

CENTRAL SYDNEY PLANNING COMMITTEE

THURSDAY 18 APRIL 2002

Meeting No 267

MINUTES of the Meeting of the Central Sydney Planning Committee held in the Council Chamber, Sydney Town Hall, on Thursday 18 April 2002 commencing at 5.20pm.

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PRESENT

The Right Hon the Lord Mayor Councillor Frank Sartor
(Chairman)

Mr Neil Bird, Ms Sue Holliday (Director-General, Department of Planning), Mr Chris Johnson, Ms Antoinette le Marchant and Councillor Lucy Turnbull.

The Director City Development was also present.

APOLOGIES

An apology was received from Councillor Robert Ho who was unable to attend the meeting as he was overseas.

An apology was received from Councillor Dixie Coulton, alternate member for Councillor Ho, who was unable to attend the meeting as she was unwell.

Resolved on the motion of Ms Holliday, seconded by Mr Bird -

That the apologies from Councillor Ho and Councillor Coulton be received and leave of absence granted.

ORDER OF BUSINESS (S002287):

Resolved:

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

5. Development Application: 30-38 Hickson Road, 1 High Street and 125A Kent Street, Millers Point
3. Status Report: 20-26 O'Connell Street and 33-35 Bligh Street, Sydney (Kindersley House)
4. Status Report: Section 96(2) Application - World Square, 385-401 Pitt Street, Sydney
1. Confirmation of Minutes
2. Matters Arising from the Minutes
6. Policy Matters and Referrals
7. Presentations by Applicants and Preliminary Advice
8. Progress Report on Development Applications
9. New Development Application Lodgements and Delegated Items
10. General Business

ITEM 1. CONFIRMATION OF MINUTES (S010833)

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

That the Minutes of the meeting of the Central Sydney Planning Committee held on 28 March 2002 be taken as read and confirmed.

ITEM 2. MATTERS ARISING FROM THE MINUTES

There were no matters arising from the Minutes of the meeting of the Central Sydney Planning Committee held on 28 March 2002.

ITEM 3. STATUS REPORT: 20-26 O'CONNELL STREET AND 33-35 BLIGH STREET, SYDNEY (KINDERSLEY HOUSE) (D2001/00317)

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

Mr Terry Byrnes - Byrnes & Associates Pty Ltd
Mr Chris Waggett - BT Funds Management Limited

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

That arising from consideration of a status report by the Specialist Planner to the Central Sydney Planning Committee on 18 April 2002, regarding the outcome of the Alternative Competitive Design Process for 20-26 O'Connell Street and 33 Bligh Street, Sydney (known as Kindersley House), it be resolved that:-

- (A) the report on the outcome of the Alternative Competitive Design Process, prepared by Byrnes & Associates Pty Ltd, as shown in Attachment E to the subject report, be received and noted and the outcome endorsed; and
- (B) the owner of the subject site be informed of the observations of the Central Sydney Planning Committee and Council Officers, as outlined in the subject report, as these matters need to be resolved in the subsequent Stage 2 Development Application.

ITEM 4. STATUS REPORT: SECTION 96(2) APPLICATION - WORLD SQUARE, 385-401 PITT STREET, SYDNEY (Z1995/00811)

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

That arising from consideration of a Status Report by the Specialist Planner to the Central Sydney Planning Committee on 18 April 2002, in relation to the Section 96(2) application to modify Development Application Z1995/00811 made by Multiplex Constructions Pty Ltd for the site at 385-401 Pitt Street, Sydney (commonly known as World Square), it be resolved that:-

- (A) the subject report be received and noted; and
- (B) authority be delegated to the Lord Mayor to determine the revised Section 96(2) application, in consultation with the Director City Development, following conclusion of the public exhibition period and full consideration of the proposal and any public submissions received.

ITEM 5. DEVELOPMENT APPLICATION: 30-38 HICKSON ROAD, 1 HIGH STREET AND 125A KENT STREET, MILLERS POINT (D2001-00796)

Declaration of Interest

Ms le Marchant declared an interest in this item as Chief Executive Officer of KU Children's Services which manages child care services for the Lend Lease Group, who will be the major tenant for the commercial building of the subject development, and is currently proposing a joint venture activity with the Lend Lease Group outside the State of New South Wales. Ms le Marchant took no part in discussion or voting on this item.

Note - A report prepared by the Millers Point, Dawes Point - The Rocks Resident Action Group 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 Ray Newey - Chair, Body Corporate, Highgate Apartments
 Mr Harold Kerr - resident, Highgate Apartments
 Mr Eric Francis - resident, Highgate Apartments
 Mr Alan Solomon - resident, Georgia Apartments
 Ms Christine Gunstan - resident, Stamford Apartments
 Ms Marie Sheikhlary - resident, Highgate Apartments
 Mr Matthew Fisher - the Lend Lease Group
 Ms Shirley Ball - Millers Point Residents Action Group

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

That arising from consideration of a report by the Director City Development to the Central Sydney Planning Committee on 18 April 2002, in relation to Development Application D2001/00796 made by Delmo No. 2 Pty Ltd for the site at 30-38 Hickson Road, 125A Kent Street and 1 High Street, Millers Point for demolition of the existing buildings (excepting heritage listed buildings and 125A Kent Street), construction of a new 10 level commercial building and a 12 level residential building, and the adaptive reuse of the heritage building for commercial/retail use, it be resolved that:-

- (A) In accordance with the provisions of clause 28B(4)(e) of the Central Sydney Local Environmental Plan 1996 (CSLEP) the requirements to comply with the provisions of clause 28B(2) of the CSLEP be waived based on the fact that the development application addresses all the heads of consideration under the provisions of clause 28C(2) of the CSLEP to the satisfaction of the consent authority; that a Stage 1 Development Application which established an envelope for the site has been previously approved and this development application does not alter that envelope; and that the proposed envelope is consistent with a draft local environmental plan amendment currently on exhibition; and
- (B) 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 an 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 a construction certificate.

