

# CENTRAL SYDNEY PLANNING COMMITTEE

THURSDAY 13 MAY 2004

Meeting No 295

**MINUTES** of the Meeting of the Central Sydney Planning Committee held in the Council Chamber, Sydney Town Hall, on Thursday 13 May 2004 commencing at 6.50pm.

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## **PRESENT**

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

Mr Neil Bird, Councillor Chris Harris, Mr Chris Johnson, Ms Antoinette le Marchant, Councillor John McInerney, 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.

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

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

6. Development Application: 'Site C', World Square (cnr Pitt and Goulburn Streets), Sydney
5. Section 96(2) Application: 710-722 George Street, Sydney
4. Stage 2 Development Application: 710-722 George Street, Sydney
7. Application to Modify Stage 1 Development Consent Under Section 96(2): 849-855 George Street and 732 Harris Street, Sydney
8. Development Application: 849-855 George Street and 732 Harris Street, Sydney
9. Carlton and United Breweries Site Chippendale: Preparation of Site Specific Draft Local Environmental Plan
1. Confirmation of Minutes
2. Matters Arising from the Minutes
3. Revised Schedule of Meetings and Briefings for 2004
10. Election of Deputy Chairperson
11. General Business

**ITEM 1. CONFIRMATION OF MINUTES (S030492)**

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

That the Minutes of the meeting of the Central Sydney Planning Committee held on 25 March 2004 be taken as read and confirmed.

**ITEM 2. MATTERS ARISING FROM THE MINUTES (S030492)**

There were no matters arising from the Minutes of the meeting of the Central Sydney Planning Committee held on 25 March 2004.

**ITEM 3. REVISED SCHEDULE OF MEETINGS AND BRIEFINGS FOR 2004 (S030492)**

**Resolved** on the motion of Ms le Marchant, seconded by Mr Bird -

That arising from consideration of a report by the Manager Secretariat to the Central Sydney Planning Committee on 13 May 2004, on the Revised Schedule of Meetings and Briefings for 2004, it be resolved that the schedule of meetings and briefings for 2004, as shown at Attachment A to the subject report, be adopted.

Note - the schedule of revised meetings and briefings adopted by the Central Sydney Planning Committee is as follows.

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**SCHEDULE OF MEETINGS AND BRIEFINGS  
FOR THE REMAINDER OF 2004**

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DATE	MEETINGS/BRIEFINGS
THURSDAY 6 MAY	BRIEFINGS
THURSDAY 13 MAY	MEETING
THURSDAY 27 MAY	BRIEFINGS
THURSDAY 3 JUNE	MEETING
MONDAY 14 JUNE	(Queen's Birthday Public Holiday)
THURSDAY 24 JUNE	MEETING
THURSDAY 22 JULY	BRIEFINGS
THURSDAY 29 JULY	MEETING
THURSDAY 12 AUGUST	BRIEFINGS
THURSDAY 19 AUGUST	MEETING
THURSDAY 2 SEPTEMBER	BRIEFINGS
THURSDAY 9 SEPTEMBER	MEETING
THURSDAY 23 SEPTEMBER	BRIEFINGS
MONDAY 4 OCTOBER	(Labour Day Public Holiday)
THURSDAY 14 OCTOBER	MEETING
THURSDAY 4 NOVEMBER	BRIEFINGS
THURSDAY 11 NOVEMBER	MEETING
THURSDAY 25 NOVEMBER	BRIEFINGS
THURSDAY 2 DECEMBER	MEETING
THURSDAY 16 DECEMBER	MEETING
THURSDAY 23 DECEMBER	--

**ITEM 4. STAGE 2 DEVELOPMENT APPLICATION: 710-722 GEORGE STREET, SYDNEY (D03-1419)**

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 13 May 2004, in relation to Development Application D/2003/01419 made by Root Projects Australia for the site at 710-722 George Street, Sydney for demolition of the existing buildings and Stage 2 construction of a 3-36 storey mixed use building, comprising two tower elements, a 3-7 storey podium, containing 218 residential units, 620m<sup>2</sup> of retail shops and 1,933m<sup>2</sup> of commercial offices, with basement parking for 168 vehicles, it be resolved that:-

- (A) The State Environmental Planning Policy (SEPP 1) objection to the maximum height development standard be accepted as well founded and supported for the following reasons:-
- (1) The unusual circumstances of the site being covered by two different height controls and the non-compliance resulting from balconies encroaching into the lower height zone;
  - (2) The exceedence is relatively small and relates only to the balconies which are 1.8m deep and relate well with the height and mass of the high rise tower, on which they are attached;
  - (3) The exceeding balconies will not cause additional overshadowing of surrounding public areas and Belmore Park;
  - (4) The balconies contribute to the interest of the façade and provide a high quality urban form;
  - (5) The balconies improve the residential amenity of the units by providing both outdoor recreation space and shading for the units below;
  - (6) The balconies will not cause unacceptable wind environments at street level and in the surrounding public domain; and
  - (7) The non-compliance will not set an undesirable precedent for future development and the proposed development still satisfies the aims and objectives of the LEP.
- (B) A deferred commencement consent be granted pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to the following conditions:-

**DEFERRED COMMENCEMENT**

This consent shall not operate until such time as condition 1 listed below is complied with to the satisfaction of the Director City Planning - Northern Zone, in consultation with the Chair of the Central Sydney Planning Committee. The information is to be submitted to Council within 6 months of the date of this determination, otherwise this consent will lapse:-

## **EASEMENT FOR LIGHT AND AIR**

- (1) A 6 metre wide easement for light and air (unlimited in height) shall be obtained over the adjoining site at No.59 Goulburn Street (Sydney Plaza), as shown on drawings 565-020 and 7282010, and must be registered with the NSW Lands Titles Department on the title, in favour of the application site (as consolidated). The terms and location of the easement must be acceptable to Council and proof of such registration shall be provided.

Upon written satisfaction of the above conditions, a full consent will be issued subject to the following conditions and any other conditions reasonably related and arising from assessment of the additional information:-

## **Schedule 1A**

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

#### **APPROVED DEVELOPMENT**

- (1) Development must be in accordance with Development Application No. D/2003/01419 dated 24 December 2003 and Statement of Environmental Effects (as amended) prepared by Planning Matters Pty Ltd, dated December 2003 and amended 1 April 2004 and drawings numbered DA-565-020, 101, 102, 103A, 104A, 105A, 106A, 107A, 108A, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123A, 124A, 125A, 126A, 127A, 128A, 129A, 130, 131, 132, 160A, 170A, 171A, 172A, 180A, 181A, 182B, 183B, 184B, 185B, 186, 600B, 601 and 602 prepared by Project Architecture Pty Ltd dated 26 November 2003 and amended and received by Council dated 1 April 2004 and as amended by the following conditions:

#### **RAILCORP REQUIREMENTS**

- (2) Prior to the release of the Construction Certificate the applicant must provide Council with written evidence from RailCorp that the requirements of RailCorp, as outlined in their letter dated 22 March 2004, from Mr Peter Boyden to Ms Sandra Scarano, has been satisfied, including the executed agreement. In this regard the applicant must provide RailCorp with:-
  - (a) a Geotechnical Engineering and Structural Design model and analysis Report and detailed work methodologies relating to the excavation of the site and any construction works (including but not limited to sub-surface construction works, temporary works and the related loadings) demonstrating that the development has minimal impact on the railway infrastructure through its loading and ground deformation.
- (3) In addition to the above requirement, the developer must satisfy the requirements of Rail Estate as outlined in their letter dated 9 February 2004, in particular the developer must:-

- (a) Provide an accurate survey, prepared by a suitably qualified consultant, locating the development with respect to the rail boundary and rail infrastructure;
- (b) Obtain (through searches from Rail) information as to the existence and location of any Rail services and structures;
- (c) Conduct a joint inspection with Rail of the rail infrastructure and property in the vicinity of the project and provide dilapidation surveys to establish the extent of any existing damage and to enable deterioration during construction to be observed; and
- (d) Procure a report on the Electrolysis Risk to the development from stray currents and the measures that will be taken to control the risk.

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.

#### **CAR STACKER MAINTENANCE**

- (4) The applicant shall submit an ongoing maintenance plan for the proposed car stackers and a contingency plan in the event of either car stacker failing. This plan shall also demonstrate that the proposed car stackers fully complies with the supplier's specifications and the applicant, owner or developer shall enter into a contract with the supplier to provide maintenance for the first five years of the life of the car stacker. Details of the Maintenance Plan, Contingency Plan and Contract with the systems supplier are to be submitted for the approval of the Council, prior to the issue of the Construction Certificate for the development under the Environmental Planning and Assessment Act, 1979. Any limitations in the type of vehicles that can use the chosen mechanical stacker system shall be subject to a covenant in title (also to Council's satisfaction).

#### **RESTRICTIVE COVENANT FOR BLINDS**

- (5) A restrictive covenant is to be created pursuant to Section 88E of the Conveyancing Act, 1919, restricting any change to and/or removal of the internal coloured blinds that form part of the development as approved. The terms of the covenant are to be to Council's satisfaction prior to the release of the Construction Certificate under the Environmental Planning and Assessment Act, 1979. The covenant is to be appurtenant to Council and with that authority exclusively empowered to release, vary or modify the restriction. All costs of the preparation and registration of all associated documentation is to be borne by the applicant and shall occur prior to the issue of any Occupation Certificate.

#### **WIND TURBINE DETAILS**

- (6) Full details of the wind turbine to be used in the development shall be submitted to Council for approval prior to the release of the Construction

Certificate. Such details shall include the manufacturer's specifications, materials, colour, design, height and operations.

- (7) A full acoustic report must be submitted to Council for approval prior to the release of the Construction Certificate demonstrating how the wind turbine will comply with Council's standard noise emission criteria, as contained in condition 149 of this development consent. Any details of noise attenuation equipment which may be recommended in that report shall also be submitted to Council for approval.

#### **SOUTHERN AND EASTERN GLASS WALL**

- (8) The glass curtain wall on both the southern and eastern elevations shall be retained as a feature, so as to avoid a blank façade.

#### **VERIFICATION OF FLOOR TO CEILING HEIGHTS**

- (9) Prior to the issue of the Construction Certificate under the Environmental Planning and Assessment Act 1979, written verification and 1:50 scale sections from a suitably qualified structural engineer are to be submitted, to the satisfaction of Council, certifying that all habitable rooms in residential units can achieve a minimum floor to ceiling height of not less than 2.7 metres, all within the approved envelope.

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

- (10) 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.

#### **RIGHT-OF-WAY**

- (11) The proposed right-of-way over Lot 21, DP 804108 off Cunningham Street (the adjoining Mission Australia building) must be registered on the title in favour of the development site, prior to the issue of the Construction Certificate and in terms satisfactory to Council and the access driveway on Cunningham shall be retained at not less than 3.3 metres wide.

#### **CUNNINGHAM STREET**

- (12) All costs involved in converting Cunningham Street to two-way, from Goulburn Street and reversing the one-way traffic flow from the site to Pitt Street, west to east bound shall be wholly borne by the developer. The design of the traffic management measures, including signage, shall be submitted for the approval of the Council, prior to the release of the Construction Certificate and the approved works shall be completed prior to the commencement of demolition and excavation works at the site, to the satisfaction of Council.

**ADAPTABLE UNITS**

- (13) 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.

**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.

**APPROVED DESIGN ROOF-TOP PLANT**

- (15) All roof-top plant and associated equipment shall be located within the approved building envelope, which includes roof-top plant rooms, parapets and screening devices. In satisfying Building Code of Australia provisions relating to such services, should the plant exceed the approved building envelope, then further approval is required from the consent authority.
- (16) The design details of the proposed building facade including all external finishes and colours, including glazing must be in accordance with the materials schedule and sample board, and specifications prepared by Project Architecture dated December 2003.

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.

**FLOOR SPACE RATIO**

- (17) The following applies to Floor Space Ratio:-
- (a) The Floor Space Ratio of the proposal must not exceed 11.96:1 calculated in accordance with the Central Sydney Local Environmental Plan 1996. For the purpose of the calculation of FSR, the Floor Space Area of the development is 23,127sqm.
  - (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 the 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).



- (c) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, documentary evidence (ie. a Heritage Floor Space Allocation Certificate issued by Council) must be produced and acknowledged by Council that 1,916 sqm of heritage floor space was allocated (purchased and transferred) to the development, being 50% of that floor space in excess of 8:1 as specified in the Central Sydney Local Environmental Plan 1996 and as reduced by a further 50% following the CSPC's endorsement of the design competition.

