

CENTRAL SYDNEY PLANNING COMMITTEE

Meeting No 383
Thursday 10 May 2012
Notice Date 4 May 2012

minutes

city of villages

INDEX TO MINUTES

ITEM	PAGE NO
1. DISCLOSURES OF INTEREST	117
2. CONFIRMATION OF MINUTES	117
3. MATTERS ARISING FROM THE MINUTES.....	117
4. INTEGRATED DEVELOPMENT APPLICATION: 1 ALFRED STREET SYDNEY	118
5. DEVELOPMENT APPLICATION: 161 CASTLEREAGH STREET SYDNEY	136
6. REPORT SUMMARISING DETERMINATIONS DELEGATED BY THE CENTRAL SYDNEY PLANNING COMMITTEE TO THE CITY OF SYDNEY COUNCIL.....	140
7. SUMMARY OF OUTSTANDING APPLICATIONS TO BE REPORTED TO THE CENTRAL SYDNEY PLANNING COMMITTEE.....	140
8. POST EXHIBITION: AMENDMENT TO SOUTH SYDNEY LOCAL ENVIRONMENTAL PLAN 1998 - 91-99 EVELEIGH STREET AND 119-121 EVELEIGH STREET REDFERN - RECLASSIFICATION OF COMMUNITY LAND.....	140
9. CENTRAL SYDNEY PLANNING COMMITTEE SUB-COMMITTEES - UPDATE	141
10. GENERAL BUSINESS	141

PRESENT

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

Members - The Hon Craig Knowles, Councillor Shayne Mallard (Alternate Member to Councillor Di Tornai), Mr Neil McGaffin (Alternate Member to Mr Richard Pearson, Deputy Director General, Development Assessment and Systems Performance, NSW Department of Planning and Infrastructure) Councillor John McInerney, Mr Colin Rockliff (Alternate Member to the Hon Robert Webster)

At the commencement of business at 7.15pm, those present were -

The Lord Mayor, Mr Knowles, Councillor Mallard, Mr McGaffin, Councillor McInerney, Mr Rockliff.

The Director City Planning, Development and Transport was also present.

Apologies

Councillor Tornai extended her apologies for her inability to attend the meeting of the Central Sydney Planning Committee.

Ms Helen Lochhead, Alternate Member, extended her apologies for her inability to attend the meeting of the Central Sydney Planning Committee.

Mr Pearson extended his apologies for his inability to attend the meeting of the Central Sydney Planning Committee.

Mr Webster extended his apologies for his inability to attend the meeting of the Central Sydney Planning Committee.

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

That the apologies from Councillor Tornai, Ms Lochhead, Mr Pearson and Mr Webster be received and leave of absence from the meeting be granted.

Carried unanimously.

ITEM 1 DISCLOSURES OF INTEREST

(a) Section 451 of the Local Government Act 1983

No Member disclosed any pecuniary or non-pecuniary interests in any matter on the agenda for this meeting of the Central Sydney Planning Committee.

(b) Local Government and Planning Legislation Amendment (Political Donations) Act 2008

No disclosures were made by any members of the public at this meeting of the Central Sydney Planning Committee.

ITEM 2 CONFIRMATION OF MINUTES (S092508)

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

That the minutes of the meeting of the Central Sydney Planning Committee of 29 March 2012, as circulated to Members, be confirmed.

Carried unanimously.

ITEM 3 MATTERS ARISING FROM THE MINUTES (S092508)

There were no matters arising from the minutes of the meeting of the Central Sydney Planning Committee of 29 March 2012.

ITEM 4 INTEGRATED DEVELOPMENT APPLICATION: 1 ALFRED STREET SYDNEY (D/2010/2029)

The following persons addressed the meeting of the Central Sydney Planning Committee:

- Ms Polly Seidler
- Mr Mark Hurcum
- Mr Robert Guest

Moved by the Chair (the Lord Mayor), seconded by Mr Knowles -

It is resolved that:

- (A) pursuant to the provisions of Clause 23(4)(e) of Sydney Local Environmental Plan 2005 (SLEP 2005) that the consent authority waive the requirement to prepare a development plan for the subject site as it is considered to be unreasonable and unnecessary in this instance based upon the detailed site analysis undertaken as part of the urban design study, design excellence competition and preparation of the site specific APDG LEP/DCP;
- (B) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted subject to the following:

(1) VOLUNTARY PLANNING AGREEMENT

Prior to the activation of this consent:

- (a) The Voluntary Planning Agreement (Reference: AMH/S093181: Exhibition Draft 21.03.12), prepared by Council and placed on public exhibition on 27 March 2012 shall be executed and submitted to Council.
- (b) The Voluntary Planning Agreement, as executed, must be registered on the title of the land.