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D2001/0796 dated 19 November 2001 and Statement of Environmental Effects and Supplement to the Statement of Environmental Effects prepared by Bovis Lend Lease, Peddle Thorp and Walker, Tanner and Associates and APT Peddle Thorp, dated November 2001 and March 2002 and drawings numbered -

DA-03 revision B	DA-15 revision B
DA-04 revision B	DA-16 revision B
DA-05 revision B	DA-17 revision B
DA-06 revision B	DA-18 revision B
DA-07 revision B	DA-21.1 revision B
DA-08 revision B	DA-21.2 revision B
DA-09 revision B	DA-22.1 revision B
DA-10 revision B	DA-22.2 revision B
DA-11 revision B	DA-79
DA-12 revision B	DA-83
DA-13 revision B	DA-84
DA-14 revision B	

prepared by Tanner and Associates and Peddle Thorp and Walker dated March 2002 and as amended by the following conditions.

FREESTANDING CANOPY NOT APPROVED

- (2) The proposed freestanding canopy structure in the forecourt of the heritage buildings is not approved by this consent.

APPROVED DESIGN

- (3) 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.

FLOOR SPACE RATIO

- (4) The following applies to Floor Space Ratio:-
- (a) The Floor Space Ratio of the proposal must not exceed 4.1:1 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 northern commercial development is 21851.02sqm, the retained commercial building at 125A Kent Street is 394sqm, the heritage buildings is 1214.5sqm and the residential development is 5672.90sqm; and

- (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 commercial building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 32.8 to 38.6 (AHD) as indicated on the approved plans. No additional plant shall be provided above the roof line;
- (b) The height of the residential building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 38.6 (AHD) as indicated on the approved plans. No additional plant shall be provided above the roof line; and
- (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).

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (6) 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; and
 - (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:

- (i) Photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:

- a. 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
 - b. 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; and
 - c. 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;
- (ii) 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 and white prints and slides) taken.
- (iii) Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.

PHYSICAL MODELS

- (7) 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
- (8) 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; and
- (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

- (9) 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; and
 - (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; and

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.

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.

DEMOLITION/SITE RECTIFICATION

- (11) 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 1,773,250 dollars as security for the costs of such works provided that:
 - a. the maximum liability under the Deed shall not exceed 1,773,250 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;
 - e. 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:

- f. make the building safe and attractive at ground level;
 - g. allow the ground level to be landscaped and made attractive from any public vantage point; or
 - h. for the hole to be covered to allow it to be landscaped and made attractive from any public vantage point; or
 - i. 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;
 - j. AND to call on such bank guarantee to cover the cost thereof; and
- (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

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

- (a) The accommodation portion of the southern building (levels 1 to 12) 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; and

- (c) A restrictive covenant is to be created pursuant to Section 88E of the Conveyancing Act, 1919, restricting any change of use of levels 1 to 11 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 CONTRIBUTION

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

- (a) **Cash Contribution Required**

- (i) In accordance with the adopted “Central Sydney Contributions Plan 1997” a cash contribution must be paid to Council in accordance with this condition.
 - (ii) Payment shall be by BANK CHEQUE made payable to the City of Sydney;

- (b) **Amount of Contribution**

- (i) 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”;
- (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.
 - (i) If the Construction Certificate is to be issued by a private accredited certifier, they must seek Council’s endorsement of the calculation prior to the issue of the Construction Certificate.
 - (ii) For developments over \$2 million in cost, the certification of the building costs must be prepared by a Registered Quantity Surveyor; and

- (d) **Timing of Payment**

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

ENERGY EFFICIENCY OF BUILDINGS

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

Note:

- (c) Definitions referred to in clause 1(a) above:
 - (i) "Commitment Agreement" means an agreement that is set out in accordance with SEDA's "Australian Building Greenhouse Rating Commitment Agreement", which is made/signed between SEDA and the applicant/building owner/building manager, to design, build and commission the premises to an agreed star rating.
 - (ii) "Star rating" refers to the benchmarking system applied by SEDA for measuring the energy efficiency of a building, and known as the "Australian Building Greenhouse Rating Scheme".
 - (iii) "Tenancies" means office space within a building covering tenant light and power. This may include tenancy air conditioning if this has been installed to service particular tenant loads, but does not include central services (Source: SEDA, September 2001).
 - (iv) "Base building" means central services and common areas of a building (Source: SEDA, September 2001).
 - (v) "Whole building" means all of the building, being the fabric of the building itself and all services and fit-outs (Source: SEDA, September 2001).

HERITAGE CONDITIONS

- (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 tradespersons (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (19) An interpretation strategy for the site must be prepared and implemented to assist public understanding of the history and significance of the site. It should be submitted for approval of the Director City Development prior to the issue of any Construction Certificate. This strategy should include recommendations regarding appropriate signage, lighting, interpretation of gas holders and annuli, current ground levels and original site boundaries, the coke lift and rock face below Jenkins Street. The strategy shall include the exhibition of selected artefacts and/or other material to assist the public to understand the history and significance of the site.
- (20) Where internal partitions meet external walls they shall abut window mullions, columns or other such building elements and not glazing.

ARCHAEOLOGICAL INVESTIGATION

- (21)
 - (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; and

Note:

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

REPORT TO BE COMPLIED WITH

- (22) The development shall be in accordance with the recommendations of Statement of Environmental Effects Volume 1 and 2, 30-38 Hickson Road, Millers Point, dated November 2001 and supplement to the Statement of Environmental Effects dated 25 March 2002 prepared on behalf of Delmo No.2 Pty Ltd by Bovis Lend Lease, Peddle Thorp and Walker and APT Peddle Thorp, excepting recommendations which result in the provision of additional structures or landscaping not approved by a public domain or landscape plan required by this consent.