## **BUILDING HEIGHT**

(18)

- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed the following:-
- (i) High rise tower: RL 118.2 (AHD) or 112.2 metres (36 Storeys);
  - (ii) Mid rise tower: RL 66 (AHD) or 60 metres (18 Storeys);
  - (iii) Northern podium: RL 19.75 (AHD) or 13.75 metres (3 Storeys);
  - (iv) Southern podium: RL 30.78 (AHD) or 24.78 metres (7 Storeys);  
and
  - (v) Wind Turbine: RL 133.2 (AHD) or 127.2 metres.
- (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the height of the building, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

## **PHYSICAL MODELS**

- (19) 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
- (20) 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.

#### **ELECTRONIC MODEL - BUILDINGS 'AS BUILT' AND UNDERGROUND UTILITIES AND SERVICES**

- (21) Prior to the issue of a Certificate of Occupation under the Environmental Planning and Assessment Act 1979, an accurate 1:1 electronic model of the approved development 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) buildings 'as built' above and below ground;
    - (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
    - (iii) the property boundaries and the kerb lines adjacent to the site.
  - (b) The data is to be submitted as a DXF file on physical media (floppy disc or CD). Preferably, 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 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 Manager, Spatial Information should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

Note:

- (e) 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.

### **ARCHITECT NOT TO CHANGE**

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

### **DEMOLITION/SITE RECTIFICATION**

- (23) 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 as security for the costs of such works provided that:
    - a. the maximum liability under the Deed shall not exceed \$500,000; 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**

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

- (a) The accommodation portion of the building (levels 3-34) 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 3-34 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.

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

- (25) A cash contribution comprising 1% of the total cost of the development, is payable to the City of Sydney pursuant to section 61 of the City of Sydney Act and the "City of Sydney Section 61 Contributions Plan 1997" in accordance with the following:-
- (a) Prior to the release of the construction certificate, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and then that the levy has been paid to the Council in accordance with this condition. Payment shall be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney.
- (b) The contribution shall not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" indicating the itemised cost of the development shall be completed and submitted to Council by the CERTIFYING AUTHORITY, together with copies of the plans the subject of the application for the construction certificate. A copy of the required format for the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" may be obtained from the City of Sydney One Stop Shop and the City of Sydney's website ([www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au)).
- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the CERTIFYING AUTHORITY accordingly.
- (d) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation,

electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, Building Code of Australia compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (e) below.

- (e) The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.

### **ARCHAEOLOGICAL INVESTIGATION**

(26)

- (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.

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

- (27) The development shall be in accordance with the recommendations of the following reports, which were submitted with the Stage 2 development application: -
- (a) Assessment of Traffic and Parking Implications, prepared by Transport and Traffic Planning Associates, dated December 2003 and letter dated 17 March 2004;
  - (b) Development Application Noise Assessment, prepared by Acoustic Logic Consultancy Pty Ltd, dated 16 December 2003;
  - (c) ESD Report, prepared by Steensen Varming (Australia) Pty Ltd, dated December 2003 and letter dated 18 March 2004;
  - (d) Environmental Wind Conditions Around the Proposed Development at 710-722 George Street, Sydney, prepared by Wind Engineering Services, dated November 2003 (Ref: S1405);
  - (e) Security and Access Control Methodology, prepared by Waterman AHW, dated 19 March 2004. In particular, the security office shown on the ground floor plans shall be manned 24 hours and 24 hour lighting and CCTV surveillance shall be provided throughout the courtyard;

### **VEHICULAR SPACES**

- (28) The following car parking requirements apply:-
- (a) The approved vehicle spaces shall be allocated on the development site as follows:
    - 158 residential spaces;
    - 5 business/commercial premises spaces;
    - 5 service vehicle spaces located close to service entrance;
    - 2 motor cycle parking spaces.
  - (b) 5 spaces for cycle racks or equivalent cycle storage area. A room containing a shower and change area must be provided close to the cycle racks.
  - (c) 2 of the above car parking spaces are to be for people with mobility impairment, in accordance with AS 2890.1.

- (d) All spaces must be allocated and marked according to this requirement. If the development is to be strata subdivided, the carpark layout must respect the above allocation.

(29) 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.

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

(30)

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

### **CAR PARK ENTRY FINISH**

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



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

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

Note:

This prohibition on participation in the resident permit parking scheme will be recorded on the Section 149 Certificate for this property under the Environmental Planning and Assessment Act 1979.

## **EXTERNAL LIGHTING**

- (33) A separate development application is required to be lodged for any proposed external floodlighting or illumination of the building, including lighting of the ground floor courtyard. Such application shall be submitted and approved by Council prior to the installation of any external lighting.
- (34) 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.
- (35) A separate development application must be submitted at the appropriate time for the specific use of the retail and commercial components of the development.

## **SIGNS**

- (36) 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.
- (37) 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 execution of the Strata Certificate by Council or an accredited certifier in accordance with Section 37 of the Strata Schemes (Freehold Development) Act 1973.
- (38) The owners of the site are to dedicate for road widening purposes, free of cost to Council, the curved triangular splay at the intersection of the obtuse angle in the alignment of George Street, defined to the façade of the building and in stratum if so desired and on the assumption that the affected part of the site can be used in the calculation of the floor area of the building.
- (39) In accordance with Council's standard requirements, any balconies, bay windows, sun blinds or architectural embellishments overhanging the public way are not to encroach upon the alignment thereof in excess of 450mm.
- (40) A separate application is to be made to Council's Civil Engineering Services-Roads and Footways Unit for the construction of any new vehicle footpath and kerb crossings required for the development and the reinstatement of the footway formation where any existing crossings are no longer required.

**SURVEY CERTIFICATE AT SET OUT STAGE**

- (41) That a Survey Certificate shall be submitted from a Registered Surveyor to the effect that the proposed building has been set out so that the dimensions and location on the site are in accordance with the approved plan prior to the foundation excavations being commenced.

**SURVEY CERTIFICATE AT COMPLETION**

- (42) That a Survey Certificate shall be submitted at the completion of the building work from a Registered Surveyor certifying the location of the building in relation to the boundary lines of the allotment.

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

- (43) 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.

**ELECTRICITY SUBSTATION**

- (44) 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.

**PLANTATION OR RECYCLED TIMBERS**

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

**INSTALLATION OF DUAL-FLUSH TOILETS**

- (46) 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**

- (47) 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**

- (48) 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 DOMAIN PLAN**

- (49) The following requirements apply:-
- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect and shall be approved by Council (to be lodged with the Public Domain Officer at City Projects) prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.
  - (b) The Public Domain Plan shall be as follows:-
    - (i) Drawn at 1:100 scale; 1:200 will be acceptable for larger sites of over 200m street frontage.
    - (ii) Show the entire layout and pattern of flagstone paving where this paving is required.
    - (iii) Nominate the location, type and material of all existing and proposed public pavement elements including trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture, (including city maps, notice boards, benches, bollards, bins, J C Deceaux kiosks, APT's and phone booths), utility poles, parking meters, pedestrian and traffic signals, service pits, stormwater pits and signage (including street nameplates, historical, parking and traffic).
    - (iv) Include a longitudinal section of the pavement showing existing and proposed levels at 10 metre intervals at the building alignment, the kerb and the gutter on a common datum line. This longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale. For larger sites of over 200m street frontage 1:200 horizontal scale and 1:20 (exaggerated) vertical scale is acceptable. This section is to ensure that any

significant longitudinal gradient change, such as flattening for vehicle entries, occurs within the building line and not at the public pavement.

- (v) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
- (vi) Include specifications of the proposed works.
- (c) The Public Domain Plan shall comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer and may include:
  - (i) Adjustment to paving grades to provide a maximum crossfall of 2.5% from building line to top of kerb.
  - (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.
  - (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.
  - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
  - (v) The repair and where required the resetting of all stone kerbing to a uniform grade of 150mm above the gutter grading and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed or resurfaced (as required) to the centre line of the carriageway or to sufficient distance from the kerb to achieve a uniform transition into the existing pavement profile.
  - (vi) The retention and repair of any existing pavement lights.
  - (vii) The retention and repair of any existing serviceable stone gutters to achieve a uniform kerb and gutter longitudinal grading free of vertical displacement of greater than 5mm between adjacent units.
  - (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in

flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.

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

Note:

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

## **TELECOMMUNICATIONS PROVISIONS**

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

## **PUBLIC ART**

- (52) 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**

- (53) 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.

## **RECEPTACLES FOR CIGARETTE BUTTS**

- (54) Provision must be made on the site, adjacent to the entrance/s to the building, for an adequate number of receptacles for the disposal of cigarette butts. Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the location and design of the receptacle/s must be approved by Council. The receptacle/s must:-

- (a) be located entirely on private property and must not be located on or over Council's footpath;
- (b) not obstruct any required means of egress or path of travel from the building required by the Building Code of Australia;
- (c) not obstruct any required access/egress path for people with disabilities;
- (d) be appropriately secured to the building;
- (e) the emptying and maintenance of the receptacle/s is the responsibility of the building owner/manager and will not be undertaken by Council; and

- (f) emptying of receptacle/s must be carried out on a daily basis.

## **NOISE REDUCTION**

(55) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an acoustic assessment report must be submitted to and approved by Council or the private accredited certifying authority addressing the requirements of the Central Sydney DCP 1996 Amendment No.5 Internal Residential Amenity. The approved drawings and specifications for construction are to be in accordance with the following:

- (a) The report shall indicate measures to preserve the amenity for residents/apartment users such that the repeatable  $L_{Aeq}$  (1 hour) level will not exceed the following levels:-

- (i) In a naturally ventilated - windows closed condition:

- |    |   |      |
|----|---|------|
| a. | Sleeping areas (night time only: 2200-0700) | 35dB |
| b. | Living areas (24 hours)                     | 45dB |

- (ii) In a naturally ventilated - windows open condition, (ie windows open up to 5% of the floor area, or attenuated natural ventilation open to 5% of the floor area):

- |    |   |      |
|----|---|------|
| a. | Sleeping areas (night time only: 2200-0700) | 45dB |
| b. | Living areas (24 hours)                     | 55dB |

- (iii) Where a naturally ventilated - windows open conditions cannot be achieved, it is necessary to incorporate mechanical ventilation or air conditioning.

- (iv) The following repeatable maximum  $L_{Aeq}$  (1 hour) levels shall not be exceeded when doors and windows are shut and mechanical ventilation or air conditioning is operating. These levels correspond to the combined measured level of external sources and the ventilation system operating normally:-

- |    |   |      |
|----|---|------|
| a. | Sleeping areas (night time only: 2200-0700) | 38dB |
| b. | Living areas (24 hours)                     | 46dB |

- (b) In the preparation of the report:

- (i) The environmental noise monitoring at the site of the proposed development shall be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations;

- (ii) The repeatable maximum  $L_{Aeq}$  (1 hour) for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified, and
- (iii) The  $L_{Aeq}$  (1 hour) noise levels within living rooms and bedrooms with windows and doors both open and closed shall be shown.
- (c) All residential buildings and serviced apartments are to be designed and constructed in accordance with the above criteria. The completed work must comply with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

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

(56)

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

Note:

- (i) For Quick Check agent details please refer to "your business" section of Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then see Building and Renovating under the heading Building & Developing, or telephone 132 092.
- (c) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a (Developer) Compliance Certificate under Section 73 of the Sydney Water Act 1994 must be submitted to the Principal Certifying Authority (Council or a private accredited certifier).

Note:

- (i) Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the "Notice of Requirements". Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building,



driveway or landscape design. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to “your business” section of Sydney Water’s website at [www.sydneywater.com.au](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.
- (57) 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.

#### **AWNINGS**

- (58) The awning/canopy must comply with the City of Sydney Awnings Policy 2000 and full details of the awning, including position, materials and colour shall be submitted for the approval of the Director City Planning, Northern Zone, prior to the release of the Construction Certificate.

#### **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.
- (60) The unit(s) designated for persons with disabilities shall be designed so as to allow for future fit out in accordance with AS 1428.1 - 1993 “Design for Access and Mobility”.
- (61) Parking space(s) designed for persons with a disability must be available for use in conjunction with the unit(s) designated for persons with a disability. Such unit(s) shall be linked in any future strata subdivision of the building.