(2) DESIGN MODIFICATIONS AND FURTHER EVALUATION

Amended plans shall be submitted to the satisfaction of Council's Director of City Planning, Development and Transport illustrating the reinstatement of the following design elements of the winning scheme from the Design Competition held in November 2009:

- (a) the reinstatement of the recessed notch at approximately Levels 37 and 38 of the northern elevation of Building A;
- (b) the reinstatement of the partial sandstone façade treatment of the eastern elevation of Building B in accordance with the treatment of the Design Competition winning scheme;
- (c) the reduction or deletion of the solid blade wall fronting George Street on the northwestern corner of ground floor retail tenancy of Building A to allow greater activation of the George Street façade; and

- (d) the submission of a proposal which evaluates opportunities to observe, access and interpret any remnants of the Tank Stream (subject to NSW Heritage Office approval, as required).

Note: The requirements above are to be submitted to and approved by the Director City Planning, Development and Transport prior to the activation of the consent.

(3) RAILCORP CONCURRENCE REQUIREMENTS

This consent does not operate until the applicant satisfies the Council's Chief Executive Officer that the owners have entered into an Agreement with Rail Corporation NSW (RailCorp) as required in the following conditions:

- (a) The owners of the site of the approved development must enter into an Agreement with RailCorp to address the potential impacts of the approved development on the CBD Rail Link identified in State Environmental Planning Policy (Infrastructure) 2007. The Agreement must provide for the following:
 - (i) the design, construction and maintenance of the approved development so as to satisfy the requirements in conditions (c) to (g) below;
 - (ii) allowances for the future construction of railway tunnels in the vicinity of the approved development;
 - (iii) allowances in the design, construction and maintenance of the approved development for the future operation of railway tunnels in the vicinity of the approved development, especially in relation to noise, vibration, stray currents, electromagnetic fields and fire safety;
 - (iv) consultation with RailCorp;
 - (v) provision to RailCorp of drawings, reports and other information related to the design, construction and maintenance of the approved development;
 - (vi) creation of a restrictive covenant on each of the titles which comprise the approved project so as to satisfy condition (j) below;
 - (vii) such other matters which RailCorp considers are appropriate to give effect to (i) to (vi) above; and
 - (viii) such other matters as the owners and RailCorp may agree.
- (b) All structures which are proposed for construction or installation, or which are constructed or installed, in connection with the approved development which have potential impacts on the CBD Rail Link must be designed, constructed and maintained in accordance with design criteria specified by RailCorp.
- (c) The design and construction of the basement levels, foundations and ground anchors for the approved development are to be completed to the satisfaction of RailCorp.

- (d) No modifications may be made to that approved design without the consent of RailCorp.
- (e) RailCorp, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
- (f) A detailed regime is to be prepared for the consultation with, and approval by, RailCorp for the excavation of the site and the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by RailCorp.
- (g) All requirements contained in the Agreement between RailCorp and the owners of the site must be satisfied during construction and, where appropriate, the operation of the approved development.
- (h) Copies of any certificates, drawings or approvals given to or issued by RailCorp must be delivered to the City for its records.
- (i) Prior to the commencement of any excavation below existing ground level, a restrictive covenant is to be created upon each of the titles which comprise the approved development pursuant to Section 88E of the Conveyancing Act 1919, restricting any alterations or additions to any part of the approved development which is reasonably likely to adversely affect, or which otherwise are likely to interfere with the design, construction and operation of the proposed CBD Rail Link without the written consent of RailCorp.

(4) COGENERATION PLANT

- (a) Amended plan/s shall be submitted to illustrate the location of the gas-fired plant and any flues, and to illustrate the location of these flues with regard to surrounding buildings.
- (b) In the event that the gas-fired plant does not exceed 1MW, and thereby excluding it from the need for an Environmental Protection Licence from the Office of Environment and Heritage, an air quality assessment shall be undertaken by a suitably qualified environmental consultant and provided to Council:-
 - (i) That demonstrates that the policy requirements of the "Interim OEH Nitrogen Oxide Policy for co-generation in Sydney and the Illawarra" can be met by the proposed tri-generation plant.
 - (ii) To assess the impact on local air quality from the installation of tri-generation plant and the likelihood of impacts from offensive odour and fumes on nearby receptors. Any air quality modelling undertaken shall be in accordance with Department of Environment and Conservation (NSW) guidance "Approved

Methods for the modelling and assessment of air pollutants in New South Wales”.

(iii) Details of any recommendations or mitigation controls required.

Note: Dependent on the information submitted and the recommendations made within the Air Quality Assessment report, further on-going monitoring and/or maintenance conditions may be required to added to the consent prior to its operation.

- (C) evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement consent Conditions (1) to (4), as indicated above, must be submitted to Council within 12 months of the date of determination (being 10 May 2013);
- (D) the consent will not operate until such time that the Council notifies the Applicant in writing that the deferred commencement consent Conditions (1) to (4) as indicated above, have been satisfied; and
- (E) upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions:

SCHEDULE 1A

Approved Development/Design Modifications/Covenants and Contributions/Use and Operation

Note: Some conditions in Schedule 1A 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.