TRAFFIC CONDITIONS

- (23) Car parking and service vehicle parking layout shall comply with AS 2809.1-1993 and AS 2890.2-1989.
- (24) The width of the combined driveway for the car park in the commercial building shall be 6m maximum.
- (25) Parking for people with disabilities shall be located close to the lifts.
- (26) The grade of the first 6m of the circulation roadway behind the façade of the commercial building shall be 1 in 20 maximum.

- (27) A Traffic Management Plan shall be submitted to assess the need to introduce traffic management measures/control in Hickson Road, Jenkins Street and Gas Lane to accommodate the additional traffic movements associated with the development taking into account the following:-
- (a) The projected traffic generated from/attracted to major developments with vehicular access via or off Hickson Road that are either under construction (eg Walsh bay Development and King Street Wharves etc.) or approved (eg KENS site); and
 - (b) Existing and approved modifications to the traffic lane arrangements and kerbside restrictions.
 - (c) Existing and projected traffic and pedestrian movements.
- (28) A Traffic Management Plan shall be submitted for Jenkins Street and Gas Lane to address the need for appropriate vehicular servicing (particularly furniture vehicles) to buildings having vehicular access to these streets.
- (29) All traffic management measures/control associated with the development, eg:-
- (a) The need to provide right turning lanes for access to the car parks in the both premises;
 - (b) Banning of right turn on all vehicles exiting both premises;
 - (c) Modifications to the traffic lane arrangements and kerbside restrictions;
 - (d) Footway widening on Jenkins Street and Hickson Road; and
 - (e) Shared traffic zone in Jenkins Street and Gas Lane;
- shall be subject to the approval of the Sydney Traffic Committee and action under Section 116 of the Roads Act 1993.
- (30) All costs of traffic management measures associated with the development shall be borne by the developer.
- (31) Parking provision shall be made on the site of the residential development to accommodate service vehicles, furniture removal vans to service the needs of the residents and avoid loading and unloading on the street.
- (32) A clear vision of sight is to be maintained at all time for the driveway entry and exit points. In addition, the exit ramp leading onto Hickson Road should contain a minimum of 6m transition length of near flat grade commencing from just behind the footpath to ensure satisfactory sight distance from exiting drivers to passing pedestrians.
- (33) The proposed turning areas are to be kept clear of any obstacles, including parked cars, at all times.

- (34) All vehicles must be able to enter and leave the car parks in a forward direction.

VEHICULAR SPACES

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

- (a) The approved vehicle spaces shall be allocated on the development site as follows:
 - (i) 49 residential spaces within the residential building;
 - (ii) 113 business/commercial premises spaces within the new commercial building;
 - (iii) 6 service vehicle spaces located close to service entrance in the new commercial development; and
 - (iv) The equivalent of one and a half car parking spaces shall be provided within the new commercial development for motor cycle;
- (b) The equivalent of one car space for cycle racks or equivalent cycle storage area within the commercial development. A room containing a shower and change area must be provided close to the cycle racks;
- (c) One car wash bays with appropriate plumbing and drainage within the residential building;
- (d) Three of the above commercial car parking spaces are to be for people with mobility impairment, in accordance with AS 2890.1; 1 space to be provided within the residential development; and
- (e) All spaces must be allocated and marked according to this requirement. If the development is to be strata subdivided, the carpark layout must respect the above allocation.

RESTRICTION ON USE OF CAR PARKING - RESIDENTIAL BUILDING

- (36) 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. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant, lessee or resident of a unit in the building;

- (b) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 a documentary Restrictive Covenant is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a) above. The Covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council; and
- (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.

RESTRICTION ON USE OF CAR SPACES - COMMERCIAL BUILDING

(37) The following conditions apply to car parking:-

- (a) The on-site car parking spaces, exclusive of service carspaces, are not to be used by those other than an occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant or tenant of the building;
- (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; and
- (c) Any future strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the Strata Titles (Freehold Development) Act, 1973 as amended, so burdening all utility car parking allotments in the Strata Plan and/or an appropriate Restrictive Covenant pursuant to Section 88B of the Conveyancing Act 1919 burdening all car parking part - lots in the Strata Scheme.

Note:

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

NO PARTICIPATION IN RESIDENT PERMIT PARKING SCHEME

- (38) 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

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

NAMING OF THE DEVELOPMENT

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

SEPARATE DEVELOPMENT APPLICATION FOR USE

- (41) A separate development application must be submitted at the appropriate time for the specific use of the ground level tenancies of new commercial and residential buildings.
- (42) Any use of the ground floor tenancies of the commercial building must ensure maximised visibility into the premises and beyond to the rear of the site, between grid F and J to ensure pedestrians are encouraged to use the public viewing space of the coke lift and cliff face.

SIGNS

- (43) 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.

ANNUAL FIRE SAFETY STATEMENT

- (44) An annual Fire Safety Statement (form 15A under the Environmental Planning and Assessment Amendment Regulation 1998) must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which Council receives the initial Fire Safety Certificate.

SUBDIVISION

- (45) Any proposal to subdivide the site will require separate applications to Council to obtain Development Consent to the subdivision and subsequent

approval of the final plan of Subdivision and execution of the Subdivision Certificate in accordance with part 4A of the Environmental Planning and Assessment Act 1979 as amended.

STRATA SUBDIVISION

- (46) Any proposal to Strata Subdivide the development will require application to Council or an accredited certifier to obtain approval of the final Strata plan and execution of the Strata Certificate in accordance with Section 37 of the Strata Schemes (Freehold Development) Act 1973.