#### **UNDER AWNING LIGHTING**

- (62) 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.

### **ACOUSTIC PRIVACY BETWEEN UNITS**

(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 the Certifying Authority (Council or a private accredited certifying authority) addressing the requirements of the Central Sydney DCP 1996 Amendment No.5 Internal Residential Amenity. The approved drawings and specifications for construction are to be in accordance with the following:-

- (a) In order to assist acoustic control of airborne noise between units:
  - (i) A wall shall have a Field Sound Transmission Class (FSTC) of not less than 50 if it separates sole occupancy units or a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like.
  - (ii) A wall separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an FSTC of not less than 55.
  - (iii) A floor separating sole occupancy units must not have a FSTC of less than 50.
- (b) In order to assist acoustic control of impact noise between units:
  - (i) A floor shall have an Impact Isolation Class (IIC) of not less than 50 if it separates habitable rooms of sole occupancy units or a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like.
  - (ii) A floor separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an IIC of not less than 55.
  - (iii) Walls between sole-occupancy units shall comply with impact sound resistance standards specified in the BCA.
- (c) Council or the private Principal Certifying Authority must ensure that the completed work complies with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

### **STORMWATER AND DRAINAGE**

(64) 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.

#### **ALIGNMENT LEVELS**

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

#### **UTILITY SERVICES**

- (67) 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.

- (68) 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.

- (69) 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 FOR RESIDENTIAL DEVELOPMENTS**

- (70) 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.
- (71) All requirements of the approved Building Waste Management Plan must be implemented during the construction of the development.

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

- (72) 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.

#### **SANITARY FACILITIES**

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

## GEOTECHNICAL REPORT AND CERTIFICATION

- (74) 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.
- (75) 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.
- (76) 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.
- (77) For areas not complying with the deemed to satisfy provisions of the BCA an alternate solution will be required to demonstrate compliance with the performance requirements stipulated in the BCA. Any alternative solution must be submitted and approved by the Certifying Authority prior to the issue of the construction certificate. The following information must be provided:-
- (a) Details of the performance requirements that the proposed alternative solution is intended to meet; and
  - (b) Details of the assessment methods used to establish compliance with those performance requirements.

## Schedule 1C

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

#### DEMOLITION DETAILS

- (78) 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

- (79) 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.

- (80) 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.

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

#### **OTHER DEMOLITION DETAILS**

- (82) Prior to the commencement of demolition work, the following additional details are required to be submitted to the Principal Certifying Authority (PCA) (Council or a accredited certifier), and a copy submitted to Council if its not the PCA:-

- (a) A Statement/Letter from an appropriately qualified Structural Engineer certifying concurrence with the structural provisions of the Demolition Work Method Statement and proposed work. If applicable, a Structural Report of the proposed building to be demolished must be attached.
- (b) A Letter nominating the person appropriately qualified as an Occupational Hygiene Consultant for inspecting the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to WorkCover Authority.
- (c) Dilapidation Report/s of adjoining buildings are to be submitted by an appropriately qualified Structural Engineer prior to commencement of demolition/excavation works, and at completion of demolition/excavation works.
- (d) A certified copy of the Public Liability Insurance indemnifying Council for \$10,000,000 against public prosecution for the duration of the demolition works.
- (e) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the WorkCover Authority.

## EXCAVATION WORK METHOD STATEMENT

(83) Prior to commencement of site excavation works, an Excavation Work Method Statement prepared by an appropriately qualified person must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or an accredited certifier) and a copy submitted to Council (if it is not the PCA). The Statement must include:-

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

Note:

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

## **SITE CONTAMINATION**

- (84) Prior to commencement of site excavation works, the recommendations of the Preliminary Environmental Assessment, submitted with the Stage 2 development application and prepared by Hibbs & Associates Pty Ltd, dated December 2003 (Ref: S3312) shall be satisfied. In particular, soil sampling of the clay fill material and the earth beneath the ramp must be undertaken prior to the commencement of development works and written verification from a suitably qualified consultant that this has been done shall be submitted for the approval of Council.
- (85) If the 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.

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

- (86) 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.

## **ROCK CUTTING INTO BLOCKS**

- (87) 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.

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

- (88) 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**

- (89) 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**

- (90) 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.
- (91) 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.
- (92) 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.
- (93) 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.

- (94) 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.
- (95) A maintenance plan for the awning 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 awning. The maintenance plan and schedule are to include annual inspection of steelwork, connections and support, regular cleaning of drains and the footpath under the awning, tri-annual repainting of the awning, regular cleaning of lighting and replacement of defective lighting, and regular cleaning of the awning glazing at least every six months or more frequently if required.

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

- (96) 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**

- (97) 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).
- (98) 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.
- (99) The Road Opening Permit will be subject to further conditions that shall be complied with.

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

### **PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION**

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

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

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

### **ENVIRONMENTAL PROTECTION DURING CONSTRUCTION**

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

- (a) Prior to the commencement of construction work, a Water and Sediment Control Statement must be submitted and approved by the Principal Certifying Authority.
- (b) Such statement must include:
  - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
  - (ii) The proposed method of discharge;
  - (iii) The procedures to be adopted for the prevention of run-off from the site onto the public way;
  - (iv) The procedures to be adopted for the prevention of loose material and litter from being blown onto the public way;



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

#### **CONTROL OF VERMIN**

- (103) 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**

- (104) 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**

- (105) 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.
- (106) 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**

- (107) 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.

(108) The applicant must ensure that adequate precautions against fire are made on the site during construction works prior to the occupation of the building. In this regard the following measures must be implemented.

- (a) Fire services must be provided in accordance with E1.9 of the Building Code of Australia;
- (b) An emergency response plan must be developed for the site that includes:-
  - (i) An emergency response point where emergency agencies (fire brigade, police, ambulance, gas and electricity authorities) should access the site;
  - (ii) Preparation of a floor plan showing the layout of the building, including the location of the electrical switchboard, installed fire services, and valve and control locations;
  - (iii) Preparation of a contact list of Project Managers and a designated "Emergency Officer";
  - (iv) Provision of a hardstand area where fire brigades or police can set up operations.
- (c) Prior to commencement of work the emergency response plan must be submitted to the police, ambulance and fire brigade for evaluation and assessment.

## **Schedule 1D**

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

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

(109) 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**

- (110) 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.

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

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

(112) 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**

(113) 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**

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

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

(115) The applicant shall ensure that lighting of the site, whilst any work is undertaken outside of Council's standard hours of construction, is such that, at no time will the intensity, hours of illumination or location of the lighting cause injury to the amenity of the neighbourhood. If in the opinion of Council, injury is likely to be caused, the intensity, hours of illumination and location of the lighting must be varied so that it does not cause injury to nearby residents.

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

(116) The following requirements apply:-

- (a) All loading and unloading associated with construction must be accommodated on site.
- (b) The structural design of the building shall be such as to permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (c) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a construction 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.

(117) 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.

(118) 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.

(119) 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.

#### **SOIL AND SEDIMENT PROSECUTION NOTE**

(120) Note: The applicant and/or employees, agents or subcontractors may be liable to prosecution under the Environmental Planning & Assessment Act, 1979 for a breach of a condition, or Protection of the Environment Operations Act, 1997 for a pollution offence if sediment, including soil, excavated material, building materials or other materials are allowed to fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways or be placed in a position where any of the aforementioned may occur which results in, or is likely to result in pollution. The applicant shall ensure that its employees, agents or subcontractors provide and maintain sediment control measures and suitable site practices to protect the stormwater system or waterways from the ingress of sediment. A warning notice shall be erected on the site in a clear and conspicuous position and is available from Council.



## **Schedule 1E**

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

#### **NUMBERING**

- (121) Prior to issue of an Occupation Certificate, street and shop 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.

#### **COMPLIANCE CERTIFICATE FOR NOISE REDUCTION**

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

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

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

#### **CERTIFICATION OF GEOTECHNICAL INSPECTION**

- (124) 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.

### **MECHANICAL VENTILATION PERFORMANCE CERTIFICATE**

- (125) 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**

- (126) 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.
- (127) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.

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

- (128) For temporary shoring, a separate application must be lodged to Council under the provisions of Section 68 of the Local Government Act 1993.
- (129) 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.

- (130) Prior to the issue of an Occupation Certificate, a 'Certificate of Completion' issued by the City's Development Engineer must be submitted to the Principal Certifying Authority (PCA) for the public domain works including stormwater drainage connections. Any bank guarantees held by the City to pertaining to these works will only be released after the 'Certificate of Completion' has been issued.

### **CERTIFICATION FOR STRUCTURAL INSPECTIONS**

- (131) 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.

- (132) 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.

- (133) 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.

- (134) All doors serving as required exits or forming part of a required exit shall be provided in accordance with D2.19, D2.20 and D2.21 of the Building Code of Australia. Where it is proposed to fit a lockset, failsafe device or any security equipment to a door, a Compliance Certificate (in accordance with Clause 138 of the Environmental Planning and Assessment Regulation 2000) shall be obtained to the satisfaction of the Principal Certifying Authority (Council or a private accredited certifier) prior to installation.
- (135) Any door, shutter, grille or the like which is installed in a path of travel to a required exit shall be provided in accordance with D2.21 of the Building Code of Australia. Where it is proposed to fit a lockset, failsafe device or any security equipment to a door, a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) shall be obtained to the satisfaction of the Principal Certifying Authority (Council or a private accredited certifier) prior to installation.
- (136) Exit signs with directional arrows where necessary, shall be provided in accordance with E4.5, E4.6 and E4.8 of the Building Code of Australia.
- (137) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".

#### **WASTE MANAGEMENT CERTIFICATION OF COMPLETION**

- (138) 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.

- (139) 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.

- (140) 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.

### **LOT CONSOLIDATION**

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

### **COMMEMORATIVE PLAQUE**

- (142) The following is required:-

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

- (143) The swimming pool shall comply with AS 1926.

## **Schedule 1F**

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

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

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

#### **REMOVAL OF GRAFFITI**

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

#### **WINDOW CLEANING**

- (146) 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.

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

#### **NOISE - USE**

- (148) 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 subclause 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**

- (149) 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.

- (150) Portable signs or goods for sale or display must not be placed on the footway or other public areas.
- (151) The glass shop front must not be tinted, screened by blinds, curtains or the like or obscured.
- (152) 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.

#### **SEWER DISCHARGE**

- (153) That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water.

#### **SANITARY FACILITIES IN CLASS 2 TO 9 BUILDINGS**

- (154) That sanitary and clothes washing facilities shall be provided in accordance with the requirements of F2.3 of the BCA.

#### **ITEM 5. SECTION 96(2) APPLICATION: 710-722 GEORGE STREET, SYDNEY (D/2002/00800)**

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 13 May 2004, in relation to a Section 96(2) application made by Root Projects Australia to modify the Stage 1 Development Consent D/2002/00800 for the site at 710-722 George Street, Sydney, it be resolved that:-

- (A) consent be granted and the following modifications shown in *bold italics* be made to the stage 1 consent notice:-

- (1) Amend the description of the Development Consent to read:

“Stage 1 building envelope including the demolition of existing commercial and retail buildings at 710-722 George Street; a building envelope comprising two tower elements with a common podium including a maximum building height of 112.2 metres and floor space ratio of ~~12.61:1~~ *11.96:1*; land uses



comprising a ~~35~~ 36 storey mixed use retail/commercial and residential building.

(2) Amend condition (A) to read:

(A) Consent be granted under the provisions of Section 80(4)(A) of the Environmental Planning and Assessment Act 1979 solely for the following:

- (i) A building envelope containing two tower elements with a common podium;
- (ii) Land uses comprising retail and commercial office use in the podium and two residential tower elements of the building;
- (iii) A total floor space area of ~~24,370~~ 23,126 sqm;
- (iv) The demolition of the existing improvements on the site upon approval of the Stage 2 development application and the associated Construction Certificate and satisfying any relevant conditions on Stage 2 development consent; and
- (v) Vehicular access from Cunningham Street (subject to increasing the access width).
- (vi) Consent is not granted for the number or layout of the units.

