of the requirements above, the consent shall operate subject to the following conditions, and any conditions reasonably arising from part (A) above:

### Schedule 1A

#### 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. D2004/00117 dated 10 February 2004 and the following drawings by Bates Smart, all dated 15 July 2004, as follows:-

Basement Level 2  
 Basement Level 1  
 Ground Level Plan  
 First Floor Plan  
 Second Floor Plan  
 Third Floor Plan  
 Fourth Floor Plan  
 Fifth Floor Plan  
 Sixth Floor Plan  
 Plant Floor Plan  
 Roof Plan  
 North Elevation



West Elevation  
 South Elevation  
 East Elevation  
 Section  
 Detailed Sections - Option 1  
 Detailed Elevation at Proposed Stair, and  
 Landscape Plan by City Plan Landscapes, dated July 2004.

## **REPORTS TO BE COMPLIED WITH**

- (2) The development shall be in accordance with the recommendations of Statement of Heritage Impact by Otto Cserhalmi & Partners and Casey & Low dated December 2003, Traffic and Parking Report by Colton Budd & Hunt Kafes dated January 2004; Wind Effects and Reflectivity report by Vipac Engineers & Scientists Ltd dated January 2004, ESD Statement by ARUP dated January 2004, BCA Statement by Advance Building Approvals dated January 2004, Acoustic Assessment by Richard Heggie Associates dated January 2004 and Access Report by Morris – Goding Accessibility Consulting dated January 2004.

## **SECTION 94 CONTRIBUTION**

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

(a) **Cash Contribution Required**

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

(b) **Amount of Contribution**

Based on rates adjusted to 31 December 2001, the amount of contribution is \$1,410,902.40. This amount is subject to variation resulting from indexation since 31 December 2001 and the figures are subject to verification by the Sydney Harbour Foreshore Authority.

**Note:**

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

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

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

- (i) Open Space - 64%  
 (ii) Community Facilities - 9.5%

(iii) Roads and Associated Infrastructure - 26.2%

(iv) Administration - 0.3%

**(d) Certification of Contribution**

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

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

**(e) Timing of Payment**

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

Please contact Council's Technical Coordinator on 02 9246 7728 prior to payment to confirm amount payable.

**(f) Indexing**

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

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

**AFFORDABLE HOUSING CONTRIBUTION**

(4) The Affordable Housing Contribution is as follows:-

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

required contribution has been lodged. The contribution shall be \$422,751.48.

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

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

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

#### **DEDICATION OF LAND**

- (5) The owners of the site are to dedicate to the public for road purposes the widening of Miller Lane by approximately 3m for its full frontage to the site. The dedication is to be implemented at no cost to Council, can be defined in stratum if so desired, limited to 2m below and 5m above the adjacent footpath level.
- (6) Upon completion of the construction and landscaping of the public plaza, being the western extension of Bulwara Park, in accordance with Council's requirements and to its satisfaction, such works including the equitable access from the light rail platform to the plaza, the affected part of the site is to be dedicated as public reserve and at no cost to Council.

#### **POSITIVE COVENANT - PUBLIC DOMAIN**

- (7) Prior to the issue of a construction certificate a documentary Positive Covenant is to be registered on the title of the development site appurtenant to Council and pursuant to Section 88E of the Conveyancing Act 1919. The Positive Covenant is to detail the scope of works and maintenance of all public domain works including landscaping, detailed in the approved landscaping and public domain plans, but excluding the lift to the light rail platform. Details of appropriate security (to cover the estimated cost of landscaping) and the terms of the Positive Covenant are to be to the satisfaction of Council.

### **RESTRICTIVE BUILDING COVENANT**

- (8) The building must be used for business purposes only and not as residential development as defined in the Sydney Regional Environmental Plan No. 26 - City West. A restrictive covenant must be created to the satisfaction of Council pursuant to Section 88bB of the Conveyancing Act 1919 so burdening the land, with Council being the authority to release, vary or modify the restriction.

### **PUBLIC ART**

- (9) High quality art work shall be provided within the development in a publicly accessible area eg. the plaza, 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. The artist should consider the use of sandstone from the site and take reference from the history of the locality.

### **CAR PARKING**

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

#### **Note:**

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

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

- (11) Tenants of the building are not eligible to participate in the resident permit parking schemes. The owner of the strata commercial unit must advise all

tenants and occupants of the unit, at the time of entering into a lease/occupancy, of the restriction on resident parking permits.

### **BICYCLE STORAGE**

- (12) An area equivalent to a minimum of one car space is to be allocated for the storage of bicycles. A room containing a shower and change area must be provided close to the cycle racks.

### **EXTERNAL LIGHTING**

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

### **APPROVED DESIGN**

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

### **ENERGY EFFICIENCY OF BUILDINGS**

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

- (a) Entering into a Commitment Agreement<sup>(i)</sup> with SEDA, to deliver this star rating<sup>(ii)</sup> for the base building<sup>(iii)</sup>, being services traditionally supplied as 'common' to tenants<sup>(iv)</sup>, such as air conditioning, lifts and common area lighting) or for the whole building<sup>(v)</sup> 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:**

- (c) Definitions referred to in clause 1(a) above:
  - (i) Commitment Agreement means an agreement that is set out in accordance with SEDA's Australian Building Greenhouse Rating Commitment Agreement, which is made/signed between SEDA

and the applicant/building owner/building manager, to design, build and commission the premises to an agreed star rating.

- (ii) Star rating refers to the benchmarking system applied by SEDA for measuring the energy efficiency of a building, and known as the Australian Building Greenhouse Rating Scheme.
- (iii) Tenancies means office space within a building covering tenant light and power. This may include tenancy air conditioning if this has been installed to service particular tenant loads, but does not include central services (Source: SEDA, September 2001).
- (iv) Base building means central services and common areas of a building (Source: SEDA, September 2001).
- (v) Whole building means all of the building, being the fabric of the building itself and all services and fit-outs (Source: SEDA, September 2001).

#### **SEPARATE APPLICATIONS FOR SPECIFIC USES**

- (16) Separate development applications must be submitted at the appropriate time for the specific use(s) of the building.

#### **FLOOR SPACE RATIO**

- (17) The following applies to Floor Space Ratio:-
  - (a) The Floor Space Ratio of the proposal must not exceed 3.4:1 calculated in accordance with the Sydney Regional Environmental Plan No.26 – City West. For the purpose of the calculation of FSR, the Floor Space Area of the development is 10,662sqm.
  - (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, utilising the definition under Central Sydney Local Environmental Plan 1996 applicable at the time of development consent to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

#### **BUILDING HEIGHT**

- (18)
  - (a) The height of the building, as defined in Sydney Regional Environmental Plan No. 26 - City West, must not exceed 21.7m metres. The height of the top of the roof including any structures erected or placed thereon (exclusive of flagpoles) must not exceed RL 33.40 (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).

### **CRANEAGE**

- (19) The developer shall submit to Rail Infrastructure Corporation (RIC) a plan showing all craneage and other aerial operations for the development.

### **PHYSICAL MODELS**

- (20) 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
- (21) 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.

### **SUBMISSION OF ELECTRONIC MODELS PRIOR TO CONSTRUCTION CERTIFICATE AND PRIOR TO OCCUPATION CERTIFICATE**

- (22) Prior to the issue of a Construction Certificate, an accurate 1:1 electronic model of the detailed construction stage drawings must be submitted to Council for the electronic City Model.
  - (a) The data required to be submitted within the surveyed location shall include and identify:-

- (i) building design above and below ground in accordance with the development consent;
  - (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
    - a. property boundaries and the kerb lines adjacent to the site.
  - (iii) the data is to be submitted as a DGN, DWG or DXF file on physical media (floppy disc or CD). All plans are to be referenced to the Integrated Survey Grid of NSW (ISG), Australian Map Grid (AMG) or Map Grid of Australia (MGA).
  - (iv) Within the DGN, DWG or DXF file each identified structure, feature, utility or service shall be distinguished by a combination of layering and/or symbology schema. The submitted plans shall be accompanied by a comma delimited text file, detailing the layering and/or symbology schema.
  - (v) The electronic model shall be constructed in accordance with the City's electronic data protocol. The protocol provides specific details of the information required to be shown and is available at the One Stop Shop. Council's Design/Technical Support staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.
- (b) Prior to the issue of an Occupation Certificate, a second and updated "as built" 1:1 electronic model, in accordance with the above requirements, of the completed development must be submitted to Council for the electronic City Model.

**Note:**

The submitted model/data must be amended to reflect any further approvals under section 96 of the Environmental Planning and Assessment Act 1979 that affect the location of any of the underground services or structures and/or external configuration of building above ground.