ROAD AND DRAINAGE DESIGN

- (47) Detailed road and drainage works, engineering design and construction plans are to be submitted to Council for the reconstruction of Jenkins Street, the construction of the stormwater drainage system along the southern boundary of the site and any such proposed works within to the proposed public park at 1 High Street. Prior to the commencement of any associated work, approval of the engineering civil works plans is to be obtained by Council. Such plans are to include but are not limited to:-

- (a) Location of all public utility services in the vicinity of the proposed works and details of any alterations or deviations required as a consequence of the development;
- (b) Geometric design, materials and specifications for any proposed realignment of kerb and gutter, location of existing kerbs and reconstruction of footway and carriageway;
- (c) Geometric and hydraulic design of any proposed alterations and deviations of the stormwater drainage system and any connections into that system;
- (d) Details of landscaping, signage, park furniture and retaining walls;
- (e) Street environment protection measures to be adopted during construction.

All proposed works are to be designed and constructed in accordance with Council's standards and requirements and AUSPEC#1 specification.

The submissions to Council is to include:

- (f) The detailed engineering plans in duplicate and a Certification Form prepared and signed by an appropriately qualified practising Civil Engineer;
- (g) The certification repeated for each revision issued to Council; and

- (h) The nomination of an appropriately qualified practising engineer who is to supervise construction and certify that, upon completion, all works and procedures comply with the certified plans and specifications.

TRACHYTE KERBING

- (48) As a consequence of its heritage significance, any trachyte kerbing to be removed or relocated is to be protected, stored and reinstalled in accordance with Council's requirements and to its satisfaction.

DRAINAGE EASEMENT

- (49) An appropriate Documentary Easement for Stormwater Drainage, 2.0m wide, is to be created over the stormwater drainage system along the southern boundary of the site. Such easement is to be limited in stratum to the height of the Building 2 structure above and unlimited in depth, is to be registered on Title of the development site and is to be created appurtenant to and at no cost to Council.

ROAD OPENING PERMIT

- (50) Prior to the commencement of any work within the public way a separate application is to be made and a Road Opening Permit obtained from Council.

ROAD DEDICATION

- (51) Prior to issue of an Occupation Certificate and upon completion of the required road and drainage works to Council's satisfaction, the owners of the development site are to dedicate Jenkins Street to the City of Sydney for road purposes, free of cost to Council.

VEHICLE FOOTWAY CROSSINGS

- (52) A separate application is to be made to Council's Living City Services - Roads and Footways unit for the construction of any proposed concrete vehicle footpath and kerb crossings in the public way and the reinstatement of the footpath and kerb formation if existing crossing s are no longer required as a consequence of the development.

ENCROACHMENT OF DOORS

- (53) Exclusive of service meter and sprinkling alarm doors, all proposed doors at street level which open onto the footway are to be recessed or redesigned to comply with the Roads Act (General) Regulations 1994 to eliminate their encroachment upon the public way.

PUBLIC PEDESTRIAN RIGHTS OF WAY

- (54) Appropriate documentary Rights of Footway are to be created over the mid-site stairs and lift between Jenkins Street and Hickson Road. Such Rights of Footway are to be registered on title of the development site and are to be

created in stratum, appurtenant to Council and in terms of granting unrestricted rights of public pedestrian access.

PUBLIC RESERVE

- (55) Upon completion of construction and landscaping in accordance with the requirements and to the satisfaction of Council, the public park adjacent to the High Street steps on the site known as 1 High Street (Lot 19 in D.P. 773849) is to be dedicated to the City of Sydney as a Public Reserve.

ENCROACHMENTS ON THE PUBLIC WAY

- (56) Any balconies, bay windows and architectural embellishments or elements of the new buildings which overhang the public footway of Hickson Road are to comply with Council's requirements and not encroach upon the alignment of that street in excess of 450mm.

BUILDING CODE OF AUSTRALIA

- (57) All new work must comply with the requirements of the building Code of Australia (Deemed-to-Satisfy or Performance Requirements) with the exception of the heritage buildings.
- (58) The timber floors in building A and B need not be upgraded to comply with the current Building Code of Australia requirement provided that the underside of the floor is protected with automatic sprinklers complying with AS 2118.1. The floor must also be adequately smoke sealed to prevent smoke spreading to other floors. An isolating sprinkler valve must also be fitted on each floor to enhance the safety of the existing building. Alternatively, the design must meet the Performance requirements of the building Code of Australia.
- (59) The open stair interconnecting the floors of building A and B must be enclosed in smoke proof enclosure to prevent smoke spread between floors. Alternatively, the design must meet the performance requirements of the building Code of Australia.
- (60) Where external openings required to be protected in accordance with C3.2, C3.3 and C3.4 of the Building Code of Australia with wall-wetting sprinklers, the glazing must be fixed glazing. Mechanical ventilation must be provided in lieu of natural ventilation. Furthermore, the openings must not occupy more than 1/3 of the area of the external wall of the storey in which it is located. Alternatively, the design must meet the performance Requirements of the building Code of Australia.
- (61) The setback of the northern window of the residential building that provides the natural light must comply with F4.2 of the building Code of Australia.

Schedule 1B

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

- (62) 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.

PROTECTION OF NATIVE FAUNA

- (63) The site shall be thoroughly investigated for nesting fauna and, if found, appropriate measures shall be taken to safely relocate the animals, in consultation with experienced professional animal handlers, prior to commencement of any works on site.