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2010/2029, dated 2 December 2010, and the Statement of Environmental Effects, prepared by Robinson Urban Planning, dated 24 November 2010, and the following drawings:

Drawing Number	Architect	Date
DA0001 (Revision B) Roof Site Plan	Kerry Hill Architects	8 November 2011
DA0002 (Revision B) Ground Site Plan	Kerry Hill Architects	8 November 2011
DA0102 (Revision B) Basement 8 Plan	Kerry Hill Architects	8 November 2011
DA0103 (Revision B) Basement 3-7 Plan	Kerry Hill Architects	8 November 2011

Drawing Number	Architect	Date
DA0104 (Revision B) Basement 2 Plan	Kerry Hill Architects	8 November 2011
DA0105 (Revision B) Basement 1 Plan	Kerry Hill Architects	8 November 2011
DA0106 (Revision B) Lower Ground Plan	Kerry Hill Architects	8 November 2011
DA0107 (Revision B) Ground Plan	Kerry Hill Architects	8 November 2011
DA0108 (Revision B) Mezzanine Plan	Kerry Hill Architects	8 November 2011
DA0109 (Revision B) Level 1 Plan	Kerry Hill Architects	8 November 2011
DA0110 (Revision B) Level 2 Plan	Kerry Hill Architects	8 November 2011
DA0111 (Revision B) Level 3 Plan	Kerry Hill Architects	8 November 2011
DA0112 (Revision B) Level 4 Plan	Kerry Hill Architects	8 November 2011
DA0113 (Revision B) Level 5 Plan	Kerry Hill Architects	8 November 2011
DA0114 (Revision B) Level 6-8 Plan	Kerry Hill Architects	8 November 2011
DA0116 (Revision B) Level 9-12 Plan	Kerry Hill Architects	8 November 2011
DA0118 (Revision B) Level 13 Plan	Kerry Hill Architects	8 November 2011
DA0119 (Revision B) Level 14 Plan	Kerry Hill Architects	8 November 2011
DA0120 (Revision B) Level 15-19 Plan	Kerry Hill Architects	8 November 2011
DA0121 (Revision B) Level 20 Plan	Kerry Hill Architects	8 November 2011
DA0122 (Revision B) Level 21-33 Plan	Kerry Hill Architects	8 November 2011

Drawing Number	Architect	Date
DA0124 (Revision B) Level 34 Plan	Kerry Hill Architects	8 November 2011
DA0125 (Revision B) Level 35 Plan	Kerry Hill Architects	8 November 2011
DA0126 (Revision B) Level 36 Plan	Kerry Hill Architects	8 November 2011
DA0127 (Revision B) Level 37 Plan	Kerry Hill Architects	8 November 2011
DA0128 (Revision B) Level 38 Plan	Kerry Hill Architects	8 November 2011
DA0129 (Revision B) Level 39-50 Plan	Kerry Hill Architects	8 November 2011
DA0130 (Revision B) Level 51-52 Plan	Kerry Hill Architects	8 November 2011
DA0131 (Revision B) Level 53 Plan	Kerry Hill Architects	8 November 2011
DA0132 (Revision B) Level 54 Plan	Kerry Hill Architects	8 November 2011
DA0133 (Revision B) Level 55 (Roof Plant) Plan	Kerry Hill Architects	8 November 2011
DA0201 (Revision A) Accessible Apts - Post Adaptation	Kerry Hill Architects	12 November 2010
DA1001 (Revision B) Building A - Elevations	Kerry Hill Architects	8 November 2011
DA1002 (Revision B) Building A - Elevations	Kerry Hill Architects	8 November 2011
DA1003 (Revision B) Building B - Elevations	Kerry Hill Architects	8 November 2011
DA1004 (Revision B) Building B - Elevations	Kerry Hill Architects	8 November 2011
DA1005 (Revision B) Streetscape East Elevation	Kerry Hill Architects	8 November 2011
DA1006 (Revision B) Streetscape West Elevation	Kerry Hill Architects	8 November 2011

Drawing Number	Architect	Date
DA1007 (Revision B) Streetscape North Elevation	Kerry Hill Architects	8 November 2011
DA1008 (Revision B) Streetscape Detail North Elevation Bdg B	Kerry Hill Architects	8 November 2011
DA1009 (Revision B) Streetscape Detail North Elevation - Bdg A	Kerry Hill Architects	8 November 2011
DA1010 (Revision B) Streetscape Detail West Elevation	Kerry Hill Architects	8 November 2011
DA1011 (Revision B) Streetscape Detail East Elevation - Bdg B	Kerry Hill Architects	8 November 2011
DA1101 (Revision B) Sections	Kerry Hill Architects	8 November 2011
DA1201 (Revision B) Detail Basement Section	Kerry Hill Architects	14 October 2011
DA1301 (Revision A) Photovoltaic Area Calculations	Kerry Hill Architects	12 November 2010
DA2001 (Revision A) Façade Details	Kerry Hill Architects	4 November 2010
DA2002 (Revision A) Façade Details	Kerry Hill Architects	4 November 2010
DA2003 (Revision A) Façade Details	Kerry Hill Architects	12 November 2010
DA2004 (Revision A) Façade Details	Kerry Hill Architects	12 November 2010
DA2005 (Revision A) Façade Details	Kerry Hill Architects	12 November 2010
DA2006 (Revision A) Façade Details	Kerry Hill Architects	12 November 2010
DA2007 (Revision A) Façade Details	Kerry Hill Architects	12 November 2010