**CONSISTENCY OF DRAWINGS**

- (23) In the event that the approved plans incorporate inconsistencies of detail between the relevant plans and elevations, the details shown in the elevations shall take precedence.

**ARCHITECT**

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



## ARCHAEOLOGICAL INVESTIGATION

(25)

- (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.

## SITE RECTIFICATION

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

- (a) excavation must not commence until a Construction Certificate has been issued under the Environmental Planning and Assessment Act 1979 for construction of the substantive building.
- (b) Prior to issue of the Construction Certificate, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the

applicant, which contains such conditions as the General Manager of the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.

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

(i) a bank guarantee to be provided in the sum of \$1,062,500 as security for the costs of such works provided that:

- a. the maximum liability under the Deed shall not exceed \$1,062,500 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.

#### **ANNUAL FIRE SAFETY STATEMENT**

- (27) 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**

#### **CONSTRUCTION CERTIFICATE REQUIRED**

- (28) 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.

#### **TELECOMMUNICATIONS PROVISIONS**

- (29) 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.
- (30) 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**

- (31) 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.

### **INSTALLATION OF DUAL-FLUSH TOILETS**

- (32) 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 TAPS**

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

**SUSTAINABLE TIMBERS**

(34) To minimise the damage to the environment only timber from sustainable sources shall be used in the construction (structural timbers and floorboards) of the building(s). The information submitted with the construction certificate shall specify the timbers to be used. These are to be limited to plantation and regrowth timbers, recycled timbers or timbers sourced from other sustainable practices and shall be:-

- (a) Timber supplied from sustainable plantation sources, with Forest Stewardship Council (FSC) or Australian Forestry Standard (AFC) Certification.

OR

- (b) Timber specified by EcoSpecifier or the Wilderness Society's One Stop Timber Shop or Friends of the Earth's Good Wood Guide 9th Edition.

OR

- (c) Re-used/recycled timber.

**GEOTECHNICAL REPORT AND CERTIFICATION**

(35) 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.
- (36) 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 PRECAST CONCRETE**

- (37) 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.

### **NON COMPLIANCE WITH THE DEEMED TO SATISFY PROVISIONS**

(38) 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.

### **SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)**

(39)

- (a) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, written confirmation that you have obtained a Notice of Requirements under Part 6, Division 9 of the Sydney Water Act 1994 must be submitted to the Certifying Authority (Council or a private accredited certifier).
- (b) Prior to issue of 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 the "your business" section of Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au)

then see Building and Renovating under the heading Building & Developing, or telephone 132 092.

- (ii) 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).
- (iii) Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the "Notice of Requirements". Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to "your business" section of Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 132 092.
- (iv) 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.
- (v) Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 132 092.

## **STORMWATER AND DRAINAGE**

(40) 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.
- (e) Drainage from the development must not be discharged into the rail corridor unless prior approval has been obtained from RIC.

### **UTILITY SERVICES**

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

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

### **ALIGNMENT LEVELS**

(42) 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.

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

### **WASTE SEPARATION**

(44) 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.

### **WASTE MANAGEMENT DESIGN**

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

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

**Note:**

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

**WASTE COLLECTION CONTRACTS**

- (46) 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.

**WASTE MANAGEMENT CERTIFICATION OF COMPLETION**

- (47) 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.

**ELECTROLYSIS RISK ASSESSMENT**

- (48) Prior to the issue of a Construction Certificate the applicant is to procure a report on the electrolysis risk to the development from stray currents, and the measures that will be taken to control the risk. The applicant is advised to consult an electrolysis expert. The expert's report must be submitted to Rail for review by the Senior Electrolysis Engineer or nominated Electrolysis Section Personal.

**RAIL INFRASTRUCTURE CORPORATION RISK ASSESSMENT**

- (49) Prior to the issue of a Construction Certificate the applicant shall undertake a risk assessment, carried out in accordance with RIC standard TS 30 000 3 01 SP Structures – Design Standards. The developer should incorporate the measures recommended by the report.

**RISK ASSESSMENT MANAGEMENT PLAN**

- (50) Prior to the issue of a Construction Certificate a risk assessment management plan and detailed work method statements for the proposed works are to be

submitted to RIC for review and comment prior to the issue of a Construction Certificate.

## **Schedule 1C**

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

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

- (51) 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.
- (52) 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**

(53) 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.

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

- (54) 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:**

- (j) A copy of all Reports/Statements referenced in the Work Method Statement must be appended to the Statement.
- (k) The Principal Certifying Authority is to be notified of any proposed alteration of the above information during the course of demolition.
- (l) 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.

**GEOTECHNICAL REPORT AND CERTIFICATION**

(55) 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 the light rail cutting, 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.
- (56) 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.

**NOTIFICATION OF EXCAVATION OF EXCAVATION WORKS**

- (57) 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**

- (58) 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 must of the City's street drainage is directly connected.

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

- (59) 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) Pedestrian and Traffic Management Plan shall be implemented during the demolition and/or excavation period; and
- (f) Use of Miller Lane, and not Bulwara Road, for day to day construction traffic movements. Details of appropriate measures to ensure this, such as temporary bollards, are to be included in the Pedestrian and Traffic Management Plan for demolition and/or excavation.

#### **WASTE MANAGEMENT DURING DEMOLITION AND EXCAVATION**

- (60) 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.
- (61) 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.
- (62) 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.

(63) All requirements of Waste Management Plans must be implemented during the demolition and/or excavation period of the development.

**Note:**

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

**APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE**

(64) A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect a hoarding or scaffolding in a public place and such application is to include the following:-

(65) 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).

- (a) Structural certification prepared and signed by an appropriately qualified practising structural Engineer.
- (b) 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.
- (c) 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.
- (d) Assessment of the impacts of construction and final design upon the City of Sydney's street furniture such as bus shelters, phone booths, bollards and litter bins. Street furniture must be accessible during construction for use and maintenance.

**Note:**

The cost of any removals, storage and relocation during construction, and reinstatement upon completion, must be borne by the applicant. The applicant must also seek permission from the telecommunications carrier (eg. Telstra) for the removal of any public payphones.

### **BARRICADE PERMIT REQUIRED**

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

### **FOOTPATH DAMAGE BANK GUARANTEE**

- (67) Prior to release of a temporary structure approval under Section 68 of the Local Government Act 1993 (Hoarding Approvals), the owner of the site must provide a bank guarantee for the sum of \$154,740 equivalent to \$1000 a linear metre of footway adjacent Miller Lane and Miller Street frontages of the development site, as security for any damage rectification.

### **HOARDING**

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

### **USE OF MOBILE CRANES**

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

## **Schedule 1D**

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

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

- (70) 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".

#### **REMEDIATION ACTION PLAN TO BE ON SITE AT ALL TIMES**

- (71) The approved remediation action plan must be available on the site at all times during the progress of the work.

#### **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 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 Principal Certifying Authority (PCA) including contact address and certification details, 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.

### **CONSTRUCTION TRAFFIC ROUTE**

(73) All construction traffic shall use the Ultimo-Pyrmont Construction Traffic Route.

### **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.

### **STREET TREE PROTECTION**

(75) 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.

### **STORMWATER RUN OFF CONTROL**

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

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

#### **OBSTRUCTION OF THE PUBLIC WAY**

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

#### **CONSTRUCTION ACCESS DRIVEWAYS**

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

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

- (79) 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 REQUIRED**

- (80) 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.

#### **VALIDATION CERTIFICATE - REMEDIATION**

- (81) Prior to the issue on an occupation certificate, 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.

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

- (82) 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.

#### **FIRE SAFETY CERTIFICATE TO BE SUBMITTED**

- (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.

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

- (84) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (85) 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**

- (86) 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**

- (87) 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**

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

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

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

### **Notes:**

- (c) An appropriately qualified practising structural engineer certifying by completing Attachment S1C must have:
  - (i) Appropriate tertiary qualifications in Civil or Structural Engineering, AND;
  - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
  - (iii) Evidence of relevant experience in the form of a CV/Resume;
  - (iv) Appropriate current professional indemnity insurance.
- (d) An appropriately qualified practising structural engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.

## **CERTIFICATION OF GEOTECHNICAL INSPECTION**

(89) 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 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.

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

- (90) For temporary shoring, a separate application must be lodged to Council under the provisions of Section 68 of the Local Government Act 1993.
- (91) 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:-

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.

Bank Guarantee in accordance with the City's Fees and Charges. The original document shall be submitted to Council.