FURTHER DETAIL REQUIRED

- (64) The following aspects of the development are not approved and further detailed plans shall be provided (together with photomontages where necessary) taking into account the issues raised below:-
- (a) the sunshading devices on the roof top of the new residential building shall be designed to have minimal impact on the appearance of the building from Hickson road;
 - (b) any balustrades and dividing walls proposed on the roof top of the new residential building shall be designed to have minimal impact on the appearance of the building;
 - (c) the commercial car park layout and aisle widths is unacceptable and must be redesigned to ensure the effective operation of two-way traffic within the basements. The redesign shall not compromise the integrity of the ground floor design and layout, access to car parking spaces, provision of bicycle and motor cycle spaces, shower and change room facilities;
 - (d) the enclosing gate adjacent to the lift at the Hickson Road plaza, provided to ensure the security of the space beneath the stair, adjacent to the heritage building A, shall be relocated to maximise safety and security in that location;
 - (e) details of the car park entry and roller shutters shall be provided to ensure high quality design and finishes and ensure secure and safe spaces;

- (f) building D shall be demolished to ensure adequate light and sunlight to the residential apartments and a safer design;
- (g) Hickson Road footpath shall be widened to match the wider alignment of the footpath to the south of the site and shall be constructed to be contiguous with that footpath. Details shall be provided with the public domain plan and implemented at no cost to Council prior to issue of an Occupation Certificate; and
- (h) details of the podium design are to be submitted for the approval of Council prior to the issue of a Construction Certificate.

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

PUBLIC ART

- (65) 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

- (66) 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; and
 - (e) Details of drainage and watering systems;

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

PUBLIC DOMAIN PLAN

- (67) 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.
 - (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.
- (ix) The provision of smart pole(s), (to be provided at the applicants cost);
- (e) Random checks by Council officers may be made throughout the construction process to advise the contractor of non-complying elements. However, no parts of the work are to be considered approved until receipt of the City of Sydney letter of approval. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter; and

Note:

- (f) Three copies of the Public Domain Plan are to be lodged with the Manager Design, City Projects.
- (68) The pavement lightwells in Jenkins Street must be upgraded and maintained according to the requirements of and to the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

ELECTRICITY SUBSTATION

- (69) The owner must dedicate to Energy Australia, free of cost, an area of land in consultation with Energy Australia. 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.

PUBLIC TELEPHONES

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

TOILETS AVAILABLE FOR USE BY THE PUBLIC

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

RECEPTACLES FOR CIGARETTE BUTTS

- (72) 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

(73) 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; and
- (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)

(74)

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

ACCESS FOR PEOPLE WITH DISABILITIES

- (75) 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

- (76) 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; and
 - (c) The details of (a) and (b) above shall be submitted for the approval of the certifying authority, prior to issue of a construction certificate for the building under the Environmental Planning and Assessment Act 1979.

EXTERNAL RECEIVING DEVICE

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

GLAZING

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

REFLECTIVITY

- (79) The visible light reflectivity from building materials used on the facade of the building should not exceed 20% and must be otherwise designed so as not to result in glare that causes discomfort or threatens safety of pedestrians or drivers.

AWNINGS

- (80) The awning/canopy must comply with the “City of Sydney Awnings Policy 2000”.
- (81) The proposed awnings over the Hickson Road footway are to comply with the Council’s requirements and not extend within 800mm of the kerb in the street.

UNDER AWNING LIGHTING

- (82) 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.
- (83) 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.

PAVING MATERIALS

- (84) 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.

ACCESS FOR PERSONS WITH A DISABILITY

- (85) Access to the residential buildings shall be in accordance with the requirements of "The City of Sydney Access Policy December 1992".
- (86) 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".
- (87) 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.

ACOUSTIC PRIVACY BETWEEN UNITS

- (88) 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; and
- (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

- (89) 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 ENTRY FINISH

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

CAR PARK AND SERVICE VEHICLE LAYOUT

- (91)
 - (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"; and
 - (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.

STORMWATER AND DRAINAGE

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

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

UTILITY SERVICES

(93) 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; and
- (b) Prior to commencement of work the applicant is to negotiate with the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

ALIGNMENT LEVELS

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

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

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

WASTE MANAGEMENT PLAN

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

- (a) The location, design and construction specifications for the garbage rooms, recycling rooms, bin washing and collection areas and vehicle access and standing areas;
- (b) Details of the natural and mechanical ventilation of garbage rooms and service areas, in accordance with the Building Code of Australia and Australian Standard 1668;
- (c) The location and design specifications of garbage chutes and compaction units required by Council's Code and details of the separation of domestic from trade waste within the buildings;
- (d) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination; and
- (e) The design features incorporated in the buildings and procedures to be adopted 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.

All provisions and requirements of the approved Building Waste Management Plan must be implemented during the construction of the development.

(96) 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; and
- (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.

GARBAGE CHUTE

- (97) A complying garbage chute is required in all residential developments (Class 2) greater than 3 storeys in height. A chute and compactor is required if the building is greater than 25 metres in effective height.
- (98) Upon completion of the construction of the development and prior to the issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979 (Form 12) compliance of all buildings' waste facilities with the requirements of the approved Construction Certificate plans and the approved Building Waste management Plan is verified by Council's Manager Contracts and Asset Maintenance.

SANITARY FACILITIES

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

Schedule 1C**Conditions to be complied with prior to commencement of demolition or work or construction to the satisfaction of the Principal Certifying Authority****DEMOLITION DETAILS**

- (100) 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).

REMEDICATION AND VALIDATION

- (101) The site shall be remediated in accordance with the Remediation Action Plan 30-38 Hickson Road, Millers Point prepared by URS and dated 10 April 2002.
- (102) Validation for the entire site, (including 1 High Street, Jenkins Street and the heritage buildings) shall be obtained from a qualified expert at completion of the remediation work.
- (103) Council shall be notified of validation, in writing, within one month of completion of work.

DEMOLITION WORK METHOD STATEMENT

- (104) 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.

(105) 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;
and

- (m) Location and method of waste disposal and recycling in accordance with the “Waste Minimisation and Management Act 1995”.

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

OTHER DEMOLITION DETAILS

(107) 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;
- (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; and
- (e) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the WorkCover Authority.

EXCAVATION WORK METHOD STATEMENT

(108) 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; and
- (i) Any WorkCover Authority requirements.