Drawing Number	Architect	Date
DA2100 (Revision A) Façade Types - Glass Types	Kerry Hill Architects	12 November 2010
Dwg102 Proposed Streetscape/Plaza	Spackman Mossop Michaels	8 November 2011
Dwg103 Proposed Courtyard & Level 38 Plan	Spackman Mossop Michaels	18 November 2010
Dwg104 Typical Details & Sections	Spackman Mossop Michaels	8 November 2011
Dwg105 Typical Details & Sections	Spackman Mossop Michaels	8 November 2011
Dwg 106 Paving Detail Plan	Spackman Mossop Michaels	18 November 2010

and as amended by the conditions of this consent:

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

(2) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

The developer's works as stipulated at Schedule 3 of the Voluntary Planning Agreement (Reference: AMH/S093181: Exhibition Draft 21.03.12), shall be provided in accordance with 'Timing of Contributions' Schedule (being Schedule 2) of this agreement.

(3) DESIGN DETAILS (MAJOR DEVELOPMENT)

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications prepared by Kerry Hill Architects, dated 6 December 2010 (Reference: DA5001, Revision A). The final selection of sandstone cladding is to be submitted for approval by the Director City Planning, Development and Transport prior to issue of a Construction Certificate.

(4) DESIGN QUALITY EXCELLENCE

(5) DESIGN DETAILS OF TEMPORARY BARRIER FENCE

Detailed drawings shall be submitted of the design and treatment of the temporary barrier fence to be erected at the southern end of the through-site link. The design of this fence/wall shall be approved by Council's Director City Planning, Development and Transport prior to the issue of a Construction Certification. Note: Consideration should be given to the use of the wall for the installation of a temporary public artwork.

(6) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 15.363:1 calculated in accordance with the Sydney Local Environmental Plan 2005. For the purpose of the calculation of FSR, the Floor Space Area of the approved development is 41,265sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Floor Space Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan 2005 applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.
- (c) Prior to a Construction Certificate being issued, Council's written verification must be obtained, confirming that 8,888sqm of heritage floor space was allocated (purchased and transferred) to the development, being that floor space in excess of 8:1 as specified in the Sydney Local Environmental Plan 2005.

(7) BUILDING HEIGHT

- (a) The height of Building A must not exceed RL 191.0 (AHD) to the uppermost part of the building and the height of Building B must not exceed RL 57.30 (AHD) to the uppermost part of building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

(8) APPROVED DESIGN ROOF - TOP PLANT**(9) REFLECTIVITY**

The recommendations of the Reflectivity Study, prepared by ARUP, dated November 2010 shall be incorporated into the development to reduce glare/reflectivity from the Cahill Expressway. Details illustrating compliance with this condition shall be submitted to the satisfaction of Council's Director of City Planning, Development and Transport.

(10) NON RESIDENTIAL USES - SEPARATE DA REQUIRED

Separate development applications for the fit-out and use of the Lower Ground Floor and Ground Floor retail tenancies must be submitted to and approved by Council prior to that fit-out or use commencing.

(11) SIGNAGE STRATEGY**(12) RESTRICTION ON RESIDENTIAL DEVELOPMENT****(13) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL, SERVICED APARTMENTS AND MIXED USE**

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

(15) LANDSCAPING OF THE SITE

(16) PROHIBITION ON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME APPLICATION OF CITY OF SYDNEY PERMIT PARKING POLICY - INELIGIBILITY FOR RESIDENT PARKING PERMITS

(17) SIGNAGE TO INDICATE NON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME

(18) CAR PARKING SPACES AND DIMENSIONS

A maximum of 279 off-street car parking spaces must be provided. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

(19) HEIGHT CLEARANCES

A minimum height clearance of 4 metres, clear of all structures, ducting, piping, cabling and the like, must be provided over all areas traversed by refuse collection vehicles, including the area leading to the breakthrough panel and through the breakthrough panel itself providing access to the adjoining property at 19-31 Pitt Street.