- (b) **Prior to commencement of work**
  - (i) The location of utility services shall be fully surveyed and the relevant Public Utility Authority requirements complied with; and

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

### **NUMBERING**

- (92) 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 NUMBERS**

- (93) 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**

- (94) 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**

#### **NOISE - USE**

- (95) 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**

- (96) Noise associated with mechanical plant must not give rise to any one or more of the following:-
- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
  - (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level or greater than 5dB at the boundary of any affected property in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00 a.m. to 10.00 p.m. daily and 0dB above the

L90 background between 10.00 p.m. and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.

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

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

#### **REMOVAL OF GRAFFITI**

- (97) 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**

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

The motion was carried on the following show of hands -

Ayes (6) - the Chair (the Lord Mayor), Councillor McInerney, Mr Bird, Ms Jose, Mr Mould and Ms Westacott.

Noes (1) - Councillor Harris.

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

Motion carried.

#### **ITEM 5. DEVELOPMENT APPLICATION - PARK CENTRAL, 323 CASTLEREAGH STREET, HAYMARKET (D/03/001373)**

Mr Frank Stanistic of Stanistic Associates Architects (the applicant) addressed the meeting of the Central Sydney Planning Committee on this matter.

**Resolved** on the motion of Ms Westacott, seconded by Councillor Harris -

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 14 October 2004, in relation to the Stage 2 Development Application D/03/01373 made by Stanistic Associates Architects for the site at 23

Campbell Street, Sydney, for a 15 storey mixed use development comprising basement parking, a supermarket, a two level glazed retail podium, 30 residential apartments, 80 student apartments and a 127 bedroom hotel, it be resolved that consent be granted to the subject development application, subject to the following conditions:-

## **Schedule 1A**

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

#### **APPROVED DEVELOPMENT**

- (1) Development must be in accordance with Development Application No 2003/01373 dated 16 December 2003 and Statement of Environmental Effects prepared by City Plan Services, dated December 2003 and drawings numbered DA01F, DA02F, DA03F, DA04F, DA05F, DA06F, DA07F, DA08F, DA09F, DA10F, DA11F, DA12F, DA13F, DA14F, DA15F, DA16F, DA17F, DA18F, DA19F, DA20F, DA21F, DA22F, DA23F, DA24F, DA25F, DA26F, DA27F, DA28F, DA29F, DA30F, DA31F, DA32F and DA33F, all dated 28 September 2004, prepared by Stanisic Associates and as amended by the following conditions.

#### **DESIGN MODIFICATIONS**

- (2) The design of the building shall be modified as follows:-
  - (a) The south-west section of the podium to the existing Central Square tower building shall be demolished to increase, to a minimum of 8 metres, the width of the mid block connection.
  - (b) The retail tenancy along the western edge of the mid block connection and level 1 and level 2 on the eastern side of the existing Central Square podium are to include functions and activities to encourage access and activity to the mid block connection. A separate development application is required to be lodged for alterations, fit out and use of these areas.
  - (c) Awnings are to be provided, in accordance with the City of Sydney Awning Policy 2000. The design of awning projections should aim to signal the major building entries with particular emphasis on the east entry to the approved building and the west entry to the existing Central Square building.
  - (d) Further details of the layout of retail tenancies, the location of entry points and the design of the shopfronts are to be submitted. The design and layout is to ensure transparency, pedestrian safety and activation of the retail frontages.
  - (e) The window to the first floor swimming pool/gym, in the western wall of the mid block connection, is to be increased in size. To provide visual interest to the mid block connection, the design changes should

investigate the possibility of this glass window forming one of the side walls of the internal swimming pool.

- (f) Further details of the electronic artwork and green wall proposed for the eastern elevation of the blank wall of the mid block connection are to be submitted. In no way shall the electronic artwork be building name or third party signage, either permanent or temporary. If the details of the signage are not to Council's satisfaction, a more traditional artwork or sculpture is to be provided in this location.
- (g) Access to the basement supermarket is to be redesigned to provide a separate street address entry providing access independent from the internal areas of the building.

Details of the above design modification shall be submitted and approved by the Director of City Planning prior to the issue of a Construction Certificate.

### **TREE PROTECTION**

- (3) All of the existing street trees are protected by a Tree Preservation Order and are therefore not approved for removal. All street trees must be protected from construction works by the erection of safety fences or a barricade hoarding around the drip line (canopy edge) of each tree. No materials or equipment are to be stored or placed within the fenced area. Any proposal to remove or lop a street tree requires a tree removal application to be submitted to and approved by Council.

### **APPROVED DESIGN**

- (4) The approved design (including an element or detail of that design) and 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**

- (5) 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. Should the plant exceed the approved building envelope, in order to satisfy the Building Code of Australia provisions relating to such services, then further approval is required from the consent authority

### **FLOOR SPACE RATIO**

- (6) The following applies to Floor Space Ratio:-
  - (a) The Floor Space Ratio of the proposal must not exceed 7.4:1, 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 28,120sqm.



- (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, utilising the definition under Central Sydney Local Environmental Plan 1996 applicable at the time of development consent 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: RL 57.5AHD) or a lesser amount arising from a reduction in the roof plant.
  - (i) Tower fronting Pitt Street RL 58. AHD or 50.7m.
  - (ii) Tower fronting Campbell Street 56 AHD or 47.6m.
  - (iii) Tower fronting Hay Street 41 AHD or 34m.
- (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).

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

- (8) The development shall be in accordance with the recommendations of the following reports submitted with the development application:-
  - (a) Energy Efficiency Report prepared by Adamus ESD dated 9 December 2003 and Energy Efficiency Report prepared by Vipac dated 11 December 2003;
  - (b) Wind Effects Report prepared by Vipac dated 11 December 2003;
  - (c) Noise Impact Assessment Report prepared by Acoustic Logic Consultancy dated 9 December 2003;
  - (d) Reflectivity Report prepared by Vipac dated 11 December 2003.

### **CONTAMINATION**

- (9) The fill material shall be removed from the site and disposed to landfill licensed to receive solid waste.
- (10) The Phase 2 Environmental Site Investigation Report prepared by Environmental Services (Ref: E18228F-RPT2) dated March 2004 shall be

peer reviewed by a NSW EPA accredited site auditor and a site Audit Statement submitted to Council within 6 months of the date of this consent, certifying that the site is suitable for the proposed use.

- (11) Where a Site Audit Statement prepared by a NSW EPA accredited auditor is subject to conditions that require ongoing review by the Auditor or Council these shall be agreed with Council before the Site Audit Statement is issued.

#### **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 \$950,000 dollars as security for the costs of such works provided that:-
- a. the maximum liability under the Deed shall not exceed \$950,000 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 tenantable stage;

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

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

### **RESTRICTION ON RESIDENTIAL DEVELOPMENT**

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

- (a) The accommodation portion of the southern building (levels 3-10) 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 3-10 in the southern building from residential as defined in the Central Sydney Local Environmental Plan 1996. The covenant is to be executed prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 to the satisfaction of the certifying authority (Council or a private accredited certifier). All costs of the preparation and registration of all associated documentation is to be borne by the applicant.

### **STUDENT ACCOMMODATION**

- (14) The following restriction applies to buildings approved for the student accommodation:
  - (a) The accommodation portion of the northern building (levels 3-15) must be used as student 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) A Plan of Management shall be prepared and submitted for the approval of the Director of Planning, prior to the release of the Construction Certificate.
  - (c) Any change in the use of the student accommodation shall be subject to a further development application.

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

- (15) A cash contribution comprising 1% of the total cost of the development, is payable to the City of Sydney pursuant to section 61 of the City of Sydney Act and the "City of Sydney Section 61 Contributions Plan 2003" in accordance with the following:-
  - (a) Prior to the release of the construction certificate, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and then that the levy has been paid to the Council in accordance with this condition. Payment shall be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney.
  - (b) The contribution shall not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" indicating the itemised cost of the development shall be completed and submitted to Council by the CERTIFYING AUTHORITY, together with copies of the plans the subject of the application for the

construction certificate. A copy of the required format for the “City of Sydney Registered Quantity Surveyor's Detailed Cost Report” may be obtained from the City of Sydney One Stop Shop and the City of Sydney’s website ([www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au)).

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

#### **ARCHAEOLOGICAL INVESTIGATION**

- (16) The applicant must notify the City Archaeologist before the commencement of excavation and excavation director to keep the City Archaeologist informed of progress and at end of excavation. City archaeologist informed in writing of archive location and resources provided for the excavated material.