Note:

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

SITE CONTAMINATION REPORTS

- (109) Prior to commencement of site excavation works, a Site Contamination Survey Report, prepared by a qualified Environmental Consultant, in accordance with the provisions of the “Contaminated Land Management Act 1997” must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or an accredited certifier).
- (110) Where a site is determined to be a “Contaminated Site” under the definition contained in ANZECC/NHMRC 1992 definitions, prior to commencement of site excavation works:-
 - (a) A Remediation Action Plan (RAP), which details the proposed method for the proper cleaning of contaminated materials from the site is to be provided to the satisfaction of the PCA, (and a copy to be sent to Council if it is not the PCA);
 - (b) A suitably 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; and
- (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 WORKS

- (111) 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.

ARCHAEOLOGICAL MONITORING DURING EXCAVATION

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

ROCK CUTTING INTO BLOCKS

- (113) 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.

SYDNEY ONE CALL SERVICES

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

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (115) 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; and
- (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.

APPLICATION FOR A ROAD OPENING PERMIT AND SHORING

(116) Prior to the commencement of any excavation work in a public way, or excavation on a building site where proposed work abuts the public way, a separate Road Opening Permit is to be obtained from the City Care Unit of the City of Sydney. This is an application for approval under Section 138 of the Roads Act 1993.

(117) Documents required with the 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 Public Liability Insurance Policy specifically indemnifying the City of Sydney; and
- (d) A Security Deposit for reinstatement of public way.

(118) The Road Opening Permit will be subject to conditions that must be complied with.

(119) Application design and installation of Temporary and Permanent Shoring shall be in accordance with the “Guidelines for Temporary Protective Structures” (April 2001).

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

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

- (a) Proposed ingress and egress of vehicles to and from the construction site;
- (b) Proposed protection of pedestrians adjacent to the site;

- (c) Proposed pedestrian management whilst vehicles are entering and leaving the site; and
- (d) Proposed route of construction vehicles to and from the site.

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

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

(121) 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; and
 - (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; and
- (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

- (122) 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.

WATER AND SEDIMENT CONTROL STATEMENT FOR DEMOLITION AND EXCAVATION

- (123) 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; and
 - (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; and
- (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

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

WASTE MANAGEMENT DURING DEMOLITION AND EXCAVATION

- (125) 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.
- (126) 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.
- (127) 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; and
 - (b) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition and excavation operations including:
 - (i) Type and quantities of material expected from demolition and excavation;
 - (ii) Name and address of transport company;
 - (iii) Address of proposed site of disposal;

- (iv) Name/address of company/organisation accepting material;
 - (v) Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
 - (vi) Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
 - (vii) Material for disposal and justification of disposal; and
 - (viii) If details of items (ii) to (vii) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contracts.
- (128) 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.

- (129) 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.
- (130) The following protective measures shall be provided under any hoarding on the public footway during construction of the development to the satisfaction of the Council:-
- (a) Plastic sheeting to cover the stone paving;
 - (b) Minimum 12mm thick plywood on top of the plastic sheeting; and
 - (c) These measures shall be maintained in a safe and tidy condition for the duration of construction.

USE OF MOBILE CRANES

- (131) 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; and
- (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

(132) 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.

(133) 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; and

- (e) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.
- (134) 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:-
- (a) Structural Drawings prepared by an appropriately qualified practising Structural Engineer, corresponding with and attached to a Structural Certificate (see (b));
 - (b) Structural Certificate/s for Design, submitted in the form of Attachment S1A completed by the Project/Principal Engineer and S1B completed usually by the Architect, OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998), 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 form S1A;
 - (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings; and
 - (d) Notes:
 - (i) An appropriately qualified practising structural engineer certifying by completing Attachment S1A must have:
 - a. Appropriate tertiary qualifications in Civil or Structural Engineering; AND
 - b. Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - c. Evidence of relevant experience in the form of a CV/Resume;
 - d. Appropriate current professional indemnity insurance.
 - (ii) An appropriately qualified practising structural engineer certifying by issuing a Form 10 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.

- (iii) 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.
- (iv) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.
- (v) Council reserves the right to randomly audit any structural documentation.

(135) Prior to commencement of work for foundation, shoring or underpinning works, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council:-

- (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 existing buildings and recommendations for any underpinning or other measures required to maintain stability;
 - (vii) Method of proving and assessing foundations underpinning and/or excavation stability in accordance with design;
- (b) An Inspection and Test Plan (ITP) that reflects the requirements of the geotechnical report, project drawings and specifications;
- (c) The 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 (Form 10 of the Environmental Planning and Assessment Regulation 1998) after satisfying (a) and (b);
- (d) A Dilapidation Report of adjoining building/s that may be affected by the proposed excavation/construction work;

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 Form 10 Compliance Certificate must have accreditation as a certifier for Geotechnical Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979;
- (g) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions; and
- (h) Council reserves the right to randomly audit any geotechnical documentation.

Schedule 1D

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

DEMOLITION WORKS

- (136) 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.

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

HOURS OF WORK AND NOISE

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

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

- (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

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

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

USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE

- (140) 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

- (141) 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

- (142) 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; and
- (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.

PROTECTION OF STREET TREES

- (143) All street trees and trees in the neighbouring park to the south 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.

NO OBSTRUCTION OF THE PUBLIC WAY

- (144) 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.

NO POLLUTION

- (145) 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; and
- (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.

DRIVEWAY CONSTRUCTION

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

SPOIL TRANSPORTATION

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

Note:

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

Schedule 1E

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

- (148) 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.
- (149) The applicant and building owner are to note that it is an offence under Section 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.
 - (a) A maximum penalty of 25 penalty units applies, under the provisions of the Environmental Planning and Assessment Act 1979, for contravention of the above requirements;
 - (b) Council officers will 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
 - (c) In the event that a Principal Certifying Authority (PCA) other than Council is appointed, the applicant is requested to give Council 14 days notice prior to issuing an Occupation Certificate in order to permit Council officers, or persons appointed by Council, to conduct any random inspections Council may chose to do, prior to the issue of the Certificate.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (150) 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; and
- (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.