(3) Delete condition (B) in its entirety:

~~(B) *The CSPC supports the process of allowing a Stage 1 development approval and for the applicant to proceed to the competition process. However, some concerns are held regarding the unusual and complex form of the Stage 1 building envelope. In this regard, it is expected that the ultimate form of the building will be developed and improved through the Stage 2 design competition process and furthermore, that the resulting building form will evolve to exhibit design excellence.*~~

~~*The Committee advises that a Stage 2 application which proposes a building form which closely reflects or mimics the Stage 1 building envelope is unlikely to be supported. The achievement of design excellence in the Stage 2 DA may not result in the yield/FSR anticipated in the Stage 1 DA being realised.*~~

(4) Amend condition (1) to read:

#### **APPROVED DEVELOPMENT**

(1) Development must be in accordance with the following:

- (a) Development Application No. D2002/00800 dated 8 November 2002;

- (b) The Statement of Environmental Effects titled “*Stage 1 Development Application - Residential and Commercial Development: 710-722 George Street, Sydney*” prepared by Planning Matters Pty Ltd dated November 2002 and supplemented by letter (3 pages) from Planningmatters Pty Ltd dated 4 December 2003;
- (c) Letter from Project Architecture dated 7 March 2003
- (d) ~~*Drawings labelled DA1-A to DA4-A dated March 2003, DA-533-300-A to 302-A dated March 2003 Figure D1, D2, D3, D4 and 15, dated 30 March 2004*~~ prepared by Project Architecture.

and as amended by the following conditions:

- (5) Amend condition (10) to read:

#### **FLOOR SPACE AREA**

- (10) The following applies to Floor Space Area:

- (e) The Floor Space Area of all buildings on the land must not exceed ~~24,370sqm or 12.61:1~~ **23,127sqm or 11.96:1** in accordance with Clauses 35 and 36 of the Central Sydney Local Environmental Plan 1996. However, this may reduce in the Stage 2 DA through the competitive process and pursuit of design excellence.
- (f) **Prior to issue of an Occupation Certificate** under the Environmental Planning and Assessment Act 1979 of the development, a Registered Surveyor shall provide certification of the total and component Gross Floor Area (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).
- (g) The quantum of heritage floor space to be purchased is to be determined by the Stage 2 application and the statutory provisions applying at the time.

- (6) Amend condition 11 to read:

#### **BUILDING HEIGHT**

- (11)

- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed the following:
  - (i) Cunningham Street tower: RL 118.20 or 112.2 metres (~~35~~ **36** storeys)

- (ii) George Street Tower (mid rise): ~~RL 59.80~~ **RL 66** or 60 metres (~~16 18~~ storeys)
- (iii) George Street podium: ~~RL 33.0 or 27 metres~~ **RL 19.75 or 13.75 metres on the northern end of the podium, RL 21.10 for the northern podium plant only and RL 30.78 or 24.78 metres for the southern podium.**

*Note: The building must comply with the Belmore Park Sun Access Plane.*

- (h) **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).
- (7) Add new condition (60):

#### **VERIFICATION OF FLOOR TO CEILING HEIGHTS**

- (60) **Prior to the issue of the Construction Certificate** under the Environmental Planning and Assessment Act 1979, written verification and 1:50 scale sections from a suitably qualified structural engineer are to be submitted, to the satisfaction of Council, certifying that all habitable rooms in residential units can achieve a minimum floor to ceiling height of not less than 2.7 metres, all within the building envelope, hereby approved.

#### **ITEM 6. DEVELOPMENT APPLICATION: 'SITE C', WORLD SQUARE (CNR PITT AND GOULBURN STREETS, SYDNEY (D/2002/00800))**

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

Ms Sandra Robinson  
 Mr Marek Kozlowski  
 Ms Mary Kernaghan  
 Ms Lily Cheung  
 Mr Steven Cheung  
 Mr Kevin Ngo  
 Ms Muoi Duong  
 Mr Gordon Boughton  
 Mr John Chin  
 Ms Xun Shen Cjinj  
 Mr Godwin Sammut  
 Mr Bill Corker - Denton Corker Marshall Architects  
 Mr Dennis O'Regan – Multiplex Constructions Pty Ltd

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 13 May 2004, in relation to Development Application 2003/00469 made by Latitude Project Pty Ltd for the site at Site C, 644-662 George Street, Sydney, for a Stage 1 building envelope, comprising a tower element with a podium (above an approved and partially constructed two level podium and car park below) including a maximum building height of RL117 and Floor Space Area of 24,888sq m and land uses comprising a mixed commercial and residential building, it be resolved that:-

- (A) A deferred commencement consent be granted pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to the following conditions:-

#### **DEFERRED COMMENCEMENT**

This consent shall not operate until such time as conditions 1 - 3 listed below are complied with to the satisfaction of the Central Sydney Planning Committee. The information is to be formally submitted to Council within 6 months of the date of this determination, otherwise this consent will lapse:-

#### **AMENDED BUILDING ENVELOPE**

- (1) The northern section of the podium is to match the height of the Hordern Towers' podium, with an appropriate transition from the podium height to Goulburn Street.
- (2) The elevated portion of the tower (under-croft) area to north-west of the site is to be filled in.
- (3) The Gross Floor Area to achieve 1 and 2 above is to be taken from the tower element, specifically from the north-south horizontal dimension (particularly from the north) to improve view corridors from Hordern Towers to more closely match the 40metres maximum horizontal dimension set by the Central Sydney DCP 1996 to reduce view impacts.

Upon satisfactory compliance with the requirements of the deferred commencement condition (to the satisfaction of the CSPC) above, the consent shall operate subject to the following conditions of Part B and C below, and any conditions reasonably arising from compliance with the condition above.

- (B) Consent be granted under the provisions of Section 80(4)(A) of the Environmental Planning and Assessment Act 1979 for the following:-
- (1) A building envelope for extension of the existing two level podium and a tower element above;
  - (2) Land uses comprising commercial offices and residential in the podium and residential in the tower, with vehicular access to the building off Goulburn Street;

- (3) A total gross floor area of 24,888sqm, on 'Site C';
  - (4) A maximum building/envelope height of RL117 including plant; and
  - (5) No increase in parking, with all parking provided from spaces already existing on the site.
- (C) Schedule 1 - Approved Development, Contributions and Covenants:

**APPROVED DEVELOPMENT**

- (1) Development must be in accordance with the following:
  - (a) Development Application No. D2003/00469 dated 11 June 2003 and as modified by the plans submitted 29 January 2004 and the requirements of the deferred commencement consent;
  - (b) The Statement of Environmental Effects titled "Amendment Stage 1 Development Application - Latitude at World Square, site C" prepared by JBA dated January 2004;
  - (c) Letter from Mel Consultants Pty Ltd, dated 22 January 2004
  - (d) Drawings numbered 7219 identified as 'Precinct Plan', 'Envelope - Pitt Street (east)', 'Envelope - Goulburn Street (south)', 'Precinct Plan - Tower Envelope', 'Precinct Plan - Podium Envelope', 'Elevation - Pitt Street (east)', 'Elevation - Goulburn Street (south)', dated January 2004 prepared by Denton Corker Marshall, except where amended by the requirements of the deferred commencement consent.

and as amended by the following conditions:

**APPROVED DESIGN**

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

**COMPETITIVE PROCESS**

- (3) A competitive process with three architects being undertaken prior to the lodgement of a Stage 2 Development Application, and that the competitors seek solutions which may improve the view corridors from Hordern Towers.

**THE STAGE 1 BUILDING ENVELOPE CONTROLS**

- (4) The Stage 2 development is to fit wholly within the building envelope indicated on the drawings submitted as part of the deferred commencement condition and height referenced in Condition 6(a) of this consent. In this regard, the Stage 2 development application should demonstrate a consistency with the objectives and provisions of the Central Sydney Local Environmental Plan 1996 and Development Control Plan 1996 and the Central Sydney Heritage Local Environmental Plan 2000.

### **PODIUM ROOF**

- (5) The roof of the podium to the west of the tower is to be treated so that it is able to support a urban roof garden. Details of the garden form are to be submitted with the Stage 2 DA.

### **PODIUM DESIGN TO PITT AND GOULBURN STREETS**

- (6) The design of the Pitt and Goulburn Streets Podium shall match to the podium height of the adjacent Latitude commercial/retail and Hordern Towers/Avillion Hotel with an appropriate transition in between to provide a complete and coherent edge to the World Square precinct;

Final design details for the Pitt and Goulburn Streets podium including part sections at a scale of 1:50 at the boundaries are to be submitted with the Stage 2 application.

### **MATERIALS AND SAMPLES BOARD**

- (7) A complete materials board including all external finishes, colours and specifications including all glazing must be submitted with the Stage 2 development application for the approval of the Council. Quality materials, finishes and detailing is 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 with the neighbouring buildings.

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.

### **FLOOR SPACE AREA**

- (8) The following applies to Floor Space Area:-
- (a) The Floor Space Area of all buildings on the land (Site C) must not exceed 24,888sqm or 6.6:1, in accordance with Clauses 35 and 36 of the Central Sydney Local Environmental Plan 1996. The GFA is to be detailed by schedule and floor plans (surveyed by a registered surveyor) at the stage 2 DA.
  - (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979 of the development, a Registered Surveyor shall provide certification of the total and component Gross Floor Area (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

## **BUILDING HEIGHT**

(9)

- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL117, including plant.

Note:

The building must comply with the Belmore Park Sun Access Plane.

- (b) A restrictive covenant is to be created pursuant to Section 88E of the Conveyancing Act, 1919, restricting the site to a maximum developable height of RL 117. 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.
- (c) 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).

## **CONSISTENCY OF DRAWINGS**

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

## **INTERNAL AMENITY**

- (11) The design resolution of this building should ensure that appropriate architectural devices are incorporated into the design to minimise the potential for overlooking and loss of amenity within the development and to surrounding buildings. The use of devices including sun-shading device, louvres screens etc should be detailed in the Stage 2 development application.

## **SOLAR ACCESS REPORT**

- (12) A Solar Access Report is to be submitted with the Stage 2 application to demonstrate that acceptable solar access is provided to the proposed dwelling units in accordance with Clauses 6.1.4 and 6.1.6 of the Central Sydney DCP 1996.

## **RESIDENTIAL UNIT DESIGN**

- (13) The Stage 2 application is to be designed to ensure compliance with the Part 6-Residential Buildings and Serviced Apartments of the Central Sydney Local Environmental Plan 1996 including the following:-
- (a) The mix of units within the development is to comply with Clause 6.1.27;
  - (b) The unit sizes are to comply with Clause 6.1.34;
  - (c) Storage as required by Clauses 6.1.22 and 23;
  - (d) Minimum 2.7metres floor to ceiling height;
  - (e) Lift shafts from street and car park levels directly to the residential tower.

Details demonstrating compliance are to be submitted with the Stage 2 application.

## **PLANTATION OR RECYCLED TIMBERS**

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

## **GREY WATER**

- (15) 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 Development Application.

## **ESD**

- (16) The Stage 2 development application shall be in accordance with the recommendations of the ESD Report for Stage 1 prepared by Norman Disney & Young dated 6/6/03. Further investigations are to be made into the recycling/reuse of grey water on site, solar energy collection and use, rain water collection and storage on site for grey water usage.

Where the Norman Disney & Young report makes recommendations regarding modifications to the development, details regarding compliance with the recommendations of the reports are to be submitted and fully documented with the Stage 2 development application. The report is to be complemented with the investigations into achieving a 4.5 NAters star rating; minimise energy use; improve energy efficiency and the recycling/reuse of grey water on site; solar energy collection and use, rain water collection and storage on site for grey water usage.



## **PLANT ROOMS AND ROOF TOP DESIGN DETAILS**

- (17) 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 design detail for all external plant rooms including materials and finishes are to be submitted with the Stage 2 application. The plant is not to exceed the maximum height limit for the site as defined by the Central Sydney Local Environmental Plan 1996 and all roof-top plant and associated equipment (including roof top plant rooms, parapets and screening devices) shall be located within the approved Stage 1 building envelope and fully integrated into the building design.

Note:

In satisfying the Building Code of Australia provisions relating to such services, should the plant exceed the approved building envelope, then further approval is required from the consent authority.

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

- (18) Design details for all roof top areas are to have a high standard of finish and design. Rooftop gardens/terraces are encouraged and visual / acoustic privacy, security, safety and wind effects are to be considered in the design resolution of roof top areas.

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

## **CONSTRUCTION MANAGEMENT REPORT**

- (19) 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 Pitt and Goulburn Streets and surrounding streets during the peak traffic times are minimized; and
  - (d) To provide details for pedestrian management in Pitt Street and Goulburn Street during the construction period including measures to ensure access to the adjoining buildings is not adversely affected.