(20) SERVICE VEHICLES

Courier spaces and loading docks must be located close to the service entrance and away from other parking areas, as detailed below:

- (a) A minimum of 2 courier space(s) with minimum dimensions 2.6m x 5.4m and a minimum head clearance of 2.5 metres.
- (b) A minimum of 2 Small Rigid Vehicle loading dock(s)
- (c) A minimum of 2 Medium Rigid Vehicle loading dock(s)

Adequate space must be provided to allow manoeuvring and turning of the different sized vehicles. The design, layout, signage, line marking, lighting and physical controls for all service vehicles must comply with the minimum requirements of 'Australian Standard AS 2890.2 – 2002 Off-Street Parking Part 2: Commercial vehicle facilities'. Details must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

(21) SERVICE VEHICLE SIZE LIMIT

The maximum length of any vehicle servicing the property or accessing the adjacent site via the right of carriageway and breakthrough panel shall be 9.24 metres.

- (22) ACCESSIBLE PARKING SPACE**
- (23) LOCATION OF ACCESSIBLE CAR PARKING SPACES**
- (24) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES**
- (25) ALLOCATION FOR CAR WASH BAYS**
- (26) INTERCOM FOR VISITORS/ ACCESS TO PORTE COCHERE**

Where a boomgate or barrier control is in place, the porte cochere must be accessible to residents/visitors by the location of an intercom (or card controller system) at the car park entry and shall be at least 6 metres clear of the property boundary, wired to all units. The intercom must comply with 'Australian Standard AS 1428.2-1992: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23'. Details illustrating compliance with this condition shall be submitted to the Certifying Authority prior to an Occupation Certificate being issued or the use commencing, whichever is earlier.

- (27) BICYCLE PARKING**
- (28) VEHICLE ACCESS**
- (29) SIGNS AT EGRESS**
- (30) SECURITY GATES**
- (31) LOADING WITHIN SITE**
- (32) LOADING/PARKING KEPT CLEAR**
- (33) TRAFFIC WORKS**
- (34) ASSOCIATED ROADWAY COSTS**
- (36) EXTERNAL LIGHTING**
- (37) WASTE AND RECYCLING COLLECTION**

SCHEDULE 1B

Prior to Construction Certificate/Commencement of Work/Health and Building

Note: 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.

- (38) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE**
- (39) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

(40) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

A site specific noise management plan shall be submitted to the Council for approval prior to the issue of a Construction Certificate.

The Plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants.

The plan must include but not be limited to the following:-

- (a) Identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the City of Sydney Construction Hours /Noise Code of Practice 1992 for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement (LA90, 15min) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) Confirmation of the level of community consultation that has is and will be undertaken with Building Managers/occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise and dust monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (g) Details of any noise mitigation measures that have been outlined by an acoustic engineer or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

- (41) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION**
- (42) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL**
- (43) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL**
- (44) EROSION AND SEDIMENT CONTROL - MORE THAN 2,500SQM**
- (45) DEWATERING**
- (46) ACID SULFATE SOILS**
- (47) DILAPIDATION REPORT - MAJOR EXCAVATION/DEMOLITION**

(a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 19-31 Pitt Street (Fairfax House), 31A Pitt Street (the Rugby Club) and 174-176 George Street (Jacksons on George) are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Certifying Authority and the Council prior to the issue of a Construction Certificate.

UPON COMPLETION OF EXCAVATION/DEMOLITION

(b) A second Dilapidation Report/s, including a photographic survey must then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report/s, together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Principal Certifying Authority and the Council prior to the issue of an Occupation Certificate.

- (48) TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS AFFECTING THE ROAD RESERVE**
- (49) ASBESTOS REMOVAL**
- (50) ASBESTOS REMOVAL SIGNAGE**
- (51) PROHIBITION OF ASBESTOS RE-USE**
- (52) CLASSIFICATION OF WASTE**
- (53) DISPOSAL OF ASBESTOS**
- (54) NOTIFICATION OF ASBESTOS REMOVAL**
- (55) SIGNAGE LOCATION AND DETAILS**
- (56) SKIPS AND BINS**
- (57) CONTAMINATION**

(58) WATER POLLUTION**(59) TREE PROTECTION ZONE**

- (a) Before the commencement of works, a/the Tree Protection Zone/s (TPZ) must be established around all tree/s to be retained not less than the distance indicated in the TPZ schedule below.

TPZ Schedule

Tree No	Species Name	Location	Radius (m) from Trunk
1	<i>Platanus x hybrida</i>	Pitt Street	2.5m
2-6	<i>Platanus x hybrida</i>	Herald Square	4m
7- 12	<i>Ficus microcarpa var hillii</i>	Herald Square	4m
13-17	<i>Platanus x hybrida</i>	George Street	4m

(60) STREET TREE PROTECTION**(61) SYDNEY WATER CERTIFICATE (QUICK CHECK)****(62) TELECOMMUNICATIONS PROVISIONS****(63) UTILITY SERVICES****(64) FLOOR TO CEILING HEIGHT****(65) ACOUSTIC PRIVACY BETWEEN UNITS****(66) AIR CONDITIONERS IN RESIDENTIAL BUILDINGS****(67) ACOUSTIC ASSESSMENT REPORT**