APPLICATION FOR A ROAD OPENING PERMIT AND SHORING

(151) Prior to the commencement of any excavation work in a public way, or excavation on a building site where proposed work abuts the public way, a separate Road Opening Permit is to be obtained from City Care Unit of the City of Sydney. This is an application for approval under Section 138 of the Roads Act 1993.

Documents required with the 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 Public Liability Insurance Policy specifically indemnifying the City of Sydney; and
- (d) A Security Deposit for reinstatement of public way.

ROAD OPENING PERMIT

(152) The Road Opening Permit will be subject to conditions that must be complied with.

TEMPORARY STRUCTURES

(153) Application design and installation of Temporary and Permanent Shoring shall be in accordance with the "Guidelines for Temporary Protective Structures" (April 2001).

TRADE WASTE CONTRACT

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

TEMPORARY STRUCTURES WITHIN THE PUBLIC WAY

(155) Any temporary structure, whether shoring, anchors or footings installed in the public way below pavement level shall be removed prior to completion of the project to a depth of two metres, and the void is to be backfilled with

stabilised sand (14 parts sand to 1 part cement), in accordance with the requirements and to the satisfaction of Council and evidence of such is to be submitted to the Principal Certifying Authority (Council or a private accredited certifier) prior to issue of a Occupation Certificate.

CERTIFICATION FOR STRUCTURAL INSPECTIONS

(156) 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.

(157) 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.

COMPLIANCE WITH THE BCA

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

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

- (159) 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.
- (160) 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.

COMPLIANCE CERTIFICATE FOR ACOUSTIC PRIVACY

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

COMPLIANCE CERTIFICATE FOR NOISE REDUCTION

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

LOT CONSOLIDATION

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

SYDNEY WATER CERTIFICATE

(164)

- (a) Prior to release of the final Strata Plan endorsed by Council under Section 37 of the “Strata Schemes (Freehold Development) Act 1973”, written confirmation that you have obtained a (Developer) Compliance Certificate under Section 73 of the “Sydney Water Act 1994” for the development must be submitted to Council; OR
- (b) Evidence must be submitted to Council that the requirements of Sydney Water with regards to the strata subdivision proposal have been satisfied.

Note:

- (i) Sydney Water may require you to construct works and/or pay developer charges. Contact Sydney Water, Ph. 132092.

HISTORIC MARKER

- (165) A brass plaque must be placed in the pavement adjacent to the site or on the facade of the building relating to the history of the site. The design, location and wording of the plaque shall be submitted for the approval of Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979. The approved plaque shall be installed prior to Occupation.

COMMEMORATIVE PLAQUE

(166) 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; and
- (c) The approved plaque must be installed prior to Occupation.

NUMBERING

- (167) 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.

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

STREET NAME PLATE

- (169) Council’s standard street name plate shall be affixed to all street frontages of the building, visible to both pedestrian and vehicular traffic. The signs shall be obtained and installed at no cost to Council. (Contact the Team Leader - Urban Domain, Service Planning Policy).

Schedule 1F

Conditions to be complied with during the use of Premises

INTRUDER ALARMS

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

REFUSE COLLECTION

- (171) 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 (e.g. footpaths, roadways, plazas, reserves or building colonnade areas) at any time.
- (172) No waste shall be placed for collection in a public place unless collection facilities cannot be provided within the building. If no collection facilities can be provided within the property, prior approval must be obtained from Council’s Service Planning Unit as to the position, time and manner of placement of waste on the public way.

REMOVAL OF GRAFFITI

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

NO SPRUIKERS

- (174) No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking or amplified noise generated within privately owned land must not be audible on Council’s footpath adjoining the subject premises.

NOISE - USE

(175) 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; and
- (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

(176) 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) A sound level at any point on the boundary of the site greater than 50dBA; and

- (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.

CARE OF BUILDING SURROUNDS

- (177) 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

- (178) The owner/manager of the buildings shall ensure that all windows on the façade of the building are cleaned regularly and the atrium windows on the commercial building, in any event, not less than annually.
- (179) Portable signs or goods for sale or display must not be placed on the footway or other public areas.

Schedule 2

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

Schedule 3

Terms of Approval

Other Integrated Development Approvals

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

- (180) The conservation and adaptive reuse of the heritage buildings on the site and associated improvements to the forecourt and Jenkins Street must be completed prior to the occupation of the new buildings.
- (181) The façade treatment of the proposed new buildings is to be redesigned to raise the height of the base treatment to the approximate height of the eaves of Building A, preferably using masonry materials and increasing the solid to void ratio of the Hickson Road facades, in order to better integrate the buildings with the heritage buildings on the site and streetscape.