- (e) To assess the combined impacts of construction activities in the area and present recommendations to ameliorate the combined impacts.

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

### **TRAFFIC AND PARKING PLAN**

- (20) A Traffic & Parking Plan shall be submitted, including reconciling the number and location of car parking within the development for the subject site and relationship with other developments and the public car park.

### **GLAZING**

- (21) 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.

### **SHADOW DIAGRAMS**

- (22) 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.

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

- (23) Access to the development shall be in accordance with the requirements of "The City of Sydney Access Policy December 1992".
- (24) Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and Council's Access Policy.

### **BCA MATTERS**

- (25) 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.

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. 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.

## **SIGNAGE STRATEGY**

- (26) A Preliminary Signage Strategy which identifies the number, type, size and location of any 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.

## **DEMOLITION/SITE RECTIFICATION**

- (27) No demolition or construction shall commence in relation to this Stage 1 development until a Stage 2 development application is approved and an associated Construction Certificate.
- (28) 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 \$500,000 as security for the costs of such works provided that:
      - a. the maximum liability under the Deed shall not exceed \$500,000; and
      - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works which meet the objectives of the condition.
    - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
      - a. demolition of the existing building has commenced but not been completed;
      - b. the existing building has been demolished; or
      - c. the site has been excavated; or
      - d. the structure has commenced to be erected;

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

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

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

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

## **DEVELOPMENT COST- STAGE 2**

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

- (30) A cash contribution comprising 1% of the total cost of the development, is payable to the City of Sydney pursuant to section 61 of the City of Sydney Act and the "City of Sydney Section 61 Contributions Plan 1997" in accordance with the following:-
  - (a) Prior to the release of the construction certificate, evidence must be provided of Council's written verification of the amount of the

contribution as required in (b) below, and then that the levy has been paid to the Council in accordance with this condition. Payment shall be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney.

- (b) The contribution shall not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" indicating the itemised cost of the development shall be completed and submitted to Council by the CERTIFYING AUTHORITY, together with copies of the plans the subject of the application for the construction certificate. A copy of the required format for the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" may be obtained from the City of Sydney One Stop Shop and the City of Sydney's website ([www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au)).
- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the CERTIFYING AUTHORITY accordingly.
- (d) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation, electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, Building Code of Australia compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (e) below.
- (e) The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.

## **WIND ASSESSMENT**

- (31) A full wind assessment report based on wind tunnel tests is to be completed prior to holding of the design competition and the results are to be included in the design brief. The design of the building lodged with the Stage 2

development application is to fully address all wind amelioration issues arising out to the wind report.

## **NOISE REDUCTION**

(32) An acoustic assessment report must be submitted with the Stage 2 application to address the requirements of the Central Sydney DCP 1996 Amendment No.5 Internal Residential Amenity. The 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) The completed work must comply with the above conditions prior to issuing an Occupation Certificate.

### **PUBLIC DOMAIN PLAN**

(33) 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**

- (34) The applicant must liaise with Energy Australia regarding their requirements for any electrical substations on the site. (Details of the size, design and location of any substation/s shall be included in the Stage 2 development application to the satisfaction of Energy Australia and shall be incorporated within the building envelope.)

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

(35)

- (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**

- (36) 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**

- (37) 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.

### **STORAGE AND HANDLING OF WASTE**

- (38) The Stage 2 development must be designed to meet the following requirements for storage and waste handling:-

- (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with Council's Code for Waste Handling in Buildings (adopted 17 October 1994). The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of the Code). A Preliminary Waste Management Plan shall be submitted with the Stage 2 application and must address compliance with the Waste Code including details of the following, where applicable:
- (i) The location, design and construction of the garbage room, recycling rooms, bin washing areas and collection areas.
  - (ii) The natural or mechanical ventilation, in accordance with the Building Code of Australia and Australian Standard 1668.
  - (iii) The location and design of any garbage chutes or compaction units required by Council's Code.
  - (iv) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.

Note:

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

- (39) 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.

#### **SUBDIVISION APPROVAL**

- (40) A separate development application for any subdivision must be made to Council.

#### **PHYSICAL MODELS**

- (41) 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.
- (42) 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 City Exhibition Space 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 S.96(2) of the Environmental Planning and Assessment Act 1979, that affect the external appearance of the building.

The motion was carried on the following show of hands -

Ayes (4) Neil Bird, Chris Johnson, Antoinette le Marchant, Jennifer Westacott

Noes (3) The Lord Mayor, Councillor Harris, Councillor McInerney

Motion carried.

#### **ITEM 7. APPLICATION TO MODIFY STAGE 1 DEVELOPMENT CONSENT UNDER SECTION 96(2): 849-855 GEORGE STREET AND 732 HARRIS STREET, SYDNEY (D/02/00650)**

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 13 May 2004, in relation to an Application to Modify Development Consent No D/02/00650 made by Crone Nation Architects for the site at 849-855 George Street and 732 Harris Street, Sydney, for amendments to the approved building envelope and modification to Stage 1 consent conditions, it be resolved that consent be granted subject to the following conditions (involving modifications to conditions 1, 6, 24, 25, 36, 37, 39 and 44):-

## Schedule 1

### Approved Development, Contributions and Covenants

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

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

### Approved Development, Contributions and Covenants

#### APPROVED DEVELOPMENT

- (1) Stage 1 development consent is granted for:-
- (a) the arrangement of uses within the development, but not the actual unit layouts/balconies (and with the exception of the proposed amendments and investigations); and
  - (b) the maximum floor space ratio of the development; and
  - (c) the maximum height of the building and its envelope and massing;

as detailed in the submitted Development Application D2002/00650, dated 20 September 2002, the associated Statement of Effects documents, *and application made under Section 96(2) of the Act dated 27 August 2003* and the following plans as prepared by Crone Nation Architects:

Plan	Date
<i>ADA B 1106</i>	<i>4 November 2002</i>
<i>ADA B 1102</i>	<i>4 November 2002</i>
<i>ADA B 1101</i>	<i>4 November 2002</i>

<del>ADA Z 1001</del>	<del>4 November 2002</del>
<del>ADA Z 1002</del>	<del>4 November 2002</del>
<del>ADA Z 1003</del>	<del>4 November 2002</del>
<del>ADA Z 1006</del>	<del>4 November 2002</del>
<del>ADA Z 1007</del>	<del>4 November 2002</del>
<del>ADA Z 1009</del>	<del>4 November 2002</del>
<del>ADA Z 1012</del>	<del>4 November 2002</del>
<del>ADA Z 1016</del>	<del>4 November 2002</del>
<del>ADA Z 1100</del>	<del>4 November 2002</del>
<del>ADA Z 2101</del>	<del>4 November 2002</del>
<del>ADA Z 2102</del>	<del>4 November 2002</del>
<del>ADA Z 2103</del>	<del>4 November 2002</del>
<del>ADA 2104</del>	<del>4 November 2002</del>
<del>ADA 3102</del>	<del>4 November 2002</del>
<del>ADA Z 3101</del>	<del>4 November 2002</del>
ADA 1001	26 August 2003
ADA 1002	26 August 2003
ADA 1003	26 August 2003
ADA 1004	26 August 2003
ADA 1007	26 August 2003
ADA 1008	26 August 2003
ADA 1009	26 August 2003
ADA 1010	26 August 2003
ADA 1016	26 August 2003
ADA 1017	26 August 2003
ADA 2101	26 August 2003
ADA 2102	26 August 2003



*imposition of consent conditions on any Stage 2 consent* include:-  
(Amended by CSPC ....2004)

- (a) precise design details of the facades including details of the finishing materials to be used; to achieve a harmonious relationship in terms of materials, fenestration, proportions of elements and patterning of the façade. This includes a detailed materials schedule and sample board that clearly identifies all external finishes and colours and glazing;
- (b) specific attention be given to the amenity, daylight and privacy of the units adjoining the proposed boundary setback of the residential tower to the north-western corner of the site. Specific concern is raised regarding the access to daylight to units having a sole outlook facing the north-western light well. Detailed analysis (assessing the proposed UTS building to be built) must be provided and the lower level apartments may need to be converted into other uses;
- (c) further investigate the possibility of providing a through site link from George Street to the proposed pedestrian plaza;
- (d) investigate whether the proposed basement could provide alternative loading access for those premises fronting George Street who benefit from the existing right of way. This will require the consent of all owners who benefit from the right of way;
- (e) the treatment of the Harris Street vehicle entrance in terms of minimising pedestrian and vehicular conflict with the adjoining UTS DAB Building;
- (f) external lighting of the building;
- (g) security and safety measures for the proposed building and retail plaza area; and
- (h) a signage strategy for the building.

#### **ENERGY CONSERVATION**

- (7) The Stage 2 Development Application shall address in detail the energy conservation initiatives detailed in the Stage 1 Development Application, in particular the use of energy efficient plant, the use of energy efficient facade materials, and the energy efficiency of the proposed residential apartments.

#### **RIGHT OF WAY/ACCESS**

- (8) All vehicles who benefit from the right of way shall enter and exit in a forward direction.
- (9) The pedestrian/vehicle access proposed for the right of way and central courtyard is to be addressed in more detail in the Stage 2 Development Application, together with the concerns of neighbouring owners including the possibility of separation of vehicles and pedestrians.

The final proposal should seek to not limit existing service vehicle access rights.

- (10) The question of access to retail shops in 851-853 George Street is to be addressed. Access to the basement section must be maintained or alternative access provided; details of which must be provided in the Stage 2 Development Application.
- (11) The applicant is to provide a comprehensive plan of access, including those who have existing rights to use the right of way.

### **FLOOR SPACE RATIO**

- (12) The Floor Space Ratio of the proposal detailed in the Stage 2 development application must not exceed the maximum floor space ratio calculated in accordance with the mixed use formula contained in Part 5 of the Central Sydney Local Environmental Plan 1996.
- (13) Prior to the 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).

### **UNIT MIX AND APARTMENT LAYOUT**

- (14) The proposed unit mix to be detailed in the Stage 2 development application shall satisfy the unit mix provisions contained in Part 6 of the Central Sydney development Control Plan 1996.
- (15) The provision of two storey apartments and cross ventilated apartments in the Stage 2 development is encouraged as a general principle in order to provide for a high level of amenity for the intended occupiers of the apartments. In addition, the apartments within the heritage building are encouraged to maximise amenity, facilitate an appreciation of the internal spatial volumes and timber structure of the heritage building.
- (16) The design of the apartments fronting the northern boundary setback shall have special regard to the proposed outlook and amenity. In this regard details of how potential issues of overlooking and privacy, proposed apartments have adequate access to daylight and comply with outlook provisions, shall be submitted with the Stage 2 development application.

### **FLOOR TO CEILING HEIGHTS**

- (17) The floor to ceiling heights within all apartments is to be a minimum of 2.7m in accordance with the provisions of the Central Sydney Development Control Plan 1996.



**ACCESS**

- (18) 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 shall be provided with the Stage 2 development application.
- (19) The unit(s) designated for persons with disabilities shall be designed so as to allow for future fit out in accordance with AS 1428.1 - 1993 "Design for Access and Mobility".

**ARCHAEOLOGICAL INVESTIGATION**

- (20) The applicant shall engage a suitably qualified archaeologist to undertake detailed testing of the site to fully establish the level of significance prior to the design competition or the lodgement of a Stage 2 development application.
- (21) The Casey and Lowe report, which dates from the earlier 1996 scheme, shall be updated with information received from the detailed site testing and lodged with the Stage 2 development application. The applicant must keep the Director City Development and Projects informed of any significant archaeological discoveries and provision is to be made for public related opportunities (such as guided tours), interpretative signage, media releases and information leaflets to coincide with the archaeological investigation should any significant relics be revealed.

**HERITAGE**

- (22) The applicant is to commission an experienced conservation architect to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (23) The Stage 2 development application must satisfy the tests contained in Clause 11 of the Central Sydney Heritage Local Environmental Plan 2000 that include the need for the development to exhibit design excellence, be superior in quality to the existing heritage item, and make a superior contribution to the quality of the public domain to that made by the existing heritage item.