#### **CAR PAKING/MANOEUVRING AND LOADING**

- (17) The following car parking requirements apply:-
  - (a) The approved vehicle spaces shall be allocated on the development site as follows:
    - (i) 54 residential spaces;
    - (ii) 17 shop spaces;
    - (iii) 24 hotel guest spaces;

- (iv) 14 hotel function area spaces;
  - (v) 27 student accommodation spaces;
  - (vi) 22 service vehicle spaces located in close proximity to the service entrance.
- (b) Two (2) spaces or the equivalent cycle storage area are to be allocated for cycle racks. A room containing a shower and change area must be provided close to the cycle racks.
  - (c) A car wash bay with appropriate plumbing and drainage.
  - (d) Five (5) of the above car parking spaces are to be for people with mobility impairment, in accordance with AS 2890.1. Parking space(s) designed for persons with a disability must be available for use in conjunction with the unit(s) designated for persons with a disability. Such unit(s) shall be linked in any future strata subdivision of the building.
  - (e) All spaces must be allocated and marked according to this requirement. If the development is to be strata subdivided, the carpark layout must respect the above allocation.
- (18) All visitor parking spaces shall be grouped together and located at the most convenient location to the car parking entrance. All spaces shall be clearly marked visitor prior to the issue of an occupation certificate.
- (19) All disabled car spaces shall be located in close proximity to lifts, as well as meeting the Australian Standards for accessible parking.
- (20) The provision of separate strata lots for car parking spaces under the Strata Schemes (Freehold Development) 1973 is not favoured, and can lead to inappropriate allocation and abuse. Any proposal for separate parking lots will only be considered by the City in exceptional circumstances, as part lots properly allocated to units should result in the rational and orderly allocation of parking spaces.
- (21) The following conditions apply to car parking:-
- (a) The on-site car parking spaces, exclusive of service and visitor car spaces, are not to be used by those other than an occupant, tenant or resident of the subject building.
  - (b) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, a documentary Restrictive Covenant is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a) above. The Covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.

- (c) Any future strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the Strata Titles (Freehold Development) Act, 1973, as amended, burdening all utility car parking allotments in the Strata Plan and/or an appropriate Restrictive Covenant pursuant to Section 88B of the Conveyancing Act 1919 burdening all car parking part - lots in the strata scheme.

**Note:**

- (i) The covenant/restriction will be noted on the Section 149 Certificates for all the units/building so burdened by this condition.
- (22) The layout of the car parks and service vehicle provision shall comply with Australian Standards AS 2890.1-1993 and AS 2890.2-1989.
- (23) "STOP" signs shall be installed at the exit point to require existing vehicles to stop at the building line.
- (24) 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 may 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 days to reflect the particular need of the site for such a facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (25) Residents of the properties shall not be entitled to participate in the City's On street Residential Parking Schemes. The exclusion from the parking schemes shall appear on the Section 149 Certificate that are issued under the Environmental Planning and Assessment Act 1979.
- (26) All costs of traffic management measures associated with the development shall be borne by the developer.
- (27) Car park roller doors shall be designed and constructed for quiet operation.

**RAIL ESTATE**

- (28) The developer must satisfy the requirements of Rail Estate as outlined in their letter dated 28 January 2004, in particular the developer must ensure the following:-
- (a) Accurate surveys shall be provided to Rail Estate 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 Rail Estate.
  - (b) A service search shall be requested from Rail Estate 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 shall be carried out by representatives from RIC and the applicant. Dilapidation surveys will establish the extent of any existing damage and enable any deterioration during and after construction to be observed. The timing of the surveys is to be agreed with RIC. The submission of detailed dilapidation reports may be required as a result.
  - (d) The applicant is to procure a report on the electrolysis risk to the development from stray currents, and the measures that will be taken to control the risk. The applicant is advised to consult an electrolysis expert. The expert's report must be submitted to RIC for review by the Senior Electrolysis Engineer or nominated Electrolysis Section personnel.
  - (e) The Applicant shall provide a Geotechnical Engineering 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 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 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 shall be prepared which will 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 be not jeopardise the structural integrity of the existing rail tunnel.
  - (g) As the new building is within 20 metres from the main line, the Applicant is required to undertake and provide to RIC a risk assessment, carried out in accordance with RIC standard TS 30 000 3 01 SP



Structures - Design Standards. The applicant shall be required to include appropriate design standards in the development if the assessment requires.

- (h) The applicant must submit any proposals to Rail for the use of lights, signs and reflective materials, whether permanent or temporary, in the proximity of the Rail Party's facilities prior to commencing work.
- (i) A Risk Assessment/Management Plan and detailed Work Method Statements (WMS) for the proposed works shall 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.
- (j) 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.
- (k) The use of any crane, plant or machinery shall comply with the RIC Electrical Safety Manual and all relevant RIC Standards and Guidelines. Construction equipment such as scaffolding shall not impinge over the rail corridor.
- (l) No metal ladders, tapes, scaffolding and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor. No metal ladders are to be used within the rail corridor.
- (m) 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.
- (n) No plant or vehicle is permitted to encroach the ballast shoulder or track without prior arrangements being made to certify the track for the effects of disturbance.
- (o) 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, e.g. signal sighting, safety signage, emergency access.
- (p) During all stages of the development, environmental legislation and regulations will be complied with.
- (q) During all stages of the development extreme care shall be taken to prevent environmental harm within railway corridor. Any form of environmental harm to areas within the railway corridor or legislative

non-compliance that arises as a consequence of the development activities shall remain the full responsibility of the applicant.

- (r) During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the applicant.
- (s) 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 prior approval has been obtained from State Rail.
- (t) 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.
- (u) No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Access Deed has been entered into with State Rail. The applicant is required to approach State Rail to determine whether such a deed is required. It should be noted that the cost of supervision, design checks, meetings, approvals and service searches is to be borne by the applicant.
- (v) Should the applicant require access to the rail corridor prior to entering into a Rail Deed, the applicant is required to enter into a Release & Indemnity agreement, which will cover all railway parties from any possible claims whilst the applicant is carrying out any work within or adjacent to the railway corridor.
- (w) There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor. The development landscaping and planting plan should be submitted to State Rail for review.
- (x) The applicant shall provide a plan of future maintenance activities that will require access to Rail Party's Facilities. This plan will be reviewed by Rail to ensure that continued access to Rail Party's Facilities by Rail is not impeded, and that the proposed maintenance activities can be supported.
- (y) The applicant shall provide details of the intended encroachment into the easement, or the use of State Rail owned lands, for review and approval by State Rail.
- (z) The applicant shall make provision for easy and on-going access by rail vehicles, plant and equipment to support maintenance and emergency activities.

Written evidence must be submitted to Council prior to the issue of the Construction Certificate to show that the above requirements have been carried out to Rail Estate's satisfaction.

### **FIRE SAFETY**

- (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.
- (30) An exemption under Clause 188 of the Environmental Planning and Assessment Regulations 2000 "Exemption from fire safety standards", shall be obtained from the Fire Commissioner for the sprinkler value room and fire control room, and submitted to the principal certifying authority prior to the issue of the construction certificate.

### **SIGNS / LIGHTING**

- (31) 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.
- (32) 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.
- (33) A signage strategy shall be submitted and approved by the Director of Planning prior to the issue of the Construction Certificate.
- (34) 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.
- (35) A lighting strategy shall be submitted and approved by the Director of Planning prior to the issue of the Construction Certificate.

### **FITOUT OF RETAIL SPACE**

- (36) A separate development application must be submitted at the appropriate time for the fitout and use of the basement, ground and first floor retail / restaurant / gym tenancies.

### **SECURITY MANAGEMENT PLAN**

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

### **ADAPTABLE UNITS**

- (38) 10% of the total number of units provided shall be designed as adaptable housing in accordance with the City of Sydney Draft Access Development Control Plan 2004 and Australian Standard 4299. Floorplans are to be submitted to the satisfaction of the Council, prior to the release of the Construction Certificate.

### **AIR CONDITIONING AND PLANT DETAILS**

- (39) All commercial/retail and residential air conditioning equipment and associated plant and ducting shall be fully contained within the building and shall not be placed on any external areas, including the courtyard and/or balconies, as outlined in the Mechanical Services Parameters report prepared by Waterman AHW.

### **PHYSICAL MODELS**

- (40) 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
- (41) 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.

### **SUBMISSION OF ELECTRONIC MODELS PRIOR TO CONSTRUCTION CERTIFICATE AND PRIOR TO OCCUPATION CERTIFICATE**

- (42) Prior to the issue of a Construction Certificate, an accurate 1:1 electronic model of the detailed construction stage drawings must be submitted to Council for the electronic City Model.