- (182) The design of the level of the proposed atrium roof on the eastern side and the floorplan of the south east corner of Building 1 are to be amended to improve the visibility of the stone wall along the Jenkins Street alignment when viewed from the proposed public stair and platform.
- (183) The proposed canopy to be erected in the forecourt is to be deleted due to its unacceptable impact on the setting of the heritage items on the site.
- (184) The installation of services and other new facilities necessary for the adaptive reuse of the heritage buildings on the site is to be carried out in such a manner as to minimise interference with significant fabric of the buildings and new fabric is to be distinguishable from original materials on close examination.
- (185) A detailed landscape plan for improvements to the forecourt is to be submitted for the approval of the Heritage Council of NSW under section 60 of the Heritage Act. No parking or service vehicle access is to be provided to the forecourt area as this would detract from the setting of the heritage buildings.
- (186) The existing stair and goods lift within Building A is to be retained as inadequate justification has been provided for their removal at this stage. An application for partial removal and interpretation of these features may be made to the Heritage Council of NSW under section 60 of the Heritage Act accompanied by appropriate justification.
- (187) Detailed plans of the proposed verandah to be erected on the upper level of Building A and justification for the proposed new doorways to provide access to it are to be submitted for the approval of the Heritage Council of NSW under section 60 of the Heritage Act.
- (188) If an excavation associated with the erection of a building extends below the level of the base of the footings of the heritage buildings on the site, the person causing the excavation to be made must protect the building from damage and if necessary must underpin and support the building in a manner approved by the Principal Certifying Authority.
- (189) Vibration and structural monitoring is to be undertaken within the heritage buildings on the site during critical and sensitive phases of the excavation and foundation construction to ensure that site conditions do not lead to vibration levels that have a detrimental impact on the structural fabric of the buildings.
- (190) The archaeological excavation, analysis and recording must be undertaken in strict accordance with the recommendations specified in the “Development Application Stage 1 Masterplan Archaeological Research Design” prepared by Godden Mackay Logan, October 2000.
- (191) The archaeological recommendations outlined in section 6.6 of the “Development Application Stage 1 Masterplan Heritage Impact Statement”, prepared by Godden Mackay Logan, October 2000, must be implemented.

- (192) This archaeological program is valid only while the approved excavation is being carried out under the direction of the nominated Excavation Director.
- (193) Should intact remains of the annuli be discovered, then work must cease in the affected area(s) and the Heritage Office contacted for advice. Insitu retention and interpretation of select remnants of the annuli may be required.
- (194) Should substantial intact archaeological deposits or features not identified in the Archaeological Assessment be discovered, work must cease in the affected areas(s) and the Heritage Office 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.
- (195) The Excavation Director must remain present during the course of all excavation works in the archaeologically sensitive areas of the proposed development.
- (196) The Excavation Director must be allowed access to archaeological deposits at all times during mechanical excavation and mechanical excavation must cease at the request of the Excavation Director, to allow for investigation of archaeological remains.
- (197) At the completion of archaeological works an interpretation strategy for the site must be prepared and implemented to the satisfaction of the NSW Heritage Council. The strategy should help the public understand the history and significance of the site and must include recommendations regarding the display of selected artefacts and/or other relevant material to help achieve this.
- (198) The applicant must endeavour to ensure that any unexcavated artefacts, structures and features are not subject to deterioration, damage or destruction.
- (199) The applicant shall be responsible for the safe-keeping of all relics recovered from the site.
- (200) The Excavation Director shall be responsible for ensuring that the artefacts are cleaned, stabilised, identified, labelled, catalogued and stored in a way that allows them to be retrieved according to both type and provenance.
- (201) The applicant shall ensure that the final report is prepared, to publication standard, within one (1) year of the conclusion of the project unless an extension of time is approved by the Heritage Council. Two copies of this report must be submitted to the Heritage Office. A further copy must be lodged in the local library or another appropriate local repository in the area in which the site is located.
- (202) The final report shall include:-
- (a) An executive summary;
 - (b) Due credit to the client paying for the excavation on the title page;

- (c) An accurate site location and site plan;
- (d) Historical research, references and bibliography;
- (e) Detailed information on the excavation including the aim, the context for the excavation, procedures, analysis, treatment of artefacts (cleaning, conserving, sorting, cataloguing, labelling, scale drawings, photographs, repository);
- (f) Nominated repository for the items;
- (g) Detailed response to research questions; and
- (h) Details of how this information about this excavation has been publicly disseminated.

(203) If any Aboriginal relics are uncovered, excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act 1974.

(204) An application under Section 60 of the Heritage Act must be approved by the Heritage Council of NSW prior to the commencement of construction.

Note:

The Heritage Council and the Heritage Office reserve the right to inspect the site and records at all times and access any relics recovered from the site.

ITEM 6. POLICY MATTERS AND REFERRALS

There were no policy matters or referrals for this meeting of the Central Sydney Planning Committee.

ITEM 7. PRESENTATIONS BY APPLICANTS AND PRELIMINARY ADVICE

There were no presentations for this meeting of the Central Sydney Planning Committee.

ITEM 8. PROGRESS REPORT ON DEVELOPMENT APPLICATIONS (A03-00138/1)

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

That arising from consideration of a report by the Manager Development to the Central Sydney Planning Committee on 18 April 2002, in regard to the progress report for the month of March 2002, it be resolved that the report be received and noted.

ITEM 9. NEW DEVELOPMENT APPLICATION LODGEMENTS AND DELEGATED ITEMS (S00-2287)

Resolved on the motion of Ms Holliday, seconded by Councillor Turnbull -

That arising from consideration of a report by the Manager Development to the Central Sydney Planning Committee on 18 April 2002, in regard to the report on new development application lodgements and delegated items, it be resolved that the report be received and noted.

ITEM 10. GENERAL BUSINESS

10.1 Welcome

The Chairman (the Lord Mayor) introduced and welcomed Mr Giovanni Cirillo, the newly appointed Manager Building and Urban Design.

10.2 Integrated Transport Strategy

The Committee reminded the Director City Development that it is still awaiting a briefing by the Department of Transport on the Integrated Transport Strategy and opportunities arising from the construction of the Cross City Tunnel.

10.3 Starray Pty Limited: 589-593 George Street, Sydney

It was noted that this matter had been before the Land and Environment Court and had been successfully defended by City of Sydney officers. Congratulations were extended to Mr Jamie Taylor, Solicitor, Legal Services Unit, Mr Philip Bull, Specialist Planner, Development Unit and Mr Richard Campbell, Manager Traffic, Transport and Access Unit.

The meeting concluded at 7.25pm.

CHAIRMAN

The next meeting of the Central Sydney Planning Committee is scheduled for 16 May 2002.