**CONSERVATION MANAGEMENT PLAN**

- (24) The submitted Conservation Management Plan (CMP) shall be amended and resubmitted for approval prior to the submission of the Stage 2 development application. In this regard a scope of conservation works and the

Conservation Management Plan (CMP) needs to be revised in accordance with *a CMP checklist provided by Council (dated September 2003)* prior to *the issue of any Stage 2 consent lodgement of the Stage 2 Development Application:- (Amended by CSPC ....2004)*

- (a) In carrying out these amendments to the CMP, the applicant's heritage architect should liaise with Council's heritage specialist; and

The Stage 2 development application shall be consistent with the approved CMP. *(Amended by CSPC .... 2004)*

## **HERITAGE INTERPRETATION STRATEGY**

- (25) A "Heritage Interpretation Strategy" for the site must be prepared prior to the issue of any Stage 2 consent *or, subject to the agreement of the consent authority, by way of the imposition of consent conditions on any Stage 2 consent*, to interpret the previous uses of the site as "Cyclorama" and "Glacarium". *(Amended by CSPC .... 2004)*
- (26) The siting and location of interpretative material shall be such as to be of maximum benefit to the public understanding of the place and these details are to be included in the strategy.
- (27) The approved Interpretation Strategy shall be implemented to the satisfaction of the Director City Development and Projects prior to the issue of an Occupation Certificate for the development.

## **CAR PARKING**

- (28) The number of car parking spaces to be provided in the Stage 2 development application shall not exceed the maximum car parking allowed under Part 6 of the Central Sydney Local Environmental Plan 1996.
- (29) On site servicing shall be provided within the basement car park in accordance with the provisions of Part 5 of the Central Sydney Development Control Plan 1996.
- (30) The layout plan of the car park is to be in accordance with Australian Standard AS 2890.1 - 1993 "Parking Facilities Part 1: Off Street Car Parking".
- (31) The layout of the service vehicle areas is to comply with Australian Standard AS 2890.2 - 1989 "Off Street Parking Part 2 - Commercial Vehicles Facilities".
- (32) 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.

## ROADS AND TRAFFIC AUTHORITY CONSENT

- (33) The Roads and Traffic Authority must consent to the location of the proposed driveway entry on Harris Street prior to any design competition and the lodgement of any Stage 2 development application.

## WASTE

- (34) 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). Details shall be submitted with the Stage 2 development application.

## NOISE

- (35) The apartments shall be designed to comply with the noise reduction requirements of the Central Sydney DCP 1996 Amendment No.5 Internal Residential Amenity. Details shall be submitted with the Stage 2 development application.

## SIGNS

- (36) Details of a signage strategy for any proposed signs which are either externally fitted or applied to the building shall be submitted for approval with the Stage 2 Development Application *or, subject to the agreement of the consent authority, by way of the imposition of consent conditions on any Stage 2 consent.*

A separate development application must be submitted at the appropriate time for the approval of Council prior to the erection or display of any such signs. *(Amended by CSPC .... 2004).*

## PUBLIC ART

- (37) 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 *or, subject to the agreement of the consent authority, by way of the imposition of consent conditions on any Stage 2 consent. (Amended by CSPC .... 2004).*

## SECTION 61 CONTRIBUTION

- (38) A contribution under Section 61 of the City of Sydney Act 1988 is required to be paid upon approval of a Stage 2 development application and in accordance with the following:-

(a) **Cash Contribution Required**

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

Payment shall be by BANK CHEQUE made payable to the City of Sydney.

(b) **Amount of Contribution**

The amount of the contribution will be equivalent to 1% of the development cost, at the Construction Certificate stage, as determined in accordance with the “Central Sydney Contributions Plan 1997” and including all development costs described in the development application excluding only painting, floor coverings beyond wet areas, and movable furniture.

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

If the Construction Certificate is to be issued by a private Principal Certifying Authority (P.C.A), the P.C.A must obtain Council’s written endorsement of the calculation prior to the issue of the Construction Certificate. Copies of the letter of endorsement from Council are to be retained by the P.C.A with all other records of the approved Construction Certificate and a copy forwarded to Council accompanying the approved Construction Certificate.

For developments over \$2 million in cost, the certification of the building costs must be prepared by a Registered Quantity Surveyor and must stipulate all inclusions and exclusions made in carrying out the certification. The calculation must include all development costs described in the development application excluding only painting, floor coverings beyond wet areas, and movable furniture.

(d) **Timing of Payment**

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

## **COMMENCEMENT OF DEMOLITION/CONSTRUCTION**

- (39) No demolition or construction shall take place until such time as the Stage 2 Development Application for the detailed design of the development has been submitted and approved by the Central Sydney Planning Committee, and a Construction certificate under the Environmental Planning and Assessment Act 1979 has been issued in respect of the construction of the development.

- (40) A draft Construction Management Plan is to be addressed in more detail in the Stage 2 Development Application *or, subject to the agreement of the consent authority, by way of the imposition of consent conditions on any Stage 2 consent*, including ensuring access rights to the right of way are maintained during construction. *(Amended by CSPC ... 2004).*

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

- (41) 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 135,000 dollars as security for the costs of such works provided that:
    - (ii) the maximum liability under the Deed shall not exceed 135,000 dollars; and
    - (iii) 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;
    - (iv) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
      - (v) demolition of the existing building has commenced but not been completed;
      - (vi) the existing building has been demolished; or
      - (vii) the site has been excavated; or
      - (viii) the structure has commenced to be erected;
    - (ix) 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:

- (x) make the building safe and attractive at ground level;
  - (xi) allow the ground level to be landscaped and made attractive from any public vantage point; or
  - (xii) for the hole to be covered to allow it to be landscaped and made attractive from any public vantage point; or
  - (xiii) 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;
  - (xiv) 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.

## **PUBLIC DOMAIN PLAN**

(42) The following requirements apply:-

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 of the Stage 2 development application.

The Public Domain Plan shall be as follows:

- (a) Drawn at 1:100 scale.
- (b) Show the entire layout of flagstone paving where this paving is required.
- (c) 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.

- (d) 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.
- (e) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
- (f) Include specifications of the proposed works.
- (g) 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.
- (h) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996, Ultimo Pyrmont Public Domain Technical Manual 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 and Ultimo Pyrmont Public Domain Technical Manual and the Street Tree Policy - Ultimo Pyrmont 1996.
  - (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.
- (ix) New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds.
- (x) New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt. The provision of smart pole(s) to Harris Street, (to be provided at the applicant's cost).
- (xi) Random checks by Council officers may be made throughout the construction process to advise the contractor of non-complying elements. However, no parts of the work are to be considered approved until receipt of the City of Sydney letter of approval. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter.

Note:

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

## UTILITY SERVICES

- (43) 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.
- (44) Prior to lodgement of the Stage 2 development application *or, subject to the agreement of the consent authority, by way of the imposition of consent conditions on any Stage 2 consent*, 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. *(Amended by CSPPC .... 2004)*.

## Schedule 2

### Prescribed Conditions

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



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

**ITEM 8. DEVELOPMENT APPLICATION: 849-855 GEORGE STREET AND 732 HARRIS STREET, SYDNEY (D/03/00849)**

Note - Correspondence from Mr Geoff Harland of Landerer Company, acting on behalf of the owners of 857-859 George Street, Sydney, dated 13 May 2004, was circulated to members of the Central Sydney Planning Committee prior to the meeting.

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 13 May 2004, in relation to Development Application D/03/00849 made by Crone Nation Architects for the site at 849-855 George Street and 732 Harris Street, Sydney, for a Stage 2 consent for the demolition of the existing buildings at 732 Harris Street and 849 George Street and construction of a new mixed use development, including seven major components: a five storey residential building fronting Harris Street, a 17 storey residential tower towards the north east corner of the site, a new seven storey residential building adjacent to heritage building on George Street, five excavated basement levels providing 102 car parking spaces, a public through site link joining George to Harris Streets, commercial tenancies at ground level and the refurbishment and mixed use conversion of the heritage item and the award of heritage floor space, it be resolved that consent be granted subject to the following conditions:-

## **Schedule 1A**

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

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

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

#### **APPROVED DEVELOPMENT**

1. Development must be in accordance with Development Application No.D/2003/00849 dated 21 August 2003 and Statement of Environmental Effects prepared by Crone Nation Architects, dated 19 August 2003, and drawings prepared by Crone Nation Architects numbered and dated as follows:

<b>Drawing No.</b>	<b>Date</b>
ADA 1000/A	19 August 2003
ADA 1001/01	19 August 2003
ADA 1002/03	31 March 2004
ADA 1003/02	31 March 2004
ADA 1004/02	31 March 2004
ADA 1005/03	31 March 2004
ADA 1006/03	31 March 2004
ADA 1007/03	6 April 2004
ADA 1008/02	17 March 2004
ADA 1009/02	17 March 2004
ADA 1010/01	19 August 2003
ADA 1011/01	19 August 2003
ADA 1012/01	19 August 2003
ADA 1013/01	19 August 2003
ADA 1014/01	19 August 2003
ADA 1015/01	19 August 2003
ADA 1016/01	19 August 2003
ADA 2001/A	19 August 2003
ADA 2002/A	19 August 2003
ADA 2003/01	19 August 2003
ADA 2004/01	19 August 2003
ADA 2005/02	17 March 2004

ADA 2006/01	19 August 2003
ADA 2007/01	19 August 2003
ADA 2009/01	19 August 2003
ADA 2010/01	19 August 2003
3001/02	17 March 2004
3002/01	19 August 2003
3003/01	19 August 2003
3004/01	19 August 2003

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and as amended by the following conditions:

#### **APPROVED DESIGN**

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

#### **APPROVED DESIGN - PLANT AND SERVICES**

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

#### **FLOOR SPACE RATIO**

4. The following applies to Floor Space Ratio:-
  - (a) The Floor Space Ratio of the proposal must not exceed 6.41:1 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 11,069 sqm.
  - (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

#### **BUILDING HEIGHT**

- 5.

- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 64.9 (AHD).
- (b) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the height of the building, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

### **PHYSICAL MODELS**

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

- (i) 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.
- (ii) The models are to comply with all of the conditions of the Development Consent.
- (iii) The models must be amended to reflect any further approvals under S96(2) of the Environmental Planning and Assessment Act 1979, that affect the external appearance of the building.

### **CONSISTENCY OF DRAWINGS**

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

### **DEMOLITION/SITE RECTIFICATION**

- 9. 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 \$431,500 dollars as security for the costs of such works provided that:-
    - a. the maximum liability under the Deed shall not exceed four hundred and thirty one thousand and five hundred 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**

10. The following restriction applies to buildings approved for residential use:-

- (a) The accommodation portions of:
  - (i) the tower building (levels 3-17);
  - (ii) Harris Street building (levels 3-6);
  - (iii) the “Wedge” building (levels 3-8); and,
  - (iv) the “heritage “ building (levels 3-6)

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 :

- (i) the tower building (levels 3-17);
- (ii) Harris Street building (levels 3-6);
- (iii) the “Wedge” building (levels 3-8); and,
- (iv) the “heritage “ building (levels 3-6)

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.

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

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

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

## **HERITAGE**

### **ARCHAEOLOGICAL INVESTIGATION**

12.

- (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.

### **PHOTOGRAPHIC ARCHIVAL DOCUMENTATION FOR 851-855 GEORGE STREET**

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

The form of recording is to be as follows:-

- (a) Photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:-
- (i) 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
- (ii) 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and one copy of a contact sheet printed on fibre-based paper to archival standards;
- (iii) selective black and white enlargements **to** be advised by Council, printed on fibre-based paper to archival standards to a minimum size of 20cm x 25cm, illustrating the location and context of the site/building, the relationship of adjacent buildings, building

elevations, and important interior and exterior architectural spaces and features of the building/site;

- (iv) A summary report of the photographic documentation, detailing;
  - a. the project description, method of documentation, and any limitations of the photographic record; and
  - b. photographic catalogue sheets, which are referenced to a site plan and floor plans no larger than A3, and indicating the location and direction of all photos (black & white prints and slides) taken.
- (v) Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.

#### **LESSER PHOTOGRAPHIC RECORD FOR 732 HARRIS STREET AND 849 GEORGE STREET**

14. That an archival photographic record of the existing buildings at 732 Harris Street and 849 George St be prepared and submitted to Council prior to demolition or commencement of works whichever is the earliest. The record is to include scaled floor plans of the existing building and a photographic record. The photographic record is to be prepared in accordance with the NSW Heritage Office guidelines and is to include black and white archival quality 35mm photographs, coloured photographs, proof sheets, negatives and photographic location reference sheets.
15. The proposed works are to be carried out in a manner that minimises demolition, alterations, new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
16. New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
17. The applicant is to commission an experienced conservation architect to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
18. The applicant is to commission experienced tradepersons (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed scope of works.
19. That the conservation works carried out on the heritage building at 851-855 George Street are to be in accordance with Appendix D, Schedule of

Conservation Works of the Conservation Management Plan prepared by City Plan Heritage dated October 2003.