- (a) The data required to be submitted within the surveyed location shall include and identify:-
    - (i) building design above and below ground in accordance with the development consent;
    - (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
    - (iii) property boundaries and the kerb lines adjacent to the site.
  - (b) The data is to be submitted as a DGN, DWG or DXF file on physical media (floppy disc or CD). All plans are to be referenced to the Integrated Survey Grid of NSW (ISG), Australian Map Grid (AMG) or Map Grid of Australia (MGA).
  - (c) Within the DGN, DWG or DXF file each identified structure, feature, utility or service shall be distinguished by a combination of layering and/or symbology schema. The submitted plans shall be accompanied by a comma delimited text file, detailing the layering and/or symbology schema.
  - (d) The electronic model shall be constructed in accordance with the City's electronic data protocol. The protocol provides specific details of the information required to be shown and is available at the One Stop Shop. Council's Design/Technical Support staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.
- (43) Prior to the issue of an Occupation Certificate, a second and updated "as built" 1:1 electronic model, in accordance with the above requirements, of the completed development must be submitted to Council for the electronic City Model.

**Note:**

The submitted model/data must be amended to reflect any further approvals under section 96 of the Environmental Planning and Assessment Act 1979 that affect the location of any of the underground services or structures and/or external configuration of building above ground.

**CONSISTENCY OF DRAWINGS**

- (44) 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.
- (45) The architect of the project as approved should not be changed without prior notice to Council.

**SUBDIVISION**

- (46) Any proposal to re-subdivide the site will require separate applications to Council to obtain approval of the final Plan of Subdivision and subsequent endorsement of the Subdivision Certificate in accordance with Part 4A of the Environmental Planning and Assessment Act 1979.
- (47) Any proposal to strata subdivide the building and site will require separate applications to obtain development consent from Council and subsequent approval of the final Strata Plan and endorsement of the Strata Certificate by Council or an accredited certifier in accordance with Section 37 of the Strata Schemes (Freehold Development) Act 1973.
- (48) Prior to issue of an Occupation Certificate for the development a documentary Right of Public Access is to be created over the ground level mid-block pedestrian connection from Campbell to Hay Streets. The easement is to be registered on the Title of the affected current parcel(s) at the NSW Office of Land and Property Information, defined in stratum, burdening the affected land appurtenant to Council, is to be created in terms satisfactory to Council granting unrestricted pedestrian access between those streets, including provisions for care, maintenance, repair, upkeep and lighting by the registered proprietors of the affected land, indemnity for Council against any claims and damages associated with the public use and an appropriate public risk insurance policy in an amount acceptable to Council.
- (49) Prior to the issue of an Occupation Certificate for the development, a documentary Right of Carriageway is to be created over the vehicle access ramp from Hay Street and internal aisles and ramps providing vehicle access through the proposed building to the two access portals to the car parking areas in the adjacent Central Square building. The Right of Carriageway is to be registered on Title of the subject site, defined in stratum, burdening the affected land (Lot 11 in DP 873017 and Lot 1 in DP 844119), appurtenant to the adjoining site (Lot 10 in DP 873017) and in terms acceptable to Council.
- (50) Any existing easements and Rights of Way burdening the subject site, which are no longer required as a consequence of the development, are to be extinguished prior to the issue of an Occupation Certificate for the development.
- (51) A separate application is to be made to Council's Civil Engineering Services - Roads and Footways unit for the construction of the concrete vehicle footway crossing in Hay Street and the removal of any existing crossings and reinstatement of the footway formation where any such existing crossings are no longer required.

## **Schedule 1B**

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

- (52) 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.

#### **INSTALLATION OF DUAL-FLUSH TOILETS**

- (53) 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 TAPS**

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

#### **GREY WATER**

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

#### **PUBLIC ART**

- (56) 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.

#### **LANDSCAPING OF THE SITE**

- (57) The site must be landscaped and maintained to the approval of Council. A detailed landscape plan, to scale, drawn by a landscape architect or approved landscape consultant, must be lodged and approved by Council prior to issue

of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The plan must include:-

- (a) Location of existing and proposed structures on the site including existing trees (if applicable);
- (b) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
- (c) Location, numbers and type of plant species;
- (d) Details of planting procedure and maintenance;
- (e) Details of drainage and watering systems;

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

### **PUBLIC DOMAIN PLAN**

(58) 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, APTs 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 all 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:**

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

**PAVING MATERIALS**

- (59) 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 TELEPHONES**

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

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

#### **TOILETS AVAILABLE FOR USE BY PUBLIC**

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

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

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

#### **NOISE REDUCTION**

- (63) 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).

## **NOISE ATTENUATION**

- (64) 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 certifying authority addressing the requirements of Section 8 part B - Development Assessment Process of the Guidelines for Councils. The report shall address the noise impacts from traffic and the light rail. The approved drawings and specifications for construction are to be in accordance with the following:-

- (a) The  $L_{10}$  (20 minute) noise level in the unit with windows and external facade doors closed shall be less than 40dB(A);
- (b) The  $L_{10}$  (20 minute) noise level in the unit with windows and facade doors open, taking an aggregate opening or opening size not less than 5% of the floor area of the room (as required as the minimum standard for natural ventilation under clause F4.6 of the BCA) shall be less than 50dB(A). The assessment shall be between the hours of 6.00 p.m. to 8.00 p.m.
- (c) The requirements in (a) and (b) above shall apply to all habitable rooms and should be met by provision of natural ventilation. If the requirement in (b) cannot be met then a special acoustic design and an energy efficient mechanical system may be considered.
- (d) All residential building and serviced apartments are to be designed and constructed in accordance with the above criteria. The completed work must comply with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

#### **SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)**

(65)

- (a) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, written confirmation that you have obtained a Notice of Requirements under Part 6, Division 9 of the Sydney Water Act 1994 must be submitted to the Certifying Authority (Council or a private accredited certifier).
- (b) Prior to issue of a construction certificate, under the Environmental Planning and Assessment Act 1979, the approved development application plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whatever the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met and is to be submitted to the Principal Certifying Authority (Council or a private accredited certifier).
- (c) **Note:**
  - (i) For Quick Check agent details please refer to "your business" section of Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then see Building and Renovating under the heading Building & Developing, or telephone 132 092.

- (d) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a (Developer) Compliance Certificate under Section 73 of the Sydney Water Act 1994 must be submitted to the Principal Certifying Authority (Council or a private accredited certifier).
- (e) **Note:**
- (i) Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the "Notice of Requirements". Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to "your business" section of Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 132 092.
  - (ii) The approved plans will also need to be submitted to Sydney Water to determine whether the development will affect sewer and water mains, stormwater drains and/or easements. If the development complies with the requirements, the approved plans will be appropriately stamped by Sydney Water.
  - (iii) Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 132 092.

#### **TELECOMMUNICATIONS PROVISIONS.**

- (66) 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.
- (67) 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**

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

**AWNINGS**

(69) All awnings/canopies must comply with the City of Sydney Awnings Policy 2000.

**UNDER AWNING LIGHTING**

(70) 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.

**ACCESS AND FACILITIES FOR PEOPLE WITH DISABILITIES**

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

**ACOUSTIC PRIVACY BETWEEN UNITS**

(72) 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**

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

#### **STORMWATER AND DRAINAGE**

- (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 (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

### **ELECTRICITY SUBSTATION**

(76) 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.

### **ALIGNMENT LEVELS**

(77) 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.

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

### **VENTILATION**

(79) 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 and 2).

### **CAR PARK VENTILATION**

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

### **EXHAUST FOR FOOD**

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

### **CERTIFICATE OF DESIGN FOR STORAGE AND HANDLING OF WASTE**

- (82) 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.

- (83) 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.
- (84) A complying garbage chute is required in all residential developments (Class 2) greater than 3 storeys in height. A chute and compactor is required if the building is greater than 25 metres in effective height.

**SANITARY FACILITIES**

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

**SWIMMING POOL AND/OR SPA**

- (86) That swimming and/or spa pool/s and pool surrounds shall be maintained in accordance with the Public Health (Swimming Pools and Spa Pools) Regulation 2000. Note: Guidance may also be obtained from the NSW Health Department's "Skin Penetration Guidelines".

**NOISE - USE**

- (87) 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**

- (88) 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.

### **SOIL AND SEDIMENT CONTROL**

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

- (a) Siltation fencing;

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

**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 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.

**GEOTECHNICAL REPORT AND CERTIFICATION**

(90) 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.
- (91) 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 FACADE PANELS OR CURTAIN WALLS**

- (92) 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.

#### **NON COMPLIANCE WITH THE BCA**

- (93) 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.

#### **WASTE MANAGEMENT FOR RESIDENTIAL DEVELOPMENTS**

- (94) A Building Waste Management Plan is to be submitted and approved by the Director City Development prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 for construction of the development. Such plan must comply with Council's "Waste Code" and provide details of the following:-
- (a) The location, design and construction of the garbage rooms, recycling rooms, bin washing, collection areas, and vehicle access and standing areas.
  - (b) The natural or 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 and compaction units 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 undertaken by building management to ensure waste separation and

minimisation within individual units and offices, on each floor of the building and within the garbage storage, recycling and collection areas.