- (a) The Acoustic Assessment report, prepared by Acoustic Logic Consultancy (Reference 2010426/0602/R1/TT), dated 18 October 2010 shall be amended to reflect the internal residential acoustic amenity criteria stated within Clause 102 of the State Environmental Planning Policy (Infrastructure) 2007. An amended report must be submitted to the Council for approval prior to the issue of a Construction Certificate, particularly in relation to the proposed acoustic control recommendations stated in Part 4 of the report.
- (b) All recommendations contained in the revised and approved acoustic assessment report must be implemented during construction and use of the premises.
- (c) The Principal Certifying Authority (PCA) and the Council must be provided with a statement from appropriately qualified acoustic consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants, certifying that the acoustic mitigation measures outlined in the above stated and approved report have been suitably incorporated into the

development and that relevant internal acoustic amenity criteria have been satisfied prior to issue of Occupational Certificate.

(68) ACOUSTIC VERIFICATION - MECHANICAL PLANT

A further Acoustic Assessment must be submitted to Council for approval prior to the issue of an Occupation Certificate. This assessment must outline the extent of the mechanical services provided within the development and confirming that resultant maximum individual and combined operational noise levels from their use complies with the City of Sydney "Noise Use - General" condition which forms part of the consent.

Should the report indicate that resultant noise levels are, or are likely to be in exceedance of the criteria then further acoustic controls must be implemented as recommended by the acoustic consultant to ensure ultimate compliance.

(69) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

(70) ADAPTABLE HOUSING

(71) PHYSICAL MODELS

(72) SUBMISSION OF ELECTRONIC MODELS PRIOR TO CONSTRUCTION CERTIFICATE AND PRIOR TO OCCUPATION CERTIFICATE

(73) DEMOLITION/SITE RECTIFICATION (if cost is over \$50m)

(74) FOOTPATH DAMAGE BANK GUARANTEE

A Footpath Damage Bank Guarantee calculated on the basis of an area of 150 lineal metres of stone site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Footpath Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to issue of a Construction Certificate.

(75) BARRICADE PERMIT

(76) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

(77) ALIGNMENT LEVELS

(78) PUBLIC DOMAIN PLAN

(79) PUBLIC ART

In accordance with the commitments contained within the Voluntary Planning Agreement, high quality public art work/s must be provided within the development in publicly accessible locations, in accordance with the Central Sydney DCP 1996 and the Public Art Policy.

(80) STREET LIGHTING

The developer must procure and install two Smartpoles, Type S1B 9.6m height, including pier footings, luminaries, and all relevant electrical connections and adjacent footpath works to Council standards, to the eastern side of Pitt Street between Alfred Street and Bulletin Place. The developer is to liaise with Council's Lighting Contract Coordinator to determine lighting details, exact location of Smartpoles and certifications required by Council. Lighting plans must be submitted to and approved by Council prior to the issue of a Construction Certificate.

(81) PAVING MATERIALS**(82) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT****(83) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN****(84) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER****(85) PRESERVATION OF SURVEY MARKS****(86) SWIMMING POOL/SPA****(87) MINIMISE IMPACT OF POOL ON NEIGHBOURING PROPERTIES****(88) SWIMMING POOL - WASTE AND OVERFLOW WATERS****(89) MECHANICAL VENTILATION****(90) CAR PARK VENTILATION****(91) MICROBIAL CONTROL****(92) CONTROL OF LEGIONNAIRES DISEASE****(93) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION****(94) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA****(95) STRUCTURAL CERTIFICATION FOR DESIGN - BCA (ALL BUILDING CLASSES)****SCHEDULE 1C****During Construction/Prior to Occupation/Completion****(96) OCCUPATION CERTIFICATE TO BE SUBMITTED****(97) BASIX****(98) HOURS OF WORK AND NOISE - CBD****(99) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**

(100) USE OF INTRUSIVE APPLIANCES - NOT APPROVED

This development consent does not extend to the use of construction 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”.

A separate Section 96 development application for approval to use any of these appliances must be made to Council. The application should include a noise impact assessment outlining the level of noise impact on neighbouring noise sensitive receivers from the use of the high noise intrusive appliances intended to be used on the site.

Reference should be made to the noise criteria stated within the City of Sydney Construction Hours/Noise Code 1992.