20. That all new internal and external finishes and works of making good of the heritage building shall match the existing original work adjacent in respect of materials used, detailed execution and finished appearance.
21. Prior to the issue of a Construction Certificate an Interpretation Strategy for the site must be submitted to and approved by the Director City Development.
  - (a) The Interpretation Strategy should include, but is not limited to, the provision of details, of public art interpretation through design and/or the display of selected artefacts and/or other material, appropriate to the education of the public in the history and significance of the site.
  - (b) The Strategy is also to make reference to the significance of the building at 851-855 George St and the historical context of Railway Square in the early twentieth century, and be generally in accordance with section 6.4.18 of the conservation management plan.
  - (c) The approved Interpretation Strategy shall be implemented to the satisfaction of the Director City Development prior to the registration of Heritage Floor Space.
22. That a preventative maintenance plan is to be prepared for the building setting out a detailed inspection schedule for preventative maintenance in accordance with maintenance and repair guidelines contained in section 6.4.3 of the Conservation Management Plan prepared by City Plan Heritage dated October 2003. This Maintenance Plan is to be completed and endorsed by the building owner(s), and a copy submitted to Council, prior to the registration of the HFS.
23. That the external colour scheme of the heritage building at 851-855 George Street is to relate to the architectural style and period of the building and should be based where possible on original/ early paint schemes and be prepared by a heritage practitioner. The face brickwork and wall tiles however are not to be painted, rendered or coated.
24. That the colour schemes of the facades of the infill buildings at 849 George Street and 732 Harris Street are to comprise predominantly earth tones in keeping with the character of adjoining heritage items and also in the case of the former the heritage streetscape.
25. That details and samples of the proposed new materials, finishes and external colours are to be provided and approved by the Director City Development prior to the issue of a Construction Certificate.
26. That the applicant, as recommended in the Conservation Management Plan (CMP), lodge one copy of the CMP with the Australian Heritage Commission and another with the NSW National Trust and this is to be done prior to the issue of a Construction Certificate.

## **DESIGN MODIFICATIONS**

27. The design of the building shall be modified as follows:
- (a) In order to mitigate potential adverse wind impacts a horizontal wind break, (canopy or awning), shall be provided above the Harris Street building lobby entry.

The amendments shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

## **RIGHT OF CARRIAGEWAY - SERVICING AND ACCESS**

28. The rights of the beneficiaries of the Right of Carriageway over Lot 6 DP 203873 are not to be diminished as a result of this development whether throughout the construction phase or after completion, without the consent of all affected owners.
29. In order to provide formal service vehicle access rights for the adjoining properties, being No. 857 to 871 George Street, to the Basement Level 1 Loading and Deliveries Dock, use of the Dock for service deliveries and pick up purposes, emergency egress from the basement level and pedestrian access rights to the existing Right of Way at the rear of those adjoining properties:
- (a) A documentary Right of Way is to be created over the vehicle entry ramp and traffic aisles from Harris Street to the four loading bay and service delivery spaces on Basement Level 1 of the building, defined in stratum, limited to the structures defining the ramp and aisles, created appurtenant to the subject adjoining properties and in terms granting vehicle access rights to the loading dock for service delivery purposes.
  - (b) A documentary Easement for Use is to be created over the four loading dock and service delivery spaces, appropriately defined in stratum, created appurtenant to the subject adjoining properties and in terms granting rights for service delivery and pick up activities.
  - (c) A documentary Right of Footway is to be created over the appropriate parts of Basement level 1 of the building, including the service lift to ground floor, to be used for pedestrian access from the loading dock to the existing Right of Way at the rear of the subject adjoining properties, appropriately defined in stratum, created appurtenant to those properties and in terms granting pedestrian access rights for delivery purposes.
  - (d) A documentary Right of Fire Egress is to be created over the emergency egress passages and corridors from the Basement Level 1 loading dock area to the outdoor Plaza, appropriately defined in stratum, created appurtenant to the adjoining properties and in terms granting pedestrian access for emergency egress purposes.

The above easements and rights of way are to be created as shown upon the approved drawings, in terms satisfactory to Council and are to be registered on

title of the development site prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

30. All separate lots currently comprising the development site are to be consolidated into a single lot. A Plan of Consolidation in a form capable of registration shall be lodged with the NSW Office of Land and Property Information prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.

The Plan of Consolidation could provide for the creation of the easements and rights of way referred to in condition (1) pursuant to Section 88B of the Conveyancing Act 1919.

31. A documentary Right of Public Access is to be created over the Through Site Link from Harris Street to George Street, prior to the issue of an Occupation Certificate for the development. The Right of Public Access is to be registered on title of the development site, is to be defined in stratum, created appurtenant to Council and in appropriate terms granting public pedestrian access acceptable to Council and indemnifying Council against any claims and damages associated with the use of the Right of Public Access.

#### **SECURITY AND ACCESS MANAGEMENT PLAN**

32. The applicant shall prepare and submit a Security and Access Management Plan which specifies how access may be managed in terms of the alternate loading arrangements and the through site link, security patrols, 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 the Director City Planning - Northern Zone, prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

#### **ADAPATABLE HOUSING**

33. A minimum of 10% of the approved housing stock shall be constructed to meet the performance requirements of AS4299. Should this entail modifications to the Stage 2 approval, an application shall be submitted under Section 96 of the Environmental Planning and Assessment Act to address any changes.

Prior to the issue of a Construction Certificate details of the location and layout of the required adaptable housing units shall be submitted to the Director City Planning - Northern Zone for approval.

#### **VEHICULAR SPACES**

34. The following car parking requirements apply:-
- (a) The approved vehicle spaces shall be allocated on the development site as follows:

- (b) 98 residential spaces;
- (c) 4 shop spaces;
- (d) 2 x motor cycle parking areas as shown on approved plans;
- (e) 2 x areas for cycle racks or equivalent cycle storage area as shown in approved plans. A room containing a shower and change area must be provided close to the cycle racks;
- (f) 5 x loading bays as shown on approved plans;
- (g) 1 x car wash bays with appropriate plumbing and drainage;
- (h) 2 of the above car parking spaces are to be for people with mobility impairment, in accordance with AS 2890.1.
- (i) 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.

35. 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:

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

#### **FURTHER APPROVALS**

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

37. Any proposed naming of the development which intends to incorporate the name of a city street, park or place, is subject to the separate approval of Council.
38. A separate development application must be submitted at the appropriate time for the specific use of the commercial units at ground and basement levels within the building at 851-855 George Street, ground level at 732 Harris Street and the tenancies with a frontage to the through site link.
39. A separate development application for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council prior to the erection or display of any such signs. A further requirement of this consent is the submission of a Signage Strategy to Council for approval.
40. Further details of the proposed awnings fronting George Street and Harris street shall be submitted, at a scale of 1:50, to Council for approval prior to the issue of a Construction Certificate.

## **Schedule 1B**

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

41. 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**

42. 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**

43. 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.

#### **PLANTATION OR RECYCLED TIMBERS**

44. To minimise the damage to the environment, no rainforest timbers or timbers cut from old growth forests are to be used in the construction of buildings. The Construction Certificate is to specify the timbers used. These are to be limited

to plantation timbers grown on Australian farms, or State Forest Plantations, or recycled timbers

### **PUBLIC ART**

45. High quality art work shall be provided within the development in publicly accessible locations eg. near main entrances, lobbies and street frontages, in accordance with the Central Sydney DCP 1996 and the 'Public Art Policy'. Details of the art work must be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

### **LANDSCAPING OF THE SITE**

46. The site, in particular the through site link, 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 planter boxes;
- (c) Location, numbers and type of plant species;
- (d) Details of planting procedure and maintenance;
- (e) Details of drainage and watering systems;

Specific attention must be paid to the treatment of the through site link, in terms of how the amenity of the space may be improved through appropriate planting and paving.

### **PUBLIC DOMAIN PLAN**

47. The following requirements apply:-
- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect and shall be approved by Council (to be lodged with the Public Domain Officer at City Projects) prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.
  - (b) The Public Domain Plan shall be as follows:-
    - (i) Drawn at 1:100 scale; 1:200 will be acceptable for larger sites of over 200m street frontage.



- (ii) Show the entire layout and pattern of flagstone paving where this paving is required.
  - (iii) Nominate the location, type and material of all existing and proposed public pavement elements including trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture, (including city maps, notice boards, benches, bollards, bins, J C Deceaux kiosks, APT's and phone booths), utility poles, parking meters, pedestrian and traffic signals, service pits, stormwater pits and signage (including street nameplates, historical, parking and traffic).
  - (iv) Include a longitudinal section of the pavement showing existing and proposed levels at 10 metre intervals at the building alignment, the kerb and the gutter on a common datum line. This longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale. For larger sites of over 200m street frontage 1:200 horizontal scale and 1:20 (exaggerated) vertical scale is acceptable. This section is to ensure that any significant longitudinal gradient change, such as flattening for vehicle entries, occurs within the building line and not at the public pavement.
  - (v) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
  - (vi) Include specifications of the proposed works.
- (c) The Public Domain Plan shall comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer and may include:-
- (i) Adjustment to paving grades to provide a maximum crossfall of 2.5% from building line to top of kerb.
  - (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.
  - (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.

- (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
  - (v) The repair and where required the resetting of all stone kerbing to a uniform grade of 150mm above the gutter grading and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed or resurfaced (as required) to the centre line of the carriageway or to sufficient distance from the kerb to achieve a uniform transition into the existing pavement profile.
  - (vi) The retention and repair of any existing pavement lights.
  - (vii) The retention and repair of any existing serviceable stone gutters to achieve a uniform kerb and gutter longitudinal grading free of vertical displacement of greater than 5mm between adjacent units.
  - (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.
  - (ix) Protection or replacement by the developer of all City assets to be retained as part of Public Domain works and recovery and return of any City assets where such removal has been approved.
- (e) Random checks by Council officers may be made throughout the construction process to advise the contractor of non-complying elements. However, no parts of the work are to be considered approved until receipt of the City of Sydney Certificate of Completion. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter.
- (f) An “Application for Approval of Footpath Levels and Gradients” must be submitted at the City’s One Stop Shop with the appropriate fee at the time of lodgement of the public domain proposal. The fee will be determined in accordance with the City of Sydney Schedule of Fees and Charges.

Note:

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

## **ALIGNMENT LEVELS**

48. 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.

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

### **RECEPTACLES FOR CIGARETTE BUTTS**

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

50. 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**

51. 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 clause 7.4 of the Urban Development Plan for Ultimo-Pymont 1999 Update. 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)**

52.

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

Note:

- (i) For Quick Check agent details please refer to "your business" section of Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then see Building and Renovating under the heading Building & Developing, or telephone 132 092.
- (c) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a (Developer) Compliance Certificate under Section 73 of the Sydney Water Act 1994 must be submitted to the Principal Certifying Authority (Council or a private accredited certifier).

Note:

- (i) Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the “Notice of Requirements”. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to “your business” section of Sydney Water’s website at [www.sydneywater.com.au](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.
53. Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and Council’s Access Policy. Prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979, a certificate certifying compliance with this condition OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) must be provided, and copy submitted to Council.

#### **TELECOMMUNICATIONS PROVISIONS**

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

A separate DA must be submitted at the appropriate time for any external receiving device proposed to be installed. For each form of transmitter, there

shall be only one common receiving device installed on the subject development.

55. 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.

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

56. Car park roller doors shall be designed and constructed for quiet operation.
57. Prior to the issue of a Construction Certificate for the Heritage Building, details of the proposed fire upgrading works must be submitted to the Director City Planning - Northern Zone for approval. The proposed works must be accompanied by a Heritage Impact Statement. The City of Sydney will ensure that adequate provision has been made for the safety of the occupants of the building pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000.

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

58. 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.

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.