- (95) All requirements of the approved Building Waste Management Plan must be implemented during the construction of the development.

#### **WASTE MANAGEMENT UPON COMPLETION**

- (96) Upon completion of construction and prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act (Form 12) for the development 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 Management.

- (97) 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.

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

## **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**

- (99) 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

(100) 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.

(101) 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.

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

#### **OTHER DEMOLITION DETAILS**

(103) 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 it is 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**

(104) 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.

**NOTIFICATION OF EXCAVATION OF EXCAVATION WORKS**

(105)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**

(106)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.

### **ROCK CUTTING INTO BLOCKS**

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

### **SITE CONTAMINATION REPORTS**

- (108) 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).
- (109) 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.

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

- (110)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**

- (111)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.

- (112) 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.
- (113) 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.
- (114) 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.

- (115) 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](mailto:mocsinfo@mocs.com.au) to ascertain the presence and type of underground utility services in the vicinity of the development.

- (116) A maintenance plan for all awnings must be submitted for the approval of Council prior to the commencement of construction, including the proposed methods of cleaning and a detailed maintenance schedule to ensure the structural integrity of the awnings. The maintenance plan and schedule are to include annual inspection of steelwork, connections and support, regular cleaning of drains and the footpath under the awnings, tri-annual repainting of the awnings, regular cleaning of lighting and replacement of defective lighting, and regular cleaning of awning glazing at least every six months or more frequently if required.

#### **APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE**

- (117) 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**

(118) 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).

(119) Documents required with the Road Opening Permit application include:-

- (a) A plan and relevant sections showing scope of works, boundaries, utility services, levels of proposed excavation, and details of method of reinstating public way;
- (b) Evidence that public utility drawings have been inspected;
- (c) Evidence of a \$10 million dollar Public Liability Insurance Policy specifically indemnifying the City of Sydney, valid for at least the duration of the project;
- (d) A Security Deposit for reinstatement of public way.

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

### **BARRICADE PERMIT**

(121) 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.

### **ENVIRONMENTAL PROTECTION DURING CONSTRUCTION**

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

- (a) Prior to the commencement of construction work, a Water and Sediment Control Statement must be submitted and approved by the Principal Certifying Authority.
- (b) Such statement must include:
  - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;



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

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

(123) Prior to release of a temporary structure approval under Section 68 of the Local Government Act 1993 (Hoarding Approvals), the owner of the site must provide a bank guarantee for a sum to be agreed by Council as security for any damage rectification.

(124) 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**

(125) 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**

(126) 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**

(127) 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.

(128) 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**

(129) 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**

- (130) 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**

(131) 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.

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

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

- (133) 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**

- (134) 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 Principal Certifying Authority (PCA) including contact address and certification details, 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**

(135) 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.

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

(136) 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**

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

- (a) concrete trucks, concrete pumps and their attachments, and trucks used for the disposal of spoil shall not be washed out on the public way;
- (b) any water collected from on-site washing down of concrete trucks, concrete pumps or their attachments and trucks used for the disposal of

spoil shall not be pumped, directed or allowed to flow to the street stormwater system;

- (c) any seepage or rain water collected on site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council and evidence of approval is to be submitted to the Principal Certifying Authority prior to discharge into such system.

#### **OBSTRUCTION OF THE PUBLIC WAY**

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

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

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

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

- (140)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**

- (141)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.



## **A FIRE SAFETY CERTIFICATE**

- (142) 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.

## **WASTE MANAGEMENT CERTIFICATION OF COMPLETION**

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

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

- (144) 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, e.g. 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.

- (145) 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**

- (146) 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**

(147) 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.

(148) 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**

(149) 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.

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

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

(151) 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.

#### **COMPLIANCE CERTIFICATE FOR ACOUSTIC PRIVACY**

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

## **COMPLIANCE CERTIFICATE FOR NOISE REDUCTION**

(153) 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.

## **TRADE WASTE**

(154) 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.

## **NUMBERING**

(155) 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.

(156) 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**

(157) 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**

### **REMOVAL OF GRAFFITI**

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

### **GLASS SHOP FRONTS**

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

### **WINDOW CLEANING**

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

### **CARE OF BUILDING SURROUNDS**

(161)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.

### **GARBAGE RECEPTACLES**

(162)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.

Carried.

### **ITEM 6. STAGE 1 DEVELOPMENT APPLICATION: 157 LIVERPOOL STREET, SYDNEY (D2004/00684)**

Note - Correspondence from Dr Deborah Dearing, National Design Manager, Stockland Design House - Development Division, representing Stockland Development Pty Ltd (the applicant), received 13 October 2004, was circulated to members prior to the meeting of the Central Sydney Planning Committee.

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

Dr Deborah Dearing - representing Stockland Development Pty Ltd

Mr John Williams - resident

Mr Alan Hoy - representing Owners Corporation, Hyde Park Towers

Ms Theresa Famulaio - resident

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

That arising from consideration of a report by the Manager Planning- Northern Zone to the Central Sydney Planning Committee on 14 October 2004, in relation to Development Application D2004/00684 made by Stockland Development Pty Ltd for the site at 157 Liverpool Street, Sydney, for a Stage 1 development application proposing the demolition of the existing building and a Stage 1 building envelope comprising a mixed-use residential tower development with ground floor retailing and 34 levels of residential floor space, 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 Stage 1 consent is granted for up to the maximum number of car parking spaces in accordance with the provisions of Central Sydney Local Environmental Plan 1996. However, the car park design is to be reconsidered as part of the Stage 2 Development Application as follows:
  - (1) To investigate possible improvements to the efficiency in the layout and overall depth of all basement levels so as to reduce the extent of excavation,
  - (2) To investigate the possibility of using stacking systems in lieu of vehicular ramps in order to reduce the extent of excavation, and
  - (3) Excavation beyond level 4 is to be accompanied by a letter of agreement from affected property owners agreeing to underpinning or other engineering methodologies which might be required in order to ensure stability of the site and surrounding structures during and after the construction process;
- (C) Consent is not granted for the architectural roof feature zone. The inclusion of an architectural roof feature will be considered with the Stage 2 application and will be subject to the applicant demonstrating that the feature makes a positive contribution to the subject building and to the streetscape and does not adversely impact on the continuity of the street wall and its relationship as the backdrop to the Anzac War Memorial;
- (D) The consent authority advises that favourable consideration of any future Stage 2 development application will only be subject to an excellent interpretative and architectural response in which positive benefits of the building's streetscape contribution including as the backdrop to Hyde Park and as viewed from surrounding buildings can be demonstrated;
- (E) The consent authority further advises that favourable consideration of any Stage 2 development application will only be subject to the applicant demonstrating that the proposal complies with the planning controls contained in Central Sydney Local Environmental Plan 1996 and Central Sydney Development Control Plan 1996 in particular, as they relate to height, floor space and residential amenity. In this instance, the use of wintergardens and other devices which will increase the bulk and scale of the building would be included in the calculation of the floor space ratio; and
- (F) Consent be granted subject to the following conditions:-

# Schedule 1

## Approved Development, Contributions and Covenants

### APPROVED DEVELOPMENT

- (1) Development must be in accordance with the following:
  - (a) Development Application No. D2004/00684 dated 17 June 2004;
  - (b) Statement to Accompany Stage 1 Development Application titled "157 Liverpool Street, Sydney - Mixed Use Residential Apartment Building" prepared by JBA Planning Consultants Pty Ltd, dated June 2004;
  - (c) Heritage Impacts Statement and View Analysis prepared by Godden Mackay Logan dated September 2004;
  - (d) Shadow Study prepared by Vipac Engineers and Scientists Ltd dated 13<sup>th</sup> September 2004; and
  - (e) Drawings numbered ADA 0001 to ADA 0012 Rev. A dated 24.5.04 prepared by Crone Nation Architects

and as amended by the following conditions:

### TERM OF THE CONSENT

- (2) This approval will be valid for a period of two years from the date of this approval.

### APPROVED DESIGN

- (3) The approved Stage 1 Building Envelope (including an element or detail of that design) must not be changed so as to affect the internal layout or external appearance of the building, without the approval of Council.
- (4) The approved Stage 1 Building Envelope does not include approval for the internal layout or exterior treatment/architecture of the building. All matters including the architectural design and detailing are to be determined as part of the Stage 2 development application.
- (5) The approved Stage 1 building envelope does not include approval of the architectural roof feature zone.

### PHOTOMONTAGES

- (6) Computer rendered perspectives/photomontages taken from key strategic positions such as the steps of St Mary's Cathedral, Hyde Park and Elizabeth Street looking towards the subject site shall be submitted for each design competition scheme and as part of Stage 2 Application.