(101) NOTIFICATION OF EXCAVATION WORKS**(102) SYDNEY WATER CERTIFICATE****(103) PROTECTION OF STREET TREES DURING CONSTRUCTION****(104) COVERING OF LOADS****(105) VEHICLE CLEANSING****(106) LOADING AND UNLOADING DURING CONSTRUCTION****(107) ACCESS DRIVEWAYS TO BE CONSTRUCTED****(108) NO OBSTRUCTION OF PUBLIC WAY****(109) USE OF MOBILE CRANES****(110) ENCROACHMENTS - NEIGHBOURING PROPERTIES****(111) ENCROACHMENTS - PUBLIC WAY****(112) SURVEY****(113) SURVEY CERTIFICATE AT COMPLETION****(114) STREET NUMBERING - MAJOR DEVELOPMENT****SCHEDULE 2**

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

SCHEDULE 3

(115) ROADS AND MARITIME SERVICES (RMS) REQUIREMENTS

- (a) A Loading Dock Management Plan (LDMP) shall be prepared to detail the management of all deliveries to the site in order to minimise conflict between delivery vehicles and other vehicles utilising the car park and combined access driveway. This should include a restriction on delivery vehicles accessing the subject site to a maximum length of 9.24 metres. The LDMP shall be submitted to Council and endorsed by Council prior to the release of the Occupation Certificate.
- (b) The swept path of a 9.24 metre vehicle entering and existing the subject site from Pitt Street, as well as manoeuvrability through the site, shall be in accordance with AUSTRROADS. In this regard, Council should be satisfied that the swept path plan submitted illustrates that the proposed development complies with this requirement, prior to the release of the Construction Certificate.
- (c) The driveway dimensions shall be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicles.
- (d) The layout of all vehicle accessible areas associated with the subject development (including driveways, grades, aisle widths, turning paths, sight distance requirements and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicles.
- (e) All vehicles are to enter and leave the site in a forward direction.
- (f) All vehicles should be wholly contained on site before being required to stop.
- (g) All loading and unloading shall occur on site.
- (h) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for review prior to the issue of a Construction Certificate.
- (i) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
- (j) All works/regulatory signposting associated with the proposed development shall be at no cost to the RMS.

SCHEDULE 4

Terms of Approval

Integrated Development Approvals

The Terms of Approval for Integrated Development as advised by the NSW Heritage Council are as follows:

(116) NSW HERITAGE COUNCIL - TERMS OF APPROVAL

- (a) The proposed retaining systems devised by Taylor Thomson Whitting (NSW) Pty Ltd are to be implemented.
- (b) A suitably qualified engineer is to monitor the installation of the proposed retaining system to ensure the work is carried out in accordance with the Taylor Thomson Whitting methodology.
- (c) A suitably qualified engineer is to monitor the rock face during the excavation process.
- (d) In the event that substantial intact archaeological deposits or State significant 'relics' are discovered, work must cease immediately in the affected area(s) and the Heritage Council must be contacted for advice. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.
- (e) This approval shall be void if the activity to which it refers is not physically commenced within five years after the date of the approval or within the period of consent specified in any relevant development consent granted under the Environmental Planning and Assessment Act, 1979, whichever occurs first.

Carried unanimously.

Note - The Chair (the Lord Mayor), along with Councillor Mallard and Councillor McInerney, commended Council staff for the work done on this development application and acknowledged the good outcome.

ITEM 5 DEVELOPMENT APPLICATION: 161 CASTLEREAGH STREET SYDNEY (D/2012/402)

Moved by Mr Knowles, seconded by Councillor McInerney -

It is resolved that consent be granted subject to the following conditions:

SCHEDULE 1A

Approved Development/Design Modifications/Covenants and Contributions/Use and Operation

Note: Some conditions in Schedule 1A 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.

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2012/402 dated 20 March 2012 and Statement of Environmental Effects prepared by McKenzie Group Consulting dated 15 March 2012 and the following drawings:

Drawing Number	Architect	Date
ARC-BVN-23260 Issue 21	BVN Architecture	30 September 2011
ARC-BVN-23270 Issue 21	BVN Architecture	30 September 2011
ARC-BVN-23280 Issue 21	BVN Architecture	30 September 2011
ARC-BVN-23290 Issue 21	BVN Architecture	30 September 2011
ARC-BVN-23300 Issue 21	BVN Architecture	30 September 2011
ARC-BVN-23310 Issue 21	BVN Architecture	30 September 2011
ARC-BVN-23320 Issue 21	BVN Architecture	30 September 2011
ARC-BVN-23330 Issue 21	BVN Architecture	30 September 2011
ARC-BVN-23340 Issue 21	BVN Architecture	30 September 2011
ARC-BVN-23350 Issue 21	BVN Architecture	30 September 2011
ARC-BVN-23360 Issue 21	BVN Architecture	30 September 2011
ARC-BVN-23370 Issue 21	BVN Architecture	30 September 2011

and as amended by the conditions of this consent:

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

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

(3) HOURS OF OPERATION - MINOR DEVELOPMENT

The hours of operation are restricted to between 8.00am and 8.00pm Monday to Friday.

(4) PARTITION WALLS

SCHEDULE 1B

Prior to Construction Certificate/Commencement of Work/Health and Building

Note: 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.