- 59. For alterations and additions to an existing building, a letter from a qualified practising structural engineer (NPER) or a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) shall be attached to the Construction Certificate Application. The letter must state that the existing structure is adequate to support the new loads and that the design will comply with the relevant Australian Standards adopted by the Building Code of Australia (Specification A1.3).
- 60. 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.
61. In order to allow safe egress from the building in the event of fire, the egress point below the “wedge” building must not be defined by a solid door. A gate which will allow smoke to permeate through shall be installed.

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

62. 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**

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

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

- 64.
- (a) The layout plan of the carpark is to be in accordance with Australian Standard AS 2890.1 - 1993 "Parking Facilities Part 1: Off Street Car Parking". All parking spaces are to be linemarked.
  - (b) The layout of the service vehicle areas is to comply with Australian Standard AS 2890.2 - 1989 "Off Street Parking Part 2 - Commercial Vehicles Facilities".
  - (c) The details shall be submitted to and approved by the certifying authority prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
65. Design and construction of the gutter crossing shall be in accordance with RTA requirements. Details of these requirements should be obtained from the RTA's Project Services Manager, Traffic Projects Section, Blacktown (Ph: 02 8814 -2144).
66. All works associated with the development will be at no cost to the RTA or Council.
67. Mirrors shall be installed at both ends of the inter floor ramps to control two-way traffic flow.
68. Each pair of tandem parking spaces shall be assigned to the same owner.
69. "Stop" sign shall be installed at the exit point to require vehicles to stop at the building line.

## **RESTRICTION ON PARTICIPATION IN RESIDENT PERMIT PARKING SCHEME**

70. Residents will be entitled to one resident parking permit per dwelling. The current fee for the permit is \$100, subject to annual review. If a car space is attached to the dwelling, the resident must provide proof that another member of the household is occupying it, prior to consideration of issuing a Permit. The owner of the dwelling must advise all tenants and occupants of the dwelling, at the time of entering into a lease/occupancy, of the restriction on Resident Parking Permits.

Note:

This restriction on the Resident Parking Scheme will be recorded on the Section 149 Certificate for this property under the Environmental Planning and Assessment Act 1979.

## **PAVING MATERIALS**

71. 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.

## **STORMWATER AND DRAINAGE**

72. 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**

73. 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.

## **SIGNAGE STRATEGY**

74. Prior to the issue of a Construction Certificate a Signage Strategy for the development shall be submitted to the Director City Planning – Northern Zone for approval. The strategy should not only include commercial signage but also information on public information and directional signage.

## **WASTE MANAGEMENT**

75. Prior to issue of a Construction Certificate for the development a Building Waste Management Plan is to be submitted to Council and approved by the Director City Development and Projects. Such plan must address compliance with Council's Code for Waste Handling in Buildings 1994 and include details of the following:-
- (a) The location, design and construction specifications for garbage rooms, recycling rooms, bin washing and collection areas and collection vehicle standing areas.
  - (b) Calculations of the volumes of waste generated by the uses of the development and verification of garbage room sizes.
  - (c) The natural and mechanical ventilation of garbage rooms and service areas in accordance with the Waste Code and Australian Standard 1668.
  - (d) The location and design of any garbage chutes and compaction systems required by the Waste Code.
  - (e) The proximity of waste handling facilities to any commercial food areas or loading docks, with a view to avoiding cross contamination.
  - (f) The design features incorporated in the building and procedures to be adopted by building management to ensure waste separation and minimization within individual units and offices, on each floor of the building and within the garbage storage and recycling areas.

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

76. 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.

## **Schedule 1C**

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

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

77. 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.
78. 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**

79. 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.

## **DEMOLITION DETAILS**

- 80. 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**

- 81. 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.

82. 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.

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



## **OTHER DEMOLITION DETAILS**

83. Prior to the commencement of demolition work, the following additional details are required to be submitted to the Principal Certifying Authority (PCA) (Council or a accredited certifier), and a copy submitted to Council if its not the PCA:-
- (a) A Statement/Letter from an appropriately qualified Structural Engineer certifying concurrence with the structural provisions of the Demolition Work Method Statement and proposed work. If applicable, a Structural Report of the proposed building to be demolished must be attached.
  - (b) A Letter nominating the person appropriately qualified as an Occupational Hygiene Consultant for inspecting the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to WorkCover Authority.
  - (c) Dilapidation Report/s of adjoining buildings are to be submitted by an appropriately qualified Structural Engineer prior to commencement of demolition/excavation works, and at completion of demolition/excavation works.
  - (d) A certified copy of the Public Liability Insurance indemnifying Council for \$10,000,000 against public prosecution for the duration of the demolition works.
  - (e) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the WorkCover Authority.

## **EXCAVATION WORK METHOD STATEMENT**

84. 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**

85. 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**

86. The following environmental protection measures are required:-
- (a) Prior to the commencement of demolition and/or excavation, a Demolition/Excavation Water and Sediment Control Statement must be submitted to and approved by the Principal Certifying Authority (Council or an accredited officer).
  - (b) Such statement must include:-
    - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
    - (ii) The proposed method of discharge;

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

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

87. 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.

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

88. 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.

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

- 89. 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 equivalent to the replacement of the footway adjacent to the Harris Street and George Street frontages of the development site, as security for any damage rectification.
- 90. 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.

#### **APPLICATION FOR A ROAD OPENING PERMIT**

- 91. 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).

92. 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.

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

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

#### **PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION**

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

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

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

#### **ENVIRONMENTAL PROTECTION DURING CONSTRUCTION**

95. The following environmental protection measures are required:-

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

## **USE OF MOBILE CRANES**

### 96. Permits required for use of mobile cranes:-

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

which, in the opinion of Council, will create significant traffic disruptions.

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

## **Schedule 1D**

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

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

97. 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**

98. 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.

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

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

99. The hours of construction and work on the development shall be as follows:-
- (a) All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.
  - (b) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.



## (c) Note:

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

### **SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**

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

- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
- (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
- (d) The approved hours of work, the 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.

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

101. 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.
102. 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.
103. 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.
104. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of Notice by Council to stop **all** work on site.

## **Schedule 1E**

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

105. 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.

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

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

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

#### **CERTIFICATION FOR STRUCTURAL INSPECTIONS**

108. 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.
109. 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**

110. 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.

### **CERTIFICATION OF WASTE MANAGEMENT**

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

112. The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.

## **COMPLIANCE CERTIFICATE FOR ACOUSTIC PRIVACY**

113. 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.

### **NUMBERING**

114. 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.

115. 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".

## **Schedule 1F**

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

#### **REMOVAL OF GRAFFITI**

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

#### **NOISE - USE**

117. 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**

118. 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.

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

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

#### **WINDOW CLEANING**

120. 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.

121. Portable signs or goods for sale or display must not be placed on the footway or other public areas.
122. 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.

## Schedule 2

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

**ITEM 9. CARLTON AND UNITED BREWERIES SITE CHIPPENDALE:  
PREPARATION OF SITE SPECIFIC DRAFT LOCAL  
ENVIRONMENTAL PLAN (S024626)**

Note - Correspondence from the Friends of Carlton United Site (FoCUS) dated 12 May 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 -

Mr Michael Irving - resident  
 Mr Simon Flynn - resident  
 Ms Susan Quine - resident  
 Ms Nas Enares - resident  
 Ms Lindsay Charles - resident  
 Ms Jeanette Brokman - resident  
 Mr David Pocklington - resident

**Resolved** on the motion of Ms le Marchant, seconded by Mr Johnson -

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 13 May 2004, in relation to the Carlton and United Breweries Site - Proposed Draft Local Environmental Plan, it be resolved that:-

- (A) pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, a draft Local Environmental Plan be prepared for the site known as the "Carlton and United Breweries site" (including land on the eastern side of Kensington Street currently owned by Carlton United Breweries and other privately owned dispersed lots) at Chippendale, as indicated in Attachment A to the subject report, revised as described at the meeting of the CSPC;

- (B) the Study Area include land to the east of the site to Regent Street (as shown as the darker shading area in Attachment A to the subject report) in order to consider adjoining land with similar controls;
- (C) the City investigate, with the Department of Infrastructure, Planning and Natural Resources, the potential to exercise functions under Sections 64 and 69 of the Environmental Planning and Assessment Act 1979;
- (D) Council staff notify all relevant government agencies of the Central Sydney Planning Committee's resolution pursuant to Section 62 of the Environmental Planning and Assessment Act 1979,
- (E) Council staff report back to the Central Sydney Planning Committee on the design competition entries after the jury has completed its report, although it is noted that Council acknowledged the shortcomings in consulting on the design brief by only allowing 10 working days for public comment;
- (F) Council develop a comprehensive consultation strategy to involve the local community, site owners, developer and other relevant stakeholders, and ensure the greater community of Chippendale is properly informed and consulted;
- (G) the draft Local Environmental Plan be supported by a number of supporting studies including:
  - (1) a heritage conservation management plan undertaken by the City, which should also give adequate consideration to the objectives of Amendment No. 1 South Sydney (Heritage and Conservation) Development Control Plan (DCP) 1998, which impact on the adjoining areas and were put in place for the rest of Chippendale previously under a separate Local Government Area;
  - (2) a traffic and transport study undertaken by the City;
  - (3) a site contamination audit undertaken by the proponent, and independently reviewed by the City;
  - (4) an open space study for the whole of Chippendale undertaken by the City; and
  - (5) a community facilities study for the whole of Chippendale undertaken by the City.
- (H) as a guide, any draft Local Environmental Plan (or draft Development Control Plan, where appropriate) must include provisions relating to the following:
  - (1) appropriate built form controls for the site (such as height and floor space ratio controls), that achieve an appropriate scale, recognising the built form in the area (including providing adequate consideration to the objectives of the provisions under Amendment No. 1 to South Sydney (Heritage and Conservation) DCP 1998) and which seek to improve upon the existing controls applying to the site;
  - (2) provisions to require a mix of appropriate uses;



- (3) traffic management to ensure the existing neighbourhood streets are not adversely affected by traffic generated by the site, and to facilitate the equitable distribution of traffic to the road network, appropriate to the role of such roads;
  - (4) the effect of the development on the surrounding public transport networks;
  - (5) heritage controls to ensure new development respects the significance of certain buildings and places on the site;
  - (6) appropriate public open space, for both a future population on the site and the local community;
  - (7) leading practices in sustainable development, including: design measures; measures to reduce use, and encourage re-use, of resources such as water and energy; reduction in reliance on cars; appropriate use of landscaping; and orientation and separation of buildings to respond to the site's constraints and opportunities etc.
  - (8) appropriate provision and design of the public domain, to encourage public use and maximise safety;
  - (9) measures to integrate the site with the neighbourhood such that it does not function as a "gated community" and provides full integration with the fabric and heritage of the existing community; and
  - (10) any new planning controls provide adequate protection against overdevelopment of individual sites and maintain the integrity of any proposed planning controls for the entire site after any future and subsequent subdivision(s) of the site;
- (I) residents in the area be advised by letter of the role of the competition, and the opportunities for involvement and comment in the process ahead;
  - (J) the owners and proposed developer of the site be advised of the resolution of the Central Sydney Planning Committee.

Carried unanimously.

## **ITEM 10. ELECTION OF DEPUTY CHAIRPERSON**

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

That arising from consideration of a report by the Manager Secretariat to the Central Sydney Planning Committee on 13 May 2004, on Election of Deputy Chairperson, it be resolved that this matter be deferred.

## **ITEM 11. GENERAL BUSINESS**

### **11.1 Master Plans**

Following matters raised by Councillor McInerney, it was agreed by the Committee that a report be prepared by City officers on Master Plans -

- their role and function, including their legal standing;
- the perception of certainty in the planning process;
- the process;
- duration, including provision for a sunset clause;
- how many currently exist; and
- potential sites for future master plans

Ms Westacott advised the Committee that the NSW Government was undertaking a review of Master Plans.

### **11.2 Design Competitions**

Ms Westacott requested City officers to provide a report for the Committee on the role and function of design competitions in the context of the CSPC's desire to achieve design excellence.

### **11.3 Strategic Work Program**

Mr Bird raised the matter of a future review of the City of Sydney LEP. City officers should prepare a strategic work program taking into account the expanded areas, and prioritise those tasks.

Ms Westacott advised that her Department has agreed to conduct an Integrated City Traffic Strategy in conjunction with Council.

The meeting concluded at 9.38 pm.

CHAIR

The next meeting of the Central Sydney Planning Committee is scheduled for 3 June 2004.