## **FLOOR SPACE RATIO**

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

- (a) The Floor Space Ratio of the proposal must not exceed 13.98:1 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 18,856 sqm.

**Note:**

The final FSR calculation will be determined with the Stage 2 DA and shall not exceed the maximum stated above.

- (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**

(8) The height of the Stage 2 building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 137.40 (building).

**Note:**

The height of the architectural roof feature will be considered at the Stage 2 DA.

## **DESIGN CONDITIONS - to be addressed in the Stage 2 DA**

(9) 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.
- (b) Materials should be used which are compatible with the palette of materials in neighbouring buildings, but should not necessarily duplicate them. The design of the new building should appropriately respond to the strong masonry composition of the adjoining buildings.

The palette of colours and materials of the proposed development should be considered having regard to the impacts that they will have on the reflected image within the Lake of Reflection. The final choice of colours and materials should provide sufficient contrast against the red granite of the ANZAC Memorial, while not providing a contrast which detracts from the Memorial. The use of non-reflective glazing balconies and north-facing window walls and darker tones for new structures should be considered.

- (c) The design resolution of the architectural recess and its relationship to the Downing Centre.
- (d) The design resolution of the awning and associated pedestrian connection to the colonnade of 130 Elizabeth Street. The awning is to comply with the City of Sydney Awning's Policy 2000.
- (e) Full details for the architectural resolution of the roof feature. The feature shall not exceed RL 147.40 and shall comply with the provisions of Clause 32A of CS LEP 1996.
- (f) 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.
- (g) Details of architectural devices, as appropriate, which are incorporated into the building design to minimise the potential for overlooking and loss of amenity within the development and to surrounding buildings (particularly, Hyde Park Towers). The use of such devices are encouraged on the southern and eastern building elevations.
- (h) Details for the architectural treatment of the western elevation of the building. Given this facade is proposed to align with the western boundary of the site, it should be highly detailed (by way of architecture and use of materials) given the level of exposure above the building height of 130 Elizabeth Street.

**Note:**

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

- (i) 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.

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.

- (j) The podium and ground floor level of the building is to be designed to ensure an acceptable level of security for building occupants and surveillance of the public domain. Details of such initiatives are to be submitted with the Stage 2 development application.
- (k) The residential units shall comply with the provisions of Clause 6.1 of the Central Sydney Development Control Plan 1996, specifically in respect of amenity and unit mix.
- (l) Any wintergardens shall be the subject of detailed design, and careful consideration to ensure that the amenity of adjoining properties is not compromised.
- (m) The setbacks of the proposed building shall generally comply with Clause 2.3 of the Central Sydney Development Control Plan 1996.
- (n) The provision of loading facilities provided in accordance with Clause 5.4 of Central Sydney Development Control Plan 1996.
- (o) Bicycle and motor cycle parking in accordance with Clause 5.5 and 5.6 of Central Sydney Development Control Plan 1996.
- (p) Details of the passive and active measures proposed in the building to address Council's energy efficiency requirements in accordance with Clause 4.3 of Central Sydney Development Control Plan 1996.
- (q) Provision of a detailed statement which demonstrates compliance with the aims and objectives of SEPP 65 – Design Quality of Residential Flat Development.
- (r) Compliance with the State Government's BASIX - Building Sustainability Index.

### **ESD INITIATIVES**

- (10) The recommendations of 'The Environmental Sustainable Development Strategies Report' prepared by George Floth Pty Limited and dated 11<sup>th</sup> June 2004 are to be further considered in the design competition and subsequent Stage 2 DA, including those matters detailed below:-
  - (a) The use of materials that contain minimum VOCs (volatile organic compounds) to improve indoor air quality. Materials include natural fibre carpet and non-toxic paint should be considered.
  - (b) The development of a Tenants Environmental Management System (EMS) as a framework to provide the means of evaluating, promoting and improving the environmental performance of the building once in use (ie management practices and procedures).

- (c) The exposure of concrete soffits within the apartments of up to 30% to reduce energy consumption and improve the occupant comfort (ie. exposed slab construction maximises the amount of thermal mass within apartments and therefore maximising the amount of heat absorbed).
  - (d) Development of enclosed wintergardens or development of a shaded, doubled glazed northern façade to reduce glare, control solar gain and improve the level of occupant comfort by reducing surface temperatures. (Note: Wintergardens will be calculated as FSA.)
- (11) The Stage 2 development shall incorporate the following energy efficient measures:-
- (a) All toilets installed within the dwelling shall be of water efficient dual-flush capacity with a minimum “AAA” rating.
  - (b) All taps installed shall be water efficient with a minimum “AAA” rating.
  - (c) 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.
- (12) Details to satisfy this condition are to be submitted with the Stage 2 application

### **CONSTRUCTION MANAGEMENT REPORT**

- (13) 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 Elizabeth Street, Liverpool Street and the surrounding streets network during the peak traffic times are minimised.
  - (d) To provide details for pedestrian management in the surrounding street to ensure that pedestrian safety and access to the adjoining buildings is not adversely affected.

## **SHADOW DIAGRAMS**

- (14) 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.
- (15) A 'daylight report' is to be submitted with the Stage 2 development application to demonstrate adequate sunlight access is maintained to the Tower Apartments and neighbouring approved residential development to ensure compliance with the provisions of Clause 6.1.2 of CS DCP 1996.

## **WIND ASSESSMENT**

- (16) The Stage 2 development application is to provide a full wind assessment report based on wind tunnel tests. Opportunities to improve wind conditions to the surrounding public domain should be investigated.

## **RAIN WATER**

- (17) The applicant is to investigate the installation of appropriate technologies within the development to enable the collection and re-use of the rainwater. A Report addressing this matter is to be submitted with the Stage 2 application.

## **MATERIALS AND SAMPLE BOARD**

- (18) 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.

## **PHOTOGRAPHIC ARCHIVAL DOCUMENTATION**

- (19) 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**

- (20) 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.

## **PUBLIC ART**

- (21) 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.

## **GLAZING**

- (22) 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.

The glazing shall also be selected to minimise the impact of reflection on the ANZAC Memorial and the Lake of Reflection.

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

## **ACCESS FOR PERSONS WITH A DISABILITY**

- (24) Access to the development shall be in accordance with the requirements of "The City of Sydney Access Development Control Plan 2004".
- (25) 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**

- (26) The Applicant shall liaise with Rail Estate and RIC, as appropriate, to ensure that an agreement is reached on all rail authority matters prior to the submission of the Stage 2 development application.

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**

- (27) 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.

The Signage Strategy shall include an analysis of the impact of the proposed signage on direct or reflected views from the ANZAC Memorial and the Lake of Reflection. The Strategy shall seek to minimise any adverse impacts.

## **LIGHTING STRATEGY**

- (28) 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.

The Lighting Strategy shall be accompanied by an assessment of the impact of any external lighting (including lighting associated with Signage) on the ANZAC Memorial and the Lake of Reflection. The Strategy shall seek to minimise any adverse impacts.

## **BCA CONDITION**

- (29) 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) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (b) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.
- (c) 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.

## **DEVELOPMENT COST- STAGE 2**

- (30) 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**

- (31) 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**

(32) 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.

(33) 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 **\$500,000** dollars as security for the costs of such works provided that:-

a. the maximum liability under the Deed shall not exceed \$500,000 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 tenantable 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.

#### **WASTE COLLECTION**

- (34) The design of the building and the method of storage and handling of waste and recyclable material must comply with the Code of Waste Handling in Buildings adopted by Council 17 October 1994. Details for all waste storage and handling must be submitted with the Stage 2 DA.

#### **TRAFFIC CONDITIONS**

- (35) 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 2890.1-2004 and 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.

- (36) 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.
- (37) All costs of traffic management measures associated with the development shall be borne by the developer.
- (38) Residents are not entitled to participate in the residential permit parking schemes. This prohibition on participation in the residential permit parking scheme will be recorded on the Section 149 Certificate for this property under the Environmental Planning and Assessment Act 1979.

#### **NAMING RIGHTS FOR NEW BUILDING, PARK OR PLACE**

- (39) 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**

- (40) 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.

#### **PUBLIC DOMAIN PLAN**

- (41) 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**

- (42) 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.

#### **TOILETS AVAILABLE FOR USE BY PUBLIC**

- (43) 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**

- (44) 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)**

(45)

- (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](http://www.sydneywater.com.au) or telephone 132092.

### **TELECOMMUNICATIONS PROVISIONS**

- (46) 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.

### **UTILITY SERVICES**

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

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

### **ALIGNMENT LEVELS**

(48) 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.