(5) ANNUAL FIRE SAFETY STATEMENT FORM**(6) BCA - NEW BUILDINGS WORKS - CLASS 2-9 BUILDINGS**

- (a) Pursuant to Clause 98 of the Environmental Planning and Assessment Regulation 2000, the proposed building work must comply with the Building Code of Australia (BCA) including:
- (i) Fire resistance and stability - Part C1;
 - (ii) Compartmentation and separation - Part C2;
 - (iii) Provision for escape (access and egress) - Part D1;
 - (iv) Access for people with disabilities - Part D3;
 - (v) Fire fighting equipment - Part E1;
 - (vi) Lift installation - Part E3;
 - (vii) Emergency lighting, exit signs and warning systems - Part E4;
 - (viii) Sanitary and other facilities - Part F2;
 - (ix) Energy Efficiency - Air-conditioning and ventilation systems - Part J5;
 - (x) Energy Efficiency - Artificial lighting and power - Part J6;
- (b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in clause (a) above cannot be achieved, an alternative building solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.
- (c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 96 of the Act to be lodged with Council to amend this consent.

Note: The provisions of Clause 94 of the Environmental Planning and Assessment Regulation 2000 have been considered in the assessment of the proposed development.

(7) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA**(8) SPRINKLER & SMOKE DETECTION SYSTEM****(9) STRUCTURAL CERTIFICATION FOR DESIGN - BCA (ALL BUILDING CLASSES)**

- (10) FIRE HOSE REELS NOT TO BE OBSTRUCTED**
- (11) GLAZING - COMPLIANCE WITH AUSTRALIAN STANDARD**
- (12) STRUCTURAL CERTIFICATION FOR EXISTING BUILDING - STORAGE COMPACTUS**
- (13) CONTINUED PERFORMANCE OF MECHANICAL VENTILATION**
- (14) MECHANICAL VENTILATION**
- (15) INSTALLATION OF DUAL-FLUSH TOILETS**
- (16) INSTALLATION OF WATER EFFICIENT TAPS**
- (17) INSTALLATION OF WATER EFFICIENT URINALS**
- (18) INTERNAL LIGHTING SYSTEM**
- (19) WASTE AND RECYCLING MANAGEMENT - MINOR**

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

- (20) HOURS OF WORK AND NOISE - CBD**
- (21) OCCUPATION CERTIFICATE TO BE SUBMITTED**
- (22) LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site.
- (b) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

- (23) NO OBSTRUCTION OF PUBLIC WAY**

SCHEDULE 2

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

Carried unanimously.

ITEM 6 REPORT SUMMARISING DETERMINATIONS DELEGATED BY THE CENTRAL SYDNEY PLANNING COMMITTEE TO THE CITY OF SYDNEY COUNCIL (S040864)

Moved by Mr Knowles, seconded by Councillor McInerney -

It is resolved that the subject report be received and noted.

Carried unanimously.

ITEM 7 SUMMARY OF OUTSTANDING APPLICATIONS TO BE REPORTED TO THE CENTRAL SYDNEY PLANNING COMMITTEE (S042755)

Moved by Mr Knowles, seconded by Councillor McInerney -

It is resolved that the subject report be received and noted.

Carried unanimously.

ITEM 8 POST EXHIBITION: AMENDMENT TO SOUTH SYDNEY LOCAL ENVIRONMENTAL PLAN 1998 - 91-99 EVELEIGH STREET AND 119-121 EVELEIGH STREET REDFERN - RECLASSIFICATION OF COMMUNITY LAND (S082490)

Moved by Mr Knowles, seconded by Councillor McInerney -

It is resolved that the Central Sydney Planning Committee:

- (A) note the matters raised in response to the public exhibition of Planning Proposal: South Sydney Local Environmental Plan 1998 (Amendment No. 22) - 91-99 Eveleigh Street and 119-121 Eveleigh Street, Redfern; and
- (B) approve the submission of Planning Proposal: South Sydney Local Environmental Plan 1998 (Amendment No. 22) - 91-99 Eveleigh Street and 119-121 Eveleigh Street, Redfern, as shown at Attachment B to the subject report, to the Director-General of the Department of Planning and Infrastructure, with a request that South Sydney Local Environmental Plan 1998 (Amendment No. 22) - 91-99 Eveleigh Street and 119-121 Eveleigh Street, Redfern, be legally drafted and made, in accordance with Sections 58 and 59 of the Environmental Planning and Assessment Act 1979.

Carried unanimously.

Note - The Chair (the Lord Mayor) commended Council staff on the good work undertaken in relation to this matter.

**ITEM 9 CENTRAL SYDNEY PLANNING COMMITTEE SUB-COMMITTEES -
UPDATE (S071107)**

There was no discussion on this matter at the meeting of the Central Sydney Planning Committee.

ITEM 10 GENERAL BUSINESS (S092508)

No items of General Business were raised at the meeting of the Central Sydney Planning Committee.

The meeting concluded at 8.00pm.

CHAIR