### **ENVIRONMENTAL MANAGEMENT PLAN**

(49) 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.

### **EXCAVATION WORK METHOD STATEMENT**

(50) 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.



### **PHYSICAL MODELS**

- (51) 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.

### **LOT CONSOLIDATION**

- (52) 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 an Occupation Certificate under the Environmental Planning and Assessment Act 1979.

## **Schedule 2**

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

Carried.

### **ITEM 7. REPEAL OF LEICHHARDT DEVELOPMENT CONTROL PLAN NO. 49 FOR 156 - 160 BRIDGE ROAD, GLEBE (S027609)**

Professor Richard Mackay AM of Godden Mackay Logan addressed the meeting of the Central Sydney Planning Committee on this matter.

**Resolved** on the motion of Councillor Harris, seconded by Councillor McInerney -

That arising from consideration of a report by the Strategic Planning Manager to the Central Sydney Planning Committee on 14 October 2004, in relation to the repeal of Leichhardt Development Control Plan No. 49 156-160 Bridge Road, Glebe, it be resolved that:-

- (A) the Central Sydney Planning Committee comply with the procedures outlined in the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000 in regard to the repeal of a Development Control Plan, specifically by placing a final public notice of repeal in a local newspaper to repeal Leichhardt Development Control Plan 49 from the date at which the notice appears in the newspaper;
- (B) the reasons given for the repeal of Leichhardt Development Control Plan No. 49 are as follows:
  - (1) The objectives and provisions of Leichhardt Development Control Plan No. 49 are not considered to provide appropriate development guidelines for the site, particularly noting its heritage significance, at both the local and the State level,

- (2) There are conflicting objectives and provisions within Leichhardt Development Control Plan No. 49,
  - (3) Leichhardt Development Control Plan No. 49 is inconsistent with the provisions of Leichhardt Local Environmental Plan 2000. In particular it is noted that the Development Control Plan's height and envelope provisions allow for a development with a floor space ratio that exceeds the maximum permissible floor space ratio in Leichhardt Local Environmental Plan 2000, and
  - (4) There are adequate other assessment criteria under Section 79C of the Environmental Planning and Assessment Act 1979 and the Heritage Act 1977 to more appropriately guide future development of the site;
- (C) the Central Sydney Planning Committee adopt the following principles to guide any future development at 156-160 Bridge Road, Glebe:
- (1) future development should not exceed the statutory maximum floor space ratio of 0.7:1 under Leichhardt Local Environmental Plan 2000, and this floor space ratio should not be viewed as a guaranteed minimum,
  - (2) future development should contemplate either the retention of all sufficiently intact elements of Hamilton as an item of local heritage significance or, failing that, only a replacement building which corresponds to its important curtilage, setbacks, scale, size and context. Hence, should Hamilton be demolished, it should be replaced with open space, or by a single dwelling with a similar footprint to the existing footprint of Hamilton,
  - (3) any replacement building or elements must have regard to accepted heritage practice under the Burra Charter and applicable environmental planning instruments, to be interpreted as new work and clearly discernable as a contemporary addition,
  - (4) future residential infill development should be strictly limited to low scale residential development along the Ruess Street boundary at the rear of the site (maximum two storeys with possible dormer windows linked to the dwelling below), in scale and in sympathy with the location, bulk and scale of the surrounding area, allowing the retention of the front portion of the site as a landscaped garden setting for the Abbey, Reussdale and Hamilton (or a low scale replacement building which corresponds to the existing and important curtilage, setback, size, scale and context of Hamilton),
  - (5) the Abbey should be restored with a publicly accessible use; and
- (D) submitters be advised of the decision of the Central Sydney Planning Committee in relation to this matter.

Carried.

**ITEM 8. DRAFT CITY OF SYDNEY SIGNAGE AND ADVERTISING STRUCTURES DEVELOPMENT CONTROL PLAN 2004 (S031850)**

Mr Andrew Woodhouse, President, Potts Point and Kings Cross Heritage Conservation Society Inc., addressed the meeting of the Central Sydney Planning Committee on this matter.

**Resolved** on the motion of Ms Westacott, seconded by Ms Jose -

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 14 October 2004, in relation to the Draft City of Sydney Signage and Advertising Structures Development Control Plan 2004, it be resolved that:-

- (A) the Central Sydney Planning Committee endorse Draft City of Sydney Signage and Advertising Structures Development Control Plan 2004, as shown at Attachment A to the subject report, for public exhibition for a minimum period of 28 days in accordance with the Environmental Planning and Assessment Regulation 2000;
- (B) the Central Sydney Planning Committee adopt Draft City of Sydney Signage and Advertising Structures Development Control Plan 2004 as an Interim Policy from the first day of its exhibition period; and
- (C) authority be delegated to the General Manager to make any minor drafting changes that may be required to the Draft City of Sydney Signage and Advertising Structures Development Control Plan 2004 as a result of its consideration by the Central Sydney Planning Committee and Council.

Carried unanimously.

**ITEM 9. DRAFT CITY OF SYDNEY CHILD CARE CENTRE DEVELOPMENT CONTROL PLAN (S031833)**

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 14 October 2004, in relation to the Draft City of Sydney Child Care Centre Development Control Plan, it be resolved that:-

- (A) the Central Sydney Planning Committee place the Draft City of Sydney Child Care Centres Development Control Plan, as shown at Attachment A to the subject report, on public exhibition for a minimum period of 28 days in accordance with the Environmental Planning and Assessment Regulation 2000, subject to the following amendment -
  - the deletion at point 3.1.1 of the figure “20%” and the substitution of the figure “33%”; and
- (B) authority be delegated to the General Manager to make any minor drafting changes that may be required to the Draft City of Sydney Child Care Centre Development

Control Plan as a result of its consideration by the Central Sydney Planning Committee and Council.

Carried.

**ITEM 10. DRAFT CITY OF SYDNEY PUBLIC CONSULTATION DEVELOPMENT CONTROL PLAN 2004 (S023739)**

Mr Andrew Woodhouse, President, Potts Point and Kings Cross Heritage Conservation Society Inc., addressed the meeting of the Central Sydney Planning Committee on this matter.

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 14 October 2004, in relation to the Draft Public Consultation Development Control Plan 2004, it be resolved that:-

- (A) the Central Sydney Planning Committee place the Draft City of Sydney Public Consultation Development Control Plan 2004, as shown at Attachment A to the subject report and as amended as follows, on public exhibition for a period of 28 days in accordance with the Environmental Planning and Assessment Regulation 2000:
- (1) the renaming of the draft Development Control Plan to “The Draft City of Sydney Notification of Development and Planning Applications Development Control Plan 2004”,
  - (2) paragraph 2 of Section 7.2, “Making a Submission”, be amended as follows -
 

“Written submissions in response to assessment reports must be made by lunchtime one business day prior to the Council meeting.”
  - (3) the insertion into Section 8.1 after paragraph 2 of the following new paragraph -
 

“If re-notification is to occur for an amended development application for development that is advertised and notified for 28 days or 21 days then the notification period may be reduced to 14 days if the amendment is of a minor nature. This would be at the discretion of the planning officer assessing the development application.”
- (B) authority be delegated to the General Manager to make any minor drafting changes that may be required as a result of consideration of the draft DCP by the Central Sydney Planning Committee and Council; and

(C) the DCP be reviewed within twelve months of the DCP being adopted.

Carried.

Note - The Central Sydney Planning Committee congratulated Council staff involved in undertaking this very complex matter, and for their excellent work.

**ITEM 11. DRAFT CONSULTANTS REPORTS FOR CARLTON AND UNITED BREWERIES SITE - OPEN SPACE AND COMMUNITY FACILITIES STUDY AND TRAFFIC AND TRANSPORT STUDY (S033483-04)**

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

That arising from consideration of a report by the Specialist Planner, Policy Unit, to the Central Sydney Planning Committee on 14 October 2004, in relation to the Draft Consultants Reports for the Carlton and United Breweries Site - Open Space and Community Facilities Study and the Traffic and Transport Study, it be resolved that the subject report be received and noted.

Carried.

**ITEM 12. GENERAL BUSINESS**

**12.1 Parking Policy**

Mr Bird raised the matter of parking policy in the City of Sydney. The Director City Planning Northern Zone was asked to arrange a briefing for Central Sydney Planning Committee members.

**12.2 Integrated Transport Strategy**

Professor Peter Newman, Professor of City Policy, Murdoch University, W.A. is to be invited by the Department of Infrastructure, Planning and Natural Resources to address a CSPC briefing session on integrated transport.

The meeting concluded at 7.25pm.

CHAIR

The next meeting of the Central Sydney Planning Committee is scheduled for 11 November 2